

MINUTES

Regular Meeting
City Hall Council Chamber

March 19, 2007
Monday, 6:00 p.m.

Present: Mayor W. Ted Alexander, presiding; Council Members Christopher H. (Chris) Mabry, Robert H. (Bob) Still, Jeanette D. Patterson, Michael R. (Mike) Royster, Joel R. Shores, Jr., Dicky Amaya; City Attorney Sam B. Craig, City Manager Rick Howell, City Clerk Bernadette A. Parduski, Director of Finance Theodore B. (Ted) Phillips, CPA, Director of Utilities Brad R. Cornwell, PLS, EI, Police Chief Tandy P. Carter, Fire Chief William P. Hunt, Assistant Fire Chief Jacob E. (Jake) Whisnant, Director of Public Works Daniel C. (Danny) Darst, Jr., 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 Assistant United States Attorney Kimlani Murray Ford led the *Pledge of Allegiance*.

A. Approval of Agenda:

Mayor Alexander announced the following changes and additions to the agenda format:

- B. Consent Agenda
- C. Special Presentations 1 through 3
- D. Public Hearings
- E. Public Comment
- F. Special Presentations 4 and 5; and the addition of Item No. 6:
Recognition of Shelby Parks and Recreation Youth Council
- G. Unfinished Business
- H. New Business with the addition of Item No. 1: Consideration of a resolution accepting donated property: Resolution No. 24-2007
- I. City Manager's Report
- J. Adjournment

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

- B. Consent Agenda:** All items listed below are considered to be routine and will be enacted by one introduction, motion, second, and vote. There will be no separate discussion of these items unless a Council Member so

requests, in which event the item will be removed from the consent agenda and considered separately.

ACTION TAKEN: Mayor Alexander presented the consent agenda and asked if any item should be removed before calling for action. Mrs. Patterson made a motion to approve the consent agenda and each item as presented. After a second from Mr. Royster, the consent agenda and following items were unanimously approved:

- 1) Consideration of approval of the Minutes of the Special Meeting of February 26, 2007
- 2) Consideration of approval of the Minutes of the Regular Meeting of March 5, 2007
- 3) Special Event Permit Application:
 - a. First Baptist Church to conduct its 160th Anniversary Celebration on Sunday, June 10, 2007
- 4) Consideration of a resolution awarding the contract for construction of the Pleasant Hill Regulator Station upgrades: Resolution No. 18-2007
- 5) Consideration of a resolution authorizing an Urban and Community Forestry Grant application submittal to the North Carolina Division of Forest Resources: Resolution No. 19-2007
- 6) Consideration of a resolution authorizing an interlocal agreement between the City of Shelby and Cleveland County: Resolution No. 20-2007
- 7) Consideration of FY 2006-2007 Budget Ordinance Amendment No. 6: Ordinance No. 7-2007
- 8) Consideration of budget ordinance amendments for the City of Shelby's Broad River Water Line Project and 2002 Annexation Projects: Ordinance No. 8-2007
- 9) Consideration of a resolution honoring Philip B. Lovelace on the occasion of his retirement from employment: Resolution No. 21-2007
- 10) Consideration of a resolution recognizing Gretchen C. F. Shappert, United States Attorney for the Western District of North Carolina: Resolution No. 22-2007

- 11) **Consideration of a resolution recognizing Kimlani Murray Ford, Assistant United States Attorney for the Western District of North Carolina: Resolution No. 23-2007**

END CONSENT AGENDA

C. Special Presentations:

- 1) **Recognition of Philip B. Lovelace on the occasion of his retirement from employment with the City of Shelby**

Mayor Alexander called upon Mr. Lovelace and recognized his wife. The Mayor formally read and presented framed Resolution No. 21-2007 to Mr. Lovelace. He also presented the key to the City and a City lapel pin to Mr. Lovelace in acknowledgement of and with appreciation for his 32 years of dedicated service to the City of Shelby.

Mr. Lovelace expressed his gratitude by stating that it has been his pleasure to work for the City of Shelby and he will miss everyone.

