

MINUTES

**Regular Meeting
City Hall Council Chamber**

**April 4, 2022
Monday, 6:00 p.m.**

Present: Mayor O. Stanhope Anthony III, presiding; Council Members David Causby, Violet Arth, Charles Webber, and Andrew L. Hopper Sr.; City Manager Rick Howell, MPA, ICMA-CM, City Attorney Andrea Leslie-Fite, Interim City Clerk Carol Williams, Public Information and Communications Officer, Chip Nuhrah, Director of Finance Elizabeth B. (Beth) Beam, CPA, Director of Human Resources, Deborah (Deb) Jolly; Fire Chief, William P. Hunt, MPA, EFO; Chief of Police Jeffrey H. (Jeff) Ledford, Director of Water Resources, David Hux; Director of Planning and Development Services Walter (Walt) Scharer, AICP, and Jennipher H. Harrill, Social Media Manager, Blue Eyes Media Connections

Absent: Council Members David W. White and Emilie Bullock

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

Council member Charles Webber led the Pledge of Allegiance.

A. Approval of agenda:

- 1) Motion to adopt the proposed agenda**

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

B. Special Presentations:

- 1) Uptown Shelby Association (USA) update - Audrey Whetten Godfrey, Executive Director**

Mrs. Godfrey began her presentation by stating that she appreciated the opportunity to highlight some of the events from 2021 and share plans for 2022. She recognized David Royster, a board member and past president of Uptown Shelby Association and stated that the board of Uptown Shelby Association appreciates the support they and other non-profit organizations receive from the City.

Mrs. Godfrey presented a few highlights:

- Uptown Shelby Association is proud to be named a Main Street America Accredited program. This is a national recognition that means USA has met a set of National Accreditation Standards of Performance.
- Mrs. Godfrey is pleased to announce the new Community Engagement Manager, Kaitlyn McNeilly, to coordinate marketing, events, and volunteer program. She started in January and is off to a fantastic start.
- Shelby has been featured in several travel blogs recently, including being named as one of the “Adorable Hallmark Christmas Destinations in North Carolina”. Also, there is an article in *Charlotte is Creative* about Shelby being a great day trip destination.

Mrs. Godfrey presented a few plans and events for 2022:

- After being involved in many projects in the recent years with the City (Uptown murals, and the streetscape construction) USA has decided to focus internally. They currently only have two full-time staff members, Mrs. Godfrey and Ms. McNeilly, so this is a good time to strengthen the foundation of the organization. A few things they are focusing on are:
 - Expanding the volunteer program to help with projects
 - Strategic alignment with community partners such as, the City of Shelby, the Earl Scruggs Center, the Farmers Market, the Don Gibson Theater, the Arts Council and others
 - Business recruitment
 - Developing and implementing a strategic marketing plan to attract visitors to the area
- This week Uptown Shelby Association and the Cleveland County Arts Council are co-hosting the Art Walk on Thursday, April 7th
- Second Saturdays kick-off this Saturday, April 9th
- Shelby Alive Concert Series has been expanded for five months this year

C. Consent Agenda:

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

- 1) Approval of the Minutes of the Regular Meeting of March 21, 2022
- 2) Approval of City of Shelby’s Application for United States Department of Transportation Rebuilding American Infrastructure

with Sustainability and Equity (RAISE) Grant Program:
Resolution No. 26-2022

- 3) Approval of a Resolution Authorizing the Selection of REI Engineers, Inc., Based on Qualifications for Architectural Design for City Hall Roof Replacement Project: Resolution No. 27-2022
- 4) Management Reports:
 - a. Monthly Financial Summary – February 2022
 - b. Planning and Development Monthly Summary – February 2022

D. Unfinished Business:

None

E. New Business:

- 1) Resolution Authorizing Approval to Submit Grant Applications for State of North Carolina ARPA Funds for Water Resources Planning Projects: Resolution No. 28-2022

Mr. Howell presented Resolution No. 28-2022 for Council's consideration. If approved this would authorize the City Manager to execute and file an application for grant funding on behalf of the City to NCDEQ. This funding is through appropriations that have been made by North Carolina General Assembly through the American Rescue Plan Act (ARPA). Mr. Howell further stated that this grant funding could be up to \$400,000 for additional planning for improvements in the Water and Sewer system, including:

- Water and Wastewater Plant Asset Management Inventory and Tracking
- Water and Wastewater Treatment Plant Capacity Modeling and Rating
- Collection System Outfall Surveying and Modeling
- Short-term and long-term system planning recommendations

Mr. Howell stated he did not believe there is a required match for the grant funding.

