

MINUTES

Regular Meeting
City Hall Council Chamber

August 5, 2013
Monday, 6:00 p.m.

Present: Mayor pro tempore Joel R. Shores, Jr., presiding; Council Members Christopher H. (Chris) Mabry, David W. White, Dennis C. Bailey, Dicky Amaya; City Manager Rick Howell, City Clerk Bernadette A. Parduski, NCCMC, MMC, City Attorney Andrea Leslie-Fite, 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, 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

Absent: Mayor O. Stanhope Anthony III and Council Member Jeanette D. Patterson

Mr. Shores called the meeting to order at 6:02 p.m. and welcomed all who were in attendance. Mr. White gave the invocation and Mr. Bailey led the *Pledge of Allegiance*.

A. Approval of agenda:

- 1) Motion to adopt the proposed agenda

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

B. Consent Agenda:

ACTION TAKEN: Mr. Shores presented the consent agenda. Mr. White 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 July 15, 2013
- 2) Approval of the Certificate of Sufficiency regarding Petition for Contiguous Annexation of Carolina Retail Development, LLC

- 3) Approval of the Certificate of Sufficiency regarding Petition for Satellite Annexation of KSM Castings NC Inc.
- 4) Approval of a resolution honoring James R. Quinlan and Linda Quinlan: Resolution No. 49-2013
- 5) Approval of a resolution approving an application by the City of Shelby Police Department to the US Department of Justice for an Edward Byrne Memorial Justice Assistance Grant and accepting the funds of same: Resolution No. 50-2013
- 6) Approval of a resolution authorizing and awarding a contract for the purchase of an AutoCar ACX64 with a New Way body automated garbage truck utilizing the “piggyback” method: Resolution No. 51-2013
- 7) Approval of a resolution accepting property from Luther Owens: Resolution No. 52-2013
- 8) Approval of a resolution supporting the City of Shelby’s application for trail construction funds for the Carolina Thread Trail: Resolution No. 53-2013
- 9) Adoption of Fiscal Year 2012-2013 Budget Ordinance Amendment No. 10: Ordinance No. 23-2013
- 10) Adoption of Fiscal Year 2013-2014 Budget Ordinance Amendment No. 1: Ordinance No. 24-2013
- 11) Adoption of an ordinance amending Section 12-5 of the Shelby City Code: Ordinance No. 25-2013

END CONSENT AGENDA

C. Unfinished Business:

- 1) Consideration of appointments to City advisory boards and commissions:
 - a. Parks and Recreation Advisory Board

Mrs. Parduski reported the terms of three incumbents, Allen Langley, David Carl Lynn, and Gene Matheney, concluded July 2013. Mr. Langley and Mr. Lynn wish to continue their service. Mr. Matheney has decided to complete his service. As a result, a vacancy has been created.

There are several applications on file in the Clerk's Office including:

- Robert Coleman
- Wesley "Ty" Gantt
- Bill Sherman

Mr. White nominated Allen Langley, David Lynn, and Bill Sherman.

Mr. Mabry nominated Robert Coleman.

Mr. Bailey nominated Wesley Gantt.

ACTION TAKEN: Upon a motion made by Mr. Amaya, City Council voted unanimously to close the nominations.

There was discussion regarding residency requirements for each of the City's advisory boards along with developing and implementing a policy which recommends the appointment practice of City residents. Citing the regional airport as an example, it was also suggested if Cleveland County was willing to fund additional City programs such as recreation, then membership could be extended to County residents as well.

The vote was as follows:

Allen Langley received a unanimous vote.

David Lynn received a unanimous vote.

Robert Coleman received two affirmative votes (Mabry and Shores).

Bill Sherman received one affirmative vote (White).

Wesley Gantt received two affirmative votes (Bailey and Amaya).

Due to a tie, the vote was recast as follows:

Robert Coleman received three affirmative votes (Mabry, Shores, and Amaya).

Wesley Gantt received two affirmative votes (White and Bailey).

As a result, Allen Langley and David Lynn were reappointed and Robert Coleman was appointed, each to new terms concluding July 2016.

- 2) **Consideration of a resolution awarding the contract for construction of the Artee Road, Washburn Switch Road, and NC 226 (Polkville Road) Natural Gas Line Relocation Project for R-2707B (US Highway 74 Bypass): Resolution No. 54-2013**

Mr. Howell introduced Resolution No. 54-2013 for Council's consideration. The project includes relocation of existing natural gas lines located within the right-of-way of the future US Highway 74 Bypass along Artee Road near the Foothills Commerce Center, Washburn Switch Road, and NC Highway 226 (Polkville Road). It must be completed to accommodate the proposed US 74 Bypass and will be the City's third project relocation for same. The funding for this project will be reimbursed to the City by the North Carolina Department of Transportation for the Artee Road and Washburn Switch Road sections because the City held private easements acquired from property owners and is in accordance with the existing Utility Relocation Agreement. Thus, they are not considered to be encroaching within the existing NCDOT right-of-way for Artee Road and Washburn Switch Road.

As for the NC Highway 226 portion, Mr. Howell explained the natural gas line the City has in place is by encroachment within the NCDOT right-of-way; and as a consequence, the City will have to pay for this relocation out-of-pocket.

Mr. Howell noted the City's funding for its share of the project is approximately \$240,000.00, which was appropriated from the Natural Gas fund balance. He recommended awarding this construction contract to Dawn Development Company, Inc. for their bid amount of \$446,517.02.

