

## MINUTES

Regular Meeting  
City Hall Council Chamber

April 21, 2008  
Monday, 6:00 p.m.

**Present:** Mayor W. Ted Alexander, presiding; Council Members Christopher H. (Chris) Mabry, Jeanette D. Patterson, Michael R. (Mike) Royster, Joel R. Shores, Jr., Andrew L. Hopper, Sr.; City Attorney Sam B. Craig, City Manager Rick Howell, City Clerk Bernadette A. Parduski, CMC, Director of Utilities Brad R. Cornwell, PLS, EI, Interim Police Chief Jeffrey H. (Jeff) Ledford, Director of Public Works Daniel C. (Danny) Darst, Jr., and Director of Planning Services Walter (Walt) Scharer, AICP; and media representatives

**Absent:** Council Member Larry G. Ware

Mayor Alexander called the meeting to order at 6:00 p.m., welcomed all who were in attendance, and gave the invocation. The Mayor introduced the Costners, Elbert Costner, a World War II veteran decorated with two Purple Hearts and a Bronze Star for Valor and grandfather of Chris Costner, a veteran United States Marine Corps Sergeant, having served from 2001 to 2005, who together led the *Pledge of Allegiance*.

**A. Approval of agenda:**

- 1) Motion to adopt the proposed agenda

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

**B. Public Hearing:**

- 1) Consideration of the City of Shelby's participation in the Community Development Block Grant (CDBG) Program administered by the North Carolina Department of Commerce through the Division of Community Assistance and the Commerce Finance Center

Mr. Scharer stated that this public hearing must be conducted as part of the procedural requirements and is intended to give the public an opportunity to comment on the City's proposed participation in the CDBG Program. CDBG funds will be made available to local governments to assist with community development projects including housing rehabilitation, economic development, and community revitalization programs that serve low to moderate income persons. Should the City choose to apply for any CDBG

funds during 2008, a second public hearing will be held directly concerning that specific application and project.

Mayor Alexander opened the public hearing at 6:09 p.m. and invited comments from the public:

- **Tim Beam** who resides at 1608 Troy Road in Shelby spoke in support of the City's participation in the CDBG Program. Mr. Beam is a Project Coordinator with Mission Serve, a group which strives to provide community service and project management for organizations seeking to meet local needs. The Serve Management Group is a faith based non-profit that enlists youth and adult volunteers to work on low-income housing all over the United States. These volunteers, partnering with city and county agencies, will work on roofing, siding, painting, repairing porches, building handicap ramps, and other projects as well as provide complete home rehabilitation utilizing CDBG funding in target neighborhoods. Mr. Beam is hoping to partner with and to name the City of Shelby as a Mission Serve project location in the summer of 2009. Mr. Beam distributed Mission Serve materials to the Mayor and Council members for informational purposes.

Mayor Alexander closed the public hearing at 6:15 p.m.

Council took no action.

C. Public Comment: None

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

- 1) Approval of the Minutes of the Regular Meeting of April 7, 2008
- 2) Approval of a Special Event Permit Application:
  - a. Uptown Shelby Association, Inc. and the North Carolina Cooperative Extension Office to sponsor the Foothills Farmers Market beginning April 26, 2008
- 3) Consideration of a resolution stating the intent of the City of Shelby to annex contiguous property owned by the City of Shelby: Resolution No. 26-2008

- 4) Consideration of a resolution of support to work with Carolina Thread Trail to build a regional system of trails and greenways connecting fifteen counties: Resolution No. 27-2008
- 5) Consideration of a resolution establishing and creating a customer owned generation credit rider for NCPA Type 1 Generation in conjunction with City of Shelby Electric Rate Service Rate Schedule Very Large General Service: Resolution No. 28-2008
- 6) Consideration of a resolution authorizing award of contract to Willis Engineers for the design and inspection of an extension of the Eastside Sewer Project to serve Hallelujah Communities, LLC: Resolution No. 29-2008

#### **END CONSENT AGENDA**

#### **E. Special Presentations:**

- 1) Presentation of the Resolution in Support of the 2008 “Take the Step One Challenge” to Anne T. Short, Executive Director, Alliance for Health in Cleveland County, Inc.: Resolution No. 22-2008

Mayor Alexander recognized Anne T. Short, Executive Director of Alliance for Health in Cleveland County, Inc., who introduced Karma E. Edwards, Director of Health Education/Health Promotion/CODAP Services, at the Cleveland County Health Department.

