

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. 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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City of Shelby
Agenda Item Summary
August 6, 2018
City Hall Council Chamber

B. 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: B-1

- 1) Approval of the Minutes of the Regular Meeting of July 16, 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 July 16, 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

July 16, 2018
Monday, 6:00 p.m.

Present: Mayor O. Stanhope Anthony III, presiding; Council Members Eric B. Hendrick, David W. White, David Causby, Violet Arth Dukes, Ben Kittrell, Jr., and Dicky Amaya; City Manager Rick Howell, ICMA-CM, 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 Resources 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 Planning and Development Services Walter (Walt) Scharer, AICP; and Director of Cable Programming Greg Tillman of Cleveland Community College and The Video Factory

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. Amaya led the *Pledge of Allegiance*.

A. Approval of agenda:

1) Motion to adopt the proposed agenda

Mr. White requested that Item F-1 under New Business be moved to Item A-2 after the approval of the agenda as follows:

- Consideration of a resolution naming a new park facility in honor of the Hanna family: Resolution No. 36-2018

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

2) Consideration of a resolution naming a new park facility in honor of the Hanna family: Resolution No. 36-2018

Mr. Howell introduced Resolution No. 36-2018 for Council's consideration. He recalled the property donation of approximately 85 acres located on McBrayer Springs Road for recreational use by Boyce Hanna and his family in April 2007. The completion of the park project is anticipated in the fall of

this year and has often been referred to as Hanna Park although Council has taken no action to date to officially name the facility. Mr. Howell further stated it has been agreed to between the City and the Hannas that the park would be known as Hanna Park. It was noted a more formal dedication and celebration is in the planning stages for a yet to be determined date.

Mayor Anthony formally read the resolution.

ACTION TAKEN: Upon a motion made by Mr. Amaya, City Council voted unanimously to approve and adopt Resolution No. 36-2018 entitled, "A RESOLUTION NAMING A NEW PARK FACILITY IN HONOR OF THE HANNA FAMILY".

Next, the Mayor presented a shadow box, which displays the key to the City, to Mrs. Joan Hanna with gratitude for the generous donation by Mr. Hanna and the Hanna family.

B. Public Comment:

ACTION TAKEN: By consensus, City Council agreed to extend the public comment period to 30 minutes at this meeting of July 16, 2018.

Carol Watson who resides at 617 North Morgan Street in Shelby, North Carolina spoke against the closing of Royster Memorial Golf Course. Mrs. Watson stated she has two grandchildren who participate in the Junior Golf Program, which is recognized by the US Kids Golf Association. She wishes to have the golf course remain alive and operational since the youth curriculum has been a positive experience and program for her grandchildren.

Betsy Taylor Knauff who resides in Salisbury, North Carolina spoke against the closing of Royster Memorial Golf Course. Mrs. Knauff reiterated she wishes to have the golf course remain alive and operational since the Junior Golf Program has been a positive experience and program for youth.

Sally Royster who resides at 212 Fairway Drive in Shelby, North Carolina spoke against the closing of Royster Memorial Golf Course. Mrs. Royster requested Council reconsider the closure until the City's Parks and Recreation Master Plan is updated again. She suggested the new master plan should include the best usage for all parks in all neighborhoods in the City's recreational system.

Linda Ware who resides 1203 Brookwood Road in Shelby, North Carolina spoke against the closing of Royster Memorial Golf Course. Speaking as President of the Friends of the Parks, Mrs. Ware reminded Council the

Friends group exists for the betterment of the City's recreational programs and facilities, noting several examples of their outreach. If the Royster Memorial Golf Course is closed, it will impact other recreational programs within the parks system. She expressed her concern if the annual fundraising Friends of the Parks Golf Tournament which was held at Royster Memorial Golf Course can continue to provide funding to projects, scholarships, special events, and other costs.

Peggy Webb who resides at 400 Country Club Circle in Shelby, North Carolina spoke against the closing of Royster Memorial Golf Course. Mrs. Webb stated that she, her family members, and friends all play golf. They enjoy and know the value of having this golf course. She requested Council reconsider the closing date for one more year.

Jann Pittman who resides at 3110 Suffolk Drive in Shelby, North Carolina spoke against the closing of Royster Memorial Golf Course. Mrs. Pittman stated she has been playing golf since 2007 for many reasons including the affordability. It was noted the Royster Memorial Golf Course in City Park is a special amenity in this region. She requested Council reconsider its closure.

Yongni Guo who resides at 801 Hamrick Road in Shelby, North Carolina spoke against the closing of Royster Memorial Golf Course. Mrs. Guo moved to Shelby four years ago and her young children play golf regularly. She stated this golf course is the perfect size for her children to practice the game.

Steve Hines who resides at 1505 Parrish Drive in Shelby, North Carolina spoke against the closing of Royster Memorial Golf Course. Mr. Hines has played golf at this golf course for 30 years, beginning as a hacker. He still enjoys playing for many reasons and urged Council to reconsider their decision. Mr. Hines suggested the City should add on or charge a little more in fees to cover the maintenance expenses to keep it like it is. He said if you play at Royster Memorial Golf Course, you do not want it to close.

C. Public Hearings:

- 1) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina: Ordinance No. 38-2018**

Mr. Scharer introduced this proposed zoning map amendment for the property located at 919 Earl Road from Residential 20 (R20) District to Neighborhood Business (NB) District as submitted by the applicant, Robert Crawford. Utilizing both location and zoning maps, he pointed to the subject property near Lanier Pointe I and II apartments at the corner of County Home Road and Earl Road. Currently a single-family dwelling is located on this .68

acre site. Land uses in the area include single-family dwellings, multi-family dwellings, and various commercial uses.

Mr. Scharer noted the Shelby Comprehensive Land Use Plan for this area designates the site as Corridor Revitalization and Mixed Use. Land uses in such areas could include a mix of retail, office, and residential with higher density uses close to the intersection of major roads. He stated the proposed zoning map amendment is consistent with the Shelby Comprehensive Land Use Plan. The Planning and Zoning Board also recommended this proposed zoning amendment.

Mayor Anthony opened the public hearing at 6:26 p.m. and invited comments from the public.

The public offered no comments and Mayor Anthony closed the public hearing at 6:27 p.m.

ACTION TAKEN: Upon a motion made by Mr. Amaya, City Council voted unanimously to approve and adopt Ordinance No. 38-2018 entitled, "A PROPOSED ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF SHELBY, NORTH CAROLINA".

2) Consideration of a resolution and order permanently closing a section of County Home Road: Resolution No. 31-2018

Mr. Scharer introduced Resolution No. 31-2018 for Council's consideration. This item allows Council to hear public comment on a petition for road closure from property owners on both sides of a section of County Home Road located between the frontage road of US Highway 74 and Kings Road. Mr. Scharer stated the public was previously notified via public notice over a four-week period that it is the City's intent to consider permanent closure of this road section based upon the petition submitted by the property owners. He further stated although Council may pass this resolution recommending the closure of this section of County Home Road, it is a North Carolina State road. Therefore, the final closing authority rests with the North Carolina Board of Transportation. Utilizing the plat of said property, Mr. Scharer noted the City does have a waterline located within this North Carolina Department of Transportation street right-of-way and the petitioning owners have agreed to grant the City an easement so that it can remain in place.

Mayor Anthony opened the public hearing at 6:30 p.m. and invited comments from the public:

Steve Padgett who resides at 105 Monteith Lane in Shelby, North Carolina as part of Magnolia Plantation spoke in support of the County Home Road

closure. Mr. Padgett has an interest in economic development matters. This closure may encourage small businesses to locate in the area. He also mentioned the traffic safety issue made risky by the angled intersections with the potential to cause accidents.

Jerry Baumbaugh who resides 210 Kenwood Road in Shelby, North Carolina spoke against the closure of County Home Road. Mr. Baumbaugh stated the road closure would make travel inconvenient and cause traffic congestion through residential areas. He suggested a new cut-through for traffic on County Home Road should be considered as an effective solution.

Mayor Anthony closed the public hearing at 6:34 p.m.

Mr. Howell reminded Council the City had contracted a traffic engineering firm for the County Home Road Traffic Impact Study which was prepared for the site located along County Home Road between US 74 (East Dixon Boulevard) and Kings Drive. He explained there was some degradation to level of service and a minor reduction of efficiency in traffic at NC 180 (Post Road) and East Main Street. Mr. Howell recommended Council table the matter to allow staff to work with NCDOT and both property owners, Shelby Hospitality Group LLC and the State Employees' Credit Union, to work out a better, long-term solution. At a subsequent date, Council can re-consider the future of County Home Road.

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to table Resolution No. 31-2018 entitled, "A RESOLUTION AND ORDER PERMANENTLY CLOSING A SECTION OF COUNTY HOME ROAD".

3) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina: Ordinance No. 39-2018

Mr. Scharer introduced this proposed zoning map amendment for the properties located at 500-506 West Dixon Boulevard and 718 Eastview Drive from Neighborhood Business (NB) District to General Business-Conditional Use (GB-CU) District as submitted by the applicant, Cleveland Contractors Inc. Utilizing both location and zoning maps, he pointed to the subject properties adjacent to Huxley Village, a retail and service center. Land uses in the area include single-family dwellings, commercial uses, and churches. He stated the subject property has been zoned Neighborhood Business (NB) since zoning was first enacted in Shelby in the early 1950s. This property was likely zoned NB due to its direct proximity with single-family dwellings. Mr. Scharer further stated the Shelby Comprehensive Land Use Plan currently has this area depicted as a commercial corridor revitalization area. This proposed zoning map amendment is consistent with the plan. He added the Planning and Zoning Board recommended approval of the proposed

zoning map amendment for the properties located at 500-506 West Dixon Boulevard and 718 Eastview Drive.

Mayor Anthony opened the public hearing at 6:39 p.m. and invited comments from the public.

The public offered no comments and Mayor Anthony closed the public hearing at 6:40 p.m.

ACTION TAKEN: Upon a motion made by Mr. Amaya, City Council voted unanimously to approve and adopt Ordinance No. 39-2018 entitled, “A PROPOSED ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF SHELBY, NORTH CAROLINA”.

- 4) Consideration of a resolution granting a Special Use Permit to Katherine Inc. and Cleveland Contractors Inc. for 500-506 West Dixon Boulevard and 718 Eastview Drive: Resolution No. 32-2018

Mayor Anthony provided instructions as to the quasi-judicial process. To find facts, Council conducts a formal evidentiary hearing. Due process mandates that all parties must present factual evidence under sworn testimony. Each finding, requested to be stated by the speaker, must be supported by competent, material, and substantial evidence, not unsupported allegations, inadmissible hearsay, or lay opinions. Council must make findings of fact and then apply the existing laws and policies to those facts to arrive at a decision. The information provided by Mr. Scharer within the agenda packet is to be considered evidence to be factored in as part of the decision-making policy.

Mayor Anthony opened the public hearing at 6:44 p.m. and sworn testimony was given as follows:

Mr. Scharer introduced Resolution No. 32-2018 and the Special Use Permit request by Will Rucker of Cleveland Contractors, Inc. He stated this proposed special use permit is consistent with the Shelby Comprehensive Land Use Plan. The applicant proposes all the permitted uses in the Neighborhood Business (NB) Zoning District in addition to automobile rental or leasing as the conditional uses.

Will Rucker who resides at 110 Edgewater Road in Shelby, North Carolina spoke in support of the proposed Special Use Permit. Mr. Rucker’s company owns these properties and has an opportunity to rent to a family business from Forest City, North Carolina, wishing to expand in Shelby. He

further stated the incoming business will blend with the existing uses in the area and be a good fit for the community, adding to the tax base.

Mayor Anthony closed the public hearing at 6:45 p.m.

Having heard all of the evidence and arguments presented at the hearing, Council found and determined the application is complete. Council was presented with no evidence as to the following findings as read by Mrs. Arth Dukes:

- The development will materially endanger the public health or safety
- The development will substantially injure the value of adjoining or abutting property
- Will not be in harmony with the area in which it is to be located
- Will not be in general conformity with the Comprehensive Land Use Plan or other plans officially adopted by Council

ACTION TAKEN: Upon a motion made by Mrs. Arth Dukes, City Council voted unanimously to approve and adopt Resolution No. 32-2018 entitled, “A RESOLUTION GRANTING A SPECIAL USE PERMIT TO KATHERINE INC. AND CLEVELAND CONTRACTORS INC. FOR 500-506 WEST DIXON BOULEVARD AND 718 EASTVIEW DRIVE”.

D. 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 May 29, 2018
- 2) Approval of the Minutes of the Regular Meeting of June 18, 2018
- 3) Approval of Special Event Permit Applications:
 - a. Tucker’s Run and Ride, requested date: September 8, 2018
 - b. 9th Annual Rhythm & Roots Run & Walk 5K & 10K, requested date: October 13, 2018
 - c. The Official Liver Mush Festival of North Carolina locally known as the Mush, Music & Mutts Festival, requested dates: October 19 – 20, 2018

- 4) Approval of a resolution accepting the infrastructure constructed within the right-of-way for the extension of T. R. Harris Drive into the City of Shelby Street System: Resolution No. 33-2018
- 5) Approval of a resolution of intent to de-obligate funds for Building Reuse Community Development Block Grant: Resolution No. 34-2018
- 6) Approval of a resolution awarding the contract for the interior renovations to the Utilities Operations Center Project: Resolution No. 35-2018
- 7) Adoption of an ordinance authorizing demolition of a dwelling (301 Willow Lane): Ordinance No. 40-2018
- 8) Adoption of an ordinance authorizing demolition of a dwelling (508 Oakland Drive): Ordinance No. 41-2018
- 9) Adoption of an ordinance authorizing demolition of a dwelling (807 Tenda Place): Ordinance No. 42-2018
- 10) Adoption of an ordinance authorizing demolition of a dwelling (619 Lineberger Street): Ordinance No. 43-2018
- 11) Approval of a Notice of Cancellation in the Regular Meeting Schedule of Shelby City Council

END CONSENT AGENDA

E. Unfinished Business:

- 1) Consideration of appointments to City advisory boards and commissions:
 - a. Zoning Board of Adjustment

Mrs. Parduski reported the term of one incumbent, Morris Hudson, will conclude July 2018. Mr. Hudson is seeking reappointment to this board. Currently there are no applications on file in the Clerk's Office. There are remaining vacancies for two alternative positions. The Cleveland County Commissioners have recently reappointed both Noel MacArthur and Roger Holland to new terms concluding July 2021.

Mr. White nominated Morris Hudson for reappointment.

