

## MINUTES

Regular Meeting  
City Hall Council Chamber

April 16, 2012  
Monday, 6:00 p.m.

**Present:** Mayor O. Stanhope Anthony III, presiding; Council Members Christopher H. (Chris) Mabry, David W. White, Jeanette D. Patterson, Dennis C. Bailey, Joel R. Shores, Jr., Dicky Amaya; City Manager Rick Howell, City Attorney Andrea Leslie-Fite, City Clerk Bernadette A. Parduski, MMC, Director of Finance Justin S. Merritt, MPA, 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 Planning Services Walter (Walt) Scharer, AICP; and media representatives

Mayor Anthony called the meeting to order at 6:00 p.m., welcomed all who were in attendance, and recognized former Council Member Andrew L. Hopper, Sr. The Mayor gave the invocation and Mr. Hopper led the *Pledge of Allegiance*.

### A. Approval of agenda:

Mayor Anthony reminded Council with the recent adoption of Ordinance No. 13-2012 and effective this meeting, a motion shall not require a second.

#### 1) Motion to adopt the proposed agenda

**ACTION TAKEN:** Upon a motion made by Mrs. Patterson, City Council voted unanimously to approve the agenda as presented.

### B. Public Comment:

- 1) Carl Dockery, Jr. who resides at 1310 Dockery Drive in Shelby, North Carolina spoke in support of Phil Hege's reappointment to the Alcoholic Beverage Control (ABC) Board. As a board member, it was Mr. Dockery's opinion that Mr. Hege is a good leader whose focus remains the success of the ABC system. He mentioned the last several years have been filled with trials and tribulations about privatizing North Carolina's ABC system. Mr. Dockery concluded by stating the current ABC system in North Carolina is well run and is one of the best control systems in the United States.

### C. Public Hearing:

- 1) **Consideration of the City of Shelby's submittal of an application to the Community Development Block Grant (CDBG) NC Catalyst Program administered by the North Carolina Department of Commerce through Community Investment and Assistance (CI)**

As part of the CDBG application process, Mr. Howell reminded Council the City has previously and publicly stated its intent to apply for CDBG funding and allowed for members of the public to comment on community needs that should be addressed. This follow-up hearing is to allow public comment on the specific program that has been developed. Mr. Howell cited examples of CDBG funding and projects completed by the City in the last several years including the 2005 Suttle/Sumter Street Project, the 2006 Infrastructure Hookup Program, and the 2011 Chestnut Street Sewer Project. He added at some point in the near future, once the preliminary application is filed with the North Carolina Department of Commerce Division of Community Investment and Assistance, Council will be presented with the required resolutions and project budget ordinances for consideration and approval.

Mr. Scharer stated the City is eligible for the new CDBG Catalyst Program. The NC Catalyst Program offers the opportunity to tailor a project to meet community development needs specific to Shelby. He reviewed the six livability principles supported by the program including:

- Provide more transportation choices
- Promote equitable, affordable housing
- Enhance economic competitiveness
- Support existing communities
- Coordinate and leverage investment
- Value communities and neighborhoods

Mr. Scharer added the City's grant application will include collaboration with the Cleveland County Community Development Corporation, the NC Baptist Men, Habitat for Humanity, and the Cleveland County Rescue Mission. If funded, community development activities consisting of the rehabilitation of dwellings, installation of a sidewalk, and construction of several dwellings will take place within the Cameron-Lily neighborhood. The proposal will also include citywide emergency home repairs, homeowner counseling, and renovation assistance to a homeless shelter.

Mayor Anthony opened the public hearing at 6:09 p.m. and invited comments from the public.

The public offered no comments and Mayor Anthony closed the public hearing at 6:10 p.m.

Council took no action.

**D. 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 April 2, 2012
- 2) Approval of Special Event Permit Applications:
  - a. Have a Heart, Do Your Part Run/Walk – Shelby Optimist Club Childhood Cancer Campaign, requested date: June 16, 2012
  - b. The Step One Challenge 5K, requested date: September 15, 2012
  - c. 2012 Cleveland County March for Babies, requested date: October 6, 2012
- 3) Approval of a resolution authorizing submission of a grant application to the North Carolina Economic Infrastructure Program: Resolution No. 18-2012
- 4) Approval of a resolution approving the contract for the performance of the City of Shelby's annual audit and preparation of financial statements for the Fiscal Year ended June 30, 2012: Resolution No. 19-2012
- 5) Adoption of Fiscal Year 2011-2012 Budget Ordinance Amendment No. 10: Ordinance No. 14-2012
- 6) Adoption of Fiscal Year 2011-2012 Budget Ordinance Amendment No. 12: Ordinance No. 15-2012
- 7) Adoption of Fiscal Year 2011-2012 Budget Ordinance Amendment No. 13: Ordinance No. 16-2012
- 8) Adoption of Fiscal Year 2011-2012 Budget Ordinance Amendment No. 14: Ordinance No. 17-2012
- 9) Adoption of an ordinance establishing a capital project ordinance and budgets for the City of Shelby's UOC/Warehouse Lighting Upgrades Project: Ordinance No. 18-2012

