

MINUTES

Regular Meeting: Workshop Session
George W. Clay, Jr. Utility Operations Center

January 5, 2009
Monday, 6:00 p.m.

Present: Mayor W. Ted Alexander, presiding; Council Members Christopher H. (Chris) Mabry, Larry G. Ware, Jeanette D. Patterson, Michael R. (Mike) Royster, Joel R. Shores, Jr., Andrew L. Hopper, Sr.; City Manager Rick Howell, City Attorney Robert W. (Bob) Yelton, City Clerk Bernadette A. Parduski, CMC, Director of Finance Theodore B. (Ted) Phillips, CPA, Director of Human Resources Deborah C. (Deb) Jolly, Director of Utilities Brad R. Cornwell, PLS, EI, Police Chief Jeffrey H. (Jeff) Ledford, Fire Chief William P. Hunt, Director of Public Works Daniel C. (Danny) Darst, Director of Parks and Recreation Charlie Holtzclaw, 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 Mr. Holtzclaw led the *Pledge of Allegiance*.

A. Approval of Agenda:

1) Motion to adopt the proposed agenda

Mayor Alexander announced that Item C-11 would be added under the Consent Agenda as follows: Approval of a resolution authorizing submission of a planning grant application for the 2008-2009 Clean Water Partners' Infrastructure Program: Resolution No. 6-2009.

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

B. Special Presentations:

1) Recognition of Olympian Travis Padgett: Resolution No. 77-2008

Mayor Alexander deemed to honor Travis Padgett and recognized him as an Olympian who competed at the 2008 Olympic Games in Beijing, China as a member of the USA Track and Field squad on the 4 x 100m relay team. He acknowledged Mr. Padgett as one of only three known Olympians to hail from Cleveland County. The Mayor formally read and presented framed Resolution No. 77-2008 to Mr. Padgett. Mr. Padgett expressed his

appreciation to all for the support he continues to receive and has received from his hometown area, which includes his elementary school, high school, and college years. Mr. Padgett introduced members of his immediate family in attendance with him.

2) Shelby's Wayfinding Sign Program – Walt Scharer, Director of Planning Services

Mr. Howell introduced the topic of wayfinding by reminding Council that the City Center Master Plan identified the development of a wayfinding sign system as a Year 1 priority. If this signage plan is ultimately approved by Council, Mr. Howell would propose that Phase 1 of the plan be implemented and funded in the 2009-2010 fiscal year.

Mr. Scharer began his presentation by reviewing the Implementation Strategy Board of Shelby's City Center Master Plan and reiterated that the Master Plan lists to initiate the first phase of wayfinding under "First Steps Year 1". Mr. Scharer defined wayfinding as a sign program that directs motorists and eventually pedestrians to key locations in the community. He further stated that for Shelby, the wayfinding program directs people to Uptown and other key attractions of the community.

Mr. Scharer illustrated Shelby's Wayfinding Program which includes four primary types of signs:

- Gateway signs announce the entrance to Shelby and the Uptown – primary gateways at major entrances to the City limits and secondary gateways at the entrance to the Uptown area.
- Primary Trailblazers are signs that direct motorists to major districts or attractions within the City. These signs are placed along major thoroughfares in the City and have three major attractions listed.
- Uptown Trailblazers direct motorists and pedestrians to attractions within Uptown including the Court House, Visitors Center, and public parking.
- Parking signs direct visitors to parking facilities.

Mr. Scharer said Shelby's Wayfinding Program will include more than 80 sites and currently listed the following destination points on the Sign Location Map:

- Uptown Shelby
- City Park

- Cleveland County Fairgrounds
- Cleveland Community College
- Visitor Centers
- Don Gibson Theatre
- Scruggs Center
- Bankers House
- Holly Oak Park
- Hanna Park
- Parking

Upon questioning, Mr. Scharer responded that the City's tag line, "City of Pleasant Living", will not be included in the new Wayfinding Sign System.

Mr. Scharer and Mr. Howell provided the distinctions among city limit, civic, and wayfinding signs.

Mr. Scharer and Mr. Howell clarified the North Carolina Department of Transportation (NCDOT) Wayfinding Policy by explaining that staff has worked with DOT on this plan, taking into consideration the rules, regulations, and jurisdictional issues governing signage on State owned and maintained roads.

Mr. Howell concluded the presentation by stating that a resolution adopting the plan will be drafted for Council's consideration at a later date and the funding issue will be discussed during budget work sessions. Mr. Howell noted that Uptown Shelby Association had already committed some funding for its part of the plan implementation. Upon questioning, Mr. Howell responded that the Travel and Tourism Division of the Cleveland County Chamber has been involved in the development phase of the signage plan as well.

Council received the presentation for informational purposes and took no action.

