

Welcome and Call to Order by Mayor O. Stanhope Anthony III

~ Invocation ~

~ Pledge of Allegiance ~

A. Approval of agenda:

Discussion and revision of the proposed agenda, including consent agenda; adoption of an agenda

- 1) Motion to adopt the agenda as proposed or amended

B. Special Presentations:

- 1) Introduction and recognition of Miss Shelby, Jaeleigh Clark, and Miss Shelby's Outstanding Teen, Makayla Elledge – Danyel W. Phelps, Executive Director, Miss Shelby Organization 1
- 2) Project updates – Gary R. Spangler, District Supervisor, District 1, North Carolina Department of Transportation (NCDOT) 2

C. Public Comment: 3

In accordance with City Council's policy, public comment is only taken at the second regular meeting each month. Any citizen who wishes to address Council must register with the City Clerk prior to 6:00 p.m. on the meeting night. The Mayor will call upon each individual during this portion of the meeting and will allow three (3) minutes to speak.

D. Public Hearings:

- 1) Consideration of an ordinance to extend the corporate limits of the City of Shelby, North Carolina: Ordinance No. 7-2018 4
- 2) Consideration of a proposed ordinance to amend the Unified Development Ordinance of the City of Shelby: Ordinance No. 8-2018 13

E. Consent Agenda:

Prior to approval and adoption of the agenda, a Council Member may move an item from the Consent Agenda to the regular agenda. Items remaining on the Consent Agenda will be considered collectively through a single motion and vote.

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3) Approval of a Special Event Permit Application:	
a. A Walk to Remember for Alzheimer’s Awareness, requested date: March 3, 2018	44
4) Adoption of an ordinance authorizing demolition of a dwelling (809 Holly Oak Road): Ordinance No. 9-2018	53
5) Adoption of an ordinance authorizing demolition of a dwelling (615 Buffalo Street): Ordinance No. 10-2018	60
6) Approval of a resolution accepting property from Eugene and Doris Anthony: Resolution No. 7-2018	67
7) Approval of a resolution accepting a State Revolving Loan for the construction of the City of Shelby Grover Street Water Treatment Plant Project: Resolution No. 8-2018	72
8) Approval of a resolution of tentative award for the Westside Sewer Improvements – Pump Station Division to Turner Murphy Co.: Resolution No. 9-2018	92
9) Approval of a resolution awarding the bid for the Underground Electric Cable Replacement Project: Resolution No. 10-2018	103
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G. New Business: None	109

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February 19, 2018
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J. Adjournment:

To adjourn a meeting of City Council, a majority of the Council members must vote for a motion to adjourn.

1) Motion to adjourn 110

City of Shelby
Agenda Item Summary
February 19, 2018
City Hall Council Chamber

Agenda Item: B-1

Special Presentations

- 1) Introduction and recognition of Miss Shelby, Jaeleigh Clark, and Miss Shelby's Outstanding Teen, Makayla Elledge – Danyel W. Phelps, Executive Director, Miss Shelby Organization

(Comments: Stan Anthony, Mayor)

Summary of Available Information:

- No documentation provided

City Manager's Recommendation / Comments

This time is scheduled on the agenda at the request of Mayor Anthony to recognize the aforementioned individuals.

City of Shelby
Agenda Item Summary
February 19, 2018
City Hall Council Chamber

Agenda Item: B-2

- 2) Project updates – Gary R. Spangler, District Supervisor, District 1, North Carolina Department of Transportation (NCDOT)

(Comments: Stan Anthony, Mayor)

Summary of Available Information:

- No documentation provided

City Manager's Recommendation / Comments

Mr. Gary Spangler, District Engineer, has been scheduled at Council's request to provide an update on various NCDOT projects in the Shelby area. These may include the new US Hwy 74 bypass, the Marion Street/Cherryville Road intersection improvements, the Joe's Lake Road roundabout, existing US Hwy 74 improvements, as well as others.

This would certainly be a good time to ask any specific questions you may have on the bypass or other project of interest.

City of Shelby
Agenda Item Summary
February 19, 2018
City Hall Council Chamber

C. Public Comment:

In accordance with City Council's policy, public comment is only taken at the second regular meeting each month. Any citizen who wishes to address Council must register with the City Clerk prior to 6:00 p.m. on the meeting night. The Mayor will call upon each individual during this portion of the meeting and will allow three (3) minutes to speak.

City of Shelby
Agenda Item Summary
February 19, 2018
City Hall Council Chamber

D. Public Hearing

Agenda Item: D-1

- 1) Consideration of an ordinance to extend the corporate limits of the City of Shelby, North Carolina: Ordinance No. 7-2018

(Presenting: Walter Scharer, Planning Director)

Summary of Available Information:

- Memorandum dated February 8, 2108 from Walter Scharer, Planning Director to Rick Howell, City Manager
- Location Map – Customer First Drive
- Copy of Resolution No. 1-2018
- Survey of Property
- Certificate of Sufficiency
- Notice of Public Hearing to Annex
- Ordinance No. X72018

City Manager's Recommendation / Comments

This public hearing is being held in accordance with NCGS 160A-58.1. This is a city owned property that consists of the land that will see public roadway improvements in the coming months and will become Customer First Drive. It will be one of two access roads constructed by the County using NCDOT funding. At some point (no sooner than 6 months from completion) after NCDOT certification and agreement the City will maintain this as a City street. This property is approximately 1.9 acres in size and is located in the northwest quadrant of the city in the Washburn Switch Road industrial area. It currently meets the statutory requirements for satellite annexation as it is within 3 miles of the primary corporate limits and not closer to another municipality. This request from staff was reviewed for compliance with city policy that along with state law requires the city to be able to serve the same services to the proposed annexation parcel as it provides within the existing city limits.

After the conclusion of the public hearing City Council may act upon Ordinance No. 7-2018



Memorandum

To: Rick Howell - City Manager
From: Walter Scharer – Planning Director
Date: February 8, 2018
Subject: Annexation – Customer First Drive

Executive Summary of issue – Background

Earlier in 2017, the Clearwater Paper Corporation dedicated the Right of Way for the future Customer First Drive to the City of Shelby. As part of the Economic Development Agreement, the City of Shelby is to take over this road for maintenance once constructed. However, this property is not the Corporate Limits of the City of Shelby, therefore, it must be annexed to maintain the road.

Review and Comments

Currently, the Customer First Drive is being designed for construction.

Although the city is the owner, the property must meet the same annexation standards as privately owned property. Instead of presenting a petition to its self, the City Council initiates the annexation process by adopting a resolution of intent. On January 8, 2018, City Council passed a Resolution No 1-2018, a Resolution of Intent, to annex the 1.878 acre road Right of Way.

The City Clerk has certified that this satellite annexation meets the criteria found in G.S. 160A-58.1(b).

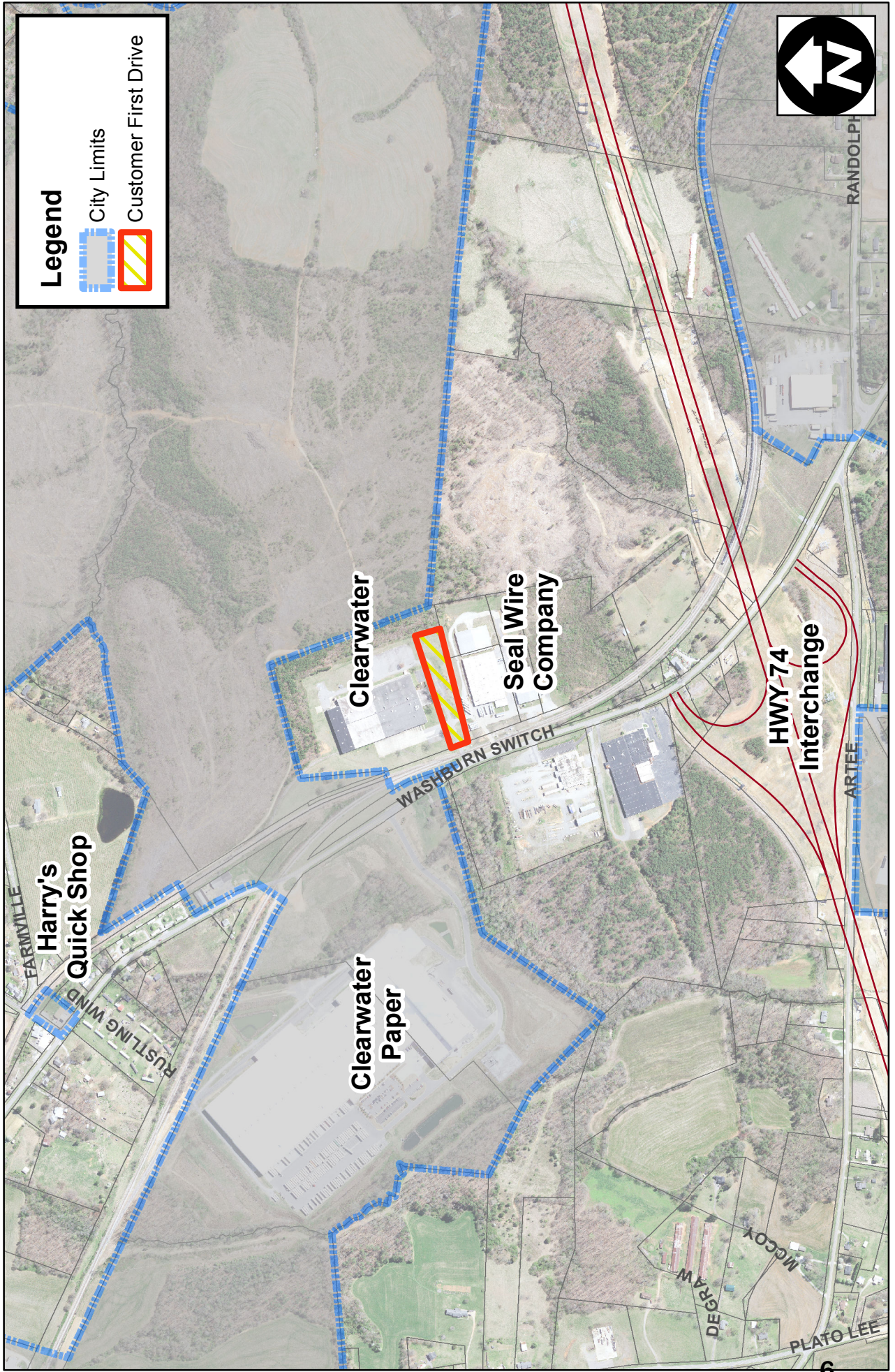
Please schedule a Public Hearing for this proposed Annexation for the February 19, 2018 City Council meeting.

Attachments: Public Hearing Notice, Resolution of Intent, Ordinance and Plat



Location Map Customer First Drive

Map Information:
Datum: NAD 1983
Coordinate: State Plane
Projection: North Carolina (Meter)
US National Grid
Grid Zone Designation (GZD): 17S
100,000m Square ID: MV/MU



Legend

- City Limits
- Customer First Drive



Scale 1:10,000 1 in = 833 feet 0 412.5 825 1,650 Feet

Date: 12/27/2017

RESOLUTION NO. 1-2018

A RESOLUTION STATING THE INTENT OF THE CITY OF SHELBY TO ANNEX SATELLITE PROPERTY OWNED BY THE CITY OF SHELBY

WHEREAS, North Carolina General Statute 160A-58.1 authorizes the City Council of the City of Shelby to annex satellite property owned by the City of Shelby; and,

WHEREAS, approximately 1.878 acres of land on Customer First Drive, described herein, is owned by the City of Shelby; and,

WHEREAS, some part of the annexation area is within three miles of the corporate limits of the City of Shelby; and,

WHEREAS, no point in the annexation area is closer to the primary corporate limits of another city than to the primary corporate limits of the City of Shelby; and,

WHEREAS, the area is not a subdivision; and,

WHEREAS, the total area of a city's satellites does not exceed 10 percent of the area within its primary corporate limits; and

WHEREAS, the City Council considers it advisable to conduct a public hearing for the purpose of giving consideration to this proposal.

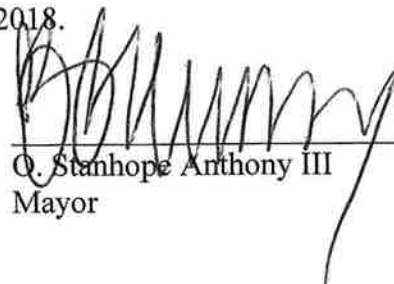
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHELBY, NORTH CAROLINA:

Section 1. The City of Shelby intends to annex the approximately 1.878 acres at Customer First Drive as shown on the attached "Exhibit A."

Section 2. A public hearing for this proposed annexation shall be held on February 19, 2018.

Section 3. This Resolution of Intent shall become effective upon its adoption and approval.

Adopted and Approved this the 8th day of January 2018.



Q. Stanhope Anthony III
Mayor

ATTEST:



Bernadette A. Parduski, NC-CMC, IIMC-MMC
City Clerk

EXHIBIT A

STATE OF NORTH CAROLINA
 COUNTY OF CLEVELAND
Deanna Mellon, REVIEWER IN CHARGE OF RECORDS
 I HEREBY CERTIFY THAT THIS CERTIFICATION IS ACCURATE AND CORRECT.
 I HAVE REVIEWED THE RECORDS AND FOUND NO ERRORS.
 DATE: 11-18-17
 REVIEWER: *Deanna Mellon*

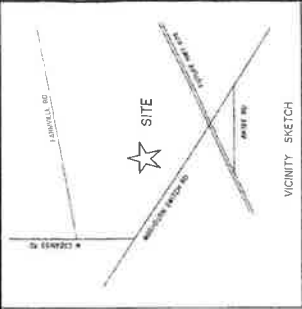
CERTIFICATE OF EXCEPTION
 THE SURVEY SHOWN HEREON IS OF ANOTHER CATEGORY, AND IS AN EXCEPTION TO THE DEFINITION OF A SUBDIVISION IN THE CITY OF SHELBY AND NO APPROVAL IS REQUIRED.
 DATE: 11/17/2017
 COMMUNITY DEVELOPMENT DIRECTOR: *Walter D. Schuman*

CERTIFICATE OF DEDICATION

I, **John K. Haskell**, OWNER, HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED HEREON, THAT THE PROPERTY IS LOCATED IN THE CITY OF SHELBY, NORTH CAROLINA, AND THAT THE PLAT AS DEDICATED FOR PUBLIC USE SHALL BE DEDICATED TO THE CITY COUNCIL OF THE CITY OF SHELBY, NORTH CAROLINA, FOR THE USE OF THE CITY.

John K. Haskell
 OWNER
 DATE: 11/17/2017

BK 40 Pg 49



CLEARWATER PAPER CORPORATION
 DB 1734 PG 1916
 TAX MAP 3293-1-121
 PARCEL 432623

CLEARWATER PAPER CORPORATION
 DB 1734 PG 1916
 TAX MAP 3293-1-121
 PARCEL 432623

JOHN K. HASKELL
 DB 1594 PG 2348
 REF: PB 29 PG 19

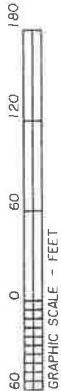
DISC No. 210032683
 Recorder 211720217 01:27:34 PM
 Rec Date 2017-11-17
 Page 1 of 1
 Surveyor's Office: *Scott Bankhead & Associates, PLLC*
 407 East Marion Street
 Shelby, NC 28150
 BK 40 PG 49 - 49 (1)

RIGHT OF WAY SURVEY FOR

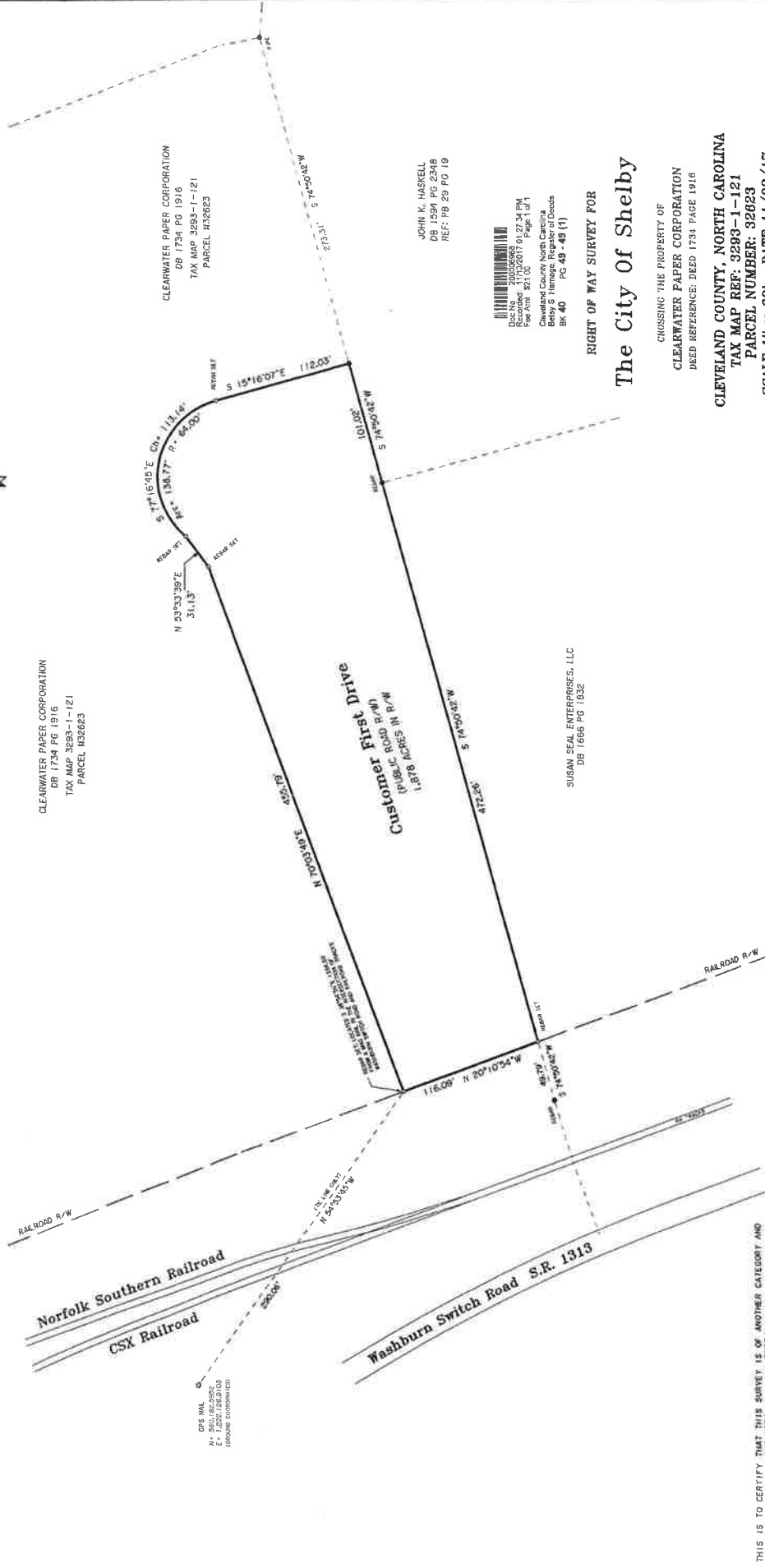
The City of Shelby

CROSSING THE PROPERTY OF
 CLEARWATER PAPER CORPORATION
 DEED REFERENCE: DEED 1734 PAGE 1916

CLEVELAND COUNTY, NORTH CAROLINA
 TAX MAP REF. 3293-1-121
 PARCEL NUMBER: 32623
 SCALE 1" = 60' DATE 11/02/17



SURVEY BY
BANKHEAD SURVEYING, PA
 407 EAST MARION STREET
 SHELBY, N.C. 28150
 (704) 481-1040
 FIRM LICENSE NUMBER- C-0972



GENERAL NOTES

- ALL DISTANCES SHOWN HEREON HAVE BEEN COMPUTED FROM THE PROPERTY SHOWN HEREON AND MAY BE SUBJECT TO EASEMENTS OF RECORD OR UNRECORDED EASEMENTS.
- BANKHEAD SURVEYING WAS NOT PROVIDED WITH ANY TITLE EXCEPTIONS.
- UNDERGROUND UTILITIES HAVE NOT BEEN LOCATED.
- NO FEATURES (BUILDING, UTILITIES, ETC) LOCATED EXCEPT THOSE SHOWN ON THIS SURVEY.
- ALL DISTANCES SHOWN HEREON ARE HORIZONTAL DISTANCES.

LEGEND

- EXISTING IRON
- IRON REBAR SET OF WAY
- NEW ROAD RIGHT OF WAY
- LINE PLOTTED PER DEED
- LINES SHOWN WITH BOUNDS AND RETURNED



THIS IS TO CERTIFY THAT THIS SURVEY IS OF ANOTHER CATEGORY AND IS AN EXCEPTION TO THE DEFINITION OF SUBDIVISION.

Scott Bankhead
 T. SCOTT BANKHEAD (PLS)

I, T. SCOTT BANKHEAD, PROFESSIONAL LAND SURVEYOR CERTIFY THAT THIS PLAT WAS DRAWN FROM AN ACTUAL FIELD SURVEY PERFORMED UNDER MY DIRECTION AND SUPERVISION (DEED REFERENCE: DEED 1734 PAGE 1916); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED BY DASHED LINES DRAWN FROM THE DEED INFORMATION SHOWN HEREON; THAT THIS SURVEY WAS MADE IN ACCORDANCE WITH G.S. 42-20 AS AMENDED; WITNESS MY ORIGINAL SIGNATURE LICENSE NUMBER AND SEAL THIS

2nd Day of November 2017
Scott Bankhead
 Professional Land Surveyor - License No. L-3001



CERTIFICATE OF SUFFICIENCY
Satellite Annexation
Customer First Drive

To the City Council of the City of Shelby, North Carolina:

I, Bernadette A. Parduski, City Clerk, do hereby certify that this proposed Satellite Annexation attached hereto satisfies the five standards a satellite annexation must meet as set out in North Carolina General Statute 160A-58.1(b). In witness whereof, I have hereunto set my hand and affixed the seal of the City of Shelby, North Carolina, this 27th day of December 2017.