Mrs. Short spoke to promote and encourage all residents of the City of Shelby and Cleveland County to participate in the third annual Cleveland County Step One Challenge, walking as teams for six weeks beginning April 26, 2008. She then issued a challenge for a walking contest between the Shelby City Council and the Cleveland County Commissioners.

Ms. Edwards distributed pedometers to the Mayor and Council members and provided instructions on how to wear and operate them.

Mayor Alexander read and presented Resolution No. 22-2008 to Mrs. Short and Ms. Edwards and expressed appreciation to them for their overall efforts in improving the health of our citizens.

- 2) Recognition of the Mayor’s Outstanding Volunteer Service Recipients for February 2008: South Blue Ridge NC Chapter Thrivent Financial for Lutherans

Mayor Alexander recognized the South Blue Ridge NC Chapter Thrivent Financial for Lutherans as a not-for-profit membership organization which works with and through its members to support the community's congregations and individuals in need through volunteer activities and gifting programs. The Mayor mentioned three of the group's notable projects including: The improvements and major clean-up of Palmer Park in 2005, a joint rehabilitation endeavor with Historic Shelby to improve the Weed and Seed house on Maple Street in 2006, and the materials and labor provided for the Weed and Seed community garden in 2007.

Mayor Alexander presented the framed certificate to Rob Chenoweth, President of Thrivent Financial for Lutherans, on behalf of the City of Shelby and the Cleveland Association of Volunteer Administrators (CAVA).

Mr. Chenoweth recognized the officers of the Thrivent Financial group in attendance and expressed his appreciation to all the Shelby volunteers.

**3) Recognition of the Mayor's Outstanding Volunteer Service Recipient for March 2008: Linda Price**

Mrs. Patterson recognized Linda Price as Captain of the Grice Street-Brookside Drive Community Watch, known within the Shelby Police Department as one of the City's most organized and aggressive community watches. Miss Price has graduated from the Citizens Police Academy twice.

Miss Price recognized 12 members of her Grice Street-Brookside Drive Community Watch in attendance.

Mayor Alexander and Mrs. Patterson presented the framed certificate to Miss Price on behalf of the City of Shelby and the Cleveland Association of Volunteer Administrators (CAVA).

**4) Recognition of the Mayor's Outstanding Volunteer Service Recipient for April 2008: Juanita Biggerstaff**

Mrs. Patterson recognized Juanita Biggerstaff as "the hairdresser" to Hospice and hospital patients. Mrs. Biggerstaff also is in charge of family youth activities at Parents Without Partners (PWP).

Mrs. Biggerstaff recognized her daughter and grandchildren in attendance.

Mayor Alexander and Mrs. Patterson presented the framed certificate to Mrs. Biggerstaff on behalf of the City of Shelby and the Cleveland Association of Volunteer Administrators (CAVA).

**F. Unfinished Business:****1) Consideration of a resolution appointing members to the Advance Shelby Unlimited, Inc. (ASU) Board: Resolution No. 30-2008**

Mr. Howell introduced Resolution No. 30-2008 for Council's consideration. He reminded Council that this is a carryover item from their April 7, 2008 discussion of City appointments to the Advance Shelby Unlimited, Inc. Board of Directors. Mr. Howell explained the ASU structure as a seven member board consisting of the Chair of Destination Cleveland County, the Chair of Uptown Shelby Association, Inc., a Cleveland County Chamber appointee, two ASU Board appointees, and two Shelby City Council appointees, namely Reverend Robert Coleman and Mr. Bruce Hendee. Mr. Howell reiterated that residency of the City of Shelby is a requirement for membership to Advance Shelby. The City Manager and the County Manager will serve as ex officio members.

**ACTION TAKEN:** Upon a motion by Mr. Hopper, second by Mr. Mabry, City Council voted unanimously to approve and adopt Resolution No. 30-2008 entitled, "A RESOLUTION APPOINTING MEMBERS TO THE ADVANCE SHELBY UNLIMITED, INC. (ASU) BOARD".

**2) Consideration of appointments to City Advisory Boards and Commissions:****a. Appearance Commission**

Mrs. Parduski reported that Mr. Jimmy Greene submitted his resignation on March 31, 2008 which created a second vacancy on this board with one term concluding January 2010 and the other concluding January 2011. Applications on file include the following: Linda Price, Gloria Shull, and Wiley Smith, Jr.

Mrs. Patterson nominated Linda Price and Gloria Shull.

Mr. Mabry nominated Wiley Smith, Jr.

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

Council cast the following votes:

- Linda Price received four affirmative votes (Mabry, Patterson, Shores, and Hopper).

