

## MINUTES

Regular Meeting  
City Hall Council Chamber

August 3, 2015  
Monday, 6:00 p.m.

**Present:** Mayor O. Stanhope Anthony III, presiding; Council Members Eric Hendrick, David W. White, Jeanette D. Patterson, Dennis C. Bailey, Ben Kittrell; City Manager Rick Howell, City Clerk Bernadette A. Parduski, NCCMC, MMC, City Attorney Robert W. (Bob) Yelton, Director of Finance Justin S. Merritt, MPA, Director of Energy Services Julie R. McMurry, Director of Water Resources David W. Hux, Police Chief Jeffrey H. (Jeff) Ledford, Fire Chief William P. Hunt, MPA, EFO, Director of Public Works Daniel C. (Danny) Darst, Jr., Director of Parks and Recreation Charlie Holtzclaw, Director of Housing Bryan T. Howell, Director of Planning and Development Services Walter (Walt) Scharer, AICP

**Absent:** Council Member Dicky Amaya

Mayor Anthony called the meeting to order at 6:00 p.m. and welcomed all who were in attendance. The Mayor gave the invocation and Mr. Bailey led the *Pledge of Allegiance*.

### A. Approval of agenda:

#### 1) Motion to adopt the proposed agenda

Mr. Bailey requested the addition of two items, F-1 and F-2, under New Business as follows:

- Discussion of a proposed resolution in non-support of the Gaston East-West Connector also known as the Garden Parkway being placed on the SPOT 4.0 prioritization list to be submitted to the Gaston Cleveland Lincoln Metropolitan Planning Organization (GCLMPO)
- Discussion of the 6 percent wholesale power rate reduction by Electricities to the North Carolina Municipal Power Agency 1 (NCMPA1)

**ACTION TAKEN:** Upon a motion made by Mr. White, City Council voted unanimously to approve the agenda as amended.

### B. Special Presentations:

- 1) **Recognition of Jamari Rashad McCoy as a recipient of the 2015 Darlene S. Maynard Memorial Scholarship awarded by Carolinas Council of Housing, Redevelopment and Codes Officials (CCHRCO)**

**Mayor Anthony introduced Jamari Rashad McCoy and his mother, Marilyn Petty. He stated the Carolinas Council of Housing, Redevelopment and Codes Officials (CCHRCO) awards the Darlene S. Maynard Memorial Scholarships annually to North Carolina Housing Authority residents who, upon high school graduation, plan to attend either a two or four-year college/university. To qualify, candidates must complete a multi-step process which includes achievements in scholastics, extracurricular activities, and volunteerism. The Mayor announced Jamari Rashad McCoy from the City of Shelby's Department of Housing has been selected as a recipient of this scholarship awarded in June 2015. Mr. McCoy is a 2015 Crest High School graduate and will attend the University of North Carolina at Greensboro in the fall with the hopes of attending medical school and ultimately becoming a neurologist.**

**Mayor Anthony called upon Jamari Rashad McCoy. The Mayor formally read and presented a Certificate of Special Recognition to him on behalf of the City of Shelby.**

- 2) **Uptown Shelby Association (USA) update – Audrey Whetten, Executive Director**

**Referring to her handouts, Miss Whetten reported her quarterly update included an overview of recent and ongoing projects, publicity, upcoming events, and business and property news.**

**Regarding recent projects, Miss Whetten provided an updated Uptown Shelby Area Map, which is USA's third edition. She added USA staff has been communicating with Uptown businesses regarding large events drawing out-of-town visitors to ensure adequate preparation and a great, lasting impression. Miss Whetten also provided before and after photographs of the completed alley improvements project and anticipated installing a bicycle rack in the very near future.**

**With regard to ongoing projects, Miss Whetten mentioned marketing efforts particularly targeted to the American Legion World Series audience have been developed. USA staff continues to meet with new and prospective business owners for the purpose of business recruitment and development. She added established committees continue to make progress with regard to developing and implementing new marketing strategies, conducting both nighttime and daytime needs assessments to identify safety issues in Uptown**

Shelby, and developing and distributing a survey on barriers to growth in Uptown Shelby.

Miss Whetten cited several instances of positive publicity and good press for Shelby. These included a tour of major Uptown projects hosted by USA for the Mount Airy Redevelopment Commission in May 2015 as well as two articles featured online at Charlotte Agenda and an article featured in Charlotte Magazine, August 2015, written by Shelby native, Joe DePriest.

