

REGULAR SESSION OF JUNE 28, 2022

The City of Kings Mountain, North Carolina met in Regular Session at 6:00 p.m. on Tuesday, June 28, 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 John Houze, People's Baptist Church, Kings Mountain.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Scott Neisler.

AGENDA ADOPTION

Upon Motion by Councilmember David Allen, seconded by Councilmember Mike Butler, it was unanimously voted to adopt the agenda, as presented.

CITY COUNCILMEMBERS COMMENTS AND CITY MANAGER'S REMARKS

Councilmember Annie Thombs gave a report from the Kings Mountain Housing Committee stating that this year was a year of research, data gathering, evaluating and analyzing statistics that were provided by the Codes Department, Police Department, Planning and Economic Development, along with consultation from the City Attorney. The committee focused on two objectives under the direction of Council this year which included: 1) to replace and redevelop aged single-family housing stock and achieve balanced targets for distribution of single-family housing in all pricing bands; and 2) to replace and redevelop aged multifamily housing with mixed income, mixed use multifamily housing including developments of new stock.

Based upon the aforementioned research and data provided by staff, the committee's number one priority became the City's private rental housing stock and the impact those properties make on the most fragile neighborhoods, as well as development of fair market rate rental housing within the City. She also addressed the committee's recommended approach to the identified areas of concern as follows: 1) a draft concept of a neighborhood revitalization strategy to address blight and substandard rental housing to preserve some of our existing private rental housing stock; 2) the capitalization of a housing trust fund to provide incentives for development of fair market rate rental development and fair market rate single family housing; 3) to identify resources to implement housing initiatives; 4) considered public housing redevelopment initiatives and use of our Comprehensive Plan housing initiative as a blueprint for future housing concerns and development of a Fair Housing Ordinance. She thanked each member of the committee, as well as Mayor and Council for the opportunity to serve.

Marilyn Sellers, City Manager addressed Council stating that the natural gas division, as part of the capital improvements plan, have completed the installation of 3.1 miles of eight-inch steel natural gas pipeline. The latest expansion will connect the two natural gas gate stations from York Road to Gage Road. This expansion also extended under I-85 will become the City's 11th natural gas regulator station. Once the new Gage Road gate station goes on line, which is anticipated in the fall of this year, the City will then have another way to supply natural gas into the existing system should something happen to the station or feed in another place. This will improve upon the City's already safe and reliable natural gas and distribution system. The final expansion of a complete natural gas loop around the City will take natural gas services up Kings Mountain Blvd to Shelby Road. Once this is completed the City will have a second utility to have a distribution loop encompassing the entire City. She thanked the Natural Gas Department and Nick Hendricks for their work on this project.

Additionally, the 1.2 million square foot spec building located along the interstate and Sara Lee access road pulled their building permit recently. This is an investment of \$50 Million plus. This will be 28 acres of building under roof on over 100 acres. We believe that this will be the largest spec building in North Carolina.

The City is working with several developers in the downtown area and are looking forward to updating Council in the near future about these projects.

MAYOR'S COMMENTS AND REMARKS

Mayor Neisler read **Resolution 22-19** honoring Police Chief Lisa Proctor on her retirement and presented her with her badge and service weapon.

Mayor Neisler also recognized members of the Energy Services Department for their work in getting power restored after the storm on Friday, June 18th.

Mayor Neisler also recognized the following employees for their years of service with the City of Kings Mountain:

- | | | |
|----------------------|-------------|----------|
| ○ Trevor Mashburn | Fire | 10 years |
| ○ Matthew Brotherton | Lake | 5 years |
| ○ Kyle Cash | Water/Sewer | 5 years |
| ○ C.J. White, Jr. | Stormwater | 10 years |

Streetscape Update – *Nick Hendricks, Asst. City Manager/Energy Services Director*

Nick Hendricks, Asst. City Manager/Energy Services Director updated Council on the Streetscape Project stating that the project is turning the curve. He gave a “progress versus contract duration update” stating that September 26th is still the scheduled completion date for this phase and is hopeful that the section that is currently under construction will be completed and opened back up at the end of July. The next section, which is the upper end of Mountain Street toward the Police Department will be completed beginning the first of August and completed end of September. The project is on schedule. He reviewed the update from Greene Building Corporation, which is attached for reference. Mr. Hendricks thanked all of the business owners for their continued patience, as this has been a frustrating process for them.