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

2) Discussion of City Council action closing Royster Memorial Golf Course at City Park no later than November 1, 2018

For discussion purposes, Mayor Anthony recalled City Council previously voted to close the Royster Memorial Golf Course no later than November 1, 2018. Mr. Causby requested the item be placed on the agenda for further discussion at this meeting. He proposed that the golf course closure be delayed until April 30, 2019 and in agreement with the original closure motion, directed the City Manager to provide a more detailed plan for how the property would be used by that date.

Mr. Causby explained his position and merely suggested to extend the closure of Royster Memorial Golf Course to April 30, 2019.

Mr. Howell responded if the golf course closes as the spring season approaches and if staff follows routine protocol in place for the management and maintenance to keep it open and playable, then additional costs will be incurred. If the closure date is in November 2018, then staff will continue maintenance but with less grass cutting. The golf course would open for walking purposes and signage could be added. The first year plan might include a tree replanting plan and action may include initiating some of the recreational elements of interest. However, Mr. Howell cautioned the significant net loss of approximately between \$150,000 and \$160,000 is real. Any new recreational elements implemented would be incremental and based upon Council's discretion as heard from their constituents, including greater utilization. He reiterated the Alternative Use Plan was intended as a big idea plan and is not budgeted.

Mrs. Arth Dukes questioned whether a motion to reconsider or a new motion in which she would move not to close the Royster Memorial Golf Course until an updated Parks and Recreation Master Plan is completed was appropriate at this time. Miss Beam advised that a new motion can be made if substantially different from the previous motion. It was noted Council may not take up a motion that presents essentially the same issue at the same meeting unless it first adopts a motion to reconsider.

Mayor Anthony reminded Council a substantive motion is not in order if made while another motion is pending.

Mr. Causby made his motion to delay the closure of the Royster Golf Course from November 1, 2018 to April 30, 2019, directing the City Manager to come back with specific plans for future use and that staff be directed to bring a resolution for Council's consideration. He also requested the City Manager to bring a budget amendment to cover the cost of that six-month extension.

ACTION TAKEN: Upon a motion made by Mr. Causby to close the Royster Memorial Golf Course on April 30, 2019, City Council voted 3 (White, Causby, and Arth Dukes) to 3 (Hendrick, Kittrell, and Amaya). Mayor Anthony explained his position not to vote to break the tie. The motion failed for lack of a majority.

G. New Business:

1) REMOVED AND PLACED UNDER APPROVAL OF AGENDA AS ITEM A-2:

Consideration of a resolution naming a new park facility in honor of the Hanna family: Resolution No. 36-2018

2) Consideration of a resolution authorizing disbursement of travel and tourism funding for Fiscal Year 2018-2019: Resolution No. 37-2018

Mr. Howell introduced Resolution No. 37-2018 for Council's consideration. He has reviewed the applications submitted by the eligible organizations for travel and tourism grant funding. Each year past grant recipients and other organizations that have expressed an interest are eligible to submit grant applications for these funds generated through the 3 percent room occupancy tax levied by City Council. Each is reviewed to determine if the purpose for use of funds is eligible under the statutes and City policy, the economic impact of the event, past use of funds, success of past events, and financial participation by the entity, as well as other relevant criteria. He stated receipts for Fiscal Year 2018-2019 were approximately \$168,500.

Mr. Howell noted a separate resolution was prepared for the Cleveland County Arts Council's Art of Sound Festival award of \$15,000.00. Council Member Violet Arth Dukes is an employee of the Cleveland County Arts Council and as such, it could be perceived that she has a conflict of interest when voting on this matter given it awards her employer a grant.

ACTION TAKEN: Upon a motion made by Mr. Amaya, City Council voted unanimously to approve and adopt Resolution No. 37-2018 entitled, "A RESOLUTION AUTHORIZING DISBURSEMENT OF TRAVEL AND TOURISM FUNDING FOR FISCAL YEAR 2018-2019".

3) Consideration of a resolution authorizing disbursement of travel and tourism funding to the Cleveland County Arts Council for Fiscal Year 2018-2019: Resolution No. 38-2018

Mr. Howell introduced Resolution No. 38-2018 for Council's consideration.

Mrs. Arth Dukes requested to be excused from voting on this matter because she is an employee of the Cleveland County Arts Council and as such wishes to avoid the perception of a conflict of interest.

ACTION TAKEN: Upon a motion made by Mr. Amaya, City Council voted unanimously to excuse Mrs. Arth Dukes from voting on Resolution No. 38-2018.

ACTION TAKEN: Upon a motion made by Mr. Amaya, City Council voted unanimously to approve and adopt Resolution No. 38-2018 entitled, "A RESOLUTION AUTHORIZING DISBURSEMENT OF TRAVEL AND TOURISM FUNDING TO THE CLEVELAND COUNTY ARTS COUNCIL FOR FISCAL YEAR 2018-2019".

H. City Manager's Report:

1) Mr. Howell provided the following updates:

- **The Shelby Cleveland County Regional Airport Runway Overlay Project bid has been awarded and work is ongoing and set to be complete on August 8, 2018.**
- **Regarding the construction of Shell Building No. 3 at Foothills Commerce Center, a recommendation of the architectural firm selection will be presented for consideration at the Council meeting of August 6, 2018.**
- **The City has been notified by Senator Warren Daniel's office that funding was appropriated to Shelby in the 2018-2019 State budget in the sum of \$100,000 through the Rural Economic Development Division as a grant-in-aid for downtown revitalization efforts. The process of soliciting feedback from City staff and the Uptown Shelby Association as to proposed uses has begun and will be considered by City Council.**
- **The City's Disaster Preparedness Plan is under review for an update. Once a draft update is completed, it will be brought to Council for formal adoption.**
- **The Shelby Fire and Rescue Department is currently dispatched by Cleveland County and has been for many years. The City is transitioning the Fire and Rescue Department dispatch services from the County 911 Center to the City 911 Center. The process is ongoing but ultimately a single dispatch entity will serve the City's customers best through reduced dispatch and response time. At some point in**

the future, City Council will be requested to authorize and initiate the change.

- The City's Fallen Heroes Memorial Park Project at Raper Roark Plaza is still under development and will honor all Cleveland County public safety personnel who lost their lives in the line of duty.

I. Council Announcements and Remarks: None

J. Adjournment:

1) Motion to adjourn

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to adjourn the meeting at 7:09 p.m.

Respectfully submitted,

Bernadette A. Parduski, NCCMC, MMC
City Clerk

O. Stanhope Anthony III
Mayor

Minutes of July 16, 2018

City of Shelby
Agenda Item Summary
August 6, 2018
City Hall Council Chamber

Agenda Item: B-2

- 2) Approval of a resolution naming a section of the Carolina Thread Trail in honor of Carl Spangler: Resolution No. 37-2018

Consent Agenda Item: (Staff Resource, Walt Scharer, Planning Director)

Summary of Available Information:

- Memorandum dated July 31, 2018 from Walter Scharer, Planning Director to Rick Howell, City Manager
- Proposed Trail Naming
- Resolution No. 37-2018

City Manager's Recommendation / Comments

Resolution No. 37-2018 is presented for City Council for consideration at this time via the Consent Agenda. Earlier this year the City received a request from the Executive Director of the Carolina Thread Trail, Tom Okel, asking that it consider naming a trail section for the late Carl Spangler. Carl passed away in 2017. Many of you know that Carl was a long time board member for the Carolina Thread Trail where he tirelessly advocated for trails in our area. He was tremendously instrumental in helping the City secure funding for the First Broad River Trail and trailhead on Grover Street. This has been designated as a part of the Carolina Thread Trail network. Council has before it Resolution No. 37-2018 which, if approved, would name approximately $\frac{3}{4}$ mile of trail from Grover Street to the trailhead parking lot "Carl Spangler Trail." If Council accepts this recommendation the City would plan a ribbon cutting naming event in the fall to honor Carl. It would be our hope to have Carolina Thread Trail board members and Carl's family on hand for the event.

It was my pleasure to have the opportunity of know Carl. This is a very small measure to recognize a truly good man who cared about his community and tirelessly advocated for the development of trails recognizing their impact on community health and quality of life.

It is my recommendation Resolution No. 37-2018 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: July 31, 2018
Subject: Carl Spangler Trail Naming – Carolina Thread Trail

Executive Summary of issue – Background

The Carolina Thread Trail is a regional network of greenways and trails that reaches 15 counties and 2.3 million citizens. It links people, places, cities, towns and attractions. The trail also preserves natural areas and is a place for exploration of nature, culture, science and history.

The Thread Trail concept was introduced to Shelby and Cleveland County in 2006 with a small meeting of potential stakeholders at the old North Lakes Country Club. I was in attendance at that meeting as well as Mr. Carl Spangler. Mr. Spangler had recently been named to the Governing Board of the Carolina Thread Trail as a representative from Cleveland County. Mr. Spangler was not satisfied with simply serving on the Governing Board. He wanted the trails established in Cleveland County as soon as possible and quickly organized a steering committee of interested stakeholders and representatives throughout the County.

As chair of the Steering Committee, Mr. Spangler over saw the creation of the Carolina Thread Trail Master Plan for Cleveland County Communities, along with representatives from Shelby, Kings Mountain and the Broad River Greenway. Mr. Spangler also assisted in the development of the Kings Mountain Gateway Trail. However, Mr. Spangler's real passion was to see a trail along the First Board River.

Carl assisted the City of Shelby with grant funding for a Corridor Design of the First Broad River. Not only did Carl help secure the funding, he actually hiked the river with the study team. Mr. Spangler later helped secure acquisition funding and personally visited property owners along the First Board River to establish trail easements. He also helped secure the funding for construction of what is now the First Broad River Trail here in Shelby and assisted with some of the construction design.

Carl was proud to participate in the Grand Opening Festivities of the First Broad River Trail in June of 2016. He continued to search for additional First Broad River trail opportunities until his death early in 2018.

Review and Comments

I personally am honored to have worked alongside Carl during this time. Ultimately, I don't believe Shelby would have seen the establishment of the First Broad Trail without the vision and hard work of Mr. Spangler.

Shortly after Carl's death, City staff was contacted by Carolina Thread Trail staff about the possibility of naming a section of Trail for Mr. Spangler. After careful consideration, staff chose the section of trail behind the Utility Operations Center on West Grover Street as a great trail to honor the memory of Mr. Spangler. This section of trail is a converted, former railroad corridor of 10-foot-wide, multi-use path enhanced with crushed concrete. The Trail is approximately 3,500 feet in length, or 2/3 of a mile. With the completion of the West Grover Street Shared Use Path the Carolina Thread Trail now has a direct connection to Uptown Shelby.

Staff recommends naming this section of trail in Memory of Carl Spangler.

Please place this item on the consent agenda for the August 6, 2018 City Council meeting.

Attachment: Trail Map and Resolution.



Proposed Trail Naming

Carl Spangler Trail

Map Information:
Datum: NAD 1983
Coordinate: State Plane
North Carolina (Meier)
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: 7/31/2018

RESOLUTION NO. 37-2018

A RESOLUTION NAMING A SECTION OF THE CAROLINA THREAD TRAIL
IN HONOR OF CARL SPANGLER

WHEREAS, Carl Spangler served on the Governing Board of the Carolina Thread Trail; and,

WHEREAS, Carl Spangler chaired the Steering Committee for the Carolina Thread Trail Master Plan for Cleveland County Communities; and,

WHEREAS, Carl Spangler helped secure nearly \$200,000 to assist the City of Shelby with Carolina Thread Trail projects; and,

WHEREAS, Carl Spangler assisted in all design and planning efforts associated with the Carolina Thread Trail for the City of Shelby; and,

WHEREAS, Carl Spangler assisted in trail easement acquisition for the First Broad River Trail; and,

WHEREAS, the City of Shelby wishes to memorialize Carl Spangler's hard work for the First Broad River Trail and the Carolina Thread Trail.

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

Section 1. The approximate 2/3rd mile trail located behind the Utilities Operations Center on West Grover Street is hereby named the "Carl Spangler Trail" in appreciation of the generous and hard work of Mr. Carl Spangler.

Section 2. The City Manager is authorized and directed to install appropriate signage at the trail facility to properly honor Mr. Spangler.

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

Adopted and approved this the 6th day of August 2018.

O. Stanhope Anthony III
Mayor

ATTEST:

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

City of Shelby
Agenda Item Summary
August 6, 2018
City Hall Council Chamber

Agenda Item: B-3

- 3) Approval of a resolution authorizing selection of WHN Architects PA based on qualifications for the Job Ready Shell Building No. 3 Project: Resolution No. 38-2018

Consent Agenda Item: (Staff Resource, Rick Howell, City Manager)

Summary of Available Information:

- Memorandum dated July 30, 2018 from Justin Merritt, Finance Director to Rick Howell, City Manager
- RFQ from WHN Architects, PA
- Resolution No. XX-2018

City Manager's Recommendation / Comments

Resolution No. 38-2018 is presented for City Council consideration at this time via the Consent Agenda. If approved this resolution would authorize the City Manager to enter into negotiations with WHN Architects for the design and construction of Shell Building #3.

Over the past several weeks staff has conducted a Request For Qualifications process as prescribed by NC General Statute 143-64.31 to select an architectural and engineering design team to assist with development of the JOB SHELL READY building #3 to be constructed in the Foothills Commerce Center. The notice of the availability of the RFQ was advertised and distributed to a variety of design professional websites and publications in order to ensure a significant number of competitive submittals. A total of 2 statements of qualifications were received by the City. After a thorough review a recommendation is presented to City Council for consideration.

Factors given primary consideration in the selection process included amount of experience with similar light industrial/warehouse projects, experience developing flexible speculative buildings that can be marketed to a wide variety of manufacturers, knowledge of the area, familiarity with the site, experience working with local governments on design, bid, build projects, and the experience of the entire design team (including the architect, mechanical engineer, civil engineer and structural engineer).

I do wish to note that both firms that submitted statements of qualifications were well qualified. However based upon the direction of the statute to select the most qualified firm for the specific type of project as well as the need to work with a design team that is well experienced and has been successful in the development of light industrial/warehouse structures for both the public and private sector it is my recommendation that WHN

City of Shelby
Agenda Item Summary
August 6, 2018
City Hall Council Chamber

Architects of Charlotte, NC be retained by the City at this time. I would note that WHN Architects also served as the design team for the shell building #1 and #2. It was made clear to them that City could not and would not select them without going through this RFQ and review process. A resolution authorizing the selection is included in your agenda packet for consideration.

Because this project is a joint effort between the City and the County I have kept all parties informed regarding this process. The County Manager has been briefed on this recommendation and is in agreement. If you have questions regarding the process or the qualifications of WHN Architects I will be happy to address them. Please feel free to contact me at your convenience.

