

## MINUTES

Regular Meeting  
City Hall Council Chamber

April 19, 2010  
Monday, 6:00 p.m.

**Present:** Mayor W. Ted Alexander, presiding; Council Members Christopher H. (Chris) Mabry, Oliver 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, Director of Human Resources Deborah C. (Deb) Jolly, Director of Utilities Brad R. Cornwell, PLS, EI, Fire Chief William P. Hunt, Director of Public Works Daniel C. (Danny) Darst, Jr., Director of Parks and Recreation Charlie Holtzclaw, Director of Planning Services Walter (Walt) Scharer, AICP; and media representatives

Mayor Alexander called the meeting to order at 6:00 p.m., welcomed all who were in attendance, and recognized Senator Debbie Clary, members of the Alcoholic Beverage Control (ABC) Board, Boy Scout Troop 104 hosted by Central United Methodist Church, Boy Scout Troop 105 hosted by Lafayette Street United Methodist Church, and Dr. Steve Thornburg, President of Cleveland Community College, with Troop 104.

Mr. Shores gave the invocation and Boy Scout Joey Yip 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. Administration of Oath of Office to newly appointed Council Member Dennis Carl Bailey**

Mayor Alexander introduced Senator Debbie Clary and Dennis Bailey. Mr. Bailey recognized members of his immediate family in attendance.

Next Senator Clary administered the Oath of Office to Mr. Bailey who was assisted by his wife, Sandra Bailey, and sons, Ryan and Dylan. Mr. Bailey then took his seat on the dais as Council members made their welcoming remarks.

Mayor Alexander declared a recess at 6:10 p.m. and reconvened the meeting at 6:13 p.m.

**C. Special Presentations:**

- 1) **Recognition of Steve Miller on the occasion of his retirement from employment with the City of Shelby: Resolution No. 5-2010**

Mayor Alexander called upon Mr. Miller. The Mayor formally read and presented framed Resolution No. 5-2010 to Mr. Miller. He also presented the key to the City and a City lapel pin to Mr. Miller in honor of and with heartfelt appreciation for more than 27 years of his dedicated service to the City of Shelby.

- 2) **Recognition of Arlan Bush on the occasion of his retirement from employment with the City of Shelby: Resolution No. 15-2010**

Mayor Alexander called upon Mr. Bush. The Mayor formally read and presented framed Resolution No. 15-2010 to Mr. Bush. He also presented the key to the City and a City lapel pin to Mr. Bush in honor of and with heartfelt appreciation for more than 29 years of his dedicated service to the City of Shelby. Mr. Bush recognized members of his immediate family, including fellow firefighters.

- 3) **Comprehensive Transportation Plan for Cleveland County – Linda Dosse, Transportation Planning Engineer, NCDOT Transportation Planning Branch**

Transportation Planning Engineer Linda Dosse with the Transportation Planning Branch of the North Carolina Department of Transportation (NCDOT) provided an overview of the draft Comprehensive Transportation Plan (CTP) for Cleveland County. Ms. Dosse stated that the NCDOT has been working with local planning staff, elected officials, and citizens from Cleveland County and the municipalities therein to develop a long-range, CTP for all of Cleveland County. The plan analyzes transportation needs through 2035, and makes recommendations for all modes: highway, pedestrian, bicycle, public transportation, and rail. This plan will provide an update to the existing Cleveland County Thoroughfare Plan and is the first step toward identifying and funding improvements on State maintained highways. Ms. Dosse said funding provisions for the recommendations are not addressed by the CTP; however, the CTP is an important step in the funding process for major improvements.

Ms. Dosse summarized several of the Cleveland County CTP recommendations by utilizing working copies of the Highway, Public Transportation and Rail, Bicycle, and Pedestrian Maps provided, as follows:

