

MINUTES

Regular Meeting: Workshop Session
George W. Clay, Jr. Utility Operations Center

February 2, 2009
Monday, 6:00 p.m.

Present: Mayor W. Ted Alexander, presiding; Council Members Christopher H. (Chris) Mabry, Larry G. Ware, Jeanette D. Patterson, Michael R. (Mike) Royster, Joel R. Shores, Jr., Andrew L. Hopper, Sr.; City Manager Rick Howell, City Attorney Robert W. (Bob) Yelton, City Clerk Bernadette A. Parduski, CMC, 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, Director of Public Works Daniel C. (Danny) Darst, Director of Development Services Brian L. Pruett, Director of Planning Services Walter (Walt) Scharer, AICP; and media representatives

Mayor Alexander called the meeting to order at 6:00 p.m. and welcomed all who were in attendance. Mr. Mabry gave the invocation and Mr. Pruett led the *Pledge of Allegiance*.

A. Approval of Agenda:

Mayor Alexander announced the following changes to the agenda:

- Under Special Presentations, Item B-3 was removed due to the unavailability of the presenters.
- Under the Consent Agenda, Item C-1 was removed for clarification purposes and placed after Special Presentations.

1) Motion to adopt the proposed agenda

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

B. Special Presentations:

1) Proposed Baptist Men's Camp, South Shelby – Eddie Williams, Mission Camp Coordinator, North Carolina Baptist Men

Mr. Howell introduced Mr. Williams as the Mission Camp Coordinator for the North Carolina Baptist Men (NCBM) and stated the purpose of his presentation is to make Council aware of the proposed mission camp to be located on property just off South Lafayette Street near Kate's Skating Rink.

Mr. Williams introduced his wife, Martha Williams; Mark Patterson of Patterson Design; and David and Janet Brown of Brown's Automotive.

Next Mr. Williams began his presentation by sharing the intentions and vision of the NCBM for the development of the Sharpton property as a base camp for mission work around the region. This site is the third of five camps to be built by the NCBM in North Carolina.

Utilizing the preliminary site plan of the NCBM camp, Mr. Williams detailed the proposed usages as follows:

- **Metal building to house and feed 200 volunteers**
- **Metal building for warehouse storage, building materials, and NCBM equipment**
- **Building to be donated to an area Hispanic church**
- **Cabins for camp-like settings**
- **Retreat-type center**
- **Athletic fields**
- **Gymnasium**
- **Development of greenway on property**
- **Evacuation shelter**
- **Disaster relief staging area**
- **Staging area for ministry in the City, County, and surrounding areas assisting in sub-standard housing and new affordable housing**
- **Bible camps, youth camps, etc.**
- **Fencing of entire property**
- **Leaving the lay of the land as natural as possible during the building process**

Mr. Williams, on behalf of NCBM, formally made a request for assistance; specifically, that the City of Shelby provides the entrance to their camp, which is approximately 1,200 feet of roadway including curbing, paving, lighting, and erosion control measures as specified in the submitted plans. This portion of road would start at South Lafayette Street and end at the cul-de-sac reflected on the site plan. The NCBM agree to give the City of Shelby the option to name this roadway at its discretion. Mr. Williams received two estimates for this work: the low at \$165,000 and the high at \$187,000.

Upon questioning, Mr. Scharer responded to the issue of access to the Sharpton property by explaining that the City does not allow access to property by easement. A site must have its own actual access to a public street. Mr. Howell added that this is a very active camp with a great deal of equipment which needs its own entrance as well as access for public safety reasons.

There was discussion about funding concerns and options and a suggestion to pursue partnerships with the local faith-based community as well as to engage the entire community about the NCBM project.

ACTION TAKEN: Upon a motion by Mr. Shores, second by Mrs. Patterson, City Council voted unanimously to direct the City Manager to develop the City's recommendation in response to the request of the North Carolina Baptist Men for assistance.