It is my recommendation that Resolution No. 38-2018 be adopted and approved at this time via the Consent Agenda.



To: Rick Howell, City Manager
From: Justin Merritt, Finance Director
Date: July 30, 2018
Subject: Shell Building #3 Architectural Firm Selection

Background:

In order to proceed, as directed by City Council, with the Construction of Shell Building #3 in Foothills Commerce Center, you asked Ben Yarboro and I to seek proposals from qualified architectural and engineering firms for the design and construction of aforementioned shell building.

We solicited proposals from 7 qualified firms and received 2 proposals for review. After careful review by Mr. Yarboro, myself and other City staff, it was determined that WHN Architects was the most qualified firm to engage on this project.

I have attached the proposal from WHN Architects as well as a resolution that will allow the City Manager to enter into negotiations with WHN Architects for the design and construction of Shell Building #3.

Recommendation:

The recommendation from staff is to approve the attached resolution.

REQUEST FOR QUALIFICATIONS



Request for Qualifications for Design Services

100,000 SF “Job Ready” Shell Building #3 City of Shelby, NC

The undersigned, having carefully read and considered the Request for Qualifications (RFQ) for the above referenced project, does hereby offer to perform such services on behalf of City of Shelby in the manner described and subject to the terms and conditions set forth in the attached RFQ. The fee for architectural, engineering, and design services will be negotiated by all involved parties. **Do not submit an estimated fee for the project in the SOQ.**

In submitting this Statement of Qualification (SOQ), it is understood that City of Shelby reserves the right to reject any and all SOQs, and to waive any informalities in SOQs as submitted. Firms submitting SOQs acknowledge that they are qualified in this area of work and have experienced personnel able to provide the required services. City of Shelby may request information substantiating the indicated requirements. Failure to provide this information may result in a prospective firm’s SOQ being declared non-responsive. It is the prospective firm’s responsibility to verify if any addenda were issued prior to submission of their SOQ.

The undersigned further states that this Statement of Qualifications is made in good faith and is not founded on, or in consequence of, any collusion, agreement or understanding between themselves or any other interested party. Documents are to be limited to fifteen (15) pages.

Prospective Firm: WHN Architects P.A.

Name: Paul R. Garafola, AIA - Principal
(Printed Name)

Designer of Record *Paul R. Garafola*
(Signature)

Address (Office & PO Box) 330 West 10th Street, Charlotte, N.C. 28202

Phone 704-333-9952 Fax 704-333-9962

Email paul@whnarch.com Federal Tax ID 56-1682617



WHN Architects, PA

330 West 10th Street
 Charlotte, NC 28202
 p 704.333.9952
 f 704.333.9962
 www.whnarch.com

NC Architecture License:	50527
Total Full-Time Staff	14
Registered Architects	10
Architects in Training	1
CADD/Operational Support	3

**WHN Architects, PA
 Architecture, Planning, Project Management**

WHN Architects has been in architectural practice for almost 30 years. Our office is located at 330 West 10th Street, Charlotte, North Carolina and we occupy the entire building. Our professional staff consists of ten registered Architects plus LEED accredited professionals, architectural designers, and support staff.

WHN Architects is a hands-on firm that is committed to providing exemplary service at every phase of a project. While we provide expertise in many areas of design, our most important talent is listening. That level of personal attention is why clients enjoy working with us, and seek us for repeat business.

At WHN, we believe in a service-oriented approach that includes continuous collaboration with our clients. We thoroughly investigate every project and find thoughtful solutions. We will listen and respond to your needs, schedule, and budget. A successful project, as we define it, is a finished product that fully satisfies your needs and expectations.

Our development of design concepts is guided by a methodical approach and strong leadership of our design team. We blend functional, aesthetic, and human considerations into a workable solution that fits the requirements, conditions, and economics of the project. Our goal is to allow our creativity to evolve from our analysis and understanding of all facets of the building project, and to providing productive and enlightening spaces for the users.

WHN offers fully coordinated architecture, planning, interior design, engineering, and project management services. We have strong experience leading our team of professionals through successful projects.





Paul R. Garafola, AIA, LEED AP
Principal in Charge



Education

Bachelor of Arts in Architecture,
University of North Carolina at Charlotte
Bachelor of Architecture
University of North Carolina at Charlotte

Registration

Registered Architect • NC 11387

Professional Societies

American Institute of Architects
National Council of Architecture
Registration Boards
US Green Building Council
LEED Accredited Professional

Mr. Garafola manages, coordinates and schedules major projects within the firm. He is a principal and is responsible for client relations and new client acquisition. His strong skills in building codes and construction detailing allow him to be involved at every step of the project from the schematic design phase through the construction administration phase. He has had experience in programming facilities and site planning and has worked with public and private clients. His responsibilities include marketing, design, coordination of work with consultants and clients, supervising and developing work through in-house staff, and assisting in securing approvals from local, state and federal agencies.

Industrial Project Experience

- Bürkert, USA | 175,000 SF Manufacturing plant – Huntersville, NC
- Ritrama | 390,000 SF New US corporate headquarters including office, manufacturing, stg. for the Italian-based company – Moore, SC
- Tosaf | 110,000 SF Office and manufacturing facility – Gastonia, NC
- Parkdale Mills | 350,000 SF Addition and 200,000 SF renovation to existing spinning mill – Mountain City, TN
- 100,000 SF City of Shelby Shell building #1 – Shelby, NC
- 100,000 SF City of Shelby Shell building #2 – Shelby, NC
- Schletter, USA | 100,000 SF Shell building upfit including 40,000 SF manufacturing addition – Shelby, NC
- Four buildings for 77 Overlook Industrial Park: Building 1-112,500 SF, Building 2-40,000 SF, Building 3-64,000 SF, Building 4-40,000 SF, and tenant upfit of these buildings when leased – Charlotte, NC
- Silverlanding | 112,500 SF Warehouse and distribution facility – Charlotte, NC
- PreGel, USA | 136,000 SF Corporate headquarters, manufacturing and distribution facility, and 137,000 SF expansion including manufacturing, production, offices, and warehouse space – Concord, NC
- Transylvania Economic Alliance | 60,000 SF Shell Building and upfit – Brevard, NC
- Wolverine Tube | 100,000 SF Renovation in existing 200,000 SF facility for the Israeli-based manufacturer of non-woven fabric – Roxboro, NC
- Clearwater | 672,000 SF Manufacturing facility – Shelby, NC
- BestCo | 40,000 SF Manufacturing addition and 135,000 SF warehouse and distribution facility – Mooresville, NC
- Aplix, Inc. | 60,000 SF Expansion of facility – Charlotte, NC
- Atotech, USA | 129,000 SF Chemical manufacturing and distribution plant, 71,000 SF addition, and waste water treatment facility addition – Rock Hill, SC
- 129 West Trade Street office building | Renovation including all tenant interior planning for the 16-story high-rise and the addition of a mini mall and restaurants – Charlotte, NC
- Gastonia Manufacturing Facility, 50,000 SF building – Gastonia, NC



Chris Hertz, AIA, NCARB Project Architect



Education

Bachelor of Fine Arts,
Central Michigan University
Bachelor of Science in Architecture,
Lawrence Technological University

Registration

Registered Architect • NC 10822

Professional Societies

American Institute of Architects
National Council of Architecture
Registration Boards

Mr. Hertz is responsible for designing and managing projects including, management of architectural design, land planning, client relations, facility analysis and planning, construction documents, and construction. He has a wide range of experience with government municipalities for permitting projects, and is experienced in land planning and mixed use projects including, PUDs, feasibility studies, along with management of the site plan approval process.

Project Experience

- Craig Avenue Freezer Building | 8,000 SF Addition – Charlotte, NC
- Craig Avenue Canopy | Bus Maintenance Building Canopy Addition – Charlotte, NC
- Carolina Poly | 500,000 SF Manufacturing facility – Chester, SC
- International Corporate Campus | 126,400 SF Office and Warehouse Space – Concord, NC
- Renovation projects for 3 High Schools: Page, Grimsley and Simeon High Schools – Guilford County Schools, NC
- Barnette Elementary School | New 85,000 SF Elementary School including gymnasium for additional use by the Parks & Rec Department for CMS – Huntersville, NC
- Rock Tenn | 325,000 SF Renovation of foodsafe manufacturing facility – Marion, NC
- Lee Industries | 165,000 SF Furniture manufacturing facility renovation – Conover, NC
- ProFlowers | 20,000 SF Renovation of existing freezer and cooler areas for the production and delivery of Shari’s Berries – Charlotte, NC
- Biorepository for LabCorp of America | 40,000 SF Freezer facility adjacent to the North Carolina Research Campus – Kannapolis, NC
- BestCo | 135,000 SF Warehouse and distribution facility for a manufacturer of consumer healthcare and confectionery products – Mooresville, NC
- CPI Corporation | 60,000 SF Renovation – Charlotte, NC
- Buckeye Technologies | 25,000 SF Renovation for installation of two hammermill machines, control room and MCC room – Mt. Holly, NC
- Abbott Labs | Industrial manufacturing flow study and renovation of facility – Lumberton, NC
- Muratec | 12,000 SF Manufacturing addition including the development of a master plan for the facility – Charlotte, NC
- Mecklenburg County Waste Facility | Interior renovations – Charlotte, NC
- FOX TV | Renovations – Charlotte, NC
- Tosaf Compounds, Ltd. | 105,000 SF Plastics extrusion plant – Bessemer City, NC
- Sugar Creek Charter School | 25,000 SF Renovation including a Cafetorium – Charlotte, NC



WGPM, Inc.
11220 Elm Lane, #201
Charlotte, NC 28277
p 704.542.7199
www.wgpminc.com

Project Team

WGPM, Inc. – Structural Engineering

WGPM, Inc. is a privately owned structural engineering consulting firm located in Charlotte, NC. The firm was founded as Wright-Gibson Group, Inc. in April 2000 by Lewis Wright, PE and Marc Gibson, PE. In October 2001, Wes Patton, PE joined the firm and the name changed to WGPM, Inc. In January 2014, Ben Abernathy, PE and Andrew Blain, PE joined the firm as principals. WGPM, Inc.’s engineering staff consists of three senior engineers, two project engineers, an entry-level engineer, and an AutoCAD/Revit specialist.

The principals of WGPM, Inc. have more than 100 years of combined experience in the structural design and project management of structures in more than 40 states. They have served as project engineers on various sized projects from the 290,000 square foot, \$34 Million, Southminster Retirement Community, to single story retail buildings. WGPM, Inc. specializes in the structural design of numerous project types including automotive, college/university, financial, hotel/motel, industrial/manufacturing, commercial office, retail, school, senior living, performing arts centers and sports facilities.

The engineers at WGPM, Inc. have a very diverse background that allows them to undertake any type of project while providing a level of service above that of other engineering firms. They utilize state-of-the-art design and analysis software as well as more than 50 structural programs developed in-house. WGPM, Inc.’s engineers are accustomed to working in a fast paced environment where a structurally sound, efficient, and timely design is a necessity.

Marc C. Gibson, PE, SE President/Principal/Project Engineer

Education

Bachelor of Science, Civil Engineering
North Carolina State University

PE Registration

NC, LA, OK, SC, TX

Professional Affiliations

ASCE Member
ACI Member
AGC Member

Ben Abernathy, PE Principal/Project Engineer

Education

Bachelor of Science, Civil Engineering
North Carolina State University

PE Registration

North Carolina
NCEES Council Record

Relevant Project Experience

- Shelby Spec Building #1 – Shelby, NC
- Shelby Spec Building #2 – Shelby, NC
- Steelepointe Park-Buildings #1 & #2 – Charlotte, NC
- Wilkinson Commerce Center-Buildings #1 & #2 – Charlotte, NC
- Phoenix Metals, Inc. – Charlotte, NC
- PreGel USA, Inc.-Office & Warehouse – Concord, NC
- PreGel USA, Inc.-Upfit – Concord, NC
- RSI Home Products, Inc.-Second Floor Addition – Lincolnton, NC
- SABO USA, Inc. Manufacturing Plant – Lincolnton, NC
- The Fletcher School – Charlotte, NC
- Tubetec-Addition – Statesville, NC
- United Plate Glass – Lincolnton, NC



OAK Engineering
828 East Boulevard
Charlotte, NC 28203
p 704.989.4046
www.oak.engineering

Project Team

OAK Engineering – Civil Engineering

OAK Engineering opened its doors on June 16, 2017. Founding Partners, Luke Bugenske and Greg Welsh, both registered professional engineers, have over 30 combined years of land development experience.

As a team they've designed over 5 million square-feet of industrial and office space. They work closely with brokers, developers, and the economic development community to attract projects and new investment to the Carolinas. Clients look to them to identify suitable sites, estimate development costs, provide executable concept plans and development strategies.

OAK Engineering is committed to sensible and economically meaningful growth. Their knowledge of the entitlement process goes beyond simply designing to code. As firm believers in good stewardship of resources, they use sound engineering principals and latest technology to maximize the development potential of every site.

Greg Welsh, PE

Partner

Education

Civil Engineering, Calvin College

PE Registration

NC, SC, FL

Professional Affiliations

Charlotte Regional Partnership BDAC Committee

North Carolina Economic Development Associations

Professional Engineers of North Carolina

Relevant Project Experience

- Premier 485 Spec – Charlotte ,NC
- Airport Commerce Park Building III – Charlotte ,NC
- Silverpark North Industrial Park – Charlotte, NC
- PDM USA Expansion – Rock Hill, SC
- PreGel Phase III Expansion – Concord, NC
- Griffin Industrial Spec – Concord, NC
- OXCO Inc. – York County, SC
- Amazon Fulfillment Center – Kannapolis, NC
- *Project Hollywood – Charlotte, NC
- *Steelepointe Industrial Park – Charlotte, NC
- *Project Apollo (Ritrama) – Spartanburg, SC
- *Wilkinson Commerce Center – Charlotte, NC
- *Project B5 – Rock Hill, SC
- *Galleria Boulevard Speculative – Rock Hill, SC
- *Ashley Furniture Homestore)– York County, SC
- *Conmet – Monroe, NC
- *RSI Home Products – Richmond Co., NC
- *Shaefer Systems International – Charlotte, NC
- *Intertape Polymer Group – Midland, NC
- *FEDEX Smartpost – Concord ,NC
- *Steele Creek Commerce Park Building 6 & 7 – Charlotte, NC
- *International Business Park Lot 10 Spec Building – Concord, NC
- *Shopton Ridge Speculative Buildings – Charlotte, NC
- *Pepsi Bottling Ventures – Harrisburg, NC

* Project completed while with a previous firm.



