

## MINUTES

Regular Meeting  
City Hall Council Chamber

October 17, 2011  
Monday, 6:00 p.m.

**Present:** Mayor W. Ted Alexander presiding; Council Members Christopher H. (Chris) Mabry, O. Stanhope (Stan) Anthony, III, 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, Fire Chief William P. Hunt; and media representatives

**Absent:** Council Member Jeanette D. Patterson

Mayor Alexander called the meeting to order at 6:03 p.m. and welcomed all who were in attendance. The Mayor recognized newly elected Council Members Dicky Amaya and David White as well as Michael Vang, a student at Western Carolina University, and Kasey Griffin, a student at Cleveland Community College, in attendance.

Mr. Mabry gave the invocation and Mr. Shores led the *Pledge of Allegiance*.

Mayor Alexander reminded all that October is recognized as National Breast Cancer Awareness Month as he and Council members wore the symbolic pink ribbons to promote increased awareness of the disease.

**A. Approval of agenda:**

- 1) Motion to adopt the proposed agenda

Mr. Howell requested the addition of Item F-3 under New Business as follows:

- Consideration of a resolution authorizing the Mayor and City Clerk to sign a Subordination Agreement: Resolution No. 64-2011

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

**B. Special Presentation:**

- 1) Recognition of the Mayor's Outstanding Volunteer Service Recipient for October 2011: Betty Jean Dixon

Mayor Alexander called upon Betty Jean Dixon. The Mayor deemed to honor Mrs. Dixon for 30 years of ministry visits to the female inmates at the Cleveland County Detention Center.

Mayor Alexander presented a certificate to Mrs. Dixon on behalf of the City of Shelby.

C. Public Comment: None

D. 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. Anthony, the consent agenda and following items were unanimously approved:

- 1) Approval of the Minutes of the Regular Meeting of October 3, 2011
- 2) Adoption of Fiscal Year 2011-2012 Budget Ordinance Amendment No. 3: Ordinance No. 48-2011
- 3) Approval of a resolution approving revisions to the City of Shelby Utility Customer Service Policy Manual and Fees Schedule: Resolution No. 59-2011
- 4) Approval of an amendment to Reimbursement Resolution with regard to installment financings for Fiscal Year 2011-2012: Resolution No. 60-2011
- 5) Approval of a resolution accepting traffic safety funding from the North Carolina Governor's Highway Safety Program: Resolution No. 61-2011

**END CONSENT AGENDA**

E. Unfinished Business:

- 1) Consideration of a resolution awarding the contract for the Obstruction Removal Project at the Shelby-Cleveland County Regional Airport (SCCRA): Resolution No. 62-2011

Mr. Cornwell reminded Council that one of the recurring maintenance activities for all airports is the removal and prevention of obstructions that are identified through ground and flight surveys as presented by Bobby Walston of the North Carolina Department of Transportation, Division of Aviation in October 2010. Staff has been working with the City's consultant,

W. K. Dickson & Company, Inc., and has completed the construction plans and bidding of a project that identified the obstructions in Shelby's applicable flight approach surfaces. Mr. Cornwell stated the goal for this obstruction removal project is to comply with Federal Aviation Administration (FAA) regulations and promote safe approaches and departures at the SCCRA. It was noted that obstructions at an airport can also jeopardize airport status and both state and federal funding. At the completion of this project, Mr. Cornwell said an approach certification will be submitted to the North Carolina Division of Aviation declaring the SCCRA's approaches free of obstructions.

Mr. Cornwell emphasized that the obstructions to be removed under this project are on property owned and/or controlled by the City of Shelby through fee simple ownership or via aviation (flight) easements. There are a few trees on private property that staff has been working on with the property owners directly affected. Mr. Cornwell anticipated closure to these issues within the next few months and will provide an update on the status of those as well.

Mr. Cornwell described the scope of work for this project which includes the installation of the required erosion control measures; the clearing and grubbing of overgrown, wooded areas within critical areas on airport property; isolated tree removal; the installation of security fencing; and the re-establishing vegetation on all disturbed areas.

Mr. Cornwell concluded by stating staff, in conjunction with W. K. Dickson & Company, Inc., recommended Council award the construction contract for the obstruction removal project at the SCCRA to the certified low-bidder, Davis Grading, Inc. Mr. Howell added the funding source is the North Carolina Division of Aviation State Block Grant Program VISION 100, which Council previously accepted in February 2010.

