

MINUTES

**Regular Meeting
Don Gibson Theatre**

**November 1, 2021
Monday, 6:00 p.m.**

Present: Mayor O. Stanhope Anthony III, presiding; Council Members Eric B. Hendrick, David W. White, David Causby, Violet Arth, and Andrew Hopper, Sr.; City Manager Rick Howell, MPA, ICMA-CM, 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, Director of Human Resources Deborah C. (Deb) Jolly, 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, and 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 Member Charles Webber

Mayor Anthony called the meeting to order at 6:00 p.m. and delivered the invocation.

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. 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 October 18, 2021

2) Approval of Special Event Permit Applications:

a. Pinnacle Classical Academy's Homecoming Parade, requested date: December 3, 2021

b. Uptown Shelby Carriage Rides, requested dates: November 26, December 3, December 10, and December 17, 2021

- c. **Shelby Christmas Parade, requested date: December 19, 2021**
- 3) **Approval of a resolution honoring Eric Byron Hendrick for his service to the City of Shelby: Resolution No. 63-2021**
- 4) **Approval of a resolution authorizing a lien release pursuant to North Carolina General Statute Chapter 44A-21.13: Resolution No. 64-2021**
- 5) **Management Reports:**
 - a. **Monthly Financial Summary – September 2021**
 - a. **Planning and Development Monthly Summary – September 2021**

C. Unfinished Business: None

D. New Business:

- 1) **Consideration of a resolution authorizing the execution of an Interlocal Agreement for sewer connection with Cleveland County Water: Resolution No. 65-2021**

Mr. Howell introduced Resolution No. 65-2021 for Council’s consideration. As background information, he stated Cleveland County Water (CCW) has purchased a tract of land at 715 Polkville Road between Grover Street and the new Highway 74 Bypass with plans in place to build a new operations center for relocation from its existing location in Lawndale. The Polkville Road location is currently located within the Extraterritorial Jurisdiction (ETJ) of the City; however, gravity sewer is not available without a major extension to the Brushy Creek Outfall from the Walmart Lift Station. Cleveland County Water has requested to connect to the force main located along Highway 226 (Polkville Road). It should be noted that the Interlocal Agreement would allow connection to the existing 8-inch sewer force main beyond the last air release valve. Previously, that sewer project was designed to serve the Town of Kingstown’s collection system. By policy, the City does not allow any connection to the force main in order to prevent decreases in operational reliability, which can threaten the integrity of the system as a whole.

Mr. Howell further stated staff has reviewed this request and has considered it in efforts to serve another governmental entity and because Cleveland County Water is located within the Extraterritorial Jurisdiction. Based upon the projected flow amounts and the ability to permit such connection through the State of North Carolina Division of Water Quality, the City has reviewed and agrees to allow this connection with the stipulation that Cleveland County Water agrees to an Interlocal

Agreement with the City. With this agreement, Cleveland County Water would bear all responsibility of design, construction, and operations/maintenance of this private connection in accordance with City and State guidelines.

ACTION TAKEN: Upon a motion made by Mr. Hendrick, City Council voted unanimously to approve and adopt Resolution No. 65-2021 entitled, “A RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT FOR SEWER CONNECTION WITH CLEVELAND COUNTY WATER”.

2) Consideration of a resolution adopting the City of Shelby Standard Details: Resolution No. 66-2021

Mr. Howell introduced Resolution No. 66-2021 for Council’s consideration. If approved, the resolution would adopt the referenced document “City of Shelby Standard Details” for use by management and staff in implementing City policy and ordinances. He stated the “Details” set forth the guidelines and requirements for the design and construction of projects, especially facilities that are publicly owned or are proposed to be publicly dedicated within the City’s jurisdiction.

Next, Mr. Yarboro stated the City of Shelby maintains a set of Standard Details that set forth the general guidelines and requirements for design and construction of projects within the City limits and the Extraterritorial Jurisdiction (ETJ). The purpose of these standards is to establish a level of quality and consistency in construction. These Standard Details, combined with inspections of construction projects, increase the longevity and function of development in Shelby.