Next Miss Whetten continued her presentation by reviewing the schedule of USA's upcoming events:

- Second Saturdays – monthly event designed to draw people to Uptown Shelby on Saturdays; dates include August 8, September 12, and October 10
- Uptown Shelby Litter Sweep – to be held on August 8, 2015 in partnership with the Keep Shelby Beautiful Commission
- Uptown Art Walk – to be held on October 1, 2015 in partnership with the Arts Council and participating businesses
- Shelby Alive – summer concert series; last date is August 27, 2015
- Summer Cinema Series – two movie dates remain, August 6 and 20, 2015, at the Don Gibson Theatre
- Seeds to Silverware – USA's farm-to-table fundraiser on September 26, 2015 to be held at the City Pavilion

Miss Whetten provided business and property news, reporting Uptown Olive Oil and More opened in late June 2015, Puzzle Creek Outdoor Company opened in early July 2015, Newgrass Brewing Company will be opening in mid-August 2015, and Fadales will also be opening in mid-August. She announced 224 West Warren Street was purchased and the owner has begun renovations.

Council received the information and took no action.

#### C. Public Hearing:

- 1) Notification of a proposed budget revision in the City of Shelby's Community Development Block Grant (CDBG) 2011 NC Catalyst Project administered by the North Carolina Department of Commerce through Community Investment and Assistance (CI)

Mr. Scharer explained the City of Shelby is required to conduct a public hearing regarding changes to the City's current 2011 North Carolina Catalyst Project. He stated the City will be moving remaining funds from the rehabilitation of dwellings activity and the acquisition activity into the budget

of pedestrian improvements activity. The City will submit the required information to the Department of Commerce's Division of Community Assistance (DCA) for the changes to be finalized after the public is made aware of these changes.

Mayor Anthony opened the public hearing at 6:17 p.m. and invited comments from the public.

The public offered no comments and Mayor Anthony closed the public hearing at 6:18 p.m.

Council received the information and took no action.

**D. Consent Agenda:**

**ACTION TAKEN:** Mayor Anthony presented the consent agenda. Mrs. Patterson made a motion to approve the consent agenda. The consent agenda and following items were unanimously approved:

- 1) Approval of the Minutes of the Regular Meeting of June 15, 2015
- 2) Approval of Special Event Permit Applications:
  - a. On the Road for Recovery 5K Walk/Run, requested date: September 12, 2015
  - b. 2015 Walk for Hope, requested date: September 12, 2015
  - c. Art of Sound, requested date: September 19, 2015
  - d. Cycle North Carolina "Mountains to Coast" Bicycle Tour, requested overnight date: September 28-29, 2015
  - e. Light the Night, requested date: October 24, 2015
- 3) Approval of a resolution honoring Wayne Douglas Hull on the occasion of his retirement from employment with the City of Shelby: Resolution No. 42-2015
- 4) Approval of a resolution honoring Ronnie Duel Davis on the occasion of his retirement from employment with the City of Shelby: Resolution No. 43-2015

- 5) Approval of a resolution honoring Freddie Ray Ellis on the occasion of his retirement from employment with the City of Shelby: Resolution No. 44-2015
- 6) Approval of a resolution to establish and approve the City of Shelby Electric Rate Rider Renewable Energy Portfolio Standards (REPS) Charge and Renewable Energy Credit Rider: Resolution No. 45-2015
- 7) Adoption of Fiscal Year (FY) 2014-2015 Budget Ordinance Amendment No. 15: Ordinance No. 39-2015
- 8) Adoption of Fiscal Year (FY) 2015-2016 Budget Ordinance Amendment No. 1: Ordinance No. 40-2015
- 9) Adoption of an ordinance authorizing demolition of a dwelling: Ordinance No. 41-2015
- 10) Adoption of an ordinance authorizing demolition of a dwelling: Ordinance No. 42-2015
- 11) Approval of a resolution accepting property from Comelia J. Champion heirs: Resolution No. 46-2015
- 12) Approval of a resolution authorizing the Mayor and City Clerk to execute a Subordination Agreement: Resolution No. 47-2015
- 13) Approval of a resolution approving an application by the City of Shelby Police Department to the United States Department of Justice for an Edward Byrne Memorial Justice Assistance Grant and accepting the funds of same: Resolution No. 48-2015
- 14) Approval of a resolution for acceptance, maintenance, and ownership of the sewer extension improvements for a Family Dollar Store located at 1408 South Lafayette Street: Resolution No. 49-2015
- 15) Approval of a resolution for acceptance, maintenance, and ownership of the sewer extension improvements for a Family Dollar Store located at 1285 Fallston Road: Resolution No. 50-2015
- 16) Approval of a resolution authorizing disbursement of travel and tourism funding for Fiscal Year 2015-2016: Resolution No. 51-2015

