

## MINUTES

Regular Meeting: Organizational  
City Hall Council Chamber

December 7, 2009  
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, Michael R. (Mike) Royster, Joel R. Shores, Jr., Andrew L. Hopper, Sr., and Council Member Elect Michael E. (Mike) Putnam; City Manager Rick Howell, City Attorney Robert W. (Bob) Yelton, City Clerk Bernadette A. Parduski, CMC, Director of Finance Theodore B. (Ted) Phillips, 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, Director of Public Works Daniel C. (Danny) Darst, Jr., Director of Parks and Recreation Charlie Holtzclaw, Director of Housing Bryan T. Howell, 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 to Council's organizational meeting and oath ceremonies. The Mayor recognized former Mayor Mike Philbeck and distinguished guests. He mentioned Chief Hunt's mother who recently had surgery and expressed condolences to Mr. Holtzclaw's family on the passing of his sister-in-law, Martha Cox. The Mayor also expressed his appreciation to City staff for decorating City Hall and the Council Chamber in Christmas holiday décor. Mayor Alexander gave the invocation and Phil Hege, Chair of the Alcoholic Beverage Control Board, led the *Pledge of Allegiance*.

### A. Approval of Agenda:

Mayor Alexander announced the following changes to the agenda:

- The addition of a Closed Session as permitted under North Carolina General Statute 143-318.11(a)(3) to consult with the City Attorney in order to preserve the attorney-client privilege
- The substitution of revised Ordinance No. 54-2009 under the Consent Agenda, Item J-8

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

**B. Recognition of Council Member Michael R. (Mike) Royster for his service to the City of Shelby: Resolution No. 66-2009**

Mayor Alexander called upon Mr. Royster. The Mayor formally read and presented Resolution No. 66-2009 to Mr. Royster for his loyal and dedicated public service to the citizens of Shelby.

**C. Remarks**

- 1) Mrs. Patterson presented Mr. Royster with a framed drawing of his beloved Ford Model T 1916 Runabout. She also recognized the artist, Terry Grayson, as the City's own Service Division Manager with the Police Department, who could not be in attendance. Mrs. Patterson expressed her appreciation to former Council Member Bob Still and Mrs. Parduski who obtained the photographs of the 1916 Runabout for Mr. Grayson's artistic inspiration.
- 2) Mark Hudson spoke on behalf of "Boys Night Out" as friends and brothers who include him, Mr. Royster, Sam Craig, Mike Keeley, Tripp Boinest, and Todd Cerwin. He reminisced of sharing over 25 years of their life experiences together. In a show of solidarity, Mr. Hudson said they have watched Mr. Royster work on behalf of this City and this community and wanted to express their appreciation to him as well as all of Council for excellent public service and dedication.

*(Clerk's note: Mr. Hudson provided his prepared statement for the record.)*

- 3) Former City Attorney Sam Craig began his remarks by expressing his appreciation to all of City Council for participating in the democratic process. He reflected on his previous role as City Attorney with pride and honor. Mr. Craig also took the opportunity to express his continuing appreciation to City Manager Rick Howell and City Clerk Bernadette Parduski. With regard to Mr. Royster, Mr. Craig said he has known him for over 25 years. He shared his conviction about his friend and compatriot which is that Mr. Royster remains true to himself and is the same person in his personal, professional, and political roles. Mr. Craig concluded his statement by expressing his appreciation to Mr. Royster for his years of service on City Council.
- 4) Former Mayor Mike Philbeck began with a history lesson and spoke of the great Royster tradition as Mr. Royster followed in his father's footsteps on City Council. Mr. Philbeck praised Mr. Royster for his ability to listen to the issues and for his leadership skills. He concluded by recalling Mr. Royster's great job during his tenure and expressed heartfelt

appreciation for his service.

