

## MINUTES

Regular Meeting  
City Hall Council Chamber

December 19, 2011  
Monday, 6:00 p.m.

**Present:** Mayor O. Stanhope Anthony, III presiding; Council Members Christopher H. (Chris) Mabry, David W. White, Jeanette D. Patterson, Dennis C. Bailey, Joel R. Shores, Jr., Dicky Amaya; City Manager Rick Howell, City Attorney Robert W. (Bob) Yelton, City Clerk Bernadette A. Parduski, MMC, Interim Director of Finance Elizabeth B. (Beth) Beam, CPA, Director of Utilities Brad R. Cornwell, PLS, EI, Police Chief Jeffrey H. (Jeff) Ledford, Fire Chief William P. Hunt, Director of Public Works Daniel C. (Danny) Darst, Director of Planning Services Walter (Walt) Scharer, AICP; and media representatives

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 County Manager David Dear led the *Pledge of Allegiance*.

**A. Approval of agenda:**

- 1) Motion to adopt the proposed agenda

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

**B. Special Presentations:**

- 1) Recognition of retiring County Manager David Dear: Resolution No. 86-2011

Mayor Anthony called upon David Dear. The Mayor formally read and presented framed Resolution No. 86-2011 along with a shadow box which displayed the key to the City and two brass ornaments, City Hall and the Cleveland County Courthouse, to Mr. Dear. Mayor Anthony acknowledged Mr. Dear's length of loyal, dedicated public service; expressed appreciation and gratitude to him as outgoing County Manager; and extended best wishes to him in his future endeavors with continued economic development efforts.

Mr. Dear in turn thanked the City as a whole for its collective partnership in city-county government accomplishments.

- 2) Recognition of Bobby S. Tesseneer on the occasion of his retirement from employment with the City of Shelby: Resolution No. 85-2011

Mayor Anthony called upon Mr. Tesseneer, who recognized members of his immediate and extended family, including fellow firefighters. The Mayor formally read and presented framed Resolution No. 85-2011 to Mr. Tesseneer. He also presented the key to the City, a City lapel pin, and plaque to Mr. Tesseneer in honor of and with heartfelt appreciation for his 27 years of dedicated service to the City of Shelby in the Fire and Rescue Department.

- 3) Presentation of the Certificate of Achievement for Excellence in Financial Reporting awarded to the City of Shelby by the Government Finance Officers Association of the United States and Canada (GFOA) for its Comprehensive Annual Financial Report (CAFR) for the Fiscal Year ended June 30, 2010

Acknowledging 15 years of success, Mayor Anthony was pleased to announce that the Government Finance Officers Association of the United States and Canada (GFOA) awarded the Certificate of Achievement for Excellence in Financial Reporting to the City of Shelby for its Comprehensive Annual Financial Report (CAFR) yet again. The Mayor stated that the Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management. It is a testament to the commitment of past and present management and finance directors as to full public disclosure and communication of the financial condition of the City of Shelby.

Mayor Anthony recognized Mrs. Beam as she accepted the plaque on behalf of the City.

#### C. Public Comment:

- 1) Dick Hamrick who resides at 3023 Dellano Place in Shelby, North Carolina spoke as a representative of the Shelby High School Class of 1962. He made a request that the City consider renaming Academy Street located on the Shelby High School campus to honor former Principal Wayne Caudill who served in that capacity from 1955 to 1970. Mr. Hamrick said this Class of 1962 project has many alumnae supporters who believe Mr. Caudill should be credited with and honored for beginning and building the reputation and tradition of Shelby High School with this appropriate measure.

Mr. Howell referred Mr. Hamrick to Planning Services Director Walter Scharer, who will assist in the street renaming process, pending City

Council approval.

