

MINUTES

Regular Meeting
City Hall Council Chamber

January 22, 2008
Monday, 6:00 p.m.

Present: Mayor Pro tempore Michael R. (Mike) Royster, presiding; Council Members Christopher H. (Chris) Mabry, Larry G. Ware, Jeanette D. Patterson, Joel R. Shores, Jr., Andrew L. Hopper, Sr.; City Attorney Sam B. Craig, City Manager Rick Howell, Fire Chief William P. Hunt, Director of Public Works Daniel C. (Danny) Darst, Jr., Director of Parks and Recreation Charlie Holtzclaw, and Director of Planning Services Walter (Walt) Scharer, AICP; and media representatives

Absent: Mayor W. Ted Alexander
City Clerk Bernadette A. Parduski

Mr. Royster called the meeting to order at 6:00 p.m. and welcomed all who were in attendance. Mr. Mabry gave the invocation and Mr. Ware led the *Pledge of Allegiance*.

A. Approval of agenda:

1) Motion to adopt the proposed agenda

Mr. Mabry requested the addition of Item G-2 under New Business namely a discussion relating to the City's project to replace and install the underground electric cable system in the Tremont Place subdivision.

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

B. Public Hearings:

1) Consideration of an ordinance amending the Unified Development Ordinance to include additional screening and buffering requirements to Landscaping and Screening: Ordinance No. 3-2008

Mr. Scharer provided the background information leading to this textual amendment in the Unified Development Ordinance (UDO). He stated that a committee consisting of the Shelby Appearance Commission and Planning and Zoning Board members has been reviewing the City's landscaping and screening amendment in an effort to provide more effective screening and buffering requirements between incompatible land uses. Mr. Scharer explained that the intent of these screening requirements is to create a

screen between zoning districts or to screen certain uses in order to minimize potential nuisances, to reduce unsightly aspects of adjacent development, to provide for separation of spaces, and to establish a sense of privacy.

Upon questioning, Mr. Scharer clarified the difference between building setbacks and buffer requirements and addressed the issues related to narrow lots. Mr. Scharer added that as the Planning Director he may approve a combination of natural plantings, planted berm, walls, or fences when working with developers under the proposed screening specifications of this amendment.

Mr. Royster opened the public hearing at 6:06 p.m. and invited comments from the public.

The public offered no comments and Mr. Royster closed the public hearing at 6:07 p.m.

ACTION TAKEN: Upon a motion by Mr. Shores, second by Mr. Hopper, City Council voted unanimously to approve and adopt Ordinance No. 3-2008 entitled, “AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE TO INCLUDE ADDITIONAL SCREENING AND BUFFERING REQUIREMENTS TO LANDSCAPING AND SCREENING”.

- 2) Consideration of an ordinance amending the Unified Development Ordinance to include projecting signs in the Sign Amendment: Ordinance No. 4-2008

Mr. Scharer provided the background information leading to this textual amendment in the Unified Development Ordinance (UDO). He stated that the Shelby Appearance Commission has been reviewing the sign ordinance in an effort to improve the appearance of the City. Upon the Appearance Commission’s recommendation, the Planning and Zoning Board concurred with the proposed projecting signs amendment as part of the sign ordinance for Council’s consideration. Currently the sign ordinance does not allow for the use of projecting signs on commercial buildings. Mr. Scharer explained that projecting signs are wall signs that project outward from the building on which they are attached. There are two types of projecting signs: One rests against the wall of a building and projects outward in order to accommodate lighting or other sign apparatus, and the second type of projecting sign projects outward and can be read from two or three directions.

Upon questioning, Mr. Scharer clarified that existing signs can be considered non-conforming and do not have to be changed by building owners.

Mr. Royster opened the public hearing at 6:09 p.m. and invited comments from the public.

The public offered no comments and Mr. Royster closed the public hearing at 6:10 p.m.

ACTION TAKEN: Upon a motion by Mrs. Patterson, second by Mr. Ware, City Council voted unanimously to approve and adopt Ordinance No. 4-2008 entitled, "AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE TO INCLUDE PROJECTING SIGNS IN THE SIGN AMENDMENT".

C. Public Comment: None

D. Consent Agenda:

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

- 1) Approval of the Minutes of the Regular Meeting of January 7, 2008
- 2) Approval of the Minutes of the Special Meeting of January 14, 2008
- 3) Approval of Special Event Permit Application:
 - a. Annual events sponsored by Uptown Shelby Association, Inc. for the 2008 calendar year
- 4) Adoption of an ordinance amending the ward boundaries of the City of Shelby: Ordinance No. 5-2008

END CONSENT AGENDA

E. Special Presentations:

- 1) National Carousel Association 2007 Preservation Award – Charlie Holtzclaw, Director of Parks and Recreation, and Tommy Forney, Amusement Supervisor

Mr. Howell recognized Mr. Holtzclaw and Mr. Forney. Mr. Holtzclaw began the presentation with an explanation of the award. He stated that the City of Shelby has also been named as January's Carousel of the Month for the

entire United States. Also, this is an award for the past, present, and future and that he felt it was a shining star for the City of Shelby.

Mr. Forney cited that the award was for historic significance in quality and character and thanked all involved with the Shelby City Park Carrousel: the Friends of the Carrousel, the team of painters, the architects, and The Dover Foundation. He then introduced Jackie Sibley to represent Friends of the Carrousel.

Mrs. Sibley agreed that the carrousel is the shining star of Cleveland County and she felt it gives Shelby a warm “hometown” feeling.

Afterwards, former Mayor Les Roark personally thanked the artists and the City.