Bernadette A. Parduski, NC-CMC, IIMC-MMC
City Clerk



**NOTICE OF PUBLIC HEARING TO ANNEX
1.878 ACRES OF LAND AT CUSTOMER FIRST DRIVE**

The public will please take notice that a public hearing will be conducted on the question of a proposed annexation of property owned by the City of Shelby on Monday, February 19, 2018 at 6:00 p.m., at the City Hall Council Chamber, 300 South Washington Street, Shelby, North Carolina, in accordance with N.C.G.S. 160A-31. The area proposed for annexation is described as follows:

LYING IN CLEVELAND COUNTY, NORTH CAROLINA AND BEING THE RIGHT OF WAY OF CUSTOMER FIRST DRIVE AS SHOWN ON PLAT BOOK 40 PAGE 49; BOUNDED ON THE WEST BY CSX RAILROAD, ON THE NORTH AND EAST BY CLEARWATER PAPER CORPORATION (DEED 1734 PAGE 1916) AND ON THE SOUTH BY JOHN K. HASKELL (DEED 1594 PAGE 1916) AND SUSAN SEAL ENTERPRISES, LLC (DEED 1666 PAGE 1832), AND BEING DESCRIBED ACCORDING TO A SURVEY BY T. SCOTT BANKHEAD DATED 11/02/17 AS FOLLOWS:

BEGINNING ON REBAR ON THE EAST RIGHT OF WAY OF CSX RAILROAD, SAID REBAR BING LOCATED S 38-58-56E 1388.59 FEET FROM A MAG NAIL IN THE INTERSECTION OF THE CENTERLINE OF WASHBURN SWITCH ROAD AND THE CENTERLINE OF CSX RAILROAD TRACKS, AND RUNS THENCE THROUGH THE PROPERTY OF CLEARWATER PAPER CORPORATION THE FOLLOWING FOUR (4) CALLS: (1) N 70-03-49E 455.79 FEET TO A REBAR; (2) N 53-33-39E 31.13 FEET TO A REBAR; (3) ALONG A CURVE HAVING A CHORD OF S 77-16-45E 113.14 FEET, A RADIUS OF 64.00 FEET AND AN ARC OF 138.77 FEET TO A REBAR; (4) S 15-16-07E 112.03 FEET TO A REBAR IN THE NORTH LINE OF JOHN K. HASKELL, SAID REBAR BEING LOCATED S 74-50-42W 273.31 FEET FROM A PIPE, THE SOUTHEAST CORNER OF CLEARWATER PAPER CORPARATION AND THE NORTHWEST CORNER OF JOHN HASKELL; THENCE WITH THE HASKELL LINE S 74-50-42W 101.02 FEET TO A REBAR, BEING THE NORTHEAST CORNER OF SUSAN SEAL ENTERPRISES, LLC; THENCE WITH THE SUSAN SEAL ENTERPRISES, LLC LINE S 74-50-42W 472.26 FEET TO A REBAR ON THE EAST RIGHT OF WAY OF CSX RAILROAD; THENCE WITH SAID RIGHT OF WAY N 20-10-54W 116.09 FEET TO THE PLACE OF BEGINNING.

The hereinbefore described tract contains 1.878 acres according to a map of a survey by Bankhead Surveying, PA entitled "Annexation Survey for The City of Shelby" dated February 02, 2018, to which said map reference is hereby made for a more particular description of the hereinbefore described tract.

A map of the property is on file and available for inspection at the City of Shelby Planning & Development Services office, 315 South Lafayette Street, Shelby, North Carolina.

Persons interested in being heard on this matter are invited to comment on the proposed ordinance amendment at the hearing, whether for or against. Comments may be presented orally at the hearing, in writing prior to the hearing, or both.

Members of the public with special needs wishing to attend this meeting should call the City Clerk (704 484-6800) at least 24 hours prior to the meeting to request assistance.

Bernadette A. Parduski, NC-CMC, IIMC-MMC
City Clerk

The Shelby Star:

Please publish this notice as a legal line ad on WEDNESDAY, FEBRUARY 07, 2018.

Mail invoices with affidavits to Walt Scharer, City of Shelby, PO Box 207, Shelby, NC 28151.

ORDINANCE NO. 7-2018

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS
OF THE CITY OF SHELBY, NORTH CAROLINA**

WHEREAS, North Carolina General Statute 160A-58.7 authorizes the City Council of the City of Shelby to annex satellite owned by the City of Shelby; and,

WHEREAS, the City Council of the City of Shelby, on January 8, 2018, adopted a Resolution of Intent to annex this; and,

WHEREAS, 1.878 acres of land on Customer First Drive, described herein, is owned by the City of Shelby and is contiguous to the City's corporate limits; and,

WHEREAS, a public hearing on the question of this annexation was held at City Hall Council Chambers, 300 South Washington Street, Shelby, North Carolina on February 19, 2018 at 6:00 p.m. after due notice by publication on February 7, 2018; and,

WHEREAS, the City Council does hereby find as a fact that said Resolution stating the intent of the City of Shelby to annex contiguous property owned by the City of Shelby has been adopted and Approved on January 8, 2018 and all other requirements of GS 160A-58.1, as amended, have been satisfied; and,

WHEREAS, the City Council further finds that the Resolution of Intent is otherwise valid, and that the public health, safety, and welfare of the City and of the area proposed for annexation, will be best served by annexing the area described herein:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHELBY, NORTH CAROLINA:

Section 1. By virtue of the authority granted by GS 160A-58.7, as amended, the following described contiguous property is hereby annexed and made part of the City of Shelby as of February 19, 2018:

LYING IN CLEVELAND COUNTY, NORTH CAROLINA AND BEING THE RIGHT OF WAY OF CUSTOMER FIRST DRIVE AS SHOWN ON PLAT BOOK 40 PAGE 49; BOUNDED ON THE WEST BY CSX RAILROAD, ON THE NORTH AND EAST BY CLEARWATER PAPER CORPORATION (DEED 1734 PAGE 1916) AND ON THE SOUTH BY JOHN K. HASKELL (DEED 1594 PAGE 1916) AND SUSAN SEAL ENTERPRISES, LLC (DEED 1666 PAGE 1832), AND BEING DESCRIBED ACCORDING TO A SURVEY BY T. SCOTT BANKHEAD DATED 11/02/17 AS FOLLOWS:

BEGINNING ON REBAR ON THE EAST RIGHT OF WAY OF CSX RAILROAD, SAID REBAR BEING LOCATED S 38-58-56E 1388.59 FEET FROM A MAG NAIL IN THE INTERSECTION OF THE CENTERLINE OF WASHBURN SWITCH ROAD AND THE CENTERLINE OF CSX RAILROAD TRACKS, AND RUNS THENCE THROUGH THE PROPERTY OF CLEARWATER PAPER CORPORATION THE FOLLOWING FOUR (4) CALLS: (1) N 70-03-49E 455.79 FEET TO A REBAR; (2) N 53-33-39E 31.13 FEET TO A REBAR; (3) ALONG A CURVE HAVING A CHORD OF S 77-16-45E 113.14 FEET, A RADIUS OF 64.00 FEET AND AN ARC OF 138.77 FEET TO A REBAR; (4) S 15-16-07E 112.03 FEET TO A REBAR IN THE NORTH LINE OF JOHN K. HASKELL, SAID REBAR BEING LOCATED S 74-50-42W 273.31 FEET FROM A PIPE, THE SOUTHEAST CORNER OF CLEARWATER PAPER CORPORATION AND THE NORTHWEST

CORNER OF JOHN HASKELL; THENCE WITH THE HASKELL LINE S 74-50-42W 101.02 FEET TO A REBAR, BEING THE NORTHEAST CORNER OF SUSAN SEAL ENTERPRISES, LLC; THENCE WITH THE SUSAN SEAL ENTERPRISES, LLC LINE S 74-50-42W 472.26 FEET TO A REBAR ON THE EAST RIGHT OF WAY OF CSX RAILROAD; THENCE WITH SAID RIGHT OF WAY N 20-10-54W 116.09 FEET TO THE PLACE OF BEGINNING AND CONTAINING 1.878 +/- ACRES, MORE OR LESS, AND BEING ACCORDING TO AN ACTUAL ANNEXATION SURVEY BY BANKHEAD SURVEYING, PA DATED FEBRUARY 02, 2018.

Section 2. Upon and after February 19, 2018, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Shelby and shall be entitled to the same privileges and benefits as other parts of the City of Shelby. Said territory shall be subject to municipal taxes according to GS 16-A-58.10.

Section 3. The Mayor of the City of Shelby shall cause to be recorded in the office of the Register of Deeds of Cleveland County, and in the office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this ordinance. Such map shall also be delivered to the Cleveland County Board of Elections as required by GS 163-288.1.

Section 4. In accordance with Chapter 160A, Article 19 of the North Carolina General Statutes, as amended, the Shelby Unified Development Ordinance and Shelby Zoning Map (Appendix A of the Shelby City Code) is hereby amended to zone the 1.878 acres of land on Customer First Drive as General Industrial (GI). Said area of zoning as described in Section 1.

Adopted and approved this 19th day of February 2018.

O. Stanhope Anthony III
Mayor

ATTEST:

Bernadette A. Parduski, NC-CMC, IIMC-MMC
City Clerk

APPROVED AS TO FORM:

Lacey Beam
City Attorney

City of Shelby
Agenda Item Summary
February 19, 2018
City Hall Council Chamber

Agenda Item: D-2

- 2) Consideration of a proposed ordinance to amend the Unified Development Ordinance of the City of Shelby: Ordinance No. 8-2018

(Presenting: Walter Scharer, Planning Director)

Summary of Available Information:

- Memorandum dated February 12, 2018 from Walter Scharer, Planning Director to Rick Howell, City Manager
- Staff Report
- Planning and Zoning Board Minutes, January 18, 2018
- Certified Recommendation
- Notice of Public Hearing
- Ordinance No. 8-2018

City Manager's Recommendation / Comments

This time on your agenda is scheduled for Council to conduct a legislative hearing on a proposed text amendment to the UDO. This amendment involves the development of standards for Outdoor Flea Markets. Mr. Scharer has provided the necessary background information for your consideration. This is a legislative hearing. The purpose of a legislative hearing is to secure public comment on the proposed action. Following the hearing City Council may take action either in favor or opposition to Ordinance No. 8-2018. Consideration should be given by City Council to the following section from the Unified Development Ordinance of the City Code when making decisions concerning amendments to the UDO whether they be text or map changes. The certified recommendation from the Planning and Zoning Board Chairperson is included in the agenda packet for your consideration.

Sec. 8-6. Ultimate issue before city council on amendments.

In deciding whether to adopt a proposed amendment to this ordinance, the central issue before the city council is whether the proposed amendment advances the public health, safety or welfare. All other issues are irrelevant, and all information related to other issues at the public hearing may be declared irrelevant by the chairman and excluded. When considering proposed map amendments:

(A) Except for rezoning requests submitted in accordance with section 8-7, the city council shall not consider any representations made by the petitioner that, if the change is granted, the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the city council shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification.

(B) The city council shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed change on the public at large.

After the conclusion of the public hearing City Council may act upon Ordinance No. 8-2018



Memorandum

To: Rick Howell - City Manager
From: Walter Scharer – Planning Director
Date: February 12, 2018
Subject: Textual Amendment to the UDO for Outdoor Flea Markets

Executive Summary of Issue – Background:

Currently the City of Shelby Unified Development Ordinance (UDO) permits Outdoor Flea Markets as a use by right with no development standards in the GB and GB 2 Zoning Districts. Planning Staff was asked by the City Manager’s Office to develop a proposal for development standards for Outdoor Flea Markets based on aesthetics and sanitation.

Review and Comments:

The proposal permits Outdoor Flea Markets with a Conditional Use Permit that must be renewed annually. It also includes setbacks for sales and display areas as well as requires trash and litter containers. In addition, display apparatus must also be removed or placed inside a completely enclosed building when the Outdoor Flea Market is not in use.

The Planning and Zoning Board has reviewed this proposal and recommend the attached ordinance.

The development standards in this proposed amendment are supported by the following Strategic Growth Plan Policies and Actions:

POLICY 4.1: The important economic, tourism and community image impacts of existing major travel corridors leading into and through Shelby shall be recognized through public and private efforts to improve their appearance. Such efforts may include improved roadway and traffic control designs, improved development standards for landscaping, signage and street trees, as well as voluntary initiatives to “spruce up” corridor properties.

POLICY 4.5: New or redeveloped commercial properties shall be designed and maintained so as to be compatible with the area in which they are located.

Action 4.5.1: Establish design guidelines and maintenance standards for commercial properties so that such developments are an aesthetic as well as functional and economic asset to the community and neighborhood in which they are located.

Recommendation: Please schedule a public hearing for this proposed zoning text amendment at the next City Council meeting on February 19, 2018.

Attachments: Staff Report, Notice of Public Hearing, Planning and Zoning Board Minutes January 18, 2018, Certified Recommendation, and Ordinance



Staff Report

To: Shelby Planning & Zoning Board
From: Walt Scharer
Planning Director

Date: January 5, 2018
Meeting: January 18, 2018

RE: Proposed Use Category – Outdoor Flea Market

ANALYSIS:

There is no mention of Outdoor Flea Market as a use in the City of Shelby Unified Development Ordinance (UDO). Historically, Shelby has permitted Outdoor Flea Markets in the General Business Zoning District (GB) as Other Uses Not Otherwise Classified.

The Planning and Development Department staff has been asked by the City Manager's Office to develop a set of Development Standards for Outdoor Flea Markets here in Shelby for your review. Attached you will find a proposed set of Development Standards.

These Development Standards permit outdoor flea markets with a Conditional Use Permit within the General Business and General Business 2 zoning districts. Conditional Use Permits are issued by the Zoning Board of Adjustment. You will also see development standards for setbacks, parking, garbage removal, and displays.

STAFF COMMENTS:

If you have any questions, please contact me.



CITY OF SHELBY PLANNING AND ZONING BOARD MINUTES
January 18, 2018
City of Shelby Utilities Operations Center
Utilities Operations Assembly Room 824 W. Grover St., Shelby, NC

Item 1. Call to Order/Roll Call

Chairman Peeler called the meeting to order at 12:15 PM and noted that a quorum was present.

Board Present: Marlene Peeler, Charles Hamrick, Mark Carter, Bob Cabiness, Mike Royster, Greg Taylor, Jeff Aderholt, and Scott Bankhead.

Staff Present: Walt Scharer (Planning and Development Services Director), Lucas Shires (Planner), and Darin Hallman (Planner)

Item 2. Approval of the Minutes for the December 21, 2017 meeting

Chairman Peeler asked if there were any questions or comments about the December 21, 2017 minutes. The minutes were approved as submitted.

Item 3. Proposed Outdoor Flea Market Proposal

Mr. Scharer stated currently the UDO permits Outdoor Flea Markets in the General Business (GB) and General Business 2 (GB2) zoning districts as a use by right with no additional development standards. The Planning Staff was asked by the City Manager’s Office to develop a proposal for development standards for Outdoor Flea Markets based on aesthetics and sanitation. The proposal permits Outdoor Flea Markets with a Conditional Use Permit that must be renewed annually. It also includes setbacks for sales and display areas as well as requires trash and litter containers. In addition, display apparatus must also be removed or placed inside a completely enclosed building when the Outdoor Flea Market is not in use.

Mr. Scharer asked if there were any questions concerning the proposal for Outdoor Flea Markets. Mr. Cabiness suggested adding a provision requiring litter removal. Ms. Peeler suggested requiring bathroom facilities. Discussion followed.

Motion: Mr. Carter made the motion to recommend to City Council approval of this proposed Outdoor Flea Market regulations as presented by Staff with the addition of a litter removal provision.

Second: Mr. Hamrick.

Action: This motion passed unanimously.

Item 4. Motion to adjourn.

Being no other business, Chairman Peeler adjourned the meeting at 12:40 pm.



Certified Recommendation

City of Shelby Planning & Zoning Board

Case File: 1079

Amendment: Proposed Amendment to the City of Shelby Unified Development Ordinance (UDO) regarding Outdoor Flea Markets. The proposal adds Outdoor Flea Markets as a specified use in the Table of Uses and adds Development Standards. The Development Standards permit Outdoor Flea Markets with a Conditional Use Permit within the General Business (GB) and General Business 2 (GB 2) zoning districts. Conditional Use Permits are issued by the Zoning Board of Adjustment.

Recommendation: **The Planning and Zoning Board recommends approval of the proposed text amendment as submitted by Staff with the exception of 11-1.30 (C), which was added by the Board.**

Findings & Reasons: 1. The proposed text amendment is consistent with the Comprehensive Land Use Plan as it enhances the appearance of the City of Shelby.

Motion: Mr. Carter made the motion to recommend to City Council approval of this proposed text amendment.

Second: Mr. Hamrick

Action: This motion passed unanimously

Signatures: Walter Scharer
Planning and Development Director

Date: 1/18/2018

Marlene Peeler
Planning and Zoning Board Chair

Date: 1/18/2018

**NOTICE OF PUBLIC HEARING
APPLICATION #: 1079-2018
ZONING TEXT
AMENDMENT**

The City Council of Shelby, North Carolina will conduct a public hearing during its regular meeting at 6:00 p.m., Monday, February 19, 2018 in the City Council Chambers, City Hall located at 300 South Washington Street, Shelby, North Carolina. City Council will consider a proposed text amendment to Development Standards to include Outdoor Flea Markets to Article 11 of the City of Shelby Unified Development Ordinance.

A more detailed description of this amendment is available for public inspection in the Planning and Development Services Department located at 315 South Lafayette Street, Shelby, North Carolina, during regular business hours, 8:00 AM until 5:00 PM. Also, you can call (704) 484-6829 for more information.

The City Council may change the text covered by the petition or any part thereof, without the withdrawal or modification of the petition or further publication of notice.

Persons interested in being heard on this matter are invited to comment on the proposed rezoning at the hearing, whether for or against. Comments may be presented orally at the hearing, in writing prior to the hearing, or both.

Members of the public with special needs wishing to attend this meeting should call the City Clerk (704 484-6800) at least 24 hours prior to the meeting to request assistance.

Bernadette A. Parduski, NC-CMC, IMC-MMC
City Clerk

The Shelby Star:

Please publish this notice as a legal line ad on MONDAY, February 5, 2018 and repeat the same ad on MONDAY, February 12, 2018.

Mail invoices with affidavits to Walter Scharer, City of Shelby, PO Box 207, Shelby, NC 28151. Thank you.

ORDINANCE NO. 8-2018

**A PROPOSED ORDINANCE TO AMEND
THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF SHELBY**

Preamble

Pursuant to the authority conferred by G.S. 160A-381, as amended, and for the purpose of promoting the health, safety, morals, or general welfare of the inhabitants of the city,

**BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF SHELBY THAT THE UNIFIED DEVELOPMENT ORDINANCE OF
THE CITY OF SHELBY BE AMENDED AS FOLLOWS:**

Text Amendment

Table 9-3.1 Permitted Uses Table

Use Type	Zoning Districts												
	R20	R10	R8	R6	RR	RO	NB	CB	GB	GB2	CPD	LI	GI
Outdoor Flea Markets									ZC	ZC			

11-1.30 Outdoor Flea Markets

(A) Where Development Standards Are Required

GB, GB 2 districts.

(B) Litter Receptacles

Outdoor Flea Markets shall have adequate on-site garbage and/or trash collection containers.

(C) Litter Removal

Disposal of trash and garbage shall be in approved container and be regularly maintained. Open trash not in an approved container shall be disposed of in an appropriate manner following each event and checked daily to ensure compliance.

(D) Minimum Property Setbacks

All storage, sales, or displays shall be no closer than 50 feet from any property line. All storage, sales, or displays shall be no closer than 30 feet from any street Right-of-Way (ROW)

(E) Parking

One (1) parking space is required for each 1,000 square feet of area for storage, sales, or display.

(F) Storage

All items, including display apparatus, shall be stored indoors when the flea market is not open for business or removed from the site at the close of each business day.

(G) Permit Renewal

The conditional use permit authorizing such use shall be renewed annually (every 12 months) by the Board of Adjustment provided the site is maintained in a satisfactory manner as originally approved. Failure to apply for renewal within the specified time period shall render the conditional use permit null and void.

Per Section 5-6.2 of the City of Shelby Unified Development Ordinance, a conditional use permit may be revoked by the Board of Adjustment after due process. Before a special use or conditional use permit may be revoked, all of the notice and hearing requirements of Section 4-7.5 shall be complied with. The notice shall inform the permit recipient of the alleged grounds for the revocation.

If the use ceases, discontinues, or is abandoned for one hundred and eighty consecutive days (180), the permit shall be voided and any future use of the site as an outdoor flea market shall require a reapplication for a conditional use permit.

(H) Site Plan Information

- a. Location, dimensions and number of individual booths or sales area;
- b. Attached to the site plan shall be a written statement setting forth the frequency and method of maintenance, repair, refuse/recycling collection and disposal

(I) Maintenance

All display apparatuses shall be maintained in a good working condition with no broken parts, and no faded or chipping paint.

(J) Nonconforming Situations

Any existing nonconforming Outdoor Flea Market must become conforming and in full compliance with all standards outlined in this Article within six (6) months of the effective date of this Ordinance.

SECTION 1. Plan Consistency Statement.

The proposed text amendment is consistent with the Comprehensive Land Use Plan as it enhances the appearance of the City of Shelby.

SECTION 2. Conflicts With Other Provisions.

Whenever the text of this amendment conflicts with any provision of the ordinance or Code of Ordinances not herein amended or repealed, the more stringent provision or regulation shall prevail.

SECTION 3. Effective Date.

This Ordinance shall become effective upon its adoption and approval.

ADOPTED AND APPROVED this the 19th day of February 2018.

O. Stanhope Anthony III
Mayor

ATTEST:

Bernadette A. Parduski, NC-CMC, IIMC-MMC
City Clerk

APPROVED AS TO FORM:

Lacey Beam
City Attorney

City of Shelby
Agenda Item Summary
February 19, 2018
City Hall Council Chamber

E. Consent Agenda:

Prior to approval and adoption of the agenda, a Council Member may move an item from the Consent Agenda to the regular agenda. Items remaining on the Consent Agenda will be considered collectively through a single motion, second, and vote.

Agenda Item: E-1

- 1) Approval of the Minutes of the Special Meeting of January 20, 2018

Consent Agenda Item: (Bernadette Parduski, City Clerk)

Summary of Available Information:

Please read and offer changes as you deem necessary.

- Minutes of the Special Meeting of January 20, 2018

City Manager's Recommendation / Comments

Approve the minutes as presented or as amended by the Mayor and City Council via the Consent Agenda.

MINUTES

Special Meeting

January 20, 2018

Shelby-Cleveland County Regional Airport Terminal Building Saturday, 8:00 a.m.

Present: Mayor O. Stanhope Anthony III, presiding; Council Members David W. White, David Causby, Violet Arth Dukes, Ben Kittrell, Jr., Dicky Amaya; City Manager Rick Howell, City Clerk Bernadette A. Parduski, Director of Finance Justin S. Merritt, MPA, Assistant Director of Finance Elizabeth B. (Beth) Beam, CPA Director of Human Resources Deborah C. (Deb) Jolly, Director of Energy Services Julie R. McMurry, Director of Engineering Services Benjamin (Ben) Yarboro, Police Chief Jeffrey H. (Jeff) Ledford, Fire Chief William P. Hunt, MPA, EFO, Director of Public Works Daniel C. (Danny) Darst, Jr., Director of Parks and Recreation Charlie Holtzclaw, Director of Housing Bryan T. Howell, and Director of Planning Services and Development Services Walter (Walt) Scharer, AICP

Absent: Council Member Eric B. Hendrick

Mayor Anthony called the meeting to order at 8:41 a.m. and welcomed all who were in attendance.

