

## MINUTES

Regular Meeting  
City Hall Council Chamber

July 19, 2010  
Monday, 6:00 p.m.

**Present:** Mayor W. Ted Alexander, presiding; Council Members Christopher H. (Chris) Mabry, 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 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 Public Works Daniel C. (Danny) Darst, Jr., Director of Parks and Recreation Charlie Holtzclaw, Director of Planning Services Walter (Walt) Scharer, AICP; and media representatives

**Absent:** Council Member O. Stanhope (Stan) Anthony, III

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 Mrs. Parduski led the *Pledge of Allegiance*.

**A. Approval of agenda:**

- 1) Motion to adopt the proposed agenda

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

**B. Special Presentations:**

- 1) Recognition of the Mayor's Outstanding Volunteer Service Recipient for June 2010: Salkehatchie Summer Service

Participants from the Salkehatchie Summer Service were not present to accept the certificate. However, Mayor Alexander shared that the Salkehatchie Summer Service Camps bring high school and college age youth and adult community leaders together for a week for the purpose of upgrading the homes and living conditions of those who do not have the ability or means to improve their homes. Lafayette Street United Methodist Church is the host church in Shelby. This year the camp brought approximately 60 youth and adult campers to Shelby to work on four homes.

Sergeant Carl Duncan of the Shelby Police Department, and his wife, Tammy, were the camp leaders.

2) Destination Cleveland County, Inc. (DCC) update – Emily Epley, Executive Director

Mrs. Epley distributed a packet of information and began her presentation by providing Council with a timeline on DCC's various activities since their last update in October 2009, elaborating on the following:

- October 2009 – Hired a part-time Collection Manager of the future museum's collection of objects and artifacts
- November 2009 – The Don Gibson Theatre began programming which ran through May 2010; the 1964 Beatles Tribute Band performed as a soft opening and Salvation Army benefit; Marty Stuart performed for the Grand Opening
- January 2010 – Met with Jim Leach, Chairman of National Endowment for the Humanities; received Cleveland Chamber's Duke Energy Citizenship and Service Award; completed concept design for The Earl Scruggs Center
- February 2010 – Revisited Gardner-Webb University's Godbold School of Business projection by affirming positive economic impact for both catalyst projects, The Don Gibson Theatre and The Earl Scruggs Center, of \$180 million over a ten-year period
- March 2010 – Attended Smithsonian exhibit training in Mount Airy, North Carolina; Cissy Anklam, Museum Planner, visited Shelby to lead community presentations of The Earl Scruggs Center concept design; attended the Center for Creative Leadership as a recipient of an award by the Z. Smith Reynolds Foundation
- April 2010 – Awarded \$1.543 million for The Earl Scruggs Center by the U. S. Department of Commerce's Economic Development Administration
- May 2010 – Traveled to Nashville, Tennessee to present concept design to Scruggs family
- June 2010 – Traveled to Raleigh, North Carolina with Cleveland Chamber to meet with elected officials, funders, and other resources;

conducted Smithsonian Exhibit Planning team meeting of all committee chairs

- July 2010 – Shared DCC update at State of the Community Breakfast; met in Chapel Hill, North Carolina with Scruggs Center advisors and project team to discuss logistics for moving forward and also met with researchers about Phase II of oral history project
- August 2010 – University of North Carolina-Chapel Hill researchers will visit Cleveland County for Phase II of oral history gathering for The Earl Scruggs Center; announced Public Open House at The Don Gibson Theatre and the museum’s storage facility, located off Patton Drive, from 2:00 p.m. to 5:00 p.m.

Mrs. Epley concluded by stating that renovations are expected to begin on The Earl Scruggs Center at the end of this year and it is anticipated to open in late 2011. Additionally, Mrs. Epley said the “New Harmonies: Celebrating American Roots Music” is a Museum on Main Street project organized by the Smithsonian Institution Traveling Exhibition Service and the exhibition will be presented in association with the North Carolina Humanities Council at The Don Gibson Theatre beginning November 13, 2010 through December 29, 2010. Special programming will take place at the theatre during this six-week exhibition.

