

MINUTES

Regular Meeting
City Hall Council Chamber

November 7, 2011
Monday, 6:00 p.m.

Present: Mayor W. Ted Alexander, presiding; Council Members Christopher H. (Chris) Mabry, O. Stanhope (Stan) Anthony, III, Jeanette D. Patterson, 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, Interim Director of Finance Elizabeth B. (Beth) Beam, 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 Parks and Recreation Charlie Holtzclaw, Director of Development Services Brian L. Pruet, Director of Planning Services Walter (Walt) Scharer, AICP; and media representatives

Mayor Alexander called the meeting to order at 6:00 p.m. and welcomed all who were in attendance. Mr. Shores gave the invocation and Cleveland County Girl Scout Leader of Troop 20308, Elizabeth Popwell, led the *Pledge of Allegiance*. The Mayor mentioned the Girl Scouts of the USA will be celebrating their 100th birthday in March of 2012.

Mayor Alexander reminded all that Veterans Day is Friday, November 11, 2011, and a program honoring all Cleveland County's veterans will take place that day at 11:00 a.m. at Shelby City Park. He also announced that Cleveland County very recently lost one of its own who was serving in the military when he was killed in Afghanistan. Army Staff Sergeant Christopher Rod Newman's funeral is set for Wednesday, November 9, 2011, at Bethel Baptist Church at 1:00 p.m. At the conclusion of the funeral service, Mayor Alexander requested any and all citizens who wish to show their respect and support for the Newman family form a community roadside salute along Dekalb Street and College Avenue as the funeral procession passes to its final destination at Cleveland Memorial Park.

A. Approval of agenda:

1) Motion to adopt the proposed agenda

Mr. Hopper made a motion to approve the agenda as presented. The motion died for lack of a second.

Mr. Bailey requested that Item E-2 under Unfinished Business be removed

and deferred for Council's consideration until their meeting of November 21, 2011. Since the Cleveland County Board of Adjustment has continued Case No. 11-15 until December 29, 2011, he stated the additional time will allow the purchasers of the property to further develop their site plan. At that time Council may convey their concerns and/or expectations in writing to the County regarding the proposed Conditional Use Permit.

Discussion ensued. Mr. Howell cautioned Council against dialogue on the merits of the proposal itself. The City will have no authority to enforce any requirements, if any, placed on the property by Cleveland County. The City's only recourse would be through the court system.

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

B. Special Presentation:

- 1) Recognition of the Mayor's Outstanding Volunteer Service Recipient for September 2011: Skip Warrick

Mayor Alexander called upon Skip Warrick. The Mayor deemed to honor Mr. Warrick for utilizing his landscaping resources, talents, and time for numerous community efforts at and with Hospice, Cleveland County Volunteer Fire Department, First Baptist Church, Cleveland Regional Medical Center, Keep Shelby Beautiful Commission, Relay for Life, and others, thus supporting the missions of these various organizations.

Mayor Alexander presented a certificate to Mr. Warrick on behalf of the City of Shelby.

C. Public Hearing:

- 1) Consideration of the permanent closure of Crawford Street between North Washington Street and a point near First Street adjacent to the Cleveland Regional Medical Center

Mr. Howell reminded Council that this matter has been scheduled to conduct the required public hearing on the request from the property owner, Cleveland County HealthCare System, to close a portion of Crawford Street. The hearing is intended to allow the general public the opportunity to comment on the proposed closure prior to Council action. Mr. Howell reiterated that no action by Council is required or recommended at this time.

Utilizing a map of the area, Mr. Scharer stated the Cleveland County HealthCare System has petitioned the City to close a portion of Crawford Street from Washington Street to a point near First Street as illustrated. He explained the general concept as the Cleveland County HealthCare System is moving forward with plans to develop an additional medical office building on their campus near the corner of North Washington Street and Crawford Street. As part of this plan, it is the desire of the Cleveland County HealthCare System to close and reroute current Crawford Street traffic to Lake Street. This plan includes improving the connectivity of Lake Street to current City specifications for width and drainage as well as adding a small roundabout to direct traffic off Crawford Street coming from Frederick Street.

Mr. Howell added that City staff does not object to the closing if the property owner properly designs and builds the new road section in conformance with City specifications. The property owner will also be required to incur the full cost of any utility relocation found to be necessary due to the closing of this section of Crawford Street. Mr. Howell stated that once action is taken by Council to close a public street the ownership of the actual land reverts to the property owners on each side of the street right-of-way. In this case, it is all owned by the Cleveland County HealthCare System.