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

UNFINISHED BUSINESS:

- 1) Consideration of a resolution of tentative award for the Farmville Road Water Improvements – Washburn Switch to Farmville Access Waterline to Piedmont Utility Group: Resolution No. 3-2018

Mr. Howell introduced Resolution No. 3-2018 for Council's consideration. He reminded Council project budget ordinances were previously approved in January and March 2017, ultimately allocating funds for construction of the project entitled, Farmville Road Waterline Project, specifically the Washburn Switch to Farmville Access Road Waterline portion of this project, based on engineering estimates. Bids were subsequently solicited from qualified contractors in January 2018. Kimley-Horn and Associates, Inc. completed the canvassing of the seven bids that were received. Based on their evaluation, Kimley-Horn recommended the award of a contract for construction of the Washburn Switch to Farmville Access Road Waterline Project to Piedmont Utility Group, Inc. of Mooresboro, North Carolina in the amount of \$526,019.00.

Mr. Howell also recommended proceeding with construction of the project, as proposed, and requested Council authorize the award of the construction contract to Piedmont Utility Group, Inc. This project includes a connection to the existing 16-inch waterline on Washburn Switch and involves a new line that will be laid through the proposed 750,000-gallon elevated storage tank site to the new Farmville Access Road for the Clearwater Paper Corporation service connection. He added Clearwater Paper requested construction to be completed by March 2018.

ACTION TAKEN: Upon a motion made by Mr. Amaya, City Council voted unanimously to approve and adopt Resolution No. 3-2018 entitled, “A RESOLUTION OF TENTATIVE AWARD FOR THE FARMVILLE ROAD WATER IMPROVEMENTS – WASHBURN SWITCH TO FARMVILLE ACCESS WATERLINE TO PIEDMONT UTILITY GROUP”.

Using City Council’s 2016-2017 retreat goals (originally set in January 2015), objectives, and action items as a starting point, Mr. Howell summarized the retreat agenda will include a review and status report on the progress of projects to date, discussions, and a brainstorming session.

Next, Mr. Howell presented the following:

APPEARANCE – Improve the overall aesthetic appearance of the US Highway 74 (Dixon Boulevard) corridor within the City limits.

Objectives:

1. Continue to collaborate with NCDOT on landscaping enhancements, signalization, gateway, and signage projects.
2. Review the Unified Development Ordinance (UDO) for reasonable changes that will enhance the aesthetic appearance of the corridor.

Action Items:

- a. Finalize new east and west gateway sign designs and locations. Complete construction of at least one gateway sign.
- b. Initiate the development of a corridor plan through the Gaston Cleveland Lincoln Metropolitan Planning Organization (MPO).
- c. Initiate and complete signalization and intersection improvements at the East Marion Street and East Dixon Boulevard, working with North Carolina Department of Transportation (NCDOT).

Discussion included actions to date:

- City of Shelby Gateway Project – approved gateway layout design at US 74

- East Marion Street and East Dixon Boulevard intersection
- Gateway Project consists of: Removal of wooden poles, cables, and old traffic signals; installation of decorative mast arms with new traffic signals, detection sensors, and controls; intersection lighting; stamped concrete monolithic islands; and landscaping
- Conceptual drawing of Council-preferred gateway design with estimated cost range between \$75,000 - \$125,000

Comments and further discussion included:

- Received consensus from Council to proceed with final design and details; prepare a budget amendment to cover the costs in the current budget

ECONOMIC DEVELOPMENT – Attract new jobs and private investment within the City limits.

Objectives:

1. Continue to collaborate and partner with Cleveland County Economic Development Partnership and Cleveland County on economic development strategies and efforts.
2. Invest in public infrastructure projects that support this goal.
3. Continue to collaborate and partner with Uptown Shelby Association, Destination Cleveland County, and the private sector to implement the unrealized strategies within the Center City Master Plan.

Action Items:

- a. Complete the mass grading “shovel ready” site project at Foothills Commerce Center.
- b. Complete design, secure funding, and bid the upper Brushy Creek Sewer Project.
- c. Initiate, fund and complete design of the Washburn Switch Business Park off-site water system improvements known as the Farmville Road Waterline Loop.
- d. Acquire additional property for industrial site development.
- e. Conduct research to solicit both local and outside public opinion regarding the reasons why people choose to live in the City and the impediments that discourage people from living in the City.
- f. Reactivate the Center City Master Plan Steering Committee charging them with assessing the existing strategies as well as identifying future strategies and opportunities that may become apparent.

These may include:

- Complete the uptown pedestrian signage project.
- Complete the final phase of the way finding plan recommended in the 2007 Center City Master Plan.
- Initiate the first phase of public infrastructure improvements around the court square to include traffic/pedestrian signalization upgrades, underground electrical system improvements, and pedestrian streetscape improvements.
- Initiate the first phase of the Lafayette Street median project working with NCDOT.
- Continue discussion with Norfolk Southern Corporation regarding future use of the rail corridor proposed for abandonment as a public rail trail.

Discussion included actions to date:

- Reviewed the Clearwater Paper Corporation Construction Schedule
 - Westside Gravity Sewer awarded to Piedmont Utility Group for \$5.19 million
 - Sewer Force Main awarded to Fuller Construction for \$1.88 million
 - Crest Sewer Lift Station Upgrade not yet awarded and budgeted for \$600,000
 - Wastewater Treatment Plant Influent/Headworks Upgrade awarded to Wharton Smith for \$5.71 million
 - Farmville Road Water Main Loop/Booster Station not yet awarded and budgeted for \$10 million
 - Washburn Switch Water Main awarded to Piedmont Utility Group for \$562,000
 - 750,000-gallon Elevated Water Tank not yet awarded and budgeted for \$2.59 million
 - Farmville Natural Gas Loop awarded to Classic City Mechanical for \$740,000
- Shelby-Cleveland County Regional Airport T-Hangar Construction Project (Designed in 2013)
 - Project consists of grading of site that will allow for one proposed T-hangar and two future T-hangar buildings, asphalt taxi lane, construction of one 10 unit T-hangar building, water and sewer extensions to serve building, and vehicular parking area for 6 vehicles with a cost estimate of \$1.6 million; pursue funding again in 2018 from the North Carolina Division of Aviation

- Update the Airport Layout Plan for the Shelby-Cleveland County Regional Airport
- Foothills Commerce Center – Metrolina Drive Improvements
 - Project consisted of roadway widening and strengthening, roadway resurfacing, drainage improvements at the intersection of Commerce Center Drive and Metrolina Drive, and stormwater drainage installation along Metrolina Drive
- Foothills Commerce Center – Site 5/Shell Building No. 3
 - Cleveland County priority – willing to proceed with Job Ready Shell Building No. 3
 - Proposed partnership with Cleveland County, equal share or request greater contribution
 - Proposed for pre-graded Site No. 5
 - 108,500 square foot spec building
 - Building design is complete and owned by WHN Architects; originally designed for The Keith Corp. but never built
 - Estimated preliminary cost is \$4.5 million
 - Re-contacted WHN Architects to provide the City of Shelby with a scope of services and estimated cost
 - All utilities are in place

Comments and further discussion included:

- Reviewed available City and County sites for economic development purposes
- Missed opportunity – having available shell buildings receives more visits from consultants and prospects
- Creating local jobs decreases long commutes for residents and directly impacts their lives
- Partnerships, jobs, and investment created local pride
- Received consensus from Council to proceed with formalizing a partnership with Cleveland County to construct Shell Building No. 3 at the Foothills Commerce Center
- Uptown Infrastructure Improvements
 - Uptown Electric Distribution System Upgrades included installation of underground conduit/wiring, ROAM system, new decorative poles, 35 event power panels, replaced old incandescent tree lights with LED (light emitting diode) lights, and removal of older poles

- System is expandable and future phases will receive consideration in the budget process

Comments and further discussion included:

- Received consensus from Council to extend the length of time the Uptown Christmas lights are lit to weekends, possibly as “Winter Lights”
- Encourage Cleveland County to participate and share costs related to expanding tree lights and fixtures around the Court Square
- Consider the possibility and option of up lighting around the Court Square

Mayor Anthony declared a recess at 9:52 a.m. and reconvened the meeting at 10:07 a.m.

Assistant Finance Director Beth Beam arrived at 10:30 a.m.

- City Of Shelby Uptown Water and Sewer Upgrades awarded contract to Buckeye Bridge with work to begin the week of January 22, 2018 beginning on the street block in front of City Pavilion, a plan is in place to communicate with stakeholders, and the project is expected to be completed by June 2018
- City of Shelby Streetscape Project overall plan begins July 2018 through May 2019 with final paving sometime in May/June 2019; overall goal – pedestrian-friendly
- After initial surface work and for future consideration, a mid-block crossing on Lafayette Street
- **RAIL TRAIL PROJECT**
 - City engaged with the Conservation Fund, City received an extension of the Notice of Interim Trail Use from the Surface Transportation Board to July 23, 2018
 - Corridor acquisition through the Conservation Fund, appraisals, and negotiation of offer
 - Rail Trail Steering Committee – schedule presentation of Final Master Plan Report, including trail construction
- Received consensus from Council to establish a negotiating position with Cleveland County in which the City pays a proportionate share based upon what is located within the City limits

QUALITY OF LIFE/ECONOMIC DEVELOPMENT – Increase recreational

opportunities to the citizens that also enhance economic development efforts to attract visitors.

Objective:

1. Continue efforts to implement the next steps in the adopted Parks and Recreation Master Plan

Action Items:

- a. Update cost estimates for the development of the multi-purpose field complex proposed for the Hanna property and Holly Oak Park improvements in the Parks and Recreation Master Plan. Also, solicit proposals for design and construction oversight of these projects.
- b. Develop detailed annual operating cost estimates and start-up costs for these proposed improvements.

Discussion included actions to date:

- **HANNA PARK UPDATE**
 - Morrison Construction began work in June 2017
 - All major grading complete, field lighting installed, significant parking lot curbing/gravel, large picnic shelter steel frame begun, small picnic shelter foundations, foundation/pads poured for concession and bathroom buildings, underground electric installed, overflow parking, retaining walls constructed, trails roughed in, etc.
 - Next 30 to 60 days will see near completion of picnic shelters and structures, tree installation, remaining curbing, field mix material delivery, etc.
 - Contract completion date is October 1, 2018
 - Legacy project for the City – only the beginning
 - Received feedback on dedication and ribbon cutting event – engaging children, schedule prior to a tournament
- **ALL ABOARD PLAYGROUND**
 - City awarded a grant from the North Carolina Connect Bond Program
 - Playground equipment will be all inclusive (for children with and without disabilities) with a patriotic theme, honoring veterans
 - Includes concrete walking trail
 - Equipment delivery expected February 12, 2018
 - Completion expected by April 1, 2018

- Schedule a ribbon cutting event

Mayor Anthony declared a recess at 11:13 a.m. and reconvened the meeting at 11:22 a.m.

Next, Mr. Merritt reviewed the Monthly Financial Summary for December 2017. With regard to current property tax collections budgeted and collected, Mr. Merritt explained property tax collections were highest in August and have been diminishing to date. The City is \$482,000 ahead of its projected budget, which may change. Mr. Merritt noted these collections do not include the Clearwater Paper expansion.

With regard to the sales tax collections budgeted and collected, Mr. Merritt explained these collections refer to State-shared revenues which are reported on a three-month delay. The City is 9 percent ahead of its projected budget which equates to approximately \$118,000.

Discussion followed related to the Economic Development Agreement between the City of Shelby and Cleveland County for the Clearwater Paper Corporation expansion. Beginning in July 1, 2019, the County's sales tax allocation to the City will be at least 12.96 percent for 15 years.

With regard to the utility sales tax distribution (formerly utility franchise tax), Mr. Merritt reported the City has received one quarterly distribution, reflecting \$3,000 below budget projection.

With regard to solid waste fees and recycling fees budgeted and collected, Mr. Merritt reported these collections are tracking in line with the budget. He added both residential and commercial accounts have been increasing every month, which is a good trend.

With regard to General Fund debt service, Mr. Merritt noted the addition of the Hanna Park Recreation Complex with debt retiring in 2032. He added installment purchase contracts are borrowings for purchase of items such as vehicles and capital equipment.

With regard to General Fund expenditures by division, Mr. Merritt explained these accounts represent departmental expense budgets. Most departments show a 50 percent of budget used with exceptions for various insurance payments and fees the City pays in July.

With regard to water revenue and water sales, Mr. Merritt explained with the annexation of Clearwater Paper in June, the City's inside water rates were applied in July. This resulted in a reduction in the budget and the City is behind \$39,000. However, the water revenues are currently trending up.

With regard to sewer revenue and sewer sales, Mr. Merritt explained with the annexation of Clearwater Paper in June, the City's inside sewer rates were applied in July. Currently, the projection is \$60,000 ahead of budget. Mr. Merritt added Clearwater Paper's goal is efficiency over time and the City needs their history to make better projections.

With regard to electric and natural gas revenues, Mr. Merritt explained both utilities are weather driven and the City utilizes billing in arrears. The electric revenues are approximately \$220,000 ahead of budget projections while the natural gas revenues are approximately \$19,000 behind budget projections. Mr. Merritt added the electric margin budget funds the utility operations.

Mr. Howell mentioned the City may consider purchasing gas capacity from the Transco Pipeline in order to supply Clearwater Paper. He suggested the City may also wish to consider amending the natural gas industrial firm transportation rate schedule at that time, if Clearwater decides to purchase their gas directly and become a transport customer.

Mr. Merritt reviewed all utility funds, water, sewer, electric, and natural gas, expenditures by department, including encumbrances restricted for projects with purchase orders.

Lastly, Mr. Merritt provided the information for weather variances related to rain, heating degree days, and cooling degree days for fiscal year to date at December 31, 2017 for reference.

Mr. Howell made preliminary budgetary statements in the context of how to fund the City's new pay plan. He stated generally the City spends approximately 1 to 2 percent less than budgeted in the overall budget. He anticipated nominal growth in the property tax base until Fiscal Year 2019-2020 when the new Clearwater Paper plant becomes operational. Mr. Howell explained an expansion of the sales tax to additional repair and maintenance services went into effect in 2016. That expansion is reflected in the distributions received by local governments and could result in a \$300,000 gain for Shelby.

Mayor Anthony declared a recess for lunch at 12:11 p.m. and reconvened the meeting at 12:43 p.m.

ORGANIZATIONAL – Deliver high quality services to our citizens and customers.

Objective:

1. Retain and recruit high quality City employees.

Action Item:

- a. As funding is available, increase employee wages to competitive market rates based upon realistic and timely data.

Next, Mrs. Jolly presented the City of Shelby Annual Labor Force Stability Report for fulltime employees and reviewed the 12-year turnover percentages and statistical information by department, reasons, and length of service. She noted the City currently has 24 fulltime vacancies out of 326 total employees, stating as soon as a position is filled, another position is lost, leading to constant turnover. Mrs. Jolly further stated that Shelby provides a good training ground for employees and other municipalities are recruiting those employees from Shelby.

2017-2018 PAY AND CLASSIFICATION STUDY

Adding to the market pressure, Mr. Howell said Cleveland County also conducted the same classification and compensation study by Springsted and implemented theirs as of January 1, 2018.

Mr. Howell reviewed the following:

- Council authorized funding for a classification and compensation study in the Fiscal Year 2017-2018 budget
- Springsted Incorporated was chosen to conduct the study
- Study began in June 2017 and was completed in late October 2017
- Presented to Mayor and City Council on November 6, 2017

Mr. Howell reviewed the details of his recommended implementation option (phased in Option 3 – Years of Service) as follows:

- Annual cost for Year 1 is \$1,014,485 or 7.39 percent of total City salaries; Year 2 is \$555,759 or 3.69 percent; and Year 3 is \$562,350 or 3.60 percent
- Includes adjustments to minimum (Option 1) in Year 1 and provides .167 percent per year of service over the three-year period
- Includes an estimated 2 percent cost of living adjustment in Years 2 and 3 to maintain market competitiveness
- Recognizes the value of employee's experience and past salary increases
- Reduces the opportunity for compression of salaries, while addressing current compression issues

Mr. Howell reviewed the details of the pay and classification plan implementation impacts by fund:

- 75 percent of the General Fund would go to Public Safety positions, reflecting significant lag behind the current market
- Public Safety positions are furthest behind market
- Starting annual pay scale for a Police Officer would increase from \$28,811 to \$36,344 or 26 percent
- Starting annual pay scale for a Firefighter would increase from \$26,099 to \$34,219 or 31 percent

<u>FUND</u>	<u>OPTION 3 – Years of Service – FY 2018-2019</u>
GENERAL	\$ 881,877.40
ELECTRIC	11,828.65
GAS	26,883.23
HOUSING	25,360.52
SEWER	27,308.10
WATER	40,542.67
STORMWATER	684.65
 TOTALS	 \$ 1,014,485.22

\$881,877.40 – Amount needed to fund the Pay and Classification Plan for General Fund employees

- 300,000.00 Deduct for potential sale tax growth and distribution
- 581,877.40 Gap – funds needed
- 200,000.00 General Fund budget cuts
- 381,877.40 Unfunded – Funds still needed to pay for the Classification and Compensation Plan

At this point in the discussion, Mr. Howell recommended Council raise fees or consider a property tax increase between 2 and 3 cents per \$100 valuation to fund the Classification and Compensation Plan as proposed.

Further discussion included:

- The City is at a critical stage for employee salaries and turnover rate
- Early implementation as of April 1, 2018; appropriate from reserves; recurring expense requires recurring revenue
- Commit to the plan and ensure some type of pay increase annually to make and maintain salaries to be competitive in the market
- City must set its priorities based on problem-solving and the big picture; focus on population growth and tax base growth; solve the disconnect with Cleveland County for funding

Several options were discussed including a request to Cleveland County to fund half the annual operating costs in the City's recreation and airport services.

Mr. Howell suggested Council allow him to develop a strategy to present to the Cleveland County Board of Commissioners for the City's funding requests. After Council gives their consensus regarding this funding request, a meeting would be scheduled between the City and the County staff and elected officials.

City Council voted unanimously to excuse Mr. White at 1:45 p.m.

Mayor Anthony declared a recess at 1:48 p.m. and reconvened the meeting at 2:07 p.m.

ADDITIONAL DISCUSSION ITEMS

- 1) **Traffic Calming Policy** – Mrs. Arth Dukes introduced her request to institute a City of Shelby Traffic Calming Policy. She stated the purpose of the policy is to provide a process for citizens to request City staff to review traffic concerns in their immediate neighborhood.

Mr. Howell explained traffic calming means many things to different people. Traffic calming can be defined by speed limit reductions, the installation of traffic control devices, and traffic calming can attempt to reduce traffic volume and the negative effects that large volumes of traffic can have on residential neighborhoods. In basic terms, traffic calming is a programmatic response to inappropriate speeds or volumes on residential streets. He suggested a policy can be derived from reviews of traffic calming policies in other municipalities. A draft policy addressing requests for traffic calming in the City of Shelby should provide sensible and programmatic responses.

By consensus, Council directed Mr. Howell to provide traffic calming guidelines and a recommendation for their consideration.

- 2) **Youth Council** – Mrs. Arth Dukes introduced her request to form a Youth Council to serve as a legislative mock makeup of City Council. The applicants could be selected through a partnership with the local American Legion Auxiliary unit utilizing their selection process for a State Youth Council. These junior and senior high school students would represent each City ward and participate in an advisory role to the Shelby City Council.

Council discussed the proposal and objectives, requesting Mrs. Arth Dukes to provide additional information for their consideration.

- 3) **Quasi-Judicial Public Education – Mrs. Arth Dukes requested a better understanding of evidentiary hearings, also known as quasi-judicial hearings, wherein the Council acts essentially as a court of law, for herself as well as the public. She reviewed the City’s and the School of Government’s relevant materials and questioned how to better inform and prepare citizens about these issues.**

Mr. Scharer explained he sends a letter along with a pamphlet, “A Guide to Evidentiary Hearings”, to nearby property owners, urging each recipient to call and make an appointment for further information. In most cases, the letter and pamphlet are ignored. He is at a loss as to how to reach out further to citizens so they have a better understanding of the evidentiary procedures under North Carolina statutes. In addition, Mr. Scharer pointed out City Council extended the application period to 45 days to give citizens additional time to prepare for such hearings.

Discussion included the need for continuing education for all parties involved in order to close this educational gap.

- 4) **Mr. Amaya suggested the addition of a splash pad as a popular recreational amenity to be located in Uptown Shelby or considered in conjunction with the proposed rail-trail construction.**
- 5) **Mr. Amaya also suggested an opportunity exists to add public art and community design in Uptown Shelby. He proposed the local high schools decorate the four new electric boxes in Uptown Shelby. Discussion included the utility function of those boxes and completing the entire project of infrastructure improvements before expanding artwork. Council agreed more public art is good for Shelby. Mr. Howell will provide models of public art implementation projects.**
- 6) **Mayor Anthony expressed his appreciation to Council members for adhering to more orderly Council meetings, allowing for each member an opportunity to be recognized to speak.**
- 7) **In conjunction with the gateway project proposal, Mr. Kittrell requested the decommissioning of the dated welcome signs along the US 74 Shelby Bypass be included. By consensus, Council gave direction to Mr. Howell to remove both signs located on the east and west sides near the City limits.**

The agenda and presentation including staff reports from the 2018 Shelby City Council Planning Retreat are hereby incorporated by reference and made a part of these Minutes.

ADJOURNMENT

ACTION TAKEN: Upon a motion made by Mr. Amaya, City Council voted unanimously to adjourn the meeting at 3:07 p.m.

Respectfully submitted,

Bernadette A. Parduski, NCCMC, MMC
City Clerk

O. Stanhope Anthony III
Mayor

Minutes of January 28, 2017

DRAFT

City of Shelby
Agenda Item Summary
February 19, 2018
City Hall Council Chamber

Agenda Item: E-2

2) Approval of the Minutes of the Regular Meeting of February 5, 2018

Consent Agenda Item: (Bernadette Parduski, City Clerk)

Summary of Available Information:

Please read and offer changes as you deem necessary.

- Minutes of the Regular Meeting of February 5, 2018.

City Manager's Recommendation / Comments

Approve the minutes as presented or as amended by the Mayor and City Council via the Consent Agenda.

MINUTES

Regular Meeting
City Hall Council Chamber

February 5, 2018
Monday, 6:00 p.m.

Present: Mayor O. Stanhope Anthony III, presiding; Council Members David W. White, David Causby, Violet Arth Dukes, Ben Kittrell, Jr., and Dicky Amaya; City Manager Rick Howell, City Attorney Robert W. (Bob) Yelton, City Clerk Bernadette A. Parduski, Director of Finance Justin S. Merritt, MPA, Director of Human Resources Deborah C. (Deb) Jolly, Director of Energy Services Julie R. McMurry, Director of Water Resources David W. Hux, Police Chief Jeffrey H. (Jeff) Ledford, Fire Chief William P. Hunt, MPA, EFO, Assistant Fire Chief – Logistics and Enforcement Services Todd McMurry, Assistant Fire Chief – Operations and Personnel David R. Vanhoy, and Director of Planning and Development Services Department Walter (Walt) Scharer, AICP

Absent: Council Member Eric B. Hendrick

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. Causby led the *Pledge of Allegiance*.