SPECIAL EVENTS UPDATE

Christy Conner, Special Events Director addressed Council recapping the last month's event including the A1A Jimmy Buffet tribute concert and Cruise-In. She shared feedback from a downtown business owner, as well as a few members of the public who were in attendance. She also spoke regarding the City's first Juneteenth event. This was a partnership with the library in an effort to provide an educational experience in the community and featured the Bright Star Children's Theater. She recognized Janie McVay, Jet Edwards, and Nakeshia Wendzel for their roles in planning the event.

The Red, White and Boom festival will take place on Saturday, July 2nd at the Walking Track Park and Patriots Park. The fireworks display will take place at the walking track, and the festival at the park will include the Voltage Brothers, a laser light show, and attractions for children and families. The next concert in the concert series will be held on Saturday, July 16th at Patriots Park and will feature Tell Me Lies – a Fleetwood Mac tribute band with an opening show by The Tonz.

CITIZEN RECOGNITION

David Stone, 1220 N. Piedmont Avenue addressed Council regarding his view of the lack of partnership between the downtown businesses and local government.

CONSENT AGENDA

The City Clerk explained a typographical error that was corrected after the agenda package was put on the website. The correction has been made and was presented to Council prior to this evenings meeting.

Upon motion by Councilmember Tommy Hawkins, seconded by Councilmember Annie Thombs, it was voted unanimously to adopt the following Consent Agenda, with the correction to the minutes of the Regular Meeting of May 31, 2022 as stated above:

- A. Minutes of the Budget Work Session of May 5, 2022, Special Meeting of May 12, 2022 and the Regular Meeting of May 31, 2022.
- B. Listed below are budget amendments which require Council approval:
 - **Budget Amendment 2022-29** in the amount of \$1,000,000 to budget for additional projected annual purchased power costs through June 30, 2022 due to increased energy costs given the current economic climate. This increase will be funded utilizing positive electric revenue variances and via utilization of fund balance(s).
 - **Budget Amendment 2022-30** in the amount of \$1,300,000 to budget for additional projected annual purchased natural gas costs through June 30, 2022 due to increased energy costs given the current economic climate. This increase will be funded utilizing positive nature gas revenue variances.

- **Budget Amendment 2022-31** in the amount of \$50,000 for projected occupancy tax revenues and the corresponding pass through (expenditure) to the TDA. Occupancy tax revenues are projected to exceed budget due to extreme conservatism in budgeting (unknowns of COVID impacts on travel/hotel occupancy at the time the budget was adopted last spring). The City essentially acts as a collection agent for the tax and is required by law to remit these taxes, less a 3% collection/administration fee to the TDA.
 - **Budget Amendment 2022-32** in the amount of \$315,000 to budget for stop loss revenues received through 5/31/22. This represents funds paid to the City by our insurance company for amounts exceeding our per person maximum. Council approval is required given that we are increasing total budget in the fund.
 - **Budget Amendment 2022-33** in the amount of \$25,000 to allocate/reallocate salaries among departments. Council approval is required given that we are transferring funds between departments/functions.
- C. Schedule a Public Hearing for Tuesday, July 26, 2022 at 6:00 p.m. to consider an installment financing agreement pursuant to N.C.G.S. § 160A-20 in the principle amount not to exceed \$10,400,000 to pay for costs of an expansion of the City's Electric Infrastructure to create additional system capacity to serve the citizens of Kings Mountain.
- D. Schedule a Public Hearing for Tuesday, July 26, 2022 at 6:00 p.m. to consider an installment financing agreement pursuant to N.C.G.S. § 160A-20 in the principle amount not to exceed \$2,500,000 to pay for the costs of an expansion of the City's Natural Gas infrastructure to create additional system capacity to serve the citizens of Kings Mountain.
- E. Re-appropriate budgetary amounts for outstanding 2021-2022 encumbrances (purchase orders) in the 2022-2023 annual budget to expedite payment of the various vendors/final delivery of the products.
- F. Approve/authorize any necessary budget amendments relating to the 2021-2022 budget, as identified by the City's Finance Officer, in order to ensure statutory budget compliance for the fiscal year ending June 30, 2022.
- G. Adopt **Ordinance 22-17** amending the City Charter to place annexed areas into the existing wards, namely Cleveland County Parcel Numbers 12656 and 12661 and Gaston County Parcel Number 154966 into Ward Three, as well as moving Cleveland County Parcel Number 11650 into Ward One due to the area being closer in proximity to other properties that have been placed into Ward One. A Public Hearing was held regarding this matter at the Regular Meeting of May 31, 2022.
- H. Approve the Gas Supply Contract amendment to replace Texla Energy with

