

MINUTES

**Regular Meeting
City Hall Council Chamber**

**May 2, 2022
Monday, 6:00 p.m.**

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

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

Mrs. Bullock led the Pledge of Allegiance.

A. Approval of agenda:

- 1) Motion to adopt the proposed agenda**

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

B. Consent Agenda:

Mayor Anthony presented the consent agenda. Ms. Arth asked for clarification from City Attorney Leslie-Fite as to whether Ms. Arth needed to recuse herself from voting due to being an employee of the Cleveland County Arts Center which is the the host of Art of Sound. Mrs. Leslie-Fite advised Ms. Arth that she did not need to recuse herself due to the fact that there is no monetary impact on approving the festival. Ms. Arth then moved to approve the consent agenda and the following items were unanimously adopted:

- 1) Approval of the Minutes of the Regular Meeting of April 18, 2022**
- 2) Approval of Special Event Applications:**
 - a. Art of Sound Festival, requested dates: June 24 – 25, 2022**
 - b. 7th Inning Stretch - Road to Hope 5K, requested date: August 6, 2022**

c. Newton's Karate 5K Fun Run, requested date: September 24, 2022

3) Management Reports:

a. Monthly Financial Summary – March 2022

C. Unfinished Business:

None

D. New Business

1) Resolution Ratifying the Appointment of the City Clerk: Resolution No. 34-2022

Mr. Howell presented Resolution No. 34-2022 for Council's consideration. Mr. Howell began by stating that if approved this Resolution would ratify Carol Williams as the new City Clerk. Mr. Howell reminded Council that after the retirement of former City Clerk Bernadette Parduski, Council authorized Mr. Howell to proceed with the hiring process in the similar fashion as hiring the City Attorney. Mr. Howell stated that after the interview process Mrs. Williams was presented to him as the choice of our next City Clerk. Mr. Howell moved forward with the appointment and ratification by Council is now required. Mr. Howell commented that Mrs. Williams is qualified and capable to perform the City Clerk duties.

Mayor Anthony stated that it seemed like a fair process with several applicants, and the Mayor and Council members congratulated Mrs. Williams.

ACTION TAKEN: Upon a motion made by Mr. Causby, City Council voted unanimously to approve and adopt Resolution No. 34-2022 entitled, "A RESOLUTION RATIFYING THE APPOINTMENT OF THE CITY CLERK"

2) An Ordinance Establishing a Capital Project Ordinance and Budgets for the City of Shelby's Substation 10 Copper Line Replacement Project: Ordinance No. 23-2022

Mr. Howell presented Ordinance No. 23-2022 for Council's consideration. Mr. Howell began by stating that this Ordinance is a project budget Ordinance that if approved would appropriate \$732,000 from the net retained earnings within the Electric Fund. This money would be used towards the replacement of the old copper lines that are found in our system. Mr. Howell further stated that copper is a great conductor but when aged it becomes brittle and more prone to damage. The copper wires will be replaced with larger aluminum conductor wire that is more affordable and easier to handle by electric line workers. Mr. Howell said this is the first of four phases of reconductoring that the City will do over the next four years as a result of the 2016 Electric Distribution System Planning

study. Mr. Howell said this study identified capital projects for repairs and system improvements.

Mr. Howell stated that Director of Energy Services Julie McMurry was available if any other questions specifically about the project.

Mayor Anthony reminded Council that our City Electric system was 100 years old as of yesterday, May 1st, 2022. Mayor Anthony stated that this is the type of improvements necessary to continue our electric service.

Ms. Arth inquired if the City could recoup some money on the scrap copper wiring. Mrs. McMurry responded that it is possible. Mr. Howell stated that the City usually builds that into the contract. Mrs. McMurry further stated that the lead time in acquiring parts takes so long, therefore, staff decided to adopt the budget ordinance first and the bid award will be at a later date.

ACTION TAKEN: Upon a motion made by Mr. Webber, City Council voted unanimously to approve and adopt Ordinance No. 23-2022 entitled, "AN ORDINANCE ESTABLISHING A CAPITAL PROJECT ORDINANCE AND BUDGETS FOR THE CITY OF SHELBY'S SUBSTATION 10 COPPER LINE REPLACEMENT PROJECT"

3) FIRST READING: An Ordinance Amending Chapter 4 of the City of Shelby Code of Ordinances: Ordinance No. 24-2022

City Attorney Leslie-Fite presented Ordinance No. 24-2022 for consideration as a first reading of Chapter 4 of the City of Shelby Code of Ordinances that involves animals. Mrs. Leslie-Fite stated this is a First Reading for review and discussion. Mrs. Leslie-Fite further stated that Council can vote on this tonight, or it can be brought before Council on May 16th for a Second Reading and a vote taken at that time.