Mr. Scharer concluded by stating a number of considerations such as traffic flow and circulation, potential utility conflicts, impacts on adjoining property owners as well as other issues will ultimately go into a final staff recommendation to City Council. Therefore, Mr. Howell recommended approving a resolution at a subsequent Council meeting after staff has finalized their review of all the construction plan details for the proposed Lake Street improvements.

Mayor Alexander opened the public hearing at 6:21 p.m. and invited comments from the public:

Martina Clark, who did not state her address, was present on behalf of her aunt who lives at the corner of Frederick and Crawford Streets, and spoke against the petition to close Crawford Street. Ms. Clark expressed several concerns: The opening of the urgent care facility, now under construction, and its effect on Crawford Street traffic; potential problems with the stoplight and traffic flow at Grover Street and North Lafayette Street; and the widening of Lake Street for the safety of pedestrian traffic.

Elizabeth Popwell, Chief Ancillary Executive, Cleveland County HealthCare System, spoke in support of Cleveland Regional Medical Center's petition to close Crawford Street. Ms. Popwell explained that this is the first of four

phases in the hospital's strategic planning for the future. The intent is to grow their services and space and ultimately create a loop road on their campus in order to better serve the entire County. She requested Council's positive consideration as further discussions with the City continue.

Libbey Lavender, who did not state her address, said she owns property on Lake Street. She requested a traffic count, excluding hospital employees, on Crawford Street.

David Dear, County Manager of Cleveland County, 311 East Marion Street, Shelby, North Carolina, was present representing the Cleveland County Board of Commissioners, and spoke in support of the petition to close Crawford Street. He stated Cleveland County is a substantial property owner along Crawford Street. He has been involved in the planning process with the staffs of both the City and Cleveland Regional Medical Center. Mr. Dear acknowledged that County property will be utilized to create the traffic circle. The Commissioners and County staff also support the proposed concept, the improvements to the traffic pattern in the area, and the long-range growth of the Cleveland Regional Medical Center which will help the City, the County, and the region as a whole.

Mayor Alexander closed the public hearing at 6:32 p.m.

Council took no action.

D. Consent Agenda:

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

- 1) Approval of the Minutes of the Regular Meeting of October 17, 2011
- 2) Approval of a Special Event Permit Application:
 - a. Walk for Madison, requested date: November 12, 2011
- 3) Approval of a resolution recognizing the City of Shelby Electric Department for outstanding reliability and safety: Resolution No. 65-2011
- 4) Approval of a resolution recognizing the City of Shelby Departments for outstanding achievement in the area of creating a competitive business environment: Resolution No. 66-2011

- 5) Approval of a resolution recognizing the City of Shelby Marketing Division for outstanding achievement in the area of energy efficiency: Resolution No. 67-2011
- 6) Approval of a resolution recognizing the City of Shelby Customer Services Department and Finance Department Staff for outstanding achievement in the area of financial stability: Resolution No. 68-2011
- 7) Approval of a resolution recognizing the City of Shelby Customer Services Department and Utilities Administrative Staff for outstanding achievement in the area of service excellence: Resolution No. 69-2011
- 8) Adoption of FY 2011-2012 Budget Ordinance Amendment No. 4: Ordinance No. 50-2011
- 9) Adoption of an ordinance authorizing demolition of a dwelling located at 601 Suttle Street: Ordinance No. 51-2011
- 10) Adoption of an ordinance authorizing demolition of a dwelling located at 506 Gardner Street: Ordinance No. 52-2011

END CONSENT AGENDA

E. Unfinished Business:

1) Water Conservation Rate Schedules:

Mr. Howell introduced Resolution No. 70-2011 and Ordinance No. 53-2011 for Council's consideration. If adopted, the documents would implement the water conservation rate structure previously presented and discussed with Council. Mr. Howell noted and emphasized that the revision to the rate structure is brought forth to comply with State Drought Legislation requiring water conservation rate structures in order for the City to qualify and to maintain eligibility for grant funding opportunities. He added the rate structure revision presented is designed to encourage water conservation and to provide a price signal or a financial disincentive for those residential customers now using more than 20,000 gallons per month.

