

MINUTES

Regular Meeting
City Hall Council Chamber

December 1, 2008
Monday, 6:00 p.m.

Present: Mayor W. Ted Alexander, presiding; Council Members Christopher H. (Chris) Mabry, Larry G. Ware, 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 Parks and Recreation Charlie Holtzclaw, Director of Development Services Brian L. Pruett, Director of Planning Services Walter (Walt) Scharer, AICP; and media representatives

Absent: Council Member Jeanette D. Patterson

Mayor Alexander called the meeting to order at 6:00 p.m. and welcomed all who were in attendance. The Mayor gave the invocation and Maegan Barber, a Shelby Middle School student and Youth Council member, led the *Pledge of Allegiance*.

A. Approval of agenda:

1) Motion to adopt the proposed agenda

Mr. Royster announced the following additions to the proposed agenda for Council's consideration:

- Under Special Presentations, Item B 1: Introduction and recognition of Fire Chief Morales of Jinotega, Nicaragua
- Under New Business, Item G 1: Preliminary discussion to consider the petition to allow for the sale and consumption of alcoholic beverages at sidewalk cafes in the City
- Under Closed Session, Item J 1: To establish or instruct the staff or agent concerning the negotiation of the price and terms of a contract concerning the acquisition of real property pursuant to North Carolina General Statute 143-318.11 (a) (5)

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

B. Special Presentations:

1) Introduction and recognition of Fire Chief Morales of Jinotega, Nicaragua

Mayor Alexander introduced Fire Chief Jose Dolores Morales of Jinotega, Nicaragua, Shelby's Sister City, who traveled here to learn about firefighting techniques from the Shelby Fire and Rescue Department and the County's Emergency Management personnel. The Mayor shared many of the details of Chief Morales' week-long visit in Shelby which included sightseeing, touring, and visiting local churches arranged through the Greater Cleveland County Baptist Association. Mayor Alexander expressed his appreciation to all those who assisted with Chief Morales' itinerary. Also present was Julissa Black, acting as interpreter.

Mayor Alexander and Chief William Hunt presented various mementos, including the Mayor's Proclamation, to Chief Morales as tokens of friendship and in recognition of his community service in Jinotega.

Chief Morales, through Mrs. Black, delivered an emotional expression of his gratitude for the time, kindness, love, and patience he was able to experience throughout his trip. Chief Morales presented Mayor Alexander with a framed Nicaraguan document which read: "For Shelby with memories of our visit from November 22 through December 2, 2008".

2) Recognition of the 2008-2009 Parks and Recreation Youth Council

Mr. Holtzclaw reminded Council of their endorsement to establish the Shelby Parks and Recreation Department Youth Council in September 2006. The Youth Council is made up of area middle and high school students for the purpose of advising City staff and creating special events and projects. Mr. Holtzclaw said that this third installment of the Youth Council has determined to attend certain government functions such as City Council and School Board meetings as part of their roles. Mr. Holtzclaw recognized Recreation Programs Manager, David Fisher, as the Council's staff leader.

Mr. Fisher called upon the members of the Youth Council who were present to introduce themselves as follows:

- Shelby High School – Brittany Davis, Shaquille Petty, Courtney Piercy, Michael Thornburg, and Kellse Woods**
- Crest High School – Crystal Baldwin, Justin McEntyre, and Seth Pedelty**
- Shelby Middle School – David Allen, Jr., Maegan Barber, Kindale Bridges, and Jacob Hamrick**

- Crest Middle School – Tucker Whisnant

Mr. Fisher also mentioned the names of the members who could not attend:

- Crest High School – Austin Halbert and Crystal Hall
- Crest Middle School – Dakota Keller

Mayor Alexander praised the group for their attendance and willingness to serve their community.

C. Public Comment: None

D. Public Hearings:

- 1) Consideration of a resolution confirming the City of Shelby's intent to offer an industrial incentive grant: Resolution No. 81-2008

Mr. Howell introduced Resolution No. 81-2008 for Council's consideration and stated that the required public hearing has been scheduled to allow comment from the public concerning the provisions proposed in the Industrial Development Incentive Agreement between the City and PPG Industries-Fiber Glass Products, Inc. The grants, in keeping with the City's policy, are being offered for the creation of at least 100 new full-time permanent jobs over the next five (5) years and an anticipated net new valued investment of at least \$20,500,000.00. The maximum total grant that PPG may receive during this five year fiscal period is \$130,500.00. Mr. Howell stated that based upon the total new investment, it is estimated that City's property tax revenues received from PPG's project would amount to more than \$326,250.00 over five (5) tax years as well as an increase in sales tax revenues for the anticipated increased purchases of local goods and services.

Mr. Howell recommended Council's approval of the resolution to authorize the agreement.

Mayor Alexander opened the public hearing at 6:23 p.m. and invited comments from the public.

The public offered no comments and Mayor Alexander closed the public hearing at 6:24 p.m.

ACTION TAKEN: Upon a motion by Mr. Royster, second by Mr. Hopper, City Council voted unanimously to approve and adopt Resolution No. 81-2008

entitled, "A RESOLUTION CONFIRMING THE CITY OF SHELBY'S INTENT TO OFFER AN INDUSTRIAL INCENTIVE GRANT".