- 2) Rev. John Hayes who resides at 219 Putnam Street in Shelby, North Carolina extended his congratulations to the City's newly elected and seated officials. Rev. Hayes also expressed his appreciation to the Shelby Police Department and to City management for their efforts in addressing several of his concerns on the City's south side. He urged all to work together to solve the issues facing the City, stating it was crucial, in his opinion, to focus on cleaning up the south side. Rev. Hayes mentioned that both Shelby Middle School and Shelby High School are located in the southern portion of the City.

**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. After a second from Mr. White, the consent agenda and following items were unanimously approved:

- 1) Approval of the Minutes of the Regular Meeting of December 5, 2011
- 2) Approval of Special Event Permit Application:
  - a. Cleveland County Branch NAACP Annual Rev. Dr. Martin Luther King Jr. Unity March, requested date: January 16, 2012
- 3) Approval of a resolution fixing a date of public hearing on the question of voluntary annexation of a non-contiguous area upon petition by Owl's Eye Vineyard & Winery, LLC pursuant to NCGS 160A-58.1: Resolution No. 90-2011
- 4) Approval of a resolution accepting property from Eloise Spangler: Resolution No. 91-2011
- 5) Approval of a resolution approving for acceptance, maintenance, and ownership of the sewer extension improvements for Anchor Marine Inc. property (Tax Parcel ID 34251): Resolution No. 92-2011
- 6) Adoption of FY 2011-2012 Budget Ordinance Amendment No. 6: Ordinance No. 56-2011

**END CONSENT AGENDA**

**E. Unfinished Business:**

**1) Consideration of appointments to City advisory boards:**

**a. North Carolina Municipal Power Agency 1 (NCMPA1) Board of Commissioners**

**Mrs. Parduski reminded Council that they may wish to appoint a new Commissioner to the NCMPA1 Board at this time.**

**Mr. Amaya nominated Mayor Anthony.**

**ACTION TAKEN: Upon a motion by Mr. Amaya, second by Mrs. Patterson, City Council voted unanimously to appoint Mayor Anthony as Shelby's Commissioner to the NCMPA1 Board.**

**b. Lake Norman Rural Planning Organization Transportation Advisory Committee**

**Mrs. Parduski reminded Council that they may wish to appoint a new member and a new alternate member to the Lake Norman Rural Planning Organization Transportation Advisory Committee at this time.**

**Mrs. Patterson nominated Mr. Mabry as Shelby's member and Mr. Amaya nominated Mr. White as Shelby's alternate member to the Lake Norman Rural Planning Organization Transportation Advisory Committee.**

**ACTION TAKEN: Upon a motion by Mrs. Patterson, second by Mr. Shores, City Council voted unanimously to appoint Mr. Mabry and Mr. White, respectively, to the Lake Norman Rural Planning Organization Transportation Advisory Committee.**

**c. Isothermal Planning and Development Commission Board of Directors**

**Mrs. Parduski reminded Council that they may wish to appoint a new member to the Isothermal Planning and Development Commission Board of Directors at this time.**

**Mr. Bailey nominated Mr. Amaya.**

**ACTION TAKEN: Upon a motion by Mr. Bailey, second by Mr. Shores, City Council voted unanimously to appoint Mr. Amaya as Shelby's member to the Isothermal Planning and Development Commission Board of Directors.**

**d. Keep Shelby Beautiful (KSB) Commission**

Mrs. Parduski reported that the terms of four incumbents, Steve Roderick, Wiley Smith, Jr., Don Costner, and Sandra Renick, are set to conclude January 2012. All the incumbents wish to continue their service. There is also one longstanding vacancy for a new term concluding January 2015. Currently, there are no applications on file in the Clerk's Office.

Mr. Bailey nominated Steve Roderick, Wiley Smith, Jr., Don Costner, and Sandra Renick for reappointment to new terms concluding January 2015.

