

REGULAR SESSION OF MARCH 29, 2022

The City of Kings Mountain, North Carolina met in Regular Session at 6:00 p.m. on Tuesday, March 29, 2022 in the Council Chambers of City Hall with Mayor Scott Neisler presiding.

ATTENDANCE

The following Councilmembers were present: Annie Thombs, Keith Miller, Mike Butler, Tommy Hawkins, Jimmy West, Jay Rhodes and David Allen.

Also, present: Mickey Corry, City Attorney, Marilyn Sellers, City Manager and Karen Tucker, City Clerk.

INVOCATION

The invocation was given by Reverend Jeff Wilson, First Nazarene Church, Kings Mountain.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Neisler.

AGENDA ADOPTION

Councilmember Keith Miller asked that item 10D be removed from the Consent Agenda placed on the regular meeting for discussion. Upon Motion by Councilmember Keith Miller, seconded by Councilmember Tommy Hawkins, it was unanimously voted to adopt the agenda as amended.

CITY COUNCILMEMBERS COMMENTS AND CITY MANAGER'S REMARKS

Councilmember Keith Miller addressed Council regarding the fact that Mayor Neisler may be sworn in as President of the NC League of Municipalities at the end of April. This will open up a seat on the board, in which he has submitted an application to be the Director for District 11. Councilmember Hawkins thanked Councilmember Miller for submitting his application.

Councilmember Tommy Hawkins thanked the employees, especially those who operate the knuckle boom truck. He would like to recognize them for the great job that they do keeping the City clean.

Marilyn Sellers, City Manager reminded Council of the work plan meeting regarding Streetscape that will be held on Monday, April 4th at 6:00 p.m. at 133 West. Staff, project consultants, and contractors will be present at the meeting to answer questions and address concerns. The projected start date for the project, weather permitting, will be Monday, April 11th.

She also stated that there has been a lot of exciting news lately regarding grants. The City has been very blessed. An EDA grant in the amount of \$1,304,320 has been rewarded for a sewer improvement project. This project has been on the City's bucket list for many years and consists of replacing a 15" terracotta wastewater line that runs from Phifer Road to Crocker Road along Beason Creek with an 18" PVC line. The old line is in 3-foot sections with

numerous inflow and infiltration issues. This line supplies half of the City’s wastewater and this project will reduce the City’s “I & I” by at least fifty percent, as well as providing for more capacity at our wastewater plant. She thanked Stuart and Kimberly for writing this grant. Mayor Neisler addressed “I & I” stating that when it rains, water gets inside the sewer system through the cracks, which means that rainwater is being treated, and that can be very costly. This particular line is the worst one that the City has, so we are thankful for this opportunity. He also stated that the City has received \$40,750,320 in grant funds, and he stated that he is very thankful for the support of the state and local governments.

MAYOR’S COMMENTS AND REMARKS

This meeting is the first that has included recognitions since February, 2020 when additional precautions were taken due to COVID-19. Mayor Neisler read the following recognitions:

- **Proclamation** for National Public Safety Telecommunicators Week
- **Resolution 22-09** for Kings Mountain Police Department being named one of the “Top 30 Safest Cities in North Carolina”
- **Resolution 22-10** recognizing Trevor Mashburn for completing NC Breathing Equipment Firefighter Survival School
- **Resolution of Gratitude 22-11** recognizing T-Mobile Corporation

Mayor Neisler recognized the following employees for their years of service:

- Employee Recognitions
 - Chief Lisa Proctor Police 30 years
 - Riley L. Wallace (absent) Police 5 years

Comprehensive Plan Update – Kelli McCormick, Kendig Keast Collaborative

Kelli McCormick with Kendig Keast updated Council regarding the Comprehensive Plan highlighting the existing city report and input to date, and briefly discussed the future city plan that will be presented in April and May. The Kendig Keast presentation is attached for reference.

SPECIAL EVENTS UPDATE

Christy Conner, Special Events Director updated Council regarding the impact that the festivals and events bring to the City of Kings Mountain. She gave an overview of the upcoming event season and presented the lineup for the Live and Patriots Park Cruise In and Concert Series. She also gave a special thank you to the annual sponsors for our events this year.

