

## MINUTES

Regular Meeting  
City Hall Council Chamber

November 21, 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, Dennis C. Bailey, Joel R. Shores, Jr., Andrew L. Hopper, Sr.; City Manager Rick Howell, City Attorney Robert W. (Bob) Yelton, City Clerk Bernadette A. Parduski, MMC, Interim Director of Finance Elizabeth B. (Beth) Beam, CPA, Director of Human Resources Deborah C. (Deb) Jolly, Director of Utilities Brad R. Cornwell, PLS, EI, Police Chief Jeffrey H. (Jeff) Ledford, Director of Public Works Daniel C. (Danny) Darst, Director of Planning Services Walter (Walt) Scharer, AICP; and media representatives

Mayor Alexander called the meeting to order at 6:02 p.m. and welcomed all who were in attendance. The Mayor gave the invocation and Jay Wilson, son of Jim and Lori Wilson and a student at Shelby Middle School, led the *Pledge of Allegiance*.

**A. Approval of agenda:**

- 1) Motion to adopt the proposed agenda

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

**B. Special Presentations:**

- 1) Recognition of the Mayor's Outstanding Volunteer Service Recipient for November 2011: Mike Schenck

Mayor Alexander called upon Mike Schenck. Mr. Schenck has been a volunteer at Cleveland Regional Medical Center (CRMC) since 2003 with over 7,600 hours of service. He has provided his assistance at both the Information Desk and the Surgical Pavilion. Mrs. Joanne Schenck accompanied her husband along with CRMC Volunteer Services Manager Ginger Norman.

Mayor Alexander presented a certificate to Mr. Schenck on behalf of the City of Shelby.

**2) Recognition of the Mayor's Outstanding Volunteer Service Recipient for December 2011: Collette Deviney**

**Mayor Alexander called upon Collette Deviney. The Mayor recognized Dr. Deviney, a longtime educator and school administrator in Cleveland County, as a community volunteer for Connect, Commit to Change, an ongoing effort to improve the lives of children, and for Rural Experiences for Youth, a program designed to expose children to outdoor activities.**

**Mayor Alexander presented a certificate to Dr. Deviney on behalf of the City of Shelby.**

**3) Recognition of the City of Shelby Electric Department for Outstanding Reliability and Safety: Resolution No. 65-2011**

**Mayor Alexander called upon Electric Superintendent Robert Weaver. The Mayor formally read and presented Resolution No. 65-2011, along with three plaques, to Mr. Weaver. It was noted that Shelby (2011 Platinum Member) was one of 82 of the nation's more than 2,000 public power utilities having earned Reliable Public Power Provider (RP3) recognition from the American Public Power Association for providing consumers with the highest degree of reliable and safe electric service. It was also noted that Shelby was one of 104 public power systems having earned the American Public Power Association's Electric Utility Safety Awards of Excellence for safe operating practices in 2010.**

**Mr. Weaver expressed the Electric Department's appreciation for these recognitions, stating employees are dedicated to safety.**

**4) Recognition of the City of Shelby Departments for Outstanding Achievement in the area of creating a Competitive Business Environment: Resolution No. 66-2011**

**Mayor Alexander called upon City Manager Rick Howell. The Mayor formally read and presented Resolution No. 66-2011, along with a plaque, to Mr. Howell. It was noted that the 2011 Public Power Award of Excellence in the area of Competitive Business Environment given at ElectriCities' annual conference recognized efforts by Shelby to create a strong business climate, including economic development planning and community/regional partnership, an online economic development presence, and focus on key accounts customers.**

**Mr. Howell expressed his appreciation to Council and the City's employees for making these recognitions possible.**

**5) Recognition of the City of Shelby Marketing Division for Outstanding Achievement in the area of Energy Efficiency: Resolution No. 67-2011**

Mayor Alexander called upon Marketing Specialist Vallery McCoy. The Mayor formally read and presented Resolution No. 67-2011, along with a plaque, to Mrs. McCoy. It was noted that the 2011 Public Power Award of Excellence in the area of Energy Efficiency given at ElectriCities' annual conference recognized efforts by Shelby with energy-efficient building programs, energy education, energy audits, and participation in NC Green Power.

