

REGULAR SESSION OF APRIL 30, 2019

The City of Kings Mountain, North Carolina met in Regular Session at 6:00 p.m. on Tuesday, April 30, 2019 in the Council Chambers of City Hall with Mayor Scott Neisler presiding.

ATTENDANCE

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

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

INVOCATION

The invocation was given by Pastor John Houze, Peoples Baptist Church, Kings Mountain, NC.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Neisler.

AGENDA ADOPTION

Councilmember Keith Miller asked that Items 10D and 10E be moved to the Regular Meeting for additional discussion. Mayor Neisler stated that Item 10E (installation of roundabout) would be Item 17 on the Regular Meeting and Item 10D (dedication of streets) would be Item 18. Upon Motion by Councilmember Keith Miller, seconded by Councilmember Jay Rhodes it was unanimously voted to adopt the Agenda as amended.

SPECIAL PRESENTATION AND RECOGNITIONS

Mayor's Comments and Remarks

Mayor Neisler extended an invitation to the National Day of Prayer observance here at City Hall on Thursday, May 2, 2019 at 12:00 P.M. He also recognized members of Leadership Cleveland County.

City Manager Marilyn Sellers praised the Police Department for their work through the weekend regarding the recent theft of building materials from a construction site. She stated our officers investigated and arranged the purchase of building materials which resulted in the recovery of the items and an arrest. The Contractors have really praised our officers. Chief Proctor stated that she is very proud of our officers and their dedication to their work every day.

Mayor Neisler stated that the following employees are to be recognized for their years of service:

- Wayne Carpenter Police 10 years
- Ray Owenbey Natural Gas 10 years
- Lynn Flowers Public Works 5 years

Mayor Neisler recognized the week of May 12-18, 2019 as National Police Week and thanked the Kings Mountain Police Department for their service to our community.

Mayor Neisler recognized the week of April 14-20, 2019 as National Public Safety Telecommunicators Week 2019 and honored the men and women who serve as Public Safety Telecommunicators in our community.

Mayor Neisler read **Resolution 19-12** recognizing Cpl. Michael Howard for receiving his Intermediate Certification through the North Carolina Justice Academy.

SPECIAL EVENTS UPDATE

Christy Conner, Special Events Director presented a video recap of the Easter Egg Hunt that was held on Saturday, April 20, 2019 at the Mayor Rick Murphrey Children’s Park. She stated that there were visitors to Kings Mountain from surrounding areas, including Spindale and Lawndale. Mayor Neisler thanked Battleground Church for their contribution to the egg hunt. Christy also thanked the American Legion Riders, Texas Roadhouse, and our community partners for their contributions to the event. She stated that over 11,000 eggs were hidden prior to the start of the hunt.

Christy reiterated that National Day of Prayer will be held on Thursday, May 2nd at City Hall. She also stated that the Memorial Day Observance will be held on Monday, May 27, 2019 at 10:00 am at Mountain Rest Cemetery.

Mayor Neisler commended the Special Events Department on the new webpage for community and City events.

CITIZEN RECOGNITION

Tim Miller, 403 West Mountain Street addressed Council regarding the proposed roundabout, which is Item 10E on the Consent Agenda. He thanked Council for their interest in reducing the speed on Mountain Street, and expressed his concern on the plan for N. Cansler Street around the area of his hardware store.

Sandra Jenkins, 235 Borders Road and Ricky Spencer, 108 Wilcort Drive spoke against the casino.

