

MINUTES

Regular Meeting
City Hall Council Chamber

November 4, 2013
Monday, 6:00 p.m.

Present: Mayor O. Stanhope Anthony III, presiding; Council Members Christopher H. (Chris) Mabry, David W. White, Jeanette D. Patterson, Dennis C. Bailey, Joel R. Shores, Jr., 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

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:

Mayor Anthony acknowledged receipt of additional documentation, which included the recommendation of award and certified bid tabulation related to the KSM Castings Water and Sewer Extension Projects, in support of Item C-3 under the consent 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. Special Presentations:

1) Shovel-ready Sites and Site Certification: Now more than ever, a critical tool for successfully locating projects: Kristin H. Fletcher, Executive Vice President, Cleveland County Economic Development Partnership (CCEDP)

Mrs. Fletcher began her presentation by expressing appreciation to the City of Shelby for its support and continued investment in the efforts of the

CCEDP. She acknowledged the City's funding increase for 2013-2014 which will be utilized in the CCEDP's marketing budget specifically to overhaul its website. Mrs. Fletcher also extended her special thanks to Mayor Anthony and Mr. Howell for their active participation in the CCEDP Board.

Next Mrs. Fletcher reported a strong project pipeline in the area of economic development, with a high number of leads and prospects, due to great product to market in Shelby and Cleveland County.

She discussed key site location issues utilized by consultants as screening tools in their evaluation processes, which have remained the standards over several years and include:

- Site development
- Financial (currently incentives have become primary in most cases) and risk analysis
- Marketing
- Logistics and transportation infrastructure
- Labor
- Community resources
- Production

Mrs. Fletcher commented the City of Shelby has been both creative and resourceful in putting together strong economic development packages for prospective clients.

She quoted, "high-impact projects almost always choose certified or shovel-ready sites" because site certification works for several reasons as elaborated:

- Most effective site marketing tool for economic development professionals.
- Certified sites reduce risk, save time, and reduce site development cost for the company.
- Site certification creates significant value for all involved.

Mrs. Fletcher stated site certification parameters have remained the same and explained the following:

- Property is controlled through ownership and is readily available for ownership transfer to prospect.
- Utilities are present and can be quickly delivered to the site in sustainable quantities.

- Environmental, geotechnical, and archeological studies have identified any areas of risk.
- The site's shape is conducive to development and expansions.
- Transportation access exists for employees, raw materials, supplies, and product shipments.

Mrs. Fletcher further stated certified sites must continue to differentiate and offered the following ideas for the future:

- Consider pre-grading sites with virtual buildings developed on a pre-graded pad
- Web-based marketing (multimedia approach)
- Networking with site consultants and brokers
- Coordinated e-blasts to site consultants and brokers
- Selective print media publications
- Must constantly be in "site acquisition mode"

Mrs. Fletcher commented the commerce center, including the second building, should be full in a few years.

Mrs. Fletcher concluded her presentation by highlighting the enhanced marketing brochures featuring the Foothills Commerce Center and the Job Ready Shelby Building No. 2, courtesy of ElectriCities of North Carolina, Inc.

She also expressed her appreciation to City staff for being highly engaged with the economic development team.

Discussion followed and included implementing a pre-grading plan on the remaining Foothills Commerce Center lots so they become shovel-ready sites, acquiring more land/adjoining tracts to the Foothills Commerce Center as needed, reviewing criteria for the site recertification process, and providing quality after-care to new and existing businesses.

Council received the information and took no action.

2) Developing Shelby's Phase II Stormwater Program: Where did it come from? Where do we go? – Brad Cornwell, Utilities Director, and Ben Yarboro, Civil Engineer

Mr. Cornwell introduced the subject matter of the presentation as an update on the development and implementation of the Phase II requirements and Stormwater Program. Previously City Council approved the permit application submittal and adopted the Comprehensive Stormwater Management Program Report in June 2011. The City received its Phase II

Stormwater Permit with an effective date of December 1, 2012. As the Program Report was required as part of the City's designation and will be the guiding document for implementation of the Phase II stormwater requirements, Mr. Cornwell distributed the City's updated guidelines, which list the status of completed goals and goals in progress. Within one year of the 2012 effective date, which is December 1, 2013, the City of Shelby must adopt a stormwater ordinance. Once Council conducts a public hearing on November 18, 2013 and approves the City of Shelby Phase II Stormwater Ordinance, the City will be in compliance with its permit.

