

MINUTES

Regular Meeting
City Hall Council Chamber

September 17, 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 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, 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 commemorated the passing of former Shelby Alderman and Mayor, George W. Clay, Jr., on September 13, 2012.

After observing a moment of silence in honor of Mr. Clay's 32 years of public service, the Mayor gave the invocation. Mr. White led the *Pledge of Allegiance*.

By consensus, Council requested Mrs. Parduski to prepare a memorial resolution for presentation to Mr. Clay's family.

Mayor Anthony acknowledged Mr. Bailey's absence due to illness and wished him a speedy recovery.

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 Presentations:

- 1) Recognition of Lisa Wassén, Safety and Risk Coordinator, and Daniel (Danny) Darst, Jr., Director of Public Works, for receiving a North

**Carolina Department of Labor Occupational Safety & Health Division
Compliance Certificate**

Mayor Anthony recognized and congratulated Safety and Risk Coordinator Lisa Wassén and Public Works Director Danny Darst for a favorable occupational safety and health inspection which resulted in a compliance certificate certifying the same. Mrs. Wassén explained a health compliance officer from the Bureau of Compliance of the North Carolina Division of Occupational Safety and Health conducted a comprehensive inspection of the City's Public Works facility in August 2012. The compliance officer identified no apparent violations of either North Carolina OSHA safety standards or regulations.

The Mayor presented the compliance certificates and commended Mrs. Wassén and Mr. Darst for maintaining the City's workplace in this manner, for the City's commitment to protecting the health and safety of its employees, and ultimately saving tax dollars by avoiding workers' compensation increases, lost productivity, and the potential for regulatory fines.

2) Frank Cloyd, Citizen Volunteer Facilitator, Project Safe Neighborhood (PSN) – Youth Curfew Ordinance

Mayor Anthony provided background information about the Project Safe Neighborhood group whose focus is community crime prevention and which meets regularly at Hoppers Chapel Baptist Church. They have an interest in seeking a youth curfew ordinance for the City of Shelby.

Mr. Cloyd stated he has been associated with Project Safe Neighborhood for seven years. PSN participants have shared their thoughts regarding the need for a youth curfew in Shelby, identifying each troubled street by block, describing the activity, and time of activity. They recently voted to present the matter to City Council for consideration.

Next Neil Blanton presented his research and statistics as a basis for establishing a youth curfew in Shelby. Mr. Blanton suggested Council implement the "Youth Protection Curfew Ordinance" as a cost effective tool to be utilized by the Shelby Police Department in decreasing crime rates, preventing truancy, and curbing gang activity. After discussions with Gaffney Police Chief Richard Turner and after reviewing several curfew ordinances, Mr. Blanton proposed the City of Gaffney, South Carolina's ordinance would serve well as a model for Shelby.

J. Benton Reid reiterated how crime statistics can leave a negative impression on newcomers looking at Shelby. Mr. Reid added a youth curfew can be one of the ways to portray a more positive image of Shelby particularly

in the area of economic development.

Last William Matthews stated he has been a resident of the Pinehurst community for 15 years. Recently he installed cameras at his residence and reported his surprise at the nighttime activities he is viewing.

By consensus, Council referred the matter to staff for research and a report back.

C. Public Comment: None

D. Public Hearing:

- 1) Consideration of an ordinance amending the zoning map of the City of Shelby, North Carolina: Ordinance No. 49-2012

Utilizing a map of the area, Mr. Scharer pointed to the subject property, which is located at Artee Road and Plato Lee Road, and known as the Foothills Commerce Center (FCC). The City of Shelby, the owner of the property and the applicant, is developing the industrial park as a catalyst for economic development and job creation in Cleveland County. The proposed General Industrial Conditional Use (GICU) zoning district permits more potential industrial uses to help promote this goal. Mr. Scharer stated the GI District is primarily intended to accommodate a wide range of assembling, fabricating, manufacturing uses, and support retail/service uses.

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.

