

MINUTES

Regular Meeting
City Hall Council Chamber

November 17, 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 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. Mr. Ware gave the invocation and retired United States Coast Guardsman, a veteran with 21 years of service, Ed Isaacs, led the *Pledge of Allegiance*.

Mayor Alexander congratulated Danny Darst who became a grandfather last week.

A. Approval of agenda:

1) Motion to adopt the proposed agenda

At Mr. Howell's request, Mayor Alexander announced that Item J-3 would be added under the Closed Session as follows: To establish or instruct staff or agents regarding negotiating position on the price and other material terms of a real property acquisition contract pursuant to North Carolina General Statute 143-318.11 (a) (5).

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

B. Special Presentations:

1) Recognition of Hillery A. Rippy on the occasion of his retirement from employment with the City of Shelby: Resolution No. 65-2008

Mayor Alexander called upon Mr. Rippy. The Mayor formally read and presented framed Resolution No. 65-2008 to him. He also presented the key

to the City and a City lapel pin to Mr. Rippey in honor of and with heartfelt appreciation for 29 years of dedicated service to the City of Shelby.

- 2) Recognition of Vallery D. McCoy and the City of Shelby Marketing Department for outstanding achievement in the area of energy efficiency: Resolution No. 76-2008

Mayor Alexander recognized Mrs. McCoy and presented her with the framed Public Power Award of Excellence certificate given to the City of Shelby for outstanding achievement in the area of energy efficiency at the Electricities Annual Meeting in August 2008. Next, the Mayor formally read and presented Resolution No. 76-2008 to Mrs. McCoy for her accomplishments and involvement as the City's Marketing Specialist in this area as well.

- 3) Presentation of Reaccreditation Certification awarded to the Shelby Police Department by the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA)

Mayor Alexander provided a brief history of Shelby's accreditation process by stating that the Police Department received its first accreditation award on November 17, 2001, seven years ago to the date. Following its initial accreditation in 2001 under the late Chief Vanhoy, the Shelby Police Department became the 17th agency in North Carolina to become accredited. The second on-site assessment for reaccreditation was held in August 2004 and the Police Department was reaccredited by the Commission in November of the same year. On November 17, 2007 the Police Department was again awarded reaccredited status. Mayor Alexander recognized the efforts of Captain LouVerne McCray, Sergeant Brad Fraser, and Accreditation Manager Will Troutman as Chief Ledford presented the framed certificate to the Mayor.

- 4) Recognition of the Mayor's Outstanding Volunteer Service Recipient for November 2008: Rose Blackburn

Mayor Alexander deemed to honor Rose Blackburn and recognized her for volunteering at the Cleveland County Memorial Library. For four years, Mrs. Blackburn has kept the paperback section up to date and organized and continues to do so.

Mayor Alexander presented the framed certificate to Rose Blackburn on behalf of the City of Shelby.

C. Public Comment: None

D. Public Hearing:

1) Consideration of an Ordinance amending the zoning map of the City of Shelby, North Carolina: Ordinance No. 54-2008

Request to rezone property located at 100 Brookhill Road from the Residential Office (RO) District to the Residential 6 (R6) District

Parcel ID No. 17311 or Tax Map S4, Block 3, Lot No. 4

Utilizing a map of the area, Mr. Scharer identified the subject property at 100 Brookhill Road which is approximately a 15,000 square foot parcel with a single-family dwelling. He reminded Council that this property was rezoned from the General Business (GB) District to the Residential Office (RO) District in 2006. Adjoining land uses include single-family dwellings in the Brookhill subdivision (rezoned R6 to R10 in 2006) and businesses on East Marion Street.

Mr. Scharer explained that the RO District is primarily intended to accommodate high density multi-family residences; offices; public and institutional, business, professional, and personal services; and limited support retail businesses. Permitted residential uses include single-family detached dwellings, modular homes, apartments, town homes, and condominiums. One of the objectives of this district is to encourage land uses that serve as an adequate buffer between intensive non-residential uses and residential uses.