Nakisha Wenzel of Big Red’s Café addressed Council regarding a partnership with the City for the Easter Egg Hunt this year that will feature activities that will serve families who have special needs or differently abled children. The Egg Hunt will be held on April 16, 2022 at the Rick Murphrey Children’s Park.

CITIZEN RECOGNITION

Nakisha Wenzel of Big Red's Café addressed Council regarding all of the positive past and future events and expressed that she is thankful for the opportunity to partnership with the City.

Councilmember Mike Butler stepped out of the meeting at 7:45 p.m., but returned at 7:48 p.m.

CONSENT AGENDA

Upon motion by Councilmember David Allen, seconded by Councilmember Annie Thombs, it was voted unanimously to adopt the following Consent Agenda:

- A. Minutes of the Special Meeting of February 7, 2022 the Special Meeting of February 22, 2022 and the Regular Meeting of February 22, 2022.
- B. Listed below are budget amendments which require Council approval:
 - **Amendment 2022-22** in the amount of \$2,800,000 to budget for additional projected annual purchased power costs through June 30, 2022, due to increased energy costs given the current economic climate. This is being funded by increased revenues and fund balance.
 - **Amendment 2022-23** in the amount of \$173,500 to purchase police equipment (radio upgrades and tasers). A portion (\$81,000) of these costs is eligible for the use of restricted E911 funds.
 - **Amendment 2022-24** in the amount of \$60,000 to budget necessary HVAC repairs/replacement (\$35,000) at the YMCA Building and for park/field maintenance (\$25,000). The HVAC replacement is being accelerated from the 2022-23 capital budget due to lead time involved and the need to replace the unit prior to warm weather. Additional funds are being added to replenish the parks maintenance line item.
 - **Amendment 2022-25** in the amount of \$75,000 to budget for flooring repairs/replacement at the Patrick Senior Center that was originally planned for the 2022-23 budget.
- C. Adopt **Grant Ordinance 22-05** for State and Local Grants received/awarded subsequent to July 1, 2021. A grant ordinance fund is being established due to the fact that these grants can overlap fiscal years. The City has received three State grants for Moss Lake (\$250,000), Streetscape (\$100,000), and Gateway Trails (\$50,000) which were awarded in the State's most recently adopted budget and a Corporate Grant from T-Mobile for the Library (\$45,000). These funds are restricted to the purposes noted in the Grant awards and cannot be utilized for any other purpose.
- D. ~~Schedule a Public Hearing for Tuesday, April 26, 2022 at 6:00 p.m. to consider a request from DR Horton to rezone property located off of Mountain Crest~~

~~and Tabernacle Roads and consisting of 2.6 acres and 28.344 acres, and being further identified as Cleveland County Tax Parcels 12694 and 12687 from Suburban Residential (SR) to Semi-Urban Residential (SU). Removed from Consent Agenda and added as Item 20 on the Regular Meeting.~~

- E. Schedule a Public Hearing for Tuesday, April 26, 2022 at 6:00 p.m. to consider a request from Champion Enterprises, Inc. to rezone property located on or about 1414 Bethlehem Road and consisting of 10.22 acres, and being further identified as Cleveland County Tax Parcel 11339 from Rural (RU) to Suburban Residential (SR).
- F. Schedule a Public Hearing for Tuesday, April 26, 2022 at 6:00 p.m. to consider a request from Kenneth Bullard to rezone property located at 1917 Bethlehem Road and consisting of 109.954 acres, and being further identified as Cleveland County Tax Parcels 12898, 45639 and 57785 from Suburban Residential (SR) to Rural (RU).
- G. Reschedule the Public Hearing for Tuesday, April 26, 2022 at 6:00 p.m. to consider text amendments to the City of Kings Mountain Unified Development Ordinance. This Public Hearing was originally scheduled for tonight's meeting.
- H. Reschedule the Public Hearing for Tuesday, May 31, 2022 for a request from Morris Family Holdings, LLC to rezone property between David Baptist Church Road and Stony Point Road and consisting of 14.73 acres, 0.78 acres, and 0.97 acres, and being further identified as Cleveland County Tax Parcels 10869, 10867 and 48436 from Special Use Rural (SU-RU) and Suburban Residential (SR) to Auto-Urban Commercial (AU) - Case No. Z-21-2. This Public Hearing was originally scheduled for tonight's meeting.
- I. Adopt **Resolution 22-12** to set the date of the Organizational Meeting of City Council for the Regular Council Meeting on Tuesday, June 28, 2022 at 6:00 p.m. in the Council Chambers at City Hall. This is due to the municipal election being held on May 17, 2022.

