

## MINUTES

Regular Meeting  
City Hall Council Chamber

May 5, 2014  
Monday, 6:00 p.m.

**Present:** Mayor O. Stanhope Anthony III, presiding; Council Members Eric Hendrick, David W. White, Jeanette D. Patterson, Dennis C. Bailey, Ben Kittrell, Dicky Amaya; City Manager Rick Howell, City Clerk Bernadette A. Parduski, NCCMC, MMC, City Attorney Robert W. (Bob) Yelton, Director of Human Resources Deborah C. (Deb) Jolly, Police Chief Jeffrey H. (Jeff) Ledford, Assistant Fire Chief Jacob E. (Jake) Whisnant, Fire Chief William P. Hunt, MPA, Director of Public Works Daniel C. (Danny) Darst, Jr., Director of Parks and Recreation Charlie Holtzclaw, Director of Planning and Development Services Walter (Walt) Scharer, AICP; and media representatives

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

### A. Approval of agenda:

#### 1) Motion to adopt the proposed agenda

Mayor Anthony announced the addition of Item E-1 under New Business as follows:

- Consideration of a resolution in support of the American Legion World Series request for legislative discretionary funding for a new access road to Keeter Stadium: Resolution No. 21-2014

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

### B. Special Presentation:

#### 1) Recognition of Barry Hughes on the occasion of his retirement from employment with the City of Shelby: Resolution No. 15-2014

Mayor Anthony called upon Mr. Hughes who recognized his wife in attendance. The Mayor formally read and presented framed Resolution No. 15-2014 to Mr. Hughes. He then presented the key to the City, a City lapel

pin, and plaque to Mr. Hughes in honor of and with heartfelt appreciation for more than 32 years of dedicated service to the City of Shelby Fire & Rescue Department.

Humbled by the recognition, Mr. Hughes expressed his appreciation to many, including City Manager Rick Howell, Human Resources Director Deb Jolly, Fire Chief William Hunt, Assistant Fire Chief Jake Whisnant, and City officials, for supporting him over the years as well as for the overall support given to the Shelby Fire & Rescue Department.

**C. Consent Agenda:**

**ACTION TAKEN:** Mayor Anthony presented the consent agenda. Mrs. Patterson made a motion to approve the consent agenda and each item as presented. The consent agenda and following items were unanimously approved:

- 1) Approval of the Minutes of the Regular Meeting of April 21, 2014
- 2) Approval of a resolution accepting the acquisition of real property from Bobby G. Pyron, Sr. and wife, Shirley B. Pyron, to the City of Shelby for property abutting the Shelby-Cleveland County Regional Airport: Resolution No. 18-2014
- 3) Adoption of an ordinance authorizing demolition of dwellings: Ordinance No. 24-2014

**END CONSENT AGENDA**

**D. Unfinished Business:**

- 1) City of Shelby's Artee Road Sewer Line Extension Project
  - a. Consideration of an ordinance establishing a capital project ordinance and budgets for the City of Shelby's Artee Road Sewer Line Extension Project: Ordinance No. 25-2014

Mr. Howell introduced Ordinance No. 25-2014 for Council's consideration. If approved, this ordinance establishes a budget for this project and appropriates funding from the Sewer Retained Earnings (fund balance) in the amount of \$206,000 for construction and engineering. Mr. Howell reminded Council the construction of the line was part of the economic development incentive agreement with Greenheck Fan Corporation and will serve the eastern part of the Foothills Commerce Center. He noted this line will not just

serve the Greenheck property. It also has the potential to serve two existing buildings on Metrolina Drive, any expansion of Shell Building No. 2, as well as approximately 200 acres to the east, abutting Washburn Switch Road.

**ACTION TAKEN:** Upon a motion made by Mr. Amaya, City Council voted unanimously to approve and adopt Ordinance No. 25-2014 entitled, “AN ORDINANCE ESTABLISHING A CAPITAL PROJECT ORDINANCE AND BUDGETS FOR THE CITY OF SHELBY’S ARTEE ROAD SEWER LINE EXTENSION PROJECT”.

- b. Consideration of a resolution awarding the construction contract for the City of Shelby’s Artee Road Sewer Line Extension Project: Resolution No. 19-2014

Mr. Howell introduced Resolution No. 19-2014 for Council’s consideration. If approved, this resolution would award the contract to construct the proposed sewer line. The apparent low bidder was C & W Utilities, Inc. in the amount of \$164,026.60, which is within the established budget. Mr. Howell added the City’s consulting engineer, McGill Associates, also completed a certified bid tabulation and award recommendation.

**ACTION TAKEN:** Upon a motion made by Mr. Amaya, City Council voted unanimously to approve and adopt Resolution No. 19-2014 entitled, “A RESOLUTION AWARDED THE CONSTRUCTION CONTRACT FOR THE CITY OF SHELBY’S ARTEE ROAD SEWER LINE EXTENSION PROJECT”.

## 2) City of Shelby’s Foothills Commerce Center Roadway and Waterline Extension Projects – Phase 2

- a. Consideration of a budget ordinance amendment for the City of Shelby’s Foothills Commerce Center Roadway and Waterline Extension Projects: Ordinance No. 26-2014

Mr. Howell introduced Ordinance No. 26-2014 and Resolution No. 20-2014 for Council’s consideration. He stated the Commerce Center Drive Road Extension Project to the south, the Partnership Drive Road Extension Project to the east, and the Water Line Extension Project along Partnership Drive are all included in the Foothills Commerce Center Master Plan. He recommended the award of the construction contract for the Foothills Commerce Center Road and Waterline Extension Project – Phase 2 in the amount of \$456,915.00 to C & W Utilities, Inc.