Teeter Engineering Group, PA
5500 77 Center Drive, #140
Charlotte, NC 28217
p 704.376.2999
www.tegpa.com

Project Team

Teeter Engineering Group, PA – PME & FP Engineering

Located in Charlotte, NC and incorporated in 1994 as an Electrical Consulting, Professional Association in the State of North Carolina, Lee Teeter and Dan Toman partnered to form Teeter Consulting. The two began with a vision of becoming a full service engineering firm in order to better serve our clients needs. While the company was growing, the vision of a full service consulting engineering firm had not yet been accomplished. The year 2000 brought multiple additions to the company. Buck Driggers joined the firm to head the mechanical, plumbing and fire protection departments. Later that same year, Teeter Consulting merged with Integrated Engineering Group, a Plumbing, Mechanical, and Fire Protection firm to create Teeter Engineering Group, PA. The current staff has allowed Teeter Engineering to mature into a full-service consulting engineering firm able to serve the needs of our clients and our community.

We employ only the highest qualified staff of experienced engineers, designers and support staff. Teeter Engineering Group, PA is driven to provide clients with the finest services available. Our engineers are currently registered to practice in over half the United States. Our broad base of experience coupled with strong communication skills and coordination efforts provide an exceptional service to clients and sets us apart from other firms. Our principals and senior designers have been trained by some of the most reputable engineering individuals and companies in the Southeast. We believe there is no substitute for experience and this experience provides our clients “Excellence in Engineering.”

William Lee Teeter, PE President/Principal

Education
Bachelor of Science,
Electrical and Computer Engineering
University of South Carolina
PE Registration
North Carolina
Professional Affiliations
National Council of Examiners for Engineers
and Surveying (NCEES)
National Fire Protection Association (NFPA)
International Association of Electrical
Inspectors (IAEI)

Charles A. (Buck) Driggers, PE Principal

Education
Bachelor of Science, Mechanical Engineering
University of North Carolina Charlotte
PE Registration
North Carolina
Professional Affiliations
American Society of Heating, Refrigeration, and
Air Conditioning Engineers (ASHRAE)
American Society of Mechanical Engineers (ASME)
National Council of Examiners for Engineers
and Surveying (NCEES)

Relevant Project Experience

- Shelby Spec Buildings – Shelby, NC
- BestSweet – Mooresville, NC
- 77 Overlook Industrial Park – Charlotte, NC
- United Plate Glass – Lincolnton, NC
- Continental Tire-Warehouse renovations – Charlotte, NC
- Continental Tire-Office – Fort Mill, SC
- CPI – Charlotte, NC
- International Corporate Campus
Buildings 1-5 – Charlotte, NC
- Lakeview Buildings 1-4 – Charlotte, NC
- Southeastern Metals – Charlotte, NC
- ProFlowers-Renovation – Charlotte, NC
- NGK – Mooresville, NC
- Patriot Equities – Charlotte, NC



Interaction Design Meeting

Design Approach

Design Approach

Our design approach is structured around a proven methodology that helps ensure that the end goal of providing a superior environment that satisfies your needs is kept in focus and achieved. Each step in our design approach will strengthen and support your project goals.

Design Team

Based upon our understanding of your project goals we have hand-picked a team of experts that we know can successfully deliver this project with us. Our team of architects, led by Paul Garafola and Chris Hertz, has extensive experience in the industrial project type and understands the needs of your project. Our consultant team, including WGPM (Structural), OAK (Civil), and Teeter (PME&FP), and have a long history of working with WHN Architects to ensure a smooth and professional working relationship. Our design approach and deliverables include the following:

Identifying Goals and Planning	<ul style="list-style-type: none"> • Kick-off meeting • Define rules and responsibilities • Identify issues and opportunities • Identify project needs and goals • Understand budget and schedule 	<ul style="list-style-type: none"> • Development of conceptual diagrams and sketches • Collaborate and reach consensus • Develop code analysis • Approval of final program document
Schematic Design and Development	<ul style="list-style-type: none"> • Develop optional design concepts • Align specific concepts with costs in relation to budget • Preliminary code review • Develop 3D studies 	<ul style="list-style-type: none"> • Develop preliminary plans, sections, elevations, etc. • Delivery of site plan, floor plans, MEP plans, etc. • Develop outline specifications • Refine costs
Construction Documents and Bidding	<ul style="list-style-type: none"> • Ensure design concept maintained at all times • Develop detailed documents (including all required disciplines) • Discipline coordination / QA- QC sessions • Develop project specifications 	<ul style="list-style-type: none"> • Develop final cost estimates • Perform conflict resolution on building information model • Submit all documents required to acquire building permit and bidding



Stakeholder Meeting

Project Schedule and Costs/Budget

Project Schedules

WHN Architects has a prerequisite for each project to meet our client's budget and schedule. We begin each project by identifying all the project's stakeholders, and establishing the end date for the overall project with them. We then locate each required milestone in-between and form a schedule to meet these milestones. Our history of delivering complex projects for our clients gives us the experience and knowledge to successfully deliver this project for you. During the construction phase we will respond to all questions thoroughly and quickly so as not to delay any scheduled activities.

Cost and Budget

Our design team is committed to delivering projects that fulfill our client's expectations and can be built within their budgets. Examples of some of our project budgets and bids are listed below.

Project	Location	Sq Ft	Budget / Estimate	Bid
City of Shelby Spec Building #1	Shelby, NC	100,000	\$3.0M	\$2.34M
City of Shelby Spec Building #2	Shelby, NC	100,000	\$3.0M	\$2.64M
CPI Corporation	Charlotte, NC	60,000	\$4.0M	\$3.8M
LabCorp Biorepository	Kannapolis, NC	40,000	\$3.6M	\$3.16M
CPCC North Classroom Building	Charlotte, NC	150,000	\$39M	\$36.8M

Project Bids and Budgets



Industrial Facility



Construction Framing

Additional bid projects include:

Rockingham City Hall, Rockingham Police Station renovations, Rockingham Fire Station #1 renovations and additions, Lincoln county Spec Building-Select Bid, GTP Spec Building-Select Bid, Aplix-Select Bid, and a New Central Dining Facility for Appalachian State University.

Construction Administration

Philosophy

Construction contract administration is assigned to the same design team members that worked on the design phases of your project, ensuring continuity and that construction decisions meet the original intent of the project's goals. The Project Manager will continue to serve as the daily point-of-contact on the project, and our proximity to the City of Shelby allows us to be available on short notice. All team members attend regular construction meetings and observe the construction in the area for which they are responsible. WHN Architects and its consultants will remain available during the warranty period and beyond to answer questions, provide information, and resolve any issues that may occur.

Approach

Here at WHN we fully understand that the Construction Phase is where our design becomes a tangible creation, and our responsibilities continue through construction, occupancy, and beyond. We will work closely with the City of Shelby and Contractor throughout the construction phase to foster a collaborative relationship and help keep the project moving on schedule. Our responsibilities during construction can include the following:

- Establish the Notice to Proceed (NTP) date
- Schedule Pre-Construction meetings and run monthly State Construction meetings
- Distribute Meeting Minutes with schedules, progress, and reports
- Conduct regular Field Visits to document construction progress and issues
- Perform Shop Drawing reviews in a timely manner
- Review Submittals and Substitution Requests
- Process RFI's, Proposals, Drawing Revisions, Change Orders, etc.
- Certify monthly Payment Applications from the Contractor
- Coordinate Final Inspections and Completion with the City
- Develop the final Punch List
- Provide Record Drawings
- Perform One-Year Walkthrough for Warranty items



3-D Rendering

Technology

AutoCAD

We have current and full AutoCAD capabilities, and the expertise to execute the City of Shelby's project and provide drawing files meeting required CAD Specifications for the project.

3D/BIM Modeling and Renderings

WHN utilizes Revit for building modeling, massing studies, and documents. Additionally, we are ready and comfortable creating 3D images and photo-realistic renderings for clients, public meetings, and publications.



Bürkert Entrance



Clerestory Daylighting

Sustainable Environments

WHN Architects is dedicated to designing energy efficient buildings. We believe in including sustainable strategies that provide a return on investment, and are more easily maintainable by our clients and their maintenance staff. We work with our engineers to design sustainable strategies that can help deliver higher performing buildings while being economical to maintain. Our team has worked on numerous sustainable projects, including the ones shown below.

Project	Location	Status	LEED Certified	LEED Silver
ASU Beasley Broadcast Complex	Boone, NC	Awarded	•	
Ritrama Inc.	Moore, SC	Awarded		•
PGI Non-Woven Industrial	Waynesboro, NC	Awarded		•
Silverlanding - Replico	Charlotte, NC	Pending	•	
Bürkert	Huntersville, NC	Sustainable Principals		

Record of Successful Projects without Problems

WHN Architects has no contract terminations, no bankruptcies, and no lawsuits. We pride ourselves in working hard to accommodate our clients needs, and working to resolve issues well before they become problems. We have a great history of repeat clients in both the private and public sectors that attests to our long-term dedication to quality and successful relationships within our industry.

Schedule of Hourly Rates

WHN Architects, PA
2018 Schedule of Hourly Rates

Principal	\$200.00
Senior Associate	\$190.00
Associate	\$175.00
Senior Architect	\$160.00
Architect/Project Management	\$145.00
Tech Level I	\$130.00
Tech Level II	\$100.00
Tech Level III	\$90.00
Administrative	\$75.00

Reimbursable expenses including consultants at 1.15 multiple.

Payments are due and payable thirty (30) days from the date of the Architect’s invoice. Amounts unpaid thirty (30) days after the invoice date shall bear interest at 1-1/2% monthly (18% annually).

Schedule of Hourly Rates subject to annual review.

References

Rusty Chapman, CFO
PreGel America
4450 Fortune Ave. NW
Concord, NC 28027
p 704.707.0300
e r.chapman@pregelamerica.com

Josh Hallingse, Executive Director
Transylvania Economic Alliance
147 East Main St., Ste. 301
Brevard, NC 28712
p 828.393.4130
e josh@transylvaniaalliance.com

Monty Crump, City Manager
City of Rockingham
514 Rockingham Road
Rockingham, NC 28379
p 910.997.5547
e monty@gorockingham.com

Additional references available upon request.

Qualified Experience on Similar Projects

Shelby Spec Building #1 Shelby, NC

This project consisted of a 100,000 square foot new shell building for Cleveland County and the City of Shelby. The building is the first structure in the new Foothills Industrial Park located west of Shelby on the new 74 Bypass. A partnership between the City of Shelby, Cleveland County and the Gold Leaf Foundation funded the building design to attract industrial development to the area. The building was constructed using a conventional steel structure with load bearing tilt-up concrete panel exterior walls and a clear height of 28 feet. The building was designed to be expandable to a maximum of 200,000 square feet. The building also features two entrances allowing for potential multi-tenant occupancy with 5 dock doors and a drive-in door location. Site work included parking for fifty cars. The balance of the site was pre-graded for a 100,000 square foot building expansion. WHN also completed the first upfit and 40,000 square foot addition to this building for Schletter Solar Mounting Systems.

Square footage: 100,000 SF | Cost: \$2.3 Million



Shelby Spec Building #1



Building Interior



Corner Detail



Building #2

Shelby Spec Building #2 Shelby, NC

This project includes a 100,000 square foot new shell building for Cleveland County and the City of Shelby. The building is the second structure in the new Foothills Industrial Park located west of Shelby on the new 74 Bypass. The City of Shelby was successful in building and selling the first shell building and used the proceeds plus other funds to build the second shell building in the park.

The design took on a bit more modern feel with clean lines and bold front entry features. The side and corner elements were addressed as well due to the frontage to the road. The building was constructed using a conventional steel structure with precast concrete panel exterior walls and a clear height of 28 feet. The Golden Leaf Foundation was a partner in this development as well.

Square footage: 100,000 SF | Cost: \$2.6 Million



Corner Detail



77 Overlook Industrial Park



Loading Dock



Site



Rendering



Wall Construction

77 Overlook Industrial Park Charlotte, NC

Located in 77 Overlook Industrial Park, Phase 1 of the project included two buildings. Building 1 is a 112,500 square foot industrial shell building suitable for manufacturing or warehouse space and was designed to accommodate up to three tenants. Building 2 is 41,000 square feet. It was purchased by Virginia Air, an HVAC equipment distributor, and it is being upfitted with a mezzanine and storage racks.

The second phase of the project included Building 3 which is a 64,000 square feet and Building 4 which is 40,000 square feet. Both buildings utilize tilt-up concrete panels and are 24'-0" clear height. The buildings are rear loaded complete with dock doors, drive in ramps and future knock out panels. In June 2009, WHN completed a 28,000 square foot tenant upfit for Aviation Metals in Building 3.

The site was particularly challenging due to existing swim buffers and wetlands.

Square footage: 257,500 SF | Cost: \$9.1 Million



77 Overlook Industrial Park

Transylvania Shell Building Brevard, NC

This project consists of a 60,750 square foot new shell building located in the City of Brevard, Transylvania County North Carolina. The building structure will be a conventional steel structure with load bearing insulated concrete panel exterior walls. 30,000 square feet of the building will house a tenant that will include approximately 6,000 square feet of conditioned office space. The project will be fully sprinklered with an ESFR sprinkler system. The site work will include car parking for approximately 50 cars and a truck court. The building and site are expandable to a 100,000 square foot building.

Square footage: 60,750 SF | Cost: \$4.0 Million



Silverlanding

Silverlanding – Light Industrial and Distribution Facility Charlotte, NC

This first building is part of a 35-acre Industrial Park located on Steele Creek Road and Byrum Drive. The park is directly across from the new, 4th runway of Charlotte-Douglas International Airport and the future inter-modal rail yard.

The 125,400 square foot building has tilt-up concrete panels and features 30'-0" clear bays that are 50'x54' with a 60' bay at the loading area. The expanded bay spacing will accommodate more efficient rack layouts. The design of the building incorporates ideas from early train stations featuring a sweeping arch and accented entry elements that tie the building to its transportation surroundings.

Square footage: 125,400 SF | Cost: \$5.0 Million



Silverlanding

Crate and Barrel – Distribution Facility Lincolnton, NC

This facility is located in the Lincoln County Industrial Park on a 16-acre site was completed in 2005 and will be used exclusively for Crate and Barrel’s furniture line. The facility totals 210,000 square feet with 2000 square feet of office space and 25 loading docks. This building has a conventional steel frame structure with load bearing tilt up concrete walls.

In 2006, WHN designed a 172,200 square foot addition to the facility which included a small office area, break area and toilet facilities. The addition also includes 24 new loading docks along the rear side of the building and has 36' clear height.

