

## MINUTES

Regular Meeting  
City Hall Council Chamber

April 2, 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 Robert W. (Bob) Yelton, 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 Public Works Daniel C. (Danny) Darst, Director of Parks and Recreation Charlie Holtzclaw, Director of Development Services Brian L. Pruett, Director of Planning Services Walter (Walt) Scharer, AICP; and media representatives

Mayor Anthony called the meeting to order at 6:00 p.m. and welcomed all who were in attendance. He recognized Linda Ware as well as members of the Shelby Parks and Recreation Advisory Board. The Mayor gave the invocation and members of Boy Scout Troop 101 chartered through First Baptist Church led the *Pledge of Allegiance*.

**A. Approval of agenda:**

- 1) Motion to adopt the proposed agenda

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

**B. Public Hearing:**

- 1) Consideration of the City of Shelby's participation in the Community Development Block Grant (CDBG) Program administered by the North Carolina Department of Commerce through Community Investment and Assistance (CI), the Commerce Finance Center (CFC), and the Office of Rural Development Programs (ORD)

Mr. Scharer stated the North Carolina Department of Commerce Division of Community Investment and Assistance has opened the 2011 round of CDBG funding assistance. This public hearing is required as part of the CDBG application process. The City must publicly state its intent to apply for CDBG

funding and allow for members of the public to comment on community needs that should be addressed.

Mr. Scharer concluded by stating he anticipates a second public hearing will be held on April 16, 2012 directly concerning a specific application and project.

Mayor Anthony opened the public hearing at 6:03 p.m. and invited comments from the public.

The public offered no comments and Mayor Anthony closed the public hearing at 6:04 p.m.

Council took no action.

#### C. Consent Agenda:

**ACTION TAKEN:** Mayor Anthony presented the consent agenda. Mrs. Patterson made a motion to approve the consent agenda and each item as presented. After a second from Mr. Mabry, the consent agenda and following items were unanimously approved:

- 1) Approval of the Minutes of the Regular Meeting of March 19, 2012
- 2) Approval of Special Event Permit Application:
  - a. First Baptist Church 165<sup>th</sup> Anniversary Homecoming, requested date: May 27, 2012
- 3) Approval of a resolution prescribing procedures for disposing of personal property valued at less than \$30,000 and acceptance of a contract with GovDeals, Inc. for the online disposal of surplus property: Resolution No. 15-2012
- 4) Adoption of an ordinance authorizing demolition of a dwelling located at 702 LeGrand Street: Ordinance No. 10-2012
- 5) Adoption of an ordinance authorizing demolition of a dwelling located at 511 Gardner Street: Ordinance No. 11-2012
- 6) Adoption of an ordinance authorizing demolition of a dwelling located at 511 LeGrand Street: Ordinance No. 12-2012

**END CONSENT AGENDA**

**D. Unfinished Business:**

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

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

Mrs. Parduski reported the term of one incumbent, Phil Hege, is set to conclude April 2012. Mr. Hege wishes to continue his service. Applications on file in the Clerk's Office include: Durwin J. Briscoe, Craig Ferree, Andrew L. Hopper, Sr., Sarah E. Kirby-Turner, David Carl Lynn, Peter Potemkin, Michael Royster, and Talmadge C. Strickland.

Mrs. Patterson nominated Phil Hege.

Mr. Bailey nominated Michael Royster.

**ACTION TAKEN:** Upon a motion made by Mr. Amaya, seconded by Mr. White, City Council voted unanimously to close the nominations.

**ACTION TAKEN:** Upon a subsequent motion made by Mr. Shores, seconded by Mr. White, City Council voted 5 to 1 (Patterson) to postpone their vote in order for the City Clerk to contact Mr. Royster and determine his interest in serving on this board.

**b. Community Relations Council**

Mrs. Parduski reported the terms of four incumbents expired in August 2011 thus creating four vacancies with new terms concluding August 2014. Applications on file in the Clerk's Office include: Irene Beam Camp, Chavis Gash, Linda Price, and Steve Anthony Roderick.

As liaison to this board, Mr. Mabry requested additional time for input in resolving the challenges as to restructuring the Community Relations Council.

As a former liaison to this board, Mrs. Patterson described the Community Relations Council as inactive, ineffective, and lacking leadership.

By consensus, Council directed Mrs. Parduski to contact the applicants listed above and determine their interest in serving on this board.