Mr. Scharer further explained that the R6 District is primarily intended to accommodate a variety of high density single-family detached dwellings, modular homes, apartments, town homes, and condominiums. Maximum densities within the R6 District range from approximately seven (7) dwelling units per gross acre for single-family detached dwellings to over nineteen (19) dwellings per gross acre for multi-family dwellings. Non-residential uses permitted within this district include customary accessory, recreational, educational, and institutional land uses that are compatible with the high density residential character of the R6 District.

Mr. Scharer concluded by stating that the current Land Development Plan designates this parcel as high density residential. However, the Comprehensive Land Use Plan currently under development designates this area as a neighborhood revitalization area. Neighborhood revitalization areas are older, declining neighborhoods that need stabilization and revitalization. These areas will predominantly be residential with a mix of housing types and densities and could include single-family residential, townhouses, and multi-story apartments. The current densities of these areas are between four (4) to six (6) dwelling units per acre.

Mayor Alexander opened the public hearing at 6:16 p.m. and invited comments from the public:

Jess Powell who resides at 1304 Vista Drive in Shelby spoke in support of his rezoning application. He stated that he has been operating the subject property for the past 18 months as a Christian boarding house/transitional home for men as he was unaware that this use is not allowed in the RO District. Dr. Powell wishes to correctly zone 100 Brookhill Road so he may continue to operate the property in the same manner.

Dr. Powell was allowed to make additional points of clarification and stated his property, if rezoned R6, will offer transition and act as a buffer between the business and residential areas. Dr. Powell expressed his opinion that 100 Brookhill Road is a good location for his boarding house and a satisfactory operation.

Leland Bowker who resides at 115 Brookhill Road in Shelby spoke against the proposed rezoning request. Mr. Bowker expressed his concerns for his neighbors, especially young children and women, who do not know the backgrounds of the transient boarders at 100 Brookhill Road.

Sandra Renick who resides at 112 Brookhill Road in Shelby spoke against the proposed rezoning request. Mrs. Renick stated her preference is to rezone the entire Brookhill subdivision as R10, which was previously requested by the Brookhill Road Neighborhood Watch in 2006. She stressed that the Brookhill subdivision is a working class, mostly owner-occupied neighborhood whose residents wish to preserve its older residential character, citing the recommendations of the City's Planning and Zoning Board and Neighborhood Action Plan.

Mayor Alexander closed the public hearing at 6:26 p.m.

At the conclusion of Council's discussion, Mayor Alexander reiterated Mr. Scharer's instructions that when considering this type of zoning change, Council must consider all the allowable uses in each district, not just the applicant's use.

ACTION TAKEN: Upon a motion by Mr. Shores, second by Mrs. Patterson, City Council voted unanimously to approve and adopt Ordinance No. 54-2008 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. Mrs. Patterson 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 3, 2008
- 2) Approval of Notice of Change in Regular Meeting Schedule of Shelby City Council

END CONSENT AGENDA

F. Unfinished Business:

- 1) Consideration of an Ordinance amending Chapter 16, Article III. (Nuisances) of the City of Shelby Code of Ordinances: Ordinance No. 55-2008

Mr. Scharer reminded Council that the amended nuisance ordinance was presented to them at their October 2008 workshop meeting. The document was reviewed by Mr. Yelton and no substantive changes were recommended. Mr. Scharer concluded by stating that the ordinance will broaden the definition of a nuisance in the City as well as strengthens enforcement regarding abandoned structures.

ACTION TAKEN: Upon a motion by Mr. Royster, second by Mr. Hopper, City Council voted unanimously to approve and adopt Ordinance No. 55-2008 entitled, "AN ORDINANCE AMENDING CHAPTER 16, ARTICLE III. (NUISANCES) OF THE CITY OF SHELBY CODE OF ORDINANCES".

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

Mrs. Parduski reported that the terms of four incumbents, Gaye DeVoe, Stan Anthony, Skip Warrick, and Jim Wood, are set to conclude January 2009. Mr. Anthony is the only incumbent who wishes to continue his service. Applications on file in the Clerk's Office include that of Steve Anthony Roderick and Wiley Smith, Jr.

Mr. Royster nominated Stan Anthony.

