

MINUTES

**Regular Meeting
Don Gibson Theatre**

**April 5, 2021
Monday, 6:00 p.m.**

Present: Mayor O. Stanhope Anthony III, presiding; Council Members David W. White, 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, 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

Absent: Council Members Eric B. Hendrick and David Causby

Mayor Anthony called the meeting to order at 6:00 p.m. It was noted Council returned to and will continue in-person meetings at the Don Gibson Theatre in accordance with the current Executive Orders of Governor Cooper and the North Carolina Department of Health and Human Services (NCDHHS) COVID-19 guidelines, until further notice.

The Mayor delivered the invocation and Mrs. Fite 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 Presentation:

- 1) Recognition of B. Doyle McSwain on the occasion of his retirement from employment with the City of Shelby**

Mayor Anthony called upon Billy Doyle McSwain. Mr. McSwain recognized his father, wife, and son, along with members of his Fire and Rescue Department family, in attendance. The Mayor formally read and presented framed Resolution No. 9-2021 to Mr. McSwain. He then presented a shadow box, which displays various career keepsakes, and the City key and lapel pin to him in honor of and with heartfelt appreciation for his 32 years of dedicated service within the Fire and Rescue Department of the City of Shelby.

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

C. Public Hearing:

- 1) Consideration of an ordinance to extend the corporate limits of the City of Shelby, North Carolina: Ordinance No. 12-2021

Mr. Scharer introduced Ordinance No. 12-2021 for Council's consideration. He stated Jason Lowery of North Point Custom Builders has submitted a voluntary annexation petition for property owned by Riverbend Acres, Inc. The site consisting of 92.25 acres is contiguous near the Riverbend Golf Course and is being considered for a residential development. Mr. Scharer further stated the property meets the statutory requirements for annexation and is noncontiguous with the current corporate limits. This request was reviewed for compliance with City policy, which along with State law, requires the City to be able to serve the similar services to the proposed annexation parcel as it provides to the existing City limits.

Mayor Anthony opened the public hearing at 6:08 p.m. and invited comments from the public.

The public offered no comments.

Mayor Anthony closed the public hearing at 6:09 p.m.

ACTION TAKEN: Upon a motion made by Mr. Webber, City Council voted unanimously to approve and adopt Ordinance No. 12-2021 entitled, "AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF SHELBY, NORTH CAROLINA".

D. Consent Agenda:

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

- 1) Approval of the Minutes of the Regular Meeting of March 15, 2021
- 2) Approval of a resolution supporting the passage of legislation in the General Assembly of North Carolina: Resolution No. 21-2021
- 3) Approval of a resolution honoring Amy Edmonson Fredell on the occasion of her retirement from employment with the City of Shelby: Resolution No. 22-2021

- 4) Adoption of Fiscal Year (FY) 2020-2021 Budget Ordinance Amendment No. 9: Ordinance No. 13-2021
- 5) Adoption of Fiscal Year (FY) 2020-2021 Budget Ordinance Amendment No. 10: Ordinance No. 14-2021
- 6) Approval of a resolution adopting the City of Shelby's Community Development Block Grant Programs for April 2021 through April 2024: Resolution No. 23-2021
- 7) Adoption of an ordinance authorizing demolition of a dwelling: Ordinance No. 15-2021

E. Unfinished Business:

- 1) Consideration of appointments to City advisory boards and commissions:
 - a. Alcoholic Beverage Control (ABC) Board

Mrs. Parduski reported that due to the departure of Chair Carl Dockery for health reasons, a vacancy for the unexpired term concluding April 2022 on this board was created.

The term of incumbent, David Schweppe, concludes April 2021. Mr. Schweppe wishes to continue his service and is seeking reappointment to this board.

Applications on file in the Clerk's Office include:

- Kevin Karner
- Peter Potemkin
- James Phillip Reid
- Jeffrey Yates

City Council as the appointing authority shall designate one member of the local board as Chair.