- 5) Mr. Mabry expressed his appreciation to Mr. Royster for his friendship, openness, and leadership. He mentioned the proud Royster family tradition of service. Mr. Mabry extended his best wishes to Mr. Royster and his wife, Ann.
- 6) Mr. Anthony said he valued Mr. Royster's leadership and experience on Council. After his appointment by Council, Mr. Anthony was disappointed to learn that Mr. Royster decided not to continue his service. He extended his best wishes to Mr. Royster.
- 7) Mrs. Patterson said she learned a great deal from Mr. Royster and that she will miss him.
- 8) Mr. Shores said he appreciated understanding and learning the City's budget process from Mr. Royster. Sharing the common trait of being stubborn on some issues, Mr. Shores respected Mr. Royster's honesty and willingness to stand up for what he believed was the right decision.
- 9) Mr. Hopper said even though there were disagreements from time to time, he appreciated Mr. Royster for his values and morals. Differences in opinions are acceptable when the best interest of the citizens is the focus of the matter. Mr. Hopper concluded by saying he respected Mr. Royster as a man of integrity.
- 10) Mayor Alexander expressed his appreciation to Mr. Royster for his thoroughness and insight of the issues and for his assistance with procedural matters. The Mayor added that Mr. Royster will be sorely missed by Council and acknowledged his service to the City.
- 11) Mr. Royster read a prepared statement, highlighting that public service is both a good cause and a shared responsibility. He was entrusted with the taxpayers' money and practiced good stewardship of those dollars. He believes he and his fellow Council members based every one of their votes on behalf of the taxpayers and the best interest of all 20,000 of Shelby's residents. To conclude, Mr. Royster said he enjoyed being a part of the City's operation, learned volumes from his experience, and expressed eloquent statements of appreciation to those he had the honor and privilege to serve with namely the Mayors and Councils, Department Heads, City Manager Rick Howell, City Clerk Bernadette Parduski, and City Attorney Bob Yelton.

D. Assumption of Office:

- 1) Oath of Office administered to Council Member Christopher H. Mabry, Ward 1

The Honorable James W. Morgan, Superior Court Judge of District 27-B, administered the Oath of Office to Mr. Mabry who was assisted by his wife, Leigh Mabry, and sons, Hayes and James.

- 2) Oath of Office administered to Council Member Elect Michael E. Putnam, Ward 4

Mrs. Parduski administered the Oath of Office to Mr. Putnam who was assisted by his wife, Donna Kay Weaver Putnam.

Mr. Putnam recognized members of his immediate family in attendance.

- 3) Oath of Office administered to Council Member Joel R. Shores, Jr., Ward 5

The Honorable Anna F. Foster, District Court Judge of District 27-B, administered the Oath of Office to Mr. Shores who was assisted by his mother, Mickie Hamrick Shores.

Mayor Alexander declared a recess at 6:40 p.m. and reconvened the meeting at 6:47 p.m.

#### E. Remarks from Officials

- 1) Mr. Putnam expressed his gratitude to the City and is looking forward to working with Council. He complimented Council's outstanding job in the past and hopes to continue that record in the future. Mr. Putnam will rely on his experience with other boards and hopes to be an asset to his fellow Council members and the City.
- 2) Mr. Mabry welcomed Mr. Putnam. He concurred with Mr. Royster's previous comments regarding a great City staff which gives him peace of mind. He believes the City and Cleveland County are moving in the right direction. Mr. Mabry said he is privileged to serve another term on City Council.
- 3) Mr. Shores welcomed Mr. Putnam and said he is looking forward to the next four years. He reiterated Mr. Mabry's comments about the City's momentum moving in the right direction.
- 4) Mrs. Patterson welcomed Mr. Putnam and offered her assistance.
- 5) Mr. Anthony welcomed Mr. Putnam and mentioned their service as

previous advisory board members together.

- 6) Mr. Hopper welcomed Mr. Putnam as a fellow veteran. He offered his assistance and stated that a Council member's job is to always keep the citizens in mind.
- 7) Mayor Alexander said it is indeed an honor and a privilege to serve with each Council member. He acknowledged the board's experience and skills which will provide insight and good judgment for solving the City's challenges and issues. The Mayor remains excited about the City's future.

#### **F. Election of Mayor Pro Tempore**

Mayor Alexander stated that in accordance with statute and tradition Council elects a member to serve as Mayor Pro Tempore until the organizational meeting following the next election cycle.

Mrs. Patterson nominated Mr. Shores.

**ACTION TAKEN:** Upon a motion by Mr. Mabry, second by Mr. Hopper, City Council voted unanimously to close the nominations for Mayor Pro Tempore.

City Council voted unanimously to elect Mr. Shores as Mayor Pro Tempore for a two year term.

#### **G. Special Presentations:**

- 1) Recognition of the Mayor's Outstanding Volunteer Service Recipient for December 2009: The Junior Charity League of Shelby

Mayor Alexander recognized Sheila Allen as President of The Junior Charity League of Shelby. Celebrating 75 years of service, the members of The Junior Charity League of Shelby have worked to benefit the citizens of Cleveland County. Current League service projects include The Kids on the Block Puppet Show and The Clothing Room.

The Mayor presented a framed certificate to Mrs. Allen and The Junior Charity League of Shelby on behalf of the City of Shelby.