Next Mr. Yarboro began his presentation by reviewing and defining stormwater as when rain falls, it creates runoff from impervious surfaces. This runoff is referred to as stormwater. As stormwater flows, it collects pollutants and stormwater runoff ends up in local streams, creeks, rivers, and lakes as untreated water.

Mr. Yarboro reviewed the legal history of stormwater quality and management beginning with the Rivers and Harbors Act of 1899 through the identification and designation criteria of Phase II cities from Session Law 2006-246, Senate Bill 1566, of the General Assembly of North Carolina, which now includes the City of Shelby.

There was discussion regarding the deregulation aspects of North Carolina General Assembly House Bill 74, the Regulatory Reform Act of 2013. Mr. Howell advised the City of Shelby should presume to be subject to the Phase II designation by North Carolina based upon federal rules.

In reviewing the permitting process to date, Mr. Yarboro stated the City was designated as a Phase II Stormwater entity on January 14, 2010, Council approved the permit application submittal and adopted the Comprehensive Stormwater Management Program Report on June 20, 2011, and the City received its Phase II Stormwater Permit dated December 1, 2012.

Both the Comprehensive Stormwater Management Program (SWMP) and the Phase II Stormwater Permit outline six minimum measures with multiple components to each measure that must be completed within specified timeframes. The six minimum measures are as follows:

- Public Education and Outreach
- Public Involvement and Participation
- Illicit Discharge Detection and Elimination
- Construction Site Runoff Control
- Post-construction Runoff Control
- Pollution Prevention/Good Housekeeping for Municipal Operations

Mr. Yarboro noted all the above programs must be fully implemented by December 1, 2017.

Mr. Yarboro discussed the details related to the Comprehensive Stormwater Management Program (SWMP) as follows:

- The SWMP was required as part of the original permit application submission
- The Phase II Permit requires implementation of the SWMP
- Includes a BMP (Best Management Practices) Summary Table with measurable goals and implementation timelines for each minimum measure
- The SWMP will be updated as the program evolves
- The SWMP will be reviewed annually by the North Carolina Department of Environment and Natural Resources (NCDENR)

Next Mr. Yarboro cited examples under each of the six goals as follows:

GOAL 1 - Public Education and Outreach

- Create an informational webpage
- Establish a reporting hotline
- Distribute public education material with utility billings
- Stormwater education programs for schools, homeowners, and businesses
- Distribute stormwater brochures through public facilities

GOAL 2 – Public Involvement and Participation

- Establish a stormwater steering committee of citizens and stakeholders
- At least one annual public meeting on program progress
- Regularly scheduled storm drain marking/stream cleanup days

GOAL 3 – Illicit Discharge Detection and Elimination

- Establish stormwater system map
- Identify illicit connections through dry weather screening and targeted video inspection
- Establish an Illicit discharge/illegal dumping hotline
- Conduct employee cross-training for detection and reporting

GOAL 4 – Construction Site Stormwater Runoff Control

- **Require NCDENR Erosion Control permits for any land disturbance greater than 1.0 acre**
- **Develop a contractor's checklist for controls/inspection at construction sites**
- **Provide education and training materials for construction site operators and distribute with building permits**

GOAL 5 – Post-construction Stormwater Management in New Development and Redevelopment

- **Develop and adopt a post-construction stormwater control ordinance (“Phase II Stormwater Ordinance”)**
- **Encourage low impact development and better site design for stormwater control**
- **Maintain inventory of required post-construction BMPs**
- **Ensure proper installation and annual maintenance of BMPs**

GOAL 6 – Pollution Prevention/Good Housekeeping for Municipal Operations

- **Training programs for targeted municipal operations employees on pollution prevention**
- **Develop spill prevention and control plans for municipal facilities**
- **Develop an Operation and Maintenance Program for City-owned catch basins and piping systems**

Mr. Yarboro then provided background information on events and tasks leading up to the preparation of the City of Shelby Phase II Stormwater Ordinance which included:

- **City's GIS (Geographic Information Systems) Department began mapping stormwater infrastructure**
- **Pet waste ordinance was adopted by City Council**
- **Stormwater brochures were ordered and distributed to numerous public and private facilities**
- **City stormwater webpage was created**
- **Reporting hotline and electronic mail were established**
- **Public education and outreach at multiple events held and will continue**
- **Stormwater handouts are now included with all building permits**
- **Stream clean-up completed by local high school group**

