

## MINUTES

Regular Meeting  
City Hall Council Chamber

December 1, 2014  
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, 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, Interim Director of Utilities Julie R. McMurry, Police Chief Jeffrey H. (Jeff) Ledford, Director of Public Works Daniel C. (Danny) Darst, Jr., Director of Parks and Recreation Charlie Holtzclaw, Director of Planning and Development Services Walter (Walt) Scharer, AICP; and Reporter Casey White, The Shelby Star

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

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

**B. Special Presentations:**

- 1) Honoring the life and memory of Robin Wade Hendrick: Resolution No. 57-2014

Mayor Anthony fondly remembered his humble friend, Robin Hendrick, who was a special person beloved by the community. Next the Mayor called upon Marie Hendrick who in turn introduced her daughter, Amy Buttrick, and her son, Kelly Hendrick, along with their respective families, including four grandsons in attendance.

Mayor Anthony formally read and presented the framed resolution honoring the life and memory of Robin Wade Hendrick to Mrs. Hendrick.

On a personal note, Mr. White added: “Robin Hendrick was great but Marie Hendrick is just as great. Without her support, everything Robin did would have been possible. He would have got it done but he would not have done it as well.”

Mrs. Hendrick appreciatively responded to all: “Each one of you has that special someone at home as well.”

2) Recognition of Byron Keith Perkins on the occasion of his retirement from employment with the City of Shelby: Resolution No. 59-2014

Mayor Anthony called upon Mr. Perkins. The Mayor formally read and presented framed Resolution No. 59-2014 to Mr. Perkins. He then presented a shadow box, which displays the key to the City and a replica of a 1984 fire hydrant tag with his hire date, and a City lapel pin to Mr. Perkins in honor of and with heartfelt appreciation for his 30 years of dedicated service to the City of Shelby in both the Water and Sewer Departments.

Humbled by the recognition, Mr. Perkins expressed his appreciation to all.

C. Public Hearing:

1) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina: Ordinance No. 47-2014

Mr. Scharer presented the staff report for the proposed zoning map amendment of 1020 Irvin Street from the current zoning of the Residential 10 (R10) District to the General Business (GB) District. Utilizing a zoning map of the area, he pointed to the subject property which has frontage on East Marion Street and is located within the East Marion Street corridor. Mr. Scharer stated land uses in the area are primarily commercial with a few non-conforming single-family dwellings.

Mr. Scharer further stated this proposed zoning map amendment is technically inconsistent with the City’s Comprehensive Land Use Plan. However, the development patterns in the area are primarily commercial and there is a natural buffer along the Hickory Creek between the established residential area to the south and the subject property.

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

The public offered no comments and Mayor Anthony closed the public hearing at 6:16 p.m.

**ACTION TAKEN:** Upon a motion made by Mr. Amaya, City Council voted unanimously to approve and adopt Ordinance No. 47-2014 entitled, "A PROPOSED ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF SHELBY, NORTH CAROLINA".

**D. Consent Agenda:**

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

- 1) Approval of the Minutes of the Regular Meeting of November 17, 2014
- 2) Approval of a resolution honoring Robert Lee Weaver on the occasion of his retirement from employment with the City of Shelby: Resolution No. 61-2014
- 3) Approval of a resolution in support of Destination Cleveland County and the authorization of a reimbursable appropriation: Resolution No. 62-2014
- 4) Adoption of Fiscal Year (FY) 2014-2015 Budget Ordinance Amendment No. 6: Ordinance No. 48-2014
- 5) Approval of Notice of Cancellation in the Regular Meeting Schedule of Shelby City Council

**END CONSENT AGENDA**

**E. Unfinished Business: None**

**F. New Business:**

- 1) Consideration of an ordinance of the City of Shelby, amending Section 10-132 of Article III of Chapter 10: Ordinance No. 49-2014

Mr. Howell introduced Ordinance No. 49-2014 for Council's consideration. He reminded Council the current sidewalk café ordinance requires the removal of all tables, chairs, and accessories from the sidewalk at the end of each day and at a non-specified date when cafes "cease operation" for the season. These original provisions have not been strictly enforced by the City and it was determined they are not realistic, practical, or business-friendly. If approved, this ordinance amendment provides the following

recommendations:

- It removes the provision that tables, chairs, and other permitted items be removed from the sidewalk daily.
- It removes the requirement that tables, chairs, and other permitted items be removed from the sidewalk café area when they seasonally “cease operation”. It also grants the City Manager the authority and discretion to require the removal of the permitted items if the area is not kept in a clean manner by the permit holder until such a time as the premise meets the intent of the ordinance.