Mrs. McCoy expressed her appreciation for these recognitions, stating this is the fifth year for receiving this award.

**6) Recognition of the City of Shelby Customer Services Department and Finance Department staff for Outstanding Achievement in the area of Financial Stability: Resolution No. 68-2011**

Mayor Alexander called upon Customer Services Manager Rhonda Lingerfelt and Interim Finance Director Beth Beam. The Mayor formally read and presented Resolution No. 68-2011, along with a plaque, to Mrs. Lingerfelt and Mrs. Beam. It was noted that the 2011 Public Power Award of Excellence in the area of Financial Stability given at ElectriCities' annual conference recognized customer options throughout the billing process, including equal payment programs, alternate payment methods such as online billing and payment, and credit card payments. This award also recognized community partnerships to help customers in need and the implementation of new technology within the electric system.

Mrs. Lingerfelt recognized all the members of her staff and those in attendance: Teresa Owens, Brenda Spangler, Regina Pruitt, and T. J. Burgess.

Mrs. Beam expressed the appreciation of the Finance and Accounting staff for these recognitions.

**7) Recognition of the City of Shelby Customer Services Department and Utilities Administrative staff for Outstanding Achievement in the area of Service Excellence: Resolution No. 69-2011**

Mayor Alexander called upon Customer Services Manager Rhonda Lingerfelt and Assistant Utilities Director of Administration Julie McMurry. The Mayor formally read and presented Resolution No. 69-2011, along with a plaque, to Mrs. Lingerfelt and Mrs. McMurry. It was noted that the 2011 Public Power Award of Excellence in the area of Service Excellence given at ElectriCities' annual conference recognized outstanding efforts by Shelby to communicate

with customers through advertisements, online resources, social media, or other community-based methods. The award also addressed emergency communications and community public power celebrations.

On behalf of their respective staffs, both Mrs. Lingerfelt and Mrs. McMurry expressed their appreciation for these recognitions.

**8) North Carolina Rural Economic Development Center: 2011 Rural Partners Forum – Youth Engagement**

Mayor Alexander shared that he and Mr. Howell had the privilege of traveling with eight local high students to the 2011 Rural Partners Forum in Raleigh, North Carolina on November 16 and 17, 2011. The North Carolina Rural Center invited two students from the following schools:

- Burns High School – Cole Miller and Austin Elliot
- Crest High School – Evan Humphries and Joshua Stevens
- Cleveland Early College High School – Ethan Cromer and Denise McCoy
- Shelby High School – Courtney Piercy and Christiana Taylor

These students participated with other youth from across North Carolina in a program entitled, “Reimagine Rural: Transforming North Carolina’s rural communities through youth engagement”. The Mayor provided an opportunity for those students in attendance, Evan Humphries, Christiana Taylor, Denise McCoy, Courtney Piercy, and Joshua Stevens, to comment on their impressions, suggestions, and observations of the forum. Conference materials were provided to Council members.

Both Mayor Alexander and Mr. Howell complimented the students for their thoughtfulness and insight. They also expressed their appreciation to the families for providing this opportunity to their children and to the school administrations for their endorsement of the program.

The students have been invited to make their presentation to the Cleveland County Board of Commissioners and the Cleveland County Board of Education.

Mayor Alexander concluded by presenting each student with a Certificate of Participation and Recognition on behalf of the City of Shelby.

**C. Public Comment:**

- 1) Don Peeler who resides at 1225 Long Branch Road in Grover, North Carolina spoke in support of Cleveland County Board of Adjustment Case

No. 11-15 for the issuance of a Conditional Use Permit at East Dixon Boulevard and Anthony Farm Road, and referenced City Council's consideration of Resolution No. 84-2011. Mr. Peeler represents the potential purchaser of said property and described the Buffalo Valley Project. The requested Conditional Use is to utilize the subject property for a high tech automobile pull-a-part, secured used part operation, creating 13 jobs and investing \$1.25 million for property improvements. Mr. Peeler stated the services of landscape architect, Fred Blackley, and guidelines from the State Department of Environment and Natural Resources have been incorporated into the proposed site plan for screening the operation.

