

MINUTES

Regular Meeting: Workshop Session
George W. Clay, Jr. Utility Operations Center

October 6, 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, Fire Chief William P. Hunt, Director of Public Works Daniel C. (Danny) Darst, Director of Parks and Recreation Charlie Holtzclaw, 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. The Mayor gave the invocation and Mr. Darst led the *Pledge of Allegiance*.

A. Approval of Agenda:

- 1) Motion to adopt the proposed agenda

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

B. Special Presentations:

- 1) Comprehensive Economic Development Strategy for the Isothermal Planning Region Update – Jim Edwards, Executive Director, Isothermal Planning and Development Commission

Mayor Alexander introduced Jim Edwards as the Executive Director of the Isothermal Planning and Development Commission (IPDC) who was requested to provide an overview of the updated Comprehensive Economic Development Strategy (CEDS) document completed in July 2008.

Mr. Edwards prefaced his presentation by stating that a CEDS study is a statutory requirement of the US Department of Commerce Economic Development Administration (EDA). Mr. Edwards considers the CEDS to be a threshold document for EDA funding toward economic development

investments throughout the US and which guarantees to the EDA that there has been a regional planning process with community involvement.

Mr. Edwards said creating and updating a CEDS for the Isothermal region composed of Cleveland, McDowell, Polk, and Rutherford Counties requires a thorough understanding of the factors that have determined the community's past and present, and how existing resources can be used to shape its future. Specifically the CEDS report paints a realistic picture of the current condition of the region that includes the economy, population, geography, workforce development and use, transportation access, resources, and environment. The CEDS will help the region set goals and objectives necessary to solve economic problems and capitalize on the resources of the region.

The IPDC engaged leaders from throughout the region to craft an updated CEDS. This process involved engaging many key private and public sector leaders in deciding how best to address the region's challenges and take advantage of potential regional opportunities. Upon completing this process, the CEDS Steering Committee identified six major goals and related strategies.

Mr. Edwards explained how the report is organized as follows:

- Section I provides an analysis of the economic and demographic conditions.
- Section II explores key cluster activities and the opportunities they offer in terms of emerging growth industries, key occupations, and entrepreneurial activity.
- Section III summarizes the region's strengths, weaknesses, opportunities, and threats and identifies the most critical assets on which a regional economic development strategy should be based.
- Section IV provides the comprehensive strategy for moving forward, including the region's vision, goals, objectives, and actions.

Mr. Edwards summarized that in order for the CEDS vision to become a reality, the regional leadership set goals that will ensure that the region has the following:

- Innovative firms
- Economic diversity
- Skilled people
- Strong infrastructure
- Sustainable development practices
- Collaborative networks

At the conclusion of the presentation, the question and answer portion included the following discussion points:

- The role of the IPDC as supportive of local economic development efforts and activities
- Population projections and migration trends among the Isothermal region counties
- The Broad River Water Authority (BRWA)-Inman-Campobello Water District (ICWD)-Polk County Water Partnership in which the ICWD will begin purchasing water from the BRWA and providing water service in Spartanburg County, South Carolina and parts of Polk County, North Carolina and how the project will affect the City of Shelby's emergency raw water line from the Broad River
- The role of the IPDC as convener of water providers within the Broad River Watershed i.e. construction of water reservoirs becoming one of the region's greatest challenges
- Market emerging opportunities in agriculture and the equine industry

Council received the presentation for informational purposes and took no action.

- 2) Proposed revisions to Ordinance amending Chapter 16, Article III. (Nuisances) of the City of Shelby Code of Ordinances – Walter Scharer, AICP, Director of Planning Services

Mr. Howell reminded Council of their goal from previous retreat and workshop discussions for better, improved nuisance abatement. He provided the background information leading to Mr. Scharer's recommendations to strengthen the City's nuisance ordinance for Council's review and discussion.

Mr. Scharer began his presentation by reviewing the delegation and exercise of the general police power under the North Carolina General Statutes which state a city may by ordinance define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the city, and may define and abate nuisances.

