

MINUTES

Regular Meeting
City Hall Council Chamber

October 3, 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, Assistant City Manager Benjamin (Ben) Yarboro, City Clerk Carol Williams, Deputy City Clerk Breanna Jones, 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, Interim Director of Public Works Scott Black, 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 allow Mr. Hopper permission to leave City Council meeting around 6:40 p.m.

ACTION TAKEN: Upon a motion by Mr. White, City Council voted unanimously to approve Mr. Hopper permission to leave early.

- 2) Motion to adopt the agenda as presented.

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

B. Special Presentations:

- 1) Recognition of Steven Maurice Seate on the occasion of his retirement from employment with the City of Shelby.

Mayor Anthony called upon Captain Steven Seate. The Mayor formally read and presented framed Resolution No. 45-2022 to Capt. Seate. He then presented a key to the City along with a City lapel pin in honor of and with heartfelt appreciation for his years of dedicated service to the Shelby Police Department.

Humbled by the recognition, Capt. Seate recognized his wife in attendance and stated he appreciated all the support and opportunities the City gave him

through the years. He particularly thanked Chief Ledford for being a great leader of the Police Department.

- 2) Recognition of Julie Reynolds McMurry on the occasion of her retirement from employment with the City of Shelby.

Mayor Anthony called upon Julie McMurry. The Mayor formally read and presented framed Resolution No. 59-2022 to Mrs. McMurry. He then presented a custom shadowbox in honor of and with heartfelt appreciation for her 30+ years of dedicated service to the City of Shelby.

City Manager Rick Howell recognized Mrs. McMurry as well as being the first Department Director to retire since he became City Manager in 2005. Mr. Howell expressed examples of Mrs. McMurry's willingness to be a team player, how she was always reliable and up to the task that was asked of her.

Humbled by the recognition, Julie McMurry recognized her husband, brother and sister-in-law in attendance. Mrs. McMurry stated she is "pro-Shelby" and appreciated all the support and opportunities the City gave her through the years. She further stated Mr. Howell trusted her in times that she didn't even trust herself.

- 3) Recognition of Assistant Chief David Vanhoy graduate of the National Fire Academy's Executive Fire Officer Program.

Mayor Anthony called upon David Ryan Vanhoy. The Mayor formally read the Executive Fire Officer certificate and presented it to Mr. Vanhoy. Mayor Anthony expressed the City is honored to have a recipient of this certificate in our City.

Chief Vanhoy recognized his wife, Kelly Vanhoy, and thanked her for her support and encouragement during his studies. Chief Vanhoy explained the extensive program, courses, and research papers involved in obtaining this designation.

Chief Vanhoy thanked Chief Hunt for his leadership. He further stated that in North and South Carolina there are only about 145 to obtain the Executive Fire Officer certificate, and only three from Cleveland County to receive this certificate.

Chief Vanhoy concluded by saying he appreciated the support of the City administration, the opportunity, and the investment to obtain this certification. He hopes to pay the investment back to the City for many years.

- 4) Charlie Holtzclaw, Director of Parks and Recreation facility usage and tournaments update.

Mr. Holtzclaw thanked City Council and the City Manager for the opportunity to present an update. Mr. Holtzclaw stated there are two sides to his department: the program side (the pool, the golf course, the classes), and the facility usage side (the events, and tournaments). Mr. Holtzclaw highlighted the following that pertain to the facility usage/tournaments:

- **Shelby City Parks are Cleveland County's #1 Visitor Attraction**
- **City Parks Special Events**
 - **Merry Go Round Festival**
 - **Independence Day Fireworks Extravaganza**
 - **Cleveland County Sports Hall of Fame**
 - **Senior Games**
 - **Carrousel Christmas**
 - **Easter Egg Hunts**
 - **Valentines Day at the Carrousel**
 - **Holly Oak Park Reunion**
 - **Juneteenth at Holly Oak Park**
 - **Movie Nights at the Aquatics Center and Amusements**
 - **Golf Tournaments**
- **Rental Events**
 - **Shelby Parks and Recreation facilities are rented 800 to 1000 times annually ranging from small birthday parties to large corporate events. People from North Carolina, Virginia, Maryland, Georgia and Rhode Island are a few examples of people that have rented our facilities.**
 - **Top Summer Rentals:**
 - **Holly Oak Park Activity Center – 65**
 - **Hanna Park Dogwood Shelter – 56**
 - **Hanna Park Magnolia Shelter – 51**
 - **Hanna Park Cherry Shelter – 39**
 - **Holly Oak Park Picnic Shelter – 33**
 - **City Park Civitan Shelter – 32**
 - **City Park Jaycee Shelter – 27**
 - **Hanna Park Crepe Myrtle Shelter – 25**
 - **Hanna Park Elm Shelter – 22**
 - **City Park Gym – 17**
 - **Bobby Bell Pavilion – 14**
 - **Holly Oak Park Gym – 12**
 - **Major Annual Rental Events:**
 - **Shelby Alive**
 - **DCC & USA Events at Bobby Bell Pavilion**
 - **GCCBA Greatest Treat Festival**
 - **Donald McCluney Karate Tournament**
 - **Academy of Performing Arts Dance Recital**
 - **Walmart Distribution Employee Appreciation**
- **Sporting Events**

