

## MINUTES

Regular Meeting  
City Hall Council Chamber

January 22, 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 Manager Rick Howell, City Clerk Bernadette A. Parduski, City Attorney Sam B. Craig, Director of Finance Theodore B. (Ted) Phillips, CPA, Interim Director of Utilities Julie R. McMurry, Assistant Director of Utilities Brad R. Cornwell, PLS, EI, Director of Public Works Daniel C. (Danny) Darst, Jr., Director of Development Services Brian L. Pruet; and Media Representatives

Mayor Alexander called the meeting to order at 6:00 p.m. and welcomed all those in attendance. The Mayor gave the invocation and Firefighter Donnie Henderson of the Fire Department led the *Pledge of Allegiance*.

**A. Approval of Agenda:**

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

**B. Public Hearing:**

- 1) Consideration of a resolution confirming the City of Shelby's intent to offer an industrial incentive grant: Resolution No. 2-2007

Mr. Howell presented the resolution and agreement that would provide an industrial incentive grant to Ultra Machine and Fabrication, Inc. in accordance with the City's current policy. The agreement is essentially the same as the one Council agreed to in principle at the time of Ultra's purchase of the Kemet property in November 2006. After the required public hearing, Mr. Howell recommended that Council approve the resolution to authorize the agreement as submitted.

Mayor Alexander opened the public hearing at 6:06 p.m. and invited comments from the public.

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

**ACTION TAKEN:** Upon a motion by Mrs. Patterson, second by Mr. Shores,

City Council voted unanimously to approve and adopt Resolution No. 2-2007 entitled, "A RESOLUTION CONFIRMING THE CITY OF SHELBY'S INTENT TO OFFER AN INDUSTRIAL INCENTIVE GRANT".

**C. Public Comment:**

- 1) Frank L. Murphy, Sr., who resides at 513 East Graham Street in Shelby, appeared and spoke on behalf of his sister, Barbara Murphy-Archie, who resides at 515 East Graham Street. Mr. Murphy's sister is handicapped and he is her legal guardian. Mr. Murphy stated that his sister has experienced plumbing problems at her residence and is seeking relief from the City's sewer tap fee due to her limited financial resources. Under the current arrangement, Mr. Murphy and his sister are paying a \$150.00 monthly installment to the City. Mr. Murphy requested that the City waive the \$1,000.00 sewer tap fee for Barbara Murphy-Archie as it presents a financial hardship.

Mayor Alexander responded by stating that he and Council are sympathetic to the Murphys' situation and reiterated that the City's policy must be applied to all City customers in a fair, consistent, and equitable manner regardless of economic circumstances. The Mayor acknowledged that the City did allow for a payment arrangement for the Murphys so that they would not have to pay the entire amount at one time.

Mrs. Patterson suggested that the City consider adjusting the payment schedule and Mayor Alexander directed staff to continue to work with Mr. Murphy to resolve the matter within the confines of the existing policy.

- D. 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. Mr. Still made a motion to approve the consent agenda and each item as presented. After a second from Mr. Mabry, the consent agenda and following items were unanimously approved:

- 1) Consideration of approval of the Minutes of the Regular Meeting of January 8, 2007
- 2) Consideration of a resolution honoring Coach Chris Norman and the Shelby High School Football Team: Resolution No. 3-2007

- 3) Consideration of a resolution honoring Thomas Bivins on the occasion of his retirement from employment: Resolution No. 4-2007
- 4) Annual Certification of the Firemen's Roster for the North Carolina State Firemen's Association
- 5) Consideration of an ordinance authorizing demolition of dwellings located at 609 Calvary Street (Owners: Jean Claude Lavarin and Herman Larose), 602 Calvary Street (Owner: Carmel Properties LLC), 507 Smith Street (Owner: S & S Properties), 713 West Elm Street (Owner: Phillip Yelton), 1603 South Street (Owners: Lourine Norris Heirs), and 207 Maple Street (Owner: Issac Wade Johnson): Ordinance No. 1-2007
- 6) Consideration of FY 2006-2007 Budget Ordinance Amendment No. 4: Ordinance No. 2-2007
- 7) Consideration of a recommendation to revise the Regular Meeting Schedule of City Council

#### **END CONSENT AGENDA**

#### **E. Special Presentations:**

- 1) Recognition of the Mayor's Outstanding Volunteer Service Recipient: Betty Maoney

Mayor Alexander announced that Betty Maoney was the recipient of the January 2007 Certificate of Outstanding Volunteerism.