- 2) Rev. John Hayes who resides at 219 Putnam Street in Shelby, North Carolina spoke as a representative of the City's south side and expressed his appreciation to the Shelby Police Department for addressing several of his concerns. Rev. Hayes also spoke about his additional concerns regarding safety issues in his south side neighborhood, namely delinquent trash containers left standing pose a potential hazard to small children, streets with no sidewalks, and the parking issues near the stop sign at the Dodd and Shannonhouse Streets.

#### D. Public Hearing:

- 1) Consideration of a resolution authorizing the closeout of the Chestnut Neighborhood Sewer Project under the North Carolina Department of Commerce, Division of Community Investment and Assistance, Community Development Block Grant (CDBG) Program (Infrastructure Project – Grant No. 09-C-2053): Resolution No. 75-2011

Mr. Howell stated as a requirement of receiving Community Development Block Grant funds from the North Carolina Department of Commerce, Division of Community Investment and Assistance, the City of Shelby must hold a public hearing to accept citizens' comments concerning the 2009 Infrastructure Project Grant No. 09-C-2053 prior to closing this grant. He reminded Council that this \$750,000 grant was leveraged with \$99,100 of local match to complete a sewer rehabilitation project in the East Marion Street/Chestnut Street neighborhood area as well as within Palmer Park. Mr. Howell recommended that Resolution No. 75-2011 be approved by Council following the close of the duly advertised public hearing.

Mr. Scharer added that the Chestnut Street neighborhood consists of approximately 159 residences and the gravity sewer system serving this area was well over 50 years old, nearing the end of its service life. The City used \$750,000 of CDBG funds and \$99,100 of local funds to carry out a comprehensive rehabilitation of the failing system. The project was

completed successfully and staff is now in the process of following the administrative steps to officially close out this grant.

Mayor Alexander opened the public hearing at 6:50 p.m. and invited comments from the public.

The public offered no comments and Mayor Alexander closed the public hearing at 6:51 p.m.

**ACTION TAKEN:** Upon a motion by Mr. Bailey, second by Mr. Anthony, City Council voted unanimously to approve and adopt Resolution No. 75-2011 entitled, "A RESOLUTION AUTHORIZING THE CLOSEOUT OF THE CHESTNUT NEIGHBORHOOD SEWER PROJECT UNDER THE NORTH CAROLINA DEPARTMENT OF COMMERCE, DIVISION OF COMMUNITY INVESTMENT AND ASSISTANCE, COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM (INFRASTRUCTURE PROJECT – GRANT NO. 09-C-2053)".

**E. Consent Agenda:**

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

- 1) Approval of the Minutes of the Regular Meeting of November 7, 2011
- 2) Approval of Special Event Permit Applications:
  - a. Shelby Chrysler Jeep Nissan Toys for Tots, requested date: December 3, 2011
  - b. Stand Up for Jesus, requested date: December 13, 2011
  - c. Shelby Sprint Triathlon and Shelby City Park Kids Fun Run, requested dates: June 22 and 23, 2012
- 3) Approval of a resolution honoring Steve R. Shelton on the occasion of his retirement: Resolution No. 76-2011
- 4) Approval of a resolution supporting the City of Shelby's application for land acquisition funds for the Carolina Thread Trail: Resolution No. 77-2011

- 5) Approval of a resolution authorizing exchange of property between the City of Shelby and the County of Cleveland: Resolution No. 78-2011
- 6) Approval of a resolution accepting property from Everfree Capital: Resolution No. 79-2011
- 7) Approval of a resolution awarding the contract for the purchase of a new 40 foot hydraulic telescopic aerial device mounted on a Ford F-550 chassis: Resolution No. 80-2011
- 8) Approval of a resolution authorizing and awarding a contract for the purchase of a side loading refuse truck using the “piggyback” method: Resolution No. 81-2011
- 9) Approval of a resolution authorizing and awarding a contract for the purchase of a flameless pothole patcher using the “piggyback” method: Resolution No. 82-2011
- 10) Approval of a resolution honoring W. Ted Alexander for his service to the City of Shelby: Resolution No. 83-2011
- 11) Adoption of FY 2011-2012 Budget Ordinance Amendment No. 5: Ordinance No. 54-2011
- 12) Adoption of a project budget ordinance amendment for the City of Shelby’s Foothills Commerce Center Project: Ordinance No. 55-2011