- 2) **Recognition of Gretchen C. F. Shappert, United States Attorney for the Western District of North Carolina**

Mayor Alexander called upon Ms. Shappert. The Mayor formally read and presented framed Resolution No. 22-2007 to Ms. Shappert.

- 3) **Recognition of Kimlani Murray Ford, Assistant United States Attorney for the Western District of North Carolina**

Mayor Alexander called upon Mrs. Ford and recognized her husband. The Mayor formally read and presented framed Resolution No. 23-2007 to Mrs. Ford.

Ms. Shappert praised Mrs. Ford for her skill and ability in prosecuting the "Operation P-G" case and referred to her as "one of the finest prosecutors in the State of North Carolina".

Mrs. Ford expressed her sincere appreciation to the Shelby Police Department and namely Chief Carter and Scott Campion for their fine work and support in this case as well as all their cases with United States Attorney's Office.

D. Public Hearings:

- 1) **Consideration of a resolution granting a special use permit to Cypress Glenn LLC located at the corner of Airport Road and Fallston Road: Resolution No. 14-2007**

Request to consider a Special Use Permit for property located at the corner of Fallston Road and Airport Road (Cypress Glenn LLC, Applicant), lying within the City of Shelby in the Corridor Protection District (CPD), Cleveland County Tax ID No. 59635, Tax Map 6-61, Block 1, Lot No. 105

Mayor Alexander announced that any person wishing to speak for or against the special use permit for the corner of Fallston Road and Airport Road would need to be sworn in by the City Clerk before the opening of the public hearing. Mrs. Parduski swore in Planning Services Director Walter Scharer, James Ross, and Bill Cramer.

Mayor Alexander opened the public hearing at 6:20 p.m. and invited comments from the public.

Mr. Scharer began his presentation by stating that the matter under consideration was not tied to any rezoning request. Utilizing a map of the area, Mr. Scharer pointed out that the property is currently zoned as CPD which permits multi-family housing and stated that a special use permit is required for all multi-family housing developments with 25 or more dwelling units. The special use permit application states that the facility will be for senior apartments. Staff has reviewed the site plan to ensure it meets the standard found in the Unified Development Ordinance and recommended approval of the proposed special use permit.

James Ross who resides at 12223 Fox Valley Street in Raleigh, North Carolina is the architect of this project. Mr. Ross spoke in support of the special use permit and was available to respond to any questions regarding the proposed plan.

Bill Cramer spoke as a representative of the developer, Cypress Glenn LLC, 5821 Falls of Neuse Road, Suite A, Raleigh, North Carolina, in support of the special use permit. Mr. Cramer also was available to respond to any questions regarding the proposed plan.

Mayor Alexander closed the public hearing at 6:22 p.m.

ACTION TAKEN: Upon a motion by Mr. Still, second by Mr. Amaya, City Council voted unanimously to approve and adopt Resolution No. 14-2007 entitled, "A RESOLUTION GRANTING A SPECIAL USE PERMIT TO CYPRESS GLENN LLC LOCATED AT THE CORNER OF AIRPORT ROAD

AND FALLSTON ROAD”.

- 2) Consideration of an ordinance amending the zoning map of the City of Shelby, North Carolina: Ordinance No. 6-2007**

Request to rezone properties located at 337 Weathers Street, 341 Weathers Street, and 811 Kennedy Street (Cleveland Investments, Applicant) from the Residential-6 (R-6) District to the Residential Office (RO) District

**Cleveland County Tax ID No. 22583, Tax Map S18, Block 2, Lot No. 19
Cleveland County Tax ID No. 18997, Tax Map S18, Block 2, Lot No. 17
Cleveland County Tax ID No. 18996, Tax Map S18, Block 2, Lot No. 16,
Respectively**

Utilizing a map of the area, Mr. Scharer pointed out the subject property and stated that the application for this proposed zoning amendment originally requested that the zoning at 341 Weathers Street be changed from R-6 to RO. The City’s Land Development Plan designates the subject property as Medical/Office area. After careful examination, the Planning and Zoning Board recommended that Council rezone not only 341 Weathers Street but also rezone 337 Weathers Street and 811 Kennedy Street at the same time. The property owners of the adjoining properties have been notified of the zoning map amendment and have no objections. Staff recommended approval of this proposed zoning map amendment.