Gas South.

- I. Adopt **Resolution 22-20** to increase the membership of the Kings Mountain Tourism Development Authority (TDA) from eight members to a range of eight to thirteen (8-13) members and add the option for City Council to appoint alternate members to serve on behalf and with the same powers and duties of any regular member that is not affiliated with business that collects the room occupancy tax.
- J. Approve the following appointments and reappointments to the Boards and Commissions listed below:

Moss Lake Commission

- o Appoint Shawn Murphy for a 3-year term beginning 7/1/2022 and expiring on 6/30/2025.
- o Reappoint David Leonard for a 3-year term beginning 7/1/2022 and expiring on 6/30/2025.
- o Accept the reappointment from the Moss Lake POA of Russell Wingfield for a 3-year term beginning 7/1/2022 and expiring on 6/30/2025.

Kings Mountain Transportation Committee

- o Switch the term expiration date for David Allen to 6/30/2024 and Gerald McMahan to 6/30/2022.
- o Appoint Austin Vitoux for a 3-year term beginning 7/1/2022 and expiring 6/30/2025.

Mauney Memorial Library Board of Trustees

- o Appoint Jeremy Tucker for a 3-year term beginning 7/1/2022 and expiring 6/30/2025.
- o Reappoint Debbie Mauney for a 3-year term beginning 7/1/2022 and expiring 6/30/2025.

Patrick Senior Center Board

- o Reappoint Charles Stephens, Lee Ann Long, Sharon Proctor, Evelyn Pressley, and Pat Blanton for 3-year terms beginning 7/1/2022 and expiring 6/30/2025.

Kings Mountain TDA

- o Appoint Trent Troxler for a 3-year term beginning 7/1/2022 and expiring 6/30/2025.

Upon Motion by Councilmember Jay Rhodes, seconded by Councilmember Mike Butler, it was unanimously voted to recess the Regular Meeting and enter into a Public Hearing at 7:01 p.m.

PUBLIC HEARING

Item 11A - Consider text amendments to the City of Kings Mountain Unified Development Ordinance - Stuart Gilbert, Economic Development and Planning Director.

Stuart Gilbert, Economic Development and Community Planning Director addressed Council regarding this process stating that this public hearing was continued from last months meeting, and requested that it be continued again to the July 26th regular meeting. This is due findings within the TRC committee regarding water, sewer, and all utility standards that will be presented to the Planning and Zoning Board, then recommendation made to you. The specific actions that are being requested for your review are a map and list of properties associates with the old Residential-Office (RO) zoning classification that were incorrectly converted. The majority of the properties were residential, but there were some commercial properties that need to be changed. Planning and Zoning Board recommends approval of the new classifications.