Next, David Jenkins introduced himself as the Executive Director of The Don Gibson Theatre. He addressed the question of local hotel accommodations by stating that the lodging is sufficient for customers but not for the performing artists at this time. Mr. Jenkins expressed his appreciation to Mr. Howell and all City departments, especially the Police Department, for their tremendous support of the theatre in its first year of operation. He reminded all that the theatre was built to attract new visitors, to improve the quality of life elements, and to attract new and relocating businesses. The mission is tangibly being accomplished. After seven months of operation, Mr. Jenkins stated that the theatre has served over 8,000 customers and he can conservatively substantiate the theatre’s direct, positive economic impact at over \$1 million to this market.

Mr. Jenkins concluded by stating that the shows for the upcoming season will be announced very shortly. He will also continue to focus on the theatre being a good neighbor in the community, working with the schools, church groups, and others.

#### C. Public Comment:

- 1) **Kim Stinchomb** who resides at 301 Ford Street in Shelby, North Carolina expressed his concerns about the City's residential electric service rate schedules, Residential Electric Service and Residential Service-All Electric. After reviewing the City's website, Mr. Stinchomb learned he has been paying the higher electric rate rather than the "All Electric" rate he should have been paying for the past five and a half years. Mr. Stinchomb stated the rate he has been paying was selected by the City, which was the incorrect rate. He contacted the Customer Service Department on several occasions and requested to be reimbursed for the difference between the rate he paid and the rate he should have been paying. According to Mr. Stinchomb, the only relief he was afforded by the City was the corrected rate on his bill. Mr. Stinchomb does not agree with the City's policy that it is the customer's responsibility to ensure he is paying the correct service rate. He requested Council investigate this matter further.

Mayor Alexander requested Mr. Howell to follow-up with Mr. Stinchomb regarding his concerns.

#### **D. Public Hearings:**

- 1) **Consideration of a resolution and order permanently abandoning a utility easement on a portion of the former Congress Street:  
Resolution No. 48-2010**

Mr. Cornwell reminded Council of their recent resolution of intent to conduct a public hearing for the purpose of giving consideration to order the abandonment of a reserved utility right-of-way on a portion of the former Congress Street. As previously noted, Mr. Cornwell stated the City received a request from the abutting property owners to formally abandon the utility easement and staff can find no just reason to reserve it for an indefinite period of time. He recommended Council approve the proposed resolution and order.

Mayor Alexander opened the public hearing at 6:35 p.m. and invited comments from the public:

Mark Carter who resides at 600 Peach Street in Shelby, North Carolina stated he is the owner of the properties on either side of the former Congress Street and spoke in support of abandoning the utility easement on top of the portion of Congress Street, which was closed. He is desirous of combining both properties for new development.

Mayor Alexander closed the public hearing at 6:36 p.m.

**ACTION TAKEN:** Upon a motion by Mr. Hopper, second by Mr. Bailey, City Council voted unanimously to approve and adopt Resolution No. 48-2010 entitled, "A RESOLUTION AND ORDER PERMANENTLY ABANDONING A UTILITY EASEMENT ON A PORTION OF THE FORMER CONGRESS STREET".

- 2) Consideration of a resolution and order permanently closing an unopened right-of-way at the north end of Branton Drive: Resolution No. 49-2010

As previously noted, Mr. Scharer stated the property owners adjacent to the unopened right-of-way at the north end of Branton Drive have petitioned the City to close the right-of-way. He also reminded Council of their previous approval declaring the intent to close an unopened right-of-way at the north end of Branton Drive and to schedule this public hearing for the consideration of same. After review of the matter, staff has no objection to this proposed right-of-way closing. Mr. Scharer recommended Council's approval of the resolution and order.

Mayor Alexander opened the public hearing at 6:38 p.m. and invited comments from the public:

Carl Frazee who resides at 695 Branton Drive in Shelby, North Carolina spoke in support of closing an unopened right-of-way at the north end of Branton Drive. Mr. Frazee also mentioned an erosion problem in this area.