ACTION TAKEN: Upon a motion made by Mr. Mabry, City Council voted unanimously to adopt and approve Resolution No. 54-2013 entitled, "A RESOLUTION AWARDED THE CONTRACT FOR CONSTRUCTION OF THE ARTEE ROAD, WASHBURN SWITCH ROAD, AND NC 226 (POLKVILLE ROAD) NATURAL GAS LINE RELOCATION PROJECT FOR R-2707B (US HIGHWAY 74 BYPASS)".

- 3) **Consideration of an ordinance establishing a capital project and budgets for the City of Shelby's KSM Castings Water and Sewer Extension Projects: Ordinance No. 26-2013**

Mr. Howell introduced Ordinance No. 26-2013 for Council's consideration. If approved, this project budget ordinance would appropriate the anticipated funding from the North Carolina Department of Commerce Industrial Development Fund (IDF) Grant Program to extend water and sewer lines and

facilities along the proposed public access road to the KSM Castings plant site. The total project cost was estimated to be \$455,470.00, covered by the IDF grant. A revised estimate indicates that an additional \$77,660.00 will be directed from the City's Combined Utility Capital Reserve Fund.

Upon questioning, Mr. Howell explained although the project site is outside the City limits, City sewer utility infrastructure was previously extended into the area to provide service to PPG Industries. PPG Industries is located adjacent to the project site and is within the City's extraterritorial jurisdiction (ETJ). An existing gravity sewer interceptor which provides service to PPG Industries is located along Plato Lee Road near the proposed project site. The site may be expanded in the future to a limited service area of approximately 100 acres.

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to adopt and approve Ordinance No. 26-2013 entitled, "AN ORDINANCE ESTABLISHING A CAPITAL PROJECT AND BUDGETS FOR THE CITY OF SHELBY'S KSM CASTINGS WATER AND SEWER EXTENSION PROJECTS".

D. New Business: None

E. City Manager's Report:

- 1) Mr. Howell reported the Transportation System Engineering Analysis and Study will be developed this fiscal year. The study is comparable in scope to the Water and Sewer Asset Management Plan adopted by Council in 2010. This document will not only include a pavement assessment of all the current City streets but will also assess the overall condition of the storm drainage system, sidewalks, and other street related issues. It is the intent of the study to be used as a guide for future resurfacing decisions as well as to provide a 20-year engineering and capital improvements plan for the entire system.
- 2) Mr. Howell updated Council on the Shelby-Cleveland County Regional Airport T-Hangar Project Phase 1 which is slated to receive approximately \$1.4 million in North Carolina Division of Aviation grant funding. The local match is approximately \$160,000.00. Cleveland County has again agreed to share half of the local match. He anticipated a staff presentation regarding the proposed project in the very near future.
- 3) Mr. Howell provided information regarding the City's grant application to Baseball Tomorrow, a charitable organization of Major League Baseball, in the hopes of securing half of the total cost of installing competition

quality lighting at City Park's Recreation and Sports Complex. The estimated cost of the proposed project is \$400,000.00. Before submitting the application, the City must commit to funding the balance of the project with local funds.

F. Council Announcements and Remarks:

- 1) In the spirit of collaboration and in an effort to develop and reestablish working relationships with Uptown Shelby Association and the Cleveland County Chamber, Mr. White requested the respective Executive Directors be invited to deliver quarterly reports to City Council. The suggestion was well-received. Accordingly, Mr. Howell will contact these individuals to begin a schedule of recurring presentations.
- 2) As Shelby's Lake Norman Rural Planning Organization (RPO) Transportation Advisory Committee (TAC) member, Mr. Mabry reported the RPO effectively ended service in July 2013. That decision is due to the expansion of the Gaston Urban Area Metropolitan Planning Organization (MPO) to include both Cleveland and Lincoln Counties. Cleveland and Lincoln County officials requested the Gaston Urban Area MPO to consider expanding in order to keep their counties together in a single transportation planning organization and to reflect natural connections with Gaston County. In June 2013 the Gaston Urban Area MPO voted to approve the expansion.

Mr. Howell added MPOs are responsible for planning, programming, and coordinating transportation issues and federal highway and transit investments in their areas.

Mr. Scharer, who also attends these meetings, elaborated on the MPO restructuring process and explained the changes in the proposed boundaries for Cleveland, Gaston, and Lincoln counties in which Shelby will have a stronger voice in transportation planning.

- 2) Mr. Bailey requested a progress report on the pay scale study affecting key City positions, citing an example of an entry level police officer position with a Bachelor's degree at the Charlotte Mecklenburg Police Department being paid more than a 17-year veteran in a sergeant's position with the Shelby Police Department.

Mr. Howell responded the City of Charlotte is not a fair market comparison even at entry level because Charlotte pays significantly higher than most major metropolitan areas. He stated staff is in the process of preparing market study research and recommendations for Council's consideration.

- 3) Referencing the earlier discussion relating to the City's advisory boards and establishing an appointment policy based on residency, Mr. Shores requested staff bring the matter back as an item for Council's further consideration.

Mr. Shores invited all to attend the inaugural 7th Inning Stretch Festival as part of the American Legion World Series events on August 10, 2013 beginning at 10:00 a.m. in Uptown Shelby.

G. Adjournment:

- 1) Motion to adjourn

ACTION TAKEN: Upon a motion made by Mr. Shores, City Council voted unanimously to adjourn the meeting at 6:36 p.m.

Respectfully submitted,

Bernadette A. Parduski, NCCMC, MMC
City Clerk

Joel R. Shores, Jr.
Mayor pro tempore

Minutes of August 5, 2013