Mayor Alexander presented the framed certificate to Betty Maoney on behalf of the City of Shelby and the Cleveland Association of Volunteer Administrators (CAVA). He expressed appreciation to Mrs. Maoney for her contributions to the community by operating the Olsen Court Community Center for many years, which included numerous fundraising activities to maintain the successful operation of the Center. The Mayor also mentioned that Mrs. Maoney assisted the members of Hoppers Chapel in assuming the operation of the Olsen Court Community Center.

Ms. Maoney accepted the certificate with gratitude and stated that volunteering is the legacy of her family. She enjoys working to improve situations in the County, the City, and her community.

- 2) Recognition of Coach Chris Norman and the Shelby High School

## Golden Lions Football Team

Mayor Alexander called upon Coach Chris Norman of the Shelby High School Golden Lions Football Team and Mr. Shores formally read and presented framed Resolution No. 3-2007 to Coach Norman as a tribute to their championship season.

Coach Norman accepted the resolution and expressed appreciation and gratitude on behalf of the coaching staff and the Golden Lions.

### F. Unfinished Business:

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

##### a. Airport Advisory Board

Mrs. Parduski stated that due to the untimely death of James Chitty, Council may wish to consider appointing a new member for his unexpired term concluding February 2008. Mrs. Parduski read the following list of applicants, who were recently considered for appointments in November 2006: Jeff Aderholdt, Ken Allen, Haywood Homsley, and Ed A. Ray, Jr.

Mr. Still nominated Mr. Ray.

Mr. Shores, who serves as Council liaison to this board, urged Council to make this appointment because Mr. Chitty also served as chair and the advisory board is seeking a replacement for that position.

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

**ACTION TAKEN:** Upon a subsequent motion by Mr. Still, second by Mr. Royster, City Council voted unanimously to appoint Ed A. Ray, Jr. to the unexpired term concluding February 2008.

##### b. Zoning Board of Adjustment

Mrs. Parduski stated that Mr. Chitty also served on this board and Council may wish to consider appointing a new member for the unexpired term concluding July 2007. Mrs. Parduski reported that there are no applicants currently on file.

Mr. Royster nominated former Mayor Mike Philbeck.

Mayor Alexander nominated Bill McCarter to move up from his alternate position.

By consensus, Council elected to continue the nominations.

Mr. Still, speaking on behalf of the Council, expressed condolences to the Chitty family and Mayor Alexander requested that Haley Chitty, the surviving member of the Chitty family, be remembered with thoughts and prayers.

**c. Shelby Housing and Redevelopment Board**

Mrs. Parduski reported that the terms of three incumbents, Priscilla Cockerham, T. C. Strickland, Jr., and Gaye M. DeVoe, are set to conclude March 2007. Mr. Strickland and Mrs. DeVoe wish to continue their service. Ms. Cockerham, the resident representative on this board, will complete her service at the end of March. One qualifying applicant, Derrick L. Haynes, wishes to be considered as the resident representative.

Mr. Still nominated T. C. Strickland, Jr. and Gaye M. DeVoe.

By consensus, Council elected to continue the nominations.

**G. New Business:**

**1) Consideration of a resolution authorizing sale of securities: Resolution No. 5-2007**

Mr. Howell informed Council that as a result of the Winn-Dixie bankruptcy proceedings, the City, as a creditor, finds itself a stockholder in Winn-Dixie Stores, Inc. Under the provisions of North Carolina General Statutes, the City may neither invest public monies in nor hold stock. At the time of the bankruptcy filing, Winn-Dixie owed the City approximately \$15,000 in utility payments. Mr. Howell estimated that the sale of these shares will net approximately \$10,000 based upon current share price. Mr. Howell recommended approval of the resolution, as submitted, which would authorize the Finance Director to sell the stock on behalf of the City.

**ACTION TAKEN:** Upon a motion by Mr. Still, second by Mrs. Patterson, City Council voted unanimously to approve and adopt Resolution No. 5-2007 entitled, "A RESOLUTION AUTHORIZING SALE OF SECURITIES".

**H. City Manager's Report:**

**Mr. Howell reminded Council of their annual retreat scheduled for February 2 and 3, 2007.**

**Mr. Still encouraged Council to travel with the members of Destination Cleveland County (DCC) on their upcoming community road trips to other successful towns with venues similar to those that DCC is considering for its Cleveland County projects.**

- I. Adjournment: There being no further business for Council's consideration, Mayor Alexander adjourned the meeting at 6:30 p.m.**

**Respectfully submitted,**

**Bernadette A. Parduski  
City Clerk**

**W. Ted Alexander  
Mayor**

**Minutes of January 22, A. D. 2007**