

MINUTES

Regular Meeting
City Hall Council Chamber

January 7, 2013
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, NCCMC, 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, Jr., Director of Planning Services and Interim Director of Development 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 Mayor Les Roark and former Council Member Kevin Allen. The Mayor gave the invocation and Mr. Mabry led the *Pledge of Allegiance*.

A. Approval of agenda:

- 1) Motion to adopt the proposed agenda

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

B. Special Presentation:

- 1) Uptown Shelby Association (USA) update – Wade Nichols, Executive Director, Uptown Shelby Association, Inc.

Mr. Nichols began his presentation of USA's annual update by reviewing the mission of the Association which is to use the Main Street approach to manage, market, develop, and enhance the quality of life and commerce in historic Uptown Shelby. He stated the organization has used different strategies and tactics over the past 31 years, but the mission has remained in place for many of those years. Since USA grew out of one of the first 30 Main Street organizations formed by the National Trust for Historic Preservation back in 1980, he added the Association has retained the influence of that Main Street approach.

Mr. Nichols elaborated on the key tasks of USA as follows:

- **Promoting Uptown Shelby as a business, entertainment, and social destination**
- **Economic development in fostering strong businesses**
- **Historic preservation – design for the restoration and improvement of buildings**
- **Supporting, assisting, and helping develop leadership for the community**

Currently, Mr. Nichols cited the Uptown District is home to 79 retail and personal service firms, 10 restaurants and cafes, 76 professional/financial firms, with more than 60 residential units and capacity for 100 to 125 full-time residents in the Uptown District.

Mr. Nichols commented the make-up in Uptown Shelby is fairly typical of small and mid-sized cities. Some will be stronger in retail while Shelby has strength in restaurants. Shelby is a stand-out in the area of residential development in the historic downtown core district and it appears that the presence of year-round residents helps to stabilize the district.

Mr. Nichols stated the summer event season for Uptown Shelby was designed to bring as many people as possible into Uptown and focuses on family events. The 2012 Alive After Five Program was the 18th annual summer series of free concerts with an average attendance of 1,460 attendees and an estimated economic impact of \$5,000 to \$8,000 per concert. The 2012 Summer Cinema Series at the Don Gibson Theatre included six films with an average attendance of 210 attendees and is gaining wider sponsorship with each year of existence.

Next Mr. Nichols reviewed the success of the 2012 Fall Liver Mush Expo as follows:

- **USA's focus is on children's activities**
- **Served 1,800 to 2,000 children by distributing balloons and pumpkins; providing craft projects; setting up an inflatable slide and bounce rides**
- **Obtained four corporate sponsors**
- **Anticipated economic impact at over \$200,000 for this single event**

Since food traditions are a great tourism hook these days and while liver mush more than fulfills that need, USA added a new program in 2012 known as Seeds to Silverware, which fits in with the focus on local foods. The event featured wide ranging participation from chefs, farmers, Uptown merchants,

etc. and had three business sponsors. It was a success despite the weather conditions which included a downpour.

A holiday tradition for many years in Uptown Shelby, Mr. Nichols shared the accomplishments of the Uptown Shelby Holidays including the carriage rides (four Friday evenings averaging 285 passengers per evening), the community tree lighting ceremony, and the annual Christmas parade. USA supported extended merchant hours, as well as the restaurants. He estimated the economic impact at \$3,000 per night of operation.

Mr. Nichols stated since shop local is a big trend among downtown organizations across the nation, USA actively advertised and promoted the Uptown district and businesses during the past year with a number of efforts that sought to boost support of locally-owned enterprises. The Shop Local, Shop Uptown campaign incorporated Black Friday hometown style and Small Business Saturday.

In terms of Uptown Shelby's economy, Mr. Nichols shared the following information about new businesses:

- Gained 9 new businesses in the past several months
- A written business plan has been required since 2011
- Three businesses currently receiving monthly incentive payments
- Over the past three years, 8 of the 12 incentives are operating today

Mr. Nichols provided these figures as to the investments made in the Uptown Shelby Municipal Service District (MSD), which have also been reported to the North Carolina Main Street Center and National Main Street Center since 1980:

- Public funding (includes all non-profit and governmental sources) in 2011-2012 – \$2,300,000 plus
- Public funding since 1980 – \$14,842,483
- Private funding (includes all corporate and individual sources) in 2011-2012 – \$1,575,000 plus
- Private funding since 1980 – \$38,451,396

