

MINUTES

**Regular Meeting
Don Gibson Theatre**

**November 16, 2020
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 Andrew Hopper, Sr.; City Manager Rick Howell, MPA, ICMA-CM, Assistant City Manager Justin S. Merritt, MPA, City Attorney Andrea Leslie-Fite, City Clerk Bernadette A. Parduski, Public Information and Communications Officer Chip Nuhrah, Director of Finance Elizabeth B. (Beth) Beam, CPA, Assistant Director of Finance Sam Clark, Police Chief Jeffrey H. (Jeff) Ledford, Fire Chief William P. Hunt, MPA, EFO, Director of Planning and Development Services Walter (Walt) Scharer, AICP, Stan Lowery, Executive Director, Don Gibson Theatre; and Jennipher H. Harrill, Social Media Manager, Blue Eyes Social Media Connections

Mayor Anthony called the meeting to order at 6:00 p.m. and certified a quorum was present. It was noted a location for public access to the meeting was established at the Don Gibson Theatre. A maximum of 25 persons would be allowed to attend, following the current Executive Orders of Governor Cooper and the North Carolina Department of Health and Human Services COVID-19 guidelines.

The Mayor delivered 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 Roderick Wood on the occasion of his retirement from employment with the City of Shelby: Resolution No. 42-2020**

Mayor Anthony called upon Roderick (Rod) Wood. The Mayor formally read and presented framed Resolution No. 42-2020 to Mr. Wood. He then presented a shadow box, which displays the key to the City and various keepsakes, and a City lapel pin to him in honor of and with heartfelt appreciation for his 30.5 years of dedicated service within the Utilities, Customer Services, and Finance Departments of the City of Shelby.

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

2) Honoring Mark Steven Swink on the occasion of his retirement from employment with the City of Shelby: Resolution No. 48-2020

Mayor Anthony called upon Mark Steven Swink. Mr. Swink recognized his wife, Jennifer, and daughter, Gabrielle, in attendance. The Mayor formally read and presented framed Resolution No. 48-2020 to Mr. Swink. He then presented a plaque, the key to the City, and a City lapel pin to him in honor of and with heartfelt appreciation for his 28.5 years of dedicated service in the Sewer Plant and Field Operations Divisions of the Water Resources Department of the City of Shelby.

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

C. Public Comment: None

D. Public Hearing:

1) Consideration of a resolution granting a Special Use Permit to Tube Enterprises at Railroad Avenue: Resolution No. 51-2020

Mayor Anthony provided instructions as to the quasi-judicial process. To find facts, Council conducts a formal evidentiary hearing. Due process mandates that all parties must present evidence under sworn testimony. Each finding, requested to be stated by the speaker, must be supported by competent, material, and substantial evidence, not unsupported allegations, inadmissible hearsay, or lay opinions. Council must make findings of fact and then apply the existing laws and policies to those facts to arrive at a decision. The information provided by Mr. Scharer within the agenda packet is to be considered evidence to be factored in as part of the decision-making policy.

Mayor Anthony opened the public hearing at 6:14 p.m. and sworn testimony was given as follows:

Mr. Scharer introduced Resolution No. 51-2020 and the Special Use Permit request by Tube Enterprises Inc. He stated City Council previously approved the Conditional Use Zoning Map Amendment in September 2020. The subject property is currently zoned Light Industrial – Conditional Use (LI-CU) and is eligible for the proposed Special Use Permit.

Mr. Scharer further stated that Tube Enterprises Inc. has proposed a Special Use Permit on this property in order to expand its operations and include improved parking facilities. The applicant is also proposing a sign on the lot with the proposed drive and parking area.

Mayor Anthony closed the public hearing at 6:15 p.m.

Having heard all the evidence and arguments presented at the hearing, Council found and determined the application is complete and concluded that all the standards of the City's Unified Development Ordinance have been met.

ACTION TAKEN: Mr. Hendrick made a motion to approve and adopt Resolution No. 51-2020 entitled, "A RESOLUTION GRANTING A SPECIAL USE PERMIT TO TUBE ENTERPRISES INC. AT RAILROAD AVENUE", based on the findings found in ATTACHMENT A.

The vote was unanimous.

E. Consent Agenda:

Mayor Anthony presented the consent agenda. Mr. Hopper moved to approve the consent agenda and following items were unanimously adopted:

- 1) Approval of the Minutes of the Regular Meeting of November 2, 2020
- 2) Adoption of Fiscal Year (FY) Budget Ordinance Amendment No. 4: Ordinance No. 33-2020
- 3) Adoption of Fiscal Year (FY) Budget Ordinance Amendment No. 5: Ordinance No. 34-2020
- 4) City of Shelby's Carolina Thread Trail Project – First Broad River Pedestrian Bridge and Trail Repairs:
 - a. Adoption of a budget ordinance amendment for the City of Shelby's Carolina Thread Trail Project: Ordinance No. 35-2020
 - b. Approval of a resolution approving the City of Shelby First Broad River Pedestrian Bridge and Trails Repairs Contract between the City of Shelby and Blue Ridge Trail Works Inc.: Resolution No. 52-2020

F. Unfinished Business: None

G. New Business: None

H. City Manager's Report:

- 1) Mr. Howell reported the City of Shelby had eleven (11) discharges of untreated wastewater on November 12, 2020 due to a significant rain event which began on November 11, 2020. He explained the primary factor in the City's sanitary sewer overflows is hydraulic overload, which overwhelms the system. Mr. Howell stated staff will continue to evaluate

the issues for solutions on a short-term basis through engineering analysis and on a long-term basis by updating of the 2011 Water and Sewer Asset Management Plan. He will be providing further information.

- 2) Mr. Howell announced it is Fall leaf season in Shelby. He authorized overtime on Saturdays for the Public Works crews to get caught up with removing the leaves, especially before the Thanksgiving holiday.
- 3) Mr. Howell informed Council the City of Shelby has requested Statements of Qualification from qualified firms to provide professional civil engineering services to update its Transportation Asset Management Plan. He stated the current plan is approximately seven years old and progress has been made during this time frame. However, it is time to update the document previously prepared in 2015. Following a recommendation by City staff, the final selection of a qualified engineering consultant will be made by City Council.
- 4) Regarding the West Marion Street Streetscaping Project, Mr. Howell reported the construction activities are complete, acknowledging the investment in the community by TGS Engineers as developer and owner of the building at 201 West Marion Street.
- 5) Regarding the Job Ready Industrial Shell Building No. 3 Project, Mr. Howell reported the construction activities including painting, roofing, grading, and interior work are progressing with completion anticipated by early 2021. He stated there has been interest in this building as well as at the Randolph Road property by prospective economic development clients.

I. Council Announcements and Remarks:

- 1) Mayor Anthony suggested and discussed the possibility of City Council returning to an electronic meeting on December 7, 2020.

By consensus, City Council decided to conduct an electronic meeting on December 7, 2020, acting to limit the spread of COVID-19 in the community.

- 2) Mr. White requested an update regarding the Town of Kingstown and the City of Shelby's agreement to operate and treat Kingstown's sewer system with a past due balance for those services. Mr. Howell responded the City of Shelby continues to work with both the Town of Kingstown and the Local Government Commission to resolve the matter.
- 3) Mayor Anthony and Council members collectively wished all a Happy Thanksgiving holiday.

J. Adjournment:

1) Motion to adjourn

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to adjourn the meeting at 6:31 p.m.

Respectfully submitted,

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

**O. Stanhope Anthony III
Mayor**

Minutes of November 16, 2020