Upon Motion by Councilmember Jay Rhodes, seconded by Councilmember Keith Miller, it was unanimously voted to recess the Regular Meeting and enter into a Public Hearing at 7:54 p.m.

PUBLIC HEARING

Item 11A - Consider a request from South Oak Partners, LLC to rezone property located on S. Battleground Avenue and being identified as Parcel #12595 and consisting of 1.43 acres from Auto-Urban Commercial (AU) to Suburban Residential (SR) - Case No. Z-22-1 - Stuart Gilbert, Economic Development and Planning Director.

Stuart Gilbert, Economic Development and Planning Director stated that all legal requirements regarding notice to the public have been met regarding this application. The Planning and Zoning Board reviewed this petition at their March 8th meeting and unanimously recommends approval of this request. Most of the property around this area is

zoned Suburban Residential (SR), so this is a reasonable request. Staff also recommends approval of this rezoning request.

David Tibbals of South Oak Properties, LLC, applicant thanked City staff for their assistance and stated that this property will be used for four townhome lots with a duplex on each lot. This will be eight new residential units for Kings Mountain.

Item 11B - Consider a Voluntary Contiguous Annexation Petition received under N.C.G.S. § 160A-31 from Michael Eugene Bumgardner, II, Rebecca Cashion Bumgardner, Faylene Falls Voet, Michael Eugene Bumgardner, and William Zura Cashion, Jr., by Rebecca Cashion Bumgardner his attorney in fact, property being located in Cleveland County and being identified as Parcel #12656 and Parcel #12661 and Gaston County Property identified as Parcel #154966 and consisting of 125.804 acres – Case No. A-22-1 - Stuart Gilbert, Economic Development and Planning Director.

Stuart Gilbert, Economic Development and Planning Director stated that all legal requirements have been met, with additional notice given in the Gaston Gazette and Shelby Star. Emails were also sent to the City of Gastonia and both the Cleveland and Gaston Economic Development. The City has worked with the Gaston and Cleveland County Economic Development Partnerships on this project since last October. Mr. Gilbert stated that the proposal's fiscal impact show approximately \$140 Million of capital investment here in the City that is composed of nearly one million square feet of building space in four separate buildings. It is substantial progress for the City of Kings Mountain and would equate to about \$600,000 annually into the General Fund. Staff recommends approval of this request.

Drew Nations of Panattoni Development Company, Inc. expressed his excitement to locate to Kings Mountain and thanked Council and Staff for their consideration. The property is scheduled to close in April, then hopefully break ground in August or September.

Item 11C - Consider the adoption of an Ordinance amending the City Charter assigning the annexed properties into the existing 5 wards – Councilmember Keith Miller.

Councilmember Keith Miller addressed Council stating that this matter came to our attention during the redistricting process. There are no residential properties in any of these areas that would be affected by any upcoming elections. This is simply taking the annexed properties and placing them in the wards. As development occurs and population grows in these area, Council will need to revisit this matter and move these areas in to wards accordingly.

Councilmember Miller shared the maps showing the proposed parcels to be placed and where they are proposed to be placed.

Upon Motion by Councilmember Jay Rhodes, seconded by Councilmember Jimmy West it was unanimously voted to close the Public Hearing at 8:06 p.m.

REGULAR MEETING

Councilmember Jimmy West stepped out of the meeting at 8:06 p.m.

