

MINUTES

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

April 2, 2007
Monday, 6:00 p.m.

Present: Mayor W. Ted Alexander, presiding; Council Members Christopher H. (Chris) Mabry, Robert H. (Bob) Still, 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, Director of Utilities Brad R. Cornwell, PLS, EI, Fire Chief William P. Hunt, Director of Public Works Daniel C. (Danny) Darst, Jr., 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 led the *Pledge of Allegiance*.

A. Approval of Agenda:

Mayor Alexander announced that Item D-9 under the Consent Agenda would be removed. Mr. Craig explained that the demolition ordinance has been revised to include an interest clause and the item will be placed back on the Consent Agenda for the April 16, 2007 meeting.

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

B. Public Hearings: None

C. Public Comment: None

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 amended consent agenda and asked if any item should be removed before calling for action. There being no requests for removal, Mr. Amaya made a motion to approve the amended consent agenda and each item as presented. After

a second from Mr. Mabry, the amended consent agenda and following items were unanimously approved:

- 1) Consideration of approval of the Minutes of the Special Meeting of February 2, 2007
- 2) Consideration of approval of the Minutes of the Special Meeting of February 3, 2007
- 3) Consideration of approval of the Minutes of the Regular Meeting of March 19, 2007
- 4) Special Event Permit Applications:
 - a. Destination Cleveland County to sponsor the Courthouse Centennial Birthday Party on Saturday, April 28, 2007
 - b. Cleveland County Management Office to coordinate Congressman Patrick McHenry's visit and presentation on the Court Square on Thursday, April 12, 2007
- 5) Consideration of appointments to the North Carolina Municipal Power Agency Number 1 (NCMPA1) Board of Commissioners:

Currently:
Commissioner: Michael R. Royster
First Alternate Commissioner: Rick Howell
Second Alternate Commissioner: Julie R. McMurry
- 6) Consideration of a resolution approving reimbursement of asphalt, curb, and gutter expenses incurred by Magnolia Partners for development of Abbingdon Lane, part of Phase II of the Magnolia Plantation Subdivision: Resolution No. 25-2007
- 7) Consideration of a resolution awarding the contract for the purchase of four police vehicles: Resolution No. 26-2007
- 8) Consideration of a resolution awarding the contract for the purchase of two mid-size police vehicles: Resolution No. 27-2007
- 9) Removed
- 10) Consideration of FY 2006-2007 Budget Ordinance Amendment No. 7: Ordinance No. 10-2007

- 11) Consideration of an ordinance establishing a capital project and budget for the City of Shelby Single Family Rehabilitation Program: Ordinance No. 11-2007

END CONSENT AGENDA

E. Special Presentations: None

F. Unfinished Business:

- 1) Consideration of a resolution adopting 2007-2008 City Council goals and priorities: Resolution No. 28-2007

Mr. Howell presented the resolution which establishes and formalizes the strategies Council prioritized at their retreat for implementation during the upcoming fiscal year. Mr. Howell added that the resolution directs him, as City Manager, to initiate action toward the accomplishment of the referenced goals, to establish a reasonable timetable for completion, and to prepare a quarterly progress report on achievements.

ACTION TAKEN: Upon a motion by Mr. Shores, second by Mr. Royster, City Council voted unanimously to approve and adopt Resolution No. 28-2007 entitled, "A RESOLUTION ADOPTING 2007-2008 CITY COUNCIL GOALS AND PRIORITIES".

G. New Business:

- 1) Legislative update to discuss issues of concern under consideration by the North Carolina General Assembly

Mr. Howell reminded Council that he serves as a Director on the North Carolina League of Municipalities (NCLM) Board of Directors. The League is a nonpartisan association of the cities, towns, and villages in North Carolina that serves municipal officials and promotes the common interests of member municipalities. The League has two legislative action committees that study and recommend policies on a broad range of topics. Each legislative action committee studies issues of concern to cities and towns and recommends League policies on these issues to the NCLM Board of Directors. Mr. Howell provided a legislative update regarding bills under consideration by the North Carolina General Assembly and highlighted the issues of concern for Council's attention as follows:

- Annexation – Mr. Howell stated that there are a plethora of anti-annexation bills being introduced in the General Assembly. Mr.

Howell explained that annexation in North Carolina had been introduced in 1957 providing municipalities with 50 years of relative success around the State. Local bills to restrict annexation authority in one location can have a domino effect ultimately undermining the authority statewide.

