

MINUTES

Regular Meeting
City Hall Council Chamber

September 21, 2009
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, 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, Jr., 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. Mrs. Patterson gave the invocation and Mrs. Jolly led the *Pledge of Allegiance*.

A. Approval of agenda:

- 1) Motion to adopt the proposed agenda

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

B. Administration of Oath of Office to newly appointed Council Member Oliver Stanhope Anthony, III

Mayor Alexander introduced the Honorable Ali Paksoy and Stan Anthony. Mr. Anthony recognized members of his immediate family in attendance.

Next Judge Paksoy administered the Oath of Office to Mr. Anthony who was assisted by his wife, Ann Anthony. Mr. Anthony then took his seat on the dais.

C. Special Presentations:

- 1) Warren Square Redevelopment Project update – Frank Warlick, Integrity Development LLC

Mayor Alexander announced that Mr. Warlick requested a postponement of his presentation, which will be rescheduled for a date in the near future.

2) Recognition of the 2009 Shelby Parks and Recreation Department and Tar Heel Leagues, Inc. Youth Baseball All-Stars

Mr. Holtzclaw stated the Shelby Parks and Recreation Summer Baseball Program had a very successful season having two age groups compete in the Tar Heel Leagues, Inc. State Tournaments. Both teams advanced to the finals with the Senior Tar Heel Team (ages 15-17) winning the State Championship and the Junior Tar Heel Team (ages 13-14) finishing as State Runner-up. Since joining the Tar Heel Leagues in the early 1990s, the Shelby contingents have captured 13 State titles and have finished runner-up several times. Mr. Holtzclaw added that the players, coaches, and families represented the City of Shelby in a very positive way not only by being successful on the field, but also by demonstrating sportsmanship on and off the field. Mr. Holtzclaw commended Parks and Recreation staff for an excellent job ensuring the safe travel and stay for the teams while on the road and for an outstanding job hosting the Senior Tar Heel State Tournament.

a. 2009 Shelby City Park Junior Tar Teel All-Stars, State Runner-up and District 1 Champions

Mayor Alexander, assisted by David Fisher, Recreation Program Supervisor, and Doug Hull, Athletic Program Supervisor, presented the framed certificates to the Shelby Parks and Recreation 2009 Junior Tar Heel Leagues, Inc. State Runner-up as follows: Head Coach Sam Davis and Coach Cory Ferree, and Team members: Phillip Black and Ryan Greene. Absent: Coach Charlie Ruff, Coach Matt Carsno, Josh Beam, Alston Bridges, Dustin Greene, Tripp Hastings, Frankie Harrill, Ryan Luckadoo, Brock Melton, Jonathan Presnell, Andrew Spradley, and Luke Wray.

b. 2009 Shelby City Park Senior Tar Teel All-Stars, State Champions

Mayor Alexander, assisted by David Fisher, Recreation Program Supervisor, and Doug Hull, Athletic Program Supervisor, presented the framed certificates to the Shelby Parks and Recreation 2009 Senior Tar Heel Leagues, Inc. State Champions as follows: Head Coach Brian Arnold and Coach Bradley Willis, and Team members: Cameron Banks, Ryan Brooks, Jonathan Buff, Brock Byers, Hayden Dotson, Ryan Duncan, Tyler Earle, Garrett King, Evan Loaces, Macon Michael, and Kyle Stroud. Absent: Coach Randy Piercy, Coach Jeff Deaton, and R. J. Ussery.

D. Public Comment:

- 1) Don Dixon who resides at 1217 Charles Road in Shelby, North Carolina was accompanied by Bob Dills who resides at 1213 Charles Road in Shelby, North Carolina. Mr. Dixon, who also spoke on behalf of Mr. Dills, requested to petition Council to stop allowing tractor-trailer trucks to utilize Charles Road as a cut through from NC 150 to US Highway 74. Mr. Dixon expressed several safety concerns including the speed the trucks travel along this two-mile stretch of road. He added that a bypass from South Lafayette Street to US Highway 74 is currently available for truck travel. It was Mr. Dixon's opinion that this suggestion will not only make the road safer for citizens but will save tax money since the road would not have to be paved as often. Mr. Dixon referred to Charles Road as a City street which was not built to carry the weight these tractor-trailer trucks haul.

Mr. Shores commented that he has received several letters and calls from his constituents in Ward 5 regarding the Charles Road situation and requested Mr. Howell, along with Mr. Yelton and Mr. Scharer, to investigate possible solutions to the volume of truck traffic along Charles Road. Mr. Howell responded that this matter will involve discussions with the North Carolina Department of Transportation.