Mr. Scharer said the City is currently basing its nuisance law on how the State defines it and includes the following general nuisances:

- Growth of weeds or grass in excess of 18 inches within 100 feet of a dwelling
- Any accumulation of animal or vegetable matter offensive by odor, is inhabited by rats, snakes or any vermin, or is dangerous to public health
- Any accumulation of solid waste
- An open well
- An accumulation of stagnant water that may encourage mosquito growth
- Any conditions detrimental to public health and violates regulations of the County Health Department
- Any accumulation of animal waste that is offensive by odor and interferes with adjoining properties peaceful use

As to abandoned structures:

- Structures which have not been occupied for 30 days or longer
- Is a hiding place for insects or rodents
- Contains conditions constituting a fire hazard
- Deteriorated condition constituting a threat to children, vagrants, or other coming upon premises
- Is available and attractive for covert criminal activity
- Dilapidated to the extent that it would contribute to the blight and deterioration of other area property values

Nuisance complaints must be investigated on a case-by-case basis through the City's nuisance abatement process as outlined by Mr. Scharer in the following steps:

- Complaint received and recorded on Investigation Card or violation is found by regular patrol
- On-scene investigation made, pictures taken, and determination if violation exists
- Courtesy letter sent to property owner and/or violator making them aware of violation and giving them a chance to correct it before action is taken
- If, after a short time, no correction is made, a Notice to Abate Letter is sent by certified mail giving them fifteen (15) days to come into compliance or City may issue a civil citation of \$50.00 plus \$25.00 per day thereafter up to \$300.00 maximum or City will abate violation and bill property owner/violator
- Abatement is bid out to no less than three (3) contractors and given seven (7) days to return bid; then awarded to lowest bidder who has seven (7) days from award notification to have violation abated;

City then pays contractor

- Property owner/violator is billed for abatement by City and given thirty (30) days to pay
- If, after thirty (30) days, invoice is not paid, City files a lien against property for said amount plus administration fees
- Total timeline is approximately 60 to 90 days

Next, Mr. Scharer proposed the following nuisance changes defined in more detail to include:

- Building materials
- Glass
- Wood
- Household appliances
- Tools
- Inoperative lawn care equipment
- Broken, inoperative, or discarded furniture
- Packing boxes
- Discarded clothing
- Junk metal
- Automobile parts
- Tires
- Inoperative boats
- Motorized equipment or machinery
- Grass within 150 feet from any structure
- Grass within 125 feet from any street right-of-way
- Abandoned structures may be boarded up no longer than six (6) months; after the expiration of such six-month period, the minimum housing standards will apply

There was discussion among Council, Mr. Howell, Mr. Yelton, and Mr. Scharer concerning discretion as to enforcement, due process, abatement, violations, habitual offenders, liens, civil penalties, escalating fines, strategic acquisition of properties, increased workload, sufficient staffing, and budgeting.

Mr. Scharer concluded his presentation by stating that the proposed ordinance is only one tool to revitalize and strengthen the City's neighborhoods with consistent, reliable enforcement of well written nuisance abatement and housing codes. Crime reduction and good economic development are also essential.

Mr. Yelton requested Council to defer action on this matter in order to allow him to work with Mr. Scharer to revise the ordinance for their consideration at the meeting of October 20, 2008.

C. Consent Agenda:

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

- 1) Approval of the Minutes of the Regular Meeting of September 15, 2008
- 2) Approval of a Special Event Permit Application:
 - a. Dover Foundation YMCA to sponsor Pedal for People 2008 on October 18, 2008
- 3) Approval of a resolution honoring Hillary A. Rippey on the occasion of his retirement from employment: Resolution No. 65-2008
- 4) Approval of a resolution honoring Bobby E. Jones on the occasion of his retirement from employment: Resolution No. 66-2008
- 5) Approval of a resolution accepting and entering into an agreement between the City of Shelby and the Rural Economic Development Center, Inc. for Westside Sewer Improvements – Project No. 2008-289-40101-112: Resolution No. 67-2008
- 6) Westside Sewer Project:
 - a. Approval of a resolution awarding the construction contract for the City of Shelby Westside Sewer Project Contract 1: Gravity Sewer System to Davis Grading: Resolution No. 68-2008
 - b. Approval of a resolution awarding the construction contract for the City of Shelby Westside Sewer Project Contract 2: Force Main to Rosewood Construction d/b/a Monroe Roadways: Resolution No. 69-2008
 - c. Approval of a resolution awarding the construction contract for the City of Shelby Westside Sewer Project Contract 3: Pump Station to Wilkie Construction: Resolution No. 70-2008