- 37 Weekend Baseball and Softball Tournaments
- 4 Weekend Soccer Tournaments
- 2 Weekend Swim Meets
- Teams mainly come from North Carolina, South Carolina, Virginia, Georgia and Tennessee

Mr. Holtzclaw continued his presentation by giving the annual number of sporting events/spectators that come to the City of Shelby and use the sporting facilities, but he acknowledged these figures are conservative:

- Number of Tournaments/Events annually – 43
- Number of Teams – 750
- Number of Players/Swimmers – 12,000
- Number of Spectators – 23,000
- Total Number of Visitors to Shelby – 35,0000

Mr. Holtzclaw announced future sporting events that are on the calendar:

- Oct 15 – 16 Carolina Champions League (82 soccer matches on Saturday and Sunday)
- December 1 – 2 Alliance Soccer Showcase (college coaches come to watch high school soccer players)
- March 11 – 12, April 2, May 13-14 – another Carolina Champions League
- July 20 – 23 – Tarheel Leagues Girls' State Softball Tournament
- GCCSA Tournaments TBD
- Cleveland Cup 5K – October 14
- Cleveland County Rescue Mission Fun Run October 21
- C.A.R.E 5K and Fun Run November 19

Mr. Holtzclaw bragged about the facilities the City of Shelby provides and thanked City Council for their continued support in providing and maintaining these fields and parks.

Mr. Holtzclaw announced that the Cleveland County Sports Hall of Fame is getting an update with an electronic display. This update is funded by the Hall of Fame and is really going to be a great addition to the lobby at City Park.

Mr. Holtzclaw concluded by declaring the Keys to Ongoing Success:

- Awesome facilities
- Commitment to Maintaining
- Dedicated Staff and Outstanding Customer Service – Mr. Holtzclaw stated he's very proud of his staff. They have brought new ideas and enthusiasm to the Parks and Recreation department
- Promote, Promote, Promote – There's so many avenues to promote the facilities and events

- **Community Pride – People love to come to Shelby and Shelby embraces the visitors by being friendly and accommodating.**

Mr. Holtzclaw finished his presentation with one thought: If it weren't for City Council none of this is possible. He invited City Council to come out to some of the events to see for themselves what they have helped provide to the citizens and visitors.

Ms. Arth thanked Mr. Holtzclaw and acknowledged that he is a forward-thinking Director of our Parks and Recreation Department. Mayor Anthony and City Council agreed with Ms. Arth's remarks.

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 September 19, 2022**
- 2) Approval of Special Event Application:**
 - a) Central United Methodist Church – Fall Festival, request date: Sunday, October 30, 2022**
 - b) The Light Ball Dash 5K – requested date, Sunday, December 18, 2022**
- 2) Management Reports:**
 - a) Monthly Financial Summary – August 2022**

D. Unfinished Business:

- 1) Approval of a resolution appointing the Interim City Attorney: Resolution No. 64-2022**

Mr. Howell introduced the resolution appointing the law firm of Teague, Campbell, Dennis, and Gorham, LLP to serve in an interim capacity month to month until the City Attorney position is filled. Mr. Howell stated our principal contact will be Natalia Isenberg who has extensive municipal experience.

ACTION TAKEN: Upon a motion made by Mr. Webber, City Council voted unanimously to approve Resolution No. 64-2022 entitled, "A RESOLUTION APPOINTING AN INTERIM CITY ATTORNEY."

E. New Business

None

MR. HOPPER EXCUSED HIMSELF FROM THE MEETING AT 6:40 P.M.

F. City Manager's Report:

- **Carolina Harmony Trail (Rail Trail)**

Phase IA of the Carolina Harmony Trail is scheduled for work to commence the week of October 17th. The contractor will mobilize and begin installation of erosion control measures. Construction materials are scheduled on site the first week of November. This bid was awarded to Piedmont Utilities Group in June. The scheduled completion date is still March 2023.

- **Shell Building #4**

Hickory Construction continues on the building. Grading is complete and wall panel erection began last week. Wall panels should be complete by October 14th. Installation of the steel roofing structure will begin the week of October 17th. Completion date is set for February 2023.

- **Depot Park**

The City continues to negotiate with Destination by Design on the engineering and architectural services contract for construction of Depot Park. It is my intention to have something for City Council to consider before the end of the calendar year.

- **Aquatics Center**

Construction on this project began the week of September 7th. Work on removing the interior finish is complete on the small pool and will continue this week on the main pool. Sossamon Construction (sub - Paddock Pools) is the contractor on this project. It is expected that this project will be complete in April 2023 prior to the traditional Memorial Day opening.