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Stuart Gilbert stated that the process of the grants that Council is being updated on started in 2016, and geared up in July of last year. All of the funds have been expended and the process on the two buildings are going through. These projects include the Greg Johnson building located on Battleground Avenue, and the other is owned by John McGill on Mountain Street. He stated that the façade work would be done, however there are elements of the grant work that need to be completed for the grant to be finalized. He introduced Steve Austin to provide a more detailed report. Mr. Austin stated that the City was awarded this \$500,000 in December of 2017. This was “a one-time, one-shot deal by the State of North Carolina that was targeted mainly toward Main Street Communities and the only object of the program was to help these communities bring downtown, dilapidated buildings up to code.” He stated that both buildings are well under way. This grant was not handled by the normal staff in Raleigh; however, we have been working as if it was a regular Community Development Block Grant with a three-year schedule. This is why there was a push to have the money spent by March 31st. Each building owner was to contribute twenty-five percent (25%) of the total expenditure toward the project and have well exceeded that. Both buildings are looking to be done by the end of June. The only requirement to satisfy this grant is to get a temporary Certificate of Occupancy. The point of the program is to make the properties economically viable again. If the façade process takes a bit longer, it will not hinder the completion of the block grant.

CONSENT AGENDA

Upon motion by Councilmember David Allen, seconded by Councilmember Mike Butler, it was unanimously voted to adopt the following Consent Agenda, as amended:

- A.** Minutes of the Work Session of March 19, 2019 and Regular Meeting of March 26, 2019.
- B.** Set the date of Tuesday, May 28, 2019 at 6:00 p.m. for a Public Hearing to consider the proposed fiscal year 2019-2020 Budget.
- C.** Budget Amendment to reallocate among General Fund departments due to various factors. No additional resources are being requested, as all projected payroll costs are covered by transferring among departments. Council approval is necessary due to the fact that we are reallocating budget between departments.

- ~~C. Adopt an **Ordinance** accepting the offer of dedication of streets in Kings Pointe Subdivision from William L. Heafner and Debra D. Heafner, former developers of the subdivision, and assume responsibility for the maintenance of the streets that are shown on the subdivision plats recorded in Plat Book 19 at Pages 163, 164, and 165-~~

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~~and Plat Book 23 at Page 137 in the Cleveland County Registry. (Removed from Consent Agenda and moved the Item 18 for discussion.)~~

- ~~E. Approve the installation of a traffic round about at the intersection of West Mountain Street and South Cansler Street, per recommendation of the Transportation Committee. (Removed from Consent Agenda and moved to Item 17 for discussion.)~~
- F. Schedule Budget Work Sessions for Tuesday, May 7, 2019 and Thursday, May 9, 2019 from 3:00 p.m. until 6:00 p.m. in the conference room at Public Works.

Upon Motion by Councilmember Jay Rhodes, seconded by Councilmember Rodney Gordon, it was unanimously voted to recess the Regular Meeting and enter into a Public Hearing at 6:25 pm.

PUBLIC HEARING

Consider a request by a Rezoning Request from KM Mountaineer Properties, LLC – Jackie H. Falls, Member/Manager for property located on Belvedere Circle, also known as Tax Map KM40, Block 4, Lot 13, Parcel 9483 from RS-6 to R-6 for the purpose of building a duplex – Case No Z-1-2-19.

Stuart Gilbert, Planning and Economic Development Director stated that the Planning and Zoning Board held a public hearing on this rezoning on March 19, 2019 and voted unanimously to recommend that Council approve this request. Mr. Gilbert reviewed the application package, site photographs, and public notice documentation. He stated that the signs were put up on Waco Road, as well as Belvedere Circle. The current zoning is RS-6, which is residential single family with a minimum lot dimension of 6,000 square feet. The proposed R-6 zoning allows a multi-family housing. The owners are looking to build a duplex on the property; however, in full disclosure this zoning would allow a multi-family, which is of a maximum of four units given the square footage of the property. The owners will be required to submit a site plan.

Councilmember Mike Butler stated that it appeared that the property is accessed from Waco Road and not Belvedere Circle. Mr. Gilbert stated that the street in this

location has been closed off. If they were to use Belvedere, there would need to be additional action from the City to open the street up again. The objective is to use the existing driveway that covers the property to the west and the property to the north. The property to the west is an existing multi-family unit containing four units.