**2) Consideration of a resolution to change the name of Academy Street at Shelby High School to Wayne Caudill Drive: Resolution No. 16-2012**

Mr. Scharer reminded Council of the alumnus of former Shelby High School Principal Wayne J. Caudill who, several months ago, requested Academy Street, the main entrance to the school, be renamed Wayne Caudill Drive. He stated staff has no objections to the name change which is in keeping with City policy and practice. Mr. Scharer added in January 2012 the Cleveland County Board of Education also authorized the renaming of Academy Street on the Shelby High School campus to Wayne Caudill Drive.

**ACTION TAKEN:** Upon a motion made by Mr. Bailey, seconded by Mr. White, City Council voted unanimously to approve and adopt Resolution No. 16-2012 entitled, "A RESOLUTION TO CHANGE THE NAME OF ACADEMY STREET AT SHELBY HIGH SCHOOL TO WAYNE CAUDILL DRIVE".

3) Consideration of a resolution naming a City street at Shelby City Park in memory of Mr. Larry Ware: Resolution No. 17-2012

Mr. Holtzclaw introduced Resolution No. 17-2012 for Council's consideration. He reminded Council that in February 2012 the Shelby Parks and Recreation Advisory Board unanimously approved a recommendation to them requesting the new Recreation and Sports Complex entry drive be named "Larry Ware Way" to honor and memorialize his unequalled dedication and service to the community throughout the parks and recreation system. After mentioning several beloved nicknames for Larry Ware, Mr. Holtzclaw added Mr. Ware served on the advisory board for over 20 years and was chair for 12 years prior to being elected to City Council in 2008. Mr. Ware was very instrumental in the 2008 Parks and Recreation Master Plan and was a genuine visionary for the future of parks and recreation for all citizens. Under his leadership, the advisory board received the prestigious North Carolina Recreation and Parks Board of the Year in 2003. Mr. Ware also served as a three-sport volunteer youth sports coach for almost 20 years.

Mr. Holtzclaw summed up by quoting from Mr. Howell's comments: "Mr. Ware's steadfast support of City Parks and Recreation is certainly without question as is the pride he had for the City of Shelby. I (Rick Howell) always admired Larry's unapologetic pride in this town while at the same time recognizing its weaknesses and working to improve the City of Pleasant Living".

Mr. Holtzclaw recognized Mrs. Linda Ware who expressed the appreciation and gratitude of the Ware family to City Council. Mrs. Ware introduced the members of her immediate family and friends in attendance. The members of the Shelby Parks and Recreation Advisory Board were also recognized.

Chair Allen Langley introduced David Lynn, Craig Ferree, and Mr. and Mrs. Strain.

**ACTION TAKEN:** Upon a motion made by Mr. Amaya, seconded by Mr. Shores, City Council voted unanimously to approve and adopt Resolution No. 17-2012 entitled, “A RESOLUTION NAMING A CITY STREET AT SHELBY CITY PARK IN MEMORY OF MR. LARRY WARE”.

A round of applause from the supportive audience followed Council’s vote.

**E. New Business:**

- 1) Consideration of an ordinance of the City of Shelby, amending Section 2-55 Rules of Procedure of Article II, Division 2 of Chapter 2 of the City of Shelby Code of Ordinances: Ordinance No. 13-2012

Mayor Anthony reminded Council of his proposal and the discussions following the annual planning retreat to eliminate the need for a “second” upon a motion being placed into consideration by a member of Council. The Mayor provided as background information that while Council adopted the School of Government’s Suggested Rules of Procedure for a City Council in 1996, it also modified its rules to require a “second” to any motion before City Council. The Mayor noted that, under parliamentary procedure, it is not absolutely essential to have motions seconded. This will simply streamline the current process, facilitating more discussion about issues that come before the governing board. The proposed ordinance essentially states that the referenced document be adopted in its entirety without the exception previously adopted by Council. Upon questioning, Mr. Yelton concurred.

**ACTION TAKEN:** Upon a motion made by Mr. Amaya, seconded by Mr. White, City Council voted unanimously to approve and adopt Ordinance No. 13-2012 entitled, “AN ORDINANCE OF THE CITY OF SHELBY, AMENDING SECTION 2-55 RULES OF PROCEDURE OF ARTICLE II, DIVISION 2 OF CHAPTER 2 OF THE CITY OF SHELBY CODE OF ORDINANCES”, effective April 16, 2012.

