

MINUTES

Regular Meeting
City Hall Council Chamber

August 1, 2011
Monday, 6:00 p.m.

Present: Mayor W. Ted Alexander, presiding; Council Members O. Stanhope (Stan) Anthony, III, Dennis C. Bailey, Joel R. Shores, Jr., 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, Police Chief Jeffrey H. (Jeff) Ledford, Fire Chief William P. Hunt, Director of Public Works Daniel C. (Danny) Darst, Director of Development Services Brian L. Pruett, Director of Planning Services Walter (Walt) Scharer, AICP; and media representatives

Absent: Council Members Christopher H. (Chris) Mabry and Jeanette D. Patterson

Mayor Alexander called the meeting to order at 6:01 p.m. and welcomed all who were in attendance. The Mayor gave the invocation and Mr. Hopper led the *Pledge of Allegiance*.

A. Approval of agenda:

1) Motion to adopt the proposed agenda

Mr. Howell requested that Item C-2 under New Business be withdrawn pending receipt of the fully executed grant agreement from the North Carolina Department of Transportation Division of Aviation.

Mr. Howell also requested an addition under the City Manager's Report for a discussion regarding the request by Cleveland County Water to purchase capacity in Shelby's water treatment plant.

Mr. Shores requested the addition of B-12 under the Consent Agenda as follows:

- Approval of a resolution declaring August 8th through August 16th, 2011 as American Legion World Series Support Week in Shelby, North Carolina

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

B. Consent Agenda:

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

- 1) Approval of the Minutes of the Regular Meeting of July 18, 2011
- 2) Adoption of an ordinance authorizing demolition of a dwelling located at 918 Logan Street: Ordinance No. 33-2011
- 3) Adoption of an ordinance authorizing demolition of a dwelling located at 1007 Dodd Street: Ordinance No. 34-2011
- 4) Adoption of an ordinance authorizing demolition of a dwelling located at 604 Legrand Street: Ordinance No. 35-2011
- 5) Adoption of an ordinance authorizing demolition of a dwelling located at 423 Rocky Brook Drive: Ordinance No. 36-2011
- 6) Adoption of an ordinance authorizing demolition of a dwelling located at 423 Grover Street: Ordinance No. 37-2011
- 7) Adoption of an ordinance authorizing demolition of a dwelling located at 509 Booker Street: Ordinance No. 38-2011
- 8) Adoption of an ordinance authorizing demolition of a dwelling located at 919 Logan Street: Ordinance No. 39-2011
- 9) Adoption of FY 2011-2012 Budget Ordinance Amendment No. 1: Ordinance No. 40-2011
- 10) Approval of a resolution authorizing disbursement of travel and tourism funding for FY 2011-2012: Resolution No. 44-2011
- 11) Approval of a resolution commemorating the tenth anniversary of the September 11, 2001 terrorist attacks on the United States and proclaiming September 11, 2011 as "Patriot's Day: A Day of Remembrance and Prayer" in Shelby, North Carolina: Resolution No. 45-2011
- 12) Approval of a resolution declaring August 8th through August 16th, 2011 as American Legion World Series Support Week in Shelby, North Carolina: Resolution No. 47-2011

END CONSENT AGENDA

C. Unfinished Business:

1) Consideration of appointments to City advisory boards:

a. Keep Shelby Beautiful Commission

Mrs. Parduski reminded Council that there are two vacancies on this commission, an unexpired term concluding January 2012 and a term concluding January 2014. An application has been submitted by Carol C. Ledbetter.

Mr. Shores nominated Carol C. Ledbetter for appointment to the term concluding January 2014.

ACTION TAKEN: Upon a motion by Mr. Anthony, second by Mr. Shores, City Council voted unanimously to close the nominations, to accept the nominee by acclamation, and to continue the nominations for the vacant position.

b. Community Relations Council

Mrs. Parduski reported the terms of four incumbents, Carlos Scott, Laura Jamerson, Irene Beam Camp, and Chavis Gash, are set to conclude August 2011. Laura Jamerson, Irene Beam Camp, and Chavis Gash wish to continue their service while Mr. Scott has yet to respond. There is also a vacancy created by a resignation for a new term concluding August 2014.