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Mr. Gilbert stated that on April 26, 2019 he received an additional plat that showed the actual gravel driveway and the gravel driveway does not match up perfectly on that road. This was shared as general information. This particular property is right on the boundary line of the two different zonings, R-6 and RS-6. He stated that from the standpoint of a planner this would be a logical place to be consistent with the zoning request.

The Planning and Zoning Board has no objection to the rezoning. There was a lot of interaction during the public hearing regarding the location of a private road. Besides this issue there were no other negatives that were brought up in that hearing.

Councilmember Annie Thombs stated that she “understands that this a legislative hearing; however, the way I vote will depend upon the information that she receives regarding the access to the property. In the minutes from the Planning and Zoning meeting that there was some confusion as to who owned what as far as the access from Waco Road is concerned. A comment was made that the access from Belvedere was secondary and not of paramount importance. This is what I take issue with. The fact that this road has been closed for fifteen years and is a residential community, a very fragile community in which we are trying to improve the community. If access were to come off of Belvedere Circle, that is going to damage even more a fragile community, that is my problem with this case. This would be a concern.” She also stated that when this was first advertised the sign was on Waco Road, and it did not show the affect that this would have on Belvedere Circle. She asked Mr. Gilbert to tell her more about what access would be used. Mr. Gilbert stated that at the Planning and Zoning meeting there was substantial discussion regarding access to the property and the desire of the petitioner is to use Waco Road due to the fact that they already have access at that point. They do not want to use Belvedere, and this would require additional action from City Council since the road is closed. He also stated that the sign was put up on Belvedere 15-20 days prior to City Council’s public hearing. Councilmember Thombs thanked Mr. Gilbert for placing the sign at Belvedere.

Councilmember Mike Butler asked about the fact that they could put a fence up and take half the road for the house. Mr. Gilbert stated that the road is split about halfway between KM Mountaineer Properties and the property next door which is owned by Pace. This issue is something that the owners will have to settle.

Councilmember Jay Rhodes stated that our task is to decide if the property is to be rezoned, and that ingress and egress is not on our vote yet. Councilmember Thombs stated that while she understands this, she would hate to see someone get the property rezoned then not have proper access, which would prevent them from building.

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Councilmember Keith Miller spoke regarding prescriptive easements, explaining that if someone has been using an easement for over 20 years, they are allowed to continue that use. Based upon the boundary lines of the two different properties, it appears that the access road is on the survey. Mr. Gilbert stated on the new survey it is show exactly where it is, and is supposed to be on the first half of the Pace property. A number of years ago this property was an alley, and City Council approved the vacation of the alley and fifteen feet went to one side and 15 feet to the other. It is a piece of property that is owned half by one party and half by the other party.

Jackie Falls, Manager-Member of KM Mountaineer Properties spoke in favor of the rezoning stating that their plan is to build a duplex and not a quad. This will be just like the duplex that is beside the Wesleyan Church on Gantt Street. She stated that she felt this would help the community and would be a good place for someone to live. The road is already accessed by the four tenants in the quad, which she owns. She stated that she is not looking to access Belvedere at all; actually, the plan is to put a fence up to reduce foot traffic to the service station nearby.

Councilmember Mike Butler asked if the road that is coming from Waco Road would be able to handle the trash trucks coming in and out. Rickey Putnam stated that the tenants in the quad are rolling their cans to the end of the road to Cansler Street. Ms. Falls stated that this would be the same distances for the tenants that move into the duplex.

Councilmember Annie Thombs asked for clarification on the plan to fence off the area to alleviate foot traffic. Ms. Falls stated that Ms. Adams, a tenant who has lived in the quad has voiced concerns about people walking right by her door. This would be a good way to keep that from happening.

