

MINUTES

Regular Meeting
City Hall Council Chamber

February 4, 2013
Monday, 6:00 p.m.

Present: Mayor O. Stanhope Anthony III, presiding; Council Members Christopher H. (Chris) Mabry, David W. White, Jeanette D. Patterson, Dennis C. Bailey, Dicky Amaya; City Manager Rick Howell, City Attorney Andrea Leslie-Fite, City Clerk Bernadette A. Parduski, NCCMC, MMC, Director of Finance Justin S. Merritt, MPA, Director of Human Resources Deborah C. (Deb) Jolly, Director of Utilities Brad R. Cornwell, PLS, EI, Fire Chief William P. Hunt, MPA, Director of Public Works Daniel C. (Danny) Darst, Jr., Director of Parks and Recreation Charlie Holtzclaw, Director of Planning Services and Interim Director of Development Services Walter (Walt) Scharer, AICP; and media representatives

Absent: Council Member Joel R. Shores, Jr.

Mayor Anthony called the meeting to order at 6:00 p.m., welcomed all who were in attendance, and recognized former Council Member Kevin Allen as well as Boy Scout Troop 104 hosted by Central United Methodist Church. The Mayor gave the invocation and Boy Scouts Lavery Hoard and Luke Tuttle led the *Pledge of Allegiance*.

A. Approval of agenda:

- 1) Motion to adopt the proposed agenda

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

B. Special Presentation:

- 1) City of Shelby's Curbside Recycling Program Annual Report – Danny Darst, Director of Public Works

Mr. Darst introduced his year-in-review presentation of Shelby's Curbside Recycling Service by stating the project has met or surpassed all of the goals set by staff and has been very well received by the public.

Next he reviewed the scope of work and timeline related to Recycle Shelby as follows:

- **September 2011 – City Council approved a curbside recycling services contract with Republic Services of North Carolina, LLC**
- **October 2011 – The City hired a marketing agency to create the Recycle Shelby ad campaign and launched the program through various printed materials including a website, www.recycleshelby.com**
- **November 2011 – The City ordered rollout carts and held public outreach educational events at schools and local businesses**
- **December 2011 – The City delivered 95-gallon rollout carts to customers who signed up for the bi-weekly service**
- **January 2012 – The City implemented the curbside recycling program**

Mr. Darst then discussed the strengths of the recycling program to date:

- **The participation rate was higher than expected due to the ease of the single stream service as well as the customer sign-up program in advance of start-up. The City purchased a total of 5,398 carts from Schaefer Systems thus far.**
- **Contaminated loads have been non-existent.**
- **The development of the bi-weekly route collection schedule with Republic Services was easily established.**
- **The savings in tipping fees at the local landfill total approximately \$24,000.**

Mr. Darst added in the first year of this program, the City has diverted over 700 tons of materials from the waste stream which was depicted by various tonnage report charts.

Mr. Darst then shared the planned improvements and adjustments to the program which include:

- **Due to the success of the recycling program and as of September 2012, the City is now offering the service to small commercial customers currently receiving solid waste collection service from the City.**

- A printable version of the red/blue pick-up schedule is available at www.recycleshelby.com; a link to a recycling route map is in development by the City's GIS Department.
- Staff will conduct customer informational and sign-up efforts in conjunction with the Keep Shelby Beautiful Commission to increase participation.
- Staff will utilize the City's customer address database to focus education in the areas which have not signed up for recycling services to increase participation, both residential and commercial.
- Staff will meet with approximately 600 commercial customers to discuss the benefits of the recycling service as well as the lower cost of trash collection.
- Staff will continue to conduct recycling educational and informational visits to local schools.

Discussion followed about the possibility of reducing solid waste/trash collection services due to the success of the recycling program, composting, and a zero-waste program.

Mr. Darst concluded his presentation by announcing that the Keep Shelby Beautiful Commission will host a presentation about Sonoco Recycling's Charlotte Material Recovery Facility (MRF) on February 6, 2013. He explained the facility receives the City's recyclables and recycles these materials to produce new consumer and industrial products.

Council received the information and took no action.