Upon questioning about construction increases, Mr. Howell responded the project became time sensitive. Shortly after the project began design, the

City was made aware of some sensitive dates for Greenheck Fan Corporation. As such, the City had to shorten the project time allowance to 60 days with a requirement of 30 days for site access. This was essential so Greenheck Fan Corporation can stay on schedule and have equipment delivered on an anticipated date of July 1, 2014. As a result, the City must have the roadway graded with a final grade set by July 1 in order for Greenheck Fan Corporation to be able to receive their delivery. This situation caused the bids to come in higher than originally anticipated especially on the roadway and site grading items. Mr. Howell stated the budget ordinance amendment is necessary due to several factors involving the bid environment, the accelerated construction time, and the increase in the scope of the project. If approved, this ordinance appropriates funding from the Powell Bill Program Fund for road construction and from the Water Fund balance (reserves) for the water line extension.

**ACTION TAKEN:** Upon a motion made by Mr. White, City Council voted unanimously to approve and adopt Ordinance No. 26-2014 entitled, “A BUDGET ORDINANCE AMENDMENT FOR THE CITY OF SHELBY’S FOOTHILLS COMMERCE CENTER ROADWAY AND WATERLINE EXTENSION PROJECTS”.

- b. Consideration of a resolution awarding the construction contract for the City of Shelby’s Foothills Commerce Center Roadway and Waterline Extension Projects Phase 2: Resolution No. 20-2014

**ACTION TAKEN:** Upon a motion made by Mrs. Patterson, City Council voted unanimously to approve and adopt Resolution No. 20-2014 entitled, “A RESOLUTION AWARDING THE CONSTRUCTION CONTRACT FOR THE CITY OF SHELBY’S FOOTHILLS COMMERCE CENTER ROADWAY AND WATERLINE EXTENSION PROJECTS PHASE 2”.

#### **E. New Business:**

- 1) Consideration of a resolution in support of the American Legion World Series request for legislative discretionary funding for a new access road to Keeter Stadium: Resolution No. 21-2014

Mr. Howell introduced Resolution No. 21-2014 for Council’s consideration. He was contacted by Representative Tim Moore’s office requesting Council’s support of the American Legion World Series Executive Committee’s request to seek legislative funding for the construction of a new access road from US Highway 74 directly to Keeter Stadium in order to relieve traffic congestion and safety concerns during the American Legion World Series events held

each August in Shelby. If approved, the resolution supports the project as part of the funding process for the proposal.

**ACTION TAKEN:** Upon a motion made by Mr. White, City Council voted unanimously to approve and adopt Resolution No. 21-2014 entitled, "A RESOLUTION IN SUPPORT OF THE AMERICAN LEGION WORLD SERIES REQUEST FOR LEGISLATIVE DISCRETIONARY FUNDING FOR A NEW ACCESS ROAD TO KEETER STADIUM".

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

- 1) Mr. Howell provided an update on the Foothills Farmers Market Shade Pavilion Project, stating he is in receipt of a preliminary construction schedule, which begins in mid-July 2014 with a final inspection tentatively set for early October 2014.
- 2) Mr. Howell reported there continues to be very positive recruiting activity and interest in the second shell building at the Foothills Commerce Center; however, negotiations have not resulted in a signed contract as of this date.
- 3) Mr. Howell briefly discussed his proposed budget which has been finalized and balanced. His budget assumptions included no tax rate increase, no fee rate increases, a significant deferral of maintenance issues and projects, an increase in the Natural Gas Fund transfer to the General Fund, a 2 percent increase in the overall payroll for employee performance pay, and the inclusion of the 30 percent cost increase of the employee health insurance plan. With regard to the utility funds, Mr. Howell proposed a 2 percent increase on the electric rate, a 3 percent increase on the water rate with a 5 percent increase on the outside (rural) water rate, and a 2 percent increase on the sewer rate with a 5 percent increase on the outside (rural) sewer rate. Mr. Howell recommended no change in the natural gas rates. He added the new Stormwater Program will be implemented as a utility fund with a fee structure.

Council discussed the scheduling of budget sessions and by consensus, Council set May 20 and May 27, 2014 beginning at 11:30 a.m. at the Shelby-Cleveland County Regional Airport Terminal Building to hold special meetings related to the proposed budget for Fiscal Year 2014-2015.

- 4) Mr. Howell mentioned staff has gathered a list of intersections to be considered for traffic engineering studies, the listing and details of which will follow in the very near future.

- 5) Mr. Howell said gateway signage concerns and discussions will be addressed shortly after the budget process is complete and the budget is adopted.
- 6) Mr. Howell stated there is minimal funding available in the proposed electric and Powell Bill Program budgets to consider some initial improvements related to the Uptown electric and pedestrian safety issues. A proposal as to the specific plan will be forthcoming.
- 7) Mr. Howell reported he had a preliminary discussion with a representative of Norfolk Southern Railroad regarding the potential use of the inactive railway running through the City. He is hopeful a follow-up discussion can be pursued.

**G. Council Announcements and Remarks:**

- 1) Mayor Anthony reminded Council members to attend the Annual YMCA Community Prayer Breakfast on May 9, 2014 beginning at 6:45 a.m. at the LeGrand Center.
- 2) Mrs. Patterson expressed the appreciation of Shelby Café to the City for replacing the trash receptacle located near their business location.

**H. Adjournment:**

- 1) Motion to adjourn

**ACTION TAKEN:** Upon a motion made by Mr. Kittrell, City Council voted unanimously to adjourn the meeting at 6:45 p.m.

Respectfully submitted,

Bernadette A. Parduski, NCCMC, MMC  
City Clerk

O. Stanhope Anthony III  
Mayor

Minutes of May 5, 2014