## END CONSENT AGENDA

### E. Unfinished Business:

#### 1) Consideration of appointments to City advisory boards and commissions:

##### a. Alcoholic Beverage Control (ABC) Board

Mrs. Parduski reminded Council that Phil Hege and Michael Royster were nominated at their April 2, 2012 meeting. Council can take appointive action to fill a new term concluding April 2015.

Council cast the following votes:

Michael Royster received three affirmative votes (White, Bailey, and Shores).

Phil Hege received three affirmative votes (Mabry, Patterson, and Amaya).

Prior to exercising his right to vote, Mayor Anthony acknowledged Mr. Royster's current service on the Planning and Zoning Board and Mr. Hege's longstanding service on the ABC Board. The Mayor cast his tie-breaking vote in favor of Mr. Hege's reappointment.

As a former liaison to the ABC Board, Mrs. Patterson commended Mr. Hege's for his dedicated service and loyalty.

Lastly Mayor Anthony expressed appreciation to all City advisory board members for their willingness to volunteer and serve.

### F. New Business:

#### 1) Consideration of a resolution certifying review of the Proposed 2013-2017 Transportation Improvement Program (TIP) for the Division of Aviation for State Aid to Airports: Resolution No. 20-2012

Mr. Howell introduced the Shelby-Cleveland County Regional Airport Transportation Improvement Program (TIP) 2012-2017 Project Listing for Council's review and certification. He stated the projects included on the TIP listing have all been previously endorsed by Council through the adoption of the Airport Layout Plan and are in keeping with the City's plan for future development at the airport.

Mr. Cornwell continued the presentation with background information on the TIP process by stating every year the City submits to the Division of Aviation a listing of the anticipated projects for the next five years. This list is used by Division of Aviation to formulate a five-year plan in order to prioritize funding for the Division of Aviation minimum standards projects, recommended projects, and additional requested projects. Staff has worked to develop the 2013-2017 project listing and the plan includes all of the items that were submitted last year, including the addition of Airfield Maintenance Equipment (2013). The addition of the Airfield Maintenance Equipment item is due to the fact that the North Carolina Division of Aviation will consider requests once every ten years for such eligible items. The City was directed by the Division of Aviation to add this item to the listing if it desired to receive funding for this equipment in the future, if such funding becomes available.

Mr. Cornwell noted that this listing is to simply give the Division of Aviation an idea of the type, scope, and initial cost estimate of projects that the City may be looking to receive funding for during this five-year period. This list does not commit the City to any funding requirements, nor does it stipulate the projects for which the City may use its yearly grant funding. This project is used as a planning tool for the Division of Aviation to evaluate and offer the possibility for additional funding sources for projects through a competitive review process.

Mr. Cornwell concluded by stating as funds are made available, staff will request concurrence from Council for each individual project before proceeding.

**ACTION TAKEN:** Upon a motion made by Mr. Amaya, City Council voted unanimously to approve and adopt Resolution No. 20-2012 entitled, “A RESOLUTION CERTIFYING REVIEW OF THE PROPOSED 2013-2017 TRANSPORTATION IMPROVEMENT PROGRAM (TIP) FOR THE DIVISION OF AVIATION FOR STATE AID TO AIRPORTS”.

**2) Consideration of Fiscal Year 2011-2012 Budget Ordinance Amendment No. 11: Ordinance No. 19-2012**

Mr. Howell presented Ordinance No. 19-2012 for Council’s consideration. If approved, this budget ordinance amendment would authorize the appropriation of \$10,000 from the general fund balance to be provided to Pathways LME for the purpose of providing qualified law enforcement staffing for the remainder of the fiscal year at the Crisis and Recovery Center on North Washington Street.

Mr. Howell introduced Barbara Hallisey, who was in attendance representing Pathways.