## HIGHWAY MAP

- **New Facilities**
  - **US 74 Bypass and Widening (R-2707):** US 74 is part of the NC Intrastate Highway System of four-lane divided highways across the State. It is also part of a Strategic Highway Corridor. This project involves the relocation of US 74 on new location on the north side of Shelby. The cross section is a four-lane divided freeway with interchanges at US 74 (Dixon Boulevard) west, Washburn Switch Road, NC 226 (Polkville Road), NC 18 (Fallston Road), NC 150 (Cherryville Road) and US 74 (Dixon Boulevard) east. This new facility will also help relieve the traffic volume and congestion on existing US 74 (Dixon Boulevard).
  - **Shelby Southern Connector:** This facility connects Poplar Springs Church Road, Wesson Road, Charles Road, James Love School Road, NC 18 (S Lafayette Street), NC 150 (S Dekalb Street), Morgan Street, Sulfur Springs Road, Pleasant Drive, NC 180/226 (S Post Road) , Joe's Lake Road and Caleb Road across the south side of Shelby. This new facility will also help relieve the traffic volume and congestion on existing US 74 (Dixon Boulevard). The recommended cross section is two 12' lanes.
  - **Charles Road Extension:** This facility will help reduce some of the traffic and congestion projected at the NC 150 (E College Road) and NC 18 (S Lafayette Street) intersection between Shelby and Boiling Springs. The recommended cross section is two 12' lanes.
  - **Randolph Road/Southern Drive Connector:** This recommendation is for the reconnection of Southern Drive with Randolph Road. This will increase access for employees and delivery trucks at Wal-Mart and other businesses in the immediate area, giving the distribution center access to two interchanges on US 74. The recommended cross section is at least two 12' lanes.
  - **Morgan Street/Ellis Road Relocation:** This recommendation connects the two facilities at Christopher Road forming a smooth north-south connector into Shelby. The recommended cross section is two 12' lanes.
- **Major Improvements**
  - **Interstate 85 between the US 74 interchange and the SC Line** is recommended for an eight lane freeway cross section.

- Dixon Boulevard between the western end and the eastern end of the US 74 Bypass is recommended for a six lane divided cross section. Even with the Bypass to the north and the Southern Connector to the south the volumes and congestion on the facility warrant widening and control of access. This also includes an interchange at S Dekalb Street.
  - NC 150 (College Avenue) is currently near capacity and is projected to be over capacity before 2035. It is recommended for widening to a 4-lane divided facility from the eastern city limits of Boiling Springs to South Lafayette Street in Shelby.
  - NC 18 (Fallston Road, E Grover Street, Lafayette Street) between the northern limits of Fallston all the way to the SC line is recommended for a four lane divided cross section.
  - NC 150 (Cherryville Road) is recommended for widening to a four lane divided section from Marion Street to the Gaston County Line.
  - NC 226 (Earl Road) between Dixon Boulevard and Sulfur Springs Road is recommended for widening to a four lane divided cross section.
  - NC 226 (Polkville Road) between US 74 and Zion Church Road is recommended for widening to a four lane divided cross section.
  - Charles Road between Dellinger Road and NC 150 (College Ave) is recommended for widening to a three lane cross section.
  - E Marion Street between NC 150 (Cherryville Road) and NC 180 (Post Road) is recommended for widening to a three lane section.
  - Oak Grove Road between Elizabeth Avenue and US 74 is recommended for widening to a three lane cross section.
  - Elizabeth Avenue between NC 180 (Post Road) and Oak Grove Road is recommended for widening to a three lane section.
- **Minor Widening Improvements**
    - NC 18 (Fallston Road) already has 12' lanes, but is recommended for the addition of wider paved shoulders.
    - NC 226 (Earl Road) between Sulfur Springs Road and NC 180 (Post Road) is recommended for widening to 12' lanes.
    - NC 226 (Polkville Road) between Zion Church Road and NC 182 (Stagecoach Trail) is recommended for widening to 12' lanes.

## **PUBLIC TRANSPORTATION AND RAIL MAP**

- The potential corridor for expansion of the High Speed Rail Corridor is along the existing Norfolk-Southern line in the southeast corner of the County. Future recommendations could include a Traffic Safety and Separation Study for potential crossing improvements or double-tracking in strategic locations.

- In addition to the existing County bus route, several other potential routes have been recommended. These include a loop route on the southwest side of Shelby, a loop between Shelby and NC 10 connecting the towns in the north end of the County.
- Also, recommendations include express routes between Shelby and Forest City, Boiling Springs, Gaffney, Gastonia and Charlotte.

#### **BICYCLE MAP AND PEDESTRIAN MAP**

- The Carolina Thread Trail Plan for Cleveland County and the Shelby Comprehensive Pedestrian Plan will be part of the CTP by reference.

Ms. Dosse concluded by stating that presentations of the draft CTP will continue throughout Cleveland County to town councils, planning boards, and the County Commissioners. Later in the spring there will be at least two public workshops in the County where the CTP can be discussed with NCDOT officials. In the later timeframe, NCDOT will request each municipality and the County adopt the CTP. In order to adopt the CTP, each town and the County must have a land use or land development plan which is less than five years old. If a town does not have its own land use plan, it can adopt the County's land use plan.