Mr. Howell added the rezoning of City-owned property was initiated to provide more flexibility in the recruitment of a range of manufacturing uses while at the same time removing some of the more objectionable uses allowed in the GI District.

Mayor Anthony opened the public hearing at 6:24 p.m. and invited comments from the public.

The public offered no comments and Mayor Anthony closed the public hearing at 6:25 p.m.

ACTION TAKEN: Upon a motion made by Mr. Amaya, City Council voted unanimously to approve and adopt Ordinance No. 49-2012 entitled, "AN

**ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF SHELBY,
NORTH CAROLINA”.**

E. 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 August 20, 2012**
- 2) **Approval of a Special Event Permit Applications:**
 - a. **Cycle North Carolina, requested overnight stop: Arriving October 1; departing October 2, 2012**
 - b. **Hog Happnin’ 5K Week of the Child, requested date October 27, 2012**
 - c. **The Korner Gym Fall Festival, requested date: October 27, 2012**
 - d. **3rd Annual Earl Scruggs Center Rhythm and Roots 10K Run and 5K Run and Walk, requested date: November 3, 2012**
- 3) **Approval of a resolution authorizing an application for a Building Reuse Grant to the North Carolina Rural Economic Development Center (Schletter Project): Resolution No. 51-2012**
- 4) **Approval of a resolution authorizing an application for a Building Reuse Grant to the North Carolina Rural Economic Development Center (Wings, Etc. Project): Resolution No. 52-2012**
- 5) **Approval of a resolution authorizing disbursement of additional travel and tourism funding for Fiscal Year 2012-2013: Resolution No. 53-2012**
- 6) **Approval of a resolution authorizing participation by the City of Shelby in the “Operating Reserve Offset Litigation” against the US Department of Housing and Urban Development: Resolution No. 54-2012**
- 7) **Approval of a resolution authorizing and awarding a contract for the purchase of a Freightliner M2 Vacuum Leaf Loader utilizing the “piggyback” method: Resolution No. 55-2012**

- 8) Approval of a resolution accepting properties from Ray and Vida Spangler: Resolution No. 56-2012
- 9) Adoption of a budget ordinance amendment for the City of Shelby's Mall Area Pump Station Replacement Project: Ordinance No. 50-2012
- 10) Adoption of an ordinance establishing a capital project ordinance and budgets for the City of Shelby's Country Club Gardens Underground Cable Replacement Project: Ordinance No. 51-2012
- 11) Adoption of Fiscal Year 2012-2013 Budget Ordinance Amendment No. 2: Ordinance No. 52-2012
- 12) Adoption of Fiscal Year 2012-2013 Budget Ordinance Amendment No. 3: Ordinance No. 53-2012
- 13) Adoption of Fiscal Year 2012-2013 Budget Ordinance Amendment No. 4: Ordinance No. 54-2012

END CONSENT AGENDA

F. Unfinished Business: None

F. New Business:

- 1) **City of Shelby's Foothills Commerce Center Job Ready Shell Building No. 2 Project:**

Mr. Howell introduced four items related to the City's proposed Foothills Commerce Center Job Ready Shell Building No. 2 Project for Council's consideration.

- a. **Consideration of a resolution authorizing an Interlocal Agreement between the City of Shelby and the County of Cleveland for funding, design, and construction of Job Ready Shell Building No. 2 for the Foothills Commerce Center: Resolution No. 57-2012**

Mr. Howell noted Cleveland County and the City of Shelby have successfully cooperated on the development of the Foothills Commerce Center and the Job Ready Shell Building No. 1, the sale of which is set to finalize on September 24, 2012. The County and the City plan to use the proceeds from the sale of the first shell building to reinvest in a new facility. Based on the prior Interlocal Agreement, this is the second mutual agreement between the County and the City to participate jointly and equally in the design, funding,

and construction of the Job Ready Shell Building No. 2 with the cost of the project not to exceed \$3 million. Each entity will contribute half of the proposed project or \$1.5 million. Mr. Howell confirmed the Cleveland County Commissioners will also consider the Interlocal Agreement to develop the second building at their meeting of September 18, 2012.