- 17) Approval of Notice of Change in the Regular Meeting Schedule of Shelby City Council
- 18) Approval of Notice of Cancellation in the Regular Meeting Schedule of Shelby City Council

**END CONSENT AGENDA**

**E. Unfinished Business:**

- 1) Consideration of appointments to City boards and commissions:
  - a. North Carolina Municipal Power Agency 1 (NCMPA1) Board of Commissioners

Mrs. Parduski reported a vacancy exists for a Second Alternate Commissioner representing Shelby on the Power Agency's Board of Commissioners. Mr. Howell recommended Mrs. McMurry in her new role as the City's Director of Energy Services, which includes the electric and natural gas divisions, for this seat.

Mr. White nominated Julie McMurry.

**ACTION TAKEN:** Upon a motion made by Mr. Bailey, City Council voted unanimously to close the nominations and accept the nominee by acclamation.

- b. Planning and Zoning Board

Mrs. Parduski reported the terms of five incumbents, Marlene Peeler, Rick Washburn, Mark Carter, Bob Cabaniss, and Roy Dedmon concluded June 2015. Miss Peeler, Mr. Washburn, Mr. Carter, and Mr. Cabaniss wish to continue their service.

Mr. Dedmon wishes to conclude his service. Mrs. Parduski stated this creates a vacancy for an Extraterritorial Jurisdiction (ETJ) member, who City Council recommends to the Cleveland County Board of Commissioners for appointment.

There is one application on file in the Clerk's Office: Emanuel Hunt, Jr.

Mr. White nominated Marlene Peeler, Rich Washburn, Mark Carter, and Bob Cabaniss for reappointment.

**ACTION TAKEN:** Upon a motion made by Mr. Bailey, City Council voted unanimously to close the nominations and accept the nominees by acclamation.

By consensus, Council continued the nominations for the ETJ vacancy.

**c. Parks and Recreation Advisory Board**

Mrs. Parduski reported the terms of three incumbents, Bill Young, Michael Shawn Collins, and Shanda Hoskins, concluded July 2015. All three incumbents wish to continue their service.

A vacancy for a new term has also been created by the resignation of Samuel Strain, Jr.

There are three applications on file in the Clerk's Office as follows:

- Holly Arakelian
- Emanuel Hunt, Jr.
- David Townsend Haynes

Mrs. Patterson nominated Holly Arakelian for appointment.

Mr. Bailey nominated Bill Young, Michael Shawn Collins, and Shanda Hoskins for reappointment.

Mr. Hendrick nominated David Townsend Haynes for appointment.

**ACTION TAKEN:** Upon a motion made by Mr. White, City Council voted unanimously to close the nominations and accept the nominees, Bill Young, Michael Shawn Collins, and Shanda Hoskins, by acclamation.

Council cast the following votes:

Holly Arakelian received one affirmative vote (Patterson).

David Townsend Haynes received four affirmative votes (Hendrick, White, Bailey, and Kittrell).

By consensus, Council appointed David Townsend Haynes to a new term concluding July 2018.

**F. New Business:**

1) Discussion of a proposed resolution in non-support of the Gaston East-

West Connector also known as the Garden Parkway being placed on the SPOT 4.0 prioritization list to be submitted to the Gaston Cleveland Lincoln Metropolitan Planning Organization (GCLMPO)

Mr. Bailey introduced the matter, stating after attending the recent MPO meeting, it became apparent to him that the Gaston East-West Connector also known as the Garden Parkway project could compete for statewide funding against such projects as the I-85 widening and the completion of the Shelby Bypass at the scoring/ranking level of the process. Mr. Bailey recommended the Gaston East-West Connector/Garden Parkway be removed from the SPOT 4.0 prioritization list and that a resolution be drafted to that effect. He provided the following points for inclusion:

- The Gaston East-West Connector/Garden Parkway has no chance of being approved at the statewide funding level.
- The Gaston East-West Connector/Garden Parkway would compete at the statewide level, possibly, against the completion of the Highway 74 Shelby Bypass and the widening of I-85 from Belmont, North Carolina to the South Carolina state line.
- There would be no detrimental impact to removing the Gaston East-West Connector/Garden Parkway from the SPOT 4.0 process. However, its proponents want it to remain in the SPOT database.