Mr. Yarboro further stated the Standard Details must be periodically updated to reflect changes in construction practices, materials, and applicable regulations. The City’s existing Standard Details were adopted by City Council in November 2009 and replaced previous Standard Details that were adopted in April 2000. In 2017, City staff began reviewing the existing Standard Details and identifying changes that were necessary. Engineering staff worked closely with the other City departments over the last several months to develop these proposed Standard Details and ensure that they met their needs and provided as much guidance as possible for our citizens, developers, contractors, engineers, and architects.

Mr. Yarboro added the proposed Standard Details include details that address the following areas of construction:

- Engineering
- Stormwater

- Water
- Sewer
- Natural Gas
- Electric

Mr. Yarboro concluded with it is important to note that these updated Standard Details will better assist developers in the preparation of design plans, allowing for a more efficient design and review process.

ACTION TAKEN: Upon a motion made by Miss Arth, City Council voted unanimously to approve and adopt Resolution No. 66-2021 entitled, “A RESOLUTION ADOPTING THE CITY OF SHELBY STANDARD DETAILS”.

E. City Manager’s Report:

- 1) Mr. Howell mentioned he is anticipating several retirements from key positions in 2022. Although the City will lose talent, knowledge, and experience, he views these changes as an opportunity to evaluate the organization, to undergo a succession planning process, and to reorganize departments. Mr. Howell will provide more details about these changes in early 2022.
- 2) Mr. Howell reminded Council the City of Shelby and Mountain BizWorks established the Shelby1Fund to provide rapid financial assistance to small businesses in Shelby that had been impacted by the COVID-19 crisis. He plans to evaluate and provide recommendations regarding the future of the emergency loan program.
- 3) Regarding the 2017 Comprehensive Classification and Pay Plan for City employees, Mr. Howell reported Phase 1 in 2018, Phase 2 in 2019, and Phase 3 in 2021 of the pay plan have been implemented. Currently, approximately one-third of the City positions are under review and will be evaluated for market rate increases due to be implemented on July 1, 2022. Further information about Year 2 positions and Year 3 positions and the recommendations regarding this phase of the pay plan will be shared in the near future.
- 4) Mr. Howell announced he has been nominated for a seat on the ElectriCities of North Carolina Board of Directors and the election, among the 19 cities of the North Carolina Municipal Power Agency 1 (NCMPA1), will be held on November 16, 2021.
- 5) Mr. Howell informed Council the City submitted a successful application to the North Carolina Civil Rights Trail Marker Program and received its Civil Rights Marker for installation. The marker recognizes the sit-in protests by Cleveland High School students that took place along East Warren Street

in February 1960. The site located at 104 East Warren Street was known as Smith's Drug Store and is currently known as the Buffalo Creek Gallery. The installation of the marker and a ceremony will be scheduled in the near future.

- 6) Regarding the matter between the Town of Kingstown and the City of Shelby for past due sewer operations, Mr. Howell reported the City of Shelby continues negotiations through the Local Government Commission of the North Carolina Department of the State Treasurer to resolve this issue and to settle this past due amount.

F. Council Announcements and Remarks:

- 1) Mayor Anthony urged voters to vote on Election Day, November 2, 2021, and to favorably consider the City of Shelby Street and Sidewalk Improvement Bonds Referendum on the ballot.
- 2) Council members collectively reminded voters to vote on Election Day and to consider the importance of the City of Shelby Street and Sidewalk Improvement Bonds Referendum.

G. Closed Session:

- 1) To approve the Minutes and General Account of the Closed Session of March 2, 2020
- 2) To approve the Minutes and General Account of the Closed Session of April 19, 2021
- 3) To approve the Minutes and General Account of the Closed Session of June 21, 2021
- 4) 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) (5)

ACTION TAKEN: Mr. White made a motion to enter a closed session pursuant to the appropriate North Carolina General Statute as cited. Mayor Anthony consulted with Mrs. Fite who advised the topic met the statutory requirements for a closed session. The Mayor invited all Council members present along with Mr. Howell, Mrs. Fite, and Mrs. Parduski to attend. The motion passed unanimously, and Council moved into closed session at 6:33 p.m.

Council returned to the regular session at 7:15 p.m.

H. Adjournment:

1) Motion to adjourn

ACTION TAKEN: Upon a motion made by Mr. Hendrick, City Council voted unanimously to adjourn the meeting at 7:21 p.m.

Respectfully submitted,

Bernadette A. Parduski, NCCMC, MMC
City Clerk

O. Stanhope Anthony III
Mayor

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