There is one application on file in the Clerk's Office and it is that of Michael Shawn Collins.

Mr. Hopper nominated Michael Shawn Collins for appointment and Laura Jamerson, Irene Beam Camp, and Chavis Gash for reappointment.

There was discussion regarding the attendance records of the advisory boards which led to Council's request for the attendance records of the Community Relations Council.

Mr. Hopper withdrew his nomination of the incumbents until the attendance records were provided for Council's review.

ACTION TAKEN: Upon a motion by Mr. Hopper, second by Mr. Shores, City Council voted unanimously to close the nominations for the new term, to accept the nominee, Michael Shawn Collins, by acclamation, and to continue the nominations for the remaining positions.

2) WITHDRAWN

Consideration of a resolution awarding the contract for Construction of the Apron Pavement Rehabilitation Project at the Shelby-Cleveland County Regional Airport: Resolution No. 46-2011

3) Consideration of a proposed ordinance to amend the Code of Ordinances of the City of Shelby (Chapter 18 Fire Prevention and Protection Article 1): Ordinance No. 41-2011

Chief Hunt introduced revised Ordinance No. 41-2011 for Council's consideration. He stated that Section 18-1 Open Burning (a), (b), and (c) have not been modified; however, the exceptions have been inserted for clarification purposes.

With regard to Section 18-2 Recreational fires, the Chief explained the changes, exceptions, and permitting.

Discussion followed about the approval process of approved cooking devices and a specific listing of those devices. Upon questioning, Chief Hunt responded that the approval refers to the authority having jurisdiction, Shelby's Fire Chief or the Fire Marshal. The Chief explained that broad terminology is utilized in the Code to allow for discretion by fire officials.

ACTION TAKEN: Upon a motion by Mr. Hopper, second by Mr. Bailey, City Council voted unanimously to approve and adopt Ordinance No. 41-2011 entitled, "A PROPOSED ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF SHELBY (CHAPTER 18 FIRE PREVENTION AND PROTECTION ARTICLE 1)".

D. New Business: None

E. City Manager's Report:

1) Discussion regarding the request by Cleveland County Water to purchase capacity in Shelby's water treatment plant

For context, Mr. Howell stated as part of the permitting process for the First Broad River reservoir, an Environmental Impact Statement (EIS) is in progress under the direction of the Army Corps of Engineers. The EIS at present requires that Cleveland County Water (CCW) explore the alternative of buying water plant capacity from either the City of Shelby or Town of Forest City.

Mr. Howell presented to Council the CCW proposal should the City be willing to sell ownership in its Water Treatment Plant and negotiate the issues brought forth in the letter dated June 27, 2011.

Mr. Howell reminded Council that the City has maintained a neutral position and monitored the progress with regard to proposed reservoir presentations from CCW and the City of Kings Mountain.

Mr. Howell elaborated on main issues of concern for the City which include:

- Water quality – Should the lake develop, will there be land use and development controls put in place as they pertain to water quality?
- Downstream water release – Is the CCW District willing to enter into a binding legal agreement with the City guaranteeing adequate downstream flow to the City's water intake in addition to any regulatory requirements with state and/or federal agencies?

Mr. Shores requested Mr. Yelton's advice regarding the property he owns in the 4700 block of Polkville Road and if it poses a conflict of interest for him with regard to the possible development of a reservoir by Cleveland County Water.

An additional issue of concern was mentioned and discussed:

- County/City System interconnections – Will there be consideration given to making the proposed interconnections identified in the Future Water Supply and Interconnection Study of November 1999 conducted by W. K. Dickson & Co., Inc. more permanent?