**ACTION TAKEN:** Upon a motion by Mr. Shores, second by Mr. Mabry, City Council voted unanimously to approve and adopt Resolution No. 62-2011 entitled, "A RESOLUTION AWARDED THE CONTRACT FOR THE OBSTRUCTION REMOVAL PROJECT AT THE SHELBY-CLEVELAND COUNTY REGIONAL AIRPORT".

#### G. New Business:

- 1) Consideration of a resolution revising and amending the personnel policies of the City of Shelby to provide for an updated Personnel Policy and Procedure Manual: Resolution No. 63-2011

Mr. Howell introduced Resolution No. 63-2011 which authorizes an update to the City's Personnel Policy and Procedure Manual to include the Identification Badge Policy. He stated this is a rather simple amendment to the policy manual; however, the purpose of the new identification badges is to identify City employees while enhancing customer service and safety by providing verification of employment. It also establishes a uniform method of identifying City employees and to allow access to certain facilities and areas during emergencies and/or disasters. Mr. Howell said all fulltime and part-time employees, the only exception being Police Department personnel, will be issued and are required to wear or carry an official City of Shelby photo identification badge when reporting to City work sites, while in City vehicles, when conducting City business, and during an event or emergency that would require their immediate identification.

Mr. Howell concluded by stating he recommended the proposed policy be approved, adding that the badges can be provided to City employees at a nominal cost considering the aforementioned benefits.

**ACTION TAKEN:** Upon a motion by Mr. Hopper, second by Mr. Bailey, City Council voted unanimously to approve and adopt Resolution No. 63-2011 entitled, "A RESOLUTION REVISING AND AMENDING THE PERSONNEL POLICIES OF THE CITY OF SHELBY TO PROVIDE FOR AN UPDATED PERSONNEL POLICY AND PROCEDURE MANUAL".

**2) Consideration of Fiscal Year 2011-2012 Supplemental Budget Ordinance Amendment No. 1: Ordinance No. 49-2011**

Mr. Howell explained that the proposed amendment to the Supplemental Budget Ordinance provides for several changes that impact the Fiscal Year 2011-2012 budget previously adopted by Council. He elaborated as follows:

- The number of fulltime positions authorized for employment by the City of Shelby is confirmed and set forth in the Personnel Summary for a total of 315 positions. The amendment authorizes the conversion of one part-time position, on a temporary basis, to allow for training of an employee. It is expected that one or both of the fulltime employees currently in the Housing Department's maintenance mechanic classification could retire. It is important for succession planning for the part-time employee to receive as much instruction and training before this occurs. Funding for the proposed fulltime position is available within the Housing Department budget.
- The addition of the Schedule of Solid Waste and Recycling Fees formalizes the revised fee schedule effective December 1, 2011, therefore, adding the \$3.00 per month recycling fee as well as a \$70

charge for cart replacement should it become damaged or lost due to customer actions.

**ACTION TAKEN:** Upon a motion by Mr. Hopper, second by Mr. Anthony, City Council voted unanimously to approve and adopt Ordinance No. 49-2011 entitled, "FISCAL YEAR 2011-2012 SUPPLEMENTAL BUDGET ORDINANCE AMENDMENT NO. 1".

**3) Consideration of a resolution authorizing the Mayor and City Clerk to sign a Subordination Agreement: Resolution No. 64-2011**

For background information purposes, Mr. Howell stated in June 2003 the City applied for a Community Development Block Grant (CDBG) from the North Carolina Department of Commerce, Division of Community Assistance. The original application requested \$1 million in federal grant money to be used to spur economic development in a predetermined project area of Uptown Shelby. The State rejected the inclusion of one project in the original proposal and the amount awarded would eventually be lowered. In October 2005 the project area was changed and the grant was amended to keep the funds. A hotel venture was no longer considered a viable project but three other major redevelopment projects appeared that could benefit from this grant. The grant was changed to reflect the following:

- Rehabilitation of structural and code compliance elements would now require a matching ratio of \$3.00 (private) to every \$1.00 (public), in the form of a loan, not a grant.
- The façade improvement component remained the same at \$1.00 private for every \$1.00 public.
- The money originally committed to the hotel project was redirected to the Farmers Market building.

Mr. Howell continued by stating when the grant officially expired at the end of 2006, twenty-nine projects had been completed, including Nine East Marion, LLC. A promissory note secured by a deed of trust was attached to each property that received funding assistance through this grant agreement. Mr. Howell explained that under the grant agreement approved between the City of Shelby and the North Carolina Department of Commerce, Division of Community Assistance, the City may consider such promissory notes and deeds of trust to be secondary and subservient to any other mortgages attached to any rehabilitated properties. Currently the owners of the property at Nine East Marion, LLC wish to refinance a prior existing mortgage on their property. Mr. Howell recommended approval of Resolution No. 64-2011 authorizing the Mayor and City Clerk to execute a Subordination

Agreement subordinating the City's promissory note and deed of trust lien for Nine East Marion, LLC, as borrower, to a deed of trust to their new mortgagee.