Discussion included ongoing concerns regarding the volume of truck traffic along Charles Road and the placement of the US 74 Bypass Project on the NCDOT Transportation Improvement Program (TIP), which is scheduled for construction bids in December 2012. (*Clerk's note:* The TIP is defined as a seven-year document usually updated every two years which actually shows how the funding is programmed by project over the short-term period, currently 2009-2015. A new TIP for adoption in 2011 would cover 2012 through 2018, updating the current plan and looking further forward.)

Council received the information and took no action.

**D. Public Comment:** None

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

- 1) Approval of the Minutes of the Regular Meeting of April 5, 2010

- 2) Approval of a resolution declaring the official intent of the City of Shelby to reimburse itself for expenditures incurred with the PPG Regulator Station Project: Resolution No. 20-2010
- 3) Approval of a resolution authorizing the City Manager to negotiate and enter into a Lease Agreement with the Cleveland County Community Development Corporation for 801 Craig Place: Resolution No. 21-2010
- 4) Approval of a resolution pledging support of the North Carolina Armed Forces Community Covenant: Resolution No. 22-2010
- 5) Approval of a resolution to honor the Boy Scouts of America on its 100<sup>th</sup> Anniversary, to express gratitude to the organization's volunteers, who dedicate countless hours to inspiring and preparing future generations of leaders: Resolution No. 23-2010

#### **END CONSENT AGENDA**

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

- 1) Consideration of a resolution authorizing an Interlocal Agreement between the City of Shelby and the Cleveland County Board of Education for construction and maintenance of sanitary sewer facilities: Resolution No. 24-2010

Mr. Howell introduced Resolution No. 24-2010 for Council's consideration. He stated the Cleveland County Board of Education wishes to provide a new sanitary sewage collection system for the use and benefit of the proposed new Shelby Middle School which will be located on property at the intersection of South Dekalb Street and Melrose Drive in the corporate limits of Shelby. Mr. Howell reminded Council the City of Shelby owns and maintains sanitary sewer mains and collection lines near the area that will be occupied by the proposed new Shelby Middle School and is willing to extend its current facilities into such areas because it advantageous to participate financially in order to promote future phases of sanitary sewer extensions to serve additional surrounding areas.

Mr. Cornwell explained, by utilizing maps of the site area, that the overall sewer project includes four phases as follows:

- Phase 1 Outfall – The Board of Education will pay the City at the completion of construction of Phase 1 Outfall the estimated \$172,487.70. It is a developer's responsibility to provide the service.

- **Phase 2 Shelby Middle School – The City will participate financially in the project by paying the full cost of Phase 2 estimated at \$155,232. The City’s taking the lead in the project and sharing the cost with the Cleveland County Board of Education is a good investment.**
- **Phase 3 Lily and Cameron Streets and Phase 4 Melrose Street – These future phases will be much less expensive for the City to develop because of this interlocal agreement.**

**Mr. Cornwell concluded by stating that the City will oversee all engineering, will obtain all necessary easements and permits for installation of the agreed facilities, will advertise, award and carry out the facilities construction contract, oversee all construction activities and have final authority over the system. He added this agreement is similar to the agreement entered into for the Crest School Area Sanitary Sewer Extension Project of 1999.**

**ACTION TAKEN: Upon a motion by Mr. Shores, second by Mrs. Patterson, City Council voted unanimously to approve and adopt Resolution No. 24-2010 entitled, “A RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SHELBY AND THE CLEVELAND COUNTY BOARD OF EDUCATION FOR CONSTRUCTION AND MAINTENANCE OF SANITARY SEWER FACILITIES”.**

**G. New Business:**

- 1) **Consideration of a resolution in support of North Carolina’s current public Alcoholic Beverage Control System: Resolution No. 25-2010**

**At the request of ABC Board Chair, Phil Hege, on behalf of the Shelby ABC Board, Mr. Howell presented Resolution No. 25-2010 to Council. The request simply asks Council to adopt the resolution supporting the existing ABC system, which is valid at this time. While local ABC boards have been heavily scrutinized as a result of media reports recently, the recent negative attention should not reflect poorly on the ABC system in general. Mr. Howell said the governor’s budget reform and accountability commission is expected to consider recommendations on reforming the ABC system and reform will also likely be debated in the legislature when it convenes in May. Mr. Howell also mentioned the City receives approximately \$60,000 annually from the local ABC system.**

