

MINUTES

Regular Meeting
City Hall Council Chamber

April 18, 2011
Monday, 6:00 p.m.

Present: Mayor pro tempore Joel R. Shores, Jr., presiding; Council Members Christopher H. (Chris) Mabry, O. Stanhope (Stan) Anthony, III, Jeanette D. Patterson, Dennis C. Bailey, Andrew L. Hopper, Sr.; City Manager Rick Howell, City Attorney Robert W. (Bob) Yelton, City Clerk Bernadette A. Parduski, MMC, Director of Finance Theodore B. (Ted) Phillips, CPA, Director of Human Resources Deborah C (Deb) Jolly, Director of Utilities Brad R. Cornwell, PLS, EI, Fire Chief William P. Hunt, Director of Public Works Daniel C. (Danny) Darst, Director of Planning Services Walter (Walt) Scharer, AICP; and media representatives

Absent: Mayor W. Ted Alexander

Mr. Shores called the meeting to order at 6:00 p.m. and welcomed all who were in attendance. He mentioned two families in need of prayers at this time. Mrs. Patterson's brother, Dan Duncan, is in critical condition due to illness. The other being the son of a Shelby Fire & Rescue Department employee who went missing at the Broad River Greenway on April 17, 2011 and whose search remains active.

Mrs. Patterson gave the invocation and Mr. Yelton led the *Pledge of Allegiance*.

A. Approval of agenda:

1) Motion to adopt the proposed agenda

Mr. Shores announced the addition of Item D-5 under the Consent Agenda as follows:

- Approval of a resolution authorizing the execution of a Deed of Trust on the Job Ready Shell Building in the Foothills Commerce Center:
Resolution No. 21-2011

Mr. Howell reminded Council that the City of Shelby, Cleveland County, and the Golden Leaf Foundation have jointly funded the design, construction, and development of the Job Ready Shell Building within the Foothills Commerce Center. He explained Cleveland County has secured funding for its portion, \$1 million of the construction cost, by entering into a Community

Development Block Grant loan agreement with the North Carolina Department of Commerce. The agreement requires a first lien security interest in the Job Ready Shell Building in the form of an authorized and executed Deed of Trust on the 15 acres owned by the City of Shelby. At the request of Mr. Yelton, any action to encumber the property through a Deed of Trust must be approved by Council.

ACTION TAKEN: Upon a motion by Mr. Hopper, second by Mr. Anthony, City Council voted unanimously to approve the agenda as amended.

B. Public Comment: None

C. Public Hearing:

- 1) Consideration of an amendment to the Unified Development Ordinance (UDO) Article 11 Development Standards for Individual Uses: Ordinance No. 17-2011

Mr. Howell stated that an incorrect version of Ordinance No. 17-2011 was inadvertently included in Council's agenda packet. Subsequently, the correct Ordinance No. 17-2011 was provided both electronically and by printed copy to Council prior to this meeting.

Mr. Scharer reminded Council that following the 2010 retreat one of their adopted goals was to have the Keep Shelby Beautiful (KSB) Commission and the Planning and Zoning Board study the City's current communication tower regulation found in the UDO. Later that year, a committee was established of both KSB Commission and Planning and Zoning Board members to study this section of the UDO. After several meetings, it was decided to focus on aesthetics of the base of the towers rather than change tower locations. The committee agreed that there was a need for improved landscaping around such uses.

Mr. Scharer further stated that currently the UDO permits two categories of towers specifically communication towers under 60 feet in height and radio, television, or communication towers of 60 feet or more in height by Conditional Use Permit in the General Business (GB), General Business 2 (GB2), Light Industrial (LI), and General Industrial (GI) districts. The Zoning Board of Adjustment has the authority to require certain stealth type towers and include landscaping around the base of the tower.

Staff put together several scenarios for consideration by the committee. Ultimately, the committee concluded that a buffer such as the buffer in Article 14 of the UDO would landscape the base of these uses adequately. The

committee also agreed that the front setback for such uses should be increased.

Utilizing a site plan example for illustrative purposes, Mr. Scharer explained the proposed amendment requires that a continuous buffer be installed around the base of these uses in accordance with the land use buffer found in Article 14 of the UDO. This buffer requires a certain number of trees and shrubs per 100 linear feet around the outside fencing of the base of the tower area per a set formula in Table 14-10.3.

Mr. Shores opened the public hearing at 6:05 p.m. and invited comments from the public.

The public offered no comments and Mr. Shores closed the public hearing at 6:06 p.m.

While there was general agreement among Council on the proposed textual amendment to the UDO for landscaping requirements in order to create a more visually attractive area near or around communication tower structures over 60 feet in height, some of the issues raised in discussion were about limiting the type of towers allowed in the City limits. Council specifically discussed restricting future requests to only stealth or monopole tower structures without self-supporting lattice or guyed wires.