Additionally, staff and Planning and Zoning Board would request that the requirement of a Notary certificate of Surveyor and Register of Deeds Certificate be deleted from the UDO Appendices to match the state requirements of the new 160D.

No one spoke in favor or against this request.

Item 11B - Consider the adoption of an Ordinance amending the City Charter to move Cleveland County parcel number 63207 which was previously assigned to Ward Four into Ward One due to this parcel being closer in proximity to other parcels that have been placed into Ward One - Councilmember Keith Miller.

This portion of the public hearing will be closed and the process will start over due to the incorrect parcel number being used in the advertisement.

Upon Motion by Councilmember Keith Miller, seconded by Councilmember Tommy Hawkins it was unanimously voted to continue the public hearing with respect to Item 11A relating to the UDO until the Regular Meeting of July 26, 2022 at 6:00 p.m., and close the public hearing with respect to Item 11D, which is the item related to moving the parcels to another Ward. This action was taken at 7:11 p.m.

REGULAR MEETING

Item 13 - Action on Item 11A - Repeal and Replace Ch. 156 City of Kings Mountain UDO

Upon Motion by Councilmember Keith Miller, seconded by Councilmember David Allen it was voted unanimously to adopt **Ordinance 22-18** to repeal and replace Chapter 156, the City of Kings Mountain Unified Development Ordinance with respect to changes regarding the reclassification due to the properties being incorrectly converted and the two items that are not required by state law to be deleted from the UDO Appendices.

NOTE: The spreadsheet will be made a part of the Ordinance that will be adopted to repeal and replace the UDO.

Item 14 - Action on Item 11B - Adopt Ordinance Amending City Charter

No action taken due to this public hearing being re-advertised with the correct parcel number.

Item 15 – Adopt and Ordinance to demolish 205 Walker Street

Clint Houser, Codes Director addressed Council stating that a hearing was held last November regarding this property at which time the owner stated that they would have the building removed in 180 days. This time period was up on June 11th, and the request is that Council adopt the Ordinance allowing this building to be demolished in an effort to clean up this portion of Walker Street.

Upon Motion by Councilmember Jimmy West, seconded by Councilmember Jay Rhodes it was voted unanimously to adopt **Ordinance 22-19** to demolish the dilapidated non-residential structure located at 205 Walker Street (Parcel #8506).

Item 16 – Projection Line Variance for 40 Heritage Lane

Marilyn Sellers, City Manager stated that the Moss Lake Commission, as well as staff unanimously recommend the approval of this request.

Upon Motion by Councilmember David Allen, seconded by Councilmember Jay Rhodes it was voted unanimously to authorize the Mayor to execute a Variance for projection lines regarding property at 40 Heritage Lane, Shelby, NC.

ADJOURNMENT

Upon Motion by Councilmember Jay Rhodes, seconded by Councilmember Tommy Hawkins, it was unanimously voted to adjourn at 7:14 p.m.

(5-minute break)

CITY COUNCIL ORGANIZATIONAL MEETING

Mayor Neisler called the Organizational Meeting of City Council to Order. Mickey Corry, City Attorney addressed Council regarding the term of the Mayor Pro Tem, reminding them that the election was delayed due to the Census. Since the three officials that were elected in May will have shorter terms, the term of Mayor Pro Tem will also have a shorter term which will expire December, 2023.

Administration of the Oath of Office

Mayor Neisler, introduced the Honorable Jeffrey Carpenter, North Carolina Court of Appeals Judge to administer the Oath of Office to David Allen. Councilmember Allen introduced his family that were in attendance.

Mayor Neisler, administered the Oath of Office to Mike Butler. Councilmember Butler introduced his family that were in attendance.

Mayor Neisler introduced Karen Tucker, City Clerk, to administer the Oath of Office to Tommy Hawkins. Councilmember Hawkins introduced his family and friends that were in attendance.

