

MINUTES

Regular Meeting
City Hall Council Chamber

July 17, 2023
Monday, 6:00 p.m.

Present: Mayor O. Stanhope Anthony, III, presiding; Council Members Andrew L. Hopper, Sr., David Causby, David White, Charles Webber, and Emilie Bullock; City Manager Rick Howell, MPA, ICMA-CM, Assistant City Manager Ben Yarboro, Interim City Attorney Julie Hooten, City Clerk Carol Williams, Deputy City Clerk Breanna Jones, Director of Finance Elizabeth (Beth) Beam, CPA, Director of Human Resources Deborah (Deb) Jolly, Fire Chief William Hunt, MPA, EFO, Interim Police Chief Brad Fraser, Director of Planning and Development Services Walter (Walt) Scharer, Public Works Director Scott Black, Director of Parks and Recreation Charlie Holtzclaw, Public Information and Communications Officer Chip Nuhrah, and Jennipher H. Harrill, Social Media Manager, Blue Eyes Media Connections

Absent: Council member Violet Arth

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:

Mayor Anthony announced Item C-1 should be the Minutes of June 19, 2023 instead of June 17, 2023. Council member Andrew Hopper requested Item E-3 be added to the agenda to discuss including Juneteenth as a paid holiday for employees.

1) Motion to approve the proposed agenda as amended

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

B. Public Comment:

Bob Cabaniss who resides at 371 Magness Road, Shelby, North Carolina addressed Council about the City developing a dog park. Mr. Cabaniss mentioned there is a fund available for the City to use to help defray the cost of establishing a dog park. Mr. Cabaniss is interested in any future discussion of this project.

Linda Bridges who resides at 1204 Brookwood Drive, Shelby, North Carolina addressed Council about the new possible subdivisions near her neighborhood. Mrs. Bridges stated traffic is already treacherous when trying to get out of her neighborhood onto Highway 150; she stated it took four traffic lights for her to get from her street (Brookwood Drive) to Marion Street. Mrs. Bridges stated with the addition of the proposed subdivisions the traffic is going to increase, which will worsen the already congested conditions.

David Teddy whose business address is 1219 Fallston Road, Shelby, North Carolina addressed Council about the proposed subdivisions on Hwy. 150 and Wyke Road and listed several concerns : density of plans, increased traffic, infrastructure of schools to support the increased number of students, and the concerns about the developer (LGI Homes). Mr. Teddy mentioned he is representing about 100 people that want to speak at the Planning and Zoning Board meeting on Thursday, July 20th but have found out that citizens are not allowed to speak at that meeting. Mr. Teddy asked Council to encourage the Planning and Zoning Board to hear from the concerned citizens. Mr. Teddy requested the email from Mr. Tom Wood be included in the minutes. Mr. Teddy concluded by reading a review from a homeowner that had a poor experience with LGI Homes.

Brownie Plaster who resides at 218 Vauxhall Drive, Shelby, North Carolina invited City Council to attend the Planning and Zoning Board meeting on Thursday, July 20th. Mrs. Plaster asked City Council to study the proposed plans which include 60 homes on Hwy. 150 and an additional 246 homes between Wyke Road and Marion Street. Mrs. Plaster feels like the citizens should have a chance to voice their concerns at the Planning and Zoning Board meeting.

C. Consent Agenda:

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

- 1) Approval of the Minutes of the Regular Meeting of June 19, 2023
- 2) Approval of a resolution declaring the intent of the City Council of the City of Shelby to consider the permanent closure of an unopened right of way for Westfield Road: Resolution No. 47-2023
- 3) Approval of a resolution declaring the intent of the City Council of the City of Shelby to consider the permanent closure of a portion of Bowman Street: Resolution No. 48-2023
- 4) Approval of Special Event Applications:

- a) **Shelby Stock, Cleveland County Music Hall of Fame:**
requested date: September 23, 2023
- b) **Cleveland County Sheriff's Department, National Night Out:**
requested date: August 1, 2023

5) Management Reports:

- a) **Planning and Development Report, dated May 2023**
- b) **Monthly Financial Summary, dated May 2023**

END OF CONSENT AGENDA

D. Unfinished Business:

- 1) **Water Treatment Plant Filter Rehab and Sedimentation Valve Replacement – Contract Award Recommendation**
 - a) **Adoption of ordinance establishing a capital project ordinance and budget for the City of Shelby's water treatment plant filter rehabilitation & sedimentation valve replacement project: Ordinance No. 34-2023**
 - b) **Adoption of budget ordinance amendment for the City of Shelby's American Rescue Plan water and sewer project: Ordinance No. 35-2023**
 - c) **Approval of a resolution awarding the contract for the City of Shelby water treatment plant filter rehabilitation and sedimentation valve replacement project to J.S. Haren Company: Resolution No. 49-2023**

Mr. Howell stated the Water Treatment Plant Filter Rehab and Sedimentation Valve Replacement project was identified as a priority project when the City received the appropriation from the American Rescue Plan funding. Mr. Howell continued by stating Ordinance No. 34-2023 establishes the project budget ordinance and appropriates \$3.7 million of the \$10.2 million state grant funding that was awarded to the City in 2022. Mr. Howell reminded Council that the \$10.2 million state grant funding has to be used for Water and Sewer projects. Mr. Howell continued by presenting Ordinance No. 35-2023 which amends the original resolution appropriating funding and reallocates approximately \$235,000 from the \$6.2 million that was granted to the City from the U.S. Treasury. Mr. Howell stated the purpose for the reallocation from the federal funding is because the City has almost used the entire \$10.2 million state funding. Lastly, Mr. Howell presented Resolution No. 49-2023 which if approved would award the bid for construction of this project to J.S. Haren Company in

the amount of \$3,577,000. Mr. Howell stressed to Council the importance of getting these types of projects funded and started since there are deadlines to encumber the money and to spend the money; in addition, there is difficulty in getting bidders to bid on these types of projects due to the volume of work currently.

