

MINUTES

Regular Meeting
City Hall Council Chamber

September 16, 2013
Monday, 6:00 p.m.

Present: Mayor O. Stanhope Anthony III, presiding; Council Members Christopher H. (Chris) Mabry, David W. White, Dennis C. Bailey, and Dicky Amaya; City Manager Rick Howell, City Attorney Andrea Leslie-Fite (arrived while meeting was in progress), 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 Housing Bryan T. Howell, Director of Planning and Development Services Walter (Walt) Scharer, AICP; and media representatives

Absent: Council Members Jeanette D. Patterson and Joel R. Shores, Jr.

Mayor Anthony called the meeting to order at 6:00 p.m., welcomed all who were in attendance, and recognized members of Boy Scout Troop 101 chartered through First Baptist Church and Boy Scout Troop 105 chartered through Lafayette Street United Methodist Church. The Mayor gave the invocation and Boy Scout Michael Hess of Troop 101 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 Presentations:

- 1) Recognition of Larry Dean Robbs on the occasion of his retirement from employment with the City of Shelby: Resolution No. 55-2013

Mayor Anthony called upon Mr. Robbs, who recognized his wife and daughter in attendance. The Mayor formally read and presented framed Resolution No. 55-2013 to Mr. Robbs. He then presented the key to the City and a City lapel pin to Mr. Robbs in honor of and with heartfelt appreciation for 32 years of dedicated service to the City of Shelby Housing Department.

Humbled by the tribute, Mr. Robbs expressed his appreciation to all.

2) Recognition of Shelby 10U All Stars and 14U All Stars as Tar Heel Leagues 2013 State Champions

On behalf of the teams' players, coaches, families, and all those who represented the City of Shelby in a very positive way during the largest youth sports tournament ever played at City Park, Mr. Holtzclaw expressed his congratulations and gratitude, especially to City Council. This tournament would not be possible without the Recreation and Sports Complex, which was newly built and dedicated two summers ago.

Next Mr. Holtzclaw recognized Parks and Recreation staff and in particular David Fisher, Recreation Programs Manager, and Doug Hull, Athletic Program Supervisor, as the dedicated professionals who manage the City's successful baseball and softball programs. They also did a great job hosting the Tar Heel League's 35-team Girls Fast Pitch Softball State Tournament held on July 18 through 21, 2013.

Mr. Holtzclaw commended the Shelby Parks and Recreation Department 10 and Under All Stars and the 14 and Under All Stars who won the Tar Heel Leagues Girls Fast Pitch Softball State Championships, respectively. This is the first year Shelby hosted the Girls Fast Pitch Softball State Tournament as well as the first time the Shelby teams won the State championships.

The Mayor, assisted by Mr. Fisher, presented framed certificates to the 2013 10U Girls Fast Pitch Softball State Champions as follows:

Team members: Hannah Carpenter, Macey Earl, Maggie Earl, Jillian Hux, Sydney Kale, Autumn McCurry, Makinnia Miller, Randi Moss, Abby Ramsey, Kamryn Spangler, Ann Marie Spurling, and Eliza Warren; and Coaches: Gary Spangler, Chris McCurry, and Travis Spurling.

Absent: Team member Mackenzie Hayes and Coach Laura Hayes.

The Mayor, assisted by Mr. Fisher, presented framed certificates to the 2013 14U Girls Fast Pitch Softball State Champions as follows:

Team members: Taylor Canipe, Logan Cochran, Destiny Hamrick, Emily Lewis, Taylor Newton, Carmen Pearson, Jada Robbs, Ashley Thomas, Sierra Warren, and Emily White; and Coaches: Richie Canipe, Johnny Lewis, and Chris White.

Absent: Team members Lyia Murphy and Chelsey Whisnant; and Coach Frank Robbs.

3) Shelby-Cleveland County Regional Airport T-Hangar and Taxilane Development Project – Brad Cornwell, Public Utilities Director, and Ben Yarboro, City Engineer

Mr. Yarboro began his presentation with a project history, stating T-hangars were included on the Airport Master Plan in 1945 and also included on the updated Airport Layout Plan adopted by Council in 2007. Since the City has met all the North Carolina Division of Aviation required improvements at the airport, it was allowed to design and bid this non-mandatory project. Mr. Yarboro stated the City has no hangar space available and no available sites for private hangar construction. However, there is a demand for T-hangar space as the City has received multiple requests from pilots for T-hangars. City staff, in conjunction with the North Carolina Division of Aviation and W.K. Dickson & Co., Inc., the City's airport consultant, has determined this to be the project with the greatest value. Mr. Yarboro reiterated the demand validates T-hangar construction since the airport currently has a waiting list of pilots interested in renting T-hangar units upon completion of the project.

