

## MINUTES

Regular Meeting  
City Hall Council Chamber

October 1, 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, 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, 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

**Absent:** Council Members Dennis C. Bailey and Joel R. Shores, 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. White, City Council voted unanimously to approve the agenda as presented.

**B. Special Presentation:**

- 1) Recognition of Beth B. Beam, Assistant Finance Director, and the entire Finance Department for receiving the Certificate of Achievement for Excellence in Financial Reporting for the Fiscal Year ended June 30, 2011

Acknowledging Mrs. Beam's service as Interim Finance Director during the City's annual independent financial audit conducted in August 2011, Mayor Anthony was pleased to announce that the Government Finance Officers Association of the United States and Canada (GFOA) awarded the Certificate of Achievement for Excellence in Financial Reporting to the City of Shelby for its Comprehensive Annual Financial Report (CAFR) yet again. The Mayor stated that the Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its

attainment represents a significant accomplishment by a government and its management. It is a testament to the commitment of past and present management and finance directors as to full public disclosure and communication of the financial condition of the City of Shelby. This was the fourteenth consecutive year the City has received the prestigious award.

Mayor Anthony recognized and congratulated Mrs. Beam as she accepted the plaque on behalf of the City.

### C. Public Hearings:

#### 1) Consideration of an ordinance amending the zoning map of the City of Shelby, North Carolina: Ordinance No. 56-2012

After taking his oath, Mr. Scharer presented the staff report. Utilizing a map of the area, Mr. Scharer pointed to the three acre site at 940 Wendover Heights Drive situated between Fallston Road and Airport Road. The property is currently subject to three different zoning districts: Residential 20 (R20), Residential 10 (R10), and Light Industrial (LI). The applicant, Cleveland County Abuse Prevention Council, Inc. (APC), has requested a zoning change for its property to Residential Office Conditional Use (RO-CU). The APC has submitted a site plan study proposing to build new office space for counseling and education programs and shelter space for women and children.

Mr. Scharer concluded by stating staff recommended this proposed zoning map amendment, which is consistent with the Comprehensive Land Use Plan. The Planning and Zoning Board also recommended the proposed zoning amendment.

Prior to the public hearing, Mayor Anthony provided instructions as to the quasi-judicial process. A public hearing is conducted by City Council for sworn testimony concerning facts related to the Special Use Permit. City Council either approves or disapproves the Special Use Permit based on staff recommendations and sworn testimony by the public and/or the applicant. Special use permit approval requires Council to make certain findings of fact relative to the proposal.

Mayor Anthony opened the public hearing at 6:09 p.m.

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

Having heard all of the evidence and no arguments presented at the public

hearing, Council found and determined that the application of the Cleveland County Abuse Prevention Council, Inc. is complete, and the following conclusions were made:

- The use will not materially endanger the public health or safety if located where proposed and developed according to plan.
- The use will not substantially injure the value of adjoining or abutting property.
- The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Comprehensive Land Use Plan.

**ACTION TAKEN:** Upon a motion made by Mrs. Patterson, City Council voted unanimously to approve and adopt Ordinance No. 56-2012 entitled, “AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF SHELBY, NORTH CAROLINA”.

2) Consideration of an ordinance amending the zoning map of the City of Shelby, North Carolina: Ordinance No. 57-2012

Utilizing a map of the area, Mr. Scharer pointed to a site referred to as the Marion Street parking lot located at the corner of West Marion Street and North Morgan Street. The subject property is currently zoned as the General Business (GB) District. This parking facility, owned by the City of Shelby, serves Uptown Shelby, most of which is zoned the Central Business (CB) District. Mr. Scharer stated changing the zoning to CB promotes the Center City Master Plan, the Comprehensive Land Use Plan, and the Comprehensive Pedestrian Plan. Additionally, the Comprehensive Land Use Plan designates property in the Uptown District and the Center City Master Plan is the guiding document for future land uses and redevelopment of this area.

Mr. Scharer concluded by stating the CB Zoning District is the appropriate zoning classification for this area. Staff recommended this proposed zoning map amendment, which is consistent with the Comprehensive Land Use Plan. The Planning and Zoning Board also recommended the proposed zoning amendment.

Mayor Anthony opened the public hearing at 6:12 p.m. and invited comments from the public.

The public offered no comments and Mayor Anthony closed the public hearing at 6:13 p.m.

**ACTION TAKEN:** Upon a motion made by Mr. White, City Council voted unanimously to approve and adopt Ordinance No. 57-2012 entitled, "AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF SHELBY, NORTH CAROLINA".

**D. Consent Agenda:**

**ACTION TAKEN:** Mayor Anthony presented the consent agenda. Mr. Amaya 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 September 17, 2012
- 2) Approval to designate voting delegate for North Carolina League of Municipalities 2012 Annual Business Meeting
- 3) Approval of a resolution honoring the life and memory of George W. Clay, Jr.: Resolution No. 60-2012
- 4) Approval of a resolution authorizing acceptance of infrastructure for sanitary sewer extension to serve Boulevard Animal Hospital and Owl's Eye Winery: Resolution No. 61-2012
- 5) Adoption of an ordinance authorizing demolition of a dwelling located at 406 Wilson Street: Ordinance No. 58-2012
- 6) Adoption of Fiscal Year 2012-2013 Budget Ordinance Amendment No. 5: Ordinance No. 59-2012

**END CONSENT AGENDA**

**E. Unfinished Business: None**

**F. New Business: None**

**G. City Manager's Report: None**

**H. Council Announcements and Remarks:**

- 1) Mayor Anthony welcomed The Star's reporter, Alicia Banks.

The Mayor mentioned he visited City Park today to welcome the riders and to learn about the 2012 Cycle North Carolina "Mountains to Coast" tour. He expressed his appreciation to Parks and Recreation Director Charlie Holtzclaw and his staff for the provisions provided to the cyclists. Mayor Anthony anticipates the event being good for the community and hopes Shelby will receive consideration as an overnight location in Cycle North Carolina's three-year rotation.

Mayor Anthony said with the approval of Mayor Clay's memorial resolution tonight, he would like to extend an invitation to members of the Clay family as well as the Arey family to attend a future Council meeting for the presentation of same.

Mayor Anthony reminded and encouraged Council members to attend the 2012 North Carolina League of Municipalities Annual Conference in Charlotte, North Carolina on October 21 – 23, 2012.

Mayor Anthony announced the City was awarded a \$500,000 Community Development Block Grant under the North Carolina Catalyst Program. Mr. Howell stated the eligible housing activities for this grant include single family and multi-family rehabilitation, acquisition, demolition, clearance, relocation, substantial rehabilitation, replacement housing, and emergency repairs. Eligible special projects can include public facilities such as shelters for victims of domestic violence, homeless shelters, transitional housing, senior centers, neighborhood recreation areas, and parks.

Discussion followed about the City as a competitive, successful CDBG recipient over the years.

- 2) As Council liaison to the Alcoholic Beverage Control (ABC) Board, Mr. Amaya provided a brief update on the ABC audit and requested Council members to provide similar updates from their advisory boards at future meetings.
- 3) Mrs. Patterson reminded all that October is designated as National Breast Cancer Awareness Month.

I. Adjournment:

- 1) Motion to adjourn

**ACTION TAKEN:** Upon a motion made by Mr. Amaya, City Council voted unanimously to adjourn the meeting at 6:30 p.m.

**Respectfully submitted,**

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

**O. Stanhope Anthony III  
Mayor**

**Minutes of October 1, 2012**