

MINUTES

Regular Meeting
City Hall Council Chamber

December 16, 2013
Monday, 6:00 p.m.

Present: Mayor O. Stanhope Anthony III, presiding; Council Members Fred Harrill, Jr., David W. White, Ben Kittrell, and Dicky Amaya; City Manager Rick Howell, City Attorney Robert W. (Bob) Yelton, City Clerk Bernadette A. Parduski, NCCMC, MMC, Director of Finance Justin S. Merritt, MPA, Assistant Director of Finance Elizabeth B. (Beth) Beam, CPA, Director of Human Resources Deborah C. (Deb) Jolly, Director of Utilities Brad R. Cornwell, PLS, EI, Police Chief Jeffrey H. (Jeff) Ledford, Fire Chief William P. Hunt, MPA, Director of Public Works Daniel C. (Danny) Darst, Jr., and Director of Planning and Development Services Walter (Walt) Scharer, AICP; and media representatives

Absent: Council Members Jeanette D. Patterson and Dennis C. Bailey

Mayor Anthony called the meeting to order at 6:00 p.m. and welcomed all who were in attendance. The Mayor gave the invocation and Mr. Harrill led the *Pledge of Allegiance*.

Next Mr. Harrill announced his resignation, effective immediately, and stepped down from City Council due to a change in his residence outside the Ward 1 boundaries, leaving his seat vacant.

A. Approval of agenda:

After Mr. Harrill's resignation, Mayor Anthony proposed the addition of a discussion regarding the process for selecting the Ward 1 replacement as Item E-2 under New Business.

- 1) Motion to adopt the proposed agenda

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

B. Public Comment:

- 1) Ka'la S. Walker who resides at 831 Churchill Drive in Shelby, North Carolina informed Council about several unsettling circumstances involving neighbors, local stores, and the school system both she and her

daughter have encountered in Shelby since their recent relocation from Atlanta, Georgia. She has been referred to as and insisted she is not Wanda Miller. Miss Walker stated she has contacted several City staff members, including the Police Department, about her concerns.

C. Consent Agenda:

ACTION TAKEN: Mayor Anthony presented the consent agenda. Mr. White made a motion to approve the consent agenda and each item as presented. The consent agenda and following items were unanimously approved:

- 1) Approval of the Minutes of the Regular Meeting of December 2, 2013
- 2) Approval of Special Event Permit Applications:
 - a. Earl Scruggs Center Grand Opening Celebration, requested date: January 11, 2014
 - b. Arts on the Square, requested date: April 26, 2014
- 3) Approval of Notice of Cancellation in the Regular Meeting Schedule of Shelby City Council

END CONSENT AGENDA

D. Unfinished Business: None

E. New Business:

- 1) City Council's Annual Retreat: Pre-planning discussion

Council participated in a pre-planning discussion regarding their annual retreat. A summary of the discussion included the following:

- Sharing ideas and thoughts as to structure/format of the retreat
- Identifying dates in February 2014 for scheduling purposes
- Considering Friday and Saturday retreat sessions
- Providing clear direction to staff in order to prepare topics and materials for the retreat
- Setting annual goals and objectives
- Envisioning accomplishments in the near future

Council narrowed the focus, evaluated the options, and decided to:

- Schedule a brainstorming session to pre-plan the retreat on Saturday, February 1, 2014, beginning at 8:30 a.m. to be held at the Shelby-Cleveland County Regional Airport Terminal Building Conference Room
- Schedule a retreat session on Friday, February 14, 2014, beginning at 8:30 a.m. to be held at the Shelby-Cleveland County Regional Airport Terminal Building Conference Center
- Share Council member ideas about the retreat with Mayor Anthony
- Consider changes to the regular Council meeting schedule for February 2014

2) Discussion regarding the process for selecting the Ward 1 replacement

Mayor Anthony explained North Carolina General Statute 160A-63 authorizes a vacancy that occurs in an elective office of a city to be filled by appointment of the City Council. However, it does not prescribe the actual process to be followed by City Council. As such and for discussion purposes, the Mayor proposed a public notice and timeline similar to the process used for the Ward 2 vacancy which was filled in August 2009 and the Ward 4 vacancy which was filled in April 2010.