ACTION TAKEN: Upon a motion by Mr. Anthony, second by Mrs. Patterson, City Council voted unanimously to approve and adopt Ordinance No. 17-2011 entitled, "A PROPOSED ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF SHELBY", and requested additional information relative to the type of towers that should be allowed with the least impact on the visual and aesthetic character of the City.

D. Consent Agenda:

ACTION TAKEN: Mr. Shores presented the consent agenda. Mr. Bailey made a motion to approve the consent agenda and each item as presented. After a second from Mr. Hopper, the consent agenda and following items were unanimously approved:

- 1) Approval of the Minutes of the Regular Meeting of April 4, 2011
- 2) Approval of Special Event Permit Applications:
 - a. 2011 Step One Challenge – Sponsor’s request to erect a banner for advertisement of the event

- b. **Main Street Mile requested date: May 12, 2011**
- c. **Shelby High School Homecoming Parade 2011 requested date: September 29, 2011**
- 3) **Approval of a resolution recognizing Communities In Schools of Cleveland County for its Total Quality System Accreditation: Resolution No. 19-2011**
- 4) **Approval of a resolution ratifying the purchase of real property located at 318 and 320 Royster Avenue: Resolution No. 20-2011**
- 5) **Approval of a resolution authorizing the execution of a Deed of Trust on the Job Ready Shell Building in the Foothills Commerce Center: Resolution No. 21-2011**

END CONSENT AGENDA

E. Unfinished Business: None

G. New Business: None

H. City Manager's Report:

- 1) **Mr. Howell updated Council about the Foothills Commerce Center as plans move forward. Work crews are nearly complete with grading the road and he anticipates a completion date in early June 2011. The construction contract with Matthews Construction has been signed and returned to the contractor, awaiting a start-up date.**
- 2) **Mr. Howell updated Council on the progress at the new City Park Sports Complex which is nearly complete. Work on the field surfaces and parking lot remains at this time. Due to the time it takes for grass to grow, the fields will not be ready for this playing season; however, the walking track, playground, and picnic shelter will be available much sooner. Mr. Howell anticipates scheduling a date for the ribbon cutting in the near future.**
- 3) **Mr. Howell informed Council a public hearing will be advertised for May 2, 2011 and held in conjunction with an economic development incentive grant for the expansion at Curtiss-Wright Controls, Inc.**
- 4) **Mr. Howell updated Council on staff preparations for the City's Stormwater Phase II permit submittal due July 15, 2011, and anticipates future presentations detailing the impact of the Stormwater Program.**

- 5) Mr. Howell presented very preliminary budget information regarding the City's General Fund revenues and expenditures. Overall, the major revenue sources, including property tax, sales tax, and utility franchise tax, are flat. The current budget, without any adjustments made by management at this point, is less than 2 percent out of balance. Mr. Howell informed Council that no performance pay funding for employee increases is available.

Next Mr. Howell briefly discussed General Fund cost drivers, which include:

- Fuel costs – Mr. Howell is currently projecting \$757,000 in total costs City-wide.

Mr. Howell added that the Fuel Conservation Action Plan is being reviewed by City departments.

- Health insurance – Mr. Howell confirmed no health insurance premium increase this year.
- Workers' compensation – Mr. Howell announced that the City's workers' compensation premium will be reduced by approximately \$70,000 this year.

Mr. Howell anticipates presenting a balanced General Fund budget to Council at their next meeting on May 2, 2011.

There was discussion regarding the feasibility of continuing yard waste pickup.

Lastly, Mr. Howell mentioned that the City's department directors have entered budget reduction scenarios which would address some larger cuts in State Collected Local Revenues should that situation occur. He reminded Council that the State faces challenging budget issues which have yet to be resolved and which may delay adopting its budget. Statutorily, Council is required to adopt a balanced budget by June 30 and is allowed to set the tax rate one time. The tax rate is the only flexibility Council has in the area of General Fund revenues to offset any significant revenue cuts.

There was discussion regarding House Bill (HB) 117, Electric Cities/Uses of Rate Revenue, which has been referred to the Committee on Public Utilities.

I. Council Announcements and Remarks:

- 1) **Mr. Anthony confirmed Keep Shelby Beautiful's cleanup event and beautification effort in the Chestnut Street neighborhood will continue on May 14, 2011.**
- 2) **Mr. Bailey mentioned and discussed House Bill (HB) 845, Annexation Reform, which provides balance and fairness to citizens as well as cities and towns since it preserves a municipality's authority to annex. Further discussions included that HB 845 is still extremely restrictive and puts a huge cost burden on towns due to water/sewer cost responsibilities but, if no other changes occur, it is better than no annexations at all under a moratorium.**

J. Adjournment:

- 1) **Motion to adjourn**

ACTION TAKEN: Upon a motion by Mrs. Patterson, second by Mr. Hopper, City Council voted unanimously to adjourn the meeting at 6:50 p.m.

Respectfully submitted,

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

**Joel R. Shores, Jr.
Mayor pro tempore**

Minutes of April 18, A. D. 2011