- 2) Carolina Thread Trail Master Plan for Cleveland County – Randi Gates, Carolina Thread Trail Community Coordinator

Mrs. Gates began her presentation entitled, "Carolina Thread Trail Master Plan for Cleveland County Communities", by stating that the Carolina Thread

Trail is a regional network of greenways, trails, and conserved lands that will reach approximately 2.3 million citizens. It will link people, places, cities, towns, and attractions. The Carolina Thread Trail initiative, which has helped to spur the development of this plan, is an effort to encourage 15 counties in the south-central piedmont of North Carolina and the north-central portion of South Carolina to create a large, interconnected trail system that will preserve and increase the quality of life within the local communities.

Mrs. Gates said the scale of The Thread's connectivity is unparalleled and is based on certain guiding principles and core values: Collaboration, Community Self-Determination, Connectivity, Inclusivity, Leverage, and Respect for the Land, and Respect for the Landowners.

Mrs. Gates continued by stating that collaboration and communication among the Cleveland County communities is almost as important as connectivity. She acknowledged 19 entities, including the City of Shelby, which signed resolutions of support at the outset of this effort to work with neighboring communities and with the Carolina Thread Trail to plan, design, and build trails that will connect those communities.

Mrs. Gates said this plan is the outcome of a year-long public process spearheaded by the Carolina Thread Trail initiative and supervised by a steering committee of representatives from municipal and county governments as well as interested organizations, businesses, and individuals.

Mrs. Gates highlighted the timeline of the Master Planning Process as follows:

- January 2009 – Cleveland Steering Committee organized
- May 2009 – Interjurisdictional meeting and public open house
- May-July 2009 – Conducted community survey by Wikipanning
- July 2009 – Alternate routes mapped, interjurisdictional meeting, and public open house
- Early October 2009 – Two public open houses held
- Mid-October 2009 – The Steering Committee evaluated community input and agreed upon the proposed Thread route and other proposed trails for Cleveland County.

**Mrs. Gates summarized the framework of the Carolina Thread Trail Master Plan for Cleveland County Communities as follows:**

- **Created by local communities working together with their neighbors to identify connection points**
- **Outlines a means for long-term coordination of greenway and trail development so that trails will grow together over time**
- **Presents a first-ever plan to integrate all existing and proposed trails throughout the county**
- **Creates a comprehensive multi-use network of connectivity**

**Mrs. Gates briefly mentioned the recommended strategies and actions as detailed in the Master Plan by highlighting the following:**

- **Develop a minimum of 1.5 miles of greenways each year for the next 10 years**
- **Develop greenway trails in collaboration with local utility development**
- **Encourage the incorporation of this greenway plan by the county and local governments as an integral part of local comprehensive planning and land use planning efforts**
- **Aggressively seek funding from a variety of resources**
- **Explore the potential for Cleveland County to become a leader in public equestrian trails as part of the Carolina Thread Trail**

**Mrs. Gates detailed the outcome of the planning process is a map, as provided with the draft Master Plan, that includes all trails recommended to local governments for inclusion in their trail and greenway plans. Trails displayed in pink are those recommended for the Carolina Thread Trail designation and trails in green are presented for consideration by local communities wishing to augment or create trail plans to further tie together the people and destinations of Cleveland County communities. Together, this map included 106 miles of potential Carolina Thread Trails and 87 miles of secondary greenway routes. Mrs. Gates explained that the routes featured on these maps are  $\frac{1}{4}$  mile wide because actual trail alignment will depend upon existing conditions, including the availability of land, rights-of-way, landowner interest, and future opportunities. Mrs. Gates added the committee suggested the following opportunities for priority implementation: The First Broad River Greenway, The Broad River Greenway, and Shelby to**

Kings Mountain, along Potts Creek. Statistically speaking, 33.5 percent of all Cleveland County residents will live approximately a half-mile walking distance from the Carolina Thread Trail.

Mrs. Gates concluded her presentation with a discussion of what the Carolina Thread Trail Master Plan means to Shelby and Cleveland County by reiterating the following points:

- This Plan will not take the place of any existing plans.
- Adopting this Master Plan does not commit Shelby or the County to fund implementation.
- Once the route of The Thread has been adopted, grants will be available to provide seed funding for implementation of some segments of The Thread.
- Thread staff can and will assist local communities in creating a strategy for funding the implementation of their trails taking into consideration both private and public funding sources.

Lastly Mrs. Gates announced that she is set to make this presentation at the Cleveland Association of Government Officials (CAGO) meeting on December 10, 2009.

