

## MINUTES

Regular Meeting  
City Hall Council Chamber

January 3, 2011  
Monday, 6:00 p.m.

**Present:** Mayor W. Ted Alexander, presiding; Council Members Christopher H. (Chris) Mabry, O. Stanhope (Stan) Anthony, III, Jeanette D. Patterson, Joel R. Shores, Jr., Andrew L. Hopper, Sr.; City Manager Rick Howell, City Attorney Robert W. (Bob) Yelton, City Clerk Bernadette A. Parduski, MMC, Director of Finance Theodore B. (Ted) Phillips, CPA, Director of Utilities Brad R. Cornwell, PLS, EI, Police Chief Jeffrey H. (Jeff) Ledford, Fire Chief William P. Hunt, Director of Public Works Daniel C. (Danny) Darst, Director of Planning Services Walter (Walt) Scharer, AICP; and media representatives

**Absent:** Council Member Dennis C. Bailey

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 Captain Clint Beam of the Shelby Fire & Rescue Department led the *Pledge of Allegiance*.

### A. Approval of agenda:

- 1) Motion to adopt the proposed agenda

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

### B. Special Presentation:

- 1) Uptown Shelby Underground Electric Replacement Project – Les Roark, Raper-Roark Trust Fund

Mayor Alexander recognized former Mayor Les Roark. By way of background, Mr. Roark has dedicated many years to the beautification of Uptown Shelby through his work as a City Alderman, Mayor, and continuing those efforts as co-founder of the Raper-Roark Trust Fund along with the Board of Governors, having established both in 1998.

The purpose of Mr. Roark's presentation was to propose a plan to bury all electrical wiring in the Uptown area underground, removing poles, wires, and transformers from sight, in order to enhance the appearance of the

historic center. Mr. Roark made reference to discussions with City staff and in the last ten years the City has seen two major ice storms, December 2002 and December 2005, having a cost impact for damages. He added that the City has spent approximately \$742,000 from March 2006 through January 2010 on tree trimming contracts for its electrical system, which help prevent costs during storms. Mr. Roark said his plan would save taxpayers' money currently spent on repairs after storms, maintenance, and tree trimming.

Next Mr. Roark introduced members of the Raper-Roark Trust Fund Board of Governors in attendance: Allison Gragg (Keep Shelby Beautiful member representative), Trish Butler (a former member), Danny Darst (Shelby City Manager designee), and Doris Moore (Uptown Shelby Association member representative).

Mr. Roark then detailed his solution to funding the underground project. The initial step was made possible in May 2010 with an amendment to the Raper-Roark Trust Fund Agreement with the City of Shelby. Upon achieving the sum of \$1 million in the permanent corpus of the Raper-Roark Trust Fund, the annual interest or other income earned from the Trust Fund will be utilized as follows:

- 90 percent of the total annual income from the corpus would be placed in a separate interest bearing escrow account together with any matching amounts from private and public sources for the purpose of beginning the process of converting overhead electrical poles and wiring apparatus to an underground system initially beginning on the Court Square and to extend outward, block by block, as funds are available from the corpus of the Trust Fund to convert overhead electrical poles and wiring apparatus to an underground system. This systematic process will continue until the boundaries of the Uptown Shelby Municipal Service District are reached or extended.
- The remaining 10 percent of annual earnings or income from the corpus of the Raper-Roark Trust Fund will be used within the Uptown Shelby Municipal Service District for beautification enhancement as provided for under the terms of the original Raper-Roark Trust Agreement.

Mr. Roark concluded his presentation by providing an information packet on the underground project to Council. He also shared that the Raper-Roark Trust Fund Board of Governors has been designated by Uptown Shelby Association as Main Street Champions for their significant contributions to the success of the local downtown program and revitalization. They will be

honored at the North Carolina Main Street Annual Awards Dinner in Shelby on January 27, 2011.

Council received the information and took no action.

**C. Public Comment: None**

**D. Public Hearing:**

- 1) Consideration of a resolution confirming the City of Shelby's intent to offer an economic development incentive grant: Resolution No. 1-2011

Mr. Howell stated this public hearing was scheduled in accordance with North Carolina General Statutes by Council to consider the award of an industrial development incentive grant to FAS Controls, Inc. The incentives are being offered for an anticipated net new valued investment of approximately \$1.5 million and creation of 52 new full-time permanent employment positions over the next three years, which is to take place at 1100 Airport Road on the site of their existing facility. If approved, the agreement would provide an incentive grant valued at 90 percent of the previous year's taxes paid for up to three years. Mr. Howell concluded by stating the proposed Incentive Agreement is in keeping with the City's policy, the past practice of matching the percentage of incentive grant offered by Cleveland County, and the referenced statute.

Mayor Alexander opened the public hearing at 6:21 p.m. and invited comments from the public.

The public offered no comments and Mayor Alexander closed the public hearing at 6:22 p.m.

**ACTION TAKEN:** Upon a motion by Mrs. Patterson, second by Mr. Mabry, City Council voted unanimously to approve and adopt Resolution No. 1-2011 entitled, "A RESOLUTION CONFIRMING THE CITY OF SHELBY'S INTENT TO OFFER AN ECONOMIC DEVELOPMENT INCENTIVE GRANT, including the proposed Agreement as referenced".

