

MINUTES

Regular Meeting
City Hall Council Chamber

August 21, 2017
Monday, 6:00 p.m.

Present: Mayor O. Stanhope Anthony III, presiding; Council Members Eric B. Hendrick, David W. White, David Causby, Dennis C. Bailey, Dicky Amaya; City Manager Rick Howell, City Clerk Bernadette A. Parduski, NCCMC, MMC, City Attorney Robert W. (Bob) Yelton, Director of Finance Justin S. Merritt, MPA, Director of Human Resources Deborah C. (Deb) Jolly, Director of Energy Services Julie R. McMurry, Director of Water Resources David W. Hux, Director of Engineering Services Benjamin (Ben) Yarboro, Fire Chief William P. Hunt, MPA, EFO, Assistant Fire Chief – Logistics and Enforcement Services Todd McMurry, Director of Public Works Daniel C. (Danny) Darst, Jr., and Director of Planning and Development Services Walter (Walt) Scharer, AICP; and Director of Cable Programming Greg Tillman of Cleveland Community College and The Video Factory

Absent: Council Member Ben Kittrell, Jr.

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. White led the *Pledge of Allegiance*.

A. Approval of agenda:

- 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 presented.

B. Special Presentations:

- 1) Shelby Fire and Rescue Department 2016-2020 Strategic Plan Update – William Hunt, Fire Chief

Chief Hunt stated the purpose of his presentation was to provide an update on the strategic plan and implementation progress to date. The Shelby Fire and Rescue Department is proceeding with implementation of 2016-2020 Strategic Plan in accordance with the standards set forth in its 2014 accreditation through the Center for Public Safety Excellence (CPSE). He said this is an ongoing process that is designed and intended to allow the

department to reflect upon progress toward implementation of the plan. An update to City Council is a requirement and ensures the responsible elected board is informed regarding the activities of the Shelby Fire and Rescue Department.

As background information, Chief Hunt explained a strategic plan is a management tool that provides short term direction, builds a shared vision, sets goals and objectives, and optimizes the use of resources. He defined a community-driven strategic plan as a planning process where an organization examines its priorities, products and services, and expectations through the eye of the community or customer. For fire departments engaged in the accreditation process, strategic planning is an integral and required component in the accreditation model.

Chief Hunt stated for fire departments engaged in CPSE's strategy of continuous improvement, strategic planning is an integral component and is based upon a shared purpose, mission, values, and vision; a set of attainable goals and objectives; and optimization of resources. He reviewed the Shelby Fire and Rescue Department's purpose and mission statements. He reiterated the Department's value statements which center on unity, integrity, quality, duty, and professionalism.

Next, Chief Hunt reviewed and discussed the Department's goals and objectives as follows:

Goal 1 – Enhance the technological abilities within the Department to improve service capability.

He cited paperless code enforcement inspections, a new data software system to monitor and analyze agency performance, and the purchase of apparatus to support and improve service delivery of technical rescue and hazardous materials response as accomplishments.

Goal 2 – Improve upon the overall health and wellness of the Department staff to better serve the community.

He cited improved personal protection equipment decontamination policies and practices, streamlining the annual firefighter physical process, providing firefighter cancer awareness and prevention classes, and the procurement of an improved firefighter accountability software system as accomplishments.

Goal 3 – Enhance the current workforce plan; recognize and implement needed changes.

He cited an internal committee was assembled to study and make recommendations that can be implemented at the department level. The department's career opportunity and continuing education policies were also updated in support of this goal.

Goal 4 – Develop a public education outreach program on Fire and Rescue Department operations.

He cited a reconnection with public education partners, Carolinas Healthcare and Safe Kid's Coalition, and certification of key staff members as Fire and Life Safety educators as accomplishments. However, improvements in public education outreach is limited by the vacancy in the Fire Marshal's Office.

Goal 5 – Create programs/systems to identify and reduce overall risks in the community through public education.

He cited the shift of existing inspector-firefighter full-time employees to work under the Fire Marshal's Office with 23 members certified as code enforcement officials as accomplishments. However, active recruitment to fill the Fire Marshal vacancy with an emphasis on helping the department successfully implement the "community risk reduction model" of service delivery is ongoing.

Council received the information. No action was necessary.

2) Energy Efficiency Grant Update – Julie McMurry, Director of Energy Services

Mrs. McMurry introduced the subject matter of her presentation entitled, "The Energy Efficiency Grant Update". She recalled Council approved the Energy Efficiency Pilot Program in October 2016. The grant program was launched 10 months ago and was originally developed to assist the City's commercial electric or natural gas customers increase the energy efficiency of their businesses. Since the program was also designed to promote energy efficiency in older buildings, the buildings were required to be age 50 years or older.

Mrs. McMurry mentioned a series of other City rebates are available to current and new natural gas and electric customers.

With regard to the Energy Efficiency Grant Program, Mrs. McMurry stated the total funds available to distribute is \$75,000 and funded equally by the Electric and Natural Gas funds. She added the maximum rebate is 80 percent of the eligible costs for a maximum of \$20,000 per project.