Mayor Alexander recognized former Council Member Dicky Amaya in attendance.

- 2) Sandra Renick who resides at 112 Brookhill Road in Shelby, North Carolina represented Keep Shelby Beautiful (KSB) and informed Council that she is the new Chair, Stan Shaw is the Vice Chair, and Mary Byrnes is the Executive Coordinator. Mrs. Renick stated that her purpose was to invite the Mayor and Council to attend the Gold Street beautification project on September 25, 2009 at 9:00 a.m. KSB members and volunteers hope to plant 50 Tuscarora crape myrtle trees along Gold Street in an effort to assist the residents and property owners restore their tree canopy. Mrs. Renick concluded by providing contact information for KSB.

E. 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 August 17, 2009
- 2) Approval of Special Event Permit Application:
 - a. Shelby High School Homecoming Parade on October 8, 2009
- 3) Approval to designate voting delegate for North Carolina League of Municipalities 2009 Annual Business Meeting
- 4) Approval of Notice of Change in Regular Meeting Schedule of Shelby City Council
- 5) Approval of a resolution approving the Municipal Records Retention and Disposition Schedule recommended by the North Carolina Department of Cultural Resources: Resolution No. 57-2009
- 6) Adoption of an ordinance establishing a capital project and budgets for the City of Shelby's Wastewater Treatment Plant Upgrade 09 Project: Ordinance No. 40-2009
- 7) Villages of Hallelujah Acres Subdivision Incentive Policy Reimbursement:
 - a. Adoption of FY 2009-2010 Budget Ordinance Amendment No. 1: Ordinance No. 41-2009
 - b. 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. 58-2009
- 8) Approval of a resolution to receive an offer to purchase and advertise the offer to purchase for upset bids: Resolution No. 59-2009

END CONSENT AGENDA

F. Unfinished Business:

- 1) Consideration of appointments to City Advisory Boards and Commissions:
 - a. Planning and Zoning Board

Mrs. Parduski reminded Council that two incumbents have submitted their respective resignations. The vacancies include one opening for an Extraterritorial Jurisdiction (ETJ) member with an unexpired term concluding June 2011 and a second opening for an inside member with an expired term

concluding June 2010. There is one ETJ application on file in the Clerk's Office that of Will Rucker.

Mr. Shores nominated Will Rucker and recommended him to the Cleveland County Commissioners for appointment as an ETJ member.

ACTION TAKEN: Upon a motion by Mr. Royster, second by Mrs. Patterson, City Council voted unanimously to close the nominations for the ETJ member.

By unanimous vote, Council appointed Will Rucker to the Planning and Zoning Board as an ETJ member for the unexpired term concluding June 2011 and recommended Mr. Rucker to the Cleveland County Commissioners for appointment to this position as well.

b. Community Relations Council

Mrs. Parduski reported that the Chair, Chavis Gash, has submitted a request to replace an incumbent who has withdrawn from this Council. There is a vacancy for the unexpired term concluding August 2011.

Applications on file in the Clerk's Office include the following: Randy Skelton and Vincent Toms.

Mr. Hopper nominated Vincent Toms.

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

By unanimous vote, Council appointed Vincent Toms to the Community Relations Council for the unexpired term concluding August 2011.

c. Housing and Redevelopment Advisory Board

Mrs. Parduski reported that incumbent, T. C. Strickland, Jr., has recently submitted his letter of resignation. There is a vacancy for the unexpired term concluding March 2010.

Applications on file in the Clerk's Office include the following: Peter Potemkin, Talmadge C. Strickland, IV, and Vincent Toms.

Mrs. Patterson nominated Talmadge C. Strickland, IV for the unexpired term concluding March 2010.

Mr. Mabry suggested Council consider extending the term to March 2013.

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

By unanimous vote, Council appointed Talmadge C. Strickland, IV to the Housing and Redevelopment Advisory Board for the unexpired term concluding March 2010.

Mr. Shores nominated Talmadge C. Strickland, IV for a full term concluding March 2013.

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

By unanimous vote, Council appointed Talmadge C. Strickland, IV to the Housing and Redevelopment Advisory Board for a full term concluding March 2013.