Mark Turner who resides at 1400 Beverly Avenue in Shelby, North Carolina signed up to speak at this public hearing but declined the opportunity when called upon.

Mayor Alexander closed the public hearing at 6:40 p.m.

**ACTION TAKEN:** Upon a motion by Mrs. Patterson, second by Mr. Shores, City Council voted unanimously to approve and adopt Resolution No. 49-2010 entitled, "A RESOLUTION AND ORDER PERMANENTLY CLOSING AN UNOPENED RIGHT OF WAY AT THE NORTH END OF BRANTON DRIVE".

- 3) Consideration of an ordinance to extend the corporate limits of the City of Shelby, North Carolina: Ordinance No. 20-2010

Mr. Scharer reminded Council of their resolution of intent to annex the site of approximately 152 acres at 3311 Artee Road which is owned by the City of Shelby and known as Foothills Commerce Center. Additionally, the City Clerk has certified that this satellite annexation meets the criteria found in North

Carolina General Statutes.

Mayor Alexander opened the public hearing at 6:41 p.m. and invited comments from the public.

The public offered no comments and Mayor Alexander closed the public hearing at 6:42 p.m.

**ACTION TAKEN:** Upon a motion by Mr. Bailey, second by Mr. Mabry, City Council voted unanimously to approve and adopt Ordinance No. 20-2010 entitled, "AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF SHELBY, NORTH CAROLINA".

**E. Consent Agenda:**

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

- 1) Approval of the Minutes of the Regular Meeting of June 21, 2010
- 2) Approval of Special Event Permit Application:
  - a. 2010 Cleveland County March for Babies, Requested date: October 2, 2010
- 3) Approval of a resolution in support of the North Carolina Senior Farmers Market Nutrition Program: Resolution No. 50-2010
- 4) Approval of a resolution supporting the designation of the month of July as Park and Recreation Month: Resolution No. 51-2010
- 5) Approval of a resolution approving reimbursement of asphalt, curb and gutter expenses incurred by Villages of Hallelujah Acres for development of Phase I and II of the Villages of Hallelujah Acres: Resolution No. 52-2010
- 6) Approval of a resolution accepting traffic safety funding from the North Carolina Governor's Highway Safety Program: Resolution No. 53-2010
- 7) Approval of a resolution to adopt and maintain the policies, procedures, and plans for the City of Shelby Community

**Development Block Grant (CDBG) Program: Resolution No. 54-2010**

- 8) Approval of a resolution declaring a Fair Housing Policy within the City of Shelby: Resolution No. 55-2010**
- 9) Approval of a resolution opposing federally mandated collective bargaining: Resolution No. 56-2010**
- 10) Adoption of an ordinance establishing a capital project and budget for the City of Shelby's Airport Grant 10.0 Project: Ordinance No. 21-2010**

#### **END CONSENT AGENDA**

#### **F. Unfinished Business:**

- 1) Consideration of appointments to City Advisory Boards and Commissions:**

##### **a. Community Relations Council**

**Mrs. Parduski reported that the term of long-standing incumbent, Cecil Burton, is set to conclude August 2010. Mr. Burton wishes to continue his service.**

**Mr. Hopper nominated Cecil Burton for reappointment to a new term concluding August 2013.**

**ACTION TAKEN: Upon a motion by Mr. Shores, second by Mr. Hopper, City Council voted unanimously to close the nominations and to accept the nominee by acclamation.**

#### **G. New Business: None**

#### **H. City Manager's Report:**

- 1) With regard to the Foothills Commerce Center, Mr. Howell informed Council he received informal approval from the North Carolina Department of Commerce for \$500,000 in grant funding for road infrastructure construction at the site.**
- 2) Mr. Howell said that construction of the new airport terminal is expected to be completed by the first week in August 2010. Opening events will be planned accordingly.**

- 3) In light of July's designation as Park and Recreation Month, Mr. Howell called upon Mr. Holtzclaw to provide an update. Mr. Holtzclaw discussed the traffic counters installed at City Park over an eight-week period from May 15 through July 9, 2010 and highlighted the results averaging 30,000 visitors per week and almost 300,000 visitors in total. Billed as one of the largest swim meets in the Carolinas, Mr. Holtzclaw added City Park's Aquatics Center proudly hosted the Sharks Aquatic Club Last Chance Meet for 671 swimmers along with their families and fans the weekend of July 9 - 11, 2010.