Consider a modification of the City of Kings Mountain Zoning Ordinance to require a Conditional Use Permit in the R-10, R-9, RS-8, R-8, RS-6, and R-6 residential districts for the following uses:

- Golf Courses, Including a Pro Shop

and to consider a modification to the City of Kings Mountain Zoning Ordinance to require a Conditional Use Permit in the R-20 residential district for the following uses:

- Golf Courses, Including a Pro Shop
- Golf Driving Ranges – Case No. Z-1-1-19

Stuart Gilbert, Planning and Economic Development Director stated that this request is a recommendation of the Planning and Zoning Board and was presented with a prior text amendment. This particular portion had not been properly noticed at the time of the public hearing for the prior text amendment, and Council and management felt that it needed to be noticed separately prior to consideration. The purpose of

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this public hearing is to clearly specify this particular use to require a Conditional Use Permit in the stated residential districts. Staff concurs with the recommendation that was previously made by the Planning and Zoning Board.

Upon Motion by Councilmember Jay Rhodes, seconded by Councilmember Annie Thombs, it was unanimously voted to close the Public Hearing and re-enter the Regular Meeting at 7:15 pm.

REGULAR MEETING

Action on Item 11-A

Upon Motion by Councilmember Jay Rhodes, seconded by Councilmember Keith Miller, it was unanimously voted to adopt Consistency Statement #2 **“IN FAVOR”** of the rezoning request from KM Mountaineer Properties, LLC – Jackie H. Falls, Member/Manager for property located on Belvedere Circle, also known as Tax Map KM 40, Block 4, Lot 13, Parcel 9483 from RS-6 to R-6 as follows:

CONSISTENCY STATEMENT “IN FAVOR OF” THE PROPOSED ZONING MAP AMENDMENT *(Used when the proposed zoning amendment is consistent with adopted Comprehensive Plan and other applicable public policies.)*

The proposed amendment to the Kings Mountain Official Zoning Map is considered to be an amendment to the Comprehensive Plan, to which the Kings Mountain City Council shall require no additional request or application for amendment to the Comprehensive Plan, and as part of considered the proposed amendment, the Kings Mountain City Council took into account the following changes in conditions in order to meet the development needs of the community.

- a. The Original City of Kings Mountain Comprehensive Plan did not show a difference on the Official Land Use Map between single family residential zoning and multifamily residential zoning districts.

The proposed amendment has been determined to be reasonable and in the public interest because:

- a. The existing private road access to this property is in character with the adjacent existing multifamily residential homes and R6 residential zoning district.
- b. The requested use for the property for multifamily residential can serve to preserve many of the natural features consistent with low density residential development and access to the single-family houses on Belvidere Circle while theoretically possible is not financially feasible for this project, thereby providing a separation of multifamily versus single family residential uses.

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Upon Motion by Councilmember Jay Rhodes, seconded by Councilmember David Allen, it was voted unanimously voted to adopt **Ordinance 19-06** amending the zoning map for the City of Kings Mountain to rezone property located on Belvedere Circle, also known as Tax Map KM 40, Block 4, Lot 13, Parcel 9483 from RS-6 to R-6.

Action on Item 11-B

Upon Motion by Councilmember David Allen, seconded by Councilmember Mike Butler it was unanimously voted to adopt Consistency Statement #1 **“IN FAVOR”** of amending the Zoning Ordinance to require a Conditional Use permit in the R-10, R-9, RS-8, R-8, RS-6, and R-6 residential districts for the following uses:

- Golf Courses, Including a Pro Shop
and to consider a modification to the City of Kings Mountain Zoning Ordinance to require a Conditional Use Permit in the R-20 residential district for the following uses:
 - Golf Courses, Including a Pro Shop
Golf Driving Ranges – Case No. Z-1-1-19

as follows:

Consistency/Reasonableness- GOVERNING BOARD STATEMENT “FOR” THE TEXT AMENDMENT. *(Statement is 1 consistent with the Comprehensive Plan and is “reasonable and in the public interest”)*

The following changes are deemed necessary to protect public health and safety and are consistent with the Comprehensive Plan and the vote is reasonable and in the public interest:

- a.) The Comprehensive Land Use Plan considers recreational uses in the list of land uses and it is reasonable and in the public interest for City Council to require a conditional use permit for many active recreational uses that would bring additional traffic and noise to a specific site that would be evaluated by a public hearing for a conditional use permit.