Utilizing a phased approach, Mr. Yarboro said constructing a 10 unit T-hangar building and servicing taxilane/apron in Stage I will provide the facilities needed to service the forecasted based aircraft and provide some added facilities needed to attract based aircraft. Based on the performance of the Stage I T-hangar unit rental and the expected demand of the market, another 10 unit T-hangar structure is recommended for Stage II. After the second phase of buildings is constructed, the Stage III planning period should realize a third 10 unit T-hangar building.

Mr. Yarboro described what a T-hangar is by referring to the letter "T" because of its shape. It is designed to store general aviation and small corporate aircraft in an efficient layout; therefore, making it more economical to build than a rectangular hangar.

Mr. Yarboro discussed the project scope which includes:

- Grading of the site to allow for one proposed T-hangar and one future T-hangar building**
- An asphalt taxilane**
- Construction of one 10 unit T-hangar building**
- Water and sewer extensions to serve the building**
- A concrete apron for four existing box hangars**
- A vehicular parking area**

Mr. Yarboro reviewed construction plans and building notes as follows:

- “Post and beam” all metal construction
- ADA (Americans with Disabilities Act of 1990) compliant bathroom
- Each unit will consist of: One electric bi-fold door with openings 41 feet, 6 inches wide and 12 feet tall
- One personnel door
- Electric outlets
- Lighting

Mr. Yarboro provided the design and bidding specifics to date:

- Design completed in May 2013 utilizing annual VISION 100 grant funding
- Bids opened June 4, 2013 and six bids submitted
- The bid range equaled \$1.38 to \$1.91 million
- The low bid was submitted by Anson Contractors, Inc. at \$1,387,312.00

Mr. Yarboro concluded his presentation by elaborating on the benefits of the T-hangar project:

- Offers a more affordable option for pilots to base at airport compared to a box hangar
- Increases tax base through additional aircraft
- Increases fuel sales through additional traffic
- Generates monthly revenue from rental fees
- Allows for continued airport growth

Mr. Howell added the purpose of the presentation was informational so as to provide Council with an overview of the project. The City has received a preliminary indication from the North Carolina Department of Aviation that funding is available and this project will rank high in the final consideration. Anticipating a formal award and as is always the case, a 10 percent required local match must be committed prior to proceeding. The total cost of the project is approximately \$1.6 million with the local match amounting to \$160,000.00. Cleveland County has agreed to share half of the local match requirement.

Council received the information and took no action.

C. Public Comment:

- 1) **Bill Gray who resides at 802 Elmwood Drive in Shelby, North Carolina**

stated as a candidate for City Council he is attempting to learn City business by asking questions and getting answers. Mr. Gray summarized several issues important to him as a citizen including water runoff collecting in his yard, a neighbor's security lighting installed by the City shining into his home, a City sweeper which filled his vehicle with debris, and requesting to receive the agenda packets via the "Sunshine List". He plans to continue to address Council in his efforts to understand and rectify these matters of concern.

- 2) Jay Gragg who resides at 1003 West Sumter Street in Shelby, North Carolina spoke as President of Uptown Shelby Association, Inc. (USA) and expressed his appreciation to Council for their reinstated funding which allowed USA to hire a new Executive Director. Mr. Gragg then introduced Audrey Whetten as the newly hired Executive Director of USA.
- 3) Audrey Whetten who resides at 709 West Warren Street in Shelby, North Carolina stated she was also appreciative of Council's support and excited for the opportunity to work as USA's Executive Director. Her goals are to build working relationships and become a part of this community. Ms. Whetten will begin regular presentations to Council in the very near future by providing quarterly briefings about the USA organization.

D. Public Hearings:

- 1) Consideration of an ordinance amending the zoning map of the City of Shelby, North Carolina with a Conditional Use Permit for 1230 Earl Road: Ordinance No. 30-2013

Prior to the public hearing, Mayor Anthony provided instructions as to the quasi-judicial process. To find facts, Council conducts a formal evidentiary hearing. Due process mandates that all parties must present factual evidence under sworn testimony. Each finding must be supported by competent, material, and substantial evidence, not unsupported allegations or lay opinions. Council must make findings of fact and then apply the existing laws and policies to those facts to arrive at a decision.

