

## MINUTES

Regular Meeting  
City Hall Council Chamber

October 20, 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, Dicky Amaya; City Manager Rick Howell, City Clerk Bernadette A. Parduski, NCCMC, MMC, City Attorney Robert W. (Bob) Yelton, Director of Finance Justin S. Merritt, MPA, 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, MPA, EFO, Director of Public Works Daniel C. (Danny) Darst, Jr., Director of Planning and Development Services Walter (Walt) Scharer, AICP; and media representatives, Broadcasting and Cable Access Director Greg Tillman of Cleveland Community College/C19TV and Reporter Joyce Orlando of The Shelby Star

**Absent:** Council Member Ben Kittrell

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 Mrs. Patterson led the *Pledge of Allegiance*.

**A. Approval of agenda:**

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

Mayor Anthony announced the removal of Item B-1 under Special Presentations due to a scheduling conflict for David Bradley. The Mayor also acknowledged receipt of additional documentation in support of Item F-1 under Unfinished Business.

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

**B. Special Presentations:**

**1) REMOVED; TO BE RESCHEDULED**

Recognition of David Bradley on the occasion of his retirement from employment with the City of Shelby: Resolution No. 48-2014

**2) Smart Grid in Shelby – Roy Jones, Chief Operating Officer, ElectriCities of North Carolina, Inc.**

**Mayor Anthony introduced Roy Jones as the Chief Operating Officer of ElectriCities and Mr. Jones, in turn, introduced Matt Schull as the Senior Vice President of Operations for the North Carolina Municipal Power Agency 1 (NCMPA1) and P. J. Rehm as the Distribution Services Coordinator with ElectriCities.**

**Mr. Jones began his presentation by introducing the concept of a Smart Grid initiative for the City of Shelby. By way of background information, he stated ElectriCities has been working on smart grid solutions for its members and is providing its services to help members implement a successful smart grid solution through project management, vendor management, education, and communication. He explained smart meter technology allows a utility provider to monitor and communicate with a meter from a central location and better manage the system, respond to problems, and possibly prevent problems before they happen. A smart grid allows for real-time monitoring of the meters on utility systems.**

**Specifically, Mr. Jones stated an advanced metering infrastructure (AMI) system will allow Shelby to:**

- **Read meters remotely from a computer**
- **Connect/disconnect a utility to a meter from a computer**
- **Be alerted when meter tampering is occurring**
- **Know about a power outage instantaneously**
- **Offer pre-pay to its customers**

**Mr. Jones added AMI will allow Shelby's customers to:**

- **Monitor their utility consumption from a computer or smart phone**
- **Receive notifications for irregular consumption or leaks**
- **View bill estimates before the billing cycle is over**
- **Pre-pay for utilities**

**Next Mr. Jones discussed the installation of the Wi-Fi enabled solution offering two-way communication between a smart utility meter and the utility provider and six channels. The system also offers unique attributes and flexibility, including these value-added options:**

- Interactive voice response
- Outage management system
- Geographic information system
- Load management system
- Customer information system
- Pre-payment system
- Customer portal

From a cost perspective, Mr. Jones presented the preliminary Shelby business case for full deployment of the program within the current City limits as follows:

- AMI electric system projected cost = \$1.6 million
- AMI water system projected cost = \$3.3 million
- AMI gas system projected cost = \$1.05 million
- Total cost for AMI systems, including installation, projected cost = \$5.95 million
- Annual charges projected at approximately \$90,000 per year, to include licensing, hosting, and ongoing support
- Annual benefits = \$1 million per year
- Benefits include: Remote meter reading, Remote disconnect/reconnect, Improved meter accuracy/reduced losses, Increased reliability/outage response time, and Prepay

Taking into consideration a conservative estimate on the annual benefits, Mr. Jones anticipated an estimated payback period of four to six years.

Discussion followed between testing a pilot project versus implementing the full deployment of a Smart Grid Program.

To conclude, Mr. Howell and Mr. Jones recommended a further study and evaluation to develop a proposal for Shelby's pilot project model, including implementation of the same.

Council received the information and took no action.

Lastly Mr. Schull officially presented the 2014 North Carolina Public Power Awards of Excellence to the City of Shelby. Mr. Schull stated these awards have been presented to 23 communities in North Carolina this year. Shelby received four awards in the following key areas: Competitive Business Environment, Energy Efficiency, Financial Stability, and Service Excellence.

