

MINUTES

Regular Meeting
City Hall Council Chamber

February 19, 2018
Monday, 6:00 p.m.

Present: Mayor O. Stanhope Anthony III, presiding; Council Members Eric B. Hendrick, David Causby, Violet Arth Dukes, Ben Kittrell, Jr., and Dicky Amaya; City Manager Rick Howell, City Clerk Bernadette A. Parduski, NCCMC, MMC, City Attorney Lacey Beam, 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, Fire Chief William P. Hunt, MPA, EFO, Director of Parks and Recreation Charlie Holtzclaw, and Director of Planning and Development Services Walter (Walt) Scharer, AICP; and Director of Cable Programming Greg Tillman of Cleveland Community College and The Video Factory

Absent: Council Member David W. White

Mayor Anthony called the meeting to order at 6:00 p.m., welcomed all who were in attendance, and introduced the junior girl scouts from Troop 2294. The Mayor gave the invocation and Girl Scout Troop 2294 members led the *Pledge of Allegiance*.

A. Approval of agenda:

- 1) Motion to adopt the proposed agenda

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

B. 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

Ms. Phelps stated that since the return of the Miss America-affiliated Miss Shelby pageant in February 2014, she and her committee members have worked over the last five years to award \$300,000 in scholarships and \$8,000 in prizes and gifts, raise more than \$4,000 for the Children's Miracle Network Hospitals, make 410 appearances, visit seven Children's Miracle Network

Hospitals across North Carolina, attend five United Service Organizations (USO) events, and provide service in 80 North Carolina counties.

Next, Ms. Phelps introduced Jaeleigh Clark as Miss Shelby of 2018. Miss Clark shared the specifics of her platform as being a diabetes advocate by connecting with other individuals living as Type 1 diabetics.

Miss Shelby introduced Miss Shelby's Outstanding Teen of 2018, Makayla Elledge. Miss Elledge shared the specifics of her platform, "Pets with Purpose", in which she raises funds to train and purchase emotional support animals. She introduced Carolina princesses, Sarah Breen and Kaylann Pond, in attendance.

Ms. Phelps added the Miss Shelby Organization has a princess program and currently has 12 Carolina princesses who are mentored by the queens. Carolina princesses are encouraged to join their mentor in as many appearances, volunteer opportunities, and other events as possible. The main goal of the Carolina Princess Program is to enable Carolina princesses to have better insight to the Miss North Carolina and Miss North Carolina Outstanding Teen pageants and to learn what the Miss America program is all about.

On a personal note, Ms. Phelps added continuance, legacy, and support for each other represent the Miss America program as a whole. It is most important to empower young women to believe in themselves and she is thrilled for the City's support of the local organization. It is her hope to bring the first North Carolina crown in 36 years back to Shelby.

On behalf of the City of Shelby and City Council, Mayor Anthony expressed appreciation to Ms. Phelps for her work on behalf of the Miss Shelby Organization. The Mayor also extended congratulations and best wishes to Miss Clark and Miss Elledge as they continue with their competitive endeavors at the State level.

The presentation concluded with the queens and princesses posing for photographs with Mayor Anthony and Council members.

2) The Construction of US 74 – Shelby Bypass and New Projects – Gary R. Spangler, District Engineer, District 1, North Carolina Department of Transportation (NCDOT)

Mr. Spangler began his presentation with a brief history of the US 74 Shelby Bypass from its concept in 1979 to the feasibility study in 1991 to the adoption of the Shelby Thoroughfare Plan in 1994, which set the route to the

North, to the approval of the draft Environmental Impact Study in 1998, and finally to the approval of the final Environmental Impact Study in 2008.

He stated the NCDOT has been constructing a four-lane, new location freeway from east of Mooresboro to west of Stony Point Road at US 74 Business in Kings Mountain. The entire project, Sections A through E, is approximately 18.6 miles long and is included in the 2018-2027 NCDOT State Transportation Improvement Program. Through a series of photographs depicting the construction of the new Bypass segments and interchanges, Mr. Spangler described the various activities.

Mr. Spangler stated the final design is currently underway for Sections D and E. A series of design changes have been developed since the last environmental document was issued in 2008. Section D is a 4.1-mile long section from west of NC 150 to US 74 west of SR 2238 (Long Branch Road). Section E is a 2.6-mile long section from US 74 west of Long Branch road to west of Stony Point Road (SR 1001) at US 74 Business in Kings Mountain. He added design changes since 2008 include the modification of the US 74 interchange at Bethlehem Road and the addition/modification of service roads.

Mr. Spangler summarized the US 74 Shelby Bypass Project is being built in segments from the West to East. Construction began in July 2013 and is projected to be complete in 2025. The total cost of the project is \$314.47 million, including right-of-way acquisition at \$46.07 million and construction at \$268.4 million.