C. Consent Agenda:

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

1) Approval of the Minutes of the Regular Meeting of December 1, 2008

2) Approval of Special Event Permit Application:

- a. Annual Rev. Dr. Martin Luther King Day Unity March on January 19, 2009
- 3) Approval of a resolution awarding the bid for the Shelby-Cleveland County Regional Airport Lift Station and Sewer Project: Resolution No. 1-2009
- 4) Approval of a resolution supporting the City of Shelby's efforts to apply for a Safe Routes to School (SRTS) Infrastructure Grant Reimbursement Program: Resolution No. 2-2009
- 5) Approval of a resolution supporting the City of Shelby's efforts to apply for the North Carolina 2009-2010 Adopt-A-Trail Grant Program: Resolution No. 3-2009
- 6) Approval of a resolution supporting the City of Shelby's efforts to apply for the North Carolina 2009 Recreational Trails Program (RTP) Grant: Resolution No. 4-2009
- 7) Approval of a resolution authorizing submittal of an application for a North Carolina Parks and Recreation Trust Fund Grant and adoption of the City of Shelby Parks and Recreation Master Plan 10 Year Capital Improvements Program (2009-2018): Resolution No. 5-2009
- 8) Adoption of an ordinance concurring with the North Carolina Department of Transportation for speed limit revision on US 74 inside the corporate limits of Shelby, North Carolina: Ordinance No. 1-2009
- 9) Adoption of an ordinance concurring with the North Carolina Department of Transportation for speed limit revision on US 74B (Marion Street) inside the corporate limits of Shelby, North Carolina: Ordinance No. 2-2009
- 10) Approval of Notice of Meeting Cancellation of Shelby City Council
- 11) Approval of a resolution authorizing submission of a planning grant application for the 2008-2009 Clean Water Partners' Infrastructure Program: Resolution No. 6-2009

END CONSENT AGENDA

D. Unfinished Business:

- 1) Consideration of appointments to City Advisory Boards and Commissions:
 - a. Shelby Appearance Commission

Mrs. Parduski reminded Council that Stan Anthony, Steve Anthony Roderick, and Wiley Smith, Jr. were nominated on November 17, 2008. There are no additional applications on file.

ACTION TAKEN: Upon a motion by Mr. Ware, second by Mr. Shores, City Council voted unanimously to reappoint Stan Anthony and to appoint Steve Anthony Roderick and Wiley Smith, Jr. to the Shelby Appearance Commission for terms concluding January 2012.

By consensus, Council continued the nominations for one remaining vacancy on this board.

b. Airport Advisory Board

Mrs. Parduski reported that the terms of four incumbents, James C. Sanders, Richard Fletcher, Brian Dwan, and William Plowden, Jr., will expire February 2009. Mr. Sanders, Mr. Fletcher, and Mr. Plowden wish to continue their service. Applications on file include the following: Eric Michael Bester, Martha Davis, Nancy-Pat Dire, Craig Ferree, Paul B. Hounshell, Jr., Glen D. O'Bryan, and Janis Evans Tucker.

Mr. Royster nominated Mr. Plowden.

Mr. Hopper nominated Mr. Sanders.

Mrs. Patterson nominated Mr. Bester.

Mr. Shores nominated Mr. Fletcher.

Mr. Mabry nominated Mrs. Tucker.

ACTION TAKEN: Upon a motion by Mr. Royster, second by Mr. Ware, City Council voted unanimously to close the nominations.

Council cast the following votes:

Eric Michael Bester received three affirmative votes (Ware, Patterson, and Hopper).

Richard Fletcher received a unanimous vote.

William Plowden, Jr. received a unanimous vote.

James C. Sanders received a unanimous vote.

Janis Evans Tucker received three affirmative votes (Mabry, Royster, and Shores).

In order to break two tie votes between Eric Michael Bester and Janis Evans Tucker, Mayor Alexander voted for Janis Evans Tucker, who received four affirmative votes (Alexander, Mabry, Royster, and Shores).

By consensus, Council reappointed Richard Fletcher, William Plowden, Jr., and James C. Sanders and appointed Janis Evans Tucker to the Shelby Cleveland County Regional Airport Advisory Board for terms concluding February 2011.

2) Discussion of a draft ordinance of the City of Shelby amending Article I. In General, Section 30-5 and Article III. Sidewalk Cafes, Section 10-132 of the Shelby City Code of Ordinances

First, Mayor Alexander acknowledged the large number of interested citizens who had gathered to hear the discussion relating to this issue. Next, the Mayor explained the process of the discussion which will include Mr. Howell's presentation of a draft proposed ordinance and stated that no action by Council is anticipated at this time. Depending on the outcome of the discussion, Council may choose to proceed both by accepting or modifying the draft language and by determining whether to conduct a public hearing at a future date.