Mrs. McMurry explained the entire grant process from submitting an application to the review by committee members (including Finance Director Justin Merritt, Planning Director Walt Scharer, Utilities Services Specialist Cale Wright, and Energy Resources Director Julie McMurry) to the award letter to the inspection of updates to the issuance of the grant funds to the actual property owner.

Within three months of its introduction, the City awarded nine grants totaling approximately \$63,000. The projects included heating/ventilation/air conditioning (HVAC) systems, windows, insulation, doors, and appliances throughout buildings in the City ranging in age from 91 to 109 years. Mrs. McMurry researched the utility usage after the projects were completed and reported a definite decline as positive proof of energy conservation.

Mrs. McMurry concluded her presentation by stating the program has been funded again for Fiscal Year 2017-2018. Currently, three applications have been received, reviewed, and approved for more than \$55,000.

Council received the information. No action was necessary.

C. Public Comment: None

D. Public Hearings:

- 1) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina: Ordinance No. 49-2017**

Mr. Scharer introduced the proposed map amendment for 510 West Grover Street from General Industrial (GI) District to Corridor Protection District (CPD). The majority of the subject property is vacant and has a total of approximately 119 acres. The site currently occupied by a vacant restaurant is located on 4.75 acres. Mr. Scharer stated the Rose Hill Restaurant previously occupied the building on the 4.75 acres in consideration. Due to a lapse in tenancy greater than 365 days, the site must be rezoned to an appropriate classification for a new restaurant with only the frontage portion of the site to be rezoned.

Mr. Scharer stated the Shelby Comprehensive Land Use Plan designates this area as Residential Low Density. He added the zoning amendment is inconsistent with the Comprehensive Land Use Plan. However, with the new greenway project and future sidewalk along Grover Street, this corridor is of key importance to the City and protection is required.

Mr. Scharer concluded by stating the Planning and Zoning Board recommended approval of the proposed zoning map amendment for a portion of the property located at 510 West Grover Street.

Mayor Anthony opened the public hearing at 6:31 p.m. and invited comments from the public.

The public offered no comments and Mayor Anthony closed the public hearing at 6:32 p.m.

ACTION TAKEN: Upon a motion made by Mr. Amaya, City Council voted unanimously to approve and adopt Ordinance No. 49-2017 entitled, "A PROPOSED ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF SHELBY, NORTH CAROLINA".

2) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina: Ordinance No. 50-2017

Mr. Scharer introduced the proposed map amendment for 1900 East Dixon Boulevard, 1008 Manchester Drive, and Manchester Drive from Residential 20 (R-20) District and General Business (GB) District to General Business (GB) District. He stated a single-family residence is located on Parcel 23895, an automotive storage facility is located on Parcel 28722, and Parcel 28723 is currently vacant. Parcels 28722 and 28723 are zoned R-20 while Parcel 23895 is zoned both R-20 and GB, with frontage along East Dixon Boulevard.

Mr. Scharer further stated the Shelby Comprehensive Land Use Plan designates this area as Mixed Use and Corridor Revitalization. The zoning map amendment is consistent with the Shelby Comprehensive Land Use Plan as the proposed zoning classification of GB is compatible with the Mixed Use and Corridor Revitalization designations. He added the Planning and Zoning Board recommended approval of the proposed zoning map amendment for property located at 1900 East Dixon Boulevard (Parcel 23895) and 1008 Manchester Drive (Parcel 28722) from Residential 20 (R-20) District and General Business (GB) District to General Business (GB) District. However, the Planning and Zoning Board did not recommend approval of the proposed zoning map amendment for property located at Manchester Drive (Parcel 28723) from Residential 20 (R-20) District to General Business (GB) District. Mr. Scharer concluded by stating this recommendation is reflected in ordinance as written.

Mayor Anthony opened the public hearing at 6:35 p.m. and invited comments from the public.

The public offered no comments and Mayor Anthony closed the public hearing at 6:36 p.m.

ACTION TAKEN: Upon a motion made by Mr. Bailey, City Council voted unanimously to approve and adopt Ordinance No. 50-2017 entitled, "A PROPOSED ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF SHELBY, NORTH CAROLINA".

E. Consent Agenda:

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

- 1) Approval of the Minutes of the Regular Meeting of August 7, 2017
- 2) Approval of a resolution honoring Bernard Wray Hamrick on the occasion of his retirement from employment with the City of Shelby: Resolution No. 54-2017
- 3) Approval of a resolution directing the City Clerk to determine sufficiency of a voluntary annexation petition from Clearwater Paper Corporation: Resolution No. 55-2017
- 4) Approval of a resolution accepting Lake George Drive into the City of Shelby Street System: Resolution No. 56-2017
- 5) Adoption of an ordinance authorizing demolition of a dwelling: Ordinance No. 51-2017
- 6) Adoption of Fiscal Year 2017-2018 Budget Ordinance Amendment No. 1: Ordinance No. 52-2017
- 7) Adoption of Fiscal Year 2017-2018 Budget Ordinance Amendment No. 2: Ordinance No. 53-2017
- 8) Approval of Notice of Cancellation in the regular meeting schedule of Shelby City Council

END CONSENT AGENDA

F. Unfinished Business:

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

a. Planning and Zoning Board

Mrs. Parduski reported the terms of two incumbents, Charles Hamrick and Greg Taylor, concluded June 2017. Both Mr. Hamrick and Mr. Taylor wish to continue their service on this board. There are no applications on file in the Clerk's Office at this time.