Comments from Newly-Elected Officials

All newly elected Councilmembers expressed their appreciation to the citizens who elected them, their colleagues on Council, and to their families who support them in their duties. Former Police Chief Melvin Proctor was asked by Councilmember Hawkins to say a prayer for Council.

Mayor Pro-Tem for a term to expire in December, 2023

Upon Motion by Councilmember David Allen, seconded by Councilmember Keith Miller, it was unanimously voted to appoint Councilmember Annie Thombs as Mayor Pro-Tem, term to expire December, 2023.

Appointment of Clayward C. Corry, Jr., as Legal Counsel and Approve Mr. Corry's Contract

Upon Motion by Councilmember Jay Rhodes and seconded by Councilmember Mike Butler, it was unanimously voted to appoint Clayward C. Corry, Jr. as legal counsel for the City of Kings Mountain.

Upon Motion by Councilmember Tommy Hawkins and seconded by Councilmember Jay Rhodes it was unanimously voted to enter into a contract with the City Attorney for providing legal representation and legal services to the City of Kings Mountain.

Appointment of Members to the Nominating Subcommittee

Councilmember Annie Thombs nominated Councilmember Tommy Hawkins to serve in her place on the Nominating Committee.

Upon Motion by Councilmember David Allen, seconded by Councilmember Jimmy West, it was unanimously voted to elect Councilmembers Keith Miller, Tommy Hawkins, and Mike Butler to the Nominating Subcommittee.

Appointment of Members to the Kings Mountain Housing Committee

Upon Motion by Councilmember Mike Butler, seconded by Councilmember Annie Thombs, it was unanimously voted to elect Councilmembers Keith Miller, Annie Thombs and Jay Rhodes, Jimmy Maney and Doug Lawing to the Kings Mountain Housing Committee.

ADJOURNMENT

Upon Motion by Councilmember Tommy Hawkins, seconded by Councilmember Jay Rhodes, it was unanimously voted to adjourn at 7:44 p.m.

BY: G. Scott Neisler
G. Scott Neisler, Mayor

ATTEST:

Karen A. Tucker
Karen A. Tucker, City Clerk



GREENE
BUILDING CORPORATION

Weekly Project Update
City of Kings Mountain - Streetscape Phase 2-A 101 W. Gold St., Kings Mountain, NC 28086
June 24th, 2022

Greene Building Corporation Project Manager: Mike Lovelace III - (704) - 466 - 0282
Greene Building Corporation Superintendent: Macon Michael - (704) - 472 - 6681

Progress v. Contract Duration:
Contract Start Date: February 22nd, 2022
Contract Completion Date: September 26th, 2022
Scheduled Completion Date: September 26th, 2022

GREENE
BUILDING CORPORATION

Progress Update:

- Start Running New Electrical Conduit - 50% Complete
- Start Building Rebar Cages in the Shop - 100% Complete
- Start Building Plywood Templates for Light Pole Base Anchor Bolts - 100% Complete

Action Items:

- RFC 2 - Storm Water System Redesign - Greene Building Corporation Currently in Progress
- New Drawing for Islands at Dellinger's Jewelry - Gary Fankhauser Currently Working On

Constraints:

- None Currently

GREENE
BUILDING CORPORATION

One Week Look Ahead:

