

**MINUTES**

**Regular Meeting  
City Hall Council Chamber**

**August 7, 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 Benjamin (Ben) Yarboro, Interim City Attorney John Kubis, City Clerk Carol Williams, Deputy City Clerk Breanna Jones, Public Information and Communications Officer Chip Nuhrah, Director of Finance Elizabeth (Beth) Beam, Interim Police Chief Brad Fraser, Fire Chief William Hunt, EFO, Public Works Director Scott Black, Director of Water Resources Brian Wilson, Parks and Recreation Director Charlie Holtzclaw, 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.**

**Mr. Webber led the Pledge of Allegiance.**

**A. Approval of agenda:**

**1) Motion to adopt the agenda as presented**

**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. 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 July 17, 2023**
- 2) Approval of a resolution revising and amending the personnel policies of the City of Shelby to provide for an updated Personnel and Procedure Manual: Resolution No. 50-2023**

- 3) Approval of a reimbursement resolution with regard to installment financings for FY 2023-2024: Resolution No. 51-2023
- 4) Approval of Special Event Applications:
  - a) Shiloh Baptist Church Community Block Party: request date September 16, 2023
  - b) Shelby High School Homecoming Parade: request date October 13, 2023
- 5) Management Reports:
  - a) Monthly Financial Summary – June 2023
  - b) Planning and Development Report – June 2023
  - c) Shelby City Park Tournament Impact Report
  - d) Martin-Starnes and Associates, CPAs, P.A. FY23 Communication

#### **END OF CONSENT AGENDA**

#### **D. Unfinished Business:**

- 1) Consideration of appointments to City advisory boards and commissions:
  - a) Zoning Board of Adjustment

Mayor Anthony reported the terms of seven incumbents have concluded. Five incumbents wish to continue their service.

There are three applications on file in the Clerk's Office:

- Jordan Tubbs
- Annie Holland
- Stevie Brooks

Mr. White nominated the five incumbents (David Beam, Mot Davis, Tom Martin, Burel Harris, and Henry Earle) and nominated Jordan Tubbs.  
Ms. Bullock nominated Stevie Brooks.

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

#### **E. New Business**

- 1) Approval of a resolution authorizing and awarding a contract for the purchase of a Pierce Velocity Mid-Mount Ladder Platform type Fire Apparatus utilizing the “Competitive Bidding Group Purchasing Method”: Resolution No. 52-2023

Mr. Howell introduced this resolution and if approved would authorize the purchase of a Mid-Mount Ladder Platform type Fire Apparatus utilizing the Group Purchasing Organization. Mr. Howell stated the current ladder truck in use is a 1999 model and is past its recommended 20 years of service life. Mr. Howell stated the purchase and delivery of this new truck could take two years. Mr. Howell further stated the City has used this purchase method previously in 2015, 2017 and 2021 and this method is common when purchasing large equipment. Mr. Howell mentioned the price of this ladder truck is \$2,258,726.00.

Chief Hunt stated that similar cities of our size have similar equipment with varying styles and length depending on the community. Chief Hunt further explained that part of the ISO rating is based on the fire credit given to ladder service companies, and the truck has to be an aerial truck and staffed. Chief Hunt also explained that maintenance records are also reviewed, and with older trucks, obtaining parts and maintenance become more problematic.

**ACTION TAKEN:** Upon a motion by Mr. Hopper, City Council voted unanimously to adopt Resolution No. 52-2023 entitled, “ A RESOLUTION AUTHORIZING AND AWARDED A CONTRACT FOR THE PURCHASE OF A PIERCE VELOCITY MID-MOUNT LADDER PLATFORM TYPE FIRE APPARATUS UTILIZING THE “COMPETITIVE BIDDING GROUP PURCHASING METHOD.”

- 2) Approval of a resolution authorizing disbursement of Travel and Tourism funding for Fiscal Year 2023-2024: Resolution No. 53-2023
- 3) Approval of a resolution authorizing disbursement of Travel and Tourism funding to the Cleveland County Arts Council for Fiscal Year 2023-2024: Resolution No. 54-2023

Mr. Howell introduced Resolution No. 53-2023 and Resolution No. 54-2023, which are both Travel and Tourism grant related. Mr. Howell reminded Council that we separate these resolutions due to Ms. Arth being an employee of the Cleveland County Arts Council, therefore reducing the perception of conflict of interest. Due to Ms. Arth's absence at the Council meeting, Mr. Howell stated these two resolutions can be combined into one motion.

Mr. Howell gave some background on the Travel and Tourism grant funding by stating the City levies a 3% room occupancy tax which generates funds to be used for promotion of travel and tourism or tourism-related expenses. The City requires an application period and information on how the agency is using the money to promote room stays.