Council discussed the City's upcoming holiday schedule as well as Mr. Amaya's absence until January 24, 2014 relative to the application deadline and appointment timeline. It was suggested calling a special meeting on January 27, 2014 for appointment purposes and scheduling the oath ceremony for February 3, 2014. At that point, the new Council member may be invited to participate in the first retreat session scheduled for February 1, 2014.

ACTION TAKEN: Mr. White made a motion to allow a Council member remote participation in these meetings.

Mr. Yelton cautioned against remote participation in Council meetings, as does the School of Government, due to the uncertainty about the legality for quorum and voting purposes. Mr. Howell concurred and stated the statutes do not allow or prohibit remote participation.

Mr. White withdrew his previous motion.

Mayor Anthony reviewed the proposed timeline as follows:

Friday, January 17, 2014, at 5:00 p.m. – All applications for the Ward 1 vacancy are due in the Office of the City Clerk. Applications will be accepted

in person, by mail, or electronically. Applications received after 5:00 p.m. will not be considered by City Council.

Monday, January 27, 2014, at 6:00 p.m. – Schedule a City Council Special Meeting to discuss the qualifications of the applicants and to take appointive action for the Ward 1 seat.

Monday, February 3, 2014, at 6:00 p.m. – Regular City Council Meeting to include the Oath of Office administered to newly appointed member of City Council.

ACTION TAKEN: Upon a motion made by Mr. Amaya, City Council voted unanimously to schedule a Special Meeting on January 27, 2014 at 6:00 p.m. to be held in Council Chamber for the purpose of discussing the applications of qualified applicants received prior to the established deadline with the intent of selecting and appointing a new Council Member to represent Ward 1.

For clarification purposes, it was noted each candidate must be a registered voter and must reside within the boundaries of Ward 1. The appointee will serve until Shelby's next municipal election and the unexpired term will conclude December 2015.

F. City Manager's Report:

- 1) Mr. Howell reminded Council he previously provided the City's Monthly Financial Summary of the Fiscal Year to date at November 30, 2013 for their review.
- 2) Mr. Howell provided a brief update on the second shell building project at the Foothills Commerce Center, stating the curb and guttering of the parking lot is yet to be completed. The project is still on track to be completed by the end of January 2014.
- 3) After submitting the revised plans for the Foothills Farmers Market Pavilion Project to the U S Department of Agriculture Rural Development Office, Mr. Howell stated the project is on hold pending approval anticipated in early 2014. He said the City is continuing to seek additional funding for the project and another grant opportunity may be available in the near future.
- 4) As of this date, Mr. Howell reported the City has not received a formal notification of the grant funding from the North Carolina Division of Aviation for the T-Hangar and Taxilane Development Project.

G. Council Announcements and Remarks

- 1) **Mr. White said he has been pleased to see all the people enjoying the holiday season, especially the carriage rides, in Uptown Shelby.**

Mayor Anthony agreed with Mr. White and was especially complimentary about the Christmas lights on the Court Square. The Mayor recognized the City's Electric Department for their time and effort spent on maintaining the lights and keeping Uptown Shelby festive during the holiday season.

Mr. Howell commented about the many challenges and limitations the City's Electric Department encounters to repair, replace, and maintain Uptown Shelby's Christmas lights every holiday season.

- 2) **Mr. Amaya provided a brief report about his attendance at the recent Gaston-Cleveland-Lincoln Metropolitan Planning Organization meeting and was pleased the City of Shelby was one of the member governments in this newly expanded multi-jurisdictional transportation planning entity.**

H. Adjournment:

- 1) **Motion to adjourn**

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to adjourn the meeting at 6:52 p.m.

Respectfully submitted,

**Bernadette A. Parduski, NCCMC, MMC
City Clerk**

**O. Stanhope Anthony III
Mayor**