After taking his oath, Mr. Scharer presented the staff report for the proposed zoning map amendment from R20 Residential to Light Industrial with Conditional Use (LI-CU). Utilizing a map of the area, he pointed to a site at 1230 Earl Road. The developer, Birdseye Renewable Energy, proposed the development of approximately 40 acres for a solar photovoltaic power generation farm. The City of Shelby permits such uses in the LI zoning district. The applicant, Hutchison Farm, LLC, is proposing conditional use

zoning with solar photovoltaic power generation farm as the conditional use (CU).

Mr. Scharer stated the site is located between Earl Road and Sulphur Springs Road just south of the intersection of County Home Road and Earl Road in the City's extraterritorial jurisdiction (ETJ) and is zoned R20 Residential. The property is currently used for grazing cattle. There is a single family subdivision adjacent to the site on Earl Road. Other land uses in the area are commercial.

Mr. Scharer stated the site plan shows a 30 foot buffer; however staff recommended an increase in the buffer area to 60 feet. There will be a six foot chain link fence installed for security purposes. The entrance to the site is located on Earl Road outside of the City's ETJ and staff recommended this access to be located in the LI-CU area.

Mr. Scharer stated the Comprehensive Land Use Plan developed in 2009 has this area depicted as a Medium Density Residential Area due in part to the City's Eastside Sewer Project of 2006 for intensity and density patterns. Medium density residential represents single-family detached development of approximately four units per acre. Corresponding City of Shelby zoning classifications include R8 Residential and R10 Residential. The Comprehensive Land Use Plan also denotes a minor activity area within a half mile of the subject property at the intersection of Post Road and Earl Road.

Mr. Scharer noted the proposed zoning amendment is inconsistent with the Comprehensive Land Use Plan.

Mr. Scharer added the Planning and Zoning Board recommended approval for this proposed zoning amendment.

Mr. Scharer advised a protest petition has been filed against the proposed zoning amendment for 1230 Earl Road. To qualify as a protest, the petition must be signed by the owners of either 20 percent or more of the area included in the proposed change or 5 percent of a 100-foot wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. When less than an entire parcel of land is subject to the proposed land map amendment, the 100 foot buffer shall be measured from the property line of that parcel. Staff reviewed the petition and has certified it meets the requirements of the North Carolina General Statute 160A-385. Owners of more than 5 percent of the 100 foot wide buffer have signed the petition.

Mr. Scharer further advised the valid petition now requires that a three-

fourths vote of Council is necessary to pass the proposed zoning amendment for 1230 Earl Road.

Mayor Anthony opened the public hearing at 6:54 p.m. and sworn testimony was given as follows:

- 1) **Brian Bednar** who resides at 1125 East Morehead Street, Suite 206, Charlotte, North Carolina, is the owner of Birdseye Renewable Energy. Mr. Bednar develops solar projects and has completed 13 projects operating on 400 acres statewide to date. He selected the site at 1230 Earl Road because of its location, which was adjacent to enough load and infrastructure to accommodate the power generated by a solar farm. Earl Road also represents a transitional area with nearby corner properties zoned General Industry (GI) and this project will conform to those existing uses. Mr. Bednar made voluntary presentations about the project to neighbors living near the Hutchison farm. He considered the project a low intensive use of the land covering about 40 acres in order to maintain the owner's current use for raising cattle. Mr. Bednar provided numerous pictures and drawings representing the character of the project and neighboring properties. Having met the various recommendations provided by City staff and the area residents for buffering, screening, and fencing, Mr. Bednar stated the solar farm would have a minimal impact with no odor, noise, emissions, or glare in the area.
- 2) **David Dyer** who resides at 1504 Cambridge Drive in Shelby, North Carolina spoke on behalf of several of his neighbors and against the proposed zoning amendment. Mr. Dyer explained that he and his neighbors are not opposed to the solar farm being built at 1230 Earl Road. However, a concern is to maintain the harmony, flow, and integrity of the neighborhood. The problem is the solar panels changing the view of the mountain range and reducing the value of the surrounding properties. Mr. Dyer proposed an alternative to the proposed site plan and presented a plan for removing the buffer and allowing the view. He stated no costly berms would have to be built and the proposed chain link fence could be utilized. Mr. Dyer requested Council to table the vote so that further study and investigation can be completed and a mutually beneficial solution found. The neighbors in attendance who did not speak stood in support of Mr. Dyer's position.
- 3) **Lawrence (Skip) York** who resides at 284 Shady Grove Road in Lawndale, North Carolina and owns a business at 1205 Earl Road in Shelby, North Carolina spoke in opposition to the proposed zoning amendment citing he was not notified of the proposal and the possible negative effect on

property values. Mr. York requested a postponement of the matter until all Council members were present.