- 2) Consideration of an ordinance amending the zoning map of the City of Shelby, North Carolina: Ordinance No. 56-2008

Request to rezone properties located at 201 West Graham Street, 215 West Graham Street, and 303 South Morgan Street from the General Industry (GI) District to the Central Business (CB) District

Parcel ID Nos. 70828, 70827, and 17851 or Tax Map S2, Block 1, Lot Nos. 6, 7, and 8

Utilizing a map of the area, Mr. Scharer identified the subject properties. This proposal originated as a rezoning request for 215 West Graham Street from the General Industry (GI) District to the General Business (GB) District. Since the character of these properties is conducive and suitable to the Central Business (CB) District, staff recommended that the Planning and Zoning Board also consider rezoning the adjacent parcels at 201 West Graham Street and 303 South Morgan to CB. Mr. Scharer said that the properties are located in the Railroad Redevelopment District as defined in the City Center Master Plan adopted in 2007. Mr. Scharer added that the Central Business District is the best zoning district found in the City's current Unified Development Ordinance (UDO) to promote and foster the recommendations of City Center Master Plan.

Mr. Scharer concluded by stating that the Planning and Zoning Board carefully considered both the General Business and Central Business zoning districts in this matter and unanimously recommended the zoning change from GI to CB for all three properties.

Mayor Alexander opened the public hearing at 6:25 p.m. and invited comments from the public.

The public offered no comments and Mayor Alexander closed the public hearing at 6:26 p.m.

ACTION TAKEN: Upon a motion by Mr. Mabry, second by Mr. Ware, City Council voted unanimously to approve and adopt Ordinance No. 56-2008 entitled, "AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF SHELBY, NORTH CAROLINA".

E. Consent Agenda:

ACTION TAKEN: Mayor Alexander presented the consent agenda. Mr. Hopper 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 November 17, 2008
- 2) Approval of Notice of Meeting Cancellation of Shelby City Council
- 3) Adoption of an ordinance authorizing demolition of a dwelling located at 330 Hudson Street: Ordinance No. 57-2008
- 4) Adoption of an ordinance authorizing demolition of a dwelling located at 504 Oakland Drive: Ordinance No. 58-2008
- 5) Approval of a resolution accepting and approving an application from Hallelujah Communities, LLC for the Subdivision Incentive Reimbursement Policy: Resolution No. 82-2008
- 6) Approval of a resolution certifying review of the proposed 2010-2014 Transportation Improvement Program (TIP) for the Division of Aviation for State aid to airports: Resolution No. 83-2008

END CONSENT AGENDA

F. Unfinished Business: None

G. New Business:

- 1) Preliminary discussion to consider the petition to allow for the sale and consumption of alcoholic beverages at sidewalk cafes in the City

Mr. Howell introduced the topic for discussion by reviewing the current City's regulations which prohibit this activity on all City property and the area of outdoor sidewalk cafes. Mr. Howell conducted a preliminary survey on the subject among 12 cities and towns and provided the results of this initial research as follows:

- Of the cities which allow the sale and service of alcoholic beverages at sidewalk cafes, the policies and requirements ran the gamut from liberal to strict
- Most cities do allow the sale and service of alcoholic beverages at sidewalk cafes with varying allowances and restrictions

Council's discussion followed and the most notable issues raised included the following:

- Anticipated or actual problems or conflicts in the use of the sidewalk area
- Providing for an unobstructed walkway within the public sidewalk area
- Law enforcement issues to protect the public safety
- The need to hold a public hearing
- Alcoholic beverages have already been introduced to the public at block parties but on private property
- The need for a reasonable and enforceable ordinance
- Potential advantage for economic development purposes
- Introduction as a sunset law for a temporary period of time
- The moral issues related to alcohol and the promotion of alcohol
- Request for conservative examples to review

ACTION TAKEN: Upon a motion by Mr. Royster, second by Mr. Ware, City Council voted unanimously to direct the City Manager to draft a proposal in the form of an ordinance amendment to allow the sale and consumption of alcoholic beverages within the area of an outdoor sidewalk café to be presented at a future workshop session for Council's review.

H. City Manager's Report:

- 1) Mr. Howell proposed two sets of dates for Council's annual retreat namely January 23 and 24, 2009 or January 30 and 31, 2009. Mayor Alexander requested the retreat be held on January 23 and 24, 2009.
- 2) Mr. Howell mentioned that the presentation of the Fiscal Year 2007-2008 Annual Audit Report by Dixon Hughes will be made in January 2009.

I. Council Announcements and Remarks:

- 1) Mayor Alexander reminded Council that their review of the City Attorney and Legal Services Agreement have yet to be completed.

J. Closed Session:

- 1) To establish or instruct the staff or agent concerning the negotiation of the price and terms of a contract concerning the acquisition of real

property pursuant to North Carolina General Statute 143-318.11 (a) (5)

ACTION TAKEN: Mr. Royster made a motion to enter into a closed session pursuant to the appropriate North Carolina General Statute as cited. Council consulted with Mr. Yelton who advised that the topic met the statutory requirements for a closed session. The Mayor invited all Council members present and Mr. Howell, Mr. Yelton, and Mrs. Parduski to attend. The motion was seconded by Mr. Ware. The motion passed unanimously and Council moved into closed session at approximately 7:00 p.m.

ACTION TAKEN: Upon a motion by Mr. Shores, second by Mr. Royster, City Council voted unanimously to return to regular session at 7:17 p.m.

K. Adjournment:

1) Motion to adjourn

ACTION TAKEN: Upon a motion by Mr. Shores, second by Mr. Ware, City Council voted unanimously to adjourn the meeting at 7:18 p.m.

Respectfully submitted,

Bernadette A. Parduski, CMC
City Clerk

W. Ted Alexander
Mayor

Minutes of December 1, A. D. 2008