- Total since 1980 = \$53,293,879

Mr. Nichols then provided USA's upcoming highlights for 2013:

- The 19th year of concerts
- Summer Cinema Series
- The Shelby High School Homecoming Parade

- The Fall Liver Mush Expo
- Seeds to Silverware and other food events
- Shopping promotions – Taste of the Holidays; Shop Local, Shop Uptown
- Celebrating the new Foothills Farmers’ Market Pavilion
- Christmas Holidays – Carriage rides, Community tree lighting ceremony, and the Christmas parade

Mr. Nichols concluded his presentation by briefly discussing USA’s 2013 challenges specifically:

- To boost retail recruitment and increase advertising and promotion
- To fine tune for traffic, parking, and bicycles
- To fill chronically vacant buildings
- To address needs for upgraded mechanical systems of older buildings for economic viability
- To find ways to enhance streetscape

A brief discussion concluded Mr. Nichols’ presentation. Council received the information and 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. The consent agenda and following items were unanimously approved:

- 1) Approval of the Minutes of the Regular Meeting of December 17, 2012
- 2) Approval of Special Event Permit Application:
 - a. Cleveland County Branch NAACP Annual Rev. Dr. Martin Luther King, Jr. Unity March, requested date: January 21, 2013
- 3) Approval of a resolution accepting and entering into an Agreement with the North Carolina Department of Transportation to accept grant funding for the Shelby-Cleveland County Regional Airport – Project No. 362244.23.11.1: Resolution No. 1-2013

END CONSENT AGENDA

D. Unfinished Business:

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

a. Shelby-Cleveland County Regional Airport Advisory Board

Mrs. Parduski reported the terms of four incumbents, James Sanders, Richard Fletcher, Janis Evans Tucker, and William Plowden, Jr., conclude February 2013. Mr. Sanders, Mrs. Tucker, and Mr. Plowden wish to continue their service. Mr. Fletcher is not seeking reappointment thus creating a vacancy on this board.

There are two applications on file in the Clerk's Office: Eric Bester and William (Bill) Sherman.

Mrs. Patterson nominated Mr. Bester.

Mr. Amaya nominated the incumbents, Mr. Sanders, Mrs. Tucker, and Mr. Plowden for reappointment.

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

2) Consideration of an order authorizing the issuance and sale by the City of Shelby, North Carolina of a not to exceed \$9,700,000 combined enterprise system revenue refunding bond, Series 2013A, \$2,600,000 combined enterprise system revenue refunding bond, Series 2013B, \$3,225,000 combined enterprise system revenue refunding bond, Series 2013C, and \$1,825,000 combined enterprise system revenue refunding bond, Series 2013D, and authorizing the execution and delivery of certain documents in connection therewith: Resolution No. 2-2013

Mr. Merritt introduced Resolution No. 2-2013 for Council's consideration. If approved, the bond order authorizes the sale of Series 2013A, 2013B, 2013C, and 2013D refunding bonds. It also details the bonds the City intends to refund, the process by which they will be refunded, and provides details regarding the Series 2013 bonds to be purchased by Branch Banking and Trust (B B & T). Council's approval of the bond order is a necessary step in the refunding process as it sets forth the terms and provisions of the bond purchase and authorizes City staff to proceed with the execution of the required documents to complete this transaction.

Mr. Merritt mentioned Council was also provided several supplemental documents for review prior to their consideration of said resolution.

Lastly, Mr. Merritt was able to update and finalize the net savings in interest cost over the next 17 years at \$1,186,963.00. The term of the debt remains the same. He anticipated the closing date to be on or around January 15, 2013.

Mr. Howell and Mayor Anthony commended Mr. Merritt for his efforts on this project, noting the significant savings to the City's utility customers.

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to adopt and approved Resolution No. 2-2013 entitled, "AN ORDER AUTHORIZING THE ISSUANCE AND SALE BY THE CITY OF SHELBY, NORTH CAROLINA OF A NOT TO EXCEED \$9,700,000 COMBINED ENTERPRISE SYSTEM REVENUE REFUNDING BOND, SERIES 2013A, \$2,600,000 COMBINED ENTERPRISE SYSTEM REVENUE REFUNDING BOND, SERIES 2013B, \$3,225,000 COMBINED ENTERPRISE SYSTEM REVENUE REFUNDING BOND, SERIES 2013C, AND \$1,825,000 COMBINED ENTERPRISE SYSTEM REVENUE REFUNDING BOND, SERIES 2013D, AND AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS IN CONNECTION THEREWITH".