H. Public Comment: None

I. Public Hearing:

- 1) Consideration of an ordinance to adopt an agreement between the City of Shelby and the City of Kings Mountain, North Carolina authorizing the voluntary annexation of non-contiguous property: Ordinance No. 52-2009

Mr. Howell reminded Council that the City of Kings Mountain has requested that the City of Shelby enter into an annexation agreement with them to enable the City of Kings Mountain to annex its wastewater treatment plant. Therefore, according to North Carolina General Statute, an annexation agreement is necessary for the City of Kings Mountain to satellite annex their property. No agreement may be entered into unless each participating city has held a public hearing on the agreement. Mr. Howell recommended that following the public hearing, Council act favorably upon the proposed ordinance.

Mayor Alexander opened the public hearing at 7:23 p.m. and invited comments from the public.



The public offered no comments and Mayor Alexander closed the public hearing at 7:24 p.m.

**ACTION TAKEN:** Upon a motion by Mr. Hopper, second by Mrs. Patterson, City Council voted unanimously to approve and adopt Ordinance No. 52-2009, "AN ORDINANCE TO ADOPT AN AGREEMENT BETWEEN THE CITY OF SHELBY AND THE CITY OF KINGS MOUNTAIN, NORTH CAROLINA AUTHORIZING THE VOLUNTARY ANNEXATION OF NON-CONTIGUOUS PROPERTY".

**J. Consent Agenda:**

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

- 1) Approval of the Minutes of the Regular Meeting of November 16, 2009
- 2) Approval of Special Event Permit Applications:
  - a. The Cleveland County Branch of the NAACP's annual Martin Luther King, Jr. Unity March on January 18, 2010
  - b. Stand Up for Jesus Men's Group on December 15, 2009
- 3) Approval of a resolution honoring Coach David Steeves and the 2009 Shelby High School Golden Lions Soccer Team: Resolution No. 82-2009
- 4) Approval of a resolution to adopt the Carolina Thread Trail Master Plan for Cleveland County Communities: Resolution No. 83-2009
- 5) Approval of a resolution approving for acceptance of maintenance and ownership of the water, sewer, storm drainage, and roadway improvements for the Villages of Hallelujah Acres Phases I and II: Resolution No. 84-2009
- 6) Approval of a resolution certifying review of the proposed 2011-2015 Transportation Improvement Program (TIP) for Division of Aviation for State Aid to Airports: Resolution No. 85-2009
- 7) Adoption of an ordinance establishing a capital project and budgets for the City of Shelby's Urgent Repairs Program Grant 09: Ordinance No. 53-2009

- 8) Adoption of an ordinance establishing a capital project and budget for the City of Shelby's Airport Grant 9.1 Project: Ordinance No. 54-2009, as revised
- 9) Adoption of an ordinance establishing a capital project and budgets for the City of Shelby's 2010 Park Enhancement Project: Ordinance No. 55-2009
- 10) Approval of Notice of Changes in Regular Meeting Schedule of Shelby City Council

### END CONSENT AGENDA

#### K. Unfinished Business:

- 1) Consideration of appointments to City Advisory Boards and Commissions:
  - a. Appointment of Council liaisons to City Advisory Boards and Commissions

Following Council's policy, Mrs. Parduski announced the liaison appointments for the term 2009-2011 as follows:

Ward 1 – Mr. Mabry:	Zoning Board of Adjustment and Airport Commission
Ward 2 – Mr. Anthony:	Parks and Recreation and C19TV Advisory Board
Ward 3 – Mrs. Patterson:	Planning and Zoning and Appearance Commission
Ward 4 – Mr. Putnam:	Uptown Shelby Association (USA) Board
Ward 5 – Mr. Shores:	Alcoholic Beverage Control (ABC) Board
Ward 6 – Mr. Hopper:	Community Relations Council and Housing and Redevelopment

Mr. Shores nominated Mr. Anthony as the Lake Norman Rural Planning Organization Transportation Advisory Committee Alternate Member.

Mr. Shores nominated Mr. Hopper as the North Carolina Municipal Power Agency 1 (NCMPA 1) Alternate Commissioner.

**ACTION TAKEN:** Upon a motion by Mr. Shores, second by Mrs. Patterson, City Council voted unanimously to close the nominations and accepted the nominees, Mr. Anthony and Mr. Hopper, as Alternate Member and Alternate Commissioner respectively.