**Mr. Schull congratulated the City for its achievements and applauded the staff for their outstanding efforts in continuing to be a model of public power excellence. Mayor Anthony received the awards on behalf of the City and expressed his appreciation to City employees for making these recognitions possible, which serve as a testament to their good work.**

**3) Washburn Switch Road Interchange Small Area Plan – Walt Scharer, Director, Planning and Development Services Department**

**Mr. Scharer introduced the subject matter of this presentation namely the Washburn Switch Interchange Small Area Plan, which is the first of five small area plans in response to the existence of the new US 74 Bypass currently under construction. He stated the 2009 Shelby Comprehensive Land Use Plan and the City’s 2005 Strategic Growth Plan identified important actions to plan for the future of all proposed interchanges within the City’s jurisdiction along the new US 74 Bypass. As a result, staff brought a recommendation to Council in February 2014 and was authorized to produce a series of small area planning processes that would engage the community including property owners, business owners, residents, City and Cleveland County elected officials, City and Cleveland County staff, and others to identify recommendations for each of the interchanges. Small area plans examine the local conditions and address a specific area’s needs and opportunities with detailed recommendations. They provide a collaborative process for citizens to work together to improve their neighborhood and ensure a better future. These recommendations include future land uses, signage, landscaping and buffering, and other land use issues.**

**Next Mr. Scharer introduced Korrie Becht, a Planner and GIS Analyst in his department, to report the Washburn Switch Interchange Small Area Plan recommendations for Council’s consideration.**

**Ms. Becht stated this review period and the public hearing provide an opportunity for the public to help make decisions about the new US 74 Bypass and the potential development it will bring to surrounding areas. Utilizing the Comprehensive Land Use Plan Future Land Use Map, Ms. Becht identified the Washburn Switch Interchange Study Area describing the boundaries as well as the residential, agricultural, and existing and future employment areas.**

**Based on the information provided during committee meetings and input from residents at the open house, Ms. Becht detailed the following recommendations and goals:**

- Adopt the Vision Map – Adopt the Washburn Switch Interchange Small Area Plan Vision Map to replace the depicted future land uses on the Future Land Use Map in the Comprehensive Land Use Plan for the area within the small area plan study area boundary.**

The goal is to encourage uses in strategic locations with convenient transportation access and adequate facilities.

- Create an overlay zoning district to regulate transportation recommendations and design guidelines.

The goal is to protect and enhance major routes as viable transportation corridors by ensuring their safety, capacity, and coordination with the adjacent land uses.

- Respond to utility needs with a utilities services growth plan, complete the Brushy Creek Outfall Project, provide adequate utilities to the Washburn Switch Industrial Park, and ensure adequate emergency services.

The goal is to maintain high quality utility services within the Washburn Switch study area.

- Amend and create sign standards
- Create an attractive interchange/entryway into the City.

The goal is to insist on a better quality of development to continue creating attractive entryways into the community with distinctive buildings, well-groomed landscaping, attractive signage, plentiful street trees, and roadsides free of clutter and litter.

Ms. Becht concluded by stating the future of the Washburn Switch Interchange relies on the Washburn Switch Interchange Small Area Plan as presented. Following the goals and recommendations of the plan will help development within the Washburn Switch Interchange Study Area.

Upon questioning, Ms. Becht described the planning process which included regular committee meetings during which City Planning staff and committee members discussed, recommended, and participated in development activities for the future of the Washburn Switch Interchange Study Area. Public participation included open houses that were held to explain research findings and discuss future development and transportation ideas.

Mr. Howell publicly expressed his appreciation to all those residents and businesses, government agencies, and other stakeholders who participated in the Washburn Switch Interchange Small Area Plan planning process, especially Mr. Scharer and Ms. Becht.

**C. Public Comment:**

- 1) Coleman Doggett who resides at 217 Rosecommon Lane in Cary, North Carolina stated, as a Washburn Switch property owner, he did not receive any notices regarding the Washburn Switch Interchange Small Area Plan meetings. Mr. Doggett further stated he could not read or understand the plan maps. He also expressed concern about his Washburn Switch property being rezoned by the proposed plan.
- 2) Modestenia Bush who resides at 1338 North Lafayette Street in Shelby, North Carolina, which was previously owned by a relative and where the existing hot water tank was included in the City's discontinued Electric Load Management Program. Ms. Bush said she replaced the water tank in 2006 but was left with the meter and the wires from the former program. With regard to the proposed Smart Grid Program, Ms. Bush questioned the life expectancy of the program, who will take responsibility for the meters, the reliability of the Wi-Fi system, and if the program will be mandatory or optional for customers.