A. Approval of agenda:

1) Motion to adopt the proposed agenda

Mr. Kittrell requested that Item C-5 be removed from the Consent Agenda and placed under Unfinished Business as Item E-1 as follows:

- Consideration of a budget ordinance amendment for the City of Shelby's Police Department PSAP Communication Addition Project: Ordinance No. 3-2018

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

B. Special Presentations:

- 1) Recognition of Assistant Fire Chief David R. Vanhoy on his designation as a Chief Fire Officer (CFO) by the Commission on Professional Credentialing with the Center for Public Safety Excellence

Mayor Anthony called upon Assistant Fire Chief Vanhoy who shared background information about the Center for Public Safety Excellence's (CPSE) Commission on Professional Credentialing (CPC). The CPC's officer designations include Chief Fire Officer (CFO) among others. These designations are developed around a model that looks at the "whole" officer. The achievement of this designation requires a strong educational background; diverse participation in emergency services at the local, state, or national level; and demonstrated commitment in the community, all validated by emergency services peers. He added Chief Hunt and the Shelby Fire and Rescue Department have embraced CPSE's philosophy of continuous individual improvement and organizational improvement through the accreditation process.

Mayor Anthony formally read and presented the framed certificate from the Commission of Professional Credentialing of the Center for Public Safety Excellence, Inc., conferring the title of Chief Fire Officer on David R. Vanhoy. The Mayor commended this professional designation and congratulated Assistant Fire Chief Vanhoy on his achievement.

2) Certified Entrepreneurial Community (CEC) Program update – Steve Padgett, Director, Small Business Center, Cleveland Community College

Mr. Padgett reminded all present the Certified Entrepreneurial Community designation was awarded to Cleveland County on December 1, 2016, celebrating its first anniversary in December 2017. He mentioned Cleveland County now has a sister town, Holly Springs, North Carolina, which was certified as entrepreneur-ready, also in December 2017. Mr. Padgett stated the program is alive and well and carrying on a great deal of activity particularly through referrals. One of the program goals in the first year was to design, print, and distribute rack cards across Cleveland County to inform and direct community members to the CEC website, which contains helpful resources and a directory of services. At the Small Business Center, these referrals come through a wide variety of sources demonstrating the program is well known throughout Cleveland County and people are sharing the information. He also mentioned the effectiveness of the CEC website and the CEC highway signs for this program.

Mr. Padgett stated the establishment of a Service Provider Network continues to offer the opportunity for Service Providers within and around Cleveland County to connect, learn, and advance their ability to support entrepreneurs by hosting quarterly luncheons at various locations across the County. During a recent Service Provider quarterly meeting, Mr. Padgett said he learned of the formation of a new organization, Fellowship of

Entrepreneurs (FOE), from Boiling Springs, North Carolina. The FOE's focus is to give entrepreneurs, leaders, and professionals the opportunity to connect, generate ideas, and share resources to meet goals and objectives with their respective organizations, businesses, and professions.

Mr. Padgett concluded by expressing his appreciation to the City of Shelby for their continued support and investment in the CEC Program.

Council received the information. No action was required.

C. Consent Agenda:

ACTION TAKEN: Mayor Anthony presented the amended consent agenda. Mr. White made a motion to approve the amended consent agenda. The amended consent agenda and following items were unanimously approved:

- 1) Approval of the Minutes of the Regular Meeting of January 8, 2018
- 2) Approval of Special Event Permit Application:
 - a. Charity Chase 5K, requested date: March 24, 2018
- 3) Approval of a resolution honoring Rita Benson on the occasion of her retirement from employment with the City of Shelby: Resolution No. 4-2018
- 4) Approval of a resolution approving a financing agreement authorized by North Carolina General Statute 160A-20: Resolution No. 5-2018
- 5) **REMOVED AND PLACED UNDER NEW BUSINESS AS ITEM E-1**
Adoption of a budget ordinance amendment for the City of Shelby's Police Department PSAP Communication Addition Project: Ordinance No. 3-2018
- 6) Adoption of Fiscal Year (FY) 2017-2018 Budget Ordinance Amendment No. 10: Ordinance No. 4-2018
- 7) Adoption of Fiscal Year (FY) 2017-2018 Budget Ordinance Amendment No. 11: Ordinance No. 5-2018
- 8) Approval of a resolution authorizing execution of a Lease Agreement between Norfolk Southern Railway Company and City of Shelby, North Carolina: Resolution No. 6-2018

- 9) Adoption of an ordinance authorizing demolition of a dwelling: Ordinance No. 6-2018

END CONSENT AGENDA

D. Unfinished Business:

- 1) Consideration of appointments to City advisory boards and commissions:

a. Shelby Cleveland County Regional Airport Advisory Board

Mrs. Parduski reported the terms of three incumbents are concluding February 2018. The incumbents, Jim Robinson, Dr. Stephen Jones, and Dennis Sessom, wish to continue their service with this board.

There is one application on file in the Clerk's Office as follows:

- Richard (Dick) Baker, Jr.

Mr. Kittrell nominated the incumbents, Jim Robinson, Dr. Stephen Jones, and Dennis Sessom, for reappointment.

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

E. New Business:

- 1) Consideration of a budget ordinance amendment for the City of Shelby's Police Department Public Safety Answering Point (PSAP) Communication Addition Project: Ordinance No. 3-2018

Mr. Howell introduced Ordinance No. 3-2018 for Council's consideration. If approved, this amendment to the PSAP 911 Communication Center project budget ordinance would appropriate an additional \$282,000 from reserves specific to costs integral to the transfer of the 911 Communication Center from its current location to the new 911 Communication Center at 130 West Warren Street. Mr. Howell explained there were additional items which were PSAP eligible; however, those items were not included with the original bid price. These quotes were submitted to the State to be included in the grant funding, but were not counted in the total cost of the facility due to a miscommunication between the North Carolina 911 Board and the Shelby Police Department. He added this is a fairly costly oversight; however, those items and the costs have been incurred and obligated by the City. Overall,

the project cost range was between \$6 and \$7 million with the City receiving \$1.3 million in grant funding. Ultimately, the overall cost of the project was approximately \$4.8 million and City invested approximately \$3.5 million.

Lastly, Mr. Howell stated the appropriation, currently shown from reserves, should balance out with unexpended funds from the Police Department budget, anticipating some offset at the end of the fiscal year.

ACTION TAKEN: Upon a motion by Mr. Amaya, City Council voted unanimously to approve and adopt Ordinance No. 3-2018 entitled, “A BUDGET ORDINANCE AMENDMENT FOR THE CITY OF SHELBY’S POLICE DEPARTMENT PUBLIC SAFETY ANSWERING POINT (PSAP) COMMUNICATION ADDITION PROJECT”.

F. City Manager’s Report:

1) Mr. Howell provided the following updates:

- He has invited Gary R. Spangler, District Supervisor of District 1, with the North Carolina Department of Transportation to present an update of projects within the Shelby area at the next Council meeting of February 19, 2018.
- He informed Council the final inspection of the 911 Communication Center took place today and the relocation of those operations will begin.
- The Gateway Project at East Marion Street and East Dixon Boulevard is nearing completion with a review of the punch. The next phase includes the proposal of the gateway sign for Council’s final review and consideration.
- He is in the process of preparing a budget memo and budget calendar related to the upcoming fiscal year for Council’s review. He anticipated the scheduling of budget sessions in April 2018.
- He was contacted by Clearwater Paper Corporation about scheduling their initial ribbon cutting of their new facility on August 23, 2018. More details will follow in the near future.
- With regard to the water side of the Uptown Shelby Infrastructure Project, the construction is currently taking place on West Marion Street and will continue to the intersection with North Lafayette Street. Mr. Howell reiterated although the construction activities

are a disruptive process, the City is working to accommodate Uptown Shelby businesses and keeping the sidewalks open during the construction.

- He acknowledged receiving an announcement from ABB informing the City of Shelby that Baldor Electric Company and the ABB Group are integrating their brand and will be known as one company, ABB, as of March 1, 2018.

G. Council Announcements and Remarks:

- 1) Mr. Amaya expressed his appreciation to all for their work and participation in the productive City Council retreat held on Saturday, January 20, 2018.

H. Adjournment:

- 1) Motion to adjourn

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to adjourn the meeting at 6:23 p.m.

Respectfully submitted,

Bernadette A. Parduski, NCCMC, MMC
City Clerk

O. Stanhope Anthony III
Mayor

Minutes of February 5, 2018

City of Shelby
Agenda Item Summary
February 19, 2018
City Hall Council Chamber

Agenda Item: E-3

3) Approval of a Special Event Permit Application:

- a. A Walk to Remember for Alzheimer's Awareness, requested date: March 3, 2018

Consent Agenda Item: (Bernadette A. Parduski, City Clerk)

Summary of Available Information:

- Memorandum dated February 12, 2018 from Bernadette A. Parduski, City Clerk to Rick Howell, City Manager
- Memorandum dated February 9, 2018 from Bernadette A. Parduski, City Clerk to Police Chief Jeff Ledford, Fire Chief William Hunt, Assistant Fire Chief Todd McMurry, Parks and Recreation Director Charlie Holtzclaw, Public Works Director Danny Darst, Assistant Director Public Works Scott Black, Director of Energy Services Julie McMurry, Director of Water Resources David Hux, Planning and Development Services Director Walt Scharer, and Director of Engineering Services Ben Yarboro
- Special Event Permit Application

City Manager's Recommendation / Comments

This event is in keeping with special event practices of the City. It is my recommendation that this item be approved by City Council at this time via the Consent Agenda.

Memo

To: Rick Howell, City Manager
From: Bernadette A. Parduski, City Clerk
Date: February 12, 2018
Re: Special Event Permit Application

BACKGROUND:

A Special Event Permit Application has been submitted for the following:

- ✓ A Walk to Remember for Alzheimer's Awareness, requested date: March 3, 2018

REVIEW:

All responding City departments have received, reviewed, and approved the referenced application.

RECOMMENDATION:

Please place the attached Special Event Permit Application on the Consent Agenda of February 19, 2018 for Council's review and approval.

ATTACHMENT:

- A. Special Event Permit Application packet received February 9, 2018

Memo

To: Police Chief Jeff Ledford, Fire Chief William Hunt, Assistant Fire Chief Todd McMurry, Parks & Recreation Director Charlie Holtzclaw, Public Works Director Danny Darst, Assistant Director of Public Works Scott Black, Director of Energy Services Julie McMurry, Director of Water Resources David Hux, Director of Engineering Services Ben Yarboro, and Planning and Development Services Director Walt Scharer

From: Bernadette A. Parduski, City Clerk

CC: Rick Howell, City Manager

Date: February 9, 2018

Re: Special Event Permit Application

All:

Attached you will find a Special Event Permit Application submitted by Katrina Savage of Cash Money Takerz Social Club as follows:

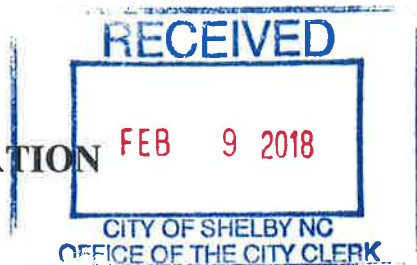
- ✓ A Walk to Remember for Alzheimer's Awareness, requested date: March 3, 2018

Please carefully review the details of this application as it pertains to your department, and let me know of any anticipated problems/objections that you would like to bring to the attention of the City Council. If there are none, please let me know that as well. The event will be considered by City Council at the February 19, 2018 meeting and recommended for approval unless you advise otherwise. If I do not hear from you by February 14, 2018, it will be assumed that you are in agreement with the application as presented.

As always, thanks for your attention and consideration.

Attachment

CITY OF SHELBY
SPECIAL EVENT PERMIT APPLICATION



Each question must be legible and answered clearly and completely. Applications must be filed with the City Clerk not less than thirty (30) days before the date on which the event is to take place. A fee of \$20.00 will be due upon submission of the application form.

1. **EVENT NAME:** A Walk to Remember for Alzheimer's Awareness

2. **PURPOSE AND BRIEF DESCRIPTION OF EVENT:**
Fundraiser

3. **LOCATION OF EVENT (ATTACH MAP):** City Park
Girls Scout Hut

4. **PLEASE INDICATE:**
Approximately how many people will attend the event: 100
Approximately how many vehicles will be present: 0
Approximately how many animals will be present: 0

If the event is a parade, please indicate the amount of street that will be needed:
Single lane _____
All lanes in travel direction _____
Whole street _____

5. **PLEASE LIST THE FOLLOWING PARTY (IES) RESPONSIBLE FOR THE EVENT:**
Name: Cash Money Takerz Social Club
Address: 414 Leander St Shelby NC 28152
Phones: 704-466-9909 (Daytime) (same) (Evening)

Cashmoneytakerzsc@gmail.com
(e-mail address)

Name: Katrina Savage
Address: 414 Leander St Shelby NC 28152
Phones: 704-466-8250 (Daytime) (Same) (Evening)
ksavagemel@gmail.com
(e-mail address)

6. **PLEASE LIST THE FOLLOWING:**

Requested day(s) and date(s) 1 day March 3, 2018
Alternate day(s) and date(s) _____
Requested hours of operation, from 9:00 AM/PM to 12:00 AM/PM

7. **SANITATION:** Please attach your "Plan for Clean-Up." Please check Application Instruction sheet for details.

8. **AVAILABILITY OF FOOD, BEVERAGES, AND/OR ENTERTAINMENT;**

If there will be music, sound amplification, or any other noise impact, please describe on attached sheet, including the intended hours of the music, sound, or noise.

Will alcoholic beverages be served? NO

If yes, attach to the application a copy of your permit from the Cleveland County Alcoholic beverage Control Board. Alcohol may not be served without a permit.

Will food and/or no-alcoholic beverages be served? NO

If yes, attach to the application a copy of your permit from the Cleveland County Department of Health Services.

9. **SECURITY AND SAFETY PROCEDURES:**

Attach to this application a copy of your building permit(s) if you are installing any electrical wiring on a temporary or permanent basis and/or if you are building any temporary or permanent structures such as bleachers, scaffolding, a grandstand, viewing stands, stages, or platforms.

Attach a copy of your Shelby Fire & Rescue Department Permit or permits to this application if you will use parade floats; an open flame; fireworks; or pyrotechnics; vehicle fuel; cooking facilities; enclosures (and tables within those enclosures); tents; air-supported structures; and/or any fabric shelter.

Give name, address, and phone numbers of the agency or agencies, which will provide first aid staff and equipment. Attach additional sheets if necessary.

Name: EMS

Address: _____

Phones: _____

Indicate medical services that will be provided for the event.

AMBULANCE: EMS

DOCTOR (S): N/A

PARAMEDICS: EMS

10. **CITY SERVICES/EQUIPMENT REQUESTED FOR THIS EVENT:** Police assistance at crossings/intersection

11. **ANY ADDITIONAL COMMENTS:** We will have a first Aid kit on site and there will also be a nurse walking in the event as well.

THE CITY OF SHELBY IS NOT A CO-SPONSOR OF THE EVENT.

It is understood and agreed that any permit issued pursuant to this application is issued on the condition that the answers herein given are true and correct to the best of the knowledge, information, and belief of the applicant.

Katrina Savage

(SIGNATURE)

Katrina Savage

(APPLICANT)

704-466-8250

(PHONE)

414 Leander St Shelby NC 28152

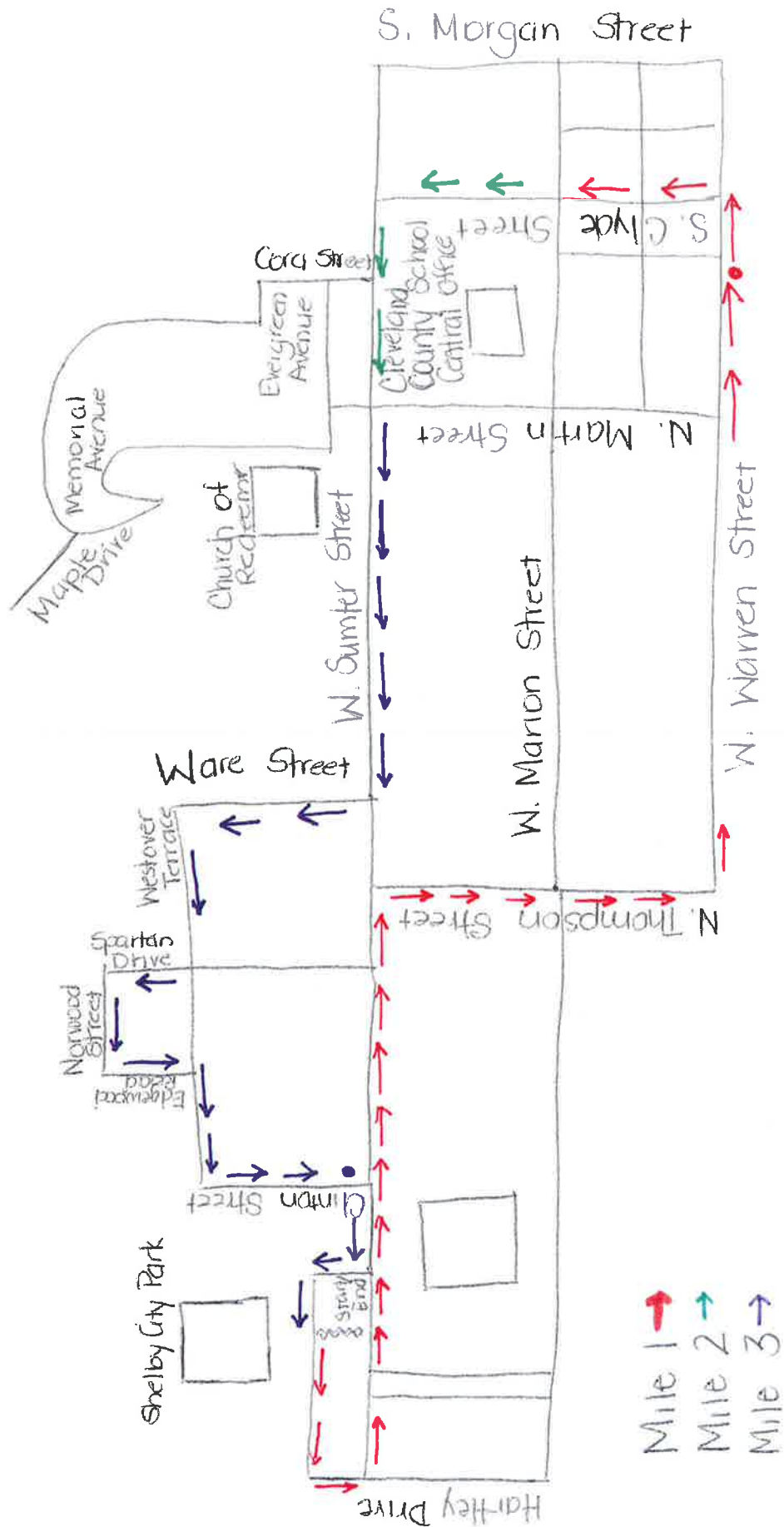
(ADDRESS)

February 08, 2018

(DATE)

Plan of Action for Cleanup

- * We will have two stops for water and cleanup
- * 1st stop will be @ West Warren St
- * 2nd stop will be @ Corner of Ware Street and Westover Terrace
- * We have a committee that will be at each point to pass out and cleanup the area
- * Taking off trash picking up all trash surrounding areas making sure that everything is left how we found it clean and neat.
- * We will dispose of all trash that we gather.



City of Shelby
Agenda Item Summary
February 19, 2018
City Hall Council Chamber

Agenda Item: E-4

- 4) Adoption of an ordinance authorizing demolition of a dwelling (809 Holly Oak Road): Ordinance No. 9-2018

Consent Agenda Item: (Walt Scharer, Planning Director)

Summary of Available Information:

- Memorandum dated February 8, 2018 from Walter Scharer, Planning Director to Rick Howell, City Manager
- Photo of property, 809 Holly Oak Road
- Location Map
- Tax Card for 2018
- Ordinance No. 9-2018

City Manager's Recommendation / Comments

Please note that the Building Inspector has duly conducted enforcement of the minimum housing code in accordance with the NC General Statutes and City Code. I do want to emphasize that it is the common practice of the City to err on the side of the property owner in most all cases giving them the benefit of the doubt when action is initiated. A thorough and fair due process is followed in all cases. Demolition of these homes is always the last resort after efforts to persuade a property owner to make these minimum standards have failed. As you all know once this ordinance is passed the City is empowered to enter onto the property to demolish the building. All associated demolition costs and administrative costs are then filed by the City Attorney as a lien against the property. This lien is normally only satisfied to the City's benefit upon the sale of the property.

Excerpt from Strategic Growth Plan

4. Community Appearance & Image

POLICY 4.4: Vacant and abandoned sites and buildings shall be properly cared for or removed, thereby preventing a blighting impact on the area in which they are located.

Action 4.4.1: Examine and implement standards for maintaining undeveloped or vacant lots and for repairing or removing abandoned structures and sites.

It is my recommendation Ordinance No. 9-2018 be adopted and approved by City Council at this time via the Consent Agenda.



Memorandum

To: Rick Howell - City Manager
From: Walter Scharer – Planning & Development Director
Date: 02-08-2018
Subject: Demolition of Structure at 809 Holly Oak Rd.

Executive Summary of issue – Background

The dwelling associated with this proposed demolition action is in a dilapidated condition and should be removed for the safety of the citizens of Shelby. Initial complaints came from residents, the Shelby Police Department and City Code Enforcement. The property owner has been given due process and has failed to comply with the City’s Minimum Housing Code.

Review and Comments

Due to dilapidation this dwelling is unfit for human habitation and has the potential of increasing the hazards of fire, accident, and other calamities; it is dangerous and detrimental to the health, safety, and welfare of the citizens of the City of Shelby. The estimated cost of demolition and removal is approximately \$6,000.00. Budgeted minimum housing funds will be used for this demotion.

Removal of this structure is in compliance with the City of Shelby Minimum Housing Code pursuant to N.C.G.S. 160A-441.

Removal of this structure is supported by the following Strategic Growth Plan Policy:

POLICY 4.4: Vacant and abandoned sites and buildings shall be property cared for or removed, thereby preventing a blighting impact on the area in which they are located.

Action 4.4.1: Examine and implement standards for maintaining undeveloped or vacant lots and for repairing or removing abandoned structures and sites.

POLICY 9.2: Consistent, reliable enforcement of well written housing and nuisance abatement codes shall be employed to eliminate instances of unlawful activity and urban blight within the planning area of Shelby.

Recommendation

Please place this item on the consent agenda for the next City Council meeting on February 19th. Staff recommends this minimum housing action.