**ACTION TAKEN:** Upon a motion by Mr. Bailey, second by Mr. Shores, City Council voted unanimously to approve and adopt Resolution No. 64-2011 entitled, "A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO SIGN A SUBORDINATION AGREEMENT".

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

- 1) Mr. Howell expressed his appreciation to Mayor Alexander and City Council for their continued and ongoing support which brought to fruition the job ready shell building at the Foothills Commerce Center dedicated on October 14, 2011.
- 2) Mr. Howell reported that he is working with the County Manager to affect a set of property exchanges between the City and the County.
- 3) Mr. Howell is also working with the County Manager to facilitate the donation of a site for the construction of an elevated water storage tank on the City's east side.
- 4) Mr. Howell said staff continues to work on proposed changes to the nuisance code for Council's consideration.
- 5) The new City Council advisory board liaison appointments will be provided by the City Clerk.
- 6) Upon questioning, Mr. Howell confirmed that developers, Proven Properties LLC, have begun interior renovations at the old Farmers Market building, 200 West Warren Street.

#### I. Council Announcements and Remarks:

- 1) Mr. Shores initiated discussion regarding a public hearing held on October 13, 2011 by the Cleveland County Board of Adjustment to review a conditional-use permit for the construction of a salvage yard that would be visible once the new US 74 bypass is constructed. City officials attended the County's meeting and voiced their concerns. The matter was continued to allow the applicant additional time to provide information. Mr. Shores suggested that a resolution be prepared expressing the City's opposition to a salvage yard at that location.
- 2) Mr. Mabry inquired on the turnout and success of the Shelby-Cleveland

County Regional Airport Fly-in and Open House on October 15, 2011.

- 3) Mayor Alexander announced that the City's Public Works Department has scheduled its Fall Bulky Item Pick-up for this week, October 17 through 21, 2011.

Mayor Alexander invited Council members to the North East Shelby Weed and Seed Banquet on October 20, 2011 at 5:30 p.m. at Shiloh Baptist Church.

The Mayor reminded all to attend the Uptown Shelby Fall Festival, the Art of Sound Festival, and the Livermush Expo on October 22, 2011.

Mayor Alexander reminded all to attend the Connect, Commit to Change event on October 29, 2011 from 10:00 a.m. to 2:00 p.m. at the Cleveland County Fairgrounds.

The Mayor encouraged Council members to attend the North Carolina Rural Economic Development Center's 2011 Rural Partners Forum on November 16-17, 2011 in North Raleigh, North Carolina featuring a youth engagement program.

Mayor Alexander mentioned the successful dedication ceremony held at the Foothills Commerce Center on October 14, 2011 and commended staff for their preparations for the event.

The Mayor announced a fundraising event, Walk for Madison, to be held on November 12, 2011 from 9:00 a.m. to 11:00 a.m., which begins at the Chamber of Commerce building in Uptown Shelby.

Mayor Alexander invited Council members to attend a Dedication and Open House for Cecelia Beck at 801 Craig Place in Shelby, North Carolina on November 13, 2011 from 2:00 p.m. to 5:00 p.m. Ms. Beck ministers through Cooperative Baptist Fellowship.

Mr. Howell advised that per the requirements of the Memorandum of Understanding between the Cleveland County Community Development Corporation and the City of Shelby regarding said property at 801 Craig Place, a review and recommendation to proceed with the donation of same will be brought to Council for consideration.

The Mayor congratulated Mayor Elect Stan Anthony and newly elected Council Members Dicky Amaya and David White and re-elected Council Members Jeanette Patterson and Dennis Bailey. He also expressed his appreciation to the candidates, Andrew Hopper, Aileen Ford, and Stan

Shaw, who ran a good, clean campaign and sought a seat but were unsuccessful.

**J. Adjournment:**

**1) Motion to adjourn**

**ACTION TAKEN:** Upon a motion by Mr. Shores, second by Mr. Mabry, City Council voted unanimously to adjourn the meeting at 6:46 p.m.

Respectfully submitted,

Bernadette A. Parduski, MMC  
City Clerk

W. Ted Alexander  
Mayor

**Minutes of October 17, A. D. 2011**