E. New Business:

1) Consideration of a Notice of Special Meeting

Council discussed but delayed action on scheduling a special meeting to conduct a public hearing related to the proposed economic development incentives being offered for Project X-Cel. By consensus, the special meeting date and time will be determined by Mayor Anthony once the City is given direction by the State of North Carolina on the timing of the project announcement.

2) Consideration of a resolution authorizing the City Manager to implement a road conversion on Warren Street in Uptown Shelby: Resolution No. 3-2013

Mr. Scharer began his presentation by stating Warren Street was recently resurfaced by the North Carolina Department of Transportation (NCDOT) and has not yet been permanently striped. He stated in 2007 the City began looking at the possibilities of road conversions during the development of the Comprehensive Pedestrian Plan. Since then staff has used road conversion techniques several times to help slow traffic to create safer conditions for pedestrians and bicyclists. As staff continues to search for other cost effective, feasible road conversion projects throughout Shelby, Warren Street presented a classic example of a potential road conversion by simply

restriping the road from two through travel lanes each direction to one through travel lane each direction with a center turn lane. At the time of the resurfacing project, Mr. Scharer, with Mr. Howell's consent, approached local NCDOT officials about the possible restriping of Warren Street to allow for a safer pedestrian environment as well as to provide striping that could potentially reduce vehicle speeds and allow for safer on street parallel parking. NCDOT required a Traffic Impact Analysis (TIA) be conducted, which was completed and the result shared with NCDOT.

Next Mr. Scharer shared the details of the TIA summary and provided a map and diagrams depicting the concept for restriping Warren Street. The conversion includes:

- Eliminating a second travel lane in both directions allowing for more space in each lane; travel lanes are expected to widen from 11 to 16 feet
- Parallel parking space width along the street will increase to 9 feet
- No loss of parallel parking spaces
- According to the TIA analysis of a 10-year period, there were 85 crashes in the area where the street setup will be modified. The TIA estimates the changes to the street will reduce the number of crashes by two per year

Council discussion followed and included the possibility of adding bicycle lanes and handicap parking spaces. While generally approving the project as presented, Council requested staff to identify viable bicycle routes around the City.

ACTION TAKEN: Upon a motion made by Mr. Amaya, City Council voted unanimously to adopt and approve Resolution No. 3-2013 entitled, "A RESOLUTION AUTHORIZING THE CITY MANAGER TO IMPLEMENT A ROAD CONVERSION ON WARREN STREET IN UPTOWN SHELBY".

F. City Manager's Report:

- 1) Mr. Howell encouraged Mayor Anthony and Council to attend the Connect Our Future Open House, which is sponsored by the Centralina Council of Governments, on January 22, 2013 between 4:00 p.m. and 7:00 p.m. at Shelby City Park.
- 2) Mr. Howell said the Foothills Farmers' Market lease agreement has been

finalized and will be submitted to Council for review and approval at their next regularly scheduled meeting of February 4, 2013.

- 3) With regard to the Foothills Commerce Center Job Ready Shell Building No. 2 Project, Mr. Howell informed the Mayor and Council that preliminary drawings are currently being reviewed with a presentation from the architects will be scheduled shortly. Mr. Howell anticipated a late April date for commencement of construction with a November completion date likely.
- 4) With regard to the Cleveland Mall Lift Station Replacement Project, Mr. Howell announced bids will be opened on February 7, 2013.
- 5) With regard to the Baldor Sewer Lift Station and Water Meter Pit Replacement Project, Mr. Howell said the work was completed in December 2012 except for some minor equipment yet to be installed.
- 6) Mr. Howell initiated a discussion about setting the budget retreat date for a full-day session focusing on the General Fund for either February 1 or 8, 2013. He will confirm one date with Council.

G. Council Announcements and Remarks:

- 1) Mayor Anthony invited Council to attend the Shelby High School Athletic Legacy reception on January 11, 2013 at 2:00 p.m. in the Media Center on campus.
- 2) Mayor Anthony requested an update from Mr. Yelton regarding the change in the City's election method. Mr. Yelton responded the matter has been submitted accordingly and is pending.

H. Adjournment:

- 1) Motion to adjourn

ACTION TAKEN: Upon a motion made by Mr. Shores, City Council voted unanimously to adjourn the meeting at 6:54 p.m.

Respectfully submitted,

Bernadette A. Parduski, NCCMC, MMC
City Clerk

**O. Stanhope Anthony III
Mayor**

Minutes of January 7, 2013