Mr. Howell informed Council that the City is now accepting bids for the City Park Improvements Phase I and the closing date is August 3, 2010.

- 4) Mr. Howell mentioned that the Utilities Department is continuing its work on the development of the Water and Sewer Asset Management Plan.
- 5) Mr. Howell mentioned that the North Carolina Department of Transportation Safe Routes to School Program infrastructure project serving Marion Intermediate School to construct sidewalks along Forest Hill Drive and along Beaumonde Avenue is in process.
- 6) Mr. Howell announced the Utilities Department's successful completion of the sidewalk and curb and gutter replacement project along Suttle Street from Dekalb Street to Sumter Street and along Sumter Street from Dekalb Street to Suttle Street.

I. Council Announcements and Remarks:

- 1) Special recognitions: Resolution No. 45-2010, Resolution No. 46-2010, and Resolution No. 47-2010

**ACTION TAKEN:** Upon a motion by Mr. Shores, second by Mrs. Patterson, City Council voted unanimously to adopt and approve Resolution No. 45-2010, Resolution No. 46-2010, and Resolution No. 47-2010 en masse.

Prior to the presentation, Mayor Alexander said with the recent announcement that Clearwater Paper Corporation selected Shelby as the location to build its newest tissue facility, the Council wanted to express their appreciation and gratitude to all those who worked so hard to make this project a reality in Cleveland County. Over the course of a year, the State of North Carolina, the local Economic Development team, the County Manager, the City Manager, and local governmental officials were persistent in their quest to recruit Clearwater Paper to Cleveland County. The Mayor reiterated

that Clearwater's decision to locate here represents the best of flawless cooperation between their company, our Cleveland County Economic Development Partnership, City and County governments, the Governor's Office, the legislative delegation, and others. With this in mind, the Mayor and Council recognized the efforts and contributions of their own City Manager Rick Howell, Utilities Director Brad Cornwell, and City Attorney Bob Yelton.

First Mayor Alexander called upon Bob Yelton. The Mayor formally read and presented framed Resolution No. 47-2010 to Mr. Yelton. He also presented the City's shadow box which displays the key to the City and two brass ornaments, Shelby City Hall and the Cleveland County Courthouse.

Next Mayor Alexander called upon Brad Cornwell. The Mayor formally read and presented framed Resolution No. 46-2010 to Mr. Cornwell. He also presented the City's shadow box as a gift to Mr. Cornwell.

And last but not least, Mayor Alexander called upon Rick Howell. The Mayor formally read and presented framed Resolution No. 45-2010 to Mr. Howell. He also presented the City's shadow box as a gift to Mr. Howell.

- 2) Mayor Alexander mentioned that the Weed and Seed Steering Committee is planning a memorial garden to honor the late Annie Beam as its first Weed and Seed Coordinator.
- 3) The Mayor announced that the National Night Out event is scheduled for August 3, 2010 at City Park.
- 4) Mayor Alexander encouraged all to attend an exhibit entitled, "A Day in the Life of Cleveland County", sponsored by the Cleveland County Arts Council until July 29, 2010.
- 5) The Mayor encouraged Council members to complete the City of Shelby Natural Gas Public Awareness Survey.
- 6) On a personal note, Mayor Alexander expressed his appreciation to the Shelby Fire and Rescue Department who responded to a call at his home on July 17, 2010.

**J. Adjournment:**

- 1) Motion to adjourn

**ACTION TAKEN:** Upon a motion by Mr. Shores, second by Mr. Mabry, City Council voted unanimously to adjourn the meeting at 7:14 p.m.

Respectfully submitted,

Bernadette A. Parduski, MMC  
City Clerk

W. Ted Alexander  
Mayor

Minutes of July 19, A. D. 2010