

MINUTES

Regular Meeting
City Hall Council Chamber

December 6, 2010
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, Director of Human Resources Deborah (Deb) Jolly, Director of Utilities Brad R. Cornwell, PLS, EI, Fire Chief William P. Hunt, Director of Public Works Daniel C. (Danny) Darst, Jr., Director of Parks and Recreation Charlie Holtzclaw, Director of Housing Bryan T. Howell, Director of Development Services Brian L. Pruett, 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. Mrs. Patterson gave the invocation and Mr. Howell, Director of Housing, led the *Pledge of Allegiance*.

A. Approval of agenda:

1) Motion to adopt the proposed agenda

Mr. Howell requested the addition of Item D-7 under the Consent Agenda as follows: Approval of a resolution awarding the construction contract for the City of Shelby Clearwater Paper Water and Sewer Project: Resolution No. 83-2010. He stated the City's consulting engineer, Mr. Burton of Burton Engineering Associates, recommended the 12 inch water and 12 inch sewer project to serve Clearwater Paper be awarded to Wesson Septic Tank Service in the amount of \$206,130.10.

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

B. Special Presentations:

1) North Carolina Housing Finance Agency Urgent Repair Grant Project – Walter Scharer, AICP, Director of Planning Services

Mr. Scharer provided background information on an Urgent Repair Grant from the North Carolina Housing Finance Agency the City of Shelby received in 2009. This \$75,000 grant could be used for urgent repairs on owner occupied single family dwellings of low to moderate income and very low income households. The program allowed the City to assist income eligible homeowners with emergency home repairs up to \$5,000 per dwelling.

Next Mr. Scharer shared the results of this grant project completed in October 2010. A total of 16 homes throughout Shelby were repaired. Repairs included roof repair and replacement, doors and windows, plumbing, and electrical work. Repair locations were throughout the City including the Kings Road area, West Shelby, North and South Morgan Street, the Weed and Seed area, and Grover Street.

Mr. Scharer concluded by stating this was a very successful program that staff recommends pursuing again in a future grant cycle. The grant required no matching funds from the City. The funding not only assisted those eligible homeowners with critical needs but also, to some extent, helped stabilize homeownership in some of the City's more challenged neighborhoods.

Discussion followed and included eligibility requirements and the number of applicants who did not qualify under the program.

Council received the information.

- 2) Shelby Housing Department/Community Development Project – Walter Scharer, AICP, Director of Planning Services, and Bryan T. Howell, Director of Housing

Mr. Scharer provided an overview of the proposed Community Development Project at the Shelby Housing Department. He said that staff from Planning Services and the Housing Department began analyzing the possibilities of improving the parking at the Housing Department Center and eliminating blight in the area early in 2010. Utilizing a map of the area, Mr. Scharer pointed out that the Shelby Housing Department currently owns all the property on Logan Street from Antrum Street to the commercial properties that front Grover Street, with the exception of two small parcels at the corner of Logan Street and Antrum Street. Both of these properties are home to single-family dwellings that are in fair to poor condition. The Shelby Housing Department Community Center/Central Office is located on Logan Street directly across from said properties. The Community Center can accommodate as many as 90 persons and six employees are based at the Central Office. Currently there are only 15 designated parking spaces at the Community Center.

Staff from Planning Services and the Housing Department proposed to use existing Department of Housing and Urban Development funds to obtain the two small parcels at the corner of Logan Street and Antrum Street, demolish the existing houses, construct a small parking facility, and construct an energy efficient green single family dwelling for infill development.

Mr. Scharer stated that by current City of Shelby standards, 22 parking spaces would be required at the Housing Department if it were built today. In addition the current layout of the existing parking would not be permitted today. A new parking facility would add approximately eight spaces thereby bringing the total amount of parking to 23 spaces.

Mr. Scharer concluded and stated that securing these properties would solidify the Department of Housing's presence on Logan Street while at the same time provide needed parking and begin the process of infill housing that may be used for a Home Ownership Program, Officer Residency, or even a Community Development Temporary Housing site.

Mr. Howell added that funding for the project would be provided using program income currently held in the Housing reserve fund balance. Expenditures of these funds are subject to approval by the United States Housing and Urban Development Department. Mr. Howell said if Council is in general agreement, a more formal plan will be developed and more details relative to the overall project would be forthcoming.