Mr. Scharer stated the GCLMPO closed its public comment period for the SPOT 4.0 candidate project list today, August 3, 2015. He stated the MPO should still be willing and able to accept the proposed resolution in non-support.

**ACTION TAKEN:** Upon a motion made by Mr. Bailey, City Council voted unanimously to approve and adopt a proposed resolution, to be drafted, in non-support of the Gaston East-West Connector also known as the Garden Parkway to be reviewed and signed by the Mayor and ultimately transmitted to the GCLMPO staff.

2) Discussion of the 6 percent wholesale electric rate reduction by ElectriCities of North Carolina to the North Carolina Municipal Power Agency 1 (NCMPA1)

Mr. Bailey introduced the matter, stating he was informed the City of Shelby received a 6 percent wholesale electric rate reduction from ElectriCities in early July 2015. He requested two items for consideration:

- How will the City of Shelby pass on the savings to its customers?



- Will the City of Shelby consider increasing wages in its Electric Department with competitive salaries due to the loss of employees especially linemen?

Mr. Howell responded and confirmed the City of Shelby did receive a 6 percent reduction in wholesale power costs from the Power Agency in July 2015. He explained in the spring of 2015 the Power Agency decided to extend and restructure existing debt. The debt restructuring plan, which closed on July 24, 2015, took place after the City's new fiscal year began, provided for some rate relief for member cities at varying percentages. Mr. Howell stated staff is discussing potential cost savings to customers; however, there are certain issues under consideration to be resolved prior to formulating any recommendation to Council. He added staff is in the process of preparing an Electric System Asset Management Plan to gauge capital needs and costs. It is important and necessary to conduct this assessment of the electric system first rather than reduce or increase electric rates according to the projects identified by the study. Mr. Howell anticipated the timeframe for completion to be January 2016.

#### G. City Manager's Report:

- 1) Mr. Howell provided an update with regard to the Foothills Commerce Center. First, the Mass Grading Project is moving forward in the design phase and will be ready to bid in approximately 60 days.

Next, the Shell Building No. 2 continues to be shown to interested economic development prospects. Mr. Howell is cautiously optimistic it will be sold in the very near future.

Discussion followed about North Carolina not funding incentive programs designed to bring jobs and new businesses to the state. Mayor Anthony and Council agreed legislators need to act or the state will continue to lose companies and jobs.

- 2) With regard to the East Side Elevated Water Tank Project, Mr. Howell said bids will be opened on August 6, 2015. The contract and financing plan for the construction of the 500,000 gallon elevated storage tank will be brought to Council at the next meeting of August 24, 2015.
- 3) Mr. Howell informed Council the Natural Gas Rate Study has been completed. The document and results will be made available for review prior to scheduling a discussion session.

#### H. Council Announcements and Remarks:

- 1) Mayor Anthony encouraged all to attend and participate in the 7<sup>th</sup> Inning Stretch Festival on August 8, 2015 in Uptown Shelby. The festival is the American Legion World Series (ALWS) committee's way to show appreciation to the community and serves as the kickoff to the baseball games beginning August 13, 2015.

The Mayor also invited all to attend and join the Shelby Police Department at National Night Out on August 4, 2015 in Uptown Shelby beginning at 5:30 p.m.

Mayor Anthony expressed his appreciation to Brownie Plaster for providing copies of the August 2015 issue of Charlotte Magazine, featuring Joe DePriest's article, "Around Towns: Shelby".

Mayor Anthony recognized Mayor Max Hopper of Earl, North Carolina in attendance.

- 2) Mr. White said he was very proud of the new brewery, Newgrass, in Uptown Shelby.

Mr. White also mentioned he has received comments about slowing traffic in Uptown Shelby, especially along Lafayette Street.

- 3) Mr. Kittrell congratulated Mr. Hendrick on his return to City Council for a two-year term.

I. Adjournment:

- 1) Motion to adjourn

**ACTION TAKEN:** Upon a motion made by Mr. Bailey, City Council voted unanimously to adjourn the meeting at 6:56 p.m.

Respectfully submitted,

Bernadette A. Parduski, NCCMC, MMC  
City Clerk

O. Stanhope Anthony III  
Mayor