Upon Motion by Councilmember Jay Rhodes, seconded by Councilmember Rodney Gordon it was unanimously voted to Approve **Ordinance 19-07** amending the Zoning Ordinance to require a Conditional Use permit in the R-10, R-9, RS-8, R-8, RS-6, and R-6 residential districts for the following uses:

- Golf Courses, Including a Pro Shop
- and to consider a modification to the City of Kings Mountain Zoning Ordinance to require a Conditional Use Permit in the R-20 residential district for the following uses:
- Golf Courses, Including a Pro Shop
 - Golf Driving Ranges – Case No. Z-1-1-19

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Item 15 – Send-A-Kid to College Scholarship Fund

Mayor Scott Neisler stepped down and presented the “Send-A-Kid to College” scholarship fund. He stated that he feels that the families in the City of Kings Mountain are great, and he knows that we want our children to succeed. This scholarship fund is a consolidation and conclusion of something that has been worked on for more than a year with staff, Mrs. Cruise from Kings Mountain High School, and also Councilmember Jay Rhodes has given input. The scholarship is for students who have attended Kings Mountain High School for four years and whose parents are City of Kings Mountain utility customers. It is last stop funding for kids who would like to pursue a degree at Cleveland Community College or any other community college if CCC does not offer the degree or certificate program that they desire. They would apply for these funds after all financial aid has been exhausted. The maximum commitment of the scholarship would be for two years. Mayor Neisler stated that this is also tool that would nurture workforce development in our community. The scholarship has already received funds from two organizations, and he hopes that funding will continue through monthly pledges from the citizens of Kings Mountain. The Cleveland Community College Foundation has agreed to disburse the funds on behalf of the City. Mayor Neisler stated that he would like to ask Council to publicize this program by use of a rack card in the utility bill in the coming months. The rack card would have

a perforated portion where citizens would voluntarily pledge \$1, \$2, or another amount.

Councilmember Miller commended Mayor Neisler on the work that was put into this project and inquired about the cost of the rack card. Mayor Neisler stated that 10,000 rack cards are estimated to be \$300. These will also be distributed by various student organizations at the high school. City Manager Marilyn Sellers stated that there is a very minimal insertion cost.

Councilmember Mike Butler asked how the scholarship recipient would be selected. Mayor Neisler stated that Jill Cruise, guidance counselor at Kings Mountain High School would make this determination.

Councilmember Jay Rhodes stated that it is his understanding that students who receive this scholarship would not have to obtain student loans. He hopes that this would afford the opportunity to students who are looking to acquire a skill to be able do so. He stated that the Cleveland Community College Foundation is a 501-C(3) so any one can donate to this fund if they desire. It will be very workable for those who would like to contribute.

Mayor Pro Tem Rodney Gordon entertained a Motion to take action on the “Send-A-Kid-To-College” scholarship fund. Upon Motion by Councilmember Tommy Hawkins, **Minutes - April 30, 2019**

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seconded by Councilmember Annie Thombs it was unanimously voted to establish the “Send-A-Kid to scholarship fund.

Item 16 - Report from Nominating Committee

Councilmember Keith Miller stated that a list of vacancies that are open now and those that are coming up for re-appointment is included in the Agenda presentation and asked Council to encourage citizens to apply for our boards. He also asked Council to review applications that are sent and give the Nominating Committee feedback. He addressed the inconsistency of the board terms and term limits and suggested that Council consider an action which would cause each board to come into compliance with the Nominating Policy that was previously adopted. He stated that Council would need to rely on staff to make suggestions on what action would need to be taken to standardize each board. Councilmember Miller also addressed Council about the need for advertising opportunities to serve on boards and encouraging public participation. This would require a budget expenditure and some sort of staff management of the process. The Nominating Committee is asking the Council to consider asking the City Manager to provide Council with a recommendation of a plan with respect of regularly advertising for board vacancies.