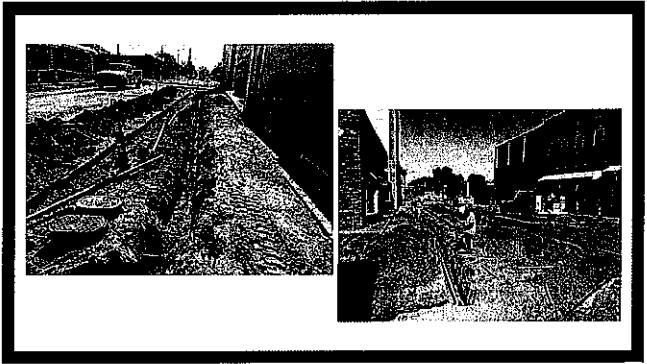
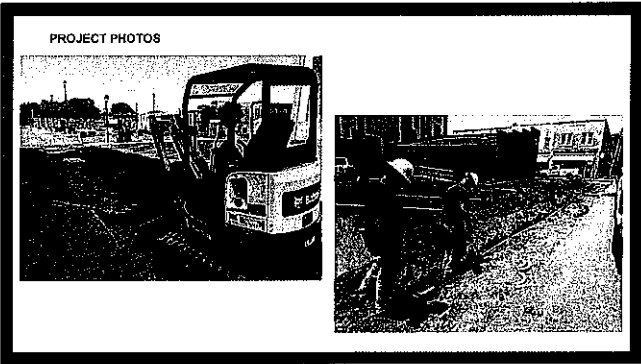
- Continue Running New Electrical Conduit
- Start Setting Rebar Cages and SonoTube for Light Poles and Bollards
- Set Anchor Bolt Templates
- Pour Light Pole and Bollard Footings

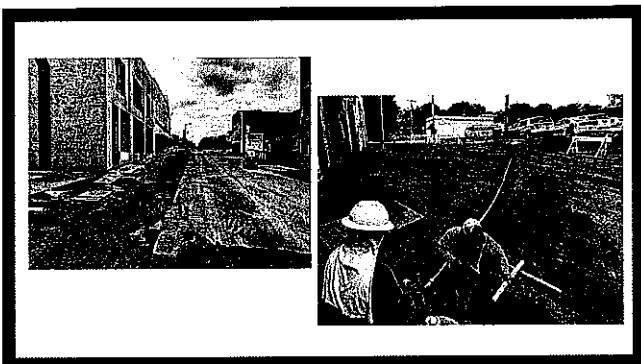
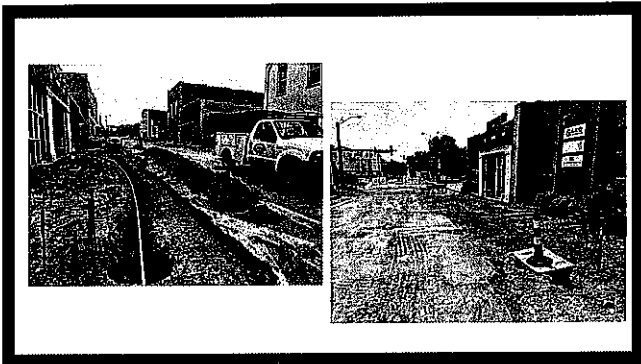
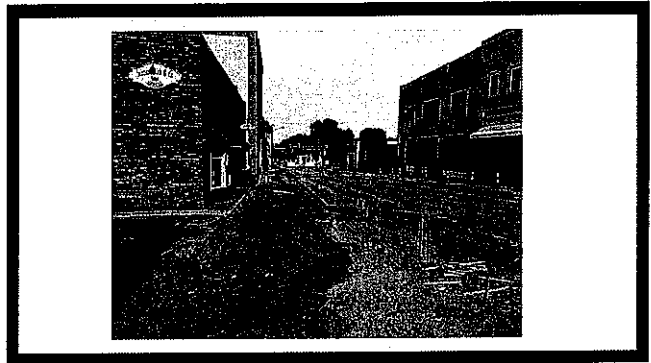
Two Week Look Ahead:

