

MINUTES

Regular Meeting
City Hall Council Chamber

March 7, 2016
Monday, 6:00 p.m.

Present: Mayor O. Stanhope Anthony III, presiding; Council Members Eric B. Hendrick, David W. White, David Causby, Dennis C. Bailey, Ben Kittrell, Dicky Amaya; 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 Human Resources Deborah C. (Deb) Jolly, Director of Engineering Services Benjamin (Ben) Yarboro, Police Chief Jeffrey H. (Jeff) Ledford, Fire Chief William P. Hunt, MPA, EFO, Director of Parks and Recreation Charlie Holtzclaw, and Director of Planning and Development Services Walter (Walt) Scharer, AICP

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. Hendrick led the *Pledge of Allegiance*.

A. Approval of agenda:

1) Motion to adopt the proposed agenda

At the request of Mr. Howell, Mayor Anthony announced the addition of Item D-7 under the Consent Agenda as follows:

- Approval of a resolution authorizing sealed bid sale: Resolution No. 9-2016

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

B. Special Presentations:

1) Recognition of Coach Lance Ware and the 2015 Shelby High School Golden Lions Football Team: Resolution No. 78-2015

Mayor Anthony called upon Coach Lance Ware of the Shelby High School Golden Lions Football Team. He commended Coach Ware for not only coaching great football players but for also mentoring these young men.

Next the Mayor formally read and presented framed Resolution No. 78-2015 to Coach Ware on behalf of the Golden Lions as a tribute to their 2015 championship season.

Coach Ware expressed his appreciation to the Mayor and City Council for this recognition as well as to all those who work diligently to bring these championships to the City of Shelby.

2) Presentation of Advanced Law Enforcement Certificate awarded to Shelby Police Detective Christopher David Truett

Mayor Anthony called upon Detective Christopher David Truett. He formally read and presented the Advanced Law Enforcement Certificate awarded by the North Carolina Criminal Justice Education and Training Standards Commission to him. The Mayor noted this Advanced Law Enforcement Certificate is the highest recognition awarded to a law enforcement officer by the State of North Carolina and is earned based on a combination of education, training, and years of experience.

Detective Truett recognized his mother, his wife, and his daughter in attendance.

C. Public Hearing:

1) Consideration of a resolution and order permanently closing a portion of an unopened right-of-way between Easton Drive and Bramblewood Drive: Resolution No. 8-2016

Utilizing a location map of the area, Mr. Scharer pointed to an unopened right-of-way between Easton Drive and Bramblewood Drive referred to as Linda Drive. He stated the property owners adjacent to this unopened right-of-way on Bramblewood Drive have requested that the City permanently close a portion of the unopened right-of-way. Council previously approved a resolution declaring the intent to consider and to conduct a public hearing for the purpose of giving consideration to this proposal. Mr. Scharer further stated the existing subdivision and street were platted before being annexed into the City in the 1990s. The street was never completed by the developer.

During discussion it was noted there is one entrance and access to Easton Drive; however, no road exists between Easton Drive and Bramblewood Drive.

Mayor Anthony opened the public hearing at 6:15 p.m. and invited comments from the public:

Joann Beck who resides at 2408 Bramblewood Drive in Shelby, North Carolina spoke in support of her request to close a portion of the subject right-of-way. Mrs. Beck expressed her concerns about a neighbor on Easton Drive who utilizes the right-of-way for his business to transport an excessive number of vehicles and equipment. She also mentioned equipment and debris is in the right-of-way. If it remains open, Mrs. Beck stated any type of vehicle or equipment will continue to go through the right-of-way.

Roy Spurling who resides at 2409 Easton Drive in Shelby, North Carolina spoke against the proposed right-of-way closure. Mr. Spurling stated he owns several lots in this subdivision, noting the right-of-way has been in existence since the 1950s when all streets were dirt roads. He added if the right-of-way is closed, it would be difficult for him to sell his properties.

Charles Jones who resides at 2412 Bramblewood Drive in Shelby, North Carolina spoke in support of his request to close a portion of the subject right-of-way. Mr. Jones provided a presentation which included a series of photographs taken over an eight-month period depicting various vehicles, equipment, and cones which block the right-of-way. He had views of tire tracks at the end of Bramblewood Drive. Mr. Jones stated his neighbor operates a motorcycle repair shop and construction of buildings has taken place in the area as well. He expressed concerns about visibility and the amount of traffic in and out of this right-of-way, which is unregulated. If the proposed right-of-way closure is approved, the other end of the right-of-way will remain open for use.

Britt Fender who resides at 2407 Easton Drive in Shelby, North Carolina spoke against the proposed right-of-way closure. Mr. Fender stated he uses the right-of-way almost daily due to his business and he has two employees. He has lived on Easton Drive since 1985.

Patricia Sain who resides at 2407 Easton Drive in Shelby, North Carolina spoke against the proposed right-of-way closure. Miss Sain stated she works for Mr. Fender and is his caretaker. She uses the driveway in the right-of-way to pull vehicles out especially when it is not raining. Miss Sain added the construction at Mr. Fender's business is complete.

Mayor Anthony closed the public hearing at 6:30 p.m.

Mr. Howell added these matters are routinely reviewed by City staff and there were no negative comments specific to this right-of-way closure.