Mayor Alexander opened the public hearing at 6:24 p.m. and invited comments from the public.

The public offered no comments and Mayor Alexander closed the public hearing at 6:25 p.m.

ACTION TAKEN: Upon a motion by Mr. Royster, second by Mr. Still, City Council voted unanimously to approve and adopt Ordinance No. 6-2007 entitled, “AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF SHELBY, NORTH CAROLINA”.

- 3) Consideration of a resolution adopting the Comprehensive Pedestrian Plan for the City of Shelby, North Carolina: Resolution No. 15-2007**

Mr. Scharer reminded Council that the Comprehensive Pedestrian Plan was presented and reviewed at their most recent workshop session. Mr. Scharer also made reference to the map of this plan which was available for inspection. The plan has been reviewed by the City Attorney who recommended minor wording changes. Mr. Craig advised that these

changes were made to clarify the use of the striped shoulders for safety and speed control as well as concerns for young cyclists while maintaining every aspect of their intended use.

Mayor Alexander opened the public hearing at 6:26 p.m. and invited comments from the public.

The public offered no comments and Mayor Alexander closed the public hearing at 6:27 p.m.

Mayor Alexander recognized the members of the Pedestrian Plan Steering Committee.

ACTION TAKEN: Upon a motion by Mr. Shores, second by Mrs. Patterson, City Council voted unanimously to approve and adopt Resolution No. 15-2007 entitled, "A RESOLUTION ADOPTING THE COMPREHENSIVE PEDESTRIAN PLAN FOR THE CITY OF SHELBY, NORTH CAROLINA".

- 4) Consideration of a resolution authorizing a State Urban Progress Zone application submittal to the North Carolina Department of Commerce: Resolution No. 16-2007

Mr. Scharer explained that a new economic development tool established by the North Carolina General Assembly in 2006 authorizes Urban Progress Zones in municipalities throughout the State that have a population greater than 10,000. The purpose of the Urban Progress Zone is to provide economic incentives to stimulate new investment and job creation in economically distressed urban areas. An Urban Progress Zone is an area comprised of one or more contiguous census tracts, census block groups, or both, or parts thereof, in the most recent census. Mr. Scharer utilized a map to identify the City's proposed zones which meet the criteria for submittal to the North Carolina Department of Commerce.

Mayor Alexander opened the public hearing at 6:29 p.m. and invited comments from the public.

The public offered no comments and Mayor Alexander closed the public hearing at 6:30 p.m.

ACTION TAKEN: Upon a motion by Mr. Mabry, second by Mr. Shores, City Council voted unanimously to approve and adopt Resolution No. 16-2007 entitled, "A RESOLUTION AUTHORIZING A STATE URBAN PROGRESS ZONE APPLICATION SUBMITTAL TO THE NORTH CAROLINA DEPARTMENT OF COMMERCE".

5) Consideration of a resolution authorizing the closeout of the Infrastructure Hook-up Program under the North Carolina Small Cities Community Development Block Grant (CDBG) Project No. 05-C-1439: Resolution No. 17-2007

Teresa Spires, Economic Development Coordinator for the Isothermal Planning and Development Commission, stated that the purpose of the public hearing is to receive comments from the public concerning the City's closeout of a 2005 Community Development Block Grant under the Infrastructure Hook-up Category. Specifically, the City is closing out a \$75,000 Infrastructure Hook-up Project whereas the City proposed to use CDBG funds to provide water connections, including all fees and plumbing costs, to approximately 25 low to moderate income households. In total, the City expended \$18,232.61 in grant funds on this project and successfully completed five units that are now served by the Shelby Utilities Department. Unexpended funds totaling \$56,895.79 will be deobligated by the State. Mrs. Spires duly noted that the City of Shelby heavily promoted and made several attempts through their Marketing Department to encourage 100 percent low to moderate income citizen participation prior to the closeout of the CDGB project.