- Gloria Shull received four affirmative votes (Patterson, Royster, Shores, and Hopper).
- Wiley Smith, Jr. received two affirmative votes (Mabry and Royster).

**ACTION TAKEN:** Upon a motion by Mr. Royster, second by Mrs. Patterson, City Council voted unanimously to appoint Linda Price to the term concluding January 2010 and to appoint Gloria Shull to the term concluding January 2011.

**b. Planning and Zoning Board**

Mrs. Parduski reported that the terms of two incumbents, David Schweppe (inside member) and Janet Berry (outside member), are set to conclude June 2008. Mr. Schweppe is seeking reappointment and Ms. Berry wishes to conclude her service. Applications on file for inside members include the following: Bridgette Amick, Ulyssess Gary Collins, Martha Davis, Gaye M. DeVoe, Jonathan Craig Goforth, Robert Mike Lowery, Jr., and Janis Evans Tucker. Mrs. Parduski said that currently there are no applications for outside members on file in the Clerk's Office.

Mr. Royster nominated David Schweppe.

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

By consensus, Council reappointed Mr. Schweppe to the Planning and Zoning Board for a term concluding June 2011.

By consensus, Council elected to continue the nominating process for the outside member position, including the recruitment of applicants.

**G. New Business:**

- 1) Consideration of a resolution authorizing an interlocal agreement between the City of Shelby and the Cleveland County School System: Resolution No. 31-2008

Mr. Howell introduced Resolution No. 31-2008 for Council's consideration. He stated that the proposed agreement formalizes collaboration between the Shelby Police Department and the Cleveland County School System. The agreement sets forth the parameters under which the Weed and Seed Family Resource Coordinators and the Cleveland County School System Social Workers will actively join forces to prevent and intervene early in school

truancy and other school or family problems that interfere with school attendance and success for students living in the Weed and Seed area. Mr. Howell reiterated that funding for this program is provided entirely by the Weed and Seed grant monies, subject to annual renewal, and the Family Resource Coordinators are temporary positions within the City's budget, subject to Council's annual approval.

**ACTION TAKEN:** Upon a motion by Mr. Shores, second by Mr. Hopper, City Council voted unanimously to approve and adopt Resolution No. 31-2008 entitled, "A RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SHELBY AND THE CLEVELAND COUNTY SCHOOL SYSTEM".

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

- 1) Mr. Howell announced that he will be conducting an assessment center on April 23, 2008 as part of the hiring process involved in filling the position of Director of Human Resources.
- 2) Mr. Howell mentioned the tree replacement project implemented by the City's Tree Replacement Policy taking place in the Hawthorne Drive area.
- 3) Mr. Howell stated that staff is in the process of developing the City's Fuel Conservation Plan.
- 4) Mr. Howell and Mr. Cornwell attended the public scoping meeting on April 17, 2008 at Cleveland Community College held by the Army Corps of Engineers related to the proposed Cleveland County Water reservoir.
- 5) Mr. Howell recently received a letter from the Office of State Fire Marshal and reported that the fire insurance classification for the Shelby Fire District remains a Class 4.
- 6) Mr. Howell reminded Council that a budget session is scheduled for April 22, 2008 at 12:00 noon in the City Hall Council Chamber.

Mayor Alexander reminded all that the Department of Public Works' Spring Bulky Item Pick-up is scheduled for April 21-25, 2008.

Mayor Alexander mentioned that the City does not prune trees for transmission line clearance. Contractors working for Duke Energy in their deeded right-of-way perform the work and this project has been ordered by the Federal Energy Regulatory Commission (FERC) to ensure the reliability of the transmission system. Mr. Howell stated that he and staff are referring residents with those specific tree trimming concerns to the appropriate Duke

Energy officials.

Mayor Alexander reminded all that the Foothills Merry-Go-Round Festival is April 26, 2008 and reminded Council that The Honors Awards Reception and Presentation Ceremonies will be held on April 24, 2008.

Mayor Alexander reminded all that the reception honoring former Police Chief Tandy Carter is April 28, 2008 at City Hall Council Chamber from 4:00 p.m. to 6:00 p.m.

Mayor Alexander recognized Boy Scout Trace Mooney of Troop 101.

I. Adjournment:

1) Motion to adjourn

**ACTION TAKEN:** Upon a motion by Mr. Shores, second by Mr. Royster, City Council voted unanimously to adjourn the meeting at 6:55 p.m.

Respectfully submitted,

Bernadette A. Parduski, CMC  
City Clerk

W. Ted Alexander  
Mayor

Minutes of April 21, A. D. 2008