

MINUTES

Regular Meeting
City Hall Council Chamber

January 23, 2023
Monday, 6:00 p.m.

Present: Mayor O. Stanhope Anthony, III, presiding; Council Members Andrew L. Hopper, Sr., David Causby, David White, Violet Arth, Charles Webber, and Emilie Bullock.; City Manager Rick Howell, MPA, ICMA-CM, Assistant City Manager Justin S. Merritt, MPA, Interim City Attorney John Kubis, City Clerk Carol Williams, Public Information and Communications Officer Chip Nuhrah, Director of Human Resources Deborah (Deb) Jolly, Director of Finance Elizabeth (Beth) Beam, CPA, Fire Chief William Hunt, EFO, Director of Planning and Development Services Walter (Walt) Scharer, Public Works Director 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.

Mr. Webber led the Pledge of Allegiance.

A. Approval of agenda:

- 1) Motion to adopt the proposed agenda as presented.

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

B. Public Comment:

Skip Warrick who resides at 822 East Marion Street, Shelby, North Carolina presented a petition signed by nineteen residents of his neighborhood and he spoke of their concerns:

- Commercial and personal vehicles parking on Edgemont Avenue for extended amounts of time causing the street to be crowded which causes safety issues and denies curbside brush and trash pickup on the street.
- Noises coming from a commercial vehicle that happen throughout the day and on weekends.

Mr. Warrick respectfully asks City Council to consider limited parking on Edgemont Avenue between the intersections of East Marion Street and Hawthorne Avenue for a safer flow of traffic.

C. 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 January 9, 2023**
- 2) Approval of City of Shelby authorization of modified project allocations for North Carolina state appropriations for water and wastewater projects: Resolution No. 2-2023**
- 3) Adoption of an ordinance concurring with the North Carolina Department of Transportation for speed limit revision inside the corporate limits of Shelby, North Carolina: Ordinance No. 4-2023**
- 4) Adoption of budget ordinance amendment for the City of Shelby's Rail Trail Corridor project: Ordinance No. 5-2023**
- 5) Notice of Cancellation in the Regular Meeting Schedule of Shelby City Council – February 6, 2023**

END OF CONSENT AGENDA

D. Unfinished Business:

- 1) Motion to acknowledge and sign the Response to the Auditor's Findings, Recommendations and Fiscal Matters**

Mr. Howell introduced this item stating that City Council has a response letter to sign indicating their acknowledgement of the auditor's findings and recommendations. Mr. Howell stated this response is required because the audit for this year was filed after the due date of December 1st; this filing delay occurred because of a staffing shortage in the Finance Department.

ACTION TAKEN: Upon a motion by Mr. Webber, City Council voted unanimously to acknowledge and sign the RESPONSE TO THE AUDITOR'S FINDINGS, RECOMMENDATIONS AND FISCAL MATTERS

E. New Business

- 1) Approval of a resolution authorizing selection of TGS Engineers based on qualifications for professional engineering services for a Traffic Impact**

**Analysis for a lane reconfiguration project in Shelby, North Carolina:
Resolution No. 3-2023**

Mr. Howell introduced Resolution No. 3-2023 which if approved authorizes the selection of TGS Engineers to perform a Traffic Impact Analysis in the Graham Street area from Morgan Street to Juan Place. Mr. Howell stated the intention is to reconfigure the lanes to reflect the recommendations from the Traffic Impact Analysis.

ACTION TAKEN: Upon a motion by Ms. Arth, City Council voted unanimously to adopt Resolution No. 3-2023 entitled, "A RESOLUTION AUTHORIZING SELECTION OF TGS ENGINEERS BASED ON QUALIFICATIONS FOR PROFESSIONAL ENGINEERING SERVICES FOR A TRAFFIC IMPACT ANALYSIS FOR A LANE RECONFIGURATION PROJECT IN SHELBY, NORTH CAROLINA."