Mrs. Patterson nominated Steve Anthony Roderick.

Mr. Mabry nominated Wiley Smith, Jr.

By consensus, Council continued the nominations.

b. Firefighters' Relief Fund Board of Trustees

Mrs. Parduski reported that the term of one incumbent, Tim Wright, will expire January 2009. Mr. Wright wishes to continue his service.

Mr. Shores nominated Tim Wright.

ACTION TAKEN: Upon a motion by Mr. Royster, second by Mr. Hopper, City Council voted unanimously to close the nominations for the incumbent position and elected to reappoint Tim Wright to the Firefighters' Relief Fund Board of Trustees for a term concluding January 1, 2011.

G. New Business: None

H. City Manager's Report:

1) Mr. Howell requested Mr. Cornwell to provide project updates regarding construction activities at the Shelby-Cleveland County Regional Airport. Mr. Cornwell highlighted the following:

- **Fuel Farm – Mr. Cornwell commented that since completion of this project to include a self-service system, fuel sales have increased to 5,000 gallons per month from previous fuel sales of 1,500 to 2,000 gallons per month. Mr. Cornwell added that full fuel service is still available.**
- **Taxiway improvements – Mr. Cornwell said that this project is currently under construction for a new parallel taxi lane measuring 5,000 feet in length.**
- **Airport Terminal – Mr. Cornwell will make a preliminary floor plan available for Council's preview, which incorporates amenities to serve the general aviation purpose of the airport as well as office and meeting space to serve the economic development purpose.**

Mr. Cornwell said the goal of these upgrades is not only to increase air traffic but to provide airport users with a lasting impression and the citizens of the Shelby area with a first-class general aviation facility that is beneficial to the community and critical to the area's potential for economic growth.

Mr. Cornwell, who has held direct responsibility over the airport since 2004, recognized the efforts of Devon Raisch, who supervises airport operations,

and the Airport Advisory Board for their consultative capacity.

I. Council Announcements and Remarks:

- 1) Mr. Hopper expressed his appreciation to all those who were associated or involved with and attended the City's Veterans' Day Appreciation Luncheon and Program on Friday, November 14, 2008.
- 2) Mr. Mabry acknowledged Mr. Hopper for his speech at the City's Veterans' Day Appreciation Luncheon.
- 3) Mrs. Patterson extended her wishes to all for happy Thanksgiving holiday.
- 4) Mr. Mabry congratulated the Shelby High School boys' soccer team who played in the State Championship title game in Raleigh, North Carolina on November 16, 2008.
- 5) Mayor Alexander announced that the Fire Chief from Shelby's sister city, Jinotega, Nicaragua, will be visiting from November 22-December 3, 2008.

J. Closed Session:

- 1) To discuss the location or expansion of industries or other businesses in the area served by the City Council pursuant to North Carolina General Statute 143-318.11 (a) (4)
- 2) To consult with attorney retained by the City Council in order to preserve the attorney-client privilege between the attorney and the City Council pursuant to North Carolina General Statute 143-318.11 (a) (3)
- 3) To establish or instruct staff or agents regarding negotiating position on the price and other material terms of a real property acquisition contract pursuant to North Carolina General Statute 143-318.11 (a) (5)

ACTION TAKEN: Mr. Shores made a motion to enter into a closed session to discuss the location or expansion of industries or other businesses in the area served by the City Council, to consult with attorney retained by the City Council in order to preserve the attorney-client privilege between the attorney and the City Council, and to establish or instruct staff or agents regarding negotiating position on the price and other material terms of a real property acquisition contract pursuant to the appropriate North Carolina General Statutes as cited. Council consulted with Mr. Yelton who advised that the topics 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. Hopper. The motion passed unanimously and Council moved into closed session at approximately 6:53 p.m.

ACTION TAKEN: Upon a motion by Mr. Shores, second by Mrs. Patterson, City Council voted unanimously to return to regular session at 7:32 p.m.

K. 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 7:33 p.m.

Respectfully submitted,

Bernadette A. Parduski, CMC
City Clerk

W. Ted Alexander
Mayor

Minutes of November 17, A. D. 2008