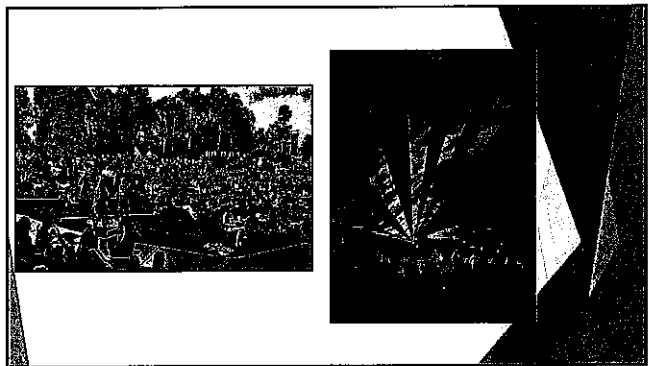
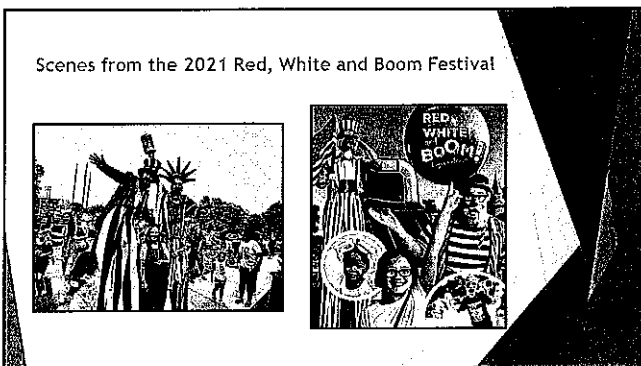
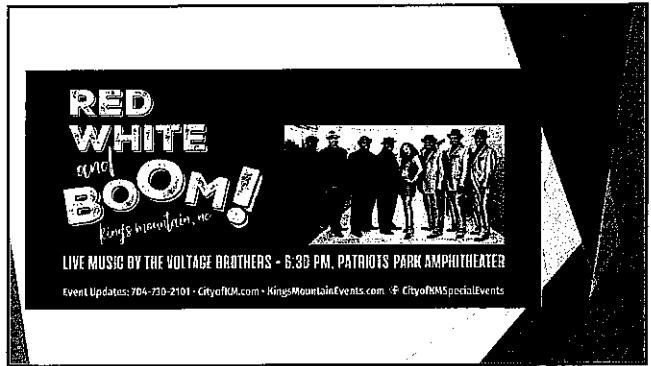
- Layout for Curb & Gutter
- Start Forming for New Curb and Gutter

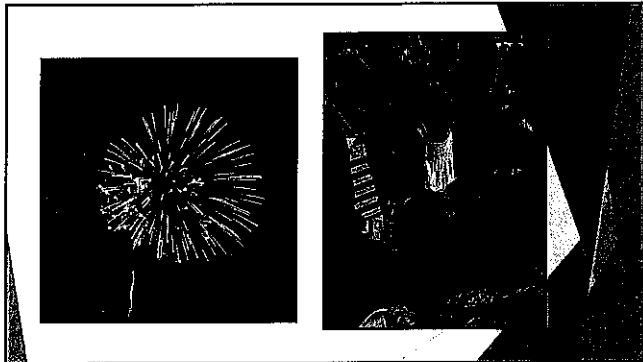
Important Upcoming Events:

- BI-Weekly ACC Meeting - Wednesday July 6th, 2022, at 10:00am









KINGS MOUNTAIN FREE CONCERT SERIES

TELL ME LIES, FLEETWOOD MAC TRIBUTE

JULY 16, 2022 @ 6 PM - CAR CRUISE-IN - DOWNTOWN FOOD & FUN!

CONCERT LOCATED AT 220 SOUTH RAILROAD AVE. KINGS MOUNTAIN, NC 28754. SEATING IS LIMITED. TICKETS ARE \$10.00.

Kings Mountain
Car Cruise-In
Concert Series

Live at Freedom Park
All Makes & Models Welcome
RAFFLE PRIZES
DOWNTOWN FOOD
LIVE CONCERT

**May 7, June 4, July 16,
Sept. 10, & Oct. 1, 2022**
220 South Railroad Ave. Kings Mountain
STREETS OPEN AT 5:00 PM
CONCERT AT 6:00 PM

Event Updates: 704-230-2101 • CityofKM.com • KingsMountainEvents.com • CityofKMSpecialEvents



KINGS MOUNTAIN
— NORTH CAROLINA —
Special Events Department