Mayor Alexander opened the public hearing at 6:32 p.m. and invited comments from the public.

The public offered no comments and Mayor Alexander closed the public hearing at 6:33 p.m.

ACTION TAKEN: Upon a motion by Mrs. Patterson, second by Mr. Royster, City Council voted unanimously to approve and adopt Resolution No. 17-2007 entitled, "A RESOLUTION AUTHORIZING THE CLOSEOUT OF THE INFRASTRUCTURE HOOK-UP PROGRAM UNDER THE NORTH CAROLINA SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT NO. 05-C-1439".

E. Public Comment:

- 1) Renee Ybarra who resides at 808 McGowan Street in Shelby expressed her concerns regarding the indiscriminate trimming of trees by the City's contractor, Asplundh. Her letter to the editor on this subject matter was published in the local newspaper. Ms. Ybarra conducted her own survey around the City and stated that over the last six weeks 55 trees larger than 18 inches in diameter have been cut down to the ground and that number did not include the smaller trees which have also been removed. Ms. Ybarra had discussions with Roy Hutchins, supervisor of the Asplundh crew, regarding the brochure distributed to

- each property owner explaining tree maintenance and electric distribution line clearance pruning. Ms. Ybarra disagrees with Mr. Hutchins' approach to tree trimming which she considers "aggressive". Ms. Ybarra requested Council to declare a moratorium on City tree trimming in order to bring in professionals, including City staff and citizens, to assess the situation and develop a comprehensive, long-term tree plan to save Shelby's tree canopy.
- 2) Karen Ferree who resides at 914 Blanton Street in Shelby spoke about her perspective on the City's tree trimming policy. In her opinion, the policy needs to be reviewed because property owners may be allowing the City's contractor to perform expensive tree work since the expense is not passed on directly to them. Mrs. Ferree stated that because these costs are absorbed by the City and its utility customers, the City may consider restating the tree trimming policy to state that trees will be trimmed or cut down only if they jeopardize utility lines.
 - 3) Carole Arey who resides at 506 West Marion Street in Shelby and is the Vice Chair of the Appearance Commission spoke against the City's current tree trimming policy. Mrs. Arey provided background information about previous public outcries in 2004 (East Marion Street, Lineberger Street, and Suttle Street) and 2005 (Kings Road and Miles Street) concerning tree cutting and trimming in various neighborhoods. Mrs. Arey stated that in 2004 a subcommittee of the Appearance Commission made several recommendations to the City which included hiring an arborist to survey the trees before the contractor is scheduled to work in a neighborhood, initiating a tree replacement program, and grinding out tree stumps. Mrs. Arey stated that although progress and agreements were made in 2004, the same issues regarding trees on Gold Street and Blanton Street have resurfaced. Mrs. Arey quoted the Pruning Specifications from the brochure given to property owners as advance notice of the tree trimmers and does not believe the City's contractor is following these specifications. Mrs. Arey urged Council to stop the continuing destruction of City trees.
 - 4) J. Benton Reid who resides at 317 South Thompson Street in Shelby made a recommendation to Council that considering the City's crime rate and progress in tourism, the funds spent for tree trimming and removal should be utilized for more police officers and advertising.
 - 5) Adelaide Craver who resides at 522 West Marion Street in Shelby spoke against the City's current tree trimming policy. Mrs. Craver stated that the attractiveness and livability of all Shelby's neighborhoods is enhanced by trees, which begins in Uptown Shelby