2) City of Shelby's Water and Sewer Asset Management Plan:

- a. Consideration of a resolution accepting and entering into an agreement with the Rural Economic Development Center to accept funding for a Water and Sewer Asset Management Plan: Resolution No. 60-2009
- b. Consideration of an ordinance establishing a capital project and budgets for the City of Shelby's Water and Sewer Asset Management Plan: Ordinance No. 42-2009
- c. Consideration of a resolution accepting and entering into an agreement with Martin-McGill, Inc. for development of the City of Shelby Water and Sewer Asset Management Plan: Resolution No. 61-2009

Mr. Howell introduced Resolution No. 60-2009, Ordinance No. 42-2009, and Resolution No. 61-2009 for Council's consideration, specifically seeking their approval for a Water and Sewer Asset Management Plan which would be partially paid for by a planning grant awarded to the City through the North Carolina Rural Economic Development Center, Inc. The proposed assessment and plan would be completed in response to State legislation concerning water system efficiency and would also address the statutory requirements set out by the General Assembly.

Mr. Howell stated that although the City has some of the information needed for the plan, there are critical pieces missing such as leak detection and reclaiming water use which will be put into the new plan. He further stated

that in order for the City to maintain its eligibility to receive grant money from the State and from non-profits funded by the State including the Rural Center itself, the plan and its components are necessary.

Mr. Cornwell added that upon the acceptance of the applicable agreements, staff can begin preparing the outlined scope of work related to the Water and Sewer Asset Management Plan thus meeting several of the mandated criteria as well as furthering several policies and actions of the City's Strategic Growth related to these same utilities. Mr. Cornwell said the assessment is important from planning and budgeting standpoints as well. The project will collect necessary information related to the water and sewer system. This information will be used to update the water and sewer capital improvement plans and evaluate the revenue requirements for the water and sewer fund. A financial analysis would be generated to review the revenues and expenses associated with the water and sewer fund, and a rate review conducted to establish the present and future needs for new revenue for water and sewer. The assessment should address emerging issues such as water conservation and key environmental concerns. The plan will likely be updated every five years, including estimated costs for projects. Mr. Cornwell also mentioned this plan will compliment the City's newly updated Land Development Plan.

Mr. Cornwell concluded by stating that the City's match for this project was appropriated in the Fiscal Year 2010 budget under Water and Sewer Administration Budgets, respectively showing \$15,000 each. A capital project budget ordinance was created in the amount of \$70,000, reflecting the \$40,000 shown from grant funding and the \$15,000 being reallocated from the Water and Sewer Administration Budgets.

ACTION TAKEN: Upon a motion by Mr. Shores, second by Mrs. Patterson, City Council voted unanimously to approve and adopt Resolution No. 60-2009, Ordinance No. 42-2009, and Resolution No. 61-2009 en masse.

G. New Business: None

H. City Manager's Report:

- 1) With regard to the Airport Terminal Project, Mr. Howell informed Council that the footings have been poured and the construction phase should begin shortly. He will provide the construction schedule.
- 2) Mr. Howell updated Council on the Solar Farm lease agreement which should be finalized for Council's consideration on October 5, 2009.
- 3) Mr. Howell mentioned that the City is making progress toward the

submission deadline (October 2009) in the site certification process involving the Foothills Commerce Center.

- 4) With regard to the Fueling Facility, Mr. Howell stated that an unexpected delay in construction has occurred due to an asbestos abatement issue on the existing building, which is being resolved.

I. Council Announcements and Remarks:

- 1) Mr. Hopper announced that The Vietnam Veterans Memorial Fund is teaming up with FedEx Office to collect photographs. The National Call for Photos, a campaign to gather images of the more than 58,000 men and women whose names are on the Vietnam Veterans Memorial, has been launched this month in Washington, DC. FedEx Office will provide scanning services, allowing family and friends to submit photos of loved ones whose names are on The Wall. The images will be scanned and eventually displayed in The Education Center at The Wall. The Education Center is an underground facility that will be built near the Vietnam Veterans and Lincoln Memorials.
- 2) Mr. Shores, joined by all members, welcomed Mr. Anthony to City Council.
- 3) Mayor Alexander reminded all that the next community forum hosted by the Golden Leaf Foundation and Cleveland County is set for September 22, 2009 at 5:00 p.m. at Cleveland Community College in the Student Activities Center, Room 1140.

Mayor Alexander expressed appreciation to the 20/20 Economic Development Partnership and to Cleveland County Commissioner Eddie Holbrook for hosting an economic development meeting and familiarization tour of Cleveland County for the North Carolina Department of Commerce Secretary, and representatives from the Charlotte Regional Partnership, Duke Energy, and the Golden Leaf Foundation on September 9, 2009.

Mayor Alexander again offered his congratulations to Mr. Anthony as he welcomed him with words of encouragement.

J. 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 7:48 p.m.

Respectfully submitted,

Bernadette A. Parduski, CMC
City Clerk

W. Ted Alexander
Mayor

Minutes of September 21, A. D. 2009