Attachments: Photo of Structure, Location Map, Tax Card and Ordinance





LOCATION MAP 809 HOLLY OAK ROAD

Map Information:
Datum: NAD 1983
Coordinate: State Plane
North Carolina (Meter)
Projection: Lambert Conformal Conic

US National Grid
Grid Zone Designation (GZD): 17S
100,000m Square ID: MV/MU



Legend
56  Site Location

Date: 2/6/2018

Scale: 1 IN = 317 FT or 1:3,804 (GIS)

0 162.5 325

650 Feet

USER ALAN

FOR YEAR 2018

MCDUGGLE L J
PO BOX 432

PARCEL ID.. 23251
LOCATION... 809 HOLLY OAK RD
DEED YEAR/BOOK/PAGE.. 1950 6H 396
PLAT BOOK/PAGE..
LEGAL DESC:LOT HOLLY OAK PARK

PIN... S52 6 1
ASSESSMENT RECY
OWNER ID.. 14674001
DISTRICT.. 6 CITY OF SHELBY

HILLSBOROUGH
DESCRIPTION

TOWNSHIP... 6 SHELBY
NC 27278-

NBRHOOD... 210 S50 S52 #6
RESIDENTIAL

MAINTAINED.. 5/17/2017 BY MAYES
VISITED..... 5/03/2004 BY LR
PARCEL STATUS... ACTIVE

VALUED.. 6/07/2017 BY MAYES

ROUTING#..
CATEGORY.. Real & Personal

SALES HISTORY

DEED BK/PAGE	SALE DATE	SALES INSTRUMENT	DISQUALIFIED	SALE AMOUNT	STAMP AMOUNT	DEED NAME
6H 396	1/01/1950	SALE	QUALIFIED			

LAND SEGMENTS

LAND #	ZONE	STRAT CODE	LAND TYPE/CODE	LAND QTY	LAND RATE	DPT%	SHP%	LOC%	SIZ%	OTH%	TOP%	TOT ADJ	CURRENT FMV
1		02	FF F	100.000	70.00	100.00	.00	100.00	.00	.00	.00	.00	7,000
TOTAL ACRES..				147	.000	OTHER ADJ...		.00	.00	.00	.00	TOTAL LAND FMV..	7,000

IMPROVEMENT # 1 MAJOR IMPR-M

MAIN FIN AREA.. 1,100.00 ACT/EFF YR/AGE.. 1946 1980 36 VISITED.. 5/03/2004 BY LR
 STRAT..... 02 DESCRIPT.... SINGLE FAMILY DWELLING-WF MAINTAINED.. 5/17/2017 BY MAYES
 MAIN PERIM..... 170.00 MAIN GROUND SF.... 1,100.000
 LOCATION #..... 809 HOLLY OAK RD

COMPONENT	TYPE/CODE/DESC	PCT	UNITS	RATE	STR#	STR%	SIZ%	HGT%	PER%	CDS%	COST	%CMPL
AC 06	COVERED PORCH	100	52.00	13.19				135.00				925
AC 08	ENCLOSED FRAME PORCH	100	180.00	19.66				109.00				3,857
MA 37W	SINGLE FAMILY DWELL	100	1100.00	62.11	1.00		100.00			100		68,321
EW 06	WOOD SIDING	100	170.00	.00								0
UB 0200	UNFIN BASEMENT-SIZE	16	176.00	10.25								1,804
FD 04	PERIMETER FOOTING	100	1100.00	.00								0
HC 05	FORCED HOT AIR	100	1100.00	.00								0
PL R	RES PLUMB-EXTRA FIXT	100	5.00	717.00								0

	RCN..		PCT COMPLETE				100	x				74,907
	QUAL.. QG	D1	D+10				92.00	x				68,914
	DEPR.. D6		36 YEARS OLD				59.00	-		40,659		40,659 T

--FMV...												28,255

DATE 7/31/17
 TIME 7:35:16
 USER ALAN

CLEVELAND COUNTY
 PROPERTY CARD
 FOR YEAR 2018

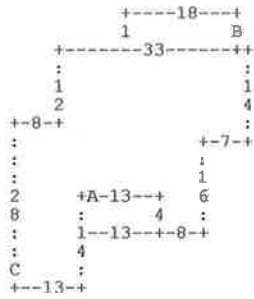
PAGE 2
 PROG# AS2006

MCDOUGLE L J

PARCEL ID.. 23251

PIN... S52 6 1

----- IMPROVEMENT # 1 MAJOR IMPR-M -----



AC 06 COVERED PORCH				TRAVERSE							
M R	13.00	M U	14.00	D R	13.00	D D	4.00	D L	13.00	D U	4.00
AC 08 ENCLOSED FRAME PORCH				TRAVERSE							
M U	28.00	M R	8.00	M U	12.00	M R	31.00	D U	10.00	D L	18.00
D D	10.00	D R	18.00								
MA 37W SINGLE FAMILY DWELLI FLOOR: 1.00				TRAVERSE							
D U	28.00	D R	8.00	D U	12.00	D R	33.00	D D	14.00	D L	7.00
D D	16.00	D L	8.00	D U	4.00	D L	13.00	D D	14.00	D L	13.00

TOTAL PARCEL VALUES	LAND / OVR	IMPROVEMENTS / OVR	TOTAL LAND/IMPROVE	2017 VALUE
FMV.....	7,000	28,255	35,255	35,255
APV.....	7,000	28,255	35,255	35,255

----- COMMENTS - -----

ORDINANCE NO. 9-2018

AN ORDINANCE AUTHORIZING DEMOLITION OF A DWELLING

WHEREAS, pursuant to the provisions of Chapter 160A, Article 19, Part 6, of the North Carolina General Statutes, the single family dwelling located at **809 Holly Oak Road**, Shelby, North Carolina, has been inspected and found to be unfit for human habitation and to otherwise constitute a danger to persons and a threat to the health and welfare of the citizens within the City; and,

WHEREAS, according to the procedure provided by law, the owner(s) of said property, **L J McDougle, Grace Chavious McDougle, Leon J. McDougle Jr.**, has or have been given notice of the aforesaid inspection, determination, and orders to bring said property into compliance with the housing standards of the City of Shelby by appropriate repair or removal of said dwelling; and,

WHEREAS, no action of any kind has been taken or initiated by the owner(s), or any party on behalf of said owner(s), to achieve compliance with said ordinances within the periods allowed by law; and,

WHEREAS, the said dwellings remain at this time unfit for human habitation, dilapidated, and a danger to the health and safety of the citizens of the City of Shelby, and should be removed by demolition in order to prevent and alleviate such continuing danger and dilapidated conditions.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHELBY, NORTH CAROLINA:

Section 1. The dwellings on the property known as **809 Holly Oak Rd**, Shelby, and described in the Cleveland County records as Tax Parcel No. **23251** be vacated and secured forthwith until such time all Minimum Housing Defects are abated, and a lien for the costs of such closure, less any credits due the owner(s), be filed against the property and collected pursuant to the provisions of North Carolina General Statutes § 160A-443, et seq.; and,

Section 2. The dwellings on the property known as **809 Holly Oak Rd**, Shelby, and described in the Cleveland County records as Tax Parcel No. **23251** be demolished forthwith, the remnants thereof disposed, and a lien for the costs of such demolition and removal, less any credits due the owner(s), be filed against the property and collected pursuant to the provisions of North Carolina General Statutes § 160A-443, et seq.; and,

Section 3. Said lien bear interest until paid, as allowed in Article 10 of Chapter 160A of the N.C. General Statutes, at the rate of eight percent (8.0%) per annum.

Adopted and approved this 19th day of February 2018.

O. Stanhope Anthony III
Mayor

ATTEST:

Bernadette A. Parduski, NC-CMC, IIMC-MMC
City Clerk

APPROVED AS TO FORM:

Lacey Beam
City Attorney

City of Shelby
Agenda Item Summary
February 19, 2018
City Hall Council Chamber

Agenda Item: E-5

- 5) Adoption of an ordinance authorizing demolition of a dwelling (615 Buffalo Street):
Ordinance No. 10-2018

Consent Agenda Item: (Walter Scharer, Planning Director)

Summary of Available Information:

- Memorandum dated February 8, 2018 from Walter Scharer, Planning Director to Rick Howell, City Manager
- Photo of property, 615 Buffalo Street
- Location Map
- Tax Card for 2018
- Ordinance No. 10-2018

City Manager's Recommendation / Comments

Please note that the Building Inspector has duly conducted enforcement of the minimum housing code in accordance with the NC General Statutes and City Code. I do want to emphasize that it is the common practice of the City to err on the side of the property owner in most all cases giving them the benefit of the doubt when action is initiated. A thorough and fair due process is followed in all cases. Demolition of these homes is always the last resort after efforts to persuade a property owner to make these minimum standards have failed. As you all know once this ordinance is passed the City is empowered to enter onto the property to demolish the building. All associated demolition costs and administrative costs are then filed by the City Attorney as a lien against the property. This lien is normally only satisfied to the City's benefit upon the sale of the property.

Excerpt from Strategic Growth Plan

4. Community Appearance & Image

POLICY 4.4: Vacant and abandoned sites and buildings shall be properly cared for or removed, thereby preventing a blighting impact on the area in which they are located.

Action 4.4.1: Examine and implement standards for maintaining undeveloped or vacant lots and for repairing or removing abandoned structures and sites.

It is my recommendation Ordinance No. 10-2018 be adopted and approved by City Council at this time via the Consent Agenda.



Memorandum

To: Rick Howell - City Manager
From: Walter Scharer – Planning & Development Director
Date: February 8, 2018
Subject: **Demolition of Structure at 615 Buffalo Street.**

Executive Summary of issue – Background

The dwelling associated with this proposed demolition action is in a dilapidated condition and should be removed for the safety of the citizens of Shelby. Initial complaints came from residents, the Shelby Police Department and City Code Enforcement. The property owner has been given due process and has failed to comply with the City’s Minimum Housing Code.

Review and Comments

Due to dilapidation this dwelling is unfit for human habitation and has the potential of increasing the hazards of fire, accident, and other calamities; it is dangerous and detrimental to the health, safety, and welfare of the citizens of the City of Shelby. The estimated cost of demolition and removal is \$6,000.00. Budgeted minimum housing funds will be used for this demolition.

Removal of this structure is in compliance with the City of Shelby Minimum Housing Code pursuant to N.C.G.S. 160A-441.

Removal of this structure is supported by the following Strategic Growth Plan Policy:

POLICY 4.4: Vacant and abandoned sites and buildings shall be property cared for or removed, thereby preventing a blighting impact on the area in which they are located.

Action 4.4.1: Examine and implement standards for maintaining undeveloped or vacant lots and for repairing or removing abandoned structures and sites.

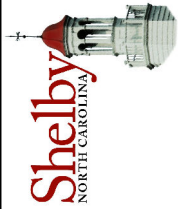
POLICY 9.2: Consistent, reliable enforcement of well written housing and nuisance abatement codes shall be employed to eliminate instances of unlawful activity and urban blight within the planning area of Shelby.

Recommendation

Please place this item on the consent agenda for the next City Council meeting on **February 19, 2018**. Staff recommends this minimum housing action.

Attachments: Memo, Ordinance, Location Map, Tax Card, and Photo of Structure

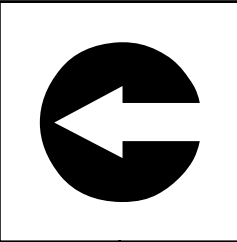
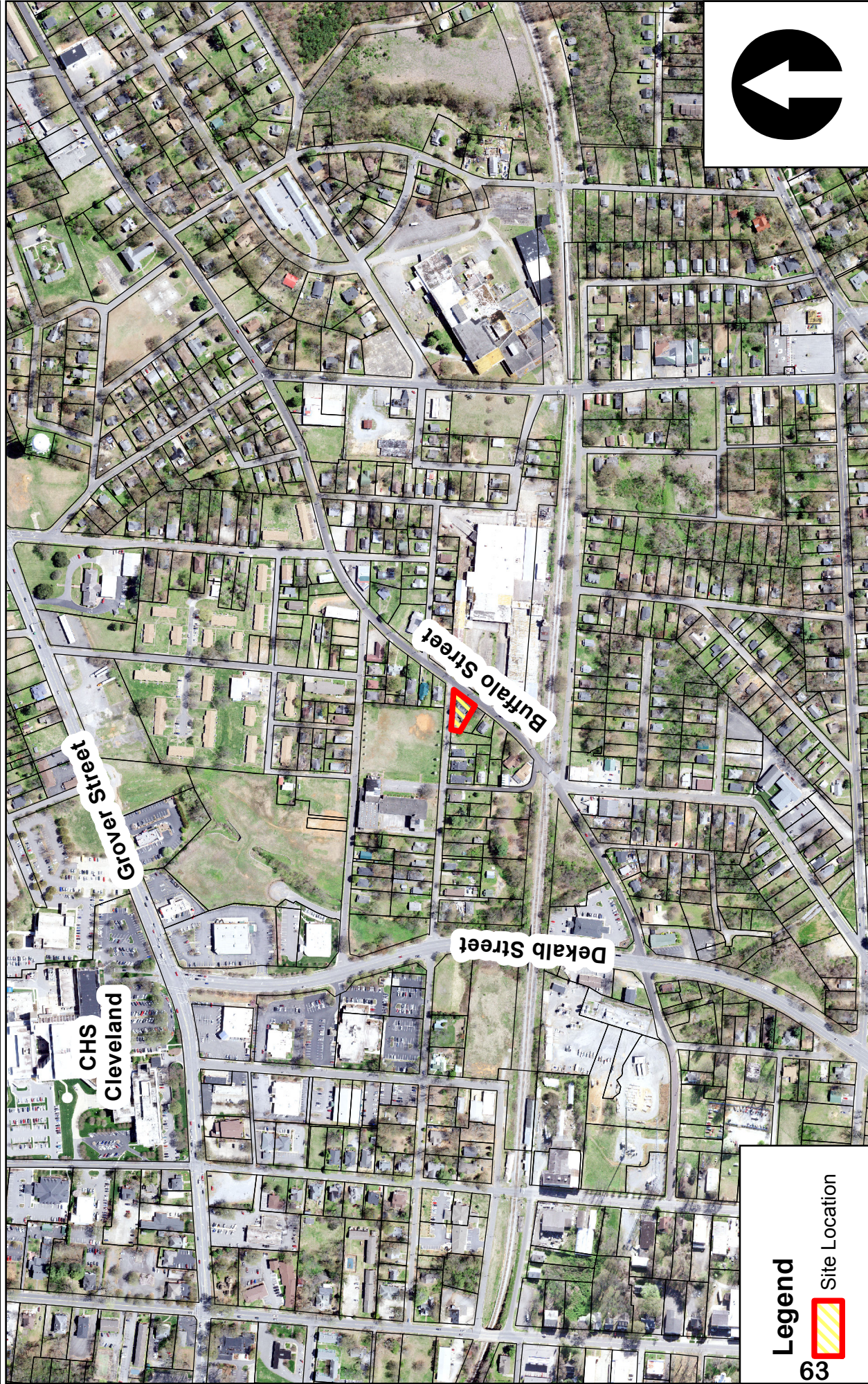




LOCATION MAP 615 Buffalo Street

Map Information:
Datum: NAD 1983
Coordinate: State Plane
North Carolina (Meter)
Projection: Lambert Conformal Conic

US National Grid
Grid Zone Designation (GZD): 17S
100,000m Square ID: MV/MU



Legend
63  Site Location

Date: 2/9/2018

Scale: 1 IN = 500 FT or 1:6,000 (GIS)



USER ALAN

FOR YEAR 2018

FOSTER ELSIE ENLOE
CRUMP SHIRLEY ENLOE
218 T R HARRIS DR APT H4

PARCEL ID.. 19040
LOCATION... 615 BUFFALO ST
DEED YEAR/BOOK/PAGE.. 1983 18A 594
PLAT BOOK/PAGE..
LEGAL DESC:615 BUFFALO ST

PIN... S18 7 3
SHELBY
ASSESSMENT RECY
OWNER ID.. 7385452
DISTRICT.. 6 CITY OF SHELBY

SHELBY
DESCRIPTION

NC 28150-

TOWNSHIP... 6 SHELBY

RESIDENTIAL

NBRHOOD... 272 S MAPS #6

MAINTAINED.. 5/17/2017 BY MAYES
VISITED..... 5/01/1998 BY
PARCEL STATUS... ACTIVE

VALUED.. 9/14/2016 BY MAYES

ROUTING#..
CATEGORY... Real & Personal

SALES HISTORY						
DEED BK/PAGE	SALE DATE	SALES INSTRUMENT	DISQUALIFIED	SALE AMOUNT	STAMP AMOUNT	DEED NAME
18A 594	1/01/1983	SALE				QUALIFIED

LAND SEGMENTS													
LND #	ZONE	STRAT CODE	LAND TYPE/CODE	LAND QTY	LAND RATE	DPT%	SHP%	LOC%	SIZ%	OTH%	TOP%	TOT ADJ	CURRENT FMV
1		02	FF F	71.000	60.00	94.00	.00	100.00	.00	.00	.00	94.00	4,004
			DPH..	124				OTHER ADJ...	.00	.00	.00	.00	
TOTAL ACRES..				.000								TOTAL LAND FMV..	4,004

IMPROVEMENT # 1 MAJOR IMPR-M												
MAIN FIN AREA..		1,868.00	ACT/EFF YR/AGE.. 1930 1982 34		VISITED.. 7/06/2015 BY PM							
STRAT..... 02			DESCRIPT.... SINGLE FAMILY DWELLING-WF		MAINTAINED.. 5/17/2017 BY MAYES							
MAIN PERIM.....		160.00	MAIN GROUND SF.... 1,344.000									
LOCATION #.....		BUFFALO ST	615									

COMPONENT	TYPE/CODE/DESC	PCT	UNITS	RATE	STR#	STR%	SIZ%	HGT%	PER%	CDS%	COST	%Cmpl
AC 06	COVERED PORCH	100	256.00	13.19			94.00					3,173
AC 06	COVERED PORCH	100	176.00	13.19			107.00					2,483
MA 37W	SINGLE FAMILY DWELLI	100	1344.00	62.11	1.00		100.00			100		83,475
EW 06	WOOD SIDING	100	160.00	.00								0
FA 0600	FIN ATTIC - SIZE 600 39		524.16	36.63								19,199
- FD 04	PERIMETER FOOTING	100	1344.00	.00								0
- HC 05	FORCED HOT AIR	100	1344.00	.00								0
- PL R	RES PLUMB-EXTRA FIXT100		5.00	717.00								0
- PL R	RES PLUMB-EXTRA FIXT100		3.00	717.00								2,151

	RCN...		PCT COMPLETE				100	x				110,482
	QUAL.. QG E2		E+05				70.00	x				77,337
	DEPR.. D8		34 YEARS OLD				70.00	-		54,136		
	LOCA.. LOD		LOCATIONAL OBS DEP				25.00	-		5,800		59,936 T

--FMV...	MA 272		272 MARKET ADJ				75.00	x				13,050

DATE 10/30/17
 TIME 8:55:17
 USER ALAN

CLEVELAND COUNTY
 PROPERTY CARD
 FOR YEAR 2018

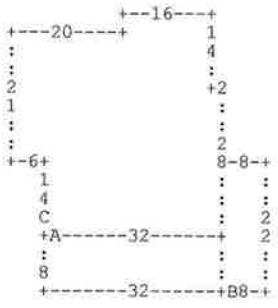
PAGE 2
 PROG# AS2006

FOSTER ELSIE ENLOE

PARCEL ID.. 19040

PIN... S18 7 3

----- IMPROVEMENT # 1 MAJOR IMPR-M -----



AC 06 COVERED PORCH		TRAVERSE									
D R	32.00	D D	8.00	D L	32.00	D U	8.00				
AC 06 COVERED PORCH		TRAVERSE									
M R	32.00	M D	8.00	D R	8.00	D U	22.00	D L	8.00	D D	22.00
MA 37W SINGLE FAMILY DWELLI FLOOR: 1.00		TRAVERSE									
D U	14.00	D L	6.00	D U	21.00	D R	20.00	D U	7.00	D R	16.00
D D	14.00	D R	2.00	D D	28.00	D L	32.00				

----- IMPROVEMENT # 2 MISC IMPR-Y -----

MAIN FIN AREA... ACT/EFF YR/AGE.. 1984 1998 18 VISITED.. BY
 STRAT..... 02 DESCRPT.... CARPORT MAINTAINED.. 5/17/2017 BY MAYES
 LOCATION #..... BUFFALO ST 615

COMPONENT	TYPE/CODE/DESC	PCT	UNITS	RATE	STR#	STR%	SIZ%	HGT%	PER%	CDS%	COST	%CMPL
MS 05	CARPORT		1.00									
	QUAL..	00	100	MISC IMPR QUALITY 10			100.00	x				0
	DEPR..	40		*INVALID			.00	-		0		0 T
				PCT COMPLETE			100					
	--FMV...										800	

TOTAL PARCEL VALUES----	LAND /	OVR	IMPROVEMENTS / OVR	TOTAL LAND/IMPROVE	2017 VALUE
FMV.....	4,004		13,850	17,854	17,854
APV.....	4,004		13,850	17,854	17,854

----- COMMENTS - -----

ORDINANCE NO. 10-2018

AN ORDINANCE AUTHORIZING DEMOLITION OF A DWELLING

WHEREAS, pursuant to the provisions of Chapter 160A, Article 19, Part 6, of the North Carolina General Statutes, the single family dwelling located at 615 Buffalo Street, Shelby, North Carolina, has been inspected and found to be unfit for human habitation and to otherwise constitute a danger to persons and a threat to the health and welfare of the citizens within the City; and,

WHEREAS, according to the procedure provided by law, the owner(s) of said property, Elsie Foster/Shirley Crump, has or have been given notice of the aforesaid inspection, determination, and orders to bring said property into compliance with the housing standards of the City of Shelby by appropriate repair or removal of said dwelling; and,

WHEREAS, no action of any kind has been taken or initiated by the owner(s), or any party on behalf of said owner(s), to achieve compliance with said ordinances within the periods allowed by law; and,

WHEREAS, the said dwellings remain at this time unfit for human habitation, dilapidated, and a danger to the health and safety of the citizens of the City of Shelby, and should be removed by demolition in order to prevent and alleviate such continuing danger and dilapidated conditions.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHELBY, NORTH CAROLINA:

Section 1. The dwellings on the property known as 615 Buffalo Street, Shelby, and described in the Cleveland County records as Tax Parcel No. 19040 be demolished forthwith, the remnants thereof disposed, and a lien for the costs of such demolition and removal, less any credits due the owner(s), be filed against the property and collected pursuant to the provisions of North Carolina General Statutes § 160A-443, et seq.; and,

Section 2. Said lien bear interest until paid, as allowed in Article 10 of Chapter 160A of the N.C. General Statutes, at the rate of eight percent (8.0%) per annum.

Adopted and approved this 19th day of February 2018.