- and must be carried throughout the City. Mrs. Craver suggested that only the discriminating and conservative pruning of trees which threaten power lines should be considered and cited the removal of trees on Gold Street as a negative example. Mrs. Craver further stated that the removal of trees may have a negative financial impact resulting in lower market values and lower tax assessment values to fund the City's tax revenues as well as lower property appeal to newcomers considering relocations to Shelby. Mrs. Craver believes that power can be restored in a relatively short period of time as opposed to a tree which has been cut down being lost forever. Mrs. Craver urged Council to consider hiring an arborist to improve the overall appearance of the City.
- 6) Stacy Rumfelt who resides at 704 Annieline Drive in Shelby spoke against the City's current tree trimming policy. Ms. Rumfelt relocated from California because she was drawn to the City of Shelby for its Southern charm and appearance, especially the trees. Last year in her West side neighborhood, Ms. Rumfelt stated that trees were cut down on Wesson Road, the tree canopy is gone, and the tree stumps remain. Ms. Rumfelt expressed her concerns regarding the relationship between economic development and global warming, and the removal of trees. Ms. Rumfelt requested Council to consider a tree replanting program.
 - 7) Becky Smith who resides at 609 Peach Street in Shelby is a past member and chair of the Appearance Commission and spoke against the City's current tree trimming policy. Due to her board experience, Ms. Smith is familiar with the City's tree issues and the accolades for their beauty. Ms. Smith cited an example on Kings Road where trees were being severely cut on one side for the power lines when she was informed by a "City official" that the City did not have enough money to trim and shape trees on both sides. Ms. Smith stated that her contention is if the City cannot trim trees properly, then the City should not trim trees at all.
 - 8) Barbara Ghigo who resides at 408 Robinwood Drive in Shelby expressed her concerns regarding the speed of traffic in her neighborhood. Mrs. Ghigo described Robinwood Drive as a connection between the Country Club area and Peach Street. She stated that Robinwood Drive is a heavily traveled shortcut that becomes hazardous when drivers ignore both the speed limit and the road conditions. Mrs. Ghigo requested Council to consider speed limit controls for Robinwood Drive and she suggested the installation of speed bumps.

9) Ned Heitzman who resides at 825 Hawthorne Road in Shelby spoke against the City's current tree trimming policy. Mr. Heitzman lives in the Belvedere neighborhood and enjoys cooler temperatures by 5 to 10 degrees in his home due to the tree canopy. He considers trimming trees for power as a short term fix which solves the power problem but destroys the character of a neighborhood. Since "Shelby is going to be in business forever", Mr. Heitzman recommended the City begin placing power underground. Mr. Heitzman also recommended that Council place an emergency item on this agenda to declare a temporary moratorium on tree trimming so that a team can begin an investigation into the root cause of the allegations and explore the recommendations presented for a long-term solution to the tree trimming issue.

Mr. Howell thanked the speakers who participated in the public comment session. He reminded the participants that it is his responsibility as City Manager to implement City policies. He is available and willing to discuss how the tree trimming policy is being implemented at this time and address the concerns of any resident in a proactive manner and to seek a resolution to the tree trimming issue. Due to his concern over the circulation of certain inflammatory documents and propaganda, Mr. Howell went door-to-door to meet with residents in the neighborhoods where trees are currently being trimmed and did not receive any negative feedback. Mr. Howell also assured the public that it is his responsibility to determine and address if a contractor is violating City policy.

Mayor Alexander provided background information on the City's current tree policy which was adopted to allow for uniform standards. It has now come to Council's attention that healthy trees are being removed at owner's request and possibly for the owner's convenience, which was not the intent of the policy. The Mayor stated that the fundamental questions that need to be resolved are:

- Whether the removal of a tree that is not diseased or dying is an unnecessary benefit or gift or favor provided to a resident?
- Is the City's tree policy too general, too generous, or too accommodating?

Mayor Alexander mentioned that passing the resolution authorizing an Urban and Community Forestry Grant application submittal to the North Carolina Division of Forest Resources may provide an opportunity to re-evaluate the City's current Urban Forestry Ordinance and proceed with a tree replacement program.

Mayor Alexander thanked all those who spoke and expressed their concerns regarding City trees during the public comment session. He encouraged residents to continue to provide their comments to the City Manager on this issue.

Mayor Alexander declared a recess at 7:16 p.m. and reconvened the meeting at 7:20 p.m.