Item 12 – Action on Item 11A – Rezoning request from South Oak Partners, LLC

Mayor Neisler read the Consistency and Reasonableness Statement In Favor and Against this request.

Upon Motion by Councilmember Keith Miller, seconded by Councilmember Annie Thombs it was voted unanimously to adopt the Consistency and Reasonableness Statement **FAVORING** the request to rezone property located on S. Battleground Avenue, consisting of 1.43 acres from Auto-Urban Commercial (AU) to Suburban Residential (SR) as follows:

PLANNING & ZONING BOARD’S STATEMENT FAVORING THE CHANGE FROM AUTO-URBAN COMMERCIAL (AU) TO SUBURBAN RESIDENTIAL (SR) (Parcel 12595) The proposed area to be rezoned is located at 914 S. Battleground Ave. The property adjacent to the requested zoning district, is zoned Suburban Residential (SR). The requested zoning district allows for residential units which better meets the character of the neighborhood and the needs of the developer. The existing Auto-Urban zoning is a spot zone and is more disharmonious with the surrounding residential neighborhood than the proposed residential use. Therefore, the proposed suburban residential (SR) use is more consistent with the character of the neighborhood, supports residential development, reasonable, and therefore recommended.

Councilmembers Jimmy West was absent from the meeting during this vote; therefore, his vote was counted in the affirmative.

Upon Motion by Councilmember Jay Rhodes, seconded by Councilmember Mike Butler it was voted unanimously to adopt **Ordinance 22-06** amending the zoning map of the City of Kings Mountain, NC to rezone property located on S. Battleground Avenue, consisting of 1.43 acres from Auto-Urban Commercial (AU) to Suburban Residential (SR). Councilmembers Jimmy West was absent from the meeting during this vote; therefore, his vote was counted in the affirmative.

Item 13 – Action on Item 11B – Annexation of Bumgardner/Cashion/Falls Property

Upon Motion by Councilmember David Allen, seconded by Councilmember Jay Rhodes it was voted unanimously to adopt **Ordinance 22-07** extending the corporate limits of the City of Kings Mountain, NC for property located in Cleveland County identified as Parcel #12656 and Parcel #12661 and Gaston County Property identified as Parcel #154966, which portion to be annexed consists of 125.804 acres. Councilmembers Jimmy West was absent from the meeting during this vote; therefore, his vote was counted in the affirmative.

Item 14 – Action on Item 11C – Adding Annexed Parcel into Wards

Action to be taken at the Regular Meeting of April 26, 2022.

Item 15 – Resolution accepting the EDA Funding in the amount of \$1,304,320

Marilyn Sellers, City Manager addressed Council regarding this matter. The details of the grant were given in her previous comments. The adoption of this Resolution accepts the NC Department of Commerce EDA grant offer and assures the local match funds and additional costs associated with the project.

Upon Motion by Councilmember Keith Miller, seconded by Councilmember Tommy Hawkins, it was voted unanimously to adopt **Resolution 22-13** accepting the EDA Public Works funding in the amount of \$1,304,320 to be matched with \$326,080 in local funds. Councilmembers Jimmy West was absent from the meeting during this vote; therefore, his vote was counted in the affirmative.

Item 16 – Resolution accepting the ARPA Funds in the amount of \$39 Million

Marilyn Sellers, City Manager addressed items 16 and 17 stating that this grant was part of the state's most recently adopted budget. NCDEQ issued a letter of intent to fund our project and this is based upon letters received from her office, the Town of Grover and Cleveland County. There have been two community meetings held regarding Project South at the Patrick Senior Center where staff and engineers were on hand to answer questions and concerns of community members. She thanked our legislators and stated that this project would mean a lot to the area and for economic development.

Councilmember Jimmy West returned to the meeting at 8:11 p.m.

Nick Hendricks, Energy Services Director/Asst. City Manager addressed Council stating this will be huge for the City and will be a catalyst for growth.

Upon Motion by Councilmember Tommy Hawkins, seconded by Councilmember Keith Miller it was voted unanimously to adopt **Resolution 22-14** accepting a \$39,000,000 grant (ARPA funds passed through NCDEQ) for the construction for a waste water treatment plan and other water/sewer infrastructure referred to as Project South and authorize the Mayor to execute the Funding Offer and Acceptance letter.