Mr. White nominated Charles Hamrick and Greg Taylor for reappointment.

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

b. Zoning Board of Adjustment

Mrs. Parduski reported the terms of three incumbents, David Beam, Mot Davis, and Bill McCarter, concluded July 2017. All three incumbents wish to continue their service on this board. There are also two vacant alternate positions for unexpired terms concluding July 2018 and July 2020. There are no applications on file in the Clerk's Office at this time.

Mr. Bailey nominated David Beam, Mot Davis, and Bill McCarter for reappointment.

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

c. Parks and Recreation Advisory Board

Mrs. Parduski reported the terms of two incumbents, Marie Hendrick and Craig Ferree, concluded July 2017. Both incumbents wish to continue their service on this board. There are no applications on file in the Clerk's Office at this time.

Mr. Bailey nominated Marie Hendrick and Craig Ferree for reappointment.

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

G. New Business:

- 1) **Consideration of an ordinance establishing a capital project ordinance and budgets for the City of Shelby's Fallen Hero Memorial Park Project: Ordinance No. 54-2017**

Mr. Howell introduced Ordinance No. 54-2017 for Council's consideration. If approved, the ordinance would establish a project budget for what is tentatively referred to as the "Fallen Hero Memorial Park". He stated the City has identified an opportunity to utilize various grant funding sources (Rotary Club of Shelby and the North Carolina General Assembly for Downtown Revitalization), along with various additional funding streams, to construct the proposed memorial to be located at Raper Roark Plaza. Based on a \$200,000 construction budget, a preliminary conceptual design is being developed at this time for Council's consideration at a future date. Mr. Howell concluded by stating adoption of the budget ordinance is the first step in moving this project and process forward.

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to approve and adopt Ordinance No. 54-2017 entitled, "AN ORDINANCE ESTABLISHING A CAPITAL PROJECT ORDINANCE AND BUDGETS FOR THE CITY OF SHELBY'S FALLEN HERO MEMORIAL PARK PROJECT".

- 2) **Consideration of an ordinance allowing the sale of alcoholic beverages before noon on Sundays at licensed premises: Ordinance No. 55-2017**

Mr. Howell introduced Ordinance No. 55-2017 for Council's consideration. Known broadly as the "brunch bill", he stated North Carolina General Assembly Senate Bill 155 made various changes to the Alcoholic Beverage Control Commission Laws, including allowing local governments to adopt ordinances to allow establishments that hold a licensed premises' permit issued under North Carolina General Statute 18B-1001 to sell alcoholic beverages beginning at 10:00 a.m. on Sundays, instead of 12:00 noon. Mr. Howell acknowledged receipt of correspondence from two local restauranteurs requesting the matter be brought to Council for action.

ACTION TAKEN: Upon a motion made by Mr. Amaya, City Council voted unanimously to approve and adopt Ordinance No. 55-2017 entitled, "AN ORDINANCE ALLOWING THE SALE OF ALCOHOLIC BEVERAGES BEFORE NOON ON SUNDAYS AT LICENSED PREMISES".

H. City Manager's Report:

- 1) **Mr. Howell informed Council the City will conduct a Facilities Asset Management Plan beginning in the fall of 2017. He defined and explained the plan involves a proactive approach and provides a holistic view of what buildings and properties the City owns, their conditions, locations and when they will next be maintained or replaced. The plan will simplify the budget planning process and enable effective planned maintenance as well as reduce the backlog of liabilities. Finance Director Justin Merritt will oversee this project.**

I. Council Announcements and Remarks: None

J. Closed Session:

- 1) **To prevent the disclosure of information that is privileged or confidential pursuant to the law of North Carolina, not considered a public record within the meaning of Chapter 132 of the General Statutes, pursuant to General Statute 143-318.11 (a) (1)**

ACTION TAKEN: Mr. Bailey made a motion to enter into a closed session pursuant to the appropriate North Carolina General Statutes as cited. Mayor Anthony consulted with Mr. Yelton who advised the topics met the statutory requirements for a closed session. The Mayor invited all Council members present along with Mr. Howell, Mr. Yelton, Mrs. Parduski, Mr. Merritt, and Mrs. McMurry to attend. The motion passed unanimously and Council moved into closed session at 6:51 p.m.

Council returned to the regular session at 7:48 p.m.

K. Adjournment:

- 1) **Motion to adjourn**

ACTION TAKEN: Upon a motion made by Mr. Amaya, City Council voted unanimously to adjourn the meeting at 7:49 p.m.

Respectfully submitted,

Bernadette A. Parduski, NCCMC, MMC
City Clerk

**O. Stanhope Anthony III
Mayor**

Minutes of August 21, 2017