C. Public Hearing:

- 1) Consideration of a resolution granting a Special Use Permit to MV Residential Land LLC for construction of a multi-family apartment complex located at 1316 Lafayette Street: Resolution No. 5-2013

Prior to the public hearing, Mayor Anthony provided instructions as to the quasi-judicial process. A public hearing is conducted by City Council for sworn testimony concerning facts related to the Special Use Permit. City Council either approves or disapproves the Special Use Permit based on staff recommendations and sworn testimony by the public and/or the applicant. Special Use Permit approval requires Council to make certain findings of fact relative to the proposal.

After taking his oath, Mr. Scharer presented the staff report. Utilizing a map of the area, he pointed to a site at 1316 South Lafayette Street, located near Starlight Skating Rink, Southside Flea Market, and the North Carolina Baptist Men Shelby Mission Camp, which is being considered for a 72-unit multi-family development. The total area of the site is approximately 7.25 acres and the subject property is zoned as a General Business (GB) District. Mr. Scharer stated the City's Comprehensive Land Use Plan designates the area as a commercial area on the fringe of a major activity center. As such, high-density residential uses are encouraged near major activity centers. The proposal is consistent with the plan. He referenced the preliminary site plan for the project, Lafayette Gardens, featuring two and three bedroom units.

Mayor Anthony opened the public hearing at 6:23 p.m. and sworn testimony was given as follows:

Teena Lloyd McKee who resides at 1370 South Lafayette Street in Shelby, North Carolina spoke against the proposed Special Use Permit application, expressing her concern about the possibility of another low-income housing development in the area.

John Skinner spoke in support of the application and as a representative of the applicant/developer, MV Residential Land LLC. Mr. Skinner distributed a packet of site plans, elevations, and a floor plan relating to the project, Lafayette Gardens. He provided background information about the Miller Valentine Group, stating it has experience in blending development, construction, finance, property management, and asset management with single and multi-family housing properties for more than 20 years. The company has 13 assets in North Carolina. Mr. Skinner essentially gave an assurance that the complex will have the same appearance 20 years from its grand opening.

Upon questioning, Mr. Skinner explained the difference between Section 8 and Section 42 housing. For Section 8, the US Department of Housing and Urban Development (HUD) administers federal aid to local housing agencies that manage the housing for low-income residents at rents they can afford. Section 42 refers to that section of the tax code that provides tax credits to investors who build affordable housing. Investors receive a reduction in their tax liability in return for providing affordable housing. Residents who live in Section 42 apartments must be income and program eligible. In rental assistance programs i.e. Section 8, the residents' rents are based on a percentage of household income with the remaining adjusted portion subsidized by the government. Section 42 is administered by the Internal

Revenue Service (IRS) with strict compliance as to the tax credits. It is not a subsidized rent program.

Rev. John Hayes who resides at 219 Putnam Street in Shelby, North Carolina spoke against the proposed Special Use Permit application, expressing his concern about the possibility of another low-income housing development in the area.

Mayor Anthony closed the public hearing at 6:31 p.m.

Mrs. Fite advised Council to be specific with regard to their findings of fact and Mr. Howell reiterated their consideration of any contrary evidence as well.

Having heard all of the evidence and arguments presented at the public hearing, Council found and determined that the application of MV Residential Land LLC is complete, and the following conclusions were made:

- The subject parcel lies within the City of Shelby and in the General Business (GB) District. Zoning in the surrounding area is a mixture of commercial and residential uses.
- MV Residential Land LLC submitted the required application and site plan for a Special Use Permit.
- According to Article 9-3-1, multi-family dwellings of more than 25 units are permitted in the GB Zoning District with a Special Use Permit issued by City Council.
- The use will not materially endanger the public health or safety if located where proposed and developed according to the plan.
- The use will not substantially injure the value of adjoining or abutting property.
- The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Shelby Comprehensive Land Use Development Plan.
- The Shelby Comprehensive Land Use Development Plan indicates this area as commercial and the petitioner has declared that the intended use of the property is for a 72-unit multi-family apartment complex with customary accessory uses.

ACTION TAKEN: Upon a motion made by Mr. Amaya, City Council voted 4 to 1 (Patterson) to approve and adopt Resolution No. 5-2013 entitled, “A RESOLUTION GRANTING A SPECIAL USE PERMIT TO MV RESIDENTIAL LAND LLC FOR A MULTI-FAMILY APARTMENT COMPLEX AT 1316 LAFAYETTE STREET”.