**F. City Manager’s Report:**

- 1) City of Lumberton Sweepstakes Ruling

Mr. Howell provided Council with a recent article which appeared in The Fayetteville Observer about the City of Lumberton, which won a lawsuit against several businesses that appealed an earlier decision upholding the City’s right to impose privilege license taxes on internet sweepstakes games. Because the Appeals Court decision was not unanimous, the

businesses have the right to appeal to the State Supreme Court. Mr. Howell recommended no action at this time but Council may wish to explore their options pending the outcome of this appeal anticipated in the fall session of 2012.

## 2) Pathways' Request

Mr. Howell discussed local mental health involuntary commitments and its impact on law enforcement's supervision and custody of same. As background information, Mr. Howell stated Pathways of Shelby, the local management entity, completed the new Cleveland Crisis and Recovery Center located on North Washington Street in 2011. This past February the Crisis Center was designated as the area facility for all mental evaluations by Pathways, which means that all mental patients under involuntary commitment orders are to be taken to this facility as opposed to being taken to the Cleveland Regional Medical Center Emergency Department. Mr. Howell said mental commitments are by far the most time-consuming assignments Shelby police officers have. Police Department records indicate over 10,000 hours expended with mental commitments in a calendar year. In an effort to reduce the number of hours sworn officers are spending with mental patients, Pathways has initiated a partnership with the City of Shelby and Cleveland County to fund a position at the Crisis Center in order that a qualified law enforcement officer will be at the facility during peak hours to supervise any involuntary commitments brought in. The cost of having an officer on site at the Crisis Center during these hours would be shared among the City of Shelby, Pathways, and Cleveland County. To cover the expenses of this position through the remainder of the fiscal year, all three entities are being asked to contribute \$10,000. Mr. Howell mentioned this request will be brought to Council for consideration as a recommended budget amendment in the near future. By funding this position, the City will greatly reduce the number of hours police officers are spending with mental commitments and allow the Police Department to reallocate its resources where needed i.e. back into the neighborhoods, etc. He also anticipates Pathways to make a formal request for funding to cover the upcoming fiscal year in the near future and to approach other possible partners to help offset the cost in the coming years.

## 3) 911 Funding Expenditures

Mr. Howell explained as authorized by North Carolina General Statutes, the North Carolina 911 Board provides annual appropriations to local 911 Primary Public Safety Answering Points (PSAPs) to assist in covering costs related to their operation. A Primary PSAP is an emergency

communications center that receives direct 911 calls from their respective jurisdiction. This funding is provided to 125 PSAPs within North Carolina, including the Shelby Police Department PSAP. The expenses authorized to be funded with these appropriations are very limited and governed through the NC 911 Board. Through special legislation, local governments have been authorized to spend a portion of local fund balances for authorized law enforcement expenditures through the end of the current fiscal year. Mr. Howell anticipated the Police Department will be submitting a budget amendment for Council's consideration to allocate a portion of its fund balance for certain expenditures.

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

- 1) **Mrs. Patterson said she received complaints as to possible illegal activities behind the old Bost Bakery Store building at the corner of East Marion and Dekalb Streets. Mr. Howell deferred the matter to Police Chief Ledford.**
- 2) **Mr. Mabry and Mr. Scharer mentioned Keep Shelby Beautiful conducted a litter sweep along West Marion Street near US 74 on March 17, 2012. Mr. Scharer added several groups are scheduled to conduct various beautification projects and litter sweep events throughout the month of April 2012.**
- 3) **Mayor Anthony announced Pastor Coleman of Hopper's Chapel has planned a prayer walk/clean-up event on April 7, 2012 at 10:00 a.m. and Operation Inasmuch on April 27, 2012, both at Olsen Court behind Plaster Park. The Mayor encouraged Council members to attend.**

**The Mayor commended Mr. Howell and Mr. Holtzclaw on the completion of the exterior renovations to the City Hall building. The project has been finalized and included the replacement of sidewalks as well.**

**Mayor Anthony mentioned the new lamp posts along Washington Street include brackets for the hanging of banners, which provide opportunities to advertise City events.**

**The Mayor acknowledged the 100<sup>th</sup> anniversary of the City of Shelby's operation of its electric system will take place in May 2012.**

#### **H. Adjournment:**

- 1) **Motion to adjourn**

**ACTION TAKEN:** Upon a motion made by Mr. Shores, seconded by Mr. Bailey, City Council voted unanimously to adjourn the meeting at 6:39 p.m.

Respectfully submitted,

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

**O. Stanhope Anthony III**  
Mayor

**Minutes of April 2, 2012**