Square footage: 382,200 SF | Cost: Phase I - \$6.88 M, Phase II - \$5.28 M



Crate and Barrel Warehouse



Crate and Barrel Warehouse



Crate and Barrel



Under Construction



Spec Building

Wilkinson Commerce Center – Spec Buildings Charlotte, NC

As part of a revitalization of Wilkinson Blvd. corridor this industrial development is planned as spec space for the Charlotte-Douglas International Airport area. The site was particularly challenging due to the grade and length. The buildings relate in design context to one another and both buildings have the opportunity to become multi-tenant.

The building is well-suited for a distribution or a manufacturing facility. It has a clear height of 30' and loading dock area that is filled with truck positions and block outs in the exterior concrete panels for additional doors. The concrete tilt-wall panel reveals and paint scheme will add a contemporary feel.

Square footage: Building B 160,000 SF | Building D 57,500 SF | Cost: \$6.1 Million



Wilkinson Commerce Center



Spec Building

Airlie Industrial Park – Spec Building Denver, NC

A new 50,000 square foot speculative warehouse/manufacturing building in Airlie Business Park in the Denver community. The eastern Lincoln County location is a mile from Lake Norman, 20 minutes from Charlotte-Douglas International Airport and about 15 minutes from the outskirts of the Queen City.

The spec building and almost 8 acres in Airlie Business Park were developed by Denver Construction Co. The building is well-suited for a distribution or manufacturing facility. It has a clear height of 28' and loading dock area with block outs in exterior concrete panels for addition doors. It was designed to be expanded to 100,000 square feet.

Square footage: 50,000 SF | Budget: \$1.3 Million



Spec Building

GTP – Spec Building Gastonia, NC

This new 50,000 square foot speculative warehouse or light manufacturing building was developed by Maistro Investments out of Brazil. It is in the Gaston Technical Park in Gastonia, NC located about 35 minutes from Charlotte.

The spec building and almost 5 acres in GTP was built to help draw a new company with to the area. The building is well-suited for a distribution or a manufacturing facility. It has a clear height of 28' and loading dock area with block outs in exterior concrete panels for additional doors. It was designed to be expanded to 100,000 square feet.

Square footage: 50,000 SF | Cost: \$1.4 Million



Loading Dock



Spec Building

Lincoln County Spec Building Lincoln County, NC

This new 50,000 square foot speculative warehouse or light manufacturing building was developed by Maistro Investments out of Brazil. It is in the Lincoln Technical Park in Lincoln County, NC located just a few miles North of Lincolnton and about 45 minutes from Charlotte.

The spec building and almost 6 acres in the Tech Park was built to allure new development and jobs to the area. The building is well-suited for a distribution or a manufacturing facility. It has a clear height of 28' and loading dock area with block outs in exterior concrete panels for additional doors. It was designed to be expanded to 100,000 square feet.

Square footage: 50,000 SF | Cost: \$1.4 Million



Under Construction



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

6/28/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER ECM Solutions 4000 Park Road Charlotte NC 28209	CONTACT NAME: Maggie Walden PHONE (A/C, No, Ext): 704-227-3130 FAX (A/C, No): 704-227-1167 E-MAIL ADDRESS: walden@ecmins.com														
	<table border="1"> <thead> <tr> <th>INSURER(S) AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> </thead> <tbody> <tr> <td>INSURER A : Cincinnati Insurance Company</td> <td>10677</td> </tr> <tr> <td>INSURER B : Cincinnati Casualty</td> <td>28665</td> </tr> <tr> <td>INSURER C :</td> <td></td> </tr> <tr> <td>INSURER D :</td> <td></td> </tr> <tr> <td>INSURER E :</td> <td></td> </tr> <tr> <td>INSURER F :</td> <td></td> </tr> </tbody> </table>		INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A : Cincinnati Insurance Company	10677	INSURER B : Cincinnati Casualty	28665	INSURER C :		INSURER D :		INSURER E :		INSURER F :
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INSURER E :															
INSURER F :															
INSURED WHN Architects, PA 330 W. Tenth Street Charlotte NC 28202	WHNAR-1														

COVERAGES

CERTIFICATE NUMBER: 394266571

REVISION NUMBER:


THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:	Y	Y	ECP0301403	1/12/2018	1/12/2019	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
A	<input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			ECP0301403	1/12/2018	1/12/2019	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$ 0			ECP0301403	1/12/2018	1/12/2019	EACH OCCURRENCE \$ 2,000,000 AGGREGATE \$ 2,000,000 \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	EWC 0313413	4/1/2018	4/1/2019	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Samet Corporation and all of it's Affiliates and Joint Venture Partners, Owner and all other parties required by Contract are additional insureds (including ongoing operations and completed operations) in respects to general liability and auto liability when required by written contract or agreement and subject to the terms, conditions and limits as specified in the policy. Coverage is primary and non-contributory as respects general liability and auto liability when required by written contract or agreement and subject to the terms, conditions and limits as specified in the policy. Waiver of subrogation applies in favor of the additional insured in respects to general liability, auto liability and workers compensation (employers liability) when required by written contract or agreement. Certificate holder/additional insureds are provided 30 days notice of cancellation (except for non-payment of premium) in accordance with the terms and conditions of the policies

CERTIFICATE HOLDER**CANCELLATION**

CERTIFICATE HOLDER 	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 

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RESOLUTION NO. 38-2018

**A RESOLUTION AUTHORIZING SELECTION OF WHN ARCHITECTS, PA
BASED ON QUALIFICATIONS FOR THE
JOB READY SHELL BUILDING NO. 3 PROJECT**

WHEREAS, the Shelby City Council has stated a desire to move forward with construction of “Foothills Commerce Center Job Ready Shell Building No. 3” and;

WHEREAS, the City has issued a Request for Qualifications to seven (7) professional architectural and engineering firms interested in providing design services and subsequently construction oversight contingent on the release of funds related to this project; and

WHEREAS, two (2) statements of qualifications were received from architectural and engineering firms interested in performing the work associated with this project in accordance with North Carolina General Statute 143-64.31; and,

WHEREAS, City staff reviewed the statements of qualification from each firm, interviewed selected finalists and determined that WHN Architects, PA is the most qualified to perform and provide the services as outlined in the Request for Qualifications.

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 Shelby hereby desires for the City Manager, in consultation with the City Attorney, to enter into negotiations and a contract for professional services with WHN Architects, PA in accordance with North Carolina General Statute 143-64.31 for the above referenced project.

Section 2. If a fair and reasonable fee cannot be negotiated with the best qualified firm, negotiations will be terminated and initiated with the next best qualified firm.

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

Adopted and approved this the 6th day of August 2018.

O. Stanhope Anthony III
Mayor

ATTEST:

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

City of Shelby
Agenda Item Summary
August 6, 2018
City Hall Council Chamber

Agenda Item: B-4

- 4) Approval of a resolution to modify Natural Gas Rebate Program: Resolution No. 39-2018

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

Summary of Available Information:

- Memorandum dated July 30, 2018 from Julie McMurry, Energy Services Director to Rick Howell, City Manager
- Data sheets
- Resolution No. 39-2018

City Manager's Recommendation / Comments

Resolution No. 39-2018 is presented for City Council consideration at this time via the Consent Agenda. If approved this resolution would amend the current natural gas rebates offered by the City. These rebates have not been significantly amended since 2004. At my direction the Energy Services Director, Julie McMurry, reviewed the current rebate program and instructed staff to develop appropriate amendments to the program that would better encourage customers to consider natural gas appliances. These rebates were modeled off of industry standards and after a thorough review of rebates offered by other natural gas utilities. This was done to ensure competitiveness in the market as well as to offer reasonable rebates that may impact a customer's decision on what type of appliance to use.

This is only a small part of a natural gas marketing program kick start that is being undertaken. I hope in the months to come to include a brief presentation on the marketing campaign as well as our goals to grow the existing customer base and load.

It is my recommendation Resolution No. 39-2018 be adopted and approved by City Council at this time via the Consent Agenda.



Memorandum

To: Rick Howell, City Manager

From: Julie McMurry, Director of Energy Services *JPM*

RE: Natural Gas Rebates

Date: July 30, 2018

Our current natural gas rebates have been in place since July 2004. In the last year or so we have received comments regarding the rebates from contractors and customers. Once Chip was on board, one of the first tasks he was given was to go out and meet our contractors and local vendors that install/sell natural gas appliances. During his visit he was asked to inquire about our rebates to see how effective they were when customers were choosing natural gas over electric appliances. From his meetings he concluded that adjusting our rebates slightly could increase the interest in installing natural gas appliances.

Attached you will find a detailed spreadsheet. The top portion with yellow highlights shows the current and proposed rebates, average annual income, life expectancy of each appliance, specific and total incentives offered by the City and years to recoup the incentive cost. The next portion shows combinations of appliances installed and the same information as above. In addition you will find a summary of the current and proposed rebates for quick reference.

We believe the changes in the rebates with slight changes in years to recoup could increase the number of gas appliances installed therefore increasing natural gas sales. If approved we will evaluate in 2 years and adjust at that time if necessary.

Please let me know if you need additional information.

Attachments

Data for current and proposed rebates and incentives for natural gas services and products

Data based on resident installing only 1 natural gas product										
Current Rebate/Incentive Plan	Avg. Income Per Year	Life Expectancy In Years	Income Over Life Of Appliance	Rebates	Incentives	Avg. Free Footage Cost	City's Cost: Incentives/Rebates	Years To Recoup Cost		
Natural Gas Appliance										
Furnace	\$ 517.11	15	\$ 7,756.65	\$ 200.00	100'	\$	500.00	700.00	1.4	
Duel Fuel Heat Pump	\$ 271.13	15	\$ 4,066.95	\$ -	0	\$	-	-	0	
Water Heater	\$ 202.67	10	\$ 2,026.70	\$ 150.00	75'	\$	375.00	525.00	2.6	
Tankless Water Heater	\$ 136.47	12	\$ 1,637.64	\$ 150.00	75'	\$	375.00	525.00	3.8	
Dryer	\$ 181.23	13	\$ 2,355.99	\$ 50.00	0	\$	-	50.00	0.3	
Range	\$ 57.23	16	\$ 915.68	\$ 50.00	0	\$	-	50.00	0.9	
Gas Logs	\$ 59.42	10	\$ 594.20	\$ -	0	\$	-	-	0	
Proposed Rebate/Incentive Plan										
Natural Gas Appliance										
Furnace	\$ 517.11	15	\$ 7,756.65	\$ 400.00	100'	\$	500.00	900.00	1.7	
Duel Fuel Heat Pump	\$ 271.13	15	\$ 4,066.95	\$ 200.00	50'	\$	250.00	450.00	1.7	
Water Heater	\$ 202.67	10	\$ 2,026.70	\$ 200.00	75'	\$	375.00	575.00	2.8	
Tankless Water Heater	\$ 136.47	12	\$ 1,637.64	\$ 150.00	75'	\$	375.00	525.00	3.8	
Dryer	\$ 181.23	13	\$ 2,355.99	\$ 100.00	50'	\$	250.00	350.00	1.9	
Range	\$ 57.23	16	\$ 915.68	\$ 100.00	25'	\$	125.00	225.00	3.9	
Gas Logs	\$ 59.42	10	\$ 594.20	\$ -	25'	\$	125.00	125.00	2.1	
Scenarios based on multiple natural gas products installed										
(With new incen/reb)										
Natural Gas Appliance										
Furnace	\$ 517.11	15	\$ 7,756.65	\$ 400.00	100'	\$	500.00	900.00	1.5	
Water Heater	\$ 202.67	10	\$ 2,026.70	\$ 200.00	75'	\$	-	200.00	1.5	
Natural Gas Appliance										
Furnace	\$ 517.11	15	\$ 7,756.65	\$ 400.00	100'	\$	500.00	900.00	1.3	
Water Heater	\$ 202.67	10	\$ 2,026.70	\$ 200.00	75'	\$	-	200.00	1.3	
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Range	\$ 57.23	16	\$ 915.68	\$ 100.00	50'	\$	-	100.00	1.3	
Natural Gas Appliance										
Furnace	\$ 517.11	15	\$ 7,756.65	\$ 400.00	100'	\$	500.00	900.00	1.2	
Water Heater	\$ 202.67	10	\$ 2,026.70	\$ 200.00	75'	\$	-	200.00	1.2	
Dryer	\$ 181.23	13	\$ 2,355.99	\$ 100.00	50'	\$	-	100.00	1.2	
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Water Heater	\$ 202.67	10	\$ 2,026.70	\$ 200.00	75'	\$	375.00	575.00	2.2	
Gas Logs	\$ 59.42	10	\$ 594.20	\$ -	50'	\$	-	-	2.2	
Natural Gas Appliance										
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Tankless Water Heater	\$ 136.47	12	\$ 1,637.64	\$ 150.00	75'	\$	-	150.00	1.5	
Natural Gas Appliance										
Water Heater	\$ 202.67	10	\$ 2,026.70	\$ 200.00	75'	\$	375.00	575.00	2.6	
Range	\$ 57.23	16	\$ 915.68	\$ 100.00	50'	\$	-	100.00	2.6	
Natural Gas Appliance										
Water Heater	\$ 202.67	10	\$ 2,026.70	\$ 200.00	75'	\$	375.00	575.00	1.8	
Dryer	\$ 181.23	13	\$ 2,355.99	\$ 100.00	50'	\$	-	100.00	1.8	

NOTE: Figures do not include cost of gas to the City of Shelby

Data for current and proposed rebates and incentives for natural gas services and products

	Current Rebate/Incentive Plan		Proposed Rebate/Incentive Plan		Difference	
	<u>Rebates</u>	<u>Incentives</u>	<u>Rebates</u>	<u>Incentives</u>	<u>Rebates</u>	<u>Incentives</u>
Natural Gas Appliance						
Furnace	\$ 200.00	100'	\$ 400.00	100'	\$ 200.00	-
Duel Fuel Heat Pump	\$ -	0	\$ 200.00	50'	\$ 200.00	50'
Water Heater	\$ 150.00	75'	\$ 200.00	75'	\$ 50.00	-
Tankless Water Heater	\$ 150.00	75'	\$ 150.00	75'	\$ -	-
Dryer	\$ 50.00	0	\$ 100.00	50'	\$ 50.00	50'
Range	\$ 50.00	0	\$ 100.00	25'	\$ 50.00	25'
Gas Logs	\$ -	0	\$ -	25'	\$ -	25'

RESOLUTION NO. 39-2018

A RESOLUTION TO MODIFY NATURAL GAS REBATE PROGRAM

WHEREAS, N.C. General Statute 160A-311 is established to allow the City board authority to establish policies in support of its electric and natural gas utility systems; and,

WHEREAS, the City of Shelby currently offers natural gas rebates to its customers that was effective July 2004; and,

WHEREAS, the City of Shelby will modify the current natural gas rebate program, offering additional rebates for some appliances and rebates for additional appliances; and,

WHEREAS, the City of Shelby will continue to fund the rebate program through revenues of the gas utility.