Chief Ledford provided background information by stating over the past couple of years, Pathways, the City of Shelby, and Cleveland County have discussed ways to better utilize law enforcement services in regard to assistance with citizens in mental health crisis. Pathways and Cleveland County have requested funding from the City to assist in providing off-duty, Crisis Intervention Team (CIT) certified law enforcement officers to be stationed at the Cleveland Crisis and Recovery Center. The Chief said supporting this initiative will:

- Reduce custody time for the City's law enforcement officers
- Minimize unnecessary use of the local hospital emergency departments
- Expedite getting residents into the mental health services they need

Chief Ledford explained the proposal for the remainder of this fiscal year ending June 30, 2012. Pathways has requested \$10,000 in City funding with Pathways and Cleveland County each providing \$10,000 in matching funds. The funds totaling \$30,000 will provide at least 84 peak hours of officer coverage at the center thus enabling Shelby police to safely drop off consumers in need of mental health evaluation/treatment. Custody will then transfer to the officer on duty at the center.

According to Chief Ledford, the Shelby Police Department spent more than 10,000 hours processing 627 mental commitments in 2011. Much of this time was spent with the patient in the emergency department while a treatment facility was located. The center is equipped to quickly treat individuals in need of psychiatric services, instead of having the individual and law enforcement officer waiting in the local emergency department.

It is Mr. Howell's expectation that by providing these additional funds to the Crisis Center the Shelby Police Department officers can be freed up to perform their regular patrol duties instead of being tied up supervising those patients who are in need of assistance for a mental health crisis.

Upon questioning, Ms. Hallisey confirmed Cleveland County has already committed its funding to the Cleveland Crisis and Recovery Center.

**ACTION TAKEN:** Upon a motion made by Mr. Shores, City Council voted unanimously to approve and adopt Ordinance No. 19-2012 entitled, "Fiscal Year 2011-2012 Budget Ordinance Amendment No. 11".

G. City Manager's Report:

- 1) **Mr. Howell provided brief updates on several infrastructure projects including:**
  - **Baldor Sewer Lift Station – North Carolina Rural Economic Development Center grant application pending completion and the project is moving along**
  - **Mall Sewer Lift Station – Project information will be forthcoming including the financing aspect**
  - **Water Treatment Plant Clearwell Inspection – In process including an evaluation of the work necessary to be completed**
  - **Forest Hill Drive Sidewalk Project – Staff is obtaining construction easements; it will be necessary to include the removal of some trees; project is funded by the North Carolina Department of Transportation and scheduled to be completed by the end of 2012**
- 2) **Mr. Howell stated the City, through the Finance Department, is in the process of requesting bids and accepting proposals for the financed borrowing of its equipment and rolling stock purchased throughout the current fiscal year.**
- 3) **Mr. Howell provided Mayor and Council with the City's Monthly Financial Summary for Fiscal Year to Date at March 31, 2012, which remains on track as previously reported. He requested their questions and comments after review.**
- 4) **Mr. Howell reminded Council the North Carolina Municipal Power Agency Number 1's (NCMPA1) series of regional meetings continue during May in Concord (on May 10, 2012) and in Morganton (on May 31, 2012) and encouraged their attendance.**
- 5) **Mr. Howell announced the North Carolina League of Municipalities annual Town Hall Day is set for June 6, 2012. He also encouraged Council to attend the League's remaining 2012 Regional Legislative Updates during April 2012. Mayor Anthony also suggested Council consider inviting the local legislative delegation to a future meeting.**

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

- 1) **Mayor Anthony reminded Council members that the City's first budget**

meeting is April 30, 2012 at 3:00 p.m. in Council Chamber.

The Mayor invited all to attend the Foothills Merry Go Round Festival on both April 28 and 29, 2012 at Shelby City Park. He also mentioned Shelby Art on the Square and Broad River European Classic Car Show on the Court Square on April 28, 2012.

Mayor Anthony encouraged attendance at the 2012 Cleveland County Fellowship of Christian Athletes' Sports Hall of Fame Banquet on April 23, 2012 at 6:00 p.m. also at Shelby City Park.

**I. Adjournment:**

**1) Motion to adjourn**

**ACTION TAKEN:** Upon a motion made by Mr. Shores, City Council voted unanimously to adjourn the meeting at 6:50 p.m.

Respectfully submitted,

Bernadette A. Parduski, MMC  
City Clerk

O. Stanhope Anthony III  
Mayor

Minutes of April 16, 2012