

## MINUTES

Regular Meeting  
City Hall Council Chamber

April 5, 2010  
Monday, 6:00 p.m.

**Present:** Mayor W. Ted Alexander, presiding; Council Members Christopher H. (Chris) Mabry, Oliver Stanhope (Stan) Anthony, III, Jeanette D. Patterson, Joel R. Shores, Jr., Andrew L. Hopper, Sr.; 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 (Deb) Jolly, Director of Utilities Brad R. Cornwell, PLS, EI, Fire Chief William P. Hunt, Director of Parks and Recreation Charlie Holtzclaw, Director of Planning Services Walter (Walt) Scharer, AICP; and media representatives

*Clerk's Note:*

A Council vacancy (Ward 4) exists due to the resignation of Mr. Putnam on February 10, 2010.

Mayor Alexander called the meeting to order at 6:00 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**

Mayor Alexander announced that at the request of Executive Director Wade Nichols of Uptown Shelby Association, Inc. (USA) Item D-1 would be added under New Business as follows: "Consideration of a resolution authorizing Uptown Shelby Association, Inc. to apply for the North Carolina Main Street Solutions Fund Program on behalf of the City of Shelby, North Carolina: Resolution No. 19-2010".

Mr. Anthony requested that Item B-4 under the Consent Agenda be removed and placed under New Business as Item D-2 as follows: "Consideration of FY 2009-2010 Budget Ordinance Amendment No. 5: Ordinance No. 14-2010".

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

**B. Consent Agenda:**

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

- 1) Approval of the Minutes of the Regular Meeting of March 15, 2010
- 2) Approval of Special Event Permit Application:
  - a. Shelby Sprint 5K, 10K, and Kids Fun Run on May 8, 2010
- 3) Approval of a resolution in support of the 2010 Step One Challenge: Resolution No. 18-2010
- 4) REMOVED AND PLACED UNDER NEW BUSINESS AS ITEM D-2:  
  
Adoption of FY 2009-2010 Budget Ordinance Amendment No. 5:  
Ordinance No. 14-2010

**END CONSENT AGENDA****C. Unfinished Business:**

- 1) Consideration of appointment to the City Council Ward 4 vacancy

Mayor Alexander explained that it is the obligation and responsibility of the City Council to seek out a qualified replacement for a vacancy. Council previously agreed to require that interested citizens submit a formal application for their consideration. The Mayor and Council were gratified by the interest and expressed their gratefulness to the candidates who applied. However, Mayor Alexander stated only one person can be selected.

At Mayor Alexander's request, Mrs. Parduski verified that each applicant is a registered voter resident of the City's Ward 4.

The Mayor recognized the applicants, all in attendance, as follows: Ron Schaeffer, Dennis Bailey, and Sandra Blankenship.

Mayor Alexander reiterated that the appointee will serve the remainder of the unexpired term until a successor shall be elected at the next regularly scheduled City election in October 2011. The person appointed to fill the vacancy shall serve only until the elected successor takes office in

December 2011. The elected successor shall then serve the remainder of the unexpired term until December 2013.

The Mayor announced that Council chose to vote by written ballot of which the ballots must be signed and would be available for public review following the conclusion of the selection process. Council also agreed to decide the matter by a majority vote and to winnow candidates with no or minimal votes from the process.

**Ballot 1 – Council cast the following votes:**

Dennis Carl Bailey received a unanimous vote.

**ACTION TAKEN:** Upon a motion by Mr. Shores, second by Mr. Hopper, City Council voted unanimously to appoint Dennis Carl Bailey to the Shelby City Council Ward 4 vacancy for the unexpired term concluding December 2011.

Mayor Alexander congratulated Mr. Bailey on his appointment to City Council and announced that his oath ceremony will take place at the next Council meeting of April 19, 2010.

**D. New Business:**

- 1) **Consideration of a resolution authorizing Uptown Shelby Association, Inc. to apply for the North Carolina Main Street Solutions Fund Program on behalf of the City of Shelby, North Carolina: Resolution No. 19-2010**

Mr. Nichols, Executive Director of USA, provided an overview of a new statewide program, the Main Street Solutions Fund. He stated this is a state-funded grant program administered by the Department of Commerce through its Division of Community Assistance. The eligible communities, including Shelby, are those designated micropolitans located in Tier 2 and Tier 3 counties and/or in designated North Carolina Main Street communities, including but not limited to Small Town Main Street communities in Tier 1, 2, or 3 counties. No expenditure of funds is required of the City of Shelby. The program's purpose is to provide maximum support to small businesses in those communities by:

- **Providing direct financial benefits to small businesses**
- **Retaining and creating jobs in association with small business**
- **Spurring private investment in association with small business**

Mr. Nichols stated the program is intended to strengthen the local economy and its role as a regional growth and employment hub. Any eligible local government in collaboration with the Main Street Organization, Downtown Organization, and/or Downtown Economic Development Organization, and the small businesses that will directly benefit from these funds may apply for a grant by April 15, 2010. Grants may range from \$20,000 to \$300,000.