F. Special Presentations (*Continued*):

4) Recognition of Mayor's Outstanding Volunteer Service Recipients: Dr. Dennis Reno (February 2007) and Frank Cloyd (March 2007)

Mayor Alexander announced that Dr. Dennis Reno and Frank Cloyd were the recipients of the February 2007 and March 2007 Certificates of Outstanding Volunteerism, respectively.

Mrs. Patterson expressed appreciation to Dr. Reno for his work with the Shelby Police Department and mentioned his successful sponsorship of a food drive for Crossroads Mission through his chiropractic care office.

Mayor Alexander expressed his appreciation to Mr. Cloyd who volunteers as Chair of the Project Safe Neighborhood Program and works closely with the Shelby Police Department. The Mayor recognized Mr. Cloyd for his tireless efforts in those capacities which have resulted in improvements to his neighborhood and throughout the City of Shelby.

Mayor Alexander presented the framed certificates to Dr. Dennis Reno and Frank Cloyd on behalf of the City of Shelby and the Cleveland Association of Volunteer Administrators (CAVA).

Dr. Reno accepted the certificate with gratitude and stated that "if everybody could just give back a little bit, Shelby would be a wonderful place to live". He enjoys volunteer work and recognized his wife for supporting his efforts.

Mr. Cloyd accepted his certificate with gratitude and recognized the members of his family present. Mr. Cloyd expressed his appreciation to the concerned and involved citizens he works with and stated that "the Shelby Police Department is a good, professional, and effective department that does an outstanding job".

Mayor Alexander encouraged community members to participate in the nominating process for citizen volunteers and announced that application forms can be obtained through his office at City Hall.

5) Keep America Beautiful President's Circle Recognition Award 2006 presented to Keep Shelby Beautiful

Mayor Alexander duly noted and presented to Council the President's Circle Recognition Award for 2006 given to Keep Shelby Beautiful.

6) Recognition of Shelby Parks and Recreation Youth Council

Mr. Holtzclaw reminded Council of their endorsement in September 2006 to create the City of Shelby Parks and Recreation Youth Advisory Council. Mr. Holtzclaw stated the formation of the Youth Council took place approximately three months ago and consists of 23 members representing Shelby, Crest, and Burns Middle and High Schools. Mr. Holtzclaw introduced the officers of the Youth Council, who were elected at their first meeting held in January 2007, as follows:

- **Chair Johnny Hatcher – Shelby High School**
- **First Vice Chair Betsy Martin – Shelby High School**
- **Second Vice Chair Caroline Poage – Shelby Middle School**
- **Secretary Emily Ellis – Crest High School**

Mr. Hatcher expressed appreciation to the Mayor and City Council for extending an invitation to the Youth Council to attend this meeting and stated that they have learned a great deal observing tonight's proceedings. Mr. Hatcher requested the Youth Council members to stand for their introductions:

- **Cody Allen – Special Projects Manager – Shelby High School**
- **Michael Thornburg – Shelby Middle School**
- **Chavis Sims – Shelby High School**
- **Jon Blake Pharr – Burns Middle School**
- **Paisley Thrift – Special Events Manager – Crest High School**
- **Tavin Littlejohn – Budget and Finance Manager – Crest High School**
- **Kindale Bridges – Shelby Middle School**
- **Olivia Ledbetter – Shelby Middle School**
- **Robert Seth Pedelty – Crest Middle School**

Mr. Hatcher gratefully requested the honor to have a photograph taken with Mayor Alexander and the Shelby Youth Council in Council Chambers and the Mayor obliged with a smile as City Council members posed in the background on the dais.

Mayor Alexander expressed appreciation to the Youth Council for their attendance and to Mr. Holtzclaw for his efforts in bringing this group to

fruition. Mr. Holtzclaw announced that the Youth Council meetings are scheduled every last Saturday of the month at 1:00 p.m. at Shelby City Park and invited City Council members to attend.