**b. Shelby Appearance Commission**

Mrs. Parduski reminded Council that there is one vacancy for an expired term concluding January 2011. In addition, there are four vacancies with terms concluding January 2010. Three incumbents, Mike Lowery, Jr., Lillian Corprew, and Linda Price, wish to continue their service. Currently there are no applications on file in the Clerk's Office.

Mrs. Patterson nominated Mike Lowery, Jr., Lillian Corprew, and Linda Price.

**ACTION TAKEN:** Upon a motion by Mrs. Patterson, second by Mr. Hopper, City Council voted unanimously to close the nominations for three terms concluding January 2010 and to continue the nominations for the remaining unexpired terms.

By unanimous vote, Council reappointed the incumbents, Mike Lowery, Jr., Lillian Corprew, and Linda Price, to the Shelby Appearance Commission for terms concluding January 2013.

**c. Firefighter's Relief Fund Board of Trustees**

Mrs. Parduski reported that the term of one incumbent, Phil Lovelace, is set to conclude January 2010. Mr. Lovelace wishes to continue his service. There are no applications on file in the Clerk's Office.

Mr. Hopper nominated Phil Lovelace.

**ACTION TAKEN:** Upon a motion by Mr. Shores, second by Mrs. Patterson, City Council voted unanimously to close the nominations.

By unanimous vote, Council reappointed the incumbent, Phil Lovelace, to the Firefighter's Relief Fund Board of Trustees for a term concluding January 2012.

**d. Parks and Recreation Advisory Board**

Mrs. Parduski reported that there is one vacancy for an unexpired term concluding July 2010. Applications on file include the following: Joan D. Spencer and David Carl Lynn.

Mr. Anthony nominated David Carl Lynn.

**ACTION TAKEN:** Upon a motion by Mr. Hopper, second by Mr. Shores, City Council voted unanimously to close the nominations.

By unanimous vote, Council appointed David Carl Lynn to Parks and Recreation Advisory Board for the unexpired term concluding July 2010.

L. New Business: None

M. City Manager's Report:

- 1) Mr. Howell updated Council on the status of the fueling station. With all the environmental and permitting issues recently resolved, he anticipated construction to begin shortly.
- 2) Mr. Howell announced that the presentation of the annual audit report has been delayed until the Council meeting of January 4, 2010.
- 3) Mr. Howell updated Council on the status of the solar farm to be constructed at the Shelby-Cleveland County Regional Airport. Recently, all documents have been fully executed and received by the City.
- 4) Mr. Howell reminded Council that the North Carolina League of Municipalities Grassroots Meeting will be held on Wednesday, December 16, 2009, at The Don Gibson Theatre beginning at 3:30 p.m.
- 5) Mr. Howell requested Council to consider possible dates in January or February 2010 for their annual retreat.

Council discussed the tentative dates of January 22 and 23 and February 5 and 6, 2010.

- 6) With regard to budgetary matters and scheduling, Mr. Howell anticipated receiving the 2009 last quarter sales tax revenue figures sometime in January 2010. He reminded Council that the City budgeted a 12 percent decline in those figures for Fiscal Year 2009-2010.

N. Council Announcements and Remarks

- 1) Mrs. Patterson reported that motorists are not utilizing the reverse angle parking spaces correctly.

O. Closed Session:

- 1) To consult with the City Attorney in order to preserve the attorney-client privilege in the matter of Maxine Bush, et al versus The City of Shelby pursuant to North Carolina General Statute 143-318.11(a)(3)

**ACTION TAKEN:** Mr. Shores made a motion to enter into a closed session to preserve the attorney-client privilege in the matter of Maxine Bush, et al versus The City of Shelby pursuant to the appropriate North Carolina General Statute as cited. Council consulted with Mr. Yelton who advised that the topic met the statutory requirement for a closed session. Mayor Alexander invited all Council members present, Mr. Yelton, Mr. Howell, Mrs. Parduski, and Mr. Scharer to attend. The motion was seconded by Mrs. Patterson and passed unanimously. Council moved into closed session at 7:55 p.m.

**ACTION TAKEN:** Upon a motion by Mr. Shores, second by Mrs. Patterson, City Council voted unanimously to return to regular session.

**P. Adjournment:**

- 1) Motion to adjourn

**ACTION TAKEN:** Upon a motion by Mr. Shores, second by Mr. Anthony, City Council voted unanimously to adjourn the meeting at 8:25 p.m.

Respectfully submitted,

Bernadette A. Parduski, CMC  
City Clerk

W. Ted Alexander  
Mayor

Minutes of December 7, A. D. 2009