#### **END CONSENT AGENDA**

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

- 1) Consideration of a resolution opposing a proposed Cleveland County Conditional Use Permit Case No. 11-15 for an automotive salvage yard at East Dixon Boulevard and Anthony Farm Road: Resolution No. 84-2011

As requested by Council, Mr. Howell stated this matter was brought back for further discussion and consideration at this meeting. He informed Council that the County has rescheduled the case for December 15, 2011.

Although Mr. Shores and Mr. Anthony voiced concerns about the highly visible property being located on a key gateway into the City of Shelby, they both did not wish to be too negative toward promoting economic development throughout Cleveland County as well as within the Shelby area. Mr. Anthony added that there are some points in the resolution that are accurate statements of fact.

**Mr. Hopper strongly urged Council members to voice their respective opinions directly to the Cleveland County Board of Commissioners and/or the Cleveland County Board of Adjustment.**

**Mayor Alexander questioned Council to consider what the City of Shelby wants: A resolution opposing the proposed Cleveland County Conditional Use Permit Case No. 11-15 on its face or accepting the proposed Cleveland County Conditional Use Permit Case No. 11-15 under certain conditions. The Mayor reiterated that the heart of City's proposed resolution is that the issuance of a Conditional Use Permit for this use on a main corridor is contrary to Cleveland County's adopted Land Use Plan.**

**Mr. Bailey stated he plans to attend the next Cleveland County Board of Adjustment meeting on this matter to request certain deed restrictions for screening the property.**

**ACTION TAKEN: Upon a motion by Mr. Shores, second by Mr. Bailey, City Council voted unanimously to dispose of Resolution No. 84-2011 entitled, "A RESOLUTION OPPOSING A PROPOSED CLEVELAND COUNTY CONDITIONAL USE PERMIT CASE NO. 11-15 FOR AN AUTOMOTIVE SALVAGE YARD AT EAST DIXON BOULEVARD AND ANTHONY FARM ROAD".**

**G. New Business: None**

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

- 1) Mr. Howell provided Council with the City's Monthly Financial Summary for Fiscal Year to Date at October 31, 2011 and requested their feedback.**
- 2) Mr. Howell expressed his appreciation, both personally and professionally, to Mayor Alexander and Mr. Hopper for their service.**

**I. Council Announcements and Remarks:**

- 1) Mr. Anthony thanked the high school students for attending and participating in tonight's Council meeting as he welcomed them back to Shelby anytime.**
- 2) After all the award recognitions given out at the beginning of the meeting, Mrs. Patterson expressed her pride in all City employees.**
- 3) Mayor Alexander recognized former Council Member Kevin Allen and Council Members Elect Dicky Amaya and David White in attendance.**



On behalf of Uptown Shelby Association, the Mayor announced the Community Christmas Tree Lighting is Friday, November 25, 2011, at 7:00 p.m. on the Warren/Washington portion of the Court Square, along with the horse-drawn carriage rides and the opening of Santa's House and the Toyland sites.

Mayor Alexander expressed his appreciation to all those who attended his reception held on November 15, 2011. The Mayor also expressed a special thanks to all those who assisted in planning the event.

- 4) Mr. Hopper announced that he will be attending the North Carolina High School Athletic Association 2011 Football Championship Western Finals with the Shelby High School Golden Lions at West Stokes High School in King, North Carolina on November 25, 2011.

Mayor Alexander took the opportunity to congratulate the Cleveland County high school football teams, Shelby, Burns, and Crest, playing in the November 25, 2011 State Semifinals.

**J. Adjournment:**

- 1) Motion to adjourn

**ACTION TAKEN:** Upon a motion by Mr. Shores, second by Mr. Hopper, City Council voted unanimously to adjourn the meeting at 7:12 p.m.

Respectfully submitted,

Bernadette A. Parduski, MMC  
City Clerk

W. Ted Alexander  
Mayor

Minutes of November 21, A. D. 2011