Mayor Anthony stated that this appears to be more modeling and planning

projects, not construction. Mr. Howell responded that is correct.

Mr. Hux explained that our Wastewater Treatment Plant is rated at a certain flow and what the City wants to look at is if we can get more wastewater through the plant and improve the plant without having to go through extensive upgrades. It would require a computer hydraulic modeling of the treatment plant. Mr. Hux further explained that the Water Treatment Plant is rated for 12 million gallons per day and the City wants to see operational alternatives to understand exactly where improvements are needed for future upgrades.

Mr. Howell added that the treatment plants are rated at 6 million gallons/day for wastewater and 12 million gallons/day for water. The ratings have to be verified, so conducting this planning will help us understand if the existing ratings are true and if there are ways to expand capabilities without spending capital money.

Mayor Anthony clarified that approving this resolution would allow the City to apply for the ARPA grants available. Mr. Howell responded that is correct.

ACTION TAKEN: Upon a motion made by Mr. Causby, City Council voted unanimously to approve and adopt Resolution No. 28-2022 entitled, "A RESOLUTION AUTHORIZING APPROVAL TO SUBMIT GRANT APPLICATIONS FOR STATE OF NORTH CAROLINA ARPA FUNDS FOR WATER RESOURCES PLANNING PROJECTS".

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

a) Shelby-Cleveland County Regional Airport Advisory Board

Mrs. Williams reported the terms of three incumbents, Dicky Amaya, Stephen Jones and Jim Robinson, concluded February 2022. All three incumbents wish to continue their service on this board.

The applications on file in the Clerk's Office include the following:

- Robert Farrow
- Matthew Albinger

Mr. Causby nominated Dicky Amaya and Stephen Jones, for reappointment and Robert Farrow for appointment.

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

3) FIRST READING: An Ordinance Amending Chapter 30 of the City of Shelby Code of Ordinances: Ordinance No. 20-2022

Mr. Howell presented Ordinance No. 20-2022 for consideration as a first reading stating Mrs. Leslie-Fite has prepared this ordinance in response to legislation previously passed by the General Assembly.

City Attorney Leslie-Fite reported that this is an update and review of our Code of Ordinances in response to the changes to N.C.G.S. 160A-175. Prior to this update, all City ordinances were deemed misdemeanors if violated. This statute (160A-175) updates the verbiage such that if a municipality wants an ordinance to be a misdemeanor, each section has to be enumerated. Ordinance No. 20-2022 is the first of several that will be brought to Council to review our ordinances and update each section to either criminalize or decriminalize certain ordinances. Mrs. Leslie-Fite stated that Chapter 30 was a miscellaneous, broad range of topics that were most critical. Subsequent amendments will be coming forward to Council in the future. The status quo will remain on other ordinances until each section can be approved and updated by Council.

Mrs. Leslie-Fite stated that this is a First Reading for review and discussion. Mrs. Leslie-Fite further stated that Council can vote on this tonight, but a second reading will be brought before Council on April 18th and a vote can be taken at that time.

Ms. Arth requested for more elaboration on Section 30-4 – Skating. She stated that it seemed very broad. Mrs. Leslie-Fite read Section 30-4 and further explained it's meaning.

Mr. Hopper stated it's a safety issue because in some cities skating has gotten out of hand, skateboarding especially, and pedestrians are put in harms way. Mr. Hopper further stated that some sort of consequences would be appropriate in such cases.