Mr. Cornwell reiterated that the most effective time to transition to a conservation structure would be during the winter months when water usage is at its lowest levels. As such, staff has drafted proposed water rate schedules that reflect the City's transition effective January 1, 2012. Secondly, Mr. Cornwell restated the rates are designed to keep the City

revenue neutral or generate the same overall fees as the current rate structure does, taking into consideration that consumption is expected to drop among the largest residential users. Mr. Howell clarified the attempt is to keep the City whole through the re-distribution of the burden as customers adapt to the rate structure change.

- a. Consideration of a resolution adopting a conservation rate structure consistent with SL 2008-143 Water System Efficiency and amending the City of Shelby Utility Customer Service Policy Manual and Fees Schedule: Resolution No. 70-2011

ACTION TAKEN: Upon a motion by Mr. Mabry, second by Mr. Anthony, City Council voted unanimously to approve and adopt Resolution No. 70-2011 entitled, “A RESOLUTION ADOPTING A CONSERVATION RATE STRUCTURE CONSISTENT WITH SL 2008-143 WATER SYSTEM EFFICIENCY AND AMENDING THE CITY OF SHELBY UTILITY CUSTOMER SERVICE POLICY MANUAL AND FEES SCHEDULE”.

- b. Consideration of Fiscal Year 2011-2012 Supplemental Budget Ordinance – Amendment No. 2: Ordinance No. 53-2011

ACTION TAKEN: Upon a motion by Mrs. Patterson, second by Mr. Hopper, City Council voted unanimously to approve and adopt Ordinance No. 53-2011, “FISCAL YEAR 2011-2012 Supplemental Budget Ordinance – Amendment No. 2”.

2) REMOVED AND DEFERRED TO NOVEMBER 21, 2011

Consideration of a resolution opposing a proposed Cleveland County Conditional Use Permit Case No. 11-15 for an automotive salvage yard at East Dixon Boulevard and Anthony Farm Road: Resolution No. 71-2011

- 3) Consideration of a resolution recognizing National Recycling Day on November 15, 2011, and urging Shelby citizens to participate in the Curbside Recycling Program set to begin in January 2012: Resolution No. 72-2011

Mr. Howell introduced Resolution No. 72-2011 for Council’s consideration. The resolution is intended to draw attention to National Recycling Day, November 15, 2011, and to promote participation in the City’s new curbside rollout recycling program beginning in January 2012. Mr. Howell said a marketing campaign promoting the program to Shelby’s citizens has been launched and will include a direct mailing, bill stuffers, print ads, C19TV ads, electronic and social media outlets, etc.

Mr. Darst commented that the public's response to date has been positive and he anticipates a successful program.

As mandated by Council, Mr. Howell duly noted for the purpose of full disclosure that in order for the recycling program to work financially each resident receiving City trash collection must be charged the \$3.00 monthly cost for the recycling service, whether they have registered to receive a recycling cart or not. It will be of utmost importance for the City to work diligently to educate and convince a high percentage of the City's customers of the value of participating in the recycling program.

Mr. Howell confirmed that the recycling carts will be delivered to City customers in December 2011 and the monthly recycling fee of \$3.00 will appear in the January 2012 billing.

ACTION TAKEN: Upon a motion by Mr. Hopper, second by Mrs. Patterson, City Council voted unanimously to approve and adopt Resolution No. 72-2011 entitled, "A RESOLUTION RECOGNIZING NATIONAL RECYCLING DAY ON NOVEMBER 15, 2011, AND URGING SHELBY CITIZENS TO PARTICIPATE IN THE CURBSIDE REYCLING PROGRAM SET TO BEGIN IN JANUARY 2012".

F. New Business:

- 1) Consideration of a resolution authorizing execution of a contract for fire suppression services under automatic aid between the City of Shelby and Shanghai Volunteer Fire Department, Inc. (Shanghai Fire District):
Resolution No. 73-2011

Chief Hunt introduced Resolution No. 73-2011 authorizing a Contract for Fire Suppression Services under Automatic Aid for Council's consideration. The Shanghai Volunteer Fire Department has traditionally and automatically responded with the Fire & Rescue Department to emergencies occurring at the Shelby-Cleveland County Regional Airport. However, there has never been any formal agreement or contractual arrangement between the City of Shelby and the Shanghai Volunteer Fire Department for the provision of services. The proposed contract seeks to formalize this arrangement.

Chief Hunt stated the proposed contract is an automatic aid agreement and will include service to the Shelby-Cleveland County Regional Airport, annexed in May 2008 as contiguous property owned by the City of Shelby. He noted that this contract is separate from any existing local or state mutual aid agreements.