Item 17 – Adopt a Capital Project Ordinance relating to the ARPA Funds in the amount of \$39 Million

Chris Costner, Finance Director addressed Council to explain how the reimbursement process works in this type of situation. When contractors submit invoices, the state will approve their payment request. Once the payment request has been approved, the state will send a check to the City and then the City will make the payment. There should not be any cashflow issues with this grant.

Councilmember Keith Miller commended staff for creating this capital project ordinance system.

Upon Motion by Councilmember Tommy Hawkins, seconded by Councilmember David Allen it was voted unanimously to Adopt **Capital Project Ordinance 22-08** relating to a

\$39,000,000 grant (ARPA funds passed through NCDEQ) for the construction of a waste water treatment plant and other water/sewer infrastructure collectively referred to as Project South.

Item 18 – Offer to Purchase from South Fork Ventures, LLC

Stuart Gilbert, Economic Development and Planning Director stated that this request was submitted on March 7, 2022 and this is one of the City lakes. It does not include the property where the Police Club is located. There are three options for Council including receiving this contract and beginning the upset bid process, rejecting the offer, or tabling it until another time. At the present, staff feels that there should be time to do due diligence, including an appraisal, and it would not make sense to take action on this matter for this reason, as well as the fact that the City is in the middle of a Comprehensive Plan.

Upon Motion by Councilmember Jay Rhodes, seconded by Councilmember Annie Thombs it was voted unanimously to reject the proposal at this time.

Mayor Neisler asked Mr. Gilbert to notify South Fork Ventures of Council's action on this offer to purchase.

Item 19 – Motion to schedule Work Sessions for FY 2022-2023 Budget

Upon Motion by Councilmember Jay Rhodes, seconded by Councilmember Tommy Hawkins, it was voted unanimously to schedule the first Budget Work Session for FY 2022-2023 for Monday, April 25, 2022 at 3:00 p.m. and a second work session, if needed on Thursday, May 5, 2022 at 3:00 p.m. Locations of meetings are to be determined at a later time.

Item 20 – Item 10D (removed from Consent Agenda)

Councilmember Keith Miller stated his reason for removing this from the Consent Agenda. There is some flexibility in scheduling this public hearing. The Planning and Zoning Board will not hear this item until their May meeting, so per the language of the UDO, the hearing should be held withing 60 days of their review. Additionally, as mentioned twice during the meeting, it may not be appropriate to do this prior to the Comp Plan being adopted. Councilmember Miller read the following statement that was found in the consistency statement against the previous rezoning request for a single lot, as follows: "rezoning a single lot for residential (SR) use may be considered unfounded, unreasonable without a comprehensive plan in support of the change, and is therefore not recommended rezoning a single lot." This is appropriate, more so for a 30-acre tract. The Comp Plan is scheduled to be adopted prior to July 1st. Additionally, he addressed the proposed amendments to the UDO that are coming up in April. In consideration of these reasons, as well as allowing for appropriate due process for the applicant and flexibility available to Council that is within the current ordinance, one option would be to take no action, but let the process run as per the application. Let Planning and Zoning have their review, then it would go on the agenda to schedule a public hearing.

Councilmember David Allen stated that with this large a development, that he supports Councilmember Miller's statement to take no action at this time.

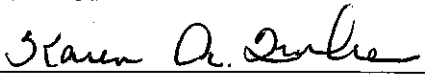
No action was taken on this item.