**D. Public Hearings:**

- 1) Consideration of a resolution to adopt the Washburn Switch Interchange Small Area Plan: Resolution No. 55-2014

With regard to Mr. Doggett's previous comments regarding the Washburn Switch Interchange Small Area Plan, Mr. Scharer clarified no property rezonings are associated with the adoption of this plan.

Mayor Anthony opened the public hearing at 7:11 p.m. and invited comments from the public.

The public offered no comments and Mayor Anthony closed the public hearing at 7:12 p.m.

**ACTION TAKEN:** Upon a motion made by Mr. Amaya, City Council voted unanimously to approve and adopt Resolution No. 55-2014 entitled, "A RESOLUTION TO ADOPT THE WASHBURN SWITCH INTERCHANGE SMALL AREA PLAN".

- 2) Consideration of a proposed ordinance to amend the Unified Development Ordinance (UDO) of the City of Shelby: Ordinance No. 39-2014

Mr. Scharer introduced Ordinance No. 39-2014, which proposed a textual amendment to residential parking requirements, for Council's consideration.

He reminded Council that in 2012 the board passed an amendment to the UDO regulating residential parking. Mr. Scharer stated the amendment required residential parking to take place upon a driveway or an approved parking area. The amendment also addressed side yard parking when the side yard is on a street. Through enforcement of these regulations, staff observed several issues that needed to be defined further. These issues were then presented to the Planning and Zoning Board.

Mr. Scharer further stated the current regulations require any vehicles parked in the front yard or side yard adjoining a street must be parked on an approved parking area. Approved parking areas are to be an all-weather surface made of gravel, asphalt, or concrete, but did not include grass or dirt. Mulch has become a common question as to the improved surface. Staff proposed specifically defining mulch as a surface that is not an “improved” surface under this section. In addition, staff proposed all “improved” parking pads be served with an “improved” driveway. Mr. Scharer added this subsection adopts the US Department of Transportation’s definition of a passenger vehicle to mean cars and trucks used by passenger; however, the term excludes buses, commercial vehicles, recreational vehicles, and trains. He clarified staff’s recommendation that all vehicles parked in a side yard, with street frontage, be required to park on an “improved” surface.

Mr. Scharer concluded and summarized that staff, along with the Planning and Zoning Board, recommended Council approve the proposed text amendment to include mulch as a prohibited use, that all parking pads are served with an improved driveway, and that all vehicles parked in a side yard, with street frontage, be required to park on an improved surface, so as to eliminate any vagueness as to parking surfaces and parking areas.

Mayor Anthony opened the public hearing at 7:14 p.m. and invited comments from the public.

The public offered no comments and Mayor Anthony closed the public hearing at 7:15 p.m.

**ACTION TAKEN:** Upon a motion made by Mr. Bailey, City Council voted unanimously to approve and adopt Ordinance No. 39-2014 entitled, “A PROPOSED ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF SHELBY”.

- 3) Consideration of a proposed ordinance to amend the Unified Development Ordinance (UDO) of the City of Shelby: Ordinance No. 40-2014

Mr. Scharer introduced Ordinance No. 40-2014, which proposed a textual amendment for off-premise advertising signs or billboards, for Council's consideration. He stated a joint committee made up of members of the Planning and Zoning Board and Keep Shelby Beautiful Commission have been reviewing the current sign regulation found in the UDO. Upon review of the section regulating billboards, it was found that perhaps the billboard setback should be adjusted. The committee agreed the billboard setback should be increased from 500 feet to 1,000 feet.

The proposed UDO amendment would permit billboards, or off-premise outdoor advertising signs, provided there was a setback of 1,000 feet from any other billboard on the same side of the street. Mr. Scharer further stated existing billboards may continue to be used as non-conforming signs.

Mr. Scharer concluded by stating the Planning and Zoning Board has reviewed this proposal and recommended approval of the proposed ordinance.

Mayor Anthony opened the public hearing at 7:18 p.m. and invited comments from the public.

The public offered no comments and Mayor Anthony closed the public hearing at 7:19 p.m.

**ACTION TAKEN:** Upon a motion made by Mr. Amaya, City Council voted 3 (White, Patterson, and Amaya) to 2 (Hendrick and Bailey) to approve and adopt Ordinance No. 40-2014 entitled, "A PROPOSED ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF SHELBY".