2) Northeast Shelby Weed and Seed Progress Report – Susann Durham and Dr. A. Douglas Eury, Associate Professor and Coordinator of Doctoral Program, School of Education, Gardner-Webb University (GWU)

Mrs. Durham, a member of the Weed and Seed Steering Committee, gave the status report on the Weed and Seed program reflective of the last six months of 2007. Mrs. Durham read the report, as contained in the agenda packet, for the record.

By way of introduction, Dr. Eury stated that he was contracted and accompanied by GWU doctoral students to complete the Weed and Seed first annual evaluation that provided valuable indicators for current progress and recommendations for future planning.

Dr. Eury summarized the Year End Final Report dated November 2007 and highlighted the following items during his presentation:

Summaries were presented in order of the four major components of the Weed and Seed Initiative:

- Law Enforcement/Corrections/Prosecutions
- Community Policing
- Prevention/Intervention/Treatment (PIT)
- Neighborhood Restoration

Following the summaries, Dr. Eury presented the data collected in officer surveys, resident surveys, and one-on-one interviews. Dr. Eury stated that while the data reports positive responses as they pertain to the specific goals and objectives, the following areas warrant consideration for Year Two:

- **Increased communication of the program goals and activities in order to boost awareness of opportunities associated with the initiative.**
- **Address police officer skills in building relationships and community interactions.**
- **Enhance the Community Watch groups with training in roles and responsibilities.**
- **Work more closely with the school system in dealing with truancies, drop-outs, and academic proficiency.**
- **Increase community training in home ownership and home maintenance.**

Dr. Eury concluded by saying that the key to the Weed and Seed Initiative now is growth and improvement over Year One with a focus on sustainability efforts. Dr. Eury stated that sustainability will be accomplished by the processes and procedures already in place, by policy, and with support from Council. Dr. Eury referred to the Weed and Seed Program as not just a Northeast Shelby event, but as a Cleveland County event that needs to be a region wide effort.

3) Performance Contracting – Gregg Welch, Manager of Member Services, ElectriCities of North Carolina, Inc.

Mr. Howell introduced Gregg Welch. Mr. Welch provided an overview of the performance contracting process through his presentation entitled, “Energy and Cost Savings Initiatives for the City of Shelby”.

Council received the presentation for educational and informational purposes. No action was taken.

4) Cleveland County Sports Commission – Willie McIntosh, Vice President, and Denese Stallings, Secretary/Treasurer

After an introduction from Mr. Howell, Mr. McIntosh defined the Cleveland County Sports Commission to the Council along with its development process. He explained that the goals of the Commission are to be an economic development tool and to bring extra revenue from the room occupancy taxes into the region by developing the sports industry in Cleveland County.

Mrs. Stallings, the Secretary/Treasurer for the Sports Commission, then addressed the Council to stress the economic development that she

anticipates from bringing athletic events to Cleveland County. She stressed that historic and cultural events go hand-in-hand with visiting athletes and their families. Mrs. Stallings also announced some of the upcoming events and the hope to hire an Executive Director. She then stated that the Sports Commission is presenting to all area municipalities to solicit their support for the Commission and to request a \$500 donation to show support. The Commission also asked for a representative to be designated by the Council. There was discussion between Council and Mrs. Stallings to clarify requests and the resolution.

Mr. Ware stated that he would not support any general fund monies to be designated to the Commission since the City has had layoffs in its own Parks and Recreation Department. Mr. Shores made it known that any funds given would come from the travel and tourism budget, not the general budget.

F. Unfinished Business: None

G. New Business:

- 1) Consideration of a resolution in support of the Cleveland County Sports Commission: Resolution No. 4-2008

ACTION TAKEN: Upon a motion by Mr. Shores, second by Mrs. Patterson, City Council voted 5 to 1 (Ware) to approve and adopt Resolution No. 4-2008 entitled, "A RESOLUTION IN SUPPORT OF THE CLEVELAND COUNTY SPORTS COMMISSION", as amended to add a contribution of \$1,000 as a token of the Council's support.

- 2) Underground electric cable system in Tremont Place subdivision

Mr. Howell introduced Mike Dalton who resides at 311 Tremont Place in Shelby who addressed the Council concerning the "green transformer boxes" located on the back of Tremont Place properties. The City has a policy in place to move these boxes to the front of the property. Mr. Dalton asked the Council to consider keeping these boxes on the back of property due to the amount of time and effort the property owners have gone to in order to keep things attractive from the street. Mr. Dalton stated that he feels the boxes on Tremont should be grandfathered in and remain on the back of the property. The Council, Mr. Dalton, and Mr. Howell discussed the options and the policy already in place. Mr. Howell explained the policy and the importance of operational access to these boxes and that he is supporting recommendations from staff and design engineers.

Mr. David Miller of 305 Tremont Place in Shelby stated that there are thirteen homes in Tremont and the residents were not given ample notice that the

boxes were going to be moved. Mr. Miller expressed concerns that he and his neighbors did not have the time to object.

Mr. Craig made the point that each citizen is charged with the responsibility to know what issues are being presented to and considered by City Council.

ACTION TAKEN: Upon a motion by Mr. Shores, second by Mr. Hopper, City Council voted 5 to 1 (Patterson) to proceed with the project, as previously approved, and in favor of the current City policy as it relates to this project.

H. City Manager's Report:

Mr. Howell made mention that he had a meeting with Cleveland County Sanitary District concerning their request for a resolution supporting the construction of their reservoir. He will continue to meet with them and report back to Council at a later date.

Mr. Holtzclaw announced that Shelby City Park would host the Little Tar Heel League State Allstar Tournament in August 2008.

I. 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 8:05 p.m.

Respectfully submitted,

Tracy C. Barrett
Acting City Clerk

Michael R. Royster
Mayor Pro tempore

Minutes of January 22, A. D. 2008