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

Section 1. The City of Shelby does hereby recognize the value of developing and promoting voluntary natural gas incentives for its customers and does hereby modify the current rebate program.

Section 2. The City Manager or his designee are hereby authorized and directed to execute the applicable program consistent with guidelines as specified in program terms and conditions.

This resolution shall become effective upon its adoption and approval.

Adopted and approved this the 6th day of August 2018.

O. Stanhope Anthony III
Mayor

ATTEST:

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

City of Shelby
Agenda Item Summary
August 6, 2018
City Hall Council Chamber

Agenda Item: B-5

- 5) Approval of a resolution revising and amending the personnel policies of the City of Shelby to provide for an updated Personnel Policy and Procedure Manual:
Resolution No. 40-2018

Consent Agenda Item: (Staff Resource, Deborah Jolly, Human Resources Director)

Summary of Available Information:

- Memorandum dated July 30, 2018 from Deborah Jolly, Human Resources Director to Rick Howell, City Manager
- Anti-Drug and Alcohol Misuse Prevention Policy
- Resolution No. 40-2018

City Manager's Recommendation / Comments

Resolution No. 40-2018 is presented for City Council consideration at this time via the Consent Agenda. If approved this resolution would amend the current personnel policy manual to include a separate policy section that addresses special requirements for the Natural Gas Department. This policy entitled "Anti-Drug and Alcohol Misuse Prevention Policy" is significantly impacted by current federal regulations, the NC Utilities Commission and our staff. Its goal is to prevent the influence and abuse of alcohol and legal drugs and to prevent the influence and use of illegal drugs on our employees. It is a necessary policy to have in place to improve aware of this issue and to provide consequences for those that fail to comply. It also serves to satisfy requirements within federal / state laws and regulations as well as to reduce the liability of the City.

I would like to commend Julie McMurry, Energy Services Director and Deborah Jolly, Human Resources Director, for their tireless efforts and many many hours of labor bringing this policy to fruition.

It is my recommendation Resolution No. 40-2018 be adopted and approved by City Council at this time via the Consent Agenda.

Memorandum

TO: Rick Howell, City Manager
FROM: Deborah Jolly, Director of Human Resources
RE: Personnel Policy Manual Revisions
DATE: July 31, 2018



BACKGROUND:

The North Carolina Utilities Commission reviewed the City's Drug and Alcohol Testing Policy in April 2017. The Gas Pipeline Safety Division suggested developing a separate policy that covers all the special requirements for the Natural Gas Department. After a final review with the North Carolina Utilities Commission in Spring of 2018, it is recommended that the attached Anti-Drug and Alcohol Misuse Prevention Policy be added to the City's Personnel Policy Manual.

REVIEW:

The Personnel Policy Manual was first written in August 1998. Major revisions were made in 2009. An Anti-Drug and Alcohol Misuse Prevention Policy has been written to comply with the NC Utilities Commission and Federal regulations to prevent the influence and abuse of alcohol and legal drugs and to prevent the influence and use of illegal drugs throughout the City's staff.

RECOMMENDATION:

I recommend adding the following Personnel Policy to the City of Shelby's Personnel Policy Manual - Anti-Drug and Alcohol Misuse Prevention Policy. Thank you for your consideration. Please let me know if you have questions.



Effective Date: August 6, 2018

Revision Date:

Personnel Policy and Procedure Manual

Anti-Drug and Alcohol Misuse Prevention Policy

Pipeline and Hazardous Materials Safety Administration (PHMSA)

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I. PURPOSE

The intent of this policy, in addition to meeting Federal regulations, is to prevent the influence and abuse of alcohol and legal drugs and to prevent the influence and use of illegal drugs in all areas of the City of Shelby (hereafter referred to as: "the City") government through education, employee assistance, pre-placement screening, post-accident testing, random testing and testing of current employees upon a reasonable suspicion basis.

This policy and Title 49 the Transportation section of the Code of Federal Regulations (CFR) Part 40 Procedures for Transportation Workplace Drug and Alcohol Testing Programs (hereafter referred to as: "Part 40"); Part 191 Transportation of Natural and Other Gas By Pipeline; Annual Reports, Incident Reports and Safety-Related Condition Reports (hereafter referred to as: "Part 191"); Part 192 Transportation of Natural and Other Gas by pipeline; Minimum Federal Safety Standards (hereafter referred to as: "Part 192"); and Part 199 Drug and Alcohol Testing (hereafter referred to as "Part 199") apply to all covered employees.

Collection procedures, laboratory procedures, MRO review, alcohol testing, record keeping, and other procedural requirements shall adhere to Part 40, Part 192 and Part 199. The Department of Transportation (DOT) Pipeline and Hazardous Materials Safety Administration (PHMSA) states that mandatory testing must apply to every person who performs on a pipeline or LNG facility an operating, maintenance, or emergency response function regulated by the Code of Federal Regulations, 49 CFR Part 40, Part 192 or Part 199. Employees covered in this policy are defined by the City as having safety-sensitive duties.

II. POLICY (§199.1)

The City is dedicated to providing safe, reliable and professional services to our citizens. The City employees are our most valuable resource and it is our goal to provide a healthy, satisfying working environment. The City has adopted this **ANTI-DRUG AND ALCOHOL MISUSE PREVENTION POLICY** to help prevent accidents and injuries resulting from the use of controlled substances and the misuse of alcohol by employees who perform covered functions. Neither this policy nor any of its terms are intended to create a contract of employment. The City retains the sole right to change, amend or modify any term or provision of this policy without notice. If any part of this policy is determined to be void or unenforceable under state or federal law, the remainder of this policy, to the extent possible, will remain in full force and effect.

The City will contract with service agents to accomplish many of the requirements of Parts 40 and 199. Appendix A (Designated Personnel and Service Agents) provides the names, titles and addresses of employees who oversee this policy and service agents that are under contract. The City obtains certifications for each service agent as required by Part 40 and 199. The work of any service agent providing services to the City is open to inspection by the City. The service agents must allow access to property and records by the City, Administrator, and representatives from state or federal agencies. No service agent will serve as DER for the City. The City will not utilize service agents who have been issued a Public Interest Exclusion (PIE). The City will stop using the services of such agent no later than 60 days after the DOT has published a decision on the Federal Register website (<https://www.transportation.gov/odapc/pie>).

The City's **ANTI-DRUG AND ALCOHOL MISUSE PREVENTION POLICY** applies to employees and supervisors in the City's Natural Gas Department (specific job titles listed below) and contractors utilized by the Natural Gas Department. (*) Indicates employees who are considered to be Supervisors.

- **Natural Gas Technician I**
- **Natural Gas Technician II**
- **Natural Gas Technician III**
- **Natural Gas Technician IV**
- **Natural Gas Supervisor** (*)
- **Natural Gas Superintendent** (*)
- **Operator Qualifications Trainer/Evaluator**
- **Utility Compliance Coordinator** (*)
- **Utility Services Locator**

II. DEFINITIONS (§199.3)

When interpreting or implementing these procedures, or the procedures required by the U. S. Department of Transportation ("DOT"), Pipeline and Hazardous Materials Safety Administration (PHMSA) alcohol and controlled substance testing regulations, the following definitions apply:

Accident means an incident reportable under 49 CFR Part 191 involving gas pipeline facilities or LNG facilities, or an accident reportable under 49 CFR Part 192 involving hazardous liquid or carbon dioxide pipeline facilities.

Administrator means the Administrator, Pipeline and Hazardous Materials Safety Administration or his or her delegate.

Adulterated specimen means a specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine, or the physical characteristics of the specimen are outside the normal range expected for human urine. An adulterated drug test result is considered a refusal to submit.

Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl and isopropyl alcohol.

Alcohol concentration means the concentration of alcohol in a person's breath as indicated by an Evidential Breath Test (EBT).

Alcohol screening device (ASD) A breath device, other than an EBT, that is approved by the National Highway Traffic Safety Administration (NHTSA) and appears on ODAPC's web page for "Approved Screening Devices to Measure Alcohol in Bodily Fluids" because it conforms to the model specifications from NHTSA.

Alcohol use means the drinking or swallowing of any beverage, mixture, or preparation, including any medication, containing alcohol.

Breath Alcohol Technician (BAT) means a DOT certified person who instructs and assists employees in the alcohol screening and confirmation testing process and operates an Evidential Breath Testing (EBT) device. Immediate supervisors are not permitted to serve as the BAT. The DER shall verify that training and usage of personnel is in compliance with the applicable requirements and shall retain the documentation provided by the BAT to certify that all requirements are met. The BAT shall explain the testing process to the employee, including showing the employee the instructions on the back of the ATF.

City Property includes work sites; parking lots; vehicles; or offices owned, rented, utilized, or serviced by the City or by any customer of the City; or employee-owned or employee-rented vehicles on the property of the City or of any customer of the City while on City business; and locations where the employee represents the City in any capacity.

Collection site means a place where individuals present themselves for the purpose of providing breath, body fluid, or tissue samples to be analyzed for specified controlled substances.

Controlled Substance means any of the following substances specified in the Controlled Substances Act (21 U.S.C. 812). Included in such classifications are narcotics, stimulants, depressants, hallucinogens, and marijuana. The drugs tested for may include all or some of the following: (1) Amphetamines; (2) Cannabinoids; (3) Cocaine; (4) Phencyclidine (PCP); (5) Opiates or a metabolite of any of the above substances; and (6) Alcohol.

Covered employee, employee, or individual to be tested (or applicant) means a person who performs a covered function, including persons employed by the City, contractors engaged by operators, and persons employed by such contractors. For the purposes of pre-employment only, the term "covered employee" includes a person applying to the City to perform covered functions

Covered function means an operation, maintenance, or emergency-response function regulated by Parts 191, 192, or 199 which is performed on a pipeline or on an LNG facility.

Designated Employer Representative (DER) means an employee authorized by the City to take immediate action(s) to remove an employee from safety-sensitive duties, or cause an employee to be removed from these covered duties, and to make required decisions in the testing and evaluation process. The DER also receives test results and other communications for the employer, consistent with the requirements of this part. Service agents cannot act as DERs. The DER shall be responsible to make sure that procedures are in place for direct observation when required and remains responsible for all actions of their service agents.

Dilute Specimen means a specimen with creatinine and specific gravity values that are lower than expected for human urine. If the Medical Review Officer (MRO) informs the City that a negative drug test was dilute, the employee will be directed to submit to another test immediately.

DOT Procedures means the Procedures for Transportation Workplace Drug and Alcohol Testing Programs published by the Office of the Secretary of Transportation in 49 CFR Part 40. No specimens, other than urine, may be tested for drugs. Only urine specimens screened and confirmed at HHS-certified laboratories are permitted; point-of-collection testing, or instant tests,

are not authorized. The DOT has a prohibition on the use of DNA testing on DOT drug testing specimens [§40.210]

Employer (or Operator) means a person who owns or operates pipeline facilities or LNG facility subject to Parts 191, 192, or 199.

Evidential Breath Testing (EBT) Device. A device that is approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath at the .02 and .04 alcohol concentrations and appears on ODAPC's Web page for "Approved Evidential Breath Measurement Devices" because it conforms with the model specifications available from NHTSA. An EBT must be used for conducting the confirmation tests [§40.231(a)].

Fail a drug test means that the confirmation test result shows positive evidence of the presence of a prohibited drug in an employee's system with testing performed under DOT Procedures.

Invalid Test Result means the result of a drug test for a urine specimen contains an unidentified adulterant or an unidentified interfering substance, has abnormal physical characteristics, or has an endogenous substance at an abnormal concentration that prevents the laboratory from completing or obtaining a valid drug test result. If the City receives a drug test result from the MRO indicating an employee's specimen is invalid, the employee will be directed to provide a new specimen under direct observation.

Medical Review Officer (MRO) means a person that meets the requirements of section §40.121 who is a licensed physician with knowledge of drug abuse disorders and that is used by the City to be responsible for receiving and reviewing laboratory results generated by the City's drug testing program.

Pass a drug test means that initial testing or confirmation testing under DOT Procedures does not show evidence of the presence of a prohibited drug in a person's system.

PHMSA means the Pipeline and Hazardous Materials Safety Administration.

Performs a covered function means an employee is considered to be performing a covered function during any period in which he/she is actually performing, ready to perform, or immediately available to perform a covered functions as regulated by 49 CFR Parts 191, 192 or 190.

Pipeline or pipeline system means all parts of a pipeline facility through which a hazardous liquid or carbon dioxide moves in transportation, including, but not limited to, line pipe, valves, and other appurtenances connected to line pipe, pumping units, fabricated assemblies associated with pumping units, metering and delivery stations and fabricated assemblies therein, and breakout tanks.

Pipeline facility means new and existing piping, rights-of-way, and any equipment, facility, or building used in the transportation of gas or in the treatment of gas during the course of transportation.

Positive rate for random drug testing means the number of positive results for random drug tests conducted under this policy plus the number of refusals of random tests required by this policy, divided by the total number of random drug tests conducted under this policy plus the number of refusals of random tests required by this policy.

Prohibited drug means any of the following substances specified in the Controlled Substances Act (21 U.S.C. 812). Included in such classifications are narcotics, stimulants, depressants, hallucinogens, and marijuana. The drugs tested for may include all or some of the following: (1) Amphetamines; (2) Cannabinoids; (3) Cocaine; (4) Phencyclidine (PCP); (5) Opiates or a metabolite of any of the above substances; and (6) Alcohol.

Reasonable cause/suspicion means that the City believes the actions or appearance or conduct of a covered employee who is performing a covered function as defined by this policy, may be indicative of the use of alcohol or a controlled substance.