- 2) Approval of a resolution declaring the intent of the City Council of the City of Shelby to consider the permanent closure of Ella Street and a portion of South Washington Street between Textile Street and East Shannonhouse Street: Resolution No. 4-2023**

Mr. Scharer introduced Resolution No. 4-2023 which if approved would allow consideration of the permanent closure of Ella Street and a portion of South Washington Street. Mr. Scharer stated the reason for this closure is because the developer of the residential development has changed their plan and these street closures are necessary for the amended site plan. Mr. Scharer further stated that staff reviewed the new plan and is in favor of the street closures. Mr. Scharer concluded that approval of this resolution does not authorize the street closures; it authorizes a Public Hearing to be held next month on this matter.

ACTION TAKEN: Upon a motion by Mr. Hopper, City Council voted unanimously to adopt Resolution No. 4-2023 entitled, "A RESOLUTION DECLARING THE INTENT OF THE CITY COUNCIL OF THE CITY OF SHELBY TO CONSIDER THE PERMANENT CLOSURE OF ELLA STREET AND A PORTION OF SOUTH WASHINGTON STREET BETWEEN TEXTILE STREET AND EAST SHANNONHOUSE STREET."

- 3) Adoption of a proposed ordinance amending section 42-172(b) Two-Hour Parking and 42-173 Parking Prohibited on Certain Streets: Ordinance No. 6-2023**

Mr. Scharer introduced Ordinance No. 6-2023 and stated this amendment affects Edgemont Avenue which is off East Marion Street. Mr. Scharer stated

staff recommends no parking on the first portion of Edgemont Avenue off East Marion Street and two-hour parking for the remainder of the street.

ACTION TAKEN: Upon a motion by Mr. Causby, City Council voted unanimously to adopt Ordinance No. 6-2023 entitled, “A PROPOSED ORDINANCE AMENDING SECTION 42-172(B) TWO-HOUR PARKING AND 42-173 PARKING PROHIBITED ON CERTAIN STREETS.”

F. City Manager’s Report

Regarding upcoming retirements: Mr. Howell mentioned two significant retirements: Chief Ledford is retiring April 1, 2023 and David Hux is retiring March 1, 2023. Mr. Howell continued by stating Mr. Hux has done an excellent job for the City of Shelby and our water and sewer systems are much improved.

Regarding the City’s new firetruck – Delivery of the \$773,000 firetruck is expected in March, 2023.

Regarding City Hall roof replacement project – Bids were received this month and a recommendation for selection of a roof contractor should be on the February 20th agenda. A potential June start date is expected.

Regarding Hickory Creek sewer outfall and Crosstown water main – The City is still working with the State, and hope to put those projects out for bid soon.

G. Council Announcements and Remarks:

Mayor Anthony reminded City Council of the Town/State dinner scheduled for February 22nd in Raleigh; please let Bre or Carol know if you’re interested.

Mr. Causby and other Council members stated they were going to miss David Hux and Chief Ledford.

H. Closed Session:

- 1) Roy Jones, CEO and Matt Schull, COO of ElectriCities – Discussions of a proposed or existing contract to which a joint agency may be or is a party for the construction, ownership, or operation of works, plants, and facilities for or incident to the generation, transmission, or use of electric power and energy or the purchase, sale, exchange, interchange, wheeling, pooling,

transmission, or use of electric power and energy shall be confidential and information relating to such discussions shall not be a public record under Chapter 132 of the General Statutes; provided that any contract entered into by or on behalf of a joint agency as defined by G.S. 159B-3 shall be a public record unless otherwise exempted by law. (1993 (Reg. Sess., 1994), c. 570, s. 11.) – North Carolina General Statute 159B-38.

To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes - NCGS 143-318.11(a)(1).

- 2) 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, Mr. Kubis, Mrs. Williams, and Mr. Merritt to attend. The motion passed unanimously, and Council moved into closed session at 6:27 p.m.

Council returned to the regular session at 7:28 p.m.

K. Adjournment:

- 1) Motion to adjourn

ACTION TAKEN: Upon a motion made by Ms. Arth, City Council voted unanimously to adjourn the meeting at 7:29 p.m.

Respectfully submitted,

Carol Williams
City Clerk

**O. Stanhope Anthony, III
Mayor**

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