O. Stanhope Anthony III
Mayor

ATTEST:

Bernadette A. Parduski, NC-CMC, IIMC-MMC
City Clerk

APPROVED AS TO FORM:

Lacey Beam
City Attorney

City of Shelby
Agenda Item Summary
February 19, 2018
City Hall Council Chamber

Agenda Item: E-6

- 6) Approval of a resolution accepting property from Eugene and Doris Anthony:
Resolution No. 7-2018

Consent Agenda Item: (Walter Scharer, Planning Director)

Summary of Available Information:

- Memorandum dated February 8, 2018 from Walter Scharer, Planning Director to Rick Howell, City Manager
- Letter dated January 31, 2018 from Eugene H. Anthony Estate
- Location Map – 220 Shannonhouse Street
- Resolution No. 7-2018

City Manager's Recommendation / Comments

Past City practices and protocol require the formal acceptance by City Council upon the offering and receipt of real property. This applies to property that is acquired through donation and purchase. Obviously the intent of the process is to ensure knowledge and acceptance of properties by the City Council who are representatives of the citizenry in order to allow for proper due diligence that the property is necessary for the provision of an authorized and funded public purpose. In keeping with past practices and the Neighborhood Action Plan the City routinely confers with property owners who have expressed interest in donating properties in specific neighborhood where blight and deterioration is present. Oftentimes these properties are located in areas where crime is a significant issue and the property owner either cannot or will not spend financial resources to repair the home. It has been past City practice to accept these properties to clear blight and to hopefully put it back in private hands as a neighborhood is redeveloped.

It is my recommendation Resolution No. 7-2018 be adopted and approved by City Council at this time via the Consent Agenda.



Memorandum

To: Rick Howell - City Manager
From: Walter Scharer – Planning Director
Date: February 8, 2018
Subject: Property Acceptance – 220 Shannonhouse Street

Executive Summary of Issue – Background

The City has been offered a property in the south Shelby area at 220 Shannonhouse Street. The property is vacant and currently belongs to the Eugene and Doris Anthony. This part of south Shelby has been identified by City Council as a distressed neighborhood as defined in the Neighborhood Action Plan. The City already holds several properties in this area.

Review and Comments

This property offers an excellent opportunity to continue land banking for future redevelopment. Land banking these properties is supported by the Comprehensive Land Use Plan 2009, the City Center Master Plan 2007, and the Neighborhood Action Plan 2006. There are no outstanding taxes on this property.

Recommendation

Please place these items on the consent agenda for the February 19, 2019 City Council Meeting.

Attachments: Donation Letter, Location Map, Resolution

Eugene H. Anthony Estate

P.O. Box 12006
New Bern, NC 28561
252-633-5106 Office 252-670-8290 Cell
Ztaylor1321@Gmail.com

January 31, 2018

Walter Scharer, Planning Director
City of Shelby
P.O. Box 207
Shelby, North Carolina 28151

RE: Property Donation – 220 Shannonhouse Street

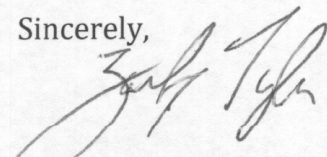
Dear Mr. Scharer,

I would like to donate property located at 220 Shannonhouse Street and identified as Cleveland County Tax Parcel Number 20612, to the City of Shelby.

If you have any questions, please contact me.

Thank you for your consideration!

Sincerely,

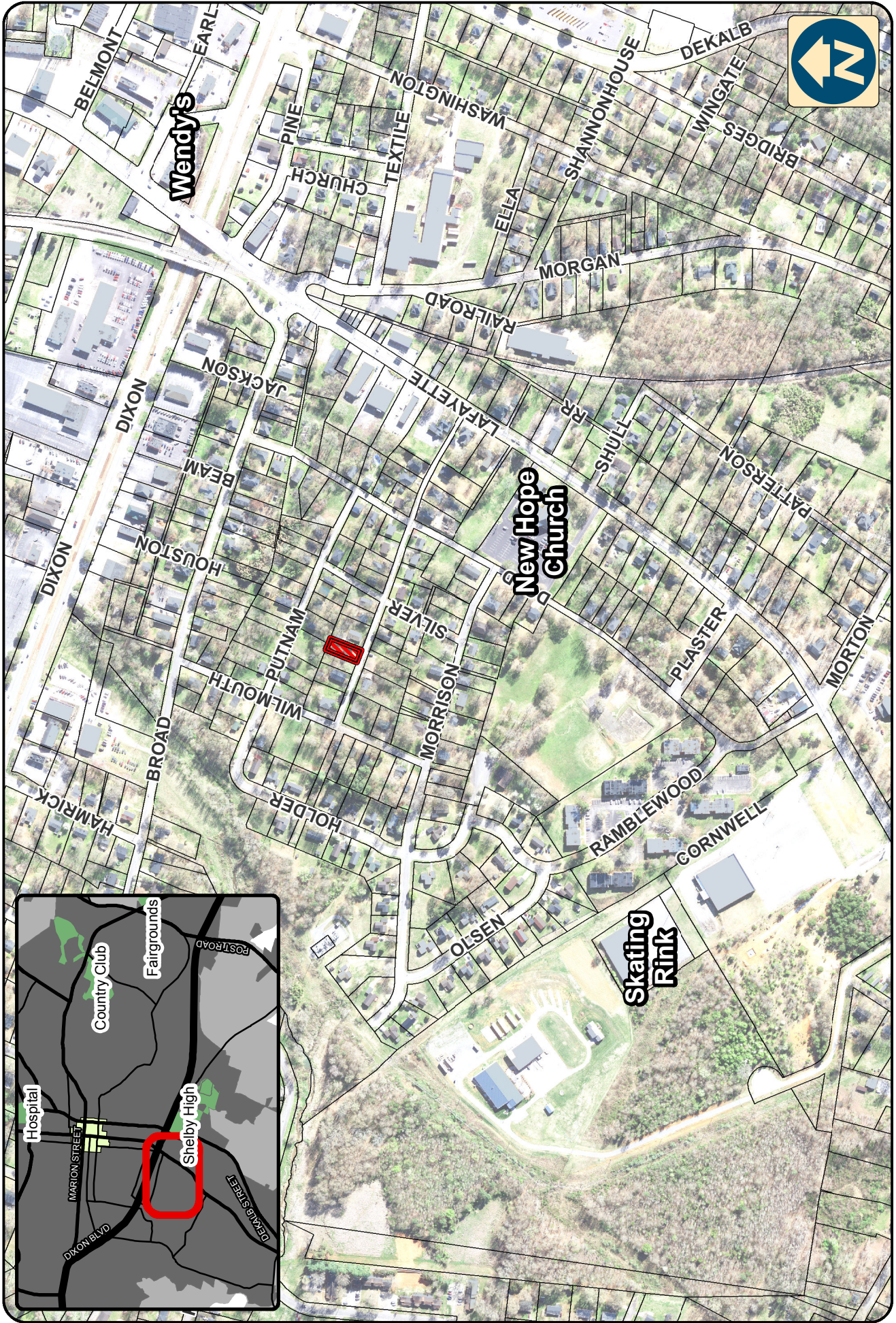


Zachary Taylor, Executor
Estate of Eugene H. Anthony



Location Map 220 Shannonhouse Street

Map Information:
Datum: NAD 1983
Coordinate: State Plane
North Carolina (Mileer)
Projection: Lambert Conformal Conic
US National Grid
Grid Zone Designation (GZD): 17S
100,000m Square ID: MV/MU



Scale 1:6,000 1 inch = 500 feet 0 250 500 1,000 Feet

Date: 1/11/2018

RESOLUTION NO. 7-2018

A RESOLUTION ACCEPTING PROPERTY FROM
EUGENE AND DORIS ANTHONY

WHEREAS, the City Council of the City of Shelby, North Carolina, desires to accept the conveyance of property from Eugene and Doris Anthony; and,

WHEREAS, the City Council of the City of Shelby, North Carolina, desires to promote the Neighborhood Action Plan; and,

WHEREAS, the City of Shelby acknowledges receipt of Tax Parcel No. 20612 situated in the City of Shelby, Cleveland County, North Carolina, and known as 220 Shannonhouse Street.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHELBY, NORTH CAROLINA:

Section 1. The City of Shelby properly acknowledges the land conveyance of Eugene and Doris Anthony and accepts conveyance of Tax Parcel No. 20612 (220 Shannonhouse Street, Shelby, North Carolina).

Section 2. This Resolution shall become effective upon its adoption and approval.

Adopted and approved this the 19th day of February 2018.

O. Stanhope Anthony III
Mayor

ATTEST:

Bernadette A. Parduski, NC-CMC, IIMC-MMC
City Clerk

City of Shelby
Agenda Item Summary
February 19, 2018
City Hall Council Chamber

Agenda Item: E-7

- 7) Approval of a resolution accepting a State Revolving Loan for the construction of the City of Shelby Grover Street Water Treatment Plant Project: Resolution No. 8-2018

Consent Agenda Item: (Justin Merritt, Finance Director)

Summary of Available Information:

- Memorandum dated February 12, 2018 from Justin Merritt, Finance Director to Rick Howell, City Manager
- Letter dated January 12, 2018 from NC Water Infrastructure
- Funding Offer and Acceptance Letter
- Resolution No. 8-2018

City Manager's Recommendation / Comments

Resolution No. 8-2018 essentially would accept the state revolving fund loan offer of up to \$10,285,000 for a term of 20 years at 1.53% interest to be used for the first phase of a major renovation to the water treatment plant on Grover Street. The initial phase would include construction of two large finished water clear well concrete storage tanks (2.5 million gallons each), construction of a new pump house building, new pumps, new clear well feeder line, backup generator replacement, splitter box and some building repairs and improvements of the existing water plan building.

This project is currently at 50% design and will likely be bid sometime in early 2019 with completion in early 2020. Loan repayment would not likely begin until fall of 2020 at the earliest.

It is my recommendation Resolution No. 8-2018 be adopted and approved by City Council at this time via the Consent Agenda.



To: Rick Howell, City Manager
From: Justin Merritt, Finance Director
Date: February 12, 2018
Subject: Water Treatment Plant Rehabilitation Project

Background:

As you know, the City of Shelby has been working with the NC Division of Water Infrastructure to allow for certain improvements to the City's Water Treatment Plant on Grover Street. The Division of Water Infrastructure has, per the attached "Offer and Acceptance Documents", offered the City a loan in the amount of \$10,285,000, to aid in completion of the project. The loan will carry an interest rate of 1.53% over a term of 20 years. These terms are more favorable than what we would find in the private market and it is my recommendation that we accept the loan offer as presented. The attached resolution will meet the acceptance requirements and authorize staff to execute necessary documents.

Recommendation:

The recommendation from staff is to approve the attached resolution.



ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

KIM H. COLSON
Director

January 12, 2018

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Rick Howell, Manager
City of Shelby
Post Office Box 2307
Shelby, North Carolina 28151-0207

Subject: Offer & Acceptance Documents for a Federal DWSRF Loan
DWI Project No.: WIF-1925
Project Scope: Grover Street WTP Rehabilitation: Rehabilitate the Sedimentation Basins, Chemical-Feed Systems and Main Shell Building; Replace the Clearwells, High-Service Pumps, and the Filter Controls (Valves, Actuators, etc.)

Dear Mr. Howell:

The City of Shelby has been approved for loan assistance from the North Carolina Drinking Water State Revolving Fund (DWSRF). Enclosed are two (2) copies of an Offer-and-Acceptance document extending the City a funding award in the amount of \$10,285,000. This offer is made subject to the Assurances and Conditions set forth in the Offer-and-Acceptance document.

Please submit the following items to the Division of Water Infrastructure (DWI), 1633 Mail Service Center, Raleigh, North Carolina 27699-1633, as soon as they are prepared:

1. A resolution adopted by the governing body accepting the loan offer and making the applicable assurances contained therein (sample copy attached);
2. One (1) copy of the original Offer-and-Acceptance Document, executed by the Authorized Representative for the Project, along with the signed "Acknowledgement of Standard Conditions and Assurances" for federal SRF loans. **Retain the other copy for your files;**
3. The Federal Identification Number and DUNS Number of the Applicant (Memo attached); and
4. A Sales-Tax Certification Form (sample copy attached).

The Site Certification and a Capital Project Ordinance (or a budget ordinance covering the subject project) must be provided to DWI before disbursements can begin. For further assistance, please see the enclosed *Guidance Document* for a complete list of those items due no later than the project's first reimbursement request.



Mr. Howell, Manager
City of Shelby
January 12, 2018
Page 2 of 2

Reimbursement requests (printed sample form enclosed with this transmittal) for drinking-water projects should be forwarded to Teresa Tripp at the address noted below (see the footer on the first page of this transmittal letter). A reference copy of this request form has been enclosed for your convenience.

On behalf of the Department of Environmental Quality, I am pleased to make this offer of State Revolving Loan funds, made available by the North Carolina Water Infrastructure Fund.

Sincerely,



Kim H. Colson, P.E., Director
Division of Water Infrastructure, NCDEQ

Enclosures: Loan/Grant Offer-and-Acceptance Document (two copies)
 Resolution to Accept Loan Offer (suggested format)
 Federal ID & DUNS Number Request Memo
 Sales-Tax Certification Form
 Reimbursement Request Form
 Guidance Document
 Site Certification
 Capital Project Ordinance (sample)

cc: Will Shull, P.E., HDR Engineering Inc. of the Carolinas, Consulting Engineer
 Linda Ward, DWI (w/o attachments)
 Michelle McKay, DWI (w/o attachments)
 DWSRF Project File (COM – LOX) (w/attachments)

**STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER INFRASTRUCTURE**

Funding Offer and Acceptance

Legal Name and Address of Award Recipient (Applicant)

City of Shelby
Post Office Box 2307
Shelby NC 28151-0207

Project Number: H-LRX-F-18-1925
Project Number: WIF-1925
CFDA Number: 66.468

Drinking Water	<input checked="" type="checkbox"/>	Additional Amount for Funding Increases	Previous Total	Total Offered
Wastewater	<input type="checkbox"/>			
State Revolving Fund (SRF)	<input checked="" type="checkbox"/>	N/A	N/A	\$10,285,000
State Reserve Loan (SRP)	<input type="checkbox"/>			
State Reserve Grant (SRP)	<input type="checkbox"/>			
State Emergency Loan (SEL)	<input type="checkbox"/>			
Asset Inventory & Assessment Grant (AIA)	<input type="checkbox"/>			
Merger/Regionalization Feasibility Grant (MRF)	<input type="checkbox"/>			

Project Description:

Grover Street WTP Rehabilitation: Rehabilitate the sedimentation basins, chemical-feed systems and main shell building; Replace the clearwells, high-service pumps, and the filter controls (valves, actuators, etc.)

Total Financial Assistance Offer: **\$10,285,000**
Total Project Cost: **\$10,285,000**
Estimated Closing Fee*: **\$205,700**
For Loans
Principal Forgiveness: **\$ - 0 -**
Interest Rate: **1.53% Per Annum**
Maximum Loan Term: **20 Years**


**Estimate closing fee calculated based on grant and loan amount.*

Pursuant to North Carolina General Statute 159G:

- The applicant is eligible under Federal and State law,
- The project is eligible under Federal and State law, and
- The project has been approved by the Department of Environmental Quality as having sufficient priority to receive financial assistance,

The Department of Environmental Quality, acting on behalf of the State of North Carolina, hereby offers the financial assistance described in this document.

For the State of North Carolina: **Kim H. Colson, P.E., Director, Division of Water Infrastructure**
North Carolina Department of Environmental Quality

 Signature	1/16/18 Date
--	-----------------

On Behalf of: **City of Shelby**
Name of Representative in Resolution: **Mr. Rick Howell**
Title (Type or Print): **City Manager**

I, the undersigned, being duly authorized to take such action, as evidenced by the attached CERTIFIED COPY OF AUTHORIZATION BY THE APPLICANT'S GOVERNING BODY, do hereby accept this Financial Award Offer and will comply with the Assurances and the Standard Conditions.

_____ Signature	_____ Date
--------------------	---------------

STANDARD CONDITIONS FOR FEDERAL SRF LOANS

1. The following “super cross-cutters” apply to SRF projects and may be found in the Public Policy Requirements section of the EPA General Terms and Conditions for each year’s appropriation. This document can be found at www.epa.gov/ogd/tc.htm. Please note that nothing is submitted to the State’s SRF program offices regarding compliance with these items.
 - (a) Title VI of the Civil Rights Act of 1964
 - (b) Section 504 of the Rehabilitation Act of 1973
 - (c) The Age Discrimination Act of 1975
 - (d) Section 13 of the Federal Water Pollution Control Act Amendments of 1972
2. Acquisition of Real Property must comply with all applicable provisions of the Uniform Relocation and Real Property Acquisition Policies Act of 1970 (PL 92-646), as amended. The Applicant shall certify it has or will have a fee simple, or such other estate or interest in the site of the project, including necessary easements and rights-of-way, to assure undisturbed use and possession for purposes of construction and operation for the estimated life of the project using a certification form provided by the Department of Environmental Quality (DEQ).
3. Specific MBE/WBE “disadvantaged businesses enterprise” (DBE) forms and instructions are provided, which are to be included in the contract specifications. These forms will assist with documenting positive efforts made by the Applicant, their consultant(s) and contractor(s) to utilize DBEs. Such efforts should allow DBEs the maximum feasible opportunity to compete for subagreements and subcontracts to be performed. Documentation of efforts made to utilize DBE firms must be maintained by the Applicant and their construction contractor(s), and made available upon request.
4. The Applicant shall comply fully with Subpart C of the Code of Federal Regulations (CFR), Chapter 2, Part 180, entitled, “Responsibilities of Participants Regarding Transactions Doing Business with Other Persons,” as implemented and supplemented by 2 CFR Part 1532. The Applicant is responsible for ensuring that any lower-tier covered transaction, as described in Subpart B of 2 CFR Part 180, entitled “Covered Transactions,” includes a term or condition requiring compliance with Subpart C. The Applicant is responsible for further requiring the inclusion of a similar term or condition in any subsequent lower-tier covered transactions. The Applicant may access suspension and debarment information at: <http://www.sam.gov>. This system allows applicants to perform searches determining whether an entity or individual is excluded from receiving Federal assistance.
5. The construction contract(s) require(s) the contractor to adhere to the Davis-Bacon and Related Acts Provisions and Procedures, as listed in the Code of Federal Regulations, Chapter 29, Part 5, Section 5 (29 CFR 5.5). Public Law pertaining to this is also enacted in Title 40, United States Code, Subtitle II Section 3141 through Section 3148.
6. As required by H.R. 3547, “Consolidated Appropriations Act, 2014” Section 436, Division G, Title IV, this project is subject to the federal “American Iron-and-Steel” provisions. The State provides detailed requirements, to be included in the construction contract specifications.

ASSURANCES

1. The Applicant intends to construct the project, or cause it to be constructed to final completion, in accordance with the Application approved for financial assistance by the Division of Water Infrastructure. The Applicant acknowledges that in the event a milestone contained within the most recent Drinking Water State Revolving Fund Intended Use Plan and/or the Letter of Intent to Fund is missed, the Department of Environmental Quality will rescind this Funding Award Offer.
2. The Applicant is responsible for paying for those costs that are ineligible for SRF funding.
3. The construction of the project, including the letting of contracts in connection therewith, conforms to the applicable requirements of State and local laws and ordinances.
4. As of the acceptance of this Funding Award Offer, Steps "A-D" in the "**North Carolina SRF Program Overview and Guidance**" (SRF Guidance Document enclosed with the Funding Award Offer) will be complete. These Assurances, likewise, incorporate the most recent version of the SRF Guidance Document, and the Applicant hereby certifies by accepting this Funding Award Offer that it will adhere to the subsequent steps in the SRF Guidance Document. The remaining steps generally govern project design, bidding, contracting, inspection, reimbursements, close-out and repayment.
5. The Applicant will provide and maintain adequate engineering supervision and inspection.
6. The Applicant agrees to establish and maintain a financial management system that adequately accounts for revenues and expenditures. Adequate accounting and fiscal records will be maintained during the construction of the project, and these records will be retained and made available for a period of at least three (3) years following completion of the project.
7. All SRF funds loaned shall be expended solely for carrying out the approved project, and an audit shall be performed in accordance with G.S. 159-34. Partial disbursements on this loan will be made promptly upon request, subject to adequate documentation of incurred eligible costs, and subject to the Applicant's compliance with the "Standard Conditions" of this Funding Award Offer. The Applicant agrees to make prompt payment to its contractor, and to retain only such amount as allowed by North Carolina General Statute.
8. The Applicant will expend all the requisitioned funds for the purpose of paying the costs of the project within three (3) banking days following the receipt of the funds from the State. Please note the State is not a party to the construction contract(s) and the Applicant is expected to uphold its contract obligations regarding timely payment.

Acknowledgement of Standard Conditions and Assurances

The Applicant hereby gives assurance to the Department of Environmental Quality that the declarations, assurances, representations, and statements made by the Applicant in the Application; and all documents, amendments, and communications filed with the Department of Environmental Quality by the Applicant in support of its request for financial assistance, will be fulfilled.

..... Signature Date
--------------------	---------------

RESOLUTION BY GOVERNING BODY OF APPLICANT *(Suggested Format)*

- WHEREAS,** the Safe Drinking Water Act Amendments of 1996 and the North Carolina Water Infrastructure Fund have authorized the making of loans and/or grants, as applicable, to aid eligible, drinking-water system owners in financing the cost of construction for eligible, drinking-water infrastructure; and
- WHEREAS,** the North Carolina Department of Environmental Quality has offered a (SELECT as applicable: "State Revolving Loan", "High Unit-Cost Grant", "Technical Assistance Grant", "State Bond Loan", "Drinking Water State Revolving Fund Loan", and so forth) in the amount of [INSERT dollar amount here: \$ _____] for the construction of [INSERT project description here], hereafter referred to as the "Project"; and
- WHEREAS,** the (INSERT name of drinking-water system owner here) intends to construct said Project in accordance with engineering plans and specifications that have been or will have been approved by the North Carolina Public Water Supply Section,

NOW, THEREFORE, BE IT RESOLVED BY THE (INSERT NAME OF GOVERNING BODY HERE) OF THE (INSERT NAME OF DRINKING-WATER SYSTEM OWNER: "CITY OF...", "TOWN OF...", "COUNTY OF" and so forth):

That (INSERT name of drinking-water system owner) does hereby accept the (INSERT type of State and/or Federal Funding here: State Revolving Loan, HUC or TAG Grant, State Bond Loan, DWSRF Loan, etc.) offer in the amount of [INSERT dollar amount here: \$ _____]; and

That the (INSERT name of drinking-water system owner) does hereby give assurance to the North Carolina Department of Environmental Quality that they will adhere to all applicable items specified in the standard "Conditions" and "Assurances" of the Department's funding offer, awarded in the form of (SPECIFY here type(s) of loan or grant offered); and

That (INSERT here the name and title of your Authorized Representative), and successors so titled, is hereby authorized and directed to furnish such information, as the appropriate State agency may request, in connection with such application or the Project; to make the Assurances as contained above; and to execute such other documents as may be required in connection with the application; and

That the (INSERT name of drinking-water system owner) has complied substantially or will comply substantially with all Federal, State and local laws, rules, regulations, and ordinances applicable to the Project, and to Federal and State grants and loans pertaining thereto.

Adopted this the (INSERT here date resolution adopted) at (INSERT place name here), North Carolina.