SECTION	LOCATION	LENGTH	STATUS	DETAILS
AA	West of Peachtree Road to east of Kimbrell Road near Mooresboro	2 miles	Complete	Construction began in July 2013 and opened to traffic in September 2016.
AB	East of Kimbrell Road to east of Plato Lee Road near Lattimore	1.9 miles	Under Construction	Construction began in July 2014 and is expected to be completed in

				2018.
B	East of Plato Lee Road to east of NC 226 north of Shelby	2.6 miles	Under Construction	Construction began in July 2014 and is expected to be completed in 2018.
C	East of NC 226 to west of NC 150 heading northeast of Shelby	5.3 miles	Under Construction	Construction, which began in 2017, is underway.
D	West of NC 150 to US 74 west of Long Branch Road, east of Shelby	4.1 miles	Under Development	Final designs are underway. Right of way purchasing is expected to begin in 2019 with construction beginning in 2021.
E	US 74 west of Long Branch Road to west to Stony Point Road at US 74 Business in Kings Mountain	2.6 miles	Under Development	Final designs are underway. Right of way purchasing is expected to begin in 2019 with construction beginning in 2021.

With regard to new projects around Shelby, Mr. Spangler discussed intersection improvements at NC 150 (Cherryville Road) and SR 1162 (Peach

Street). The project is currently in right-of-way acquisition at a cost of \$3.56 million. The estimated cost of construction is \$2.01 million. The re-alignment of Peach Street with Cherryville Road will cause the BP/Scotchman gas station to be removed while controlled access is planned for the Don Ramon restaurant.

Mr. Spangler discussed the construction of a roundabout to accommodate the new Pinnacle School at NC 180 (South Post Road) and Joe's Lake Road. The project is currently in right-of-way acquisition at a cost of \$0.8 million. The estimated cost of construction is \$1.1 million with completion expected in 2023.

Mr. Spangler discussed the construction project at US 74 and Dekalb Street/Earl Road. As of this date, there are no conceptual plans. The right-of-way acquisition is set to begin in 2021 at a cost of \$8.7 million. The estimated cost of construction is \$18 million with completion expected in 2023.

Lastly, Mr. Spangler discussed the widening project of I-85 in Cleveland County. The right-of-way acquisition is set to begin in 2022 with construction to follow in 2023.

Mr. Spangler concluded his presentation by sharing his contact information and that of his colleagues at Highway Division 12 for additional information or inquiries.

Council received the information. No action was required.

C. Public Comment:

- 1) Rev. James Williams who resides at 1410 Vantage Drive in Shelby, North Carolina expressed his concerns relating to septic system failures in his neighborhood located off East Ross Grove Road known as the Clearbrook Subdivision. He has lived on Vantage Drive for 29 years and the septic system problems have existed for 10 to 15 years. The City annexed this subdivision in 1990s and the residents received all City amenities and utilities except City sewer. Rev. Williams stated the sewer matter was brought to City Council several years and has been recently discussed with City staff. He added 15 homes are affected with problems associated with these septic system failures including the foul odor and the potential for health issues. Rev. Williams requested the City put together a feasible plan to extend sanitary sewer to the residents of the Clearbrook Subdivision, mentioning the new construction of sewer infrastructure to serve the Hanna Park property.
- 2) Rev. Frankie L. Smith who resides at 303 East Ross Grove Road in Shelby,

North Carolina declined 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

Mr. Scharer introduced Ordinance No. 7-2018 for Council's consideration. He explained 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 and after the North Carolina Department of Transportation's certification, the City of Shelby will take over this road for maintenance as a City street once it is constructed by Cleveland County. The property currently meets the statutory requirements for satellite annexation as it is within three miles of the primary corporate limits and not closer to another municipality.

Mr. Howell commented the site is City-owned property that consists of land to be utilized for public roadway improvements in the near future. Customer First Drive will be one of two access roads constructed by Cleveland County utilizing NCDOT grant funding.

Mayor Anthony opened the public hearing at 6:59 p.m. and invited comments from the public.

The public offered no comments and Mayor Anthony closed the public hearing at 7:00 p.m.

ACTION TAKEN: Upon a motion made by Mr. Kittrell, City Council voted unanimously to approve and adopt Ordinance No. 7-2018 entitled, "AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF SHELBY, NORTH CAROLINA".

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

Mr. Scharer introduced the proposed textual amendment to the City of Shelby's UDO regarding outdoor flea markets for Council's consideration. He 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 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 further stated any existing non-conforming outdoor flea market must become conforming and in full compliance with all standards within six (6) months of the effective date of this ordinance.

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

Mayor Anthony opened the public hearing at 7:03 p.m. and invited comments from the public:

William Johnson who resides at 150 Baxter Road in Cherryville, North Carolina spoke in support of the ordinance as proposed.

Mayor Anthony closed the public hearing at 7:05 p.m.

ACTION TAKEN: Upon a motion made by Mrs. Arth Dukes, City Council voted unanimously to approve and adopt Ordinance No. 8-2018 entitled, "A PROPOSED ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE (UDO) OF THE CITY OF SHELBY".