Mr. Webber asked for clarification about whether the City has a position classified as an Animal Control officer. Mr. Howell explained that the City contracts with Cleveland County on enforcement of the City's leash law. The City also adopted the County's animal control ordinance by reference for enforcement of all other offenses identified and State law.

Ms. Arth asked whether the County law enforcement officers or the City police officers are responsible for enforcement. Mr. Howell responded the City officers would be enforcing the offenses; however, the County has updated their animal control ordinance so similar offenses could be enforced by both County and City.

Mr. Hopper mentioned that since the City joined with the County on this issue it has worked great.

By consensus, Council decided to table Ordinance 24-2022 at this time and will take a vote on this Ordinance at the Second Reading on May 16th, 2022.

E. City Manager's Report:

- Regarding Phase IA of the Rail Trail – The second bid opening is scheduled for Friday, May 6th, 2022. Only one bidder submitted at the initial bid opening
- Regarding Shell Building #4 – Hickory Construction is scheduled to mobilize the week of May 9th with grading beginning shortly thereafter. Completion date is set for February 2023.
- Regarding Depot Park – the Request for Qualifications are due Thursday, May 12th.
- Regarding City Park Aquatics Center – bids for the renovation project are due Friday, May 13th.
- Regarding Phase 1 of the Transportation Asset Management Plan (TAMP) – implementation will begin in early July. The City will be spending approximately \$2.8 million of the \$10 million street improvement bonds passed by voters last November for street resurfacing.
- Regarding County Home Road – Request for Qualifications to replace the connector road between the frontage road and Kings Road will be issued soon with a goal to have the project ready for construction in January 2023. This time frame is in sync with the completion of the new SECU and demolition of the old structure.
- Regarding T-Hangar #4 – this project should be complete by Friday, May 6th. The 10 available spaces will be occupied very soon after completion. Staff continues to work to find grant funding as unspent monies become available from other airports.
- Regarding the Fiber Optic Study – this study is complete and will be reviewed by Mr. Howell and staff soon. Since around 2003 the City has had an internal fiber loop that connects a variety of internal systems. This study will help the City develop a plan for necessary upgrades.
- Mr. Howell also stated that beginning in June/July he would like to initiate

a monthly presentation by city staff to Council on a variety of issues that face the City. Mr. Howell believes that adequate background information is important to give to Council when making decisions on certain issues. He gave examples of:

- ElectriCities/ NC Municipal Power Agency 1
 - Proposed Residential Development
 - Space Needs Assessments for City Facilities
- Regarding Shell Building # 4 – There continues to be a good amount of interest in this building project.
 - Mr. Howell asked Council about the possibility of delaying the Budget Workshops that were scheduled for May 3rd, 4th and 5th to May 10th, 11th, and 12th, from 12:00 – 1:30 in Council Chambers. By consensus, Council agreed to delay these meetings.
 - Mr. Howell reminded Council of the Chamber of Commerce Legislative Breakfast scheduled for May 23rd.
 - Mr. Howell stated that at the next Council meeting there will be a Closed Session for land acquisition discussion.
 - Mr. Webber asked Mr. Howell about the land between the Fairfield Inn and the current State Employees Credit Union, and whether the City owned that property or if any plans were in place. Mr. Howell answered that the new roadway will go through the current SECU property and there is a portion on the hotel side that will remain SECU property. There is another parcel where the old County Home Road was located, and staff has a new hotel project in review at this time.

F. Council Announcements and Remarks:

Mayor Anthony thanked staff for their hard work in planning the dedication event of the Carl Spangler Trail event last Saturday.

Mayor Anthony reminded everyone that Thursday, May 5th is the National Day of Prayer, and the Council Chambers will be open from 12:00 – 12:30.

Mayor Anthony also reminded everyone that Thursday, May 5th is the Peace Officers Memorial ceremony at 11:00am and at 1:00pm the Road to Hope bicycle riders will be leaving from the Don Gibson Theater.