**E. Consent Agenda:**

**ACTION TAKEN:** Mayor Alexander presented the consent agenda. Mr. Shores made a motion to approve the consent agenda and each item as presented. After a second from Mr. Hopper, the consent agenda and following items were unanimously approved:

- 1) Approval of the Minutes of the Regular Meeting of December 6, 2010
- 2) Approval of the resolution accepting and endorsing the electronics recycling amendment to the Ten Year Solid Waste Management Plan for Cleveland County: Resolution No. 2-2011
- 3) Approval to designate the Voting and Alternate Voting Delegates to the 2011 North Carolina League of Municipalities Advocacy Goals Conference
- 4) Approval of a Notice of Cancellation in the Regular Meeting Schedule of Shelby City Council (Martin Luther King, Jr. holiday observance)
- 5) Approval of a Notice of Special Meeting to conduct annual Council Retreat sessions

#### **END CONSENT AGENDA**

#### **F. Unfinished Business:**

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

- a. Shelby-Cleveland County Regional Airport Advisory Board

Mrs. Parduski reported that the terms of four incumbents, James C. Sanders, Richard P. Fletcher, Janis Evans Tucker, and William E. Plowden, conclude February 2011. All the incumbents wish to continue their service.

Mr. Hopper nominated James C. Sanders, Richard P. Fletcher, Janis Evans Tucker, and William E. Plowden for reappointment to new terms concluding February 2013.

**ACTION TAKEN:** Upon motion by Mr. Shores, second by Mr. Anthony, City Council voted unanimously to close the nominations and to accept the nominees by acclamation.

#### **G. New Business: None**

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

- 1) Mr. Howell reported the City has received several grants as follows:
  - Approximately \$147,000 was awarded by the North Carolina Rural Center for a water and sewer extension/replacement project to

- improve the City system serving Shelby High School and Keeter Stadium in conjunction with the American Legion World Series.
- A \$48,000 grant was awarded by The Rural Center's Building Reuse and Restoration Development Grant Program for a rehabilitation project of the Royster Building for the purpose of establishing a new business.
  - A \$500,000 grant was awarded by the North Carolina Department of Transportation's Division of Aviation allocated under the State Aid to Airports Program for apron pavement rehabilitation at the Shelby-Cleveland County Regional Airport. The required match from the City is approximately \$55,000.
  - The US Environmental Protection Agency awarded \$192,000 to Shelby to conduct repairs at the City's Wastewater Treatment Plant.
- 2) Mr. Howell distributed and presented a working draft agenda for Council's upcoming retreat sessions. He requested Council to review the agenda and share their comments and/or changes accordingly. Mr. Howell then provided an overview of the topics and a brief discussion followed.

**I. Council Announcements and Remarks:**

- 1) Mr. Anthony requested clarification regarding the gas revenues budget and the gas margin budget, information contained in the Monthly Financial Summary, November 2010 previously supplied to Council for review. Mr. Howell explained the inconsistency is due to a billing lag and further discussions regarding the City's budget and finances will take place at the Council's retreat sessions.
- 2) Mr. Mabry requested information about the length of Council liaison terms to the various City advisory boards and about the Shelby 101 Citizens Academy. He also expressed his appreciation to Destination Cleveland County and to all the volunteers who made the New Harmonies exhibit at the Don Gibson Theatre possible and successful.

Mr. Mabry reminded Council that the Cleveland County Chamber's Annual Banquet will be held on January 20, 2011 at 5:30 p.m. at the Don Gibson Theatre.

- 3) Mrs. Patterson proposed changing the name of Holland Street to Vanhoy Drive to honor the memory of deceased Shelby Police Chief Charlie Vanhoy. She solicited Council's input. While there was general

agreement after discussion, it was determined Council wished to review the City's current policy and guidelines regarding street renaming.

4) Mr. Hopper announced that former Cleveland County Commissioner Willie McIntosh was elected President of the Cleveland County National Association for the Advancement of Colored People (NAACP) effective January 1, 2011. In the spirit of NAACP's position of inclusiveness, Mr. Hopper invited all to attend the annual Martin Luther King Day Unity March and Ceremony on January 17, 2011 at 12:00 noon, Malcolm Brown Auditorium.

5) Mayor Alexander made the following announcements:

- Received a memorandum dated December 23, 2010 from Debra Blanton, Director of Elections of the Cleveland County Board of Elections, inviting all Mayors and governing board members to attend a meeting on January 31, 2011 at 6:00 p.m. at the Charles Harry Administration Building about the concept of merging precincts.
- Reminded all Shelby is host to the 2011 North Carolina Main Street Conference which will be held January 26 through 28, 2011. The Mayor encouraged Council's participation and attendance.
- Acknowledged the 2011 North Carolina Hometown Calendar presented by the North Carolina League of Municipalities which features several photographs of Shelby.

J. Adjournment:

1) Motion to adjourn

**ACTION TAKEN:** Upon a motion by Mr. Anthony, second by Mr. Hopper, City Council voted unanimously to adjourn the meeting at 6:47 p.m.

Respectfully submitted,

Bernadette A. Parduski, MMC  
City Clerk

W. Ted Alexander  
Mayor

Minutes of January 3, A. D. 2011