Council discussion followed and some of the issues raised were about the cost of the entire project, renovations too costly to consider, green home specifications/certifications, and parking lot standards.

Council received the information and endorsed the concept as presented.

C. Public Comment:

- 1) Paula Kunka who resides at 1443 South Dekalb Street in Shelby, North Carolina expressed her concerns about the new Shelby Middle School Project currently under construction and located directly across from her home and property. She has been approached by the City of Shelby about an easement across her property to construct, utilize, and maintain a sewer line for the school and its athletic facilities. This easement was not requested during the planning stages or approval stages, but is being requested now, when the project is substantially completed. In a prepared statement, Ms. Kunka requested the following:

- The agreement between the City of Shelby and Board of Education to provide a gravity system to the entire site be changed to forbid taking any property of the neighboring land owners against their wishes, and for the City to redesign the sewer system to use only existing rights-of-way to service the property via a combination of gravity-fed and septic systems to accomplish that goal.
- Informed the City Council that, should the City attempt to proceed with the proposed sewer line across her backyard, she will be taking all necessary legal action against both the City and the Board of Education to prevent it. This will include filing lawsuits to prevent the easement and stop construction, as well as for trespassing, and all associated damages. Her attorney has been present for the meetings with the City and is prepared to move forward. Given the controversial nature of property takings by eminent domain, she also anticipated that the press will be interested in this story.
- Informed the City Council of the presence of a federally-designated endangered plant species, the Dwarf-flowered Heartleaf, growing throughout the proposed easement area. This plant has been declared “threatened” by the United States Fish and Wildlife Service and its protected status caused the North Carolina Department of Transportation to acquire and donate 1,000 acres of land to the Broad River Greenway in 2003, solely for this plant’s protection. Preservation of this plant is federally mandated. Her attorney has already been in contact with the United States Fish and Wildlife Service and discussed the issue with them. Should the City attempt to proceed with the proposed sewer location, United States Fish and Wildlife Service procedure requires that it work in formal consultation with the United States Army Corp of Engineers to strictly review, scrutinize, and modify all relevant permits to ensure protection of the species.

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. Mabry, the consent agenda and following items were unanimously approved:

- 1) Approval of the Minutes of the Regular Meeting of November 15, 2010
- 2) Approval of Special Event Permit Applications:

- a. **Shelby Art on the Square and Buffalo Creek European Car Club Show**
requested date: April 30, 2011
- b. **Closing Ceremony – A Smithsonian Sendoff of the New Harmonies:
Celebrating American Roots Music Exhibit** requested date: December
29, 2010
- 3) **Approval of a resolution awarding a contract for the Shelby Fire &
Rescue Department’s Grover Street and Charles Road Firehouse
Pavement Resurfacing Project: Resolution No. 81-2010**
- 4) **Approval of a resolution revising and amending the personnel policies of
the City of Shelby to provide for an updated Personnel Policy and
Procedure Manual: Resolution No. 82-2010**
- 5) **Adoption of an ordinance authorizing demolition of a dwelling located at
235 Lily Street: Ordinance No. 34-2010**
- 6) **Approval of a Notice of Cancellation in the Regular Meeting Schedule of
Shelby City Council (Christmas holiday observance)**
- 7) **Approval of a resolution awarding the construction contract for the City
of Shelby Clearwater Paper Water and Sewer Project: Resolution No. 83-
2010**

END CONSENT AGENDA

E. Unfinished Business: None

F. New Business: None

G. City Manager’s Report:

- 1) **Mr. Howell provided a brief update on the Foothills Commerce Center
Infrastructure Project and anticipates more progress by Neill Grading
and Construction Company within the next 30 days.**
- 2) **Mr. Howell provided a brief update on the Job Ready Shell Building at the
Foothills Commerce Center including the scheduling of the architect’s
presentation, the budget estimates from the various contractors, the yet
to be determined building size, and the completion date anticipated for
Summer 2011.**