Mr. Hopper was excited to announce that the United States Army's Golden Knights Parachute team was organized in 1959 and this team has been

recognized as the premier parachute team in the world for many years. Mr. Hopper said the parachute team was arriving many thousand feet up and landing at the Golden Lion's den at Shelby High School during the American Legion World Series. Mr. Hopper introduced Mr. Robert Farrow, an American Legion World Series planning member, to give more details about the parachute team coming to Shelby. Mr. Hopper said he was interested in doing a tandem jump with the team, but his family vetoed that idea. Mr. Farrow stated that in addition to the Golden Knights parachute team, the ALWS also plans for three Vietnam era war planes to flyover before the Thursday, Friday and Saturday games. Mr. Farrow also announced that on August 6th Josh Turner will be performing Uptown. Mr. Farrow further stated that a local native of Cleveland County, Sgt. First Class Houston Creech is currently on the Golden Knights parachute team and hopes he's one of the jumpers sent to this event.

Mr. Webber saluted Mr. Hopper on his work on getting the parachute team here in Shelby for the ALWS. Mr. Webber also stated that he enjoyed being a part of the Carl Spangler Trail dedication this past Saturday.

Mr. Causby was excited to announce that for the first time in 765 days there are no COVID patients in our local hospital.

Mr. White asked for a show of hands from Council as to how many have been called about the Cleveland County Recycling Center closing in Uptown Shelby. All members of Council responded they have been approached. Mr. White further asked for clarification from Mr. Howell that is it correct that the City owns the land, and the County owns the facility. Mr. Howell responded that is correct, the City owns the land but any equipment that is there is owned by the County. Mr. Howell further explained that there has never been a formal lease with the County, and that the County has never formally offered the facility to the City. Mr. Howell stated that he had a conversation with the County Manager, Brian Epley, and during that conversation Mr. Howell said that if running the facility didn't make sense for the County, why would it make sense for the City to run it. Mr. Howell further stated that there has been no formal offer from the County to the City about this recycling facility and any assertion otherwise is something that Mr. Howell is not aware of.

Mayor Anthony stated that the County has created a perception in the community that they offered the facility to the City. Ms. Arth agreed. Mr. Hopper commented that one of the County Commissioners said they were getting some flack from the community, so Mr. Hopper believes the Commissioners initiated this idea that the City was offered the recycling facility to deflect that flack.

Mr. Howell gave some background on the County recycling facilities. He

stated that years ago when the manned recycling centers were established in the County someone thought it was a good idea to have a facility in the city limits for city residents to use for recycling. The City had the location available and with a handshake deal the uptown recycling center started operation. Mr. Howell further commented that it's a bit of a mystery as to how the other recycling centers in the County are remaining operational, but the County Commissioners felt the need to close the City location. Mr. Howell reiterated that there has not been a formal offer from the County to the City for the City to assume operation of the recycling facility. Mr. Howell also declared that the City is not equipped with the trucks necessary to haul off the recyclables.

Mr. Howell also noted that in the 1990's the County initiated a solid waste fee and a recycling fee on County tax bills. The name of the fee has changed and the fee itself has increased over the years. Mr. Howell wondered if the County would do away with the fee for City residents since the City facility is now closed.

Mr. Webber asked if a communication campaign would be necessary to set the record straight. Mr. Howell stated that communication with the County could be possible. Mr. White shared that one Commissioner mentioned to him that maybe the City and County could go 50/50 on the uptown facility. Mayor Anthony expressed that Council table this discussion for now but to give some thought on what direction to proceed. Mayor Anthony thought that getting the facts out to the community is important. Mayor Anthony reiterated that City Council was never asked about taking over the operation of the uptown recycling facility and that the County made the decision to close the facility without consulting with City Council.

Ms. Arth stated that she has reminded people that there is a company in Shelby that you can contract with that will come to your house to pick up recycling at the curb. Ms. Arth also extended her congratulations to Mrs. Williams on her new appointment as City Clerk.

Mrs. Bullock also extended her congratulations to Mrs. Williams, and kidded Mr. Hopper that he should jump with the parachute team.

Mr. Howell concluded by stating that as a son of a career Air Force sergeant he has never understood why the Army wants to jump out of perfectly good airplanes. Mr. Hopper laughingly responded because it's there.

G. Adjournment:

1) Motion to adjourn

ACTION TAKEN: Upon a motion made by Ms. Arth, City Council voted unanimously to adjourn the meeting at 6:33 p.m.

Respectfully submitted,

**Carol Williams
City Clerk**

**O. Stanhope Anthony III
Mayor**

Minutes of May 2, 2022