ACTION TAKEN: Upon a motion by Mr. Hopper, City Council voted unanimously to adopt Ordinance No. 34-2023 entitled, “AN ORDINANCE ESTABLISHING A CAPITAL PROJECT ORDINANCE AND BUDGET FOR THE CITY OF SHELBY’S WATER TREATMENT PLANT FILTER REHABILITATION & SEDIMENTATION VALVE REPLACEMENT PROJECT”.

ACTION TAKEN: Upon a motion by Mr. Hopper, City Council voted unanimously to adopt Ordinance No. 35-2023 entitled, “A BUDGET ORDINANCE AMENDMENT FOR THE CITY OF SHELBY’S AMERICAN RESCUE PLAN WATER AND SEWER PROJECT”.

ACTION TAKEN: Upon a motion by Mr. Hopper, City Council voted unanimously to approve Resolution No. 49-2023 entitled, “A RESOLUTION AWARDED THE CONTRACT FOR THE CITY OF SHELBY WATER TREATMENT PLANT FILTER REHABILITATION AND SEDIMENTATION VALVE REPLACEMENT PROJECT TO J.S. HAREN COMPANY”.

E. New Business:

- 1) Consideration of appointments to City advisory boards and commissions:
 - a) Firefighter’s Relief Fund Board of Trustees

Mayor Anthony reported there is currently a vacancy on this board.

There are two applications on file in the Clerk’s office:

- Chelsey Martin
- Scott Davenport

Mr. Causby nominated Scott Davenport.

ACTION TAKEN: Upon a motion by Mr. Webber, City Council voted unanimously to close the nominations and accept the nominee by acclamation.”

**2) Adoption of an ordinance authorizing demolition of a structure:
Ordinance No. 36-2023**

Mr. Scharer presented this item to Council stating the commercial structure located at 900 South Lafayette Street has been inspected by the Chief Building inspector and has been found to be unfit for human habitation and deemed dilapidated. Mr. Scharer continued by stating the current owner has made zero attempts to repair the building, has not contacted the City of Shelby and did not attend the hearing before the Building Inspector; therefore, it is recommended that the City demolish the structure and place a lien on the property for the costs.

ACTION TAKEN: Upon a motion by Mr. White, City Council voted unanimously to adopt Ordinance No. 36-2023 entitled, “AN ORDINANCE AUTHORIZING DEMOLITION OF A STRUCTURE”.

3) Discussion regarding the addition of Juneteenth as a paid holiday for City employees.

Mr. Hopper stated that since the Federal government and the State of North Carolina have both recognized Juneteenth as a holiday, he wishes to see the City of Shelby establish Juneteenth as a paid holiday for City employees. Mr. Hopper asked Mr. Howell to draft the appropriate resolution to make the Juneteenth holiday official. Mr. Howell stated this would require a resolution and an amendment to the personnel policy which allows for nine holidays currently; Mr. Howell stated there are costs involved in granting an additional paid holiday.

By consensus, City Council requested Mr. Howell and staff to proceed with preparing the appropriate documentation.

F. City Manager’s Report

Mr. Howell stated the sidewalk in front of City Hall needs repair due to the damage sustained during the City Hall roof replacement. Mr. Howell stated the area has soft soil which created sinkholes in the past. Mr. Howell also stated there are storm drains under the sidewalk that need to be replaced; the scope of this project will be determined in the near future.

Regarding Phase 1A of the Rail Trail – the retaining wall is finally complete, and substantial progress should be made in the next 30-60 days.

G. Council Announcements and Remarks:

Mayor Anthony mentioned the 2023 Tarheel League State Softball tournament will be held July 20 – 23, with the opening ceremony at 1:00pm on Thursday, July 20th.

Mayor Anthony also mentioned the ElectriCities conference is coming up and if interested let Bre know.

Mr. Webber mentioned the traffic concerns in the Hwy 150 and Wyke Road areas and is hopeful something can be done to satisfy all parties involved to help mitigate that situation.

Mr. Hopper mentioned he and the Mayor attend the meetings about the Marion Street/Hwy 150 intersection. Mr. Hopper stated when NCDOT bid on the project, no bidders would bid on it.

Mayor Anthony concurred with everything Mr. Hopper stated regarding the Marion St/Hwy 150 intersection project. Mayor Anthony further explained that he has personally spoken to Mark Stafford with NCDOT, and he has assured the Mayor that the project will be bid in August and hopefully the project will begin by the end of this year.

Closed Session:

- 1) To consult with an attorney in order to preserve the attorney client privilege pursuant to N.C.G.S.143-318.11(a)(3)**
- 2) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations, pursuant to North Carolina General Statute 143-318.11(a)(4).**
- 3) 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, Ms. Hooten, Mrs. Williams, Mrs. Jones, Mrs. Jolly and Mr. Yarboro to attend. The motion passed unanimously, and Council moved into closed session at 6:34 p.m.

Council returned to the regular session at 7:26 p.m.

J. Adjournment:

1) Motion to adjourn

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to adjourn the meeting at 7:27 p.m.

Respectfully submitted,

**Carol Williams
City Clerk**

**O. Stanhope Anthony, III
Mayor**

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