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

#### G. New Business:

- 1) Consideration of a resolution authorizing execution of a Contract for Fire Suppression services under automatic aid between the City of Shelby and Cleveland Volunteer Fire Department, Inc. (Gardner Fire District):  
Resolution No. 93-2011

Mr. Howell introduced Resolution No. 93-2011 authorizing a Contract for Fire Suppression Services under Automatic Aid for Council's consideration. He also cited the two previous automatic aid agreements established with the Shanghai Volunteer Fire Department and the Number 7 Township Volunteer Fire Department. He stated the Cleveland Volunteer Fire Department has traditionally responded with the Fire & Rescue Department to emergency events within the City limits. However, there has never been any formal agreement or contractual arrangement between the City of Shelby and the Cleveland Volunteer Fire Department for the provision of services. The proposed contract seeks to formalize this arrangement.

Chief Hunt stated the proposed contract is an automatic aid agreement and will include protective services inside the contiguous City boundaries. The Cleveland Volunteer Fire Department will provide an additional compliment of personnel and resources to that being sent by the Fire & Rescue Department for certain types of fire emergencies. He noted that this contract is separate from any existing local or state mutual aid agreements.

Next Chief Hunt discussed the advantages for entering into the contractual arrangement as follows:

- Provide initial responder services in advance of the arrival of resources from the Fire & Rescue Department in the service area
- Maintain the Insurance Services Office (ISO) rating by providing coverage for the Service Areas within ISO's parameters of one and one

- half road miles for an engine company
- Satisfy the accreditation requirements from the Center for Public Safety Excellence as they apply to automatic aid agreements
- Provide the Fire & Rescue Department flexibility in summoning needed resources to the Service Area
- Continue satisfactory fire and rescue protective services to the Service Area

**ACTION TAKEN:** Upon a motion by Mr. Bailey, second by Mr. Shores, City Council voted unanimously to approve and adopt Resolution No. 93-2011 entitled, “A RESOLUTION AUTHORIZING EXECUTION OF A CONTRACT FOR FIRE SUPPRESSION SERVICES UNDER AUTOMATIC AID BETWEEN THE CITY OF SHELBY AND CLEVELAND VOLUNTEER FIRE DEPARTMENT, INC. (GARDNER FIRE DISTRICT)”.

- 2) Consideration of an ordinance establishing a capital project ordinance and budgets for the City of Shelby’s Mall Area Lift Station Project: Ordinance No. 57-2011

Mr. Howell introduced Ordinance No. 57-2011 for Council’s consideration. He provided background information on the City’s ownership and operation of a lift station referenced as the Mall Sewer Lift Station, which is in dire need of replacement. This lift station has recently experienced significant failures and is in danger of complete failure at the present time. Mr. Howell stated the lift station is approximately 30 years old now and the expected life of such a structure is usually 20 to 25 years given the extremely harsh environment. The station serves the area of the Cleveland Mall, the motels surrounding the Cleveland Mall, numerous area restaurants, and the Kensington Gardens, which is a residential community north of the mall.

Mr. Howell then explained it is imperative that the City proceed with the engineering, design, and permitting of a replacement lift station as soon as possible. City staff has done an excellent job nursing the existing facility along, but at this point, replacement is the next logical step. If approved, the proposed project budget ordinance would appropriate only the funding necessary for the engineering work necessary to move this project to the bid stage. Mr. Howell stated these funds would be appropriated from reserve. Currently, the City does not have adequate reserves to construct this project; therefore, an alternative funding source, most likely the future issuance of debt, will be necessary.

Discussion followed. Mr. Howell concluded by stating the most economical sense from the City’s standpoint is to construct a new lift station south of US Highway 74 across from the current Mall Sewer Lift Station and to include the abandonment of it as well as the Mulls Lift Station. This would eliminate

ongoing maintenance needs for two lift stations into one as well as the combination of operating expenses (power and water) for the new lift station.

**ACTION TAKEN:** Upon a motion by Mrs. Patterson, second by Mr. White, City Council voted unanimously to approve and adopt Ordinance No. 57-2011 entitled, "AN ORDINANCE ESTABLISHING A CAPITAL PROJECT ORDINANCE AND BUDGETS FOR THE CITY OF SHELBY'S MALL AREA LIFT STATION PROJECT".

