

MINUTES

Regular Meeting
City Hall Council Chamber

February 4, 2019
Monday, 6:00 p.m.

Present: Mayor O. Stanhope Anthony III, presiding; Council Members Eric B. Hendrick, David W. White, David Causby, Violet Arth Dukes, Charles Webber, and Dicky Amaya; City Manager Rick Howell, ICMA-CM, City Attorney Robert W. (Bob) Yelton, City Clerk Bernadette A. Parduski, Director of Finance Justin S. Merritt, MPA, Director of Human Resources Deborah (Deb) Jolly, Director of Energy Services Julie R. McMurry, Director of Water Resources David W. Hux, Director of Engineering Services Benjamin (Ben) Yarboro, 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, and Director of Planning and Development Services Department 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. White the *Pledge of Allegiance*.

A. Approval of agenda:

- 1) Motion to adopt the proposed agenda

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

B. Special Presentation:

- 1) Presentation of Advanced Law Enforcement Certificate awarded to Shelby Patrol Officer Brandon Todd Spangler

Mayor Anthony called upon Patrol Officer Brandon Todd Spangler. Officer Spangler recognized members of his immediate family, his mother, father, wife, and daughter, as well as his fellow officers and co-workers in attendance. The Mayor formally read and presented the Advanced Law Enforcement Certificate awarded by the North Carolina Criminal Justice Education and Training Standards Commission to Officer Spangler, adding his congratulations.

Referring to a career milestone, the Mayor noted this Advanced Law Enforcement Certificate is the highest recognition awarded to a dedicated

law enforcement officer by the State of North Carolina. It is earned based on a combination of education, professional training, and on-the-job experience as exemplified by Officer Spangler.

C. 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 January 7, 2019
- 2) Approval of a resolution adopting a Classification and Pay Plan for the City of Shelby, North Carolina: Resolution No. 9-2019
- 3) Adoption of Fiscal Year 2018-2019 Budget Ordinance Amendment No. 6: Ordinance No. 8-2019
- 4) Approval of a resolution approving the contract for the performance of the City of Shelby's annual audit and preparation of financial statements for the Fiscal Year ended June 30, 2019: Resolution No. 10-2019
- 5) Approval of a resolution approving a financing agreement authorized by North Carolina General Statute 160A-20: Resolution No. 11-2019
- 6) Approval of a resolution awarding the bid for relocation of electric lines at Joe's Lake Road intersection: Resolution No. 12-2019
- 7) Approval of a resolution adopting the City of Shelby Water Shortage Response Plan as submitted to the North Carolina Division of Environmental Quality: Resolution No. 13-2019
- 8) Adoption of Fiscal Year 2018-2019 Budget Ordinance Amendment No. 7: Ordinance No. 9-2019
- 9) Approval of a resolution awarding the contract for the City of Shelby Stormwater Infrastructure Assistance Program project at 1586 Kings Road in Shelby, North Carolina: Resolution No. 14-2019
- 10) Approval of a resolution awarding the contract for the City of Shelby Stormwater Infrastructure Assistance Program project at 705 Hanover Drive in Shelby, North Carolina: Resolution No. 15-2019

END CONSENT AGENDA

D. Unfinished Business:

1) Consideration of appointments to City advisory boards and commissions:

a. Shelby Cleveland County Regional Airport Advisory Board

Mrs. Parduski reported the terms of four incumbents, Richard Fletcher, Eric Bester, Paul Hounshell, Jr., and Billy Wright, conclude February 2019. All of the incumbents are seeking reappointment to this board.

There is one application on file in the Clerk's Office:

- **Richard Baker, Jr.**

Mr. Amaya nominated Richard Fletcher, Eric Bester, Paul Hounshell, Jr., and Billy Wright for reappointment.