E. Consent Agenda:

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

- 1) Approval of the Minutes of the Special Meeting of January 20, 2018
- 2) Approval of the Minutes of the Regular Meeting of February 5, 2018
- 3) Approval of a Special Event Permit Application:
 - a. A Walk to Remember for Alzheimer's Awareness, requested date: March 3, 2018
- 4) Adoption of an ordinance authorizing demolition of a dwelling (809 Holly Oak Road): Ordinance No. 9-2018
- 5) Adoption of an ordinance authorizing demolition of a dwelling (615 Buffalo Street): Ordinance No. 10-2018

- 6) Approval of a resolution accepting property from Eugene and Doris Anthony: Resolution No. 7-2018
- 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
- 8) Approval of a resolution of tentative award for the Westside Sewer Improvements – Pump Station Division to Turner Murphy Co.: Resolution No. 9-2018
- 9) Approval of a resolution awarding the bid for the Underground Electric Cable Replacement Project: Resolution No. 10-2018

END CONSENT AGENDA

F. Unfinished Business: None

G. New Business: None

H. City Manager's Report:

1) Mr. Howell provided the following updates:

- With regard to the Grover Morgan Street Waterline Project, a few construction activities remain to be completed including the paving of Morgan Street and sidewalk repairs along Marion and Grover Streets.
- With regard to the Uptown Shelby Water and Sewer Infrastructure Project, work is progressing at the intersection of West Marion Street and North Lafayette Street while West Marion Street between North Lafayette Street and North Morgan Street remains closed. The City appreciates the public's cooperation with this critical infrastructure improvement with completion anticipated sometime during the June to July 2018 timeframe.
- With regard to the Grover Street Water Treatment Plant Rehabilitation Project, which includes rehabilitating the sedimentation basins, chemical-feed systems, and main shell building, and replacing the clearwells, high-service pumps, and the filter controls, the project is currently at 50 percent design and will likely go to the bidding process in late 2018 or early 2019.

- With regard to the Broad Street Water and Sewer Project, construction activities continue with replacing water and sewer mains and services. There have been road closures and detours while crews maintain access for local traffic. The project was funded by the operating capital budget.
- With regard to the City's various utility infrastructure projects in support of the Clearwater Paper Corporation's expansion, Mr. Howell reported the City's consultant for the Farmville Road Waterline Improvements Project is currently in the process of tabulating the bids received and providing a recommendation, pending EDA approvals. As a reminder, the U.S. Department of Commerce's Economic Development Administration (EDA) awarded a \$2.8 million grant to the City to assist in the construction of the 24-inch diameter water main from the City's Water Plant on Grover to the access point just off Farmville Road. The project also includes the construction of a 750,000 gallon elevated storage tank and a booster pump station on City-owned property adjacent to the Washburn Switch Business Park.
- Mr. Howell mentioned the 2017 Street Resurfacing List is nearing completion with a few minor projects and the 2018 Street Resurfacing List is being finalized.
- The Gateway Project at East Marion Street and East Dixon Boulevard is complete except for the punch list and clean-up.
- The All Aboard Park Playground at City Park is under construction and the anticipated completion date is April 1, 2018.
- The Shelby Police Department's new 911 Communications Center is complete and Mr. Howell confirmed the ribbon cutting ceremony is set for Monday, March 5, 2018, at 4:30 p.m., Shelby Police Department, 130 West Warren Street.

I. Council Announcements and Remarks:

- 1) Mr. Kittrell requested an updated report providing an overview of the neighborhoods which were annexed by the City in the 1990s and early 2000 without City utilities, particularly sewer service.

Mr. Howell briefly explained the City's policy for the extension of sanitary sewer collector lines. The City's sewer system is supported by its sewer customers as an enterprise fund while property taxes support the City's

General Fund services. The City's policy offers a special assessment procedure by two alternative methods:

- A special assessment petition requiring signatures of at least 40 percent of owners who also own at least 40 percent of the total service area street or property frontage. The assessment fee will represent approximately three-fourths the cost of installing the sanitary sewer collection line. Upon acceptance and approval of the petition, the City will be responsible for the remaining 25 percent of the associated costs.
- A special assessment petition requiring signatures of at least 50 percent of owners who also own at least 40 percent of the total service area street or property frontage. The assessment fee will represent approximately two-thirds the cost of installing the sanitary sewer collection line. Upon acceptance and approval of the petition, the City will be responsible for the remaining 33 percent of the associated costs.

Assessments can be paid in full, or billed and paid in six annual installments when the petition is submitted at 40 percent of this policy or billed and paid in 10 annual installments when the petition is submitted at 50 percent of this policy. Eight (8) percent interest is applied to the unpaid balance.

The City does not guarantee gravity sewer service to all properties within the City limits, but will make a reasonable and fair effort to provide such service, or at least access to the City's sewer system, which is an expensive utility. Grant funding may be available to offset these costs, but these opportunities have become more difficult to obtain.

Discussion followed and included surveying properties to document and verify sewer issues; amending the current policy; the availability of funds in the sewer fund, which is low; and borrowing money to provide sewer extensions.

J. Adjournment:

1) Motion to adjourn

ACTION TAKEN: Upon a motion made by Mr. Hendrick, City Council voted unanimously to adjourn the meeting at 7:22 p.m.

Respectfully submitted,

**Bernadette A. Parduski, NCCMC, MMC
City Clerk**

**O. Stanhope Anthony III
Mayor**

Minutes of February 19, 2018