- 2) **Site Assessment Review, Westside Business Park – Crystal Morphis, Sanford Holshouser Business Development Group on behalf of ElectriCities of NC, Inc.**

Mr. Howell reminded Council that as a member of ElectriCities of NC, Inc., the City is eligible for economic development site consulting as a member benefit. For several years, ElectriCities has contracted with the Sanford Holshouser Business Development Group to provide this service. Mr. Howell introduced Crystal Morphis as a Managing Partner with Sanford Holshouser and Gary Propst as a Retail Development Specialist with the ElectriCities Economic Development staff.

First Mrs. Morphis reacquainted herself with Council by stating she was involved in the preparation of the Strategic Economic Development Plan for the City of Shelby funded by ElectriCities in 2004. One of the top priority recommendations of the study was for Shelby to identify and control land for business and industrial development. Sanford Holshouser then completed a site assessment study in 2007 that identified areas for future business and industrial growth.

In the 2007 study, the consulting team analyzed three areas and multiple sites as potential business development areas for the City of Shelby. The sites were ranked in priority order of development potential. Recommendations were made for each site to improve control, access, appearance, and marketing. The site ranking was:

1. **Cleveland County Site – Plato Lee Road and US 74**
2. **Kemet Site – US 74 and Poplar Springs Church Road – adjacent to Ultra Machine which has completed a large expansion project with 75 acres remaining to be served by the Westside sewer project**
3. **Sharpton Site – South Lafayette Street – currently under development by the North Carolina Baptist Men as a mission base camp**

With the Cleveland County site development project underway, the City began seeking additional sites for future development opportunities. A group of tracts called Westside Business Park emerged as having good potential and warranted further evaluation. Sanford Holshouser, through ElectriCities' sponsorship, was requested to review and comment on the site.

Next Mrs. Morphis presented the Site Assessment Addendum which contains a review of the Westside Business Park and surrounding area as well as recommendations for future development.

Mrs. Morphis' review of the Westside Business Park included an analysis and evaluation of the following:

- Utilities
- Transportation
- Land use
- Regulatory issues
- Cost

Since the Westside Business Park is in a good location, is well-served with utilities, lacks regulatory encumbrances, and is priced competitively, the consulting team recommended that the City of Shelby follow the development best practices outlined as follows:

- Due diligence and short-term control
- Site certification under the North Carolina Department of Commerce Certified Site Program
- Clearing and pre-grading
- Virtual shell building
- Entrance and access roads
- Signage and curb appeal
- Long-term control

In summary, Mrs. Morphis said the Cleveland County site is a very good start to overcoming the obstacle of lack of available, developed sites and the Westside Business Park offers additional opportunities. With utilities in place, competitive pricing, access to US 74, and good topography, Mrs. Morphis referred to this site is an excellent choice for Shelby's next business park development.

Council received the Shelby Site Assessment Report and presentation for informational purposes.

3) REMOVED

Cleveland 20/20 Economic Development Partnership Quarterly Update –
Dave Hart, Vice President, Economic Development, and Kristin H.
Fletcher, Assistant Vice President, Economic Development, Cleveland
County Chamber

Consideration of the Minutes of the Regular Meeting of January 5, 2009

Mayor Alexander recognized Mr. Hopper who explained both his position and Mr. Shores' position concerning Item D-2 under Unfinished Business in the Minutes of the Regular Meeting of January 5, 2009. Mr. Shores requested their vote reflect that Mr. Hopper and he were in favor of conducting the public hearing on February 16, 2009, however, were opposed to Council taking any action immediately following the public hearing of February 16, 2009.

ACTION TAKEN: Upon a motion by Mr. Hopper, second by Mr. Shores, City Council voted unanimously to approve the Minutes of the Regular Meeting of January 5, 2009 as amended.