Mr. Yarboro reviewed the items to be completed in the very near future including:

- **City Council will be presented with the proposed Phase II Stormwater Ordinance on November 18, 2013, this being the one-year requirement**
- **Annual Stormwater Report will be prepared and submitted to NCDENR for compliance review**
- **Administrative Manual will be prepared that includes: Application requirements, submission schedule, fee schedule, copy of the Phase II Ordinance, and information on where to find the NCDENR BMP Design Manual**

With regard to Goal 4, Construction Site Stormwater Runoff Control, Mr. Yarboro provided the following examples:

- **Site Development Example 1**
 - **Disturbed area is less than one acre**

Mr. Yarboro commented there would be no changes from current development standards.

- **Site Development Example 2**
 - **Disturbed area is greater than one acre**
 - **No more than two dwellings units per acre**
 - **No more than 24 percent built-upon area (BUA)**

Mr. Yarboro commented this would be considered a low-density project with new compliances.

- **Site Development Example 3**
 - **Disturbed area is greater than one acre**
 - **More than two dwelling two units per acre or more than 24 percent built-upon area (BUA)**

Mr. Yarboro commented this would be considered a high-density project with new compliances.

Additionally, the stormwater ordinance will provide the City with the adequate legal authority to meet the objective of the Post-Construction Site Runoff Controls Program. The ordinance will also provide the City with the authority to review designs and proposals for new development and redevelopment to determine whether adequate stormwater control measures will be installed, implemented, and maintained. It ensures the authority to

request information such as stormwater plans, inspections reports, monitoring results, and other information deemed necessary to evaluate compliance with the Phase II stormwater requirements.

Next Mr. Yarboro presented the purposes of structural best management practices (BMP) as follows:

- Remove pollutants from runoff
- Provide flood control
- Reduce downstream erosion
- Promote groundwater recharge

As recommended by the permitting authorities, the City's stormwater ordinance also establishes the NCDENR Division of Water Resources Best Management Practices (BMP) Manual as the basis for the design, implementation, and performance related to both structural and non-structural BMPs. Mr. Yarboro provided a table from the manual which listed the various types of post-construction BMPs along with their respective Total Suspended Solids (TSS) Removal Efficiency (or credit) for study.

Mr. Yarboro concluded his presentation by reviewing the goals of the annual Phase II Audit which include the following:

- To verify implementation of approved BMPs utilizing the City's Phase II Stormwater map
- To verify compliance with the NPDES Permit
- To modify programs or SWMP to improve results
- To assess pollutants of concern
- To provide technical assistance
- To assist with the permit renewal process

Discussion ensued. It was acknowledged the City's Stormwater Management Program will come at a cost and will impact the budget for the coming Fiscal Year 2014-2015. The budgetary impact has not yet been calculated and discussions about funding will likely be included as subject matter at Council's upcoming retreat and budget sessions. Council was encouraged to contact various informational sources and other communities to gain perspective and education as to the implementation of the Phase II requirements and its financial impact.

Council received the information and took no action.

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 October 21, 2013
- 2) Approval of Special Event Permit Application:
 - a. Cupid Dash 5K Run/Walk ½ Fun Run, requested date: February 8, 2014
- 3) Approval of a resolution awarding the contract for construction of the KSM Water and Sewer Project: Resolution No. 67-2013
- 4) Approval of a resolution honoring Terry McClain on the occasion of his retirement from employment: Resolution No. 68-2013
- 5) Adoption of Fiscal Year 2013-2014 Budget Ordinance Amendment No. 7: Ordinance No. 40-2013

END CONSENT AGENDA

D. Unfinished Business:

- 1) Consideration of appointment to the Gaston-Cleveland-Lincoln Metropolitan Planning Organization Policy Board

Mayor Anthony introduced the appointment of a primary and an alternate representative to the Gaston-Cleveland-Lincoln Metropolitan Planning Organization (GCL MPO) Policy Board. The Policy Board membership includes elected officials from each of the member local governments. Currently Mr. Mabry serves as Shelby's representative on the Policy Board and Mr. White serves as Mr. Mabry's alternate. Mr. Mabry's term on City Council will terminate in December 2013.