- b. Consideration of an ordinance establishing a capital project ordinance and budgets for the City of Shelby's Foothills Commerce Center Job Ready Shell Building No. 2 Project: Ordinance No. 55-2012

Mr. Howell explained Ordinance No. 55-2012 establishes the budget and states the intent of the City to undertake the construction of a second 100,000 square foot job ready shell building for economic development purposes appropriated for \$3 million.

- c. Consideration of a resolution authorizing selection of WHN Architects, PA based on qualifications for the Job Ready Shell Building Project: Resolution No. 58-2012

Mr. Howell stated he conducted a Request for Qualifications (RFQ) process as prescribed by North Carolina General Statutes to select an architectural and engineering design team to assist with the development of the Job Ready Shell Building No. 2 to be constructed in the Foothills Commerce Center. A total of four statements of qualifications were received by the City. Based on the direction of the statute to select the most qualified firm for the specific type of project as well as the need to work with a design team that is well experienced and has been successful in the development of light industrial/warehouse structures for both the public and private sector, Mr. Howell recommended WHN Architects of Charlotte, North Carolina be retained by the City. He noted that WHN Architects also served as the design team for the first shell building. Resolution No. 58-2012 authorizes staff to enter into negotiations and a contract for professional services with WHN Architects.

- d. Consideration of a resolution for the establishment and maintenance of an Economic Development Capital Reserve Fund for the City of Shelby: Resolution No. 59-2012

Mr. Howell explained Resolution No. 59-2012 establishes a capital reserve fund to accumulate monies solely dedicated for economic development purposes.

ACTION TAKEN: Upon a motion made by Mr. Shores, City Council voted unanimously to approve and adopt Resolution No. 57-2012, Ordinance No. 55-2012, Resolution No. 58-2012, and Resolution No. 59-2012 en masse.

G. City Manager's Report:

- 1) **Mr. Howell provided a brief review of the City's Monthly Financial Summary of the Fiscal Year to date at August 31, 2012. On a positive note, he said the sales tax receipts for Fiscal Year 2011-2012 are reflected in this report, which finished approximately \$250,000 above budget. He commented water and sewer receipts will appear to be below budgeted expectations because the figures reflect four months of revenue from Clearwater Paper Phase 2 which will not be realized until sometime in 2013.**
- 2) **Mr. Howell reminded all that representatives from the North Carolina Rural Economic Development Center are scheduled to make their announcement awarding Schletter, Inc. a Building Reuse Grant on September 21, 2012 at 3:00 p.m. at the LeGrand Center.**

Mayor Anthony encouraged Council members to attend the event.

- 3) **Mr. Howell reminded and encouraged Council members to attend this year's North Carolina League of Municipalities Conference in Charlotte, North Carolina from October 21 through October 23, 2012.**

H. Council Announcements and Remarks:

- 1) **Mr. Amaya shared the highlights of his very recent trip to Wyoming, including the arrival of his newest granddaughter who will now visit Shelby.**
- 2) **Mrs. Patterson congratulated Mrs. Parduski on her recent designation as a North Carolina Certified Municipal Clerk.**
- 3) **Mr. White enjoyed attending the City Employee Picnic on September 6, 2012 held at Shelby City Park. He expressed his appreciation to all City employees for the hard work they do on a daily basis.**
- 4) **Mayor Anthony invited all to attend the Shelby Fire & Rescue Department Oath Ceremony on September 19, 2012 at 4:00 p.m. in the Council Chamber.**

The Mayor acknowledged Mr. Schneck in attendance who was writing a

report for a school assignment.

I. Adjournment:

1) Motion to adjourn

ACTION TAKEN: Upon a motion made by Mr. Amaya, City Council voted unanimously to adjourn the meeting at 6:48 p.m.

Respectfully submitted,

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

**O. Stanhope Anthony III
Mayor**

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