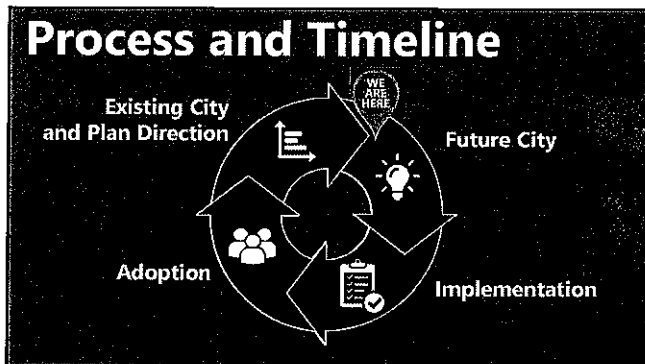
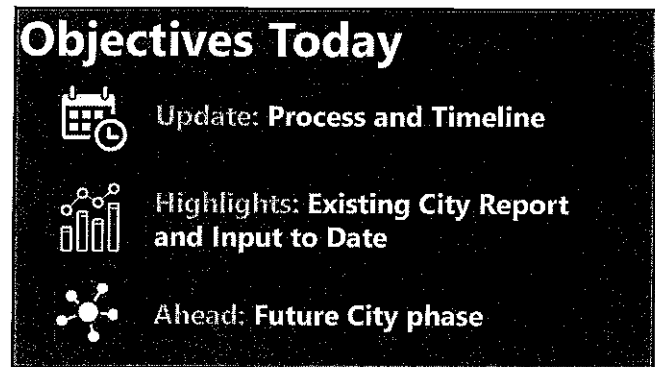
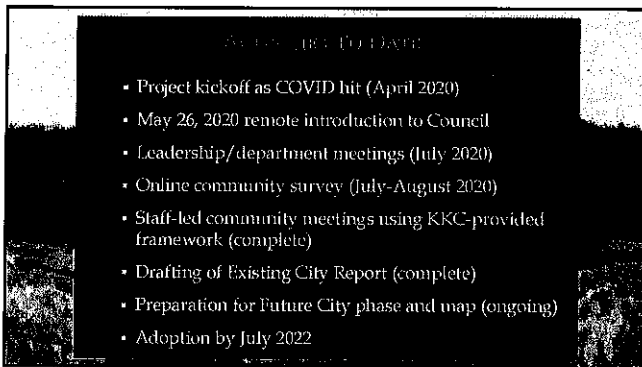
ADJOURNMENT

Upon Motion by Councilmember Jay Rhodes, seconded by Councilmember Mike Butler, it was unanimously voted to adjourn at 8:29 p.m.

BY: 
G. Scott Neisler, Mayor

ATTEST:


Karen A. Tucker, City Clerk



Introduction and Setting the S

Benchmarking Data Points

While the focus of the Existing City report is the existing conditions at Kings Mountain, it can be helpful to benchmark data points to provide additional context. In this report, certain Kings Mountain data points were compared with the data points:

- Regional (States and Counties) surrounding Kings Mountain
- Other Cities in North Carolina (anywhere within the state)
- State

HISTORICAL TIMELINE

EGG KINGS MOUNTAIN

Population

Population Chart

11,142 2020 Census Population

Census Data Note

This Comprehensive Plan was prepared at the start of a new decade. This is when one-of-a-kind data from the decennial U.S. Census (2020) is newly available. The COVID-19 public health emergency impacted the ability of the Census Bureau to conduct normal Census activities in 2020, causing the typical Census reporting timeframe to be extended. As of the drafting of this report, limited releases of 2020 Census data were available.

In the meantime, interim results from the 2019 American Community Survey (ACS) are still, in many cases, the best source of detailed data about socioeconomic conditions at the local community level, especially for making "apples to apples" comparisons to other communities, the state, and the nation.

However, it is important to note that the US Census is the official authority on US Population statistics and many financial allocations to States are based upon these figures. It is too easy to say if the COVID-19 public health emergency impacted the accuracy, causing the typical Census figures to be affected.

The Census Bureau will also not release its standard 2020 ACS 1-year estimates because of the impacts of the COVID-19 pandemic on data collection. We will use available 2020 figures where appropriate and 2019 figures where we need to make more detailed comparisons.