Mr. Webber asked City Attorney Leslie-Fite to give an example of the punishment handed out to these misdemeanors. Mrs. Leslie-Fite replied that the misdemeanor language ties back to N.C.G.S. 14-4 which criminalizes these types of violations as a Class III Misdemeanor which is usually a \$50 fine or suspended sentence. Mr. Webber further inquired if these ordinances and penalties were comparable with what other cities similar in size to Shelby were doing. Mrs. Leslie-Fite responded that it is consistent, and she would be glad to provide that type of data to Council at the next meeting.

Ms. Arth commented that her daughter was Uptown skating just a month ago. She stated that she knew her daughter's skating and reckless skateboarding were two different things, but the Ordinance was very broad.

Mayor Anthony requested City Attorney Leslie-Fite to bring back more information to the next meeting and Council can decide on any revisions necessary.

Mr. Howell stated that Council should look at these ordinances in the context of enforcement and there will be discretion and interpretation given upon enforcement. He further elaborated that Mr. Hopper's example of reckless skateboarders is much different than a young lady skating on the sidewalk. A certain amount of discretion will need to be applied in terms of enforcement.

Mayor Anthony stated he was concerned about Sections 30-73 and 30-74 which relate to discharging firearms, air rifles, firebombs and Molotov cocktails being only misdemeanors.

Mrs. Leslie-Fite explained:

- This Ordinance amendment gives the City enforcement powers, but there are also General Statutes that can punish these offenses as felonies.
- General Statute 160A-175 gives the City power to take action on these offenses, even if the State of North Carolina declines.

Mr. Howell stated that these ordinances are outdated, and the wording may be somewhat different than what modern language is today. Mrs. Leslie-Fite stated the City is taking this opportunity to update these ordinances; further stating that some of the ordinances have not been revised since the 1980s.

By consensus, Council decided not to vote on Ordinance 20-2022 at this time and requested Mrs. Leslie-Fite to provide more information at the Second Reading set for April 18th.

F. City Manager's Report:

- 1) Regarding the Carl Spangler trail and newly reconstructed Suspension Bridge – a Dedication is scheduled for April 30th at 10:00am. Representatives from Carolina Thread Trail plan to attend.
- 2) Regarding Budget Workshops – Council to consider meeting at lunchtime on May 3rd, 4th and 5th. Mr. Howell hopes to have the budget adopted at the

June 6th meeting, with a Public Hearing scheduled in late May.

- 3) Regarding Phase IA of the Rail Trail - bid opening will be April 28th.
- 4) Regarding Depot Park - Request for Qualifications for Engineering and Design will be going out this week or early next week to move that project forward.
- 5) Regarding the Shelby Aquatics Center - bid opening on May 13th
- 6) Regarding Bulky Item Week – pick up will be the week of April 11th – 14th. Mr. Howell expressed to Council the concern that many people put their bulky items out weeks ahead of time. This is unappealing and becomes a safety issue. Mr. Howell encouraged people to not put their items out until the night before their collection day.
- 7) Regarding Shell Building #4 – Hickory Construction will be mobilizing and onsite the end of April or first of May.
- 8) Regarding T-Hangar #4 – Steel erection is mostly complete, and the project should be done by the end of May.
- 9) Regarding personnel notifications – The City hired Water and Sewer Resources Manager Brian Wilson from the City of Newton; Julie McMurry will be retiring on May 27th; and Karen Wilkins will be retiring June 30th.

G. Council Announcements and Remarks:

- 1) Mayor Anthony stated he was concerned with the number of retirements the City is experiencing.
- 2) Mr. Hopper stated he hoped everyone would be wearing their Carolina blue tonight and pulling for the Tarheels in the National Championship game.
- 3) Mr. Webber stated that it was good to see the City was getting quality staff coming from other cities instead of us losing employees to other cities.
- 4) Ms. Arth commented that Julie McMurry and Karen Wilkins will be sorely missed. She reminded everyone that the student Art Show starts this Thursday and the Art Walk will be Uptown as well.

H. Adjournment:

1) Motion to adjourn

ACTION TAKEN: Upon a motion made by Ms. Arth, City Council voted unanimously to adjourn the meeting at 6:36 p.m.

Respectfully submitted,

**Carol Williams
Interim City Clerk**

**O. Stanhope Anthony III
Mayor**

Minutes of April 4, 2022