- 4) Marvin Hutchison who resides at 307 Putnam Street in Waco, North Carolina spoke in support of the proposed zoning amendment. Mr. Hutchinson stated the property has been in his family for more than 60 years and it has been used to raise cattle for more than 50 years. He said the solar developers held informational meetings for adjoining property owners. Mr. Hutchinson believes the solar farm is a good use for his property and would not pose a detriment to the land since he plans to continue raising cattle well into the future.
- 5) Bill Gray who resides at 802 Elmwood Drive in Shelby, North Carolina spoke in support of the proposed zoning amendment. Mr. Gray stated citizens must be aware and kept informed of the future use of properties particularly to be considerate of future generations.

Mr. Bednar responded to the requests for notifications by stating he conducted an informal informational process by contacting the residential property owners and not the commercial property owners, which also met the requirements for notifying adjoining property owners.

Mr. Bednar also noted there is a point 8 feet below the property line and a slight adjustment will be made to fill in the ditch. Due to the fact that the project will only extend halfway across the property, Mr. Bednar stated the Sulphur Springs side will remain mostly intact.

- 6) Betty McIntyre who resides at 1330 Sulphur Springs Road in Shelby, North Carolina spoke neither in support nor in opposition to the proposed zoning amendment but rather expressed her concerns about the lack of notification, information, and consideration as a citizen of Cleveland County.

As a point of clarification, Mr. Scharer explained the City of Shelby is required to notify property owners adjacent to the zoning area as listed in the Cleveland County Tax Collector's Office. The applicant chose to contact nearby property owners on their own.

- 7) Modestenia Bush who resides at 1338 North Lafayette Street in Shelby, North Carolina spoke neither in support nor in opposition to the proposed zoning amendment but rather expressed her concerns about the percentage of chemicals and carcinogens listed by the manufacturer of the solar panels.

Mr. Bednar responded he does not have the specific chemical data requested but stated there are no known hazards and zero emissions regarding solar panels, and the manufacturing components are comparable to those used in solar watches, calculators, and computer chips. He named Schletter Inc. of Shelby as the manufacturer of the solar mounting systems and metal fabrication utilized for his projects.

Mr. Howell advised if Council determines evidence is lacking or has not been presented, only under those circumstances can the matter be tabled. He added if the petition fails, it cannot be reconsidered for another six months.

Mayor Anthony closed the public hearing at 7:25 p.m.

Having heard all of the evidence and arguments presented at the public hearing, Council discussed the findings of fact relative to the proposal and determined the application of Hutchison Farm, LLC is complete; and, the following conclusions were made:

- The use will not be in harmony with the area in which it is to be located.
- This zoning change is inconsistent with the City of Shelby Comprehensive Land Use Plan.

ACTION TAKEN: Upon a motion made by Mr. Amaya, City Council voted unanimously to deny Ordinance No. 30-2013 entitled, "AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF SHELBY, NORTH CAROLINA WITH A CONDITIONAL USE PERMIT FOR 1230 EARL ROAD".

2) Consideration of a proposed ordinance to amend the Unified Development Ordinance of the City of Shelby: Ordinance No. 31-2013

Mr. Scharer presented the staff report for the proposed Very Low Volume Local Road text amendment. According to Shelby's Unified Development Ordinance (UDO), there are seven street types identified for subdivision developments. Mr. Scharer stated there is no street type for a Very Low Volume Local Road. The regulation in the proposed ordinance spells out the requirements and the fundamental characteristics of very low volume local roads that distinguish them from other types of roads as follows:

- The traffic volumes of such roads are, by definition, very low. All very low volume local roads have average daily volumes of 400 vehicles per day or less, and many such roads have volumes that are much less than the 400 vehicles per day threshold value.

- Very low volume roads shall serve no more than 20 lots with a minimum lot size of one acre.
- Curb and gutter is not required for very low volume roads.
- Stormwater from very low volume roads shall be directed to a vegetative conveyance in accordance with the North Carolina Division of Water Quality Stormwater Best Management Practices Manual.
- Sidewalks may not be required on very low volume roads.
- A utility strip or shoulder shall be 8 feet with an 8 percent grade away from the road with grass.