**ACTION TAKEN:** Upon a motion made by Mr. White, City Council voted unanimously to adopt Resolution No. 53-2023 and Resolution No. 54-2023 entitled, "A RESOLUTION AUTHORIZING DISBURSEMENT OF TRAVEL AND TOURISM FUNDING FOR FISCAL YEAR 2023-2024 AND A RESOLUTION AUTHORIZING DISBURSEMENT OF TRAVEL AND TOURISM FUNDING TO THE CLEVELAND COUNTY ARTS COUNCIL FOR FISCAL YEAR 2023-2024."

#### F. City Manager's Report

Mr. Howell updated Council on the following:

**Lien Waiver requests:** When there is high grass, demolition, or other nuisances the City puts a lien on the property for the costs the City incurs. This happens mostly in older neighborhoods where the property falls into disrepair. Adjacent property owners request the City to waive the liens on the property because sometimes the lien is so high that it doesn't make sense for someone to purchase the property for improvement. Lien waivers will be brought before Council for their approval at a later date.

**STIP Grant:** Asking NCDOT for an amendment to the State Transportation Improvement Program (STIP) which is related to the \$4.16 million Transportation Alternatives Program (TAP) grant that was awarded to the City years ago as part of the right of way acquisition process. NCDOT is allowing the City to convert that grant to a construction grant towards the Rail Trail construction. However, this does require an amendment to the STIP and this process has many required steps. This means construction of Phase II of the Rail Trail will be delayed.

**Neighborhood Traffic issues:** Various neighborhoods have complained about speeding and traffic cutting through neighborhoods. If Council receives any complaints, please forward them to the City Manager's office.

**Shelby City Park Aquatics project:** There are some issues with concrete cracking and discoloration that are being worked out with the contractor.

**Sewer Projects:** Riverwalk development off of Hwy 150 will be moving forward with their sewer project. McClendon Meadows, a new potential development near Pinnacle School, is also seeking sewer. These two developments will have development agreements and cost share participation. The City is still looking at Clearbrook and Washington Heights neighborhoods and the funding set aside for potential sewer installation. This will also be a cost share arrangement with Council setting the percentage once we get an idea of costs involved. With the increase in costs for this type of work, the City will have to decide how to proceed with these two neighborhoods.

**Bond Program:** The voters approved a \$10 million bond for street and sidewalk improvements in November 2021. The City has used approximately \$6 million initially authorized by the Local Government Commission primarily encumbered with the TAMP Phase II and other projects. The remaining \$4 million of voter authorized debt has to go through the LGC process with the City showing how we are going to pay back the debt service.

**Customer Service issues:** Long queue waiting times, converting to a new system and training new employees have caused some issues with Customer Service. These issues are being addressed and hope to have better assistance in the near future.

#### **G. Council Announcements and Remarks:**

**Mayor Anthony** reminded everyone that Host City Welcome is Wednesday at 5:15 at the LeGrand Center. Also, the ballgames start Thursday and conclude next Tuesday. Mayor Anthony reminded Council of the Shelby Fire and Rescue event commissioning of their new fire truck is August 22<sup>nd</sup>.

**Mr. White** inquired about the Wayne Allen property on Marion Street, **Mr. Howell** said he would have an update at the August 21<sup>st</sup> meeting.

**Mr. White** also asked about panhandling in our area. **Mr. Howell** asked Chief Fraser to address Council. Chief Fraser stated that the City follows the State law which says that panhandlers cannot impede traffic. Chief Fraser continued by saying if the panhandlers are on the side of the road or the median with a sign, this is not illegal, according to State law; however, if the panhandler steps into the road and impedes traffic, then that is a violation. **Mr. Hopper** advised the best thing to do was to ignore the panhandlers and keep traffic moving. **Mr.**

Howell further stated that City staff has thought about this issue and is in the developing stages of a program that would educate citizens and suggest ways that citizens can give to agencies that help the homeless by using signage and a QR code to find local agencies. Mr. Howell reiterated what Chief Fraser stated, that if someone is on the side of the road with a Needs Help sign, there's nothing we can do; however, if someone approaches you on the side of the road or a sidewalk and solicits you for money, then Police can act in certain situations.

Mr. Webber stated he's noticed some new street signs around town, and they look good. Mr. Howell stated each year the City budgets money to replace some of the street signage.

Mr. Hopper hoped everyone would come out to the World Series games this weekend and enjoy the Warbirds buzzing over Shelby, also the Golden Knights will be in town and weather permitting they'll parachute down on the Golden Lions field.

#### H. 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).

**ACTION TAKEN:** Mr. Webber 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, Mrs. Jones, and Mr. Yarboro to attend. The motion passed unanimously, and Council moved into closed session at 6:42 p.m.

City Council returned to the regular session at 7:07 p.m.

#### I. Adjournment:

- 1) Motion to adjourn

**ACTION TAKEN:** Upon a motion made by Mr. White, City Council voted unanimously to adjourn the meeting at 7:08 p.m.

**Respectfully submitted,**

**Carol Williams  
City Clerk**

**O. Stanhope Anthony, III  
Mayor**

**Minutes of August 7, 2023**