D. Consent Agenda:

ACTION TAKEN: Mayor Anthony presented the consent agenda. Mrs. Patterson made a motion to approve the consent agenda and each item as presented. The consent agenda and following items were unanimously approved:

- 1) Approval of the Minutes of the Regular Meeting of January 7, 2013
- 2) Approval of the Minutes of the Special Meeting of January 29, 2013
- 3) Approval of a resolution honoring Stephen R. Sherman on the occasion of his retirement from employment: Resolution No. 6-2013
- 4) Approval of a resolution awarding the contract for construction of the West Lee Street and Kimbrell Road Gas Line Relocation Project for R-2707AA (US Highway 74 Bypass): Resolution No. 7-2013
- 5) Approval of a resolution certifying review of the proposed 2014-2018 Transportation Improvement Program (TIP) for the Division of Aviation for State Aid to Airports: Resolution No. 8-2013
- 6) Adoption of the Community Development Block Grant (CDBG) Program Policies, Procedures, and Plans under the 2011 NC Catalyst Grant Category
 - a. Approval of a resolution adopting and maintaining the policies, procedures, and plans of the Community Development Block Grant (CDBG) Programs for the City of Shelby: Resolution No. 9-2013
 - b. Adoption of an ordinance establishing a Community Development Block Grant Program 2011 NC Catalyst Grant Project Budget Ordinance:
Ordinance No. 1-2013

END CONSENT AGENDA

E. Unfinished Business: None

F. New Business: None

G. City Manager's Report:

- 1) **Mr. Howell reported an advertisement for bids has been published for the construction of the new Foothills Farmers Market Shade Pavilion, scheduling a bid opening date of February 26, 2013. A pre-bid conference will be held on February 12, 2013.**
- 2) **With regard to the Foothills Commerce Center Job Ready Shell Building No. 2 Project, Mr. Howell said the specifications should be finalized shortly to be followed by the bidding process. He anticipated an April date for commencement of construction with an October completion date.**
- 3) **Mr. Howell anticipated a proposal with regard to the City's Transportation Asset Management Plan for Council's consideration will be forthcoming.**
- 4) **Mr. Howell expressed his appreciation to the Mayor and Council for their time spent in budget discussions at a special meeting held on February 1, 2013.**
- 5) **Mr. Howell announced and encouraged attendance at the North Carolina League of Municipalities Town Hall Day on March 27, 2013.**
- 6) **Mr. Howell reminded Mayor and Council of their request to study the implementation of a curfew in the City of Shelby. He anticipated the presentation of same at the next meeting of February 18, 2013.**

H. Council Announcements and Remarks:

- 1) **Mr. Bailey reported he attended the North Carolina League of Municipalities Advocacy Goals Conference on January 24, 2013 in Raleigh, North Carolina. The purpose of the conference was to decide the League's legislative priorities for the 2013-2014 biennium. As Shelby's delegate, Mr. Bailey participated in the selection and prioritization of 25 legislative goals and will share the list shortly.**
- 2) **Mayor Anthony announced and encouraged attendance at the Cleveland County Chamber Legislative Breakfast on February 15, 2013 at the LeGrand Center.**

The Mayor also expressed his appreciation to Council members for their

participation in the budget discussions held on February 1, 2013, with the hope of furthering these discussions in the near future.

Mayor Anthony promoted the return of the midnight basketball program and requested the City take the lead in reaching out to the faith-based community to provide this opportunity again through volunteer efforts.

Mr. Howell responded as this is not a budgeted item through the City, he recommended securing private sponsorship.

- 3) Mr. White expressed his pride in both the City of Shelby and Cleveland County for bringing the economic development project, "Project X-Cel", to fruition. The economic development announcement related to this project was held on February 1, 2013.
- 4) Recognizing February as American Heart Month, Mrs. Patterson asked about Bob Yelton since his recent heart surgery. Mrs. Fite responded with an excellent report.
- 5) Mr. Amaya reminded Council that he will be traveling back to Wyoming to visit family and will be absent from the next meeting of February 18, 2013.

I. Adjournment:

- 1) Motion to adjourn

ACTION TAKEN: Upon a motion made by Mr. Amaya, City Council voted unanimously to adjourn the meeting at 6:55 p.m.

Respectfully submitted,

Bernadette A. Parduski, NCCMC, MMC
City Clerk

O. Stanhope Anthony III
Mayor

Minutes of February 4, 2013