C. Consent Agenda:

ACTION TAKEN: Mayor Alexander presented the amended consent agenda. Mr. Ware made motion to approve the amended consent agenda and each item as presented. After a second by Mrs. Patterson, the amended consent agenda and following items were unanimously approved:

- 1) **REMOVED**
- 2) **Adoption of an ordinance authorizing demolition of a dwelling located at 515 Smith Street: Ordinance No. 4-2009**
- 3) **Adoption of an ordinance authorizing demolition of a dwelling located at 201 Lineberger Street: Ordinance No. 5-2009**
- 4) **Adoption of an ordinance authorizing demolition of a dwelling located at 218 Chestnut Street: Ordinance No. 6-2009**
- 5) **Adoption of an ordinance authorizing demolition of a dwelling located at 609 Suttle Street: Ordinance No. 7-2009**
- 6) **Adoption of an ordinance granting permission by the City Council of the City of Shelby, North Carolina to use the 10%/70% development option available in the City's Unified Development Ordinance: Ordinance No. 8-2009**

END CONSENT AGENDA

D. Unfinished Business: None

E. New Business: None

F. City Manager's Report:

1) Discussion regarding conduct of Public Hearing set for February 16, 2009

With regard to the public hearing scheduled for February 16, 2009, Mr. Howell provided Council with a list of suggestions and recommendations on the conduct of the proceeding which included the following:

- **The rated assembly occupancy for Council Chambers is 90. This was not previously posted but Mr. Howell directed the Fire Marshal to post it permanently for this hearing and any future situations. Mr. Howell will have someone monitor the number of people in the Chamber for safety purposes.**
- **The doors to the Council Chambers will be open at least one hour before the hearing and someone will be informing the public of the need to sign up to speak.**
- **The Police Department is to assist the public with parking in the event of a larger than expected crowd. Uniformed officers will be on the grounds to assist people as needed.**
- **Copies of the proposed code amendments will be available on a first come, first serve basis.**
- **Strictly enforce the requirement that people sign up prior to the hearing clearly listing name and address.**
- **Strictly enforce the three-minute requirement and encourage groups to have a single spokesperson to avoid repetitiveness. Council can provide for additional time for groups that have a single spokesperson if you wish.**
- **Let it be known up front that order and decorum will be maintained and that respect for all those speaking should be shown regardless of position.**
- **Consider a time limit if you wish. This is completely at your discretion.**

Because this is not a statutorily required public hearing City Council may limit the amount of time it hears public comment if it wishes.

- Encourage written comments to be submitted to the City Clerk in advance so that copies can be distributed to City Council.

Mr. Howell encouraged Council to adopt a set of reasonable rules it finds useful in assuring a smoothly run hearing, so long as those rules are fundamentally fair and can be shared with the public. Discussion included a change of venue for the meeting, time limits on speaking, and residency requirements for speakers. By consensus, Council agreed to include the following modifications:

- The public hearing is not a question and answer session. It is for direct comment on the issue.
- The Council Chamber will be open one hour before the meeting to allow residents time to sign up to speak. Council members insisted that those who do not sign up before the meeting would not be allowed to speak.
- Only residents of the City of Shelby and property owners in the City of Shelby will be allowed to speak. However, churches will be allowed to represent members who do not live in the City.
- Adhere to a two-minute time limit for each speaker.
- Allow for a maximum time limit of two and a half hours for the public hearing.
- Written comments may be submitted for Council's review no later than February 9, 2009 at 5:00 p.m.

ACTION TAKEN: Upon a motion by Mr. Shores, second by Mr. Hopper, City Council voted unanimously to accept the City Manager's recommendations, to limit each speaker to two minutes, to limit the public hearing to two and a half hours, and to allow only Shelby residents and property owners to speak at the public hearing on February 16, 2009.

G. Council Announcements and Remarks: None

H. Adjournment:

- 1) Motion to adjourn

ACTION TAKEN: Upon a motion by Mr. Shores, second by Mr. Ware, City Council voted unanimously to adjourn the meeting at 7:35 p.m.

Respectfully submitted,

Bernadette A. Parduski, CMC
City Clerk

W. Ted Alexander
Mayor

Minutes of February 2, A. D. 2009