Mr. Howell stated some café operators may still chose to remove tables and chairs at the end of the day or at the end of a season but that they will not be required to do so unless it is determined that they are not maintaining the permitted area in a clean manner. Lastly, this allows café operators to maintain a year round outdoor seating area, allowing their patrons to enjoy the open-air during those periodic, unseasonably warm days that occur from time to time.

Upon questioning, Mr. Howell responded pressure washing of the sidewalks is included as a cleaning provision.

**ACTION TAKEN:** Upon a motion made by Mr. White, City Council voted unanimously to approve and adopt Ordinance No. 49-2014 entitled, “AN ORDINANCE OF THE CITY OF SHELBY, AMENDING SECTION 10-132 OF ARTICLE III OF CHAPTER 10”.

#### G. City Manager’s Report:

- 1) With the departure of Utilities Director Brad Cornwell, Mr. Howell announced Assistant Utilities Director of Administration Julie McMurry has been appointed and will serve as Interim Utilities Director during this time of transition. He added Mrs. McMurry previously served in this capacity in 2005 for 14 months.
- 2) Mr. Howell said bids for the construction of the Foothills Farmers Market Shade (City) Pavilion Project Phase 2 will be accepted and opened by the City on December 18, 2014.
- 3) With regard to the First Broad River Wastewater Treatment Plant Upgrade and Outfall Rehabilitation Projects, Mr. Howell reported progress is continuing, noting January 2016 is within the completion timeframe of the renovations.

- 4) With regard to the Brushy Creek Sewer Project, Mr. Howell mentioned McGill Associates is moving forward with the engineering, design, and permitting aspects of the project while staff continues to seek state and federal grant funding for the construction phase.
- 5) Mr. Howell stated the City Intersection Analysis, totaling 15, as well as the Transportation Asset Management Plan is complete and currently under final review. Staff recommendations and presentations will follow shortly.
- 6) Mr. Howell also stated the City's audit report prepared by Martin Starnes & Associates will be presented to Council at their meeting of January 5, 2015.
- 7) Mr. Howell anticipated awarding the bids for the Foothills Farmers Market Shade (City) Pavilion Phase 2 Project and the City Park Concession Building at the Council meeting of January 5, 2015.

#### H. Council Announcements and Remarks:

- 1) Mayor Anthony announced the Carrousel Christmas will be held on December 6, 2014 from 1:00 p.m. to 6:00 p.m. at Shelby City Park.
- 2) The Mayor reminded Council members to participate in the Shelby Christmas Parade on December 14, 2014.

#### I. Closed Session:

- 1) To approve the Minutes and General Account of the Closed Session of November 3, 2014
- 2) To consult with the City Attorney in order to preserve the attorney-client privilege and to establish or instruct staff concerning the position to be taken by or on behalf of City Council in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease pursuant to North Carolina General Statute 143-318.11 (a) (3) and (5)

**ACTION TAKEN:** Mr. Bailey made a motion to enter into a closed session pursuant to the appropriate North Carolina General Statute as cited. Council consulted with Mr. Yelton who advised that the topic met the statutory requirements for a closed session. The Mayor invited all Council members present and Mr. Howell, Mr. Yelton, and Mrs. Parduski to attend. The motion passed unanimously and Council moved into closed session at 6:30 p.m.

Council returned to the regular session at 7:02 p.m.

**J. Adjournment:**

**1) Motion to adjourn**

**ACTION TAKEN:** Upon a motion made by Mr. Amaya, City Council voted unanimously to adjourn the meeting at 7:03 p.m.

Respectfully submitted,

Bernadette A. Parduski, NCCMC, MMC  
City Clerk

O. Stanhope Anthony III  
Mayor

Minutes of December 1, 2014