Mr. Scharer, who also represents the City on the GCL MPO Technical Coordinating Committee (TCC), informed Council the Policy Board meets quarterly in Gastonia, North Carolina. The next meeting of the Policy Board is December 4, 2013.

Mr. Bailey volunteered to replace Mr. Mabry.

Mr. White nominated Mr. Bailey.

ACTION TAKEN: Upon a motion by Mr. Shores, City Council voted unanimously to close the nominations and to accept Mr. Bailey by acclamation.

Mr. Amaya volunteered to replace Mr. White.

Mr. Shores nominated Mr. Amaya as Mr. Bailey's alternate.

ACTION TAKEN: Upon a motion by Mr. Shores, City Council voted unanimously to close the nominations and to accept Mr. Amaya by acclamation.

E. New Business: None

F. City Manager's Report:

- 1) Mr. Howell gave a presentation which provided an overview of the Foothills Commerce Center Master Plan beginning with the purchase of the land in January 2009 to the sale of the first shell building/expansion to Schletter Inc. to the recent economic development announcement made by Greenheck Fan Corporation to an update on the second job ready shell building. Roof decking is almost complete on that building which is on target for full completion by the January 14, 2014 contract deadline. The building is currently being marketed to prospective clients by the CCEDP.
- 2) Mr. Howell provided an update on the status of the Foothills Farmers Market Pavilion Project. He reported changes in the overall scope of the building are now being made by the project architect, Mark Patterson. The revised plans will eliminate some features, including public rest rooms, office space, and storage that were a part of the first plan, to reduce costs. These proposed changes must be resubmitted to the U S Department of Agriculture Rural Development in Raleigh, North Carolina. If the revised plans are approved, the project can go into the bidding phase again.
- 3) With regard to the Baseball Tomorrow Grant, Mr. Howell reported the City's application for funding to cover half of the cost of installing ball field lighting at the City Park Sports Complex did not receive approval this fall. The City was encouraged to reapply in the coming year.
- 4) Mr. Howell reported the City has not received a formal notification of funding from the North Carolina Division of Aviation for the T-Hanger and Taxilane Development Project. The award of a \$1.3 million grant is anticipated for this project at the Shelby-Cleveland County Regional

Airport.

- 5) **Mr. Howell updated Council on the Mall Lift Station Replacement Project which will be complete within 30 days with testing to begin this week. This project is funded by a 20-year, zero-interest loan from the State Emergency Revolving Loan Fund. The first debt service payment will be due in May 2014.**

G. Council Announcements and Remarks:

- 1) **Mayor Anthony reminded Council members to attend the grand opening celebration of Schletter Inc. at its new headquarters in the Foothills Commerce Center on November 14, 2013.**

H. Closed Session:

- 1) **To approve Minutes and General Account of the Closed Session of December 6, 2010**
- 2) **To approve Minutes and General Account of the Closed Session of December 5, 2011**
- 3) **To approve Minutes and General Account of the Closed Session of May 21, 2012**
- 4) **To approve Minutes and General Account of the Closed Session of February 18, 2013**
- 5) **To approve Minutes and General Account of the Closed Session of June 17, 2013**
- 6) **To conduct the annual performance evaluation of the City Manager pursuant to North Carolina General Statute 143-318.11 (a) (6)**

ACTION TAKEN: Mr. Amaya made a motion to enter into a closed session to conduct the annual performance evaluation of the City Manager pursuant to the appropriate North Carolina General Statute as cited. Council consulted with Mrs. Fite who advised the topic met the statutory requirements for a closed session. The motion passed unanimously. The Mayor invited all Council members present and Mr. Howell to attend.

Council moved into the closed session at approximately 7:33 p.m.

Council returned to the regular session at approximately 8:25 p.m.

ACTION TAKEN: Upon a motion made by Mr. Shores, City Council voted unanimously to give Mr. Howell a one-time bonus of \$2,500.00 for his outstanding performance.

There was discussion concerning the City Attorney's performance and evaluation. By consensus, Council agreed to authorize Mayor Anthony and Mr. Howell to meet with Mr. Yelton to share Council's comments.

G. Adjournment:

1) Motion to adjourn

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to adjourn the meeting at 8:30 p.m.

Respectfully submitted,

Bernadette A. Parduski, NCCMC, MMC
City Clerk

O. Stanhope Anthony III
Mayor

Minutes of November 4, 2013