**E. 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 October 6, 2014
- 2) Adoption of Fiscal Year (FY) 2014-2015 Budget Ordinance Amendment No. 4: Ordinance No. 41-2014

**END CONSENT AGENDA**

**F. Unfinished Business:**

- 1) **Consideration of a resolution awarding the construction contract for the Shelby City Parks and Recreation Sports Complex Ball Field Lighting Project: Resolution No. 56-2014**

**Mr. Howell introduced Resolution No.56-2014 for Council’s consideration. He reminded the board of their previous approval which provided funding for several capital projects throughout the City. One of those projects was to furnish and install sports lighting for the ball fields at the City Park Recreation and Sports Complex. Mr. Howell stated the estimated cost of this project was \$350,000. A Request for Proposals (RFP) was issued to receive bids for construction of this project and bids were opened on October 12, 2014. The apparent low bidder was Camp Electric Company, Inc. at the alternate bid of \$283,195.00. This bid has been evaluated by staff who found it to meet the required specifications.**

**Mr. Howell concluded by stating staff supported the recommendation to proceed and approve the resolution awarding the construction contract to Camp Electric Company.**

**ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to approve and adopt Resolution No. 56-2014 entitled, “A RESOLUTION AWARDED THE CONSTRUCTION CONTRACT FOR THE SHELBY CITY PARK AND RECREATION SPORTS COMPLEX BALL FIELD LIGHTING PROJECT”.**

**G. New Business: None**

**H. City Manager’s Report:**

- 1) **With regard to the Foothills Farmers Market Shade Pavilion Project, Mr. Howell updated Council on the Phase I construction. The steel structure is almost complete and progress is being made by Greene Construction. With regard to Phase 2, the City is awaiting the US Department of Agriculture’s approval of those construction plans in order to proceed with the bidding process.**

**There was a brief discussion about naming, designating, or identifying a name for this facility.**

- 2) **Mr. Howell acknowledged Mayor Anthony, Mr. White, Mrs. Patterson, and Mr. Bailey for their attendance at the Wayfinding Sign unveiling event held on October 16, 2014.**
- 3) **Mr. Howell updated Council on the progress of the North Carolina**

Department of Transportation (NCDOT) Enhancement Project to remove vegetation under the bridges along the US 74 Bypass. The City will be working with DOT to develop a new landscape plan as well as entering into a municipal agreement for the maintenance of same. The long-term goal is to extend the enhancement project further to the east and west for its aesthetic purpose and value.

- 4) Mr. Howell mentioned NCDOT has been given permission to pave over the Norfolk Southern railroad crossings in the City of Shelby.
- 5) With regard to the Brushy Creek Sewer Outfall Project, Mr. Howell stated the project continues to move forward and staff will be seeking Council's authorization to apply for grant funding from the US Economic Development Administration.
- 6) Mr. Howell previously reported a significant water main issue along a portion of Grover Street that travels cross-country connecting to another water main on Sumter Street, which has become problematic. This section of water main has been slated for replacement in the Water and Sewer Asset Management Plan previously adopted by Council. Mr. Howell said it is a crucial part of the water system infrastructure especially given it feeds the more densely developed portion of the City as well as the South water tank. He anticipated this Grover Street/Morgan Street Waterline Project will have to move forward in the very near future.

I. Council Announcements and Remarks:

- 1) Mr. Amaya and Mrs. Patterson mentioned two articles featuring Mayor Anthony and Mr. Bailey, which appeared in Southern City, the September/October 2014 edition, published by North Carolina League of Municipalities.
- 2) Mr. Bailey reported he received complaints about a shortage of City building inspectors.

Mr. Howell responded the City employs one certified building inspector and recently hired a new building inspector who is currently in training. He reminded Council one inspector's position was eliminated from the budget two years ago. He is also happy to address the matter with any customer who has this concern.

- 3) Mrs. Patterson received several good comments regarding the alert notification on October 18, 2014 regarding the South Carolina convict who escaped from a correctional institute and was possibly headed to Shelby.

Mrs. Patterson reminded all that October is recognized as National Breast Cancer Awareness Month and early detection of the disease saves lives. She expressed her appreciation for support of the cause and announced that as of August 2014 she has been cancer-free for 10 years because of testing.

- 4) Mr. White memorialized his good friend and Eric Hendrick's uncle, Robin Hendrick, who passed away on October 12, 2014. He requested Council honor Mr. Hendrick with a resolution for his numerous contributions to Shelby and Cleveland County.

Mr. White also said the Liver Mush Festival held on October 18, 2014 was great.

**J. Adjournment:**

- 1) Motion to adjourn

**ACTION TAKEN:** Upon a motion made by Mr. Amaya, City Council voted unanimously to adjourn the meeting at 7:42 p.m.

Respectfully submitted,

Bernadette A. Parduski, NCCMC, MMC  
City Clerk

O. Stanhope Anthony III  
Mayor

Minutes of October 20, 2014