- **Property Tax Relief** – Mr. Howell stated that many legislators are talking about the need to provide additional property tax relief for low-income citizens and those who live in areas that have experienced tremendous increases in property values. The League has been involved in a series of meetings with legislators on property tax issues and homestead exemptions and Mr. Howell will keep Council informed of further developments.
- **Land Transfer Tax** – Mr. Howell stated that a local option land transfer taxes bill has been filed authorizing counties to levy a local tax up to one percent on instruments conveying interests in real property. The bill does not require counties to share proceeds with municipalities. Mr. Howell further stated that the League believes that a revenue source based on growth is reasonable and that the costs of city and county infrastructure must come from somewhere. In response, the North Carolina Association of Realtors has launched a media campaign designed to derail any potential legislation.
- **Street Gang Prevention** – Gang violence and associated activity has increased in many areas throughout the state and local governments need additional means to combat the negative impacts of this activity. Mr. Howell said the League will seek legislation to provide new tools and funding for gang prevention.
- **Special Retirement Benefits** – Mr. Howell informed Council of bills offering enhanced retirement benefits for police officers which allow officers to retire with unreduced benefits after 25 years of creditable service. The bills also amend the special separation allowance to make officers eligible with 25 years service and to provide that the allowance is to be administered by the State Treasurer, with each employing agency paying into a fund. Mr. Howell further stated that these bills would provide excessive benefits to particular groups of local retirees, and the League has long opposed that approach.
- **Collective Bargaining for Government Workers** – Mr. Howell stated that a labor union bill was introduced which authorizes public employees to organize for the purpose of collective bargaining and requires employers to negotiate with the union as the exclusive

contracting agent for public employees regarding wages, hours, and other conditions of employment. Mr. Howell reiterated the League continues to oppose this intrusion into local employment decisions.

- **Proposal on Mandated Interconnection** – Mr. Howell stated that a bill introduced on interconnection of water and wastewater systems authorizes the State to mandate that a public water or wastewater system be interconnected with a municipal, county, or regional system, if necessary, to promote the public health, protect the environment, or ensure compliance with drinking water or water quality rules. Mr. Howell further stated that the League’s core principles state that municipalities need the autonomy to make appropriate management, financial, and operational decisions with regard to enterprise services. They must be free to determine appropriate rates and service areas, and free to determine when it is appropriate to enter into regional or multi-jurisdictional arrangements.

Mr. Howell concluded his presentation by reviewing the importance of supporting infrastructure financing for the State of North Carolina. Mr. Howell endorsed the League’s plan in seeking legislation to provide additional funds for municipal infrastructure, including both short term funding in the form of bonds and a long term permanent source of revenue.

Council received the information and Mr. Howell advised that no action was necessary at this time.

2) Consideration of appointments to the North Carolina Municipal Power Agency Number 1 (NCMPA1) Board of Commissioners:

Mr. Howell recommended that reappointments be made for Commissioner Mike Royster and for himself as First Alternate Commissioner and that Utilities Director Brad Cornwell be appointed as Second Alternate Commissioner.

Mr. Shores nominated Mr. Cornwell, with a second by Mr. Still.

ACTION TAKEN: City Council voted unanimously to reappoint Mr. Royster as Commissioner and Mr. Howell as First Alternate Commissioner, and to appoint Mr. Cornwell as Second Alternate Commissioner to the NCMPA1.

H. City Manager’s Report:

- 1) The North Carolina Spring 2007 Litter Sweep Roadside Cleanup will

take place April 14-28, 2007.

- 2) Update on discussion with Appearance Commission/Urban Forestry Subcommittee – Mr. Howell informed Council that he, the Mayor, and staff have met with several concerned citizens to discuss the City’s current tree trimming policy and their issues and concerns. In the spirit of cooperation, those efforts to address this matter will continue until a reasonable resolution can be decided.
- 3) Mr. Howell announced that Town Hall Day, sponsored by the North Carolina League of Municipalities, is scheduled for May 9, 2007 in Raleigh, North Carolina.

The following additional announcements were made:

Mr. Howell announced the topics for upcoming Council workshops will include the North Carolina Floodplain Mapping Program and the pre-pay natural gas contracting process.

Mayor Alexander requested all present to keep Jeanette Patterson and her daughter, Sherri Evans, in their thoughts and prayers.

The Mayor recognized Planning and Zoning Vice Chair Rick Washburn, who was in attendance representing the Cleveland County Chamber’s Governmental Affairs Committee.

- I. Adjournment: There being no further business for Council’s consideration, Mayor Alexander adjourned the meeting at 6:43 p.m.

Respectfully submitted,

Bernadette A. Parduski
City Clerk

W. Ted Alexander
Mayor

Minutes of April 2, A. D. 2007