Refuse to submit (to an alcohol or controlled substances test) means that an employee or applicant:

- (1) Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the City. In most situations, the City employee will be escorted to the testing site by his/her supervisor. However, if this isn't the case, the employee shall have a maximum of (1) one hour to appear at the testing site after directed by their supervisor to do so; or
- (2) Fails to remain at the testing site until the testing process is complete. Unless the employee has a valid explanation as determined by the City, the employee is expected to remain at the testing site until the testing process is complete; or
- (3)(*) Fails to provide sufficient amount of specimen for a test without a valid medical reason; or
- (4) Fails or declines to permit the direct observation or monitored collection of a specimen; or
- (5) Fails or declines to take an additional drug test the MRO, City or collector has directed; or
- (6) Fails to undergo a medical examination or evaluation, as directed by the MRO or DER; or
- (7) Fails to cooperate with any part of the testing process (e.g., refuse to empty pockets); or
- (8) Behaves in a confrontational way that clearly disrupts the collection process; or
- (9) Fails to follow the observer's instructions that could interfere with the collection process; or
- (10) Adulterates or substituted the specimen.

(*) An employee who fails to provide a sufficient amount of urine for a drug test (shy bladder) or a sufficient amount of breath for an EBT (shy lung) will be directed to obtain an evaluation from a licensed physician within five (5) working days acceptable to the MRO.

If an employee refuses to submit to an alcohol or controlled substances test then he/she will be subject to appropriate disciplinary action, up to and discharged from employment with the City. If an applicant refuses to submit to an alcohol or controlled substances test, it would result in a withdrawal of the conditional job offer.

Safety-sensitive duties – work duties so fraught with risks of injury to themselves or others that even a momentary lapse of concentration can have disastrous consequences.

Service Agent is any person or entity, other than an employee of the City, who provides services to the City and/or its employees in connection with DOT drug and alcohol testing requirements. This includes, but is not limited to, collectors, BATs, laboratories, MROs, SAPs, and C/TPAs. To act as service agents, persons and organizations must meet DOT qualifications that are applicable. To act as service agents, persons and organizations must meet DOT qualifications, if applicable. Service agents are not employers for purposes of this part. If the City utilizes third party providers who perform covered functions and conduct drug testing, education, training and other appropriate services as part of the Anti-Drug Program, the DER shall verify that there is a process in place and implemented to ensure compliance with §40.341. In the event that a Service Agent is subject to a Public Interest Exclusions (PIEs) in accordance with the applicable requirements of Part 40, the DER is responsible for notifying the City to stop utilizing such Service Agent no later than 90 days after the Department has published the decision in the Federal Register or posted it on its web site. The employer may apply to the ODAPC Director for an extension of 30 days if it is demonstrated that a substitute Service Agent cannot be found within 90 days [§40.409(b)].

Shy Bladder means an employee has not been able to provide a sufficient urine specimen within the three hours of the first unsuccessful attempt to provide the specimen.

Shy Lung means an employee has not been able to provide a sufficient breath specimen after three (3) attempts by the BAT to collect the specimen.

Split Specimen means in drug testing, a part of the urine specimen that is sent to a first laboratory and retained unopened, and which is transported to a second laboratory in the event that the employee requests that it be tested following a verified positive test of the primary specimen or a verified adulterated or substituted test result.

Stand-down means of temporary removing an employee from the performance of safety-sensitive functions based only on a report from a laboratory to the MRO of a confirmed positive test for a drug or drug metabolite, an adulterated test, or a substituted test, before the MRO has completed verification of the test results. An employee that is in stand down status will be put in administrative suspension with pay status pending the results of the Drug and/or Alcohol tests.

State agency means an agency of any of the several states, the District of Columbia, or Puerto Rico that participates under the pipeline safety laws (49 U.S.C. 60101 et seq).

Substance Abuse Professional (SAP) means a person who evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare. A SAP must meet the requirements of section §40.281 and is a licensed physician (Medical Doctor or Doctor of Osteopathy) or a licensed/certified psychologist, social worker, employee assistance professional, marriage and family therapist, or certified addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

Substituted Specimen means a specimen with creatinine and gravity values that are so diminished that they are not consistent with human urine. A substituted drug test result is considered a refusal to submit.

Urine Collector means a DOT certified person who instructs and assists employees at a collection site, who receives and makes an initial inspection of the specimen provided by those employees, and who initiates and completes the Custody and Control Form (CCF). Immediate supervisors are not permitted to serve as the Urine Collectors for an employee under their supervision. Also employees of the HHS-Certified laboratory that could link the employee with a urine specimen, drug testing result or laboratory report are not permitted to act as Urine Collectors.

Urine Collection Observer means a same gender person that will enter the specimen collection area with the employee in order to observe that the employee does not have a prosthetic device. The observer must also, watch the urine go from the employee's body into the collection container.

Validity Testing means the evaluation of the specimen to determine if it is consistent with normal human urine. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

Designated Employer Representative (DER)

The DER (or secondary DER) shall be responsible for the preparation of the **ANTI-DRUG AND ALCOHOL MISUSE PREVENTION POLICY** which complies with requirements of the Department of Transportation regulations as set forth in 49 CFR Parts 199 and 49 CFR Part 40. The DER shall be responsible for providing oversight and evaluation of the plan; providing guidance and counseling; reviewing of all discipline applied under this plan for consistency and conformance to the Personnel Policy Manual; scheduling for types of testing (random, post-accident, reasonable suspicion, etc.); maintaining a locked file system on all test results; and overseeing the referral of employees for evaluation and treatment. The City shall ensure that all covered employees are aware of the provisions and coverage of the City's **ANTI-DRUG AND ALCOHOL MISUSE PREVENTION POLICY** and that all employees are notified prior to testing that such a test is required by Part 199. Appendix A contains the name, title, address, and phone number of the responsible individuals.

Notification of Medications

Before duty, safety sensitive employees are required to disclose of ANY prescription, therapeutic, or over the counter medication that may have an impairing effect on performance of safety-sensitive duties. If medication which has an impairing effect is not disclosed pre-duty by a safety sensitive employee and the employee tests positive for any impairing effect medication that employee will be subject to discipline, up to and including discharge. Once disclosure is made, the City reserves the right to send the employee for testing or medical evaluation to determine the impact and effects it may have on safety-sensitive duties. It is a violation for any safety sensitive employee to use on the job any impairing effective medication, except by doctor's prescription, and then only if the doctor or pharmacist has advised the employee that the medication will not adversely affect the employee's ability to safely perform his/her job. Employees taking legally prescribed or over-the-counter medications that could affect their job functions should report this to their supervisor or department director. The employee will be temporarily removed from performing some or all functions of his/her job if deemed appropriate. This decision will be made by the Department Director and the Director of Human Resources. The employee may be required to present a written note from a health care provider which

describes the effects such medications may have on the employee's ability to safely perform his/her job. The City will not permit an employee who has engaged in conduct prohibited in this **ANTI-DRUG AND ALCOHOL MISUSE PREVENTION POLICY** to perform covered functions unless the employee has met the requirements as outlined.

The use of an Adulterant or Substitution

The use of an adulterant (something added to a specimen to attempt to hide drug use) is considered a refusal to test and a violation of this Policy. The same would be true if an employee or applicant attempts to substitute or substitutes a specimen. Any employee or applicant who is found to have violated this Policy by attempting to defraud a drug or alcohol test may be subject to appropriate disciplinary action, up to and including discharge, or withdrawal of a conditional job offer.

Pre-employment Investigations

The City will not knowingly use as an employee any person who: (1) fails a drug and/or alcohol test required by this policy and the MRO makes a determination under DOT Procedures; or (2) refuses to take a drug and/or alcohol test required by this policy. As part of the pre-employment process, the City will collect prior employment history for any new employee previously covered under DOT and/or PHSMA Anti-Drug and Alcohol Misuse Prevention Programs using the Release of Information Form (Appendix B).

Searches & Investigations

To ensure that alcohol and illegal drugs do not enter or affect the workplace, the City reserves the right to search all City property, including City vehicles and lockers, or other items on City property in furtherance to this policy. Searches will only be conducted under this policy when the City has reason to believe that the employee has violated the City's **ANTI-DRUG AND ALCOHOL MISUSE PREVENTION POLICY**. Approval must be given by the Director of Human Resources and the City reserves the right to enlist the services of proper law enforcement authorities to coordinate such a search. When the City has a reasonable suspicion that an employee is in possession of substances on city premises which impair performance or violate this policy, the City may request the employee to consent to a search of the employee's property, such as automobiles, clothing, tool boxes, lunch boxes, handbags, etc. The City reserves the right to enlist the services of the proper law enforcement authorities to coordinate such a search. The City's primary concern is the safety of its employees and their working environment. The City will, however, consider prosecution in matters involving illegal substances.

DOT Procedures (§199.5)

The anti-drug and alcohol programs required by this policy are conducted according to the requirements of 49 CFR Part 199 and DOT Procedures. Terms and concepts used in this policy have the same meaning as in DOT Procedures. Violations of DOT Procedures with respect to anti-drug and alcohol programs required by this policy are violations of this policy. The City has separate employee sampling pools and conducts DOT and Non-DOT drug and alcohol testing separately.

Standing-down employees & Stand-down waivers (§199.7)

Under the random drug and alcohol provisions found in the City's Drug & Alcohol Testing Policy or **ANTI-DRUG AND ALCOHOL MISUSE PREVENTION POLICY**, the City is prohibited from standing down or remove employees before the MRO has completed the verification process and has reported a "positive" drug test results to the City unless approved with a waiver from the Associate Administrator for Pipeline Safety, Pipeline & Hazardous Materials Safety Administration, Department of Transportation, Washington, DC 20590. However, a covered employee who is required to take a reasonable suspicion test will be suspended from performing covered functions, pending the results of his/her test. An employee that is in stand down status will be put in administrative suspension with pay status pending the results of the Drug and/or Alcohol tests.

Preemption of State and local laws (§199.9)

(a) Except as provided in paragraph (b) of this section, Part 199 preempts any State or local law, rule, regulation, or order to the extent that:

- (1) Compliance with both the State or local requirement and Part 199 is not possible;
- (2) Compliance with the State or local requirement is an obstacle to the accomplishment and execution of any requirement of Part 199; or
- (3) The State or local requirement is a pipeline safety standard applicable to interstate pipeline facilities.

(b) Part 199 shall not be construed to preempt provisions of State criminal law that impose sanctions for reckless conduct leading to actual loss of life, injury, or damage to property, whether the provisions apply specifically to employees or the City or to the general public.

Contractor Monitoring

The City is responsible for ensuring that contractors working for, and/or on the properties of the City are in compliance with Part 199 and of PHMSA and DOT regulations. All contractors must allow the City or Administrators to access to property and records for the purposes monitoring compliance with requirements outlined in this **ANTI-DRUG AND ALCOHOL MISUSE PREVENTION POLICY**. The Utility Compliance Coordinator with the City will review and approve all contractors Anti-Drug and Alcohol Misuse Prevention Policy prior to work commencing. Furthermore, the City's contracts will outline access to records for auditing purposes to include but not limited to, the above mentioned policy, pre-employment history, and proper statistical data reports every six (6) months until the contractor is no longer being utilized. The Contractor Drug and Alcohol Plan & Review Form – Appendix E.

IV. PROCEDURE - Drug Testing (§199.105)

Medical Review Officer's (MRO) review of drug testing results

The City contracts the services of an MRO who is a licensed physician with knowledge of drug abuse and has the qualifications required by DOT Procedures. The MRO must perform functions for the City as required by DOT Procedures. The MRO provides quality assurance reviews of the drug testing process including a review of the Custody and Control Forms on specimen collection. The MRO must report all drug test results to the City's DER in a confidential manner within 72 hours on regularly scheduled business days in accordance with DOT Procedures.

Before an employee's test result can be confirmed negative, the MRO will review the CCF to determine if there are any fatal or correctable errors that may require initiating corrective actions or cancelling the test. The MRO will also review the negative laboratory test result and ensure that it is consistent with the information contained on the CCF.

Before an employee's test result can be confirmed positive and/or refusal to test because of adulteration or substitution, the MRO will:

- Review the CCF to determine if there are any fatal or correctable errors that may require to initiate corrective action or to cancel the test.
- Review the positive laboratory test result and ensure that it is consistent with the information contained on the CCF.
- Conduct a verification interview. This interview must include direct contact in person or by telephone between the MRO and the employee. The MRO may initiate the verification process based on the laboratory results report or the electronic laboratory results report. During the verification interview and before an employee's test result will be confirmed positive for drugs, the employee will be given the opportunity to speak with the City's MRO and demonstrate that there was a legitimate medical explanation for the positive test result. If the MRO determines that a legitimate medical reason does exist, the test result will be reported to the City as "negative." If the MRO determines that a legitimate medical reason does not exist, the test result will be reported to the City as a "positive."
- Verify the test result as positive, and/or refusal to test because of adulteration or substitution.

If the laboratory reports the test result as negative-dilute, the MRO shall report the result as negative-dilute. Test result reported by the laboratory as a negative dilute urine test is not considered a negative test but subjects the employee to immediate retesting; and a second negative dilute urine test under an observed collection will render an applicant ineligible for hire, but will not be considered a positive test result for a current employee. As required by 49 CFR Part 40.197: if the dilute specimen has a creatinine concentration equal to or greater as 2 mg/dl, but less than or equal to 5 mg/dl, the MRO shall require a recollection of the specimen under direct observation.

Drug Testing Plan

All drug tests conducted under this policy require that the employee must provide a specimen of his/her urine. Before being tested each employee will be required to present his/her personal identification. The Urine Collector will then explain the basic collection procedure and will instruct the employee to get familiar with the instructions in the back of the Custody and Control Form (CCF). After the employee has become read the instructions on the back of the CCF, the Urine Collector will direct the employee to remove outer clothing (e.g., coveralls, jacket, coat, and hat) and leave these garments and any briefcase, purse, or other personal belongings with the Urine Collector. The Urine Collector will direct the employee to empty his or her pockets. Failure to comply with collector directions constitutes a refusal to test.

The Urine Collector will complete step 1 of the Custody and Control Form (CCF). The Urine Collector will also instruct the employee to wash and dry his or her hands. The Urine Collector will select in the view of the employee or allow the employee to select, an individually wrapped

or sealed collection container. The employee will not be allowed to take anything into the urination room except for the collection container. The employee will then be directed to go into the urination room and provide a urine specimen of at least 45 ml. The employee must not flush the toilet while in the urination room. In general, employees will be permitted to give a urine specimen in privacy and without being observed by collection site personnel. However, an employee forfeits this right whenever there is reason to believe that he/she may alter or substitute a specimen, in which case the collection will take place under direct observation (see Direct Observation Testing). The Urine Collector will complete step 2 of the CCF. An employee shall be given up to three (3) hours to provide a sufficient urine specimen. If the employee fails to provide a sufficient amount of urine specimen during the allotted time, the employee will be directed to obtain, within five (5) days, an evaluation from a licensed physician, acceptable to the MRO, who has expertise in the medical issues raised by the employee's failure to provide a sufficient specimen.