(Signature of Chief Executive Officer)

(Date)

FEDERAL ID & DUNS # REQUEST MEMO

TO: All Loan and Grants Recipients

SUBJECT: Federal Identification Number

Please be advised that all local government units receiving grant or loan funds from the State of North Carolina must supply their **Federal Identification Number** to this office upon acceptance of their loan and/or grant offer. Therefore, please provide the information below and return to:

Division of Water Infrastructure
1633 Mail Service Center
Raleigh, North Carolina 27699-1633

RECIPIENT:

PROJECT NUMBER:

FEDERAL IDENTIFICATION NUMBER:

DUNS NUMBER:

SALES-TAX REIMBURSEMENT CERTIFICATION FORM

(FOR FUNDING PROGRAMS IN THE DIVISION OF WATER INFRASTRUCTURE)

Applicant: _____

Project Number: _____

Check If Applicant is not a unit of government under North Carolina law

If the applicant noted above is a Unit of Government in North Carolina, check the applicable box below.

Sales Tax **IS** deducted in this scenario. Please show this on the disbursement requests.

The construction contract was bid with sales taxes and the unit of government will request reimbursement from the DOR.

Sales Tax **IS NOT** deducted in either of these scenarios.

The construction contract was bid with sales taxes and the unit of government will not request reimbursement from the DOR.

The construction contract was bid without sales taxes

(Printed Name and Title of Authorized Representative)

(Signature of Authorized Representative)

(Date)

Submit to: NC Dept. of Environment & Natural Resources
Division of Water Infrastructure
Pam Whitley, Project Management Branch
1633 Mail Service Center
Raleigh, NC 27699-1633

REIMBURSEMENT REQUEST FORM

NC Division of Water Infrastructure

Funding Recipient: _____
 DWI Project No. _____

Payment No. _____ of _____
 Page No. _____ (Use more pages as needed)

	Cumulative Cost to Date	Minus Ineligibles	Minus Overruns Not App'd By Change Order	Subtotal of Payable Cost	Minus Retainage on Payable Cost	Minus Cumulative Sales Tax	Other Adjustments (Other Funds e.g.)	Minus Previously Paid to Date	Requested For This Pay Request
CONSTRUCTION <i>(Rename as appropriate)</i>									
Contract 1	\$1,200,000	(\$100,000)	(\$100,000)	\$1,000,000	(\$50,000)	(\$50,000)	(\$500,000)	(\$300,000)	\$100,000
Contract 2	\$505,000		(\$5,000)	\$500,000	(\$25,000)	(\$10,000)		(\$400,000)	\$65,000
Contract 3									
Contract 4									
Contract 5									
ENGINEERING <i>(Rename as appropriate)</i>									
Item 1	\$250,000							(\$250,000)	\$0
Item 2									
Item 3									
Item 4									
OTHER COSTS <i>(Rename as appropriate)</i>									
Item 1									
Item 2									
Item 3									
PAY REQUEST TOTALS	\$1,955,000	(\$100,000)	(\$105,000)		(\$75,000)	(\$60,000)	(\$500,000)	(\$950,000)	\$165,000

Certification
 - I certify that to the best of my knowledge and belief the billed costs or disbursements are in accordance with terms of the project and that this request represents the monies due which have not been previously received and that an inspection has been performed and all work is in accordance with the terms and conditions of the award.
 - For applicable SRF projects, the project remains in compliance with Davis-Bacon and American Iron and Steel conditions or is the process of remediating noncompliance.

You must check ONE of the boxes below or your payment will not be processed:
 The funds requested above have already been paid to the respective vendors, consultants & contractors by the funding recipient
 OR
 The funds requested above have not been paid to the respective vendors, consultants & contractors. Funds received from the State will be disbursed to these entities within three (3) banking days.

Type or Print Name and Title _____ Signature of Authorized Representative _____
 Date _____

DWI comments _____

Instructions and notes on how to use this form
 - Complete guidance for preparing reimbursements can be found in section G.2. of the North Carolina SRF Program Overview and Guidance that was included with your Funding offer (applicable to State grants and loans too).
 - The form, as downloaded, is filled out with sample numbers. It is suggested that the sample be used as a reference (saved or printed).
 - Please submit ONE COPY of this form and backup documents when requesting funds.
 - Only the Authorized Representative can sign this form, unless declared otherwise in a resolution.
 - Construction contract line item overruns and engineering contract overruns must have approved change orders or engineering amendments before those costs will be paid.

North Carolina Drinking Water Funding Programs Overview

Division of Water Infrastructure (DWI) Website: <http://portal.ncdenr.org/web/wi/home>

A) Application Filing

1. Application deadlines can be up to twice a year but SRF is currently only available in the Fall round of each year. The deadlines are typically March and September.
2. If SRF and State Reserve funding are both available, an applicant will simply apply for funding and DWI will slot successful applications into the funding program that best suits the situation (most grant or principal forgiveness, most total dollars etc.)
3. Letter of Intend to Fund (LOIF) letters are mailed after DWI evaluation and State Water Infrastructure Authority approval. Recipients of LOIF letters are placed on a schedule for completing the rest of the steps to start construction.
4. Consult the website for the current application forms.

B) Engineering Report Submission and Approval (See website for guidance and details)

1. From the Date of the LOIF, an Engineering Report must be submitted within **4 months**
2. From the Date of the LOIF, the Engineering Report must be approved within **9 months**
3. Consult the website for submittal checklists and instructions.

C) Application Approval by the Local Government Commission

1. For projects with a loan component, the Local Government Commission must approve the ability to take on the requested debt. This is done after the Engineering Report is approved. DWI staff will transmit the required information to the LGC on behalf of the project applicant. **Note that LGC 108A & 108C forms are now not requested by DWI until the ER is approved. The ER approval letter asks the applicant to obtain the forms from the website and return them to DWI. Please do this as soon as possible.**
2. Terms:
 - a) Projects with interest bearing loans will receive the lower of two interest rates. The two rates are the current rate when applications are due and the rate when the LGC approves the loan. The Loan Offer (discussed in D, below) will reflect the lower rate. The rates are $\frac{1}{2}$ the 20-year municipal bond buyers index. Certain, qualifying applications receive 0% interest loans.
 - b) The LGC sets the loan term with a maximum term of 20 years. Applicants may want to contact the LGC earlier than this to ensure they are able to meet LGC approval requirements. Currently the LGC is not allowed to review applications for \$1,000,000 or more unless a letter to the Joint Legislative Committee on Local Government and the Fiscal Research Division has been provided.
 - c) Loan Offers can be written for as much as 110% of the LGC approved amount. The applicant must justify this, and request it in writing from the DWI.
 - d) In some rare cases a 30 year term may be available. Please consult DWI management to discuss if this is potentially available for your situation.

D) Loan Offer

1. After approval of the Engineering Report and debt capacity by the LGC (for loans), a formal Award Offer is prepared which includes the Award's details and applicable assurances and conditions.

- a) Two copies of the Award Offer are sent to recipients. Return the following to DWI:
 - b) One signed copy (keep the other copy) of the Award Offer
 - c) Resolution accepting the loan offer
 - d) Federal ID and DUNS # form.
 - e) Sales Tax Certification
2. In the event of bids that exceed the project budget, a loan increase for up to 10% can be authorized without additional approval of the LGC. Amounts above 10% require a modified application to be approved by the LGC.
3. Closing Fees are invoiced with the Authority to Award letter. (paragraph F below). The Award Offer contained an estimated closing fee but actual closing costs are based on the total costs after bids are received. Loan Fees are 2% and Grant Fees 1.5%.

E) Plans and Specifications Approval (see website for guidance and details)

1. Plans & Specifications must be submitted within **15 months** of the LOIF.
2. Plans and Specifications must be approved within **19 months** of the LOIF. This includes issuance of all permits.
3. The project's plans and specifications must be approved by the Division prior to advertising for bids. Changes by addendum must be submitted to the Division for approval. Changes by change order must also be submitted for approval.

F) Bidding and Issuance of Authority to Award (ATA) the Construction Contract

1. Issuance of the ATA letter must be within **23 months** of the LOIF letter. Awarding contracts before issuance of the ATA letter is at the risk of the owner.
2. The contracts may be advertised as soon as plans & specifications are approved and permits are issued. NC General Statutes require the project to be advertised for 7 days, however DWI prefers projects to be advertised for 30 days. For the initial advertisement period, three bids must be received in order for an award to be made. The Plans & Specifications approval letter has the Project Bid Information form attached. It, and the other information described in it, must be submitted to and approved by this office **before contracts can be awarded**. This information is:
 - a) Project Bid Information Form, signed by authorized representative
 - b) Bid tabulation, sealed by the consulting engineer
 - c) Proposals of the successful bidders
 - d) Tentative award resolution from loan recipient subject to DWI approval
 - e) Engineer's recommendation
 - f) Proof of Advertisement
 - g) American Iron and Steel Certification (SRF only)
 - h) MBE/WBE requirements. (Detailed guidance on the website)
3. In an environment where program funding is limited, costs not demonstrated to be needed by the applicant, will immediately be made available in future funding rounds (deobligated).

G) Construction Phase of Project

1. Inspections

- a) Site Inspections will be conducted for all funded projects. Coordinate the Preconstruction Conference with the Inspector assigned to project. The number of inspections performed will be determined based on the length of the project, type of project, amount of funding involved and other factors. Any duly authorized representative of the State will have access to the work site and the contractor will provide proper facilities for such access and inspection. Further, any authorized representative of the State shall have access, for the purpose of audit and examination, to any records pertinent to the funds.
- b) A primary duty of the administering State agency is to guard against fraud, waste and abuse of Federal funds. To ensure proper use of Federal funds, State personnel may review submittals, daily logs, testing reports, as-builts and other appropriate construction documentation to verify that project elements meet approved specifications. Generally, any changes to unit quantities or changes in specifications that result in substantial monetary savings for the owner, will need to be documented by change order.
- c) Conformance with SRF standard conditions is a primary program responsibility. These include Davis-Bacon and American Iron and Steel currently.
- d) Additionally, inspections may uncover unsafe construction practices and environmental compliance violations. While not necessarily in SRF staff jurisdiction, deficiencies may be referred to appropriate enforcement agencies. Expedient and timely use of SRF funds is a program goal and avoidance of any delay in construction is a concern, particularly delays associated with public health or worker safety which are of concern in their own right.

2. Disbursements (\$\$\$)

a) First Disbursement

- i) Approval of Construction Contracts must happen with 24 months of the LOIF letter. The following items are required for approval:
 - o Contract must be fully executed and bound
 - o Notice to Proceed must be executed by owner and contractor
 - o The project specifications must include 100% performance and payment bonds. Bonds must be dated on or after contract date
 - o Original power of attorney must be dated on or after bonds
 - o The contractor must provide current Insurance
 - o All documents must be bound with the specifications
 - o Davis-Bacon Documents must be present in the specifications
- ii) Capital Project Ordinance submitted as required by G.S. 159-13.2. Alternately a budget ordinance that clearly identifies the project being funded by the SRF can be submitted.
- iii) All items under Item D,1.
- iv) Site Certificate
- v) Engineering Contracts if payment is sought.
- vi) Closing Fee must have been received
- vii) For Loans, promissory note executed and returned to the Local Government

Commission (this is requested from the LGC upon receipt of the executed construction contract and is for the amount noted in the ATA letter)

b) Disbursements - General Information

- i) Forms can be found online. A sample was included with the Loan Offer
- ii) Disbursement requests should be sent to Teresa Tripp; 1633 Mail Service Center; Raleigh, NC 27699-1633
- iii) All items must be approved in advance before being reimbursed.
- iv) One copy of the following information is required for reimbursements:
 - o Reimbursement request form with original signature.
 - o Contractor monthly estimates
 - o Engineering invoices
 - o Invoices for any other approved costs
 - o Eligible land costs will be reimbursed when the land has either been acquired. A copy of an offer to purchase the land must be submitted with the appraisal.
Condemned land costs are not eligible in DWSRF.
- v) Indicate cumulative totals on the reimbursement form
- vi) Check the appropriate box regarding whether or not contractors have already been paid. Note, that if the DWI funds are needed to pay the contracts, the funds must be disbursed within 3 banking days of receipt.
- vii) As noted in the Award Offer Assurances, sales taxes will be deducted from disbursements if an applicant indicates they intend to seek reimbursement for them from the Department of Revenue. A certification form is provided on our website to indicate what the owner intends to do regarding sales tax.
- viii) Note that Davis-Bacon certified payrolls and materials invoices that support the contract summary invoice **do not** need to be submitted with reimbursement requests.

c) Project Closeout and Final Disbursement

- i) Funds are held at 95% until the final payment is authorized.
- ii) Required items for final payment include:
 - o The inspector must issue final inspection report signifying that project is complete and all concerns have been satisfied and all change orders must have been submitted.
 - o Final invoices showing zero retainage must be submitted with a final reimbursement request.
 - o Submit to Pam Whitley:
 - ✓ Engineer's certifications.
 - ✓ Owner's Certification of Completion
 - ✓ Signed Closeout Checklist.

H) REPAYMENTS (Loans Only)

1. Repayments will be reflected in the final promissory note and will be for the actual funds borrowed.
2. Repayments by the recipient begin on the May 1st or the November 1st that is between 6 months and 12 months after original project completion in the notice to proceed.
3. The May 1st payment includes principal and interest and the November 1st payment is only interest.
4. **Interest begins to accrue from the date of completion on the Notice to Proceed.** (i.e., no interest during the originally planned construction period) For multi-prime contracts the General contract will be used to set this date.
5. Construction Manager at Risk and Design Build Contracts, should set a date of completion in that contract.

I) Eligible Expenses

1. Regulatory Authority - DWSRF

- a) The types of projects that can be funded are defined in Section 1452 of the Safe Drinking Water Act. Generally these are described as:
 - i) Treatment
 - ii) Transmission and Distribution
 - iii) Source
 - iv) Storage
 - v) Consolidation
 - vi) Creation of new systems

2. Construction – Items Not Eligible

- a) Project elements not related to the scope of the approved project.
- b) The SRF will pay to restore project related items such as road patching, sidewalks, fences, seeding, etc. Complete paving of streets unless warranted by disturbance of construction activities, even if required by NCDOT
- c) Note that items or rework that should be covered by bonds, insurance or liquidated damages will not be covered by the SRF funds.
- d) Any installation of service lines or service laterals outside the right-of-way.
- e) Operation and maintenance type work or items such as spare parts.
- f) Extended warranties or maintenance contracts.
- g) Wastewater facilities are not eligible for DWSRF projects unless changes are necessary to complete the drinking water project (e.g. moving a sewer line).

3. Engineering and Technical Services – Eligibility Considerations

- a) Planning and Design Contracts
 - i) Must include task descriptions and these tasks must be associated with the project being built
- b) Construction Administration and Inspection
 - i) Task Description must be included and tasks must be associated with eligible construction work
 - ii) Typical tasks include but are not limited to: attending meetings, provide plan copies, review testing, review shop drawings, review payment applications, prepare change orders, coordinate with DWI, as-builts
 - iii) Price should be cost plus fixed fee or per diem with a ceiling. This fee schedule should be in the contract.
 - iv) Invoices must include hours, rate and task
 - v) Contract must be amended to pay beyond the ceiling. Must be accompanied by justification such as a corresponding change order.
- c). Other eligible engineering activities include bidding, O&M manuals, soils reports, etc.

4. Other Eligibility Notes

- a) Legal - Legal fees for contract review and for advertisements etc.
- b) Real Property - limited to actual value of the property (not what is paid). Costs associated with condemnations are not eligible.
- c) Preparation of permits required by Federal, or State regulations or procedures.
- d) Permits imposed by the local unit such as building permits are not eligible.

**CERTIFICATION REGARDING
UNIFORM RELOCATION ASSISTANCE AND
REAL PROPERTY ACQUISITION POLICIES (URLAP) ACT OF 1970**

Applicant: _____
DWI Project No.: _____
Project Name: _____

Please check appropriate boxes:

<input type="checkbox"/> I certify that all real property (including easements) has been acquired, or condemnation proceedings for property have been entered into, thereby providing legal access for this project.
AND
<input type="checkbox"/> I certify to the best of my knowledge and belief that the acquisition of property specifically for the above-referenced project is in compliance with the URLAP Act of 1970 (the Uniform Act). The acquisition of real property either:
<input type="checkbox"/> Did not result in the displacement of any person, business or farm operation.
OR
<input type="checkbox"/> Relocation was involved in the land acquisition, and the Federal Highway Administration (FHA) was contacted for technical assistance.
OR
<input type="checkbox"/> Compliance with the Uniform Act does not apply because the land and/or easements associated with the above-referenced project was/were acquired prior to the inception of the project. (Date land acquired: _____)

I understand that a false statement on this certification may be grounds for rejection or termination of this loan.

Applicant's Authorized Representative or Attorney (Signature) *Date*

Applicant's Authorized Representative or Attorney (Print) *Title*

Capital Project Ordinance (SAMPLE)

Be it ordained by the Governing Board of the (“Town” / “City” / “County” of *insert name of local government unit*), North Carolina, that pursuant to Section 13.2 of Chapter 159 of the North Carolina General Statutes, the following Capital Project Ordinance is hereby adopted:

Section 1: The capital project herein authorized (“Project”) is for the construction and/or installation of drinking water infrastructure, to be financed by (*select those which apply*: “federal Drinking Water State Revolving Fund (DWSRF) loan” / “State of North Carolina revolving loan” / State of North Carolina grants and reserves” / “the sale of general obligation bonds”).

Section 2: The officers of this unit of local government are hereby directed to proceed with the Project within the terms of the Board resolution, loan documents and the budget contained herein.

Section 3: The following amounts are appropriated for the Project:

Engineering	<u>\$XXX,XXX</u>
Land	<u>\$XXX,XXX</u>
Construction	<u>\$X,XXX,XXX</u>
TOTAL	<u>\$X,XXX,XXX</u>

Section 4: The following revenues are anticipated to be available to complete the Project:

Federal DWSRF Loan	<u>\$X,XXX,XXX</u>
Proceeds from General Obligation Bonds	<u>\$X,XXX,XXX</u>
Transfer from Drinking Water Capital Reserve	<u>\$X,XXX,XXX</u>
TOTAL	<u>\$XXX,XXX,XXX</u>

Section 5: The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient, specifically detailed accounting records to satisfy the requirements of the funding agency, the funding agreements, and federal regulations. The terms of the bond resolution also shall be met.

Section 6: Funds may be advanced from the General Fund for the purpose of making payments as due. Reimbursement requests should be made to the funding agency in an orderly and timely manner.

Section 7: The Finance Officer is directed to report, on a quarterly basis, on the financial status of each Project element in Section 3 and on the total grant/loan revenues received or claimed.

Section 8: The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on the Project in every budget submission made to this Board.

Section 9: Copies of this Capital Project Ordinance shall be furnished by the Clerk to the Governing Board, and to the Budget Officer and the Finance officer for direction in carrying out the Project.

Duly adopted this the (*insert date*) day of (*insert month*) 201_.

Signature (Owner’s Authorized Representative)

(Seal)

Attest: _____
Signature (Town / City / County Clerk)

RESOLUTION NO. 8-2018

**A RESOLUTION ACCEPTING A STATE REVOLVING LOAN
FOR THE CONSTRUCTION OF THE CITY OF SHELBY
GROVER STREET WATER TREATMENT PLANT PROJECT**

WHEREAS, the Safe Drinking Water Act Amendments of 1996 and the North Carolina Water Infrastructure Fund have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction for eligible drinking water infrastructure, and;

WHEREAS, the North Carolina Department of Environmental Quality has offered a Drinking Water State Revolving Fund Loan in the amount of \$10,285,000 for the construction of the City of Shelby Grover Street Water Treatment Plant Rehabilitation Project, and;

WHEREAS, the City of Shelby intends to construct said project in accordance with the engineering plans and specifications that have been or will have been approved by the North Carolina Public Water Supply Section.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF SHELBY:**

Section 1. The City of Shelby does hereby accept the Drinking Water State Revolving Fund Loan of \$10,285,000.

Section 2. The City of Shelby does hereby give assurance to the North Carolina Department of Environmental Quality that they will adhere to all applicable items specified in the standard "Conditions" and "Assurances" of the Department's funding offer, awarded in the form of Drinking Water State Revolving Fund Loan.

Section 3. The City Manager of the City of Shelby, or his designee, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

Section 4. The City of Shelby has substantially complied or will substantially comply with all Federal, State and local laws, rules, regulations, and ordinances applicable to the project and to the Federal and State grants and loans pertaining thereto.

Adopted and approved this 19th day of February 2018 at Shelby, North Carolina.

O. Stanhope Anthony III
Mayor

ATTEST:

Bernadette A. Parduski, NC-CMC, IIMC-MMC
City Clerk

City of Shelby
Agenda Item Summary
February 19, 2018
City Hall Council Chamber

Agenda Item: E-8

- 8) Approval of a resolution of tentative award for the Westside Sewer Improvements – Pump Station Division to Turner Murphy Co.: Resolution No. 9-2018

Consent Agenda Item: (David Hux, Water Resources Director)

Summary of Available Information:

- Memorandum dated February 12, 2018 from David Hux, Water Resources Director to Rick Howell, City Manager
- Letter dated February 7, 2018 from McGill Associates to David Hux, Water Resources Director
- Bid Tabulation Sheet
- Map showing Westside Sewer Improvements
- Copy of Ordinance No. 16-2017
- Copy of Ordinance No. 2-2017
- Resolution No. 9-2018

City Manager's Recommendation / Comments

Resolution No 9-2018 is presented for consideration by City Council at this time. Council will recall that project budget Ordinance No. 2-2017 and Ordinance No. 16-2017 were approved providing funding for the engineering/design and construction of this project in January and March 2017. Bids were subsequently solicited from qualified contractors in early February. If approved this resolution would award this contract for the upgrade of the existing Crest Sewer Lift Station (Westside Sewer Improvements Pump Station Division) to Murphy and Turner Co. of Rock Hill, SC in the amount of \$425,635.00. This is within the amount approved in the budget ordinance. Construction is expected to begin in later in the spring and be completed by February 2019.

This project is directly related to the expansion of Clearwater Paper in the Washburn Switch Business Park and includes the construction of the upgrade of the Crest Sewer Lift Station including pump modifications at the lift station. This project completes the award of this section of utility infrastructure improvements (Sewer related) and they are within the approved budget. As a reminder please note that the total budget for these 4 projects is \$14 million. \$5.5 million is funded with grant funding, approximately \$4.1 million by Clearwater Paper and the remaining \$5.4 million by the City through a financing arrangement. This debt service will be paid back by the City over the next 15 years using both new tax and utility revenue generated by Clearwater Paper.

It is my recommendation Resolution No. 9-2018 be adopted and approved by City Council at this time via the Consent Agenda.

Memorandum

To: Rick Howell, City Manager

From: David Hux, Water Resources Director *DHux 2/12/18*

RE: **Westside Sewer System Improvements – Pump Station Division
Construction Contract Award to Turner Murphy Co**

Date: February 12, 2018

Background:

In January 2017, Shelby City Council established a capital project budget ordinance (2-2017) for the design engineering of a project entitled Westside Sewer Improvements Project. In March of 2017, the project was amended with project budget ordinance (16-2017) that allocated the funds for construction based on engineering estimates.