**Mr. Hege acknowledged members of the ABC Board present including Carl Dockery, Page Morgan, and Gerald Weathers. He reiterated Mr. Howell’s comments. Mr. Hege said that the ABC system has had many unfavorable items in the press recently describing abuses to the system in other jurisdictions; however, the Shelby ABC Board has not abused their position**

as members of the Board. Mr. Hege further stated that the Board has enjoyed the support from Council and City staff during all his terms on the ABC Board. Mr. Hege, by and through the attorney on behalf of the North Carolina Association of ABC Boards, requested Shelby's appointing authority to endorse the proposed resolution in support of the present system of spirit sales.

**ACTION TAKEN:** Upon a motion by Mrs. Patterson, second by Mr. Hopper, City Council voted unanimously to approve and adopt Resolution No. 25-2010 entitled, "A RESOLUTION IN SUPPORT OF NORTH CAROLINA'S CURRENT PUBLIC ALCOHOLIC BEVERAGE CONTROL SYSTEM".

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

- 1) As part of the Golden Leaf Foundation's Community Assistance Initiative process in Cleveland County, Mr. Howell reminded Council that the City's final presentation is scheduled for April 30, 2010 before the Foundation Board of Directors in Raleigh, North Carolina.
- 2) Mr. Howell mentioned receipt of a letter from Mayor Rick Garver of the Town of Lawndale in which he made a request for a wastewater collection system flow acceptance letter from the City of Shelby.
- 3) Mr. Howell mentioned the taping of the City's new public information broadcast entitled, "Inside Shelby", to be aired on C19TV in the very near future which will be hosted by Charles Webber.
- 4) Mr. Howell advised Council that he has directed City staff to begin the application process with regard to the stormwater management program. The City of Shelby is required to develop a stormwater management program within five years and apply for a stormwater permit within 18 months of February 9, 2010.
- 5) Mr. Howell provided Council with a matrix of the Strategic Growth Plan adopted in November 2005. This format will allow City staff to provide Council with a status report summary for their review and revision.
- 6) Mr. Howell provided Council with a final draft of the City of Shelby Citizen Survey which will be mailed to approximately 2,000 households in a random sampling by an independent research firm.
- 7) Mr. Howell addressed the concerns about the sidewalk café requirements in maintaining the five foot wide unobstructed walkway. He personally visited and discussed his recent letter, which outlined the three-strike course of action, with the restaurant owners who operate sidewalk cafés.



- 8) With regard to the City's group health insurance coverage, Mr. Howell provided Council with several charts depicting cost, premiums, and covered employees. He said the City's health insurance renewal has been submitted with essentially a flat increase in cost and a considerable reduction in benefits.
- 9) Mr. Howell expressed his appreciation to Mayor Alexander and Council for contacting Senators Richard Burr and Kay Hagan to express opposition to the collective bargaining legislation introduced by the United States Senate leadership.

**I. Council Announcements and Remarks:**

- 1) Mrs. Patterson requested Mr. Howell to share the details of the Farmers Market project, including the parking lot purchased by the City to parcel with the building. Mr. Howell responded by stating that First National Bank has begun foreclosure proceedings against Farmers Market, LLC, which is considered a private matter between the bank and the LLC. Under better economic conditions, he is hopeful the project will still be viable with another developer.

Mrs. Patterson mentioned that Administrative Professionals Day is April 21, 2010 and expressed her appreciation to Mrs. Parduski.

- 2) Mayor Alexander made the following announcements:

- The Foothills Merry Go Round Festival is April 24 and 25, 2010 at Shelby City Park.
- Nicky Cruz Shelby Outreach is May 1, 2010 at the Cleveland County Fairgrounds.
- The National Day of Prayer is May 6, 2010 and prayer service will be held at City Hall Council Chamber.
- The signing the North Carolina Armed Forces Community Covenant and the American Legion Veterans' Fair is May 8, 2010 at Shelby City Park.
- Historic Preservation Trades Day is May 15, 2010 at the Banker's House.

**J. Adjournment:**

- 1) Motion to adjourn

**ACTION TAKEN:** Upon a motion by Mr. Hopper, second by Mr. Bailey, City

**Council voted unanimously to adjourn the meeting at 7:49 p.m.**

**Respectfully submitted,**

**Bernadette A. Parduski, MMC  
City Clerk**

**W. Ted Alexander  
Mayor**

**Minutes of April 19, A. D. 2010**