Mrs. Patterson recognized the members of her church, Bethel Baptist.

As directed by Council, Mr. Howell prepared a draft document, for discussion purposes only, that would allow the sale and consumption of alcoholic beverages on City owned sidewalks with specific restrictions. He began his presentation with a review of the City's current ordinances to offer familiarity, specifically citing Article I., Section 30-5 (Sale, use of alcoholic beverages on City property) and Article III., Sidewalk Cafes, Sections 10-81 (Definitions), 10-101 (Application process), 10-102 (Term and transfer), 10-103 (Revocation), 10-104 (Temporary suspension), 10-131 (Operation – Generally), 10-132 (Operational requirements), 10-133 (Days and hours of operation), and 10-134 (Trash), and to provide an understanding of the proposed amendments.

Next, Mr. Howell reviewed the proposed Section 10-135 and each new provision. He stressed certain points of the proposal including:

- A sidewalk café permit, including a diagram, will be approved on an annual basis and must be renewed each year of operation.

- A restaurant must maintain a valid North Carolina Alcoholic Beverage Control Commission ABC permit.
- Signs must be posted at all exit points of the restaurant stating alcohol cannot be taken outside the premises.
- No outdoor bars will be allowed.
- To consume alcohol, patrons must include and consume a meal.
- Beer or wine must be consumed in a glass or cup which bears no alcohol markings.
- No table signage including coasters with alcohol logos in sight.
- These restrictions apply only to sidewalk cafes located within the Uptown Shelby Municipal Service District.
- These amendments would apply only to malt beverages (beer) and unfortified wine. Fortified wine, spirituous liquor, and mixed beverages are specifically prohibited from being served by North Carolina General Statute 18B-301(f).

Mr. Howell added that his informal survey on the subject among 13 cities and towns as well as a listing of Uptown sidewalk widths was made available to Council for informational purposes. Mr. Howell will also provide Council with a diagram estimating the maximum number of tables allowable for each Uptown restaurant. Upon questioning, Mr. Howell responded that the City has not issued any sidewalk café permits in the last several years.

Council's discussion included the following issues:

- Maintaining the public right-of-way
- How to avoid serving alcohol to minors
- Maintaining the five-foot wide unobstructed contiguous walkway
- Documentation including certificate of insurance and hold harmless agreement
- Potential economic development advantages

- Cost of annual permit fee
- Level sidewalks and related safety issues
- Changing days and hours of operation
- How to handle liability issues including damage to City property
- The need to hold a public hearing

By consensus, Council directed Mr. Yelton to finalize the draft document into ordinance format for public inspection.

ACTION TAKEN: Upon a motion by Mr. Ware, second by Mr. Royster, City Council voted 4 to 2 (Shores and Hopper) to conduct a public hearing and take action on February 16, 2009 regarding an amendment to the specific provisions of Shelby's Code of Ordinances relating to the sale and consumption of alcoholic beverages within the area of an outdoor sidewalk café.

As a point of clarification, Mr. Shores and Mr. Hopper were in favor of conducting the public hearing on February 16, 2009; however, concerning the time frame of Council's decision regarding the ordinance amendment, both were opposed to taking any action immediately following the proceeding.

E. New Business: None

F. City Manager's Report:

- 1) Mr. Howell reminded Council that their annual retreat is scheduled for January 23 and 24, 2009. By consensus, Council agreed that Mr. Howell would solicit comments from them regarding presentation and discussion items during the retreat.
- 2) Mr. Howell mentioned that a draft of the Shelby Comprehensive Land Use Plan will be made available to Council for review in the very near future.
- 3) Mr. Howell announced that MBAJ Architecture's perspective renderings and floor plans depicting the new terminal building at the Shelby Cleveland County Regional Airport will be on display for viewing and comments in the Conference Room at City Hall beginning January 6, 2009. Mr. Howell encouraged Council's participation in this process.
- 4) Mr. Howell expressed his gratitude to all for the well wishes he received

on the passing of his father in mid December 2008, which helped him get through the holiday season.

G. Council Announcements and Remarks:

- 1) Mrs. Patterson commended Travis Padgett on being an Olympian and referred to him as a role model for young people. Both Mayor Alexander and Mr. Hopper commended Mr. Padgett for sitting through and remaining for the entire Council meeting.

H. Adjournment:

- 1) Motion to adjourn

ACTION TAKEN: Upon a motion by Mr. Royster, second by Mr. Shores, City Council voted unanimously to adjourn the meeting at 7:30 p.m.

Respectfully submitted,

Bernadette A. Parduski, CMC
City Clerk

W. Ted Alexander
Mayor

Minutes of January 5, A. D. 2009