Mr. Scharer stated a Very Low Volume Residential Road classification is simply another option for a developer to consider when laying out a potential subdivision. The proposal is for 18 feet of asphalt with no curb and gutter. Ditches will be required and will flow to a retention pond. The proposed amendment also reduces the minimum pavement width of other types of roads for new subdivisions. Also proposed is a change to the horizontal curve of a local road from 50 feet to 150 feet, which Mr. Scharer believed to be a topographical error.

Mr. Scharer added the passage of this amendment helps the City comply with the Phase II recommendation of encouraging stormwater runoff into the vegetative conveyances.

Mr. Scharer concluded by stating the Planning and Zoning Board has reviewed this proposal at length and recommended the textual amendment to the UDO.

Mayor Anthony opened the public hearing at 7:39 p.m. and invited comments from the public:

- 1) Will Rucker who resides at 110 Edgewater in Shelby, North Carolina, which is located in the City's ETJ, spoke against the paving aspect of the proposed text amendment. Mr. Rucker is a contractor and developer with 95 percent of his business being generated within the City of Shelby and Cleveland County. He stated the paving requirement for a new subdivision, along with the density requirements of the City and the State, will add to the financial burden of those involved in the development. As such, the road may never be accepted into a maintenance program by either entity and could remain a private road. Mr. Rucker also pointed out the City would never take over the maintenance of an ETJ road even if

requested. Mr. Rucker requested Council's favorable consideration of his concerns.

Mayor Anthony closed the public hearing at 7:43 p.m.

Council discussion ensued and included if the proposed ordinance discourages development and investment, why the proposal does not include criteria for gravel roads in the ETJ, public street design criteria, and private street design criteria.

Mr. Howell advised Council must consider the impact of the proposed change on the public at large.

Mr. Yarboro responded staff does not recommend permitting gravel roads for a variety of reasons including long-term maintenance issues (continuous vibrations by vehicular traffic cause segregation of the base and stone resulting in loss of road strength) and the fact that North Carolina considers a gravel road to be nonpoint source pollution under stormwater regulations.

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted 3 to 1 (Mabry) to approve and adopt Ordinance No. 31-2013 entitled, "A PROPOSED ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF SHELBY".

3) Consideration of a proposed ordinance to amend the Unified Development Ordinance of the City of Shelby: Ordinance No. 32-2013

Mr. Scharer presented the staff report for a proposed use category relating to microbreweries and brewpubs. Several months ago, staff was approached by an entrepreneur about possibly opening a microbrewery in Shelby. Staff researched the issue and found that according to Shelby's Unified Development Ordinance (UDO), a brewery is permitted in the General Industrial (GI) Zoning District. The actual use listed is Beverage Products (alcoholic). No conditions or additional requirements are listed. Mr. Scharer explained this type use is most likely meant for a large scale brewery or distillery. Not having any regulations or even mention of the microbrewery use in the UDO prompted staff to begin studying the possibility of such uses within the City's UDO.

Mr. Scharer further stated the proposal adds the microbrewery use, with development standards, in the Central Business District, the General Business Districts, the Corridor Protection District, and the Light Industrial District. Nearby communities such as Charlotte, Hickory, Asheville, and

Davidson have recently enacted zoning amendments to accommodate these new types of uses.

Mr. Scharer added the Planning and Zoning Board has reviewed this text amendment proposal and recommended the proposed ordinance.

Mr. Scharer noted the corrected version of the ordinance was provided for Council's consideration.

Mayor Anthony opened the public hearing at 7:58 p.m. and invited comments from the public.

The public offered no comments and Mayor Anthony closed the public hearing at 7:59 p.m.

ACTION TAKEN: Upon a motion made by Mr. Bailey, City Council voted unanimously to approve and adopt Ordinance No. 32-2013 entitled, "A PROPOSED ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF SHELBY", as corrected.

E. Consent Agenda:

ACTION TAKEN: Mayor Anthony presented the consent agenda. Mr. Amaya 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 August 19, 2013
- 2) Approval of Special Event Permit Applications:
 - a. Shelby High School Homecoming Parade, requested date: October 3, 2013
 - b. 4th Annual Earl Scruggs Center Rhythm & Roots 10K and 5K Run/Walk, requested date: November 2, 2013
- 3) Approval of a resolution honoring S. Ellis Hankins on the occasion of his retirement as Executive Director of the North Carolina League of Municipalities: Resolution No. 58-2013
- 4) Approval of a resolution accepting and approving assignment of an aircraft hangar used by Tom Tschantz to Peter Stauble: Resolution No. 59-2013

