

MINUTES

Regular Meeting
City Hall Council Chamber

July 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, 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, Fire Chief William P. Hunt, MPA, Director of Public Works Daniel C. (Danny) Darst, Jr., Director of Planning Services Walter (Walt) Scharer, AICP; and media representatives

Absent: Council Member Dennis C. Bailey

Mayor Anthony called the meeting to order at 6:00 p.m. and welcomed all who were in attendance. He requested prayers for Mr. Bailey's mother due to illness and acknowledged Andrea Leslie-Fite sitting in for Mr. Yelton. Mayor Anthony gave the invocation and led the *Pledge of Allegiance*. The Mayor shared that today, July 16, is his 29th wedding anniversary.

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. Public Comment: None

C. Public Hearing:

- 1) Consideration of a proposed ordinance to amend the Unified Development Ordinance of the City of Shelby: Ordinance No. 35-2012

Utilizing a map for illustrative purposes, Mr. Scharer explained the City's current set of regulations on video gaming has a 500 foot setback between video gaming uses and any other property containing a video gaming arcade, a church, residentially-zoned property, a public or private school of any kind, a public park, a daycare facility for children, a boys or girls club, or a similar place where children or minors congregate.

The proposed amendment, which was initiated by a property owner within the Extraterritorial Jurisdiction area, would establish a new setback of 150 feet from any property containing a dwelling unit. The proposed amendment eliminates the 500 foot setback from residentially-zoned property. However, the proposed change does maintain all other setbacks currently in place.

It was noted the Planning and Zoning Board recommended denial of the proposed zoning amendment.

Following discussion, Council concluded the proposed zoning amendment was less restrictive than the City's existing regulations.

Mayor Anthony opened the public hearing at 6:06 p.m. and invited comments from the public.

The public offered no comments and Mayor Anthony closed the public hearing at 6:07 p.m.

ACTION TAKEN: Upon a motion made by Mr. Shores, City Council voted unanimously to deny Ordinance No. 35-2012 entitled, "A PROPOSED ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF SHELBY".

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 June 18, 2012
- 2) Approval of Special Event Permit Application:
 - a. American Legion World Series Block Party, "First Pitch", requested date: August 7, 2012
- 3) Approval of a resolution recognizing the Community Math Academy on its fifth anniversary: Resolution No. 39-2012
- 4) Approval of a resolution accepting and entering into an agreement between the City of Shelby and the Rural Economic Development Center, Inc. for Baldor Electric – Replace Sewer Lift Station Project No. 2012-125-40441-107: Resolution No. 40-2012

- 5) Approval of a resolution awarding the bid for the Baldor (formerly Copeland) Lift Station and Meter Vault in conjunction with the Clean Water Infrastructure Program: Resolution No. 41-2012
- 6) Adoption of Fiscal Year 2012-2013 Budget Ordinance Amendment No. 1: Ordinance No. 36-2012
- 7) Approval of a resolution authorizing execution of the Interlocal Agreement for a Group Self-Insurance Pool for Benefit Risk Sharing: Resolution No. 42-2012

END CONSENT AGENDA

E. Unfinished Business: None

F. New Business:

- 1) Discussion re: North Carolina League of Municipalities' Municipal Advocacy Goals for 2013-2014

Mayor Anthony indicated a desire for City Council to have a thoughtful discussion about the North Carolina League of Municipalities (NCLM) 2013-2014 Municipal Advocacy Goals proposals. Both the Mayor and Mr. Howell explained the Municipal Advocacy Goals identify the issues that the membership (the League's nonpartisan network of 540 cities, towns, and villages in North Carolina) has determined are of the highest priority for a particular two-year legislative cycle. The League members and staff focus their time and resources on actively seeking the items in the goals package and on protecting the membership from legislation that is counter to these positions. The League is following the same timeline that two years ago led to the development of the 2011-2012 Municipal Advocacy Goals, which have guided the League's advocacy efforts throughout the 2011 and 2012 sessions of the General Assembly.

Mayor Anthony stated the NCLM recently requested proposals for legislative and regulatory goals it should pursue during the 2013-2014 biennium. The Mayor reiterated these proposals are an integral part of the process of determining the League's Municipal Advocacy Goals for 2013-2014. Policy proposals should be submitted no later than August 31, 2012.

Discussion ensued concerning specific Core Municipal Principles and the current Municipal Advocacy Goals including the Municipal Advocacy Goals Additions of March 2011.

By consensus, Council agreed to continue their discussion and finalize their proposals for submission to the League at the next meeting of August 6, 2012.

G. City Manager's Report:

- 1) Mr. Howell provided a brief update regarding an anticipated economic development announcement.
- 2) Mr. Howell mentioned the City has not yet received its Phase II Stormwater Permit. It is expected in the very near future at which time an implementation program must be developed.

H. Council Announcements and Remarks:

- 1) Mayor Anthony reminded Council of his proposal presented at the annual retreat to consider changing the method of municipal elections from Type 4 (non-partisan with runoff) to Type 3 (non-partisan with primary). By consensus, Council authorized and directed the City Attorney to begin the research and legal process required to make this occur.

The Mayor mentioned the following matters for Council's future consideration:

- Schedule performance evaluations and reviews of the City Manager, City Clerk, and City Attorney
- Request Mr. Howell to prepare a recommendation to provide ongoing financial support over a period time to Destination Cleveland County (DCC) for the Earl Scruggs Center Capital Fund utilizing local occupancy tax funds intended for travel and tourism purposes

Mr. Shores also suggested drafting an agreement with DCC to utilize a portion of the facility at the Scruggs Center for City Council meetings on the basis the City may need the additional space provided by the Council Chamber for the overcrowded Police Department. Mr. Shores said it would save the taxpayers' money by not constructing new City facilities.

The Mayor made the following announcements:

- Tar Heel Leagues State Tournament Coach Pitch and Junior League Opening Ceremonies will be held on July 19, 2012 at 4:00 p.m. at the Shelby City Park Recreation and Sports Complex

- The First Annual Step One Challenge 5K and Fun Run are set for September 15, 2012 at 8:00 a.m. with a starting location at Aldersgate United Methodist Church
 - American Legion World Series kickoff events include opening concerts on August 12, 2012 and August 16, 2012 with opening ceremonies prior to the start of the games to be held on August 17, 2012
- 2) Mr. Amaya announced he was going to be a grandfather again in September 2012.
 - 3) Mrs. Patterson extended her congratulations to Mayor Anthony and his wife on their wedding anniversary.
 - 4) Mr. White requested information regarding future budget planning sessions for fiscal year 2013-2014.

I. Adjournment:

- 1) Motion to adjourn

ACTION TAKEN: Upon a motion made by Mr. Amaya, City Council voted unanimously to adjourn the meeting at 6:45 p.m.

Respectfully submitted,

Bernadette A. Parduski, MMC
City Clerk

O. Stanhope Anthony III
Mayor

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