Mr. Amaya made a motion to deny Resolution No. 8-2016.

Mr. Howell suggested Council consider amending the “motion to deny” to a “motion to approve” as written and presented.

For clarification purposes, Mr. Amaya withdrew his initial motion to deny and restated his motion.

ACTION TAKEN: Upon a motion made by Mr. Amaya, City Council voted 4 (White, Causby, Bailey, and Amaya) to 2 (Hendrick and Kittrell) to deny Resolution No. 8-2016 entitled, “A RESOLUTION AND ORDER PERMANENTLY CLOSING A PORTION OF AN UNOPENED RIGHT-OF-WAY BETWEEN EASTON DRIVE AND BRAMBLEWOOD DRIVE”.

D. Consent Agenda:

ACTION TAKEN: Mayor Anthony presented the consent agenda. Mr. White 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 February 15, 2016
- 2) Approval of Special Event Permit Application:
 - a. Charity Chase 5K and 10K, requested date: April 30, 2016
- 3) Approval of a resolution honoring the life and memory of Aileen Watson Ford: Resolution No. 6-2016
- 4) Approval of a resolution honoring Ricky Lamar Stafford on the occasion of his retirement from employment with the City of Shelby: Resolution No. 7-2016
- 5) Adoption of Fiscal Year 2015-2016 Budget Ordinance Amendment No. 16: Ordinance No. 11-2016
- 6) Adoption of an ordinance establishing a capital project budget ordinance and budgets for the City of Shelby’s Washburn Switch Business Park Roadway Project: Ordinance No. 12-2016
- 7) Approval of a resolution authorizing sealed bid sale: Resolution No. 9-2016

END CONSENT AGENDA

E. Unfinished Business:

1) Consideration of appointments to City boards and commissions:

a. Shelby Housing and Redevelopment Advisory Board

Mrs. Parduski reported the terms of incumbents, Talmadge Strickland, Derrick Haynes, and Gaye DeVoe, conclude March 2016. All three incumbents wish to continue their service. There is an application from Dr. Kevin Prime on file in the Clerk's Office.

Mr. White nominated Talmadge Strickland and Derrick Haynes for reappointment.

Mr. Bailey nominated Dr. Kevin Prime for appointment.

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

F. New Business: None

G. City Manager's Report:

1) Due to recent water quality issues making national and state news headlines, Mr. Howell reminded Council the Broad River acts as the City of Shelby's secondary emergency raw water intake as a consequence of the Drought of 2002. The Broad River represents a substantial resource and is a valuable asset for the City of Shelby. He also stated it is important to pay attention to what is going on upstream from the City's primary water source, the First Broad River. Mr. Howell cited an example of the Horse Head Corporation's zinc recycling plant in Rutherford County which has received numerous violations for its discharges into the Broad River. With this in mind, Mr. Howell invited Council to attend the North Carolina Department of Environmental Quality's public meeting being held to obtain community feedback on the proposed risk classifications for the inactive coal ash basins at Duke Energy's Rogers Energy Complex formerly known as the Cliffside Steam Station near the Broad River. This public meeting is set for March 14, 2016 at 6:00 p.m. at the Boiling Springs Town Hall. He referred to this meeting as an educational and awareness opportunity for both public and elected officials concerning local water resources.

2) Mr. Howell mentioned TGS Engineers has recently been contracted by the North Carolina Department of Transportation to begin an intersection

improvements study involving Cherryville Road and East Marion Street.

- 3) Mr. Howell also mentioned the City is beginning its routine Uptown Live Oak Maintenance Program in nine phases. Each phase takes approximately two weeks to complete.
- 4) Mr. Howell announced the Certificate of Achievement for Excellence in Financial Reporting has been, once again, awarded to the City's Finance Department by the Government Finance Officers Association of the United States and Canada (GFOA) for its comprehensive annual financial report (CAFR).
- 5) Mr. Howell invited Council to attend the Shelby Police Department's Citizens Police Academy graduation ceremonies on March 10, 2016 at 6:00 p.m. at the George W. Clay, Jr. Utility Operations Center.
- 6) Mr. Howell also invited Council to attend the Shelby Police Department's Promotional Ceremonies on March 11, 2016 at 4:00 p.m. at the Don Gibson Theatre.
- 7) Mr. Howell invited Council to attend the City's Service Awards and Recognition Program on March 24, 2016 beginning at 11:30 a.m. at the Don Gibson Theatre.

H. Council Announcements and Remarks:

- 1) Mayor Anthony mentioned a group of journalists from across the country spent March 5, 2016 with Vice President of Tourism Jackie Sibley-Newton and Cleveland County Commissioner Susan Allen touring Shelby and Cleveland County. The journalists were part of a media tour with Travel South which took place prior to their Annual Travel South Conference in Winston Salem, North Carolina. The Mayor said he received very positive comments and feedback from the group members about Shelby.

I. Adjournment:

- 1) Motion to recess

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to recess and reconvene on March 10, 2016 at 9:45 a.m. at the LeGrand Center, 1800 East Marion Street, Shelby, North Carolina.

The meeting concluded at 7:01 p.m.

Respectfully submitted,

**Bernadette A. Parduski, NCCMC, MMC
City Clerk**

**O. Stanhope Anthony III
Mayor**

Minutes of March 7, 2016