Housing

The median gross rent in the City, as of 2019, was \$1,062. Almost half of Kings Mountain renters (47.9 percent) were paying more than 30 percent of their income in housing costs (a common indicator of housing unaffordability) with no renters earning over \$30,000 in this percentage. By comparison, 23.9 percent of renters with a mortgage met this same threshold of paying more than 30 percent of their income toward housing costs. The table below indicates that for a City resident making the median household income, affording a home at the median home value is just out of reach. Engagement discussions revealed that opportunities for home ownership, types of housing available, and housing affordability are all concerns in the City. Housing affordability and rental housing affordability in particular, is an issue throughout the region and state. The way to alter this equation is to focus on raising the median household income with higher paying jobs as to lower the median home value by creating more opportunities for affordable, workforce housing.

	Median Household Income	Maximum Home Price Affordable to Median Household Income (3x the Median Household Income)	Median Home Value	Minimum Household Income to Afford Median Priced Home (1/3 of the Median Home Value)
Kings Mountain	\$28,155	\$84,465	\$121,600	\$40,533

Jobs and Employment

Inflow/Outflow of Private Sector Jobs in 2019

Community Facilities

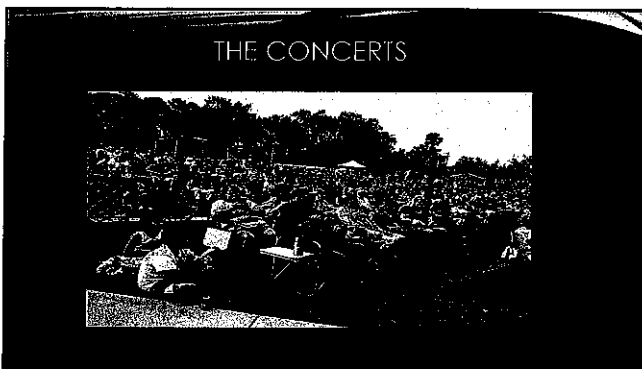
Kings Mountain Police Department

Our Crime Rates significantly decreased and continued to stay low.

Transportation

Upcoming Transportation Projects

Systems of needed transportation projects in the Board Area, from US 97 to Kings Mountain and New Lane to the south. These are intended to improve the region's safety and economic conditions.



AND MANY MORE WILL BE
HEADING OUR WAY!



The Cruise-Ins



Car enthusiasts from all over the state visited Downtown
Kings Mountain.

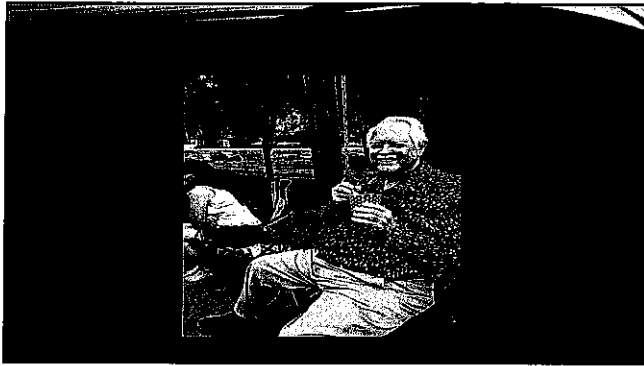


Many strolled down Railroad Avenue taking in the sights.



And many enjoyed visiting local businesses like
Scoop Kings Mountain.

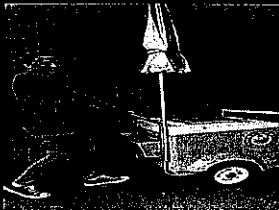




Scoop saw traffic in two separate locations.



And now with a mobile cart, Scoop Kings Mountain has broadened their footprint for even more success!
Be like Scoop.
Ask us how your business can be a part of our events



We can't wait to get this season started..





And now the 2022
Live at Patriots Park
Concert Series
Line-Up!

A Special Thank You to Our Sponsors!



ANNUAL SPONSORS

- KINGS MOUNTAIN NORTH CAROLINA Living Elevated
- Historic KINGS MOUNTAIN TOURISM DEVELOPMENT AUTHORITY
- TWO KINGS CASINO
- BUTLER'S OUTDOOR DISCOUNT
- BUTLER'S SPORTS CENTER
- GUTTER BOYS
- POINT 135 REAL ESTATE