G. Unfinished Business:

1) Consideration of appointments to City Advisory Boards and Commissions:

a. Shelby Housing and Redevelopment Board

Mrs. Parduski reported the position for a resident representative remains vacant. Mr. Derrick L. Haynes wishes to be considered for appointment and he has been recommended by the Housing staff.

Mr. Royster nominated Mr. Haynes.

ACTION TAKEN: Upon a motion by Mr. Shores, second by Mr. Royster, City Council voted unanimously to close the nominations and to appoint Derrick L. Haynes to a new term concluding March 2010.

b. Alcoholic Beverage Control Board

Mrs. Parduski reminded Council that Mr. Dockery and Mr. Briscoe were nominated at the February 19, 2007 meeting.

Mr. Royster nominated Page D. Morgan.

ACTION TAKEN: Upon a motion by Mr. Royster, second by Mr. Mabry, City Council voted unanimously to close the nominations.

Council cast the following votes:

- Incumbent, Carl Dockery, Jr., received five affirmative votes (Mabry, Still, Patterson, Royster, and Amaya).
- Incumbent, Page D. Morgan, received a unanimous vote.
- Durwin Jerrodd Briscoe received one affirmative vote (Shores).

ACTION TAKEN: City Council voted unanimously to reappoint the incumbents, Carl Dockery, Jr. and Page D. Morgan, to terms concluding April 2010.

c. Firemen's Relief Fund Board of Trustees

Mrs. Parduski stated Mr. Richard Dale Winn has submitted his letter of resignation. The only applicant currently on file is Mr. Tim Wright.

By consensus, Council elected to continue the nominations

H. New Business:

1) Consideration of a resolution accepting donated property: Resolution No. 24-2007

Mr. Howell introduced the matter by stating that after several months of working through the process of land donation with Mr. and Mrs. Hanna, Mr. Holtzclaw, and Mr. Craig, the Hanna family was able to make their decision to contribute approximately 85 acres of prime property to the City of Shelby for recreational purposes. Mr. Howell considers this a most generous gift with great potential for future recreational development.

ACTION TAKEN: Upon a motion by Mr. Shores, second by Mr. Royster, City Council voted unanimously to approve and adopt Resolution No. 24-2007 entitled, "A RESOLUTION ACCEPTING DONATED PROPERTY".

Mayor Alexander expressed appreciation and gratitude to the Hanna Family for their tremendous contribution. The Mayor stated that the Hanna donation, together with the Royster land donation of 2004, creates a significant impact on recreational opportunities for the City of Shelby and Cleveland County. Mayor Alexander added that the Hanna Family will be recognized by the City for this gesture in the very near future.

I. City Manager's Report:

Mr. Howell informed Council that a draft of the Travel and Tourism Funding Policy will be forwarded for their review and consideration.

Mr. Howell reminded Council that ElectriCities is sponsoring Public Power Rally Day at the General Assembly in Raleigh, North Carolina on April 18, 2007.

Mr. Howell stated the schedule for budget workshops is forthcoming.

Mrs. Patterson and Mr. Mabry complimented staff for their attendance and participation at the Weed and Seed Kick-off Celebration on March 17, 2007.

Mr. Shores announced that the City of Shelby is hosting the Cleveland

Association of Governmental Officials (CAGO) quarterly meeting on June 21, 2007 at Shelby City Park.

Mr. Shores and Mr. Still reminded Council of all the events planned around the Foothills Merry Go Round Festival, including the Courthouse Centennial Birthday Party and Shelby Art on the Square, on Saturday, April 28, 2007.

Mayor Alexander mentioned the Rotary Club is sponsoring a study exchange group from London, England and that he is pursuing Jinotega, Nicaragua as a Sister City.

Mr. Mabry, who serves as Council liaison to the Appearance Commission, expressed his appreciation to Mr. Howell for clarifying and educating him and the public on the tree issues under discussion.

- J. **Adjournment:** There being no further business for Council's consideration, Mayor Alexander adjourned the meeting at 7:47 p.m.

Respectfully submitted,

Bernadette A. Parduski
City Clerk

W. Ted Alexander
Mayor

Minutes of March 19, A. D. 2007