- 7) Approval of a resolution awarding the contract for the purchase of radio equipment: Resolution No. 71-2008
- 8) Shelby-Cleveland County Regional Airport Parallel Taxiway Grant Project:
 - a. Approval of a resolution accepting and entering into an Agreement with the North Carolina Department of Transportation to accept the City of Shelby's Airport Grant 8.1 Project: Resolution No. 72-2008
 - b. Adoption of an ordinance establishing a capital project and budget for the Shelby-Cleveland County Regional Airport Parallel Taxiway Grant Project: Ordinance No. 46-2008
 - c. Approval of a resolution awarding the contract for construction of the Parallel Taxiway Project at the Shelby-Cleveland County Regional Airport: Resolution No. 73-2008
 - d. Approval of a resolution approving a Supplemental Engineering Agreement with W. K. Dickson and Company, Inc. for construction administration and inspection for construction of the new parallel taxiway at Shelby-Cleveland County Regional Airport: Resolution No. 74-2008

END CONSENT AGENDA

D. Unfinished Business:

- 1) Consideration of an Ordinance of the City of Shelby, amending Article I of Chapter 32 of the City of Shelby Code of Ordinances by adding Section 32-3 Prohibiting Registered Sex Offenders from City Parks and Recreation Facilities: Ordinance No. 47-2008

Mr. Yelton advised Council that subparagraph (d) with regard to signage had been revised accordingly.

Mr. Shores suggested that subparagraph (b) with regard to penalties be amended to define violation of this ordinance as a Class 1 misdemeanor.

ACTION TAKEN: Upon a motion by Mr. Shores, second by Mr. Hopper, City Council voted unanimously to approve and adopt Ordinance No. 47-2008 entitled, "AN ORDINANCE OF THE CITY OF SHELBY, AMENDING ARTICLE I OF CHAPTER 32 OF THE CITY OF SHELBY CODE OF ORDINANCES BY ADDING SECTION 32-3 PROHIBITING REGISTERED SEX OFFENDERS FROM CITY PARKS AND RECREATION FACILITIES", as amended to add a Class 1 misdemeanor as a penalty in subparagraph (b).

E. New Business: None

F. City Manager's Report:

- 1) Mr. Howell announced that the Sanitation Department has scheduled Fall Bulky Item Pick-up for the week of October 20-24, 2008.**
- 2) Mr. Howell reminded all that International Walk to School Day is October 8, 2008. Mr. Scharer added that in conjunction with the Safe Routes to School Program, Graham Elementary, Marion Intermediate, and Shelby Middle Schools were participating in walking to school.**
- 3) Mr. Howell stated that the Shelby Comprehensive Land Use Plan public hearing and community workshop was held on September 30, 2008 with good attendance. He recognized Mr. Scharer and the Planning Services staff for their efforts on this project.**
- 4) Mr. Howell recognized Mr. Cornwell for his work in obtaining federal funding for the Shelby-Cleveland County Regional Airport under the State Aid to Airports Block Grant Program for the Parallel Taxiway Project, together with Shelby City Council, and the Cleveland County Manager and Commissioners for their overall support of the airport projects.**
- 5) Mr. Howell recognized Mr. Cornwell and Mr. Phillips for their work in obtaining approximately \$3.9 million in grant funding toward the Westside Sewer Project.**

G. Council Announcements and Remarks: None

H. Closed Session:

- 1) To approve Minutes and General Account of the Closed Session of July 17, 2006**
- 2) To approve Minutes and General Account of the Closed Session of November 6, 2006**
- 3) To approve Minutes and General Account of the Closed Session of June 16, 2008**
- 4) To conduct the annual performance evaluation of the City Manager pursuant to North Carolina General Statute 143-318.11 (a) (6)**

ACTION TAKEN: Mr. Shores made a motion to enter into a closed session to

conduct the performance evaluation of the City Manager 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 Mrs. Parduski to attend. The motion was seconded by Mr. Ware. The motion passed unanimously and Council moved into closed session at approximately 7:30 p.m.

ACTION TAKEN: Upon a motion by Mr. Royster, second by Mr. Ware, City Council voted unanimously to return to regular session at 8:35 p.m.

Mayor Alexander stated that Council conducted their performance evaluation of the City Manager and by consensus, the Mayor will compile the composite performance ratings and summarize specific comments into one document to be reviewed with Mr. Howell in order to complete the evaluation process on October 20, 2008.

I. Adjournment:

1) Motion to adjourn

ACTION TAKEN: Upon a motion by Mr. Mabry, second by Mrs. Patterson, City Council voted unanimously to adjourn the meeting at 8:36 p.m.

Respectfully submitted,

Bernadette A. Parduski, CMC
City Clerk

W. Ted Alexander
Mayor

Minutes of October 6, A. D. 2008