

MINUTES

Regular Meeting
City Hall Council Chamber

August 18, 2008
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 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; and media representatives

Mayor Alexander called the meeting to order at 6:00 p.m., welcomed all who were in attendance, and acknowledged special guests gathered for the oath ceremony set to take place after the meeting. He gave the invocation and newly appointed Police Chief Jeff Ledford led the *Pledge of Allegiance*. The Mayor recognized Mayor Rick Murphrey and Police Chief Melvin Proctor of the City of Kings Mountain.

A. Approval of agenda:

- 1) Motion to adopt the proposed agenda

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

B. Public Comment:

- 1) Fran Plonk who resides at 1213 Meadowood Lane in Shelby spoke on behalf of her neighbors in the Meadowood Subdivision and provided Council with a petition signed by many of the residents requesting that a group home to be located at 319 Circleview Drive not be allowed to open for business. Mrs. Plonk expressed concerns for elderly residents as well as children who may be in danger when a business operates a group home located in a residential area. Additionally, Mrs. Plonk said there is the potential for a negative effect on property values in the neighborhood with a group home as well. Mrs. Plonk concluded by requesting Council to disapprove the opening of this business in the Meadowood Subdivision neighborhood.
- 2) Kathy Black who resides at 320 Circleview Drive in Shelby spoke in

support of Mrs. Plonk's comments and reiterated the same concerns regarding the location of group homes in residential areas.

Mr. Howell cited the North Carolina General Statutes, specifically Chapter 168, Article 3, when clarifying the definitions of family care home and group care facility as follows:

- A family care home means a home with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than six resident persons with disabilities. A family care home shall be deemed a residential use of property for zoning purposes and shall be a permissible use in all residential districts. Mr. Howell added that it is the public policy of North Carolina, through the General Assembly, to provide persons with disabilities with the opportunity to live in a normal residential environment.
- A group care facility is licensed by the State of North Carolina with support and supervisory personnel that provides room and board, personal care or habilitation services in a family environment for not more than 30 people. No such facility shall be located within a 2,000-foot radius of another group care facility. Group care facilities are limited to the Residential 6 (R6) and the Residential-Office (RO) districts and conditional use permits are required.

Mayor Alexander commented that Council was able, per the same statute, to take action and prohibit a family care home from being located within a one-half mile radius of an existing family care home when the City's Unified Development Ordinance (UDO) was amended in May 2007.

Mr. Howell offered to meet and discuss the matter of family care homes with the residents of the Meadowood Subdivision.

C. Consent Agenda:

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

- 1) Approval of the Minutes of the Regular Meeting of August 4, 2008
- 2) Approval of Special Event Permit Application:

- a. Cleveland Regional Medical Center to sponsor the first annual CRMC Walk for Hope 2008 on October 11, 2008
- 3) Cancellation of the regularly scheduled City Council meeting of September 1, 2008

END CONSENT AGENDA

D. Unfinished Business:

- 1) Consideration of appointments to City Advisory Boards and Commissions:
 - a. Raper Roark Trust Fund Board of Governors

Mrs. Parduski reported that Mr. Les Roark has submitted the following nominees: City of Shelby representative, Danny Darst (City Manager's designee); Shelby Appearance Commission representative, Stan Anthony; Uptown Shelby Association representative, Tricia Butler; Member-at-Large, James Speed Williams; and co-founders, Samuel Raper and himself, to serve as members for the term July 1, 2008 through June 30, 2009. Mr. Roark also requested Council's approval of the nominees per the Trust Agreement.

ACTION TAKEN: Upon a motion by Mr. Ware, second by Mr. Shores, City Council voted unanimously to appoint the nominees as members of the Raper Roark Trust Fund Board of Governors as submitted.

E. New Business: None

F. City Manager's Report: None

G. Council Announcements and Remarks:

- 1) Mr. Ware requested Mr. Howell to research the drafting of an ordinance prohibiting registered sex offenders in Shelby's parks. By consensus, Council directed Mr. Howell to prepare and submit a proposal enacting such an ordinance for consideration.
- 2) Mayor Alexander announced that he has proclaimed August 2008 as Baseball Appreciation Month in Shelby and encouraged all to attend the American Legion baseball games being played at Veterans Field at Keeter Stadium through August 26, 2008.

H. Adjournment:

- 1) Motion to adjourn

ACTION TAKEN: Upon a motion by Mr. Shores, second by Mr. Hopper, City Council voted unanimously to adjourn the meeting at 6:20 p.m.

Respectfully submitted,

Bernadette A. Parduski, CMC
City Clerk

W. Ted Alexander
Mayor

Minutes of August 18, A. D. 2008