Next Chief Hunt discussed the advantages for entering into the contractual arrangement as follows:

- Provide initial responder services in advance of the arrival of resources from the Fire & Rescue Department in the service areas
- Maintain the Insurance Services Office (ISO) rating by providing coverage for the Service Areas within ISO's parameters of one and one half road miles for an engine company
- Satisfy the accreditation requirements from the Center for Public Safety Excellence as they apply to automatic aid agreements
- Provide the Fire & Rescue Department flexibility in summoning needed resources to the Service Area
- Continue satisfactory fire and rescue protective services to the Service Area

ACTION TAKEN: Upon a motion by Mr. Shores, second by Mr. Anthony, City Council voted unanimously to approve and adopt Resolution No. 73-2011 entitled, "A RESOLUTION AUTHORIZING EXECUTION OF A CONTRACT FOR FIRE SUPPRESSION SERVICES UNDER AUTOMATIC AID BETWEEN THE CITY OF SHELBY AND SHANGHAI VOLUNTEER FIRE DEPARTMENT, INC. (SHANGHAI FIRE DISTRICT)".

2) Consideration of a resolution naming a certain City Park facility in honor of Coach Bill Lynn: Resolution No. 74-2011

Mr. Holtzclaw introduced Resolution No. 74-2011 for Council's consideration. On July 20, 2011 Mr. Holtzclaw said he received a Facility Naming Application Form requesting that the Parks and Recreation Advisory Board consider renaming the American League Baseball Field at Shelby City Park to "Bill Lynn Field". Per the Facility Naming Policy, the advisory board held three consecutive monthly community workshops to discuss and review the application. During these meetings on August 17, September 21, and October 19, citizens appeared and endorsed the naming recommendation to the board. Mr. Holtzclaw also received two letters of recommendation.

At the third and final workshop on October 19, the advisory board took action and voted unanimously to recommend to Council that the request be approved. As indicated on the application, Bill Lynn volunteered his time for 35 years as a youth coach with the Optimist Little League Baseball Team and 30 years as the coach of Graham Elementary School Midget Football Team. While many have given significant time and effort to youth sports, very few have reached this milestone. Mr. Holtzclaw shared that Coach Lynn still enjoys visiting City Park on a regular basis. Coach Lynn truly loved his time coaching little league baseball on the American League Field and hence the

request for this particular venue. Having adhered to policy, the Shelby Parks and Recreation Advisory Board wholeheartedly endorsed this naming application on October 19, 2011.

Mr. Holtzclaw recommended and requested that consideration be given to the approval of the recommendation to rename the American League Baseball Field at Shelby City Park to "Bill Lynn Field". Should this request be approved, staff will obtain and install the appropriate signage and ensure that a dedication ceremony takes place at the appropriate time.

Mr. Holtzclaw concluded by acknowledging Parks and Recreation Advisory Board members Craig Ferree and David Lynn in attendance.

Following Mr. Holtzclaw's presentation, Mayor Alexander recognized Coach Bill Lynn and the audience responded with a round of applause. Mr. Anthony paid Coach Lynn a personal tribute before making his motion.

ACTION TAKEN: Upon a motion by Mr. Anthony, second by Mr. Bailey, City Council voted unanimously to approve and adopt Resolution No. 74-2011 entitled, "A RESOLUTION NAMING A CERTAIN CITY PARK FACILITY IN HONOR OF COACH BILL LYNN".

G. City Manager's Report: None

H. Council Announcements and Remarks:

Mayor Alexander reminded all to exercise their constitutional right and vote on Election Day, November 8, 2011.

With regard to Veterans Day, November 11, 2011, the Mayor again reminded all to attend the Cleveland County Veterans Council Program at 11:00 a.m. at Shelby City Park.

Mayor Alexander announced the City will host the 2011 Veterans Day Appreciation Luncheon on November 10, 2011 at 11:30 a.m. at the Cleveland Country Club to honor its current and retired employees for their military service. He encouraged Council members to attend.

The Mayor recognized Council Members-Elect Dicky Amaya and David White in attendance.

Lastly Mayor Alexander provided another reminder to attend and/or participate in Army Staff Sergeant Christopher Rod Newman's funeral and roadside salute on November 9, 2011.

I. Adjournment:

1) Motion to adjourn

ACTION TAKEN: Upon a motion by Mr. Shores, second by Mr. Anthony, City Council voted unanimously to adjourn the meeting at 7:07 p.m.

Respectfully submitted,

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

**W. Ted Alexander
Mayor**

Minutes of November 7, A. D. 2011