Mr. Hopper nominated James Phillip Reid for appointment to the unexpired term concluding April 2022.

ACTION TAKEN: Upon a motion by Mr. White, City Council voted unanimously to close the nominations and accept the nominee for appointment by acclamation.

Mr. White nominated the incumbent, David Schweppe, for reappointment.

ACTION TAKEN: Upon a motion by Mr. White, City Council voted unanimously to close the nominations and accept the nominee for reappointment by acclamation.

Mayor Anthony discussed Council's appointment of the ABC Board Chair position, suggesting the matter be continued to a future Council meeting. By consensus, Council agreed to consider the matter on May 3, 2021.

Mrs. Parduski expressed the City's appreciation to Carl Dockery for his many years of service to the Shelby ABC Board, sending collective best wishes to him as well.

F. New Business: None

G. City Manager's Report:

- 1) Mr. Howell echoed Mrs. Parduski's comments about longstanding member and Chair of the Shelby ABC Board, Carl Dockery, by extending his good wishes to him.
- 2) Mr. Howell reported the City of Shelby had three discharges of untreated wastewater on March 25 and 26, 2021 during the heavy rain event. These discharge locations were at Linton Barnette Drive, Hanover Drive, and Randolph Road. He will be providing further information.
- 3) Mr. Howell discussed and summarized House Bill 401/Senate Bill 349 entitled, "Increasing Housing Opportunities". The bill proposes to provide reforms to local government zoning authority to increase housing opportunities and to make various changes and clarifications to the zoning statutes. Specifically, the bill enacts changes to mandate local governments to allow all middle housing types, defined to include residential duplexes, triplexes, quadplexes, and townhouses, in areas zoned for residential use. The bill will also mandate local governments to allow the development of at least one accessory dwelling unit. Mr. Howell expressed concerns about this bill and will provide Council with further details.
- 4) Mr. Howell mentioned work on the Bobby Bell mural will begin shortly. He credited Mayor Anthony and Chip Nuhrah with obtaining permission from the National Football League Hall of Fame and the Kansas City Chiefs for the use of their logos on this mural.
- 5) Mr. Howell mentioned Senate Bill 41 and House Bill 24, which would add the City of Shelby to the list of municipalities exempted from the 10 percent area cap on voluntary satellite annexations, has cleared the Senate and is anticipated to be approved by the House of

Representatives, as it moves through the North Carolina General Assembly.

- 6) Mr. Howell announced the City submitted a pre-application request to the North Carolina Industrial Development Fund Utility Account for the Randolph Road Industrial Park Project in the amount of \$750,000. The funds are requested to construct a new sewer lift station with generator and will be designed and constructed in such a way to allow for future service extensions to industrial development on the site. The grant request will be for \$562,500 with a \$187,500 in local matching funds equally shared between the City of Shelby and Cleveland County.
- 7) Mr. Howell confirmed City Council's annual planning retreat is scheduled for Saturday, April 17, 2021, beginning at 8:00 a.m., at the Earl Scruggs Center.

H. Council Announcements and Remarks:

- 1) Council further discussed House Bill 401/Senate Bill 349. By consensus, Council agreed to have a resolution prepared by staff stating their position in opposition to the proposed reforms to their zoning authority.
- 2) Mayor Anthony requested an announcement and/or press release be prepared by staff regarding the activities to be held in recognition of Bobby Bell including the mural project and his Shelby visit to be scheduled in the fall of 2021.
- 3) Mr. Webber expressed his appreciation to Chip Nuhrah for agreeing to be interviewed as a Public Relations professional by his niece, who is a Public Relations student at North Carolina A & T State University.

I. Adjournment:

- 1) Motion to adjourn

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to adjourn the meeting at 6:32 p.m.

Respectfully submitted,

Bernadette A. Parduski, NCCMC, MMC
City Clerk

**O. Stanhope Anthony III
Mayor**

Minutes of April 5, 2021