Councilmember Mike Butler stated that he understands about the terms, but we do not have a strong applicant pool. Setting terms is good, but maybe we should hold off

on this for now. If we enforce this now, we have no one to replace those who rotate off. He stated that he would like for the City Manager to put some type of ad in the paper giving a description of the boards, then once we have an applicant pool, we can pick from those. Councilmember Jay Rhodes stated that it appears that even if we start the process today, we can make exceptions and keep people on the board. Councilmember Miller stated that in the fifteen years that he has served on Council Mayor, Council, and staff have had their own recommendations without having

applications to work from, and he expects to use the same process. There are several seats that are rotating off on June 30th, so we need to be proactive and generate our own connections to find people to serve. Councilmember Butler stated that it is his understanding that we wanted to make people aware of the boards, then generate more input from all of the citizens. It seems that we are back to doing what we have done in the past. He stated that he would like for the manager to advertise before we take action on term limits.

Councilmember Keith Miller also stated that he would like for the City Manager and Staff to develop a plan for a Citizens Academy along with the plan to advertise and get the word out about serving on City boards. Councilmember Rodney Gordon stated that he believes that is very important, and there are various ways to get the word out. He stated that it is his understanding that Council desired more input into the boards and that this one thing that we tried to do is address that Council would have more input on recommendations to these boards. He stated that he believes that the Citizens Academy is a very important part because it makes the public aware that they

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are able to serve, and inform them of the responsibilities of serving on the various boards. We have to get the word regardless of how we do it.

Councilmember Mike Butler stated that he feels that we need to have the applications on hand before we proceed. Councilmember David Allen clarified we already have term limits on some of our boards, and the recommendation is to have the City Manager develop a plan for advertising, education, and develop a Citizens Academy in addition to finding a way to develop consistency with all of the boards. Basically, the problems that we are discussing with terms and term limits already exists and we are not going to be able to work around it if we don't do sometime. Councilmember Miller stated that he would like to see this happen in this budget cycle.

Councilmember Miller stated that if we do nothing the entire Moss Lake Commission will rotate off and whether we re-appoint those who are serving or new members, they will only be re-appointed to one-year terms. We will be right back where we started next year. Mayor Neisler stated that we need to recruit.

City Manager Marilyn Sellers stated that staff recommendations are valuable also. The Library staff has recommended users and volunteers. These are people who have a true interest. Councilmember Miller stated that the senior center had done the same thing.

Councilmember Miller stated that he did not expect an official action on this matter during this meeting; however, he feels that the City Manager is aware of some of the recommendations such as advertising and citizens academy. The Nominating Committee will try to do the best they can to fill the positions.

City Attorney Mickey Corry suggested that Council not make all boards and committees not have term limits. Some may have crucial experience that will be lost due to term limits. Mayor Neisler stated that the policy does include exceptions to this matter.

Item 17 - Roundabout at Mountain Street and Cansler Street

Rickey Putnam, Public Works Director stated that this project is designed to slow the traffic down in this intersection. It ties into the street scape and what the City would like to do in this area of town with adding additional parking and people out walking the downtown area. There are also plans for a road diet from King Street, south to where it already narrows south of Gold Street, and there will be 21 additional parking spaces added south of Mountain Street. There are also plans for a sidewalk from King Street, south to Patriot's Park to tie in to the other sidewalks around the park area. Nick Hendricks stated that this would tie the area to the downtown and the park. Ron Humphries, Chairman of the Transportation Committee reiterated that this is a safety mechanism and that there are multiple positives about this type of change in usage. He stated that particularly during events we want people to move through cautiously,

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and a roundabout usually slows traffic to about 15 MPH. He stated that the space is enough so as to allow tractor trailers to go around and move in the direction that we need for them to go, meaning not toward the railroad tracks or through neighborhoods.