- **TAMP Phase I**

Phase I of the implementation of the Transportation Asset Management Plan has begun. Approximately \$2.8 million of the \$10 million street improvement bonds passed by voters last November are to be used in this phase of street resurfacing. Approximately 17 miles of streets will be resurfaced prior to the end of the calendar year. Planning for Phase II is in process as staff continues plans for viable utility improvements prior to the start of resurfacing in March/April 2023. Staff has worked hard to ensure that utility work that is necessary be completed prior to street resurfacing.

- **County Home Road Replacement**

A Request for Qualifications (RFQ) for engineering and design services for the replacement connector road (for the now closed County Home Road) between the US Hwy 74 frontage road and Kings Road was issued and staff completed the selected process. TGS Engineers was selected to design the project and work is underway. Construction on the project is anticipated for January 2023. This time frame is in sync with the completion of the new SECU and demolition of the old structure.

- **Cross Town Water Main Transmission Line Phase II**

This project has been designed and submitted to NCDEQ for approval. Approval is expected before the end of the calendar year. This project will extend the 24" diameter water main from the intersection of Marion Street/Morgan Street along S. Morgan Street to Graham Street to the intersection with Forest Hill Drive/Beaumonde Avenue. This is the second of a multiphase project to improve water supply to the south, east and north of the uptown area. It is intended to improve fire flow, water volume/pressure and water quality overall in the system. This project is funded with an appropriation in the state budget. It is expected to be bid in January 2023.

- **Hickory Creek Sewer Outfall (Windsor Drive to Holly Oak Park)**

The design of this project has been approved by NCDEQ. A letter will be sent to NCDEQ verifying availability of funding should bids come in over budgeted funds. These funds would likely come from allocated ARP grants. This project would replace an existing sewer outfall that has been plagued with Sanitary Sewer Overflows due to infiltration and inflow. It has been on a long list of priorities for quite some time and needs to be completed. This project is funded with an appropriation in the state budget. It is expected to be bid in January 2023.

- **Randolph Road Industrial Park Sewer Project**

This project is under construction. A majority of the gravity sewer main and force main have been installed. The wet well is complete. The contractor is currently waiting on delivery of additional materials for the actual sewer lift station. This project is being developed to specifically serve the Randolph Road business park and more specifically Shell Building #4. It does have some capability to serve some adjoining properties. This project was funded by a grant from the NC Department of Commerce Industrial Development Fund and a required local match.

Mr. Howell mentioned Deputy Clerk Brenna Jones provided a list of upcoming events to Council, in hopes, that they can participate when their schedules allow.

Mr. Howell thanked Charlie Holtzclaw for his presentation and proudly stated that there is not a better cheerleader than Mr. Holtzclaw for Shelby City Parks and Recreation and commended him on his leadership.

Mr. Webber asked Mr. Howell about the streams that run through properties and asked who is responsible for the possible erosion behind someone's home. Mr. Howell stated in most situations it is the responsibility of the property owner unless there is a utility line or easement causing that erosion. Mr. Howell asked Mr. Webber to have the property owner contact him and he would look into the situation.

Mr. Howell concluded by stating that since Hurricane Ian came through our area this weekend, the City has experienced some water quality issues. Customers indicated that there is an earthy taste or smell to the water. He also acknowledged that there were some equipment issues at the water plant. Director of Water Resources David Hux and his staff have tested and run samples of the water and it is safe to drink and use. The City is flushing the system and the issue should be improving but will take a few days.

F. Council Announcements and Remarks:

Mayor Anthony mentioned that on Tuesday, October 4th there will be about seven hundred cyclists coming through Shelby as part of the Cycle NC. They will be using the Courtsquare and Earl Scruggs Center as a rest stop. Mayor Anthony encouraged Council to come out and help give out drinks and sandwiches to the cyclists.

Mayor Anthony also reminded everyone of the Cleveland Cup 5K at Hanna Park on October 14th and to please register if you plan to participate.

Mayor Anthony appreciated Breanna Jones for getting the new City lapel pins ordered.

Mrs. Bullock mentioned on October 22nd there will be a 5K at Gardner Webb University that will benefit the Children's Home of Cleveland County.

Ms. Arth mentioned that the Shelby Junior Charity League is selling poinsettias that will benefit the Clothing Room for children in Cleveland County.

G. Closed Session:

To establish, or to 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. The Mayor invited all Council members present along with Mr. Howell, Mrs. Williams, and Mrs. Jones to attend. The motion passed unanimously, and Council moved into closed session at 6:54 p.m.

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

H. Adjournment:

1) Motion to adjourn

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to adjourn the meeting at 7:16 p.m.

Respectfully submitted,

**Carol Williams
City Clerk**

**O. Stanhope Anthony III
Mayor**

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