The Westside Sewer Project would include design of a 24 inch sewer line that would parallel an existing 15 inch diameter sewer main in West Shelby for additional capacity for economic development projects; such as the Foothills Commerce Center and the Washburn Switch Business Park. Additional divisions of this project would include improvements to the Westside Pump Station with the addition of a pump/electrical improvements, and would also include a parallel section of 16 inch sewer force main in the Riverbend area.

McGill Engineers was selected in January of 2017 and awarded the design contract for the Westside Sewer Improvements. Design of all three divisions of this project has been completed and two of the three divisions have been awarded.

The construction of the new Clearwater expansion on Washburn Switch Road is underway and the line must be constructed to meet the projected Clearwater sewer demands.

Review:

The only remaining section of the Westside Sewer Improvements left for award is the Westside Pump Station Division. On January 30, 2018, the City received bids for the Westside Sewer System Improvements – Pump Station Division. McGill Associates assisted with bid advertisement and they have completed the canvassing of three (3) bids that were received. BW Service Solutions provided the lowest base bid; however, they were determined to be non-responsive due to issues with the bid bond security. The bid was formally rejected and McGill has recommended the award of the project to the next lowest responsive bidder who is Turner Murphy Co. of Rock Hill, South Carolina. McGill has recommended the award of the project to Turner Murphy Co. in the amount of \$386,635.00. McGill has also recommended a contingency of \$39,000 to cover unforeseen changes that may be necessary for completion of this division of the sewer improvements.

Recommendation:

Staff recommends proceeding with construction of the Westside pump station improvements portion of this project and hereby requests that City Council award the construction contract to Turner Murphy Co. of Rock Hill, South Carolina in the amount of \$425,635.00.

Please let us know if further information is needed.



February 7, 2018

Mr. David Hux
Water Resources Director
City of Shelby
824 West Grover Street
Shelby, North Carolina 28150

RE: Award Recommendation
2017 Westside Sewer System Improvements
Project – Revised Pump Station Division
City of Shelby, North Carolina

Dear Mr. Hux:

A total of three (3) bids were received on January 30th, 2018 for the 2017 Westside Sewer System Improvements Project – Revised Pump Station Division. Based on the comparison of bid quantities and unit prices provided by each bidder, Turner Murphy Co., Inc., of Rock Hill, South Carolina, submitted the lowest responsive bid with a total base bid amount of \$386,635.00.

Turner Murphy Co., Inc. is appropriately licensed with the North Carolina General Contractor Board, is qualified to perform this project; Therefore, we recommend award of the 2017 Westside Sewer System Improvements Project – Revised Pump Station Division to Turner Murphy Co., Inc. for the bid amount of \$386,635.00. We also recommend that the City appropriate funds for construction contingency in the amount of \$39,000.00 in addition to the Base Bid amount.

Enclosed for your use is the certified bid tabulation. If you have any questions or comments, please do not hesitate to contact us at (828) 328-2024.

Sincerely,
McGILL ASSOCIATES, P.A.

A handwritten signature in blue ink that reads 'R.J. Mozeley'.

R.J. MOZELEY, PE
Project Manager

RJM:mh

Enclosure

cc: Mr. Ben Yarboro, City of Shelby

CERTIFIED BID TABULATION

2017 Westside Sewer System Improvements - Pump Station Division

CITY OF SHELBY, NORTH CAROLINA

Tuesday, January 30, 2018; 2:00 pm

Assembly Room of the Utility Operations Center at 824 W. Grover Street, Shelby, North Carolina 28658

BIDDER	BASE BID	ALTERNATE A WETWELL COATING	ALTERNATE B DIFFERING ELECTRICAL MANUFACTURER
BW Service Solutions	\$366,011.00	\$98,670.00	\$0.00
Charles R. Underwood, Inc.	No Bid	No Bid	No Bid
Turner Murphy Co., Inc.	\$386,635.00	\$56,456.00	\$0.00
Wharton-Smith Inc.	\$533,000.00	\$50,000.00	\$0.00

This is to certify that the bids tabulated herein were publicly opened and read aloud at 2:00 p.m. local time on the 30th day of January 2018, in the Assembly Room of the Utility Operations Center in the City of Shelby, North Carolina.

Hickory, North Carolina 28601



License No. C-0459



WESTSIDE SEWER IMPROVEMENTS
CITY OF SHELBY

CLEVELAND COUNTY, NORTH CAROLINA

SCALE: 1" = 3000'
DECEMBER 2016

WASHBURN SWITCH
BUSINESS PARK

PROPOSED 18"
GRAVITY SEWER LINE

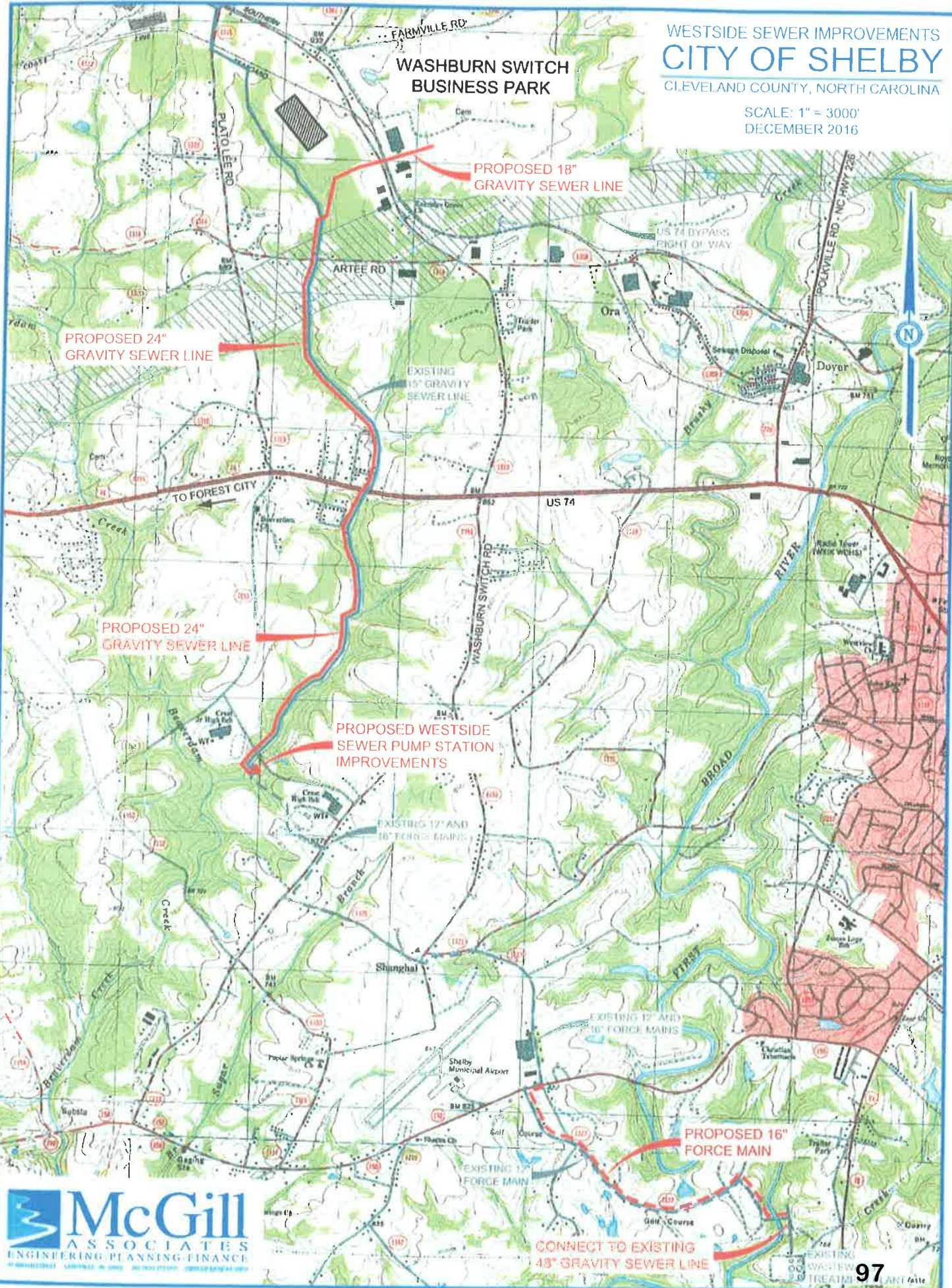
PROPOSED 24"
GRAVITY SEWER LINE

PROPOSED 24"
GRAVITY SEWER LINE

PROPOSED WESTSIDE
SEWER PUMP STATION
IMPROVEMENTS

PROPOSED 16"
FORCE MAIN

CONNECT TO EXISTING
48" GRAVITY SEWER LINE



ORDINANCE NO. 16-2017

A BUDGET ORDINANCE AMENDMENT FOR THE CITY OF SHELBY'S
WESTSIDE SEWER IMPROVEMENTS PROJECT

WHEREAS, in accordance with applicable provisions of the North Carolina Budget and Fiscal Control Act, the City of Shelby finds it advisable and necessary to revise and amend its capital project ordinance and budgets for the City of Shelby's Westside Sewer Improvements Project; and

WHEREAS, the City Manager (Budget Officer) has recommended certain amendments to the budget which the governing body finds acceptable; and,

WHEREAS, City Council now desires to act on the recommended budget amendments and approve the same for implementation and compliance with the North Carolina Local Government Budget and Fiscal Control Act;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHELBY, NORTH CAROLINA:

Section 1. Ordinance No. 2-2017, the City's Westside Sewer Improvements Project, is hereby amended as follows to provide for Budget Amendment No. 1 for said project:

Westside Sewer Improvements Project

(1) The following Sewer Fund Cap. Project Revenues are amended by the City:

Cleveland County Funding	62106000-33500-62871	\$2,950,000
Golden Leaf Grant	62106000-34716-62871	\$1,500,000
CDBG Grant	62106000-34707-62871	\$3,000,000
IDF Grant	62106000-34717-62871	\$1,000,000

(2) The following Sewer Fund Cap. Project Expenditures are amended by the City:

Construction	621726-53000-62871	\$8,450,000
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Section 2. That the revenues, expenditures and amendments set forth in Section 1 of this ordinance are hereby summarized as follows:

Westside Sewer Improvements Project

	<u>Current Budget</u>	<u>Amendment No. 2</u>
Revenues		
Cleveland County Funding	\$ 550,000	\$3,500,000
Golden Leaf Grant	\$ -0-	\$1,500,000
CDBG Grant	\$ -0-	\$3,000,000
IDF Grant	\$ -0-	\$1,000,000
Expenditures		
Engineering	\$ 550,000	\$ 550,000
Construction	\$ -0-	\$8,450,000

Ordinance No. 16-2017
March 6, 2017
Page 2

Section 3. Copies of this Budget Ordinance Amendment shall be furnished to the City Manager as Budget Officer and to the Finance Director to be kept on file by them for their direction in the collection and disbursement of funds. Said officials are hereby authorized to receive and expend funds as herein set forth in accordance with the Shelby City Code, the General Statutes of North Carolina, and the provisions of the original budget ordinance; inclusive of GS 159-28 governing budgetary accounting of appropriations.

Section 4. This ordinance shall become effective upon its adoption and approval.

Adopted and approved this the 6th day of March 2017.

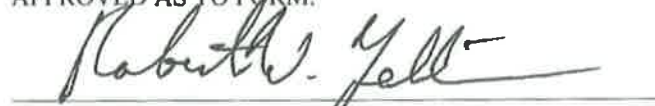


O. Stanhope Anthony III
Mayor

ATTEST:


Bernadette A. Parduski, NC-CMG, IIMC-MMC
City Clerk

APPROVED AS TO FORM:


Robert W. Yelton
City Attorney

ORDINANCE NO. 2-2017

AN ORDINANCE ESTABLISHING A CAPITAL PROJECT ORDINANCE AND BUDGETS FOR
THE CITY OF SHELBY'S WESTSIDE SEWER IMPROVEMENTS PROJECT AND
FIRST BROAD WWTP INFLUENT AND PRELIMINARY TREATMENT UPGRADE PROJECT

WHEREAS, in accordance with applicable provisions of the North Carolina Budget and Fiscal Control Act, the City of Shelby finds it advisable and necessary to establish a capital project ordinance and budgets for the City of Shelby's Westside Sewer Improvements Project and First Broad Wastewater Treatment Plant (WWTP) Influent and Preliminary Treatment Upgrade Project; and

WHEREAS, it is necessary for the City to establish a budget for this capital project and appropriate applicable funds needed for the administration and construction of this project in order to comply with applicable provisions of the North Carolina Local Government Budget and Fiscal Control Act; and,

WHEREAS, G.S. 159-13.2 provides that a City may undertake the construction of a capital asset such water and sewer infrastructure, by way of a capital project ordinance providing the necessary balanced budget and funding for the life of the project;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHELBY, NORTH CAROLINA: The City of Shelby has identified a need to make improvements to sewer infrastructure to support industrial growth and development. Accordingly, the following budget modifications are approved in accordance with the chart of accounts heretofore established for the City of Shelby.

Section 1. For the Westside Sewer Improvements Project, the following revenues are available and amounts are hereby appropriated for:

Revenues:		
Cleveland County	62106000-33500-62871	\$550,000
Appropriation:		
Engineering	621726-42004-62871	\$550,000

Section 2. For the First Broad WWTP Influent and Preliminary Treatment Upgrade Project, the following revenues are available and amounts are hereby appropriated for:

Revenues:		
Cleveland County	62106000-33500-62872	\$500,000
Appropriation:		
Engineering	621726-42004-62872	\$500,000

Section 3. The provisions of this capital project ordinance shall be entered in the minutes of the Shelby City Council and copies filed with the City Manager as Budget Officer, the Finance Director, and the City Clerk for their direction and guidance in receiving revenues and expending the monies due thereunder.

Section 4. This ordinance shall become effective upon its adoption and approval.

Adopted and approved this the 9th day of January 2017.

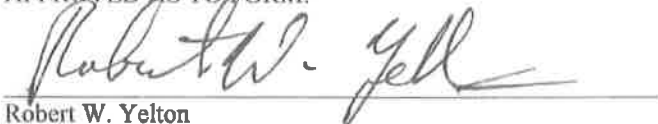
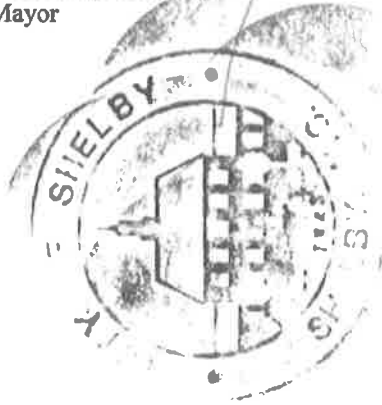


O. Stanhope Anthony III
Mayor

ATTEST:


Bernadette A. Parduski, NC-CMC, IIMC-MMC
City Clerk

APPROVED AS TO FORM:


Robert W. Yelton
City Attorney

RESOLUTION NO. 9-2018

**A RESOLUTION OF TENTATIVE AWARD FOR
THE WESTSIDE SEWER IMPROVEMENTS – PUMP STATION DIVISION
TO TURNER MURPHY CO.**

WHEREAS, the City of Shelby, North Carolina has designed, valued engineered to reduce costs, and bid a project entitled the Westside Sewer Improvements – Pump Station Division and has held a competitive public bid opening on January 30, 2018 consistent with the applicable North Carolina General Statutes for bidding of public construction contracts; and,

WHEREAS, the City of Shelby received bids from three (3) qualified contractors for the completion of the Westside Sewer Improvements – Pump Station Division; and,

WHEREAS, the City’s consulting engineer, McGill Associates and the City have reviewed the bids and now recommend tentative award of the construction contracts for the work described to Turner Murphy Co. in the amount of \$425,635.00 conditioned on the sections below.

WHEREAS, a project budget ordinance was established with Ordinance No. 2-2017 and Ordinance No. 16-2017.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHELBY, NORTH CAROLINA:

Section 1. The City Council of the City of the City of Shelby hereby awards the contract to Turner Murphy Co. for the construction of the Westside Sewer Improvements – Pump Station.

Section 2. The City Manager and City Clerk are hereby authorized to execute the applicable contracts associated with this project.

Section 3. The City Manager and his designees are hereby to execute amendments and change orders to the applicable documents associated with this project.

Section 4. This resolution shall become effective upon its adoption and approval.

Adopted and approved this the 19th day of February 2018.

O. Stanhope Anthony III
Mayor

ATTEST:

Bernadette A. Parduski, NC-CMC, IIMC-MMC
City Clerk

City of Shelby
Agenda Item Summary
February 19, 2018
City Hall Council Chamber

Agenda Item: E-9

- 9) Approval of a resolution awarding the bid for the Underground Electric Cable Replacement Project: Resolution No. 10-2018

Consent Agenda Item: (Julie McMurry, Energy Services Director)

Summary of Available Information:

- Memorandum dated February 13, 2018 from Julie McMurry, Energy Services Director to Rick Howell, City Manager
- Letter dated January 26, 2018 from Progressive Engineering Consultants, Inc. to Julie McMurry, City of Shelby
- Bid Tabulation Sheet
- Resolution No. 10-2018

City Manager's Recommendation / Comments

Resolution No. 10-2018 is presented for City Council consideration via the Consent Agenda. If approved this resolution would award a contract Williams Electric in the amount of \$85,169.00 for underground electric cable replacement at White Oak Manor, Fire Station #2 and the Elmwood area. These funds are budgeted within the Electric Department operating budget this year.

It is my recommendation Resolution No. 10-2018 be adopted and approved by City Council at this time via the Consent Agenda.



Memorandum

To: Rick Howell

From: Julie McMurry, Energy Services Director *JEM*

RE: Bid Award for 2018 Underground Cable Replacement Projects

Date: 2/13/2018

Background:

Budgeted in the System Improvements line item for the Electric Division in the current year budget are funds for underground cable replacement projects. The replacement of these underground lines is necessary due to the age of the existing cable and significant interruptions to service in these areas. These lines have exhibited several operational problems due to old insulation and neutral being located on the outside of the cable. When there is fault in these lines, the Electric Division has a difficult time finding the cause of the outage.

We had identified the following areas for cable replacement this year: White Oak Manor, Fire Station 2, Elmwood St area, Westgate Subdivision and Hickory Creek Apartments. The replacement of the electric lines is expected to take place in the same location as the existing lines. We will notify customers prior to work beginning and schedule as needed.

Review:

Staff in conjunction with Progressive Engineering Consultants, Inc. held a public bid opening on Tuesday, January 23, 2018. We received three bids. The bid tab and award recommendation is attached. The labor and materials budget for this project was established as \$150,000. We are not able to complete all areas within this budget. We plan to complete White Oak Manor, Fire Station 2 and the Elmwood area with funds available this year.

The bids received for labor on all the projects and material estimates for those that will be completed this year are as follows:

Location	Williams Electric	T & D Solutions	Lee Electric	Material Estimate
White Oak Manor	\$11,425	\$13,260	\$50,200	\$19,695.79
Fire Station 2	\$8,984	\$10,140	\$37,110	\$2,403.00
Westgate Subdivision	\$85,135	\$89,600	\$158,190	
Elmwood Area	\$61,760	\$63,930	\$170,250	\$17,765.85
Hickory Creek Apartments	\$47,515	\$48,420	\$332,990	

Recommendation:

Staff recommends the award of the contract to Williams Electric Company of Shelby in the amount of \$85,169. Please let me know if further information is needed.

Progressive Engineering Consultants, Inc.

P.O. Box 690638, Charlotte, NC 28227-7011

Telephone (704) 545 - 7327

Fax (704) 545 - 2315

progress@pecinc.net

January 26, 2018

City of Shelby
824 W. Grover Street
Shelby, NC 28150
Attn: Ms. Julie McMurry

RE: Award Recommendation
2018 Underground Electric Cable Replacement Project
City of Shelby, North Carolina

Gentlemen:

Sealed proposals were received, publicly opened and read on January 23, 2018 for the Construction of the 2018 Underground Electric Cable Replacement Project for the City of Shelby. As shown by the attached tabulation, of the three (3) proposals received, Williams Electric Company of Shelby, North Carolina, submitted the lowest cost proposal in the amount of \$214,819.00. We recommend that the City accept this proposal as submitted.

Please notify us of your decision in order that we may prepare the necessary contract documents for execution. If you have any questions or comments, please feel free to call.

Regards,

PROGRESSIVE ENGINEERING CONSULTANTS, INC.

Rocky A. Martin

Rocky A. Martin
Field Engineer

Attachment

c: Jeff Freeman

**City of Shelby
Shelby, North Carolina**

2018 Underground Electric Cable Replacement Project

Bid Date: Tuesday, January 23, 2018 @ 2 p.m.

**SUMMARY
Total All Projects**

Bidder	Williams Electric	T&D Solutions	Lee Electrical
Bid Bond	5%	5%	5%
Addendum	Y	N	Y
1. White Oak Manor, N. Morgan St.	11,425.00	13,260.00	50,200.00
2. Fire Station No. 2, Charles Rd.	8,984.00	10,140.00	37,110.00
3. Westgate Subdivision	85,135.00	89,600.00	158,190.00
4. Elmwood Subdivision	61,760.00	63,930.00	170,250.00
5. Hickory Creek Apartments	47,515.00	48,420.00*	332,990.00
FINAL TOTAL ALL UNITS	214,819.00	225,350.00*	748,740.00

* Indicates correction made due to Vendor calculation errors

RESOLUTION NO. 10-2018

A RESOLUTION AWARDING THE BID FOR UNDERGROUND ELECTRIC CABLE REPLACEMENT PROJECT

WHEREAS, in accordance with applicable provisions of GS 143-131, as amended, the City of Shelby has accepted informal bids for underground cable replacement at White Oak Manor, Shelby Fire Station 2, and in the Elmwood Street area in accordance with priorities heretofore established by City Council; and,

WHEREAS, bids for this proposed work have been tabulated and contract award recommended for this project; and,

WHEREAS, City Council now desires to proceed with award of contract as recommended and with the improvements anticipated by this action;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHELBY, NORTH CAROLINA:

Section 1. The contract for cable replacement at White Oak Manor, Shelby Fire Station 2, and in the Elmwood St area as required in the bid specifications for this offering, are hereby awarded to Williams Electric Company for a bid price of \$85,135 as stated in their official proposal for this bidding, and in accordance with the City's official bid specifications for this project

Section 2. The Mayor and City Clerk of the City of Shelby are hereby authorized and directed to execute the applicable contract as specified in Section 1 of this resolution.

Section 3. This resolution shall become effective upon its adoption and approval.

Adopted and approved this the 19th day of February 2018.

O. Stanhope Anthony III
Mayor

ATTEST:

Bernadette A. Parduski, NC-CMC, IIMC-MMC
City Clerk

City of Shelby
Agenda Item Summary
February 19, 2018
City Hall Council Chamber

Agenda Item: F

Unfinished Business

None

Agenda Item: G

New Business

None

City of Shelby
Agenda Item Summary
February 19, 2018
City Hall Council Chamber

Agenda Item: H

City Manager's Report

Agenda Item: I

Council Announcements and Remarks

J. Adjournment:

To adjourn a meeting of City Council, a majority of the Council members must vote for a motion to adjourn.

- 1) Motion to adjourn