Mayor Neisler stated the round about will eliminate a stop light and is a better solution to slow people down. It will also blend in with the change of the traffic pattern.

Councilmember Jay Rhodes asked Mr. Putnam how this would affect Bridges Hardware? Mr. Putnam stated that it would have no affect at all. The parking will be on the outer most lane of Cansler Street.

Councilmember Keith Miller said that he has communicated with citizens who have concerns that the public has not had an opportunity to hear discussion on the placement of the round-about. He stated that he is satisfied with the information that was shared during this meeting, however in the future we may want to see if there is a need for public input, such as a public hearing. Nick Hendricks stated that he and the City Manager Marilyn Sellers asked Ron Humphries about the possibility of a public hearing. Mr. Humphries stated that the installation of a round about is a common thing now, and the cost effectiveness of a public hearing for a round-about is really not a good use of public funds.

Upon Motion by Councilmember Jay Rhodes, seconded by Rodney Gordon it was unanimously voted to approve the installation of a traffic round-about at the intersection of West Mountain Street and South Cansler Street.

Item 18 – Street Dedication

City Manager, Marilyn Sellers stated that the Kings Pointe Subdivision was annexed in the City and Councilmember Rhodes requested that the City look at this area due to complaints that he has heard. All residents of this community were invited last September to a community meeting. There was very little attendance at that meeting, and we asked them to try to get a petition signed or maybe form a homeowner's association. The City did not receive anything from that request. The City Attorney referred us to Andy Neisler, a real estate attorney and he has looked at the area and obtained a street dedication from the developer. These are privately owned streets where the City is providing services. The City would like to provide a well-lit area for the residents and for our vehicles that go there to provide services. There have been several questions asked regarding this item, and they have been addressed by legal counsel. Mrs. Sellers stated that this action would provide street lights, they would be put on our paving list, and it would allow our police department to better enforce our ordinances on these streets. This will enhance this neighborhood, and there is nothing that would be negative for the citizens who live in this area.

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There were questions about the possibility of the roads encroaching on someone's property, are we in effect condemning their property. City Attorney Mickey Corry defined the prescriptive easement stating that if an individual uses a piece of property for a particular use for 20 years in North Carolina, you have an established claim to continue that use. The residents in this neighborhood have been using these roads for ingress and egress in excess of twenty years and the developer had offered the roads to DOT but they never accepted. On the maps, the roadway of use appears to remain within the boundaries of what the developer is going to retain ownership of. Mr. Corry stated that he spoke to Ricky about where he intends to put the street, and he responded that it will be consistent with where the roadway has been. He stated that he, along with Andy Neisler does not have any reservations about prescriptive easement and they do not anticipate a problem.

Councilmember Jay Rhodes stated that he has been working on this for a long time and he is ecstatic that this is being accomplished.

Upon Motion by Councilmember Jay Rhodes, seconded by Mike Butler it was unanimously voted to adopt **Ordinance 19-05** accepting the offer of dedication of streets in Kings Pointe Subdivision from William L. Heafner and Debra D. Heafner, former developers of the subdivision, and assume responsibility for the maintenances of the streets that are shown on the subdivision plats recorded in Plat

Book 19 at Page 163, 164, and 165 and Plat Book 23 at Page 137 in the Cleveland County Registry.

ADJOURNMENT

Upon Motion by Councilmember Rodney Gordon, seconded by Councilmember Mike Butler, it was unanimously voted to adjourn at 8:20 p.m.

BY: _____
G. Scott Neisler, Mayor

ATTEST:

Karen A. Tucker, CMC