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

2) Consideration of an ordinance amending the Code of Ordinances, City of Shelby, North Carolina, by revising Chapter 38, Article 1, Section 38-3. Residential Collection Services: Ordinance No. 10-2019

Mr. Howell introduced Ordinance No. 10-2019 for Council's consideration. In response to concerns and complaints, he recommended an amendment to Section 38-3 for residential collection services which proposes residential refuse containers be placed at curbside prior to collection and be removed on the same day of scheduled collection. Mr. Howell added any resident of the City who violates the provisions of this ordinance is subject to the enforcement set forth in Section 38-4, as appropriate.

ACTION TAKEN: Upon a motion made by Mrs. Arth Dukes, City Council voted unanimously to approve and adopt Ordinance No. 10-2019 entitled, "AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF SHELBY, NORTH CAROLINA, BY REVISING CHAPTER 38, ARTICLE 1, SECTION 38-3. RESIDENTIAL COLLECTION SERVICES".

E. New Business:

1) Consideration of an ordinance amending the City of Shelby's Schedule of Fees to include a fee schedule for Hanna Park: Ordinance No. 11-2019

Mr. Holtzclaw introduced Ordinance No. 11-2019 for Council’s consideration. He stated the City of Shelby has an adopted fee schedule for facility rentals at all of its existing parks. Hanna Park will be opened for public use in the spring of 2019. In addition to six multi-purpose sports fields, six picnic shelters and one large picnic pavilion are included in the park. Mr. Holtzclaw added all of these facilities will be offered to the public for rental to host sporting events, family and corporate gatherings, and more. He requested and recommended approval of the updated Parks and Recreation fee schedule to include the facilities at Hanna Park.

ACTION TAKEN: Upon a motion made by Mr. Amaya, City Council voted unanimously to approve and adopt Ordinance No. 11-2019 entitled, “AN ORDINANCE AMENDING THE CITY OF SHELBY’S SCHEDULE OF FEES TO INCLUDE A FEE SCHEDULE FOR HANNA PARK”.

F. City Manager’s Report:

- 1) Mr. Howell encouraged Mayor Anthony and Council members to register and attend the North Carolina League of Municipalities 2019 Town & State Dinner on February 20, 2019 at the Raleigh Convention Center in Raleigh, North Carolina.**
- 2) Mr. Howell announced the Shelby State of the Community Breakfast hosted by the Cleveland County Chamber will be held on March 21, 2019 at 7:30 a.m., Don Gibson Theatre.**
- 3) Mr. Howell expressed his appreciation to Mayor Anthony and City Council for the time well spent at their annual retreat on Saturday, February 2, 2019.**

G. Council Announcements and Remarks:

- 1) Mayor Anthony encouraged Council members to attend the following:**
 - Cleveland County Rescue Mission’s Annual Celebrate Hope Banquet on Friday, March 15, 2019, at 5:30 p.m., The LeGrand Center**
 - Salvation Army Appreciation Dinner on Thursday, February 28, 2019, at 6:00 p.m., The LeGrand Center**
- 2) Mr. Amaya shared that his mother will celebrate her 95th birthday later this month.**

- 3) **Mr. Webber invited all to attend a benefit concert in honor of his late daughter, Faith, on Sunday, February 10, 2019, at 3:00 p.m., Malcolm Brown Auditorium at Shelby High School. The family will accept donations to fund a scholarship program in her name.**

H. Closed Session:

- 1) **To discuss matters relating to the location or expansion of industries or other businesses in the area served by the City Council, including agreement on a tentative list of economic development incentives that may be offered pursuant to North Carolina General Statute 143-318.11 (a) (4)**

ACTION TAKEN: Mr. Amaya made a motion to enter into a closed session pursuant to the appropriate North Carolina General Statutes as cited. Mayor Anthony consulted with Mr. Yelton who advised the topic met the statutory requirements for a closed session. The Mayor invited all Council members present along with Mr. Howell, Mr. Yelton, and Mrs. Parduski to attend. The motion passed unanimously and Council moved into closed session at 6:19 p.m.

Council returned to the regular session at 6:49 p.m.

I. Adjournment:

- 1) **Motion to adjourn**

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to adjourn the meeting at 6:50 p.m.

Respectfully submitted,

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

**O. Stanhope Anthony III
Mayor**

Minutes of February 4, 2019