Mr. Nichols added USA's plan includes the following projects:

- \$150,000 to support redevelopment of the historic Farmer's Hardware building at 210 South Lafayette Street owned by Sandy Edwards to create a salon and day spa on the ground floor and basement levels that will employ eight to ten workers. Mrs. Edwards aims to redevelop the second and third floors for commercial offices that would hold up to four small businesses. Private investment will cover the remainder of the costs.
- \$150,000 to support the redevelopment of the historic Rogers Theatre at 213 West Marion Street owned by Gary Kulas. Mr. Kulas is finalizing plans to take the main hall of the Rogers and build platforms for dinner theatre seating and tables. The first phase of the project would install new wiring and environmental systems, and return the main room to its art deco splendor using historic colors and patterns. The dinner theatre, special events, and other uses would employ eight workers on a fulltime basis. Phase 2 includes a full service restaurant employing 23 people in the balcony area of the Rogers.

Council discussion included grant requirements, grant eligible activities, how the projects were identified, the short notice period, and the grant deadline.

**ACTION TAKEN:** Upon a motion by Mrs. Patterson, second by Mr. Anthony, City Council voted unanimously to approve and adopt Resolution No. 19-2010 entitled, "A RESOLUTION AUTHORIZING UPTOWN SHELBY ASSOCIATION, INC. TO APPLY FOR THE NORTH CAROLINA MAIN STREET SOLUTIONS FUND PROGRAM ON BEHALF OF THE CITY OF SHELBY, NORTH CAROLINA".

**2) Consideration of FY 2009-2010 Budget Ordinance Amendment No. 5: Ordinance No. 14-2010**

Mr. Phillips explained that this budget amendment has three sections. The third and final section of Amendment No. 5 is an appropriation of fund balance to fund the 2010 Park Enhancement Project. Mr. Phillips reminded Council that Ordinance No. 55-2009 established a capital project for the 2010 Park Enhancement Project. The ordinance requires a total transfer of

\$806,231 from the general fund over the next three years to complete the project. Staff planned that this transfer would come from fund balance increases to the general fund. This budget ordinance amendment would transfer the first \$400,000 of the \$422,000 increase to fund balance from Fiscal Year 2009.

**ACTION TAKEN:** Upon a motion by Mr. Hopper, second by Mr. Anthony, City Council voted unanimously to approve and adopt Ordinance No. 14-2010 entitled, "FY 2009-2010 BUDGET ORDINANCE AMENDMENT NO. 5".

**E. Council Announcements and Remarks:**

- 1) Mrs. Patterson mentioned the numerous violations to the sidewalk café requirements in maintaining the five foot wide unobstructed walkway. Council discussed Mr. Howell's recent letter, which outlined the three-strike course of action, to the restaurant owners who operate sidewalk cafés. Mr. Shores suggested the Mayor further discuss their concerns with Mr. Howell, reiterating that Council may take further action on this matter.
- 2) Mr. Mabry reminded all that Litter Sweep and the Great American Cleanup is scheduled for April 17, 2010. Cleanup supplies will be provided and distributed by Keep Shelby Beautiful Commission members at the Aquatics Center Conference Room, Shelby City Park beginning at 8:00 a.m.
- 3) Mayor Alexander announced that the Foothills Merry Go Round Festival is set to take place on April 24 and 25, 2010 at Shelby City Park. The Mayor also mentioned a prayer walk, held in conjunction with Nicky Cruz Outreach, is planned for April 17, 2010 at 12:00 noon, at the Court Square and Uptown Shelby.

**F. Adjournment:**

- 1) Motion to adjourn

**ACTION TAKEN:** Upon a motion by Mr. Shores, second by Mrs. Patterson, City Council voted unanimously to adjourn the meeting at 6:35 p.m.

Respectfully submitted,

Bernadette A. Parduski, MMC  
City Clerk

**W. Ted Alexander  
Mayor**

**Minutes of April 5, A. D. 2010**