### 3) Preliminary discussion re: City Council's Annual Retreat

Mayor Anthony opened the discussion regarding City Council's 2012 annual retreat. Acknowledging that in the past City Council retreats have varied in content and focus, the Mayor stated his preference for narrowing the meeting points to possibly three to five issues to allow for in-depth discussions. Mayor Anthony proposed Council initially identify the dates for the retreat and then provide specific direction to Mr. Howell in order for him to develop the retreat agenda.

Mr. Howell added that it is very helpful to him and staff to have this advance notice of the issues so that management can have adequate time to prepare the appropriate presentations.

Council discussed and ultimately proposed the retreat dates of February 10, 2012 beginning at 10:30 a.m. and February 11, 2012 beginning at 8:00 a.m. The location is yet to be determined.

Mayor Anthony reminded Council members to consider attending the School of Government's two-day course, Essentials of Municipal Government, scheduled for January 25-26, 2012 in Asheville, North Carolina.

## H. City Manager's Report:

- 1) Mr. Howell said the City has received its draft Phase II Stormwater Permit. Currently staff is reviewing the draft permit in order to submit comments on any changes that need to be made. Once the final permit is approved, the City will have to begin the proper implementation of the Stormwater Plan.
- 2) With regard to the City's curbside recycling service, Mr. Howell stated the City has surpassed 3,100 signups for recycling carts. The new rollout recycle carts will be delivered to local residences beginning this week.

Upon questioning, Mr. Howell explained that each of the new recycle carts will be equipped with a small, radio frequency identification, or RFID, chip.

The City planned to pay for the carts with a \$75,000 State grant and one of the key requirements for getting the grant is that the recycle carts must be equipped with the RFID chips. Mr. Howell stated the RFID chips are harmless devices that serve as a participation tracker and management tool. The primary goal is education and to largely focus recycling education efforts on neighborhoods that are not participating.

Both Mr. Howell and Mr. Darst clarified questions about acceptable plastic recyclables and lids (Numbers 1-7), loose recyclables (not bagged), and contaminated loads. Mr. Howell requested Council to share the feedback about recycling provided by citizens.

**I. Council Announcements and Remarks:**

- 1) Mrs. Patterson complimented Chief Hunt and his staff on the Christmas decorations at the Grover Street Fire Station.

Mrs. Patterson wished all a Merry Christmas and Happy New Year.

- 2) Mr. Amaya announced he is a proud grandfather of Anabel Elyse who was born during this Council meeting.
- 3) Mr. Mabry, Council liaison to the Community Relations Council, mentioned the current status and future of this advisory board as a possible City Council retreat discussion.
- 4) Mr. White mentioned he enjoyed riding in the Christmas parade with Mayor Anthony.
- 5) Mayor Anthony complimented Mr. Darst and the Public Works Department for their prompt clean up of the City streets after the Shelby Christmas parade on December 18, 2011.

The Mayor announced the Carolina Thread Trail Community Open House on Thursday, January 12, 2012, from 4:30 p.m. to 7:00 p.m. at the Aquatics Conference Room, Shelby City Park.

Mayor Anthony reminded Council to attend the annual Rev. Dr. Martin Luther King, Jr. Unity March and program on January 16, 2012 at 10:30 a.m. which begins at the Cleveland County Law Enforcement Center and concludes at the Malcolm Brown Auditorium at Shelby High School.

Mayor Anthony concluded the meeting by wishing all a Merry Christmas and a Happy New Year.



**J. Adjournment:**

**1) Motion to adjourn**

**ACTION TAKEN:** Upon a motion by Mr. Shores, second by Mr. Mabry, City Council voted unanimously to adjourn the meeting at 7:10 p.m.

**Respectfully submitted,**

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

**O. Stanhope Anthony III  
Mayor**

**Minutes of December 19, 2011**