- 3) Mr. Howell provided a brief update on the progress of the City Park Phase I Improvements to date with the irrigation system to be installed next sometime in December 2010.
- 4) Mr. Howell mentioned the City was notified by The Rural Center's Building Reuse and Restoration Development Grant Program of an approval for renovations to 16 East Warren Street, the old Loy's Men Shop, owned by David Royster. This project would involve the rehabilitation of the Royster building for a new restaurant to be owned and operated by Chris and Nancy Canoutas. The grant program assists communities in returning vacant business properties to job-generating use. The grants match other public and private funding to restore, renovate, and equip properties for use by new and expanding businesses. Six new jobs would make this project eligible for \$48,000 in grant funding based upon the allowable \$8,000 per job.
- 5) Mr. Howell mentioned that staff is in the process of revising and updating the City's voluntary annexation policy for Council's consideration in the near future.
- 6) Mr. Howell requested Council's feedback as to format and dates regarding its annual retreat for 2011.
- 7) Mr. Howell said he is in the process of preparing for the Fiscal Year 2011-2012 budget process and his annual budget calendar will be made available shortly.
- 8) Mr. Howell reminded Council that the Monthly Financial Summary for October 2010 was recently provided for their review.
- 9) Mr. Howell congratulated Chief Ledford and the Shelby Police Department on their third reaccreditation by The Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) recently announced and awarded.
- 10) Mr. Howell invited Mayor Alexander and Council to attend the City's Christmas lunch on December 9, 2010 from 11:00 a.m. to 2:00 p.m. at Shelby City Park.
- 11) Mr. Howell announced and encouraged the Mayor and Council to attend the Advocacy Goals Conference of the North Carolina League of Municipalities which will be held on January 20, 2011 at 9:30 a.m. at the Raleigh Convention Center in Raleigh, North Carolina.

H. Council Announcements and Remarks:

- 1) Mayor Alexander requested Mr. Howell to arrange tours of two construction sites, Clearwater Paper and the City Park Improvements Project, for Council.
- 2) Mr. Anthony raised the matter of leaf pick-up throughout the City and as a safety concern. Both Mr. Howell and Mr. Darst explained that four leaf trucks are out every day on routine cycle but can be limited by equipment breakdowns, manpower, weather conditions, and volume of leaves. It was reiterated to the public that leaves should be raked into piles and left loosely on the curbside. When utilizing the area between the roadway and sidewalk, the sidewalk should not be covered at anytime.
- 3) Mrs. Patterson wished all a Merry Christmas.
- 4) Mayor Alexander made the following announcements:
 - Shelby is host to the 2011 North Carolina Main Street Conference which will be held January 26 through 28, 2011. The conference brochure was distributed to Council and the Mayor encouraged Council's participation and attendance.
 - Congratulated Michael Gullatte for being named The Star's Spirit of Freedom Award winner for 2010. The Mayor acknowledged him as Senior Pastor of Christ for the Nations Church and as Chair of the Interfaith Alliance.
 - Announced that tickets are available for the musical entitled, Miracle in Bedford Falls, presented by First Baptist Church of Shelby, at the Don Gibson Theatre. Performances will be held December 9 through 12, 2010 and proceeds will benefit the Abuse Prevention Council and the Interfaith Alliance.
 - Expressed his appreciation to City staff for decorating City Hall and the Council Chamber in Christmas holiday décor
 - Wished all a Merry Christmas and a Happy New Year

I. Closed Session:

- 1) To complete the annual performance evaluation of the City Clerk pursuant to North Carolina General Statute 143-318.11(a) (6)

ACTION TAKEN: Mr. Anthony made a motion to enter into a closed session to conduct the annual performance evaluation of the City Clerk pursuant to the appropriate North Carolina General Statute as cited. Council consulted with Mr. Yelton who advised that the topic met the statutory requirements for a closed session. The Mayor invited all Council members present, Mr. Yelton, and Mrs. Parduski to attend. The motion was seconded by Mr. Bailey. The motion passed unanimously and Council moved into closed session at approximately 7:10 p.m.

ACTION TAKEN: Upon a motion by Mr. Shores, second by Mr. Anthony, City Council voted unanimously to return to regular session at 7:59 p.m.

J. 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 8:00 p.m.

Respectfully submitted,

Bernadette A. Parduski, MMC
City Clerk

W. Ted Alexander
Mayor

Minutes of December 6, A. D. 2010