Some of the issues raised in discussion were about water quality and water quantity, future water needs and consumption, and the City's ability to sell water.

Council was in general agreement with Mr. Howell's assessment and gave their direction to pursue and resolve the water quality and downstream flow (water quantity) issues with CCW.

- 2) Mr. Howell announced that the National League of Cities (NLC) and Northeastern University have formed a new partnership to assist local municipalities better position themselves to attract and expand business investment and to support existing businesses. The university has created a suite of practical tools and services, the first of which is the Economic Development Self-Assessment Tool (EDSAT). The EDSAT has been rolled

out nationwide in partnership with the NLC. Cities enrolled in the Economic Development Partnership are guided through an assessment of their economic strengths and weaknesses and provided practical strategies. Mr. Howell will present additional information on the City's enrollment and participation in the Economic Development Partnership at Council's August 15, 2011 meeting.

- 3) Mr. Howell mentioned a draft Memorandum of Understanding with Cleveland County to convert the City Park community center to an emergency needs shelter during certain times of emergency has been prepared. This document will be brought forward for Council's consideration on August 15, 2011.
- 4) Mr. Howell provided an update regarding the Job Ready Shell Building at the Foothills Commerce Center as to the completion of the roof, sprinkler system, exterior painting, and parking lot paving. He said potential clients' interest in the building continues as the project is on track to finish at the end of August 2011.
- 5) Mr. Howell reminded all that National Night Out is August 2, 2011 from 5:00 p.m. to 8:00 p.m. on the grounds of the Court Square in Uptown Shelby.
- 6) Mr. Howell reminded Council that the 2011 ElectriCities Annual Conference will be held August 25-27, 2011 at the Grove Park Inn, Asheville, North Carolina.
- 7) Mr. Howell announced that the 2011 North Carolina League of Municipalities Annual Conference will take place in Raleigh, North Carolina beginning October 23 through 25, 2011.
- 8) Mr. Howell mentioned the Shelby-Cleveland County Regional Airport's Fly-In and Open House are scheduled for October 15, 2011 from 10:00 a.m. to 3:00 p.m. at Woodson Field.

F. Council Announcements and Remarks:

- 1) Mr. Anthony made a prayer request for Chris Mabry and his family.
- 2) Mayor Alexander recognized former Council Member Aileen Ford in attendance.

The Mayor extended an invitation to Council from Cleveland County Commissioner Jason Falls to attend the 2011 Bethware Fair in Kings Mountain, North Carolina, which runs from August 2-6, 2011.

Mayor Alexander announced there is a community opportunity for a school prayer walk on Sunday, August 21, 2011, from 5:00 p.m. to 5:30 p.m.

Referring to Resolution No. 47-2011 just passed, the Mayor again encouraged all residents of Shelby and Cleveland County to display their American flags in support of the American Legion Baseball World Series tournament beginning August 8 through August 16, 2011.

Mayor Alexander announced that Finance Director Ted Phillips has resigned after ten years of service to Shelby and has accepted the position of Chief Financial Officer for Huntsville Utilities in Alabama. Mr. Phillips' final day of employment with the City of Shelby is August 26, 2011. The Mayor recognized, expressed his admiration, and congratulated Mr. Phillips and his family on their new endeavor.

Mr. Howell took the opportunity to echo the Mayor's comments about Ted Phillips' value to the City of Shelby and his impeccable credentials, stating he will miss him both as a friend and a colleague.

Mr. Yelton expressed his heartfelt appreciation and gratitude to the Mayor, City Council, and City of Shelby staff for all their expressions of sympathy, especially the prayers, on the passing of his wife, Martha Jo Porter Yelton.

G. Adjournment:

1) Motion to adjourn

ACTION TAKEN: Upon a motion by Mr. Shores, second by Mr. Hopper, City Council voted unanimously to adjourn the meeting at 6:52 p.m.

Respectfully submitted,

Bernadette A. Parduski, MMC
City Clerk

W. Ted Alexander
Mayor