- 5) Approval of a resolution approving the submission of the City of Shelby 2012 Local Water Supply Plan: Resolution No. 60-2013
- 6) Adoption of Fiscal Year 2013-2014 Budget Ordinance Amendment No. 3: Ordinance No. 33-2013

END CONSENT AGENDA

F. Unfinished Business:

- 1) Consideration of a resolution awarding the construction contract for the City of Shelby Police Department Roof Replacement Project: Resolution No. 61-2013

Mr. Howell introduced Resolution No. 61-2013 for Council's consideration. He reminded Council that staff has been working toward a roof replacement at the Police Department for several months now. At this time, Council is being requested to consider a recommendation from REI Engineers of Charlotte, North Carolina on the bid award for this project. The established budget for the project is \$170,500.00. Bidders were requested to bid on a base bid (repair existing slate roof and install membrane roof on the flat portion of the building); Alternate 1 (install metal roof and install membrane roof on the flat portion of the building); and Alternate 2 (install shingle roof and install membrane roof on the flat portion of the building).

Mr. Howell stated REI Engineers estimated construction cost for the project was \$155,000.00. Although alternate bids were requested, REI does not recommend either of these alternates be accepted due to the following:

- Slate shingle renovations will be less disruptive to the site and building than replacing the slate with metal roof panels or asphalt shingles.
- Slate shingles will offer a similar appearance where metal roof panels or asphalt shingles will change the aesthetic appearance of the building. In addition, the slate shingles will match the appearance of adjacent buildings i.e. City Hall.
- Slate shingles are historically correct for the architectural style of the building.
- Metal roof panels and asphalt shingles will require heavy access for

tear-off on all sides of the building.

- Anticipated service life of the slate shingles is 40 to 50 years while the anticipated service life for metal roof panels is 20 to 30 years and asphalt shingles is 20 to 25 years.

Therefore, REI recommended this project be awarded to Davco Roofing and Sheet Metal, Inc. in the amount of \$155,000.00, as the lowest total responsive base bidder.

Council discussion followed concerning cost estimates versus the competitive bidding process, the cost for painting wood fascia and surround, and project specifications.

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted 3 to 1 (Bailey) to approve and adopt Resolution No. 61-2013 entitled, "A RESOLUTION AWARDED THE CONSTRUCTION CONTRACT FOR THE CITY OF SHELBY POLICE DEPARTMENT ROOF REPLACEMENT PROJECT".

G. New Business:

- 1) Designation of authorized voting delegate and alternate voting delegate for the 2013 Annual North Carolina League of Municipalities Business Meeting

ACTION TAKEN: Upon a motion by Mr. Amaya, City Council voted unanimously to designate Mayor Stan Anthony as the authorized voting delegate and Council Member Dennis Bailey as the authorized alternate voting delegate for the North Carolina League of Municipalities Annual Business Meeting on October 15, 2013 in Hickory, North Carolina.

H. City Manager's Report:

- 1) Mr. Howell provided a brief update on the Job Ready Shell Building No. 2 Project which is moving forward with construction and is on track for a completion date anticipated for January 2014.
- 2) Mr. Howell informed Council the Foothills Farmers Market Pavilion Project was not included in the 2013 grant awards funded by the North Carolina Tobacco Trust Fund. The current strategy is to re-evaluate the scope of the project and the budget. The project team will also seek input from the U S Department of Agriculture Rural Development Office.

I. Council Announcements and Remarks:

- 1) Mayor Anthony said that he, City Manager Rick Howell, Public Works Director Danny Darst, and other City officials made special deliveries to the students and teachers at James Love Elementary School and Graham Elementary School earlier this month. Each teacher received a recycling basket along with classroom supplies. The Mayor received numerous notes of appreciation from the students.

Mayor Anthony announced and encouraged attendance at the Connect our Future Community Growth Workshops to be held on October 16, 2013, throughout the day, at the Don Gibson Theatre.

Mayor Anthony also announced and encouraged attendance at the Bells Will Ring at John Knox Presbyterian Church on October 6, 2013 for the 3rd Annual Bells Across America for Fallen Firefighters.

- 2) Mr. Mabry promoted the 11th Annual Art of Sound Festival weekend to be held September 19-21, 2013 in Uptown Shelby.

J. Adjournment:

- 1) Motion to adjourn

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to adjourn the meeting at 8:12 p.m.

Respectfully submitted,

Bernadette A. Parduski, NCCMC, MMC
City Clerk

O. Stanhope Anthony III
Mayor

Minutes of September 16, 2013