Once the employee provides the collection container back to the Urine Collector, he or she will check for: sufficiency of specimen; temperature; signs of tampering; and/or refusal to provide a specimen. All drug tests will be administered using the split sample methodology required by DOT. The employee must provide at least 45 milliliters (ml) in a specimen container. The Urine Collector will then check the box on the CCF (Step 2) indicating that this was a split specimen collection. In the presence of the employee the specimen will be divided into two specimen bottles by the Urine Collector. The Urine Collector will then place and secure the lids/caps on the bottles and seal the bottles by placing the tamper-evident bottle seals over the bottle caps/lids and down the sides of the bottles. The Urine Collector will then write the date on the tamper-evident bottle seals and indicate to the employee to initial the tamper-evident bottle seals for the purpose of certifying that the bottles contain the specimens he or she provided. If the employee fails or refuses to do so, the collector will note this in the "Remarks" line of the CCF (Step 2) and complete the collection process.

At this point the Urine Collector will direct the employee to read and sign the certification statement on Copy 2 (Step 5) of the CCF and provide date of birth, printed name, and day and evening contact telephone numbers. After being tested for drugs, employees will be given an opportunity to list, on their copy of the Custody and Control Form (CCF), all prescription and non-prescription medications being lawfully used by that employee at that time. The Urine Collector will then complete the chain of custody on the CCF (Step 4) by printing his/her name, recording the time and date of the collection, signing the statement, and entering the name of the delivery service transferring the specimen to the laboratory. The Urine Collector will ensure that all copies of the CCF are legible and complete and will also remove Copy 5 of the CCF and give it to the employee. The Urine Collector will then place the specimen bottles and Copy 1 of the CCF in the appropriate pouches of the plastic bag and secure both pouches of the plastic bag. The employee will be advised that he or she may leave the collection site at this point.

V. TYPES OF DRUG TESTING

The City shall conduct the following drug tests for the presence of a prohibited drug:

Pre-Employment Testing

All covered employee applicants will be required to submit to and pass a drug test as a condition of employment. Offers of employment are made contingent upon passing the drug test. Pre-

employment tests for the presence of a prohibited drug will be completed and investigations performed as required by §40.25 and §199.105(a). Under no circumstances may an individual perform a covered function until a confirmed negative result is received. Job applicants who are denied employment because of a positive test may only be considered for future employment after one (1) year and after producing documentation of successful completion of a certified rehabilitation program. A pre-employment/pre-duty drug test will also be required before any existing worker in a non-safety sensitive position will be assigned, transferred or otherwise permitted to perform job responsibilities in a safety-sensitive position. Drug testing information [§40.25(b)] will be requested from previous DOT-regulated employers for any employee seeking to begin covered functions for the first time (i.e., a new hire or an employee transfer) [§40.25(a)]. Covered employee must not perform their functions after 30 days from the date on which the employee first performed safety-sensitive functions, unless you have obtained or made and documented a good faith effort to obtain drug testing information from previous DOT-regulated employers.

Post-Accident Testing

As soon as possible but no later than eight (8) hours after an accident (as defined in Section II of this policy), the City shall drug test each employee whose performance either contributed to the accident or cannot be completely discounted as a contributing factor to the accident. The City may decide not to test under this paragraph but such a decision must be based on the best information available immediately after the accident that the employee's performance could not have contributed to the accident. Any covered employee who is subject to post-accident testing shall remain readily available and on call for a period of twenty-four hours (24) hours or until testing has been completed, whichever comes first. Any covered employee who does not remain readily available for such testing may be deemed to have refused to submit to testing. If an employee is injured, unconscious, or otherwise unable to evidence consent to the testing, all reasonable steps must be taken to obtain a urine. Nothing in this policy shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a covered employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care. An employee who admits to having used drugs and/or having a drug problem after an accident but prior to testing will be considered gross misconduct. Such gross misconduct will subject an employee to immediate discharge for cause.

Random Testing

The City will drug test employees covered under this policy on an unannounced random basis. The minimum annual percentage rate for random drug testing shall be 50 percent of covered employees unless changed by the Administrator. The Administrator's decision to increase or decrease the minimum annual percentage rate for random drug testing is based on the reported positive rate for the entire industry. Each year, the Administrator will publish in the Federal Register the minimum annual percentage rate for random drug testing of covered employees. The selection of employees for random drug testing shall be made by a scientifically valid method computer-based random number generator using employees' Social Security numbers. Under the selection process used, each covered employee shall have an equal chance of being tested each time selections are made. The City shall randomly select a sufficient number of covered employees for testing during each calendar year to equal an annual rate not less than the minimum annual percentage rate for random drug testing determined by the Administrator. Since

the City conducts random drug testing through a consortium, the number of employees to be tested may be calculated for each individual employer or may be based on the total number of covered employees covered by the consortium who are subject to random drug testing at the same minimum annual percentage rate under Part 199 or any DOT drug testing rule. Random drug tests conducted under this policy are unannounced and the dates for administering random tests are spread reasonably throughout the calendar year. Random testing will be conducted quarterly. The City has established separate testing pools for employees who are subject to random drug testing under more than one DOT agency for the same employer,

Following are the key aspects of the random testing selection process:

- Employees remain in the random selection pool at all times, regardless of whether or not they have been previously selected for testing.
- Employees will be selected for random testing based on the number of covered employees in the random pool at the time and the current PHMSA random testing rate.
- Employees shall be selected for testing by using a computer-based random number generator or equivalent random selection method that is matched with an employee's social security number.
- The process will be unannounced as well as random. The random selected employees will be notified that they have been selected for testing after they have reported for duty on the day of collection.
- Specimen collection will be conducted on different days of the week.
- The list of employees that have been selected for random drug testing will be retained by the DER in a secure location.
- Employees shall escorted by their supervisor (or designee to the collection site immediately. Once the employee has been told he/she should be kept in sight at all times. An employee who unnecessarily delays more than two (2) hours reporting will be considered a refusal to test and subject to disciplinary action up to and including discharge.

Reasonable Suspicion Testing

Employees will be asked to submit to a drug test if reasonable suspicion exists indicating that the employee is under the influence of drugs or exhibits behavior reflecting abuse. Reasonable suspicion means a basis for forming a belief based on specific facts and rational inferences drawn from those facts. Observations shall be made by a supervisor or another City official who has received training covering the physical, behavioral, speech, body odors and performance indicators of probable drug and alcohol use. The Director of Human Resources should be contacted timely and prior to Reasonable Suspicion Testing being conducted. The conduct constituting reasonable suspicion normally should, but need not always be witnessed by at least two employees, including a supervisor. These findings and observations will be documented on the Reasonable Suspicion Observation Checklist (Appendix C) and signed by the witnesses within 12 hours of the observed behavior. A covered employee who is required to take a reasonable suspicion test will be suspended from his/her job, pending the results of his/her test. The employee will be escorted by the supervisor or his/her designee to the testing site immediately. Once the employee has been told he/she should be kept in site at all times. Once testing is complete, the supervisor will make necessary arrangements to have the employee taken home. Under no circumstances will the employee be permitted to drive alone. If the employee

rejects the City's efforts in this regard and insists on driving his/her own personal vehicle, the City reserves the right to take whatever means are appropriate to prevent this, including contacting appropriate law enforcement personnel. An employee who unnecessarily delays reporting to the test site will be considered a refusal to test and subject to disciplinary action up to and including discharge.

If a test required due to reasonable suspicion is not administered within two (2) hours following the determination, the City will prepare and maintain on file a record stating the reasons the test was not promptly administered. If the test, is not administered within eight (8) hours following the determination, the City will cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test.

Post-Rehabilitation / Follow-Up Testing

An employee that tests positive for a controlled substance will be immediately discharged and referred to a Substance Abuse Professional (SAP). An employee who has voluntarily requested rehabilitation prior to a positive drug test will be cleared by a Substance Abuse Professional (SAP) prior to returning to work and be subject to unannounced drug and/or alcohol testing to determine whether he or she is under the influence of alcohol or drugs after successful completion of the rehabilitation program. The number and frequency of such follow-up testing shall be determined by the SAP, but shall consist of at least six (6) tests in the first twelve (12) months following the covered employee's return to duty. In addition, follow-up testing may include testing for alcohol as directed by the SAP, to be performed in accordance with 49 CFR Part 40. Follow-up testing shall not exceed sixty (60) months from the date of the covered employee's return to duty. The SAP may discharge the requirement for follow-up testing at any time after the first six (6) tests have been administered, if the SAP determines that such testing is no longer necessary. Any test conducted under follow up testing will be conducted under direct observation. A positive test will result in discharge of employment.

Refusal of Testing / Refusal to Submit

As defined in Section II of this policy an employee who refuses to provide a specimen for or submit to testing, unless the MRO agrees a medically valid reason exists for inability, will be subject to appropriate disciplinary action, up to and discharged from employment with the City. If an applicant refuses to submit to an alcohol or controlled substances test, it would result in a withdrawal of a conditional job offer. Under North Carolina law, no unemployment compensation benefits are available in such a circumstance. Failure to report for specimen collection within two (2) hours of being directed to do so is also classified as a refusal. Refusal to provide a specimen following an on the job accident may also subject you to worker's compensation disqualification.

Drug testing laboratory (§199.107)

(a) The City shall use for the drug testing required by Part 199 only drug testing laboratories certified by the Department of Health and Human Services under the DOT Procedures.

(b) The drug testing laboratory must permit:

- (1) Inspections by the City, if desired, before the laboratory is awarded a testing contract;
- (2) Unannounced inspections, including examination of records, at any time, by the City, the Administrator, and if the City is subject to state agency jurisdiction, a representative of that state agency.

All drug testing laboratory results are reported directly, and only to the MRO. The drug testing laboratory will submit an aggregate statistical summary to the City every six (6) months and will retain all records pertaining to each employee specimen and the City's data for a minimum of two (2) years. The City may use the Service Provider Audit Form (Appendix D) to verify the credentials of the drug testing laboratory and other service agents.

Direct Observation of Specimen Collection

The DER or Urine Collector can require directly observed collections for all drug testing defined by this policy without advanced notice to the employee/applicant if:

- The specimen is invalid; or
- The original positive, adulterated, or substituted result had to be cancelled because the test of the split specimen could not be performed; or
- The specimen was negative-dilute with a creatinine concentration greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL; or
- The employee has no legitimate medical reason for certain atypical laboratory results; or
- The drug test is a post-rehab / follow-up test; or
- The Urine Collector observed materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen; or
- The temperature on the original specimen was out of range; or
- The original specimen appeared to have been tampered with.

Before any direct observation can occur either the employer or the Urine Collector, must explain to the employee the reason for a directly observed collection. The Urine Collector will ensure that the observer who is a medical professional is the same gender as the employee. The observer can be a different person from the Urine Collector and does not need not be a qualified collector. The observer must request the employee to raise his or her shirt, blouse, or dress/skirt, as appropriate, above the waist to ensure that they do not have a prosthetic device. The observer must watch the employee urinate into the collection container. Specifically, the observer is to watch the urine go from the employee's body into the collection container. If the observer is not the Urine Collector, he/she must watch as the employee takes the specimen to the Urine Collector. Failure of the employee to permit any part of the direct observation procedure is considered a refusal to test and will be subject to appropriate disciplinary action, up to and discharged from employment with the City. If an applicant refuses, it would result in a withdrawal of the conditional job offer.

If a Urine Collector causes a drug test to be cancelled due to a mistake (fatal flaw) during the collection process. The Urine Collector must undergo error correction training as required by §40.33. This training must occur within 30 (thirty) days of the date you are notified of the error that led to the need for retraining; training must be documented outlining all requirements are met; and the Urine Collector must demonstrate proficiency by completing 3 (three) consecutive error-free mock collections.

Specimen Retention and additional testing – (§199.111)

Specimens that yield positive results on confirmation will be retained by the laboratory in properly secured, long-term, frozen storage for at least 365-days as required by the DOT Procedures. Within this 365-day period, the employee or the employee's representative, the City,

the Administrator, or state agency may submit a written request that the laboratory retain the specimen for an additional period. If, within the 365-day period, the laboratory has not received a proper written request, the specimen may be discarded.

If the MRO determines there is no legitimate medical explanation for a confirmed positive test result other than the unauthorized use of a prohibited drug, and if timely additional testing is requested by the employee according to DOT Procedures, the split specimen must be tested. The employee may specify testing by the original laboratory or by a second laboratory that is certified by the Department of Health and Human Services. The City will pay the cost of shipment (if any) and reanalysis of the sample, however the employee will have to reimburse the City for expense if the additional test is positive. If the employee specifies testing by a second laboratory, the original laboratory must follow approved chain-of-custody procedures in transferring a portion of the sample. Since some analytes may deteriorate during storage, detected levels of the drug below the detection limits established in the DOT Procedures, but equal to or greater than the established sensitivity of the assay, must, as technically appropriate, be reported and considered corroborate of the original positive results. The MRO will report back to the DER and the employee whether the split reconfirms the primary. If the test of the split does not reconfirm the primary, both test will be cancelled as if they never occurred.

Employee Assistance Program (EAP) and training (§199.113)

The City provides an employee assistance program (EAP) for its employees. EAP provide employees with informational material, education and training on the awareness and dangers of drug and alcohol use. Education under each EAP include flyers displayed and brochures with contact information and the 24-hour service line for employee assistance. A 120-minute period of training (60 minutes on drug and 60 minutes on alcohol) on the specific, contemporaneous physical, behavioral, and performance indicators of probable drug and alcohol use will be provided to supervisory personnel to help them determine whether an employee should be drug and alcohol tested based on reasonable cause.

Retention of Records (§199.117)

(a)The City and/or the designated service agents will maintain the following records in a secure location with controlled access in accordance with the following schedule:

RECORD TYPE	RETENTION PERIOD (in years)
Records of verified positive drug test results	5
Documentation of refusals to take required drugs test (included substituted or adulterated drug test results	5
SAP reports, including compliance with SAP recommendations	5
All follow-up tests and schedules	5
MIS annual report data	5
Information obtained from previous employers concerning drug test results of employees hired by the City	3
Records confirming that supervisors and	3

employees have been trained as required	
Records that demonstrate the collection process conforms to Part 199	3
Records of negative and cancelled drug test results	1

VI. PROCEDURE - Alcohol Testing (§199.200)

Alcohol misuse plan

The City will maintain and follow a written alcohol misuse plan that conforms to all the requirements of Part 199, including required testing, procedures, recordkeeping, reporting, educating and training elements. The use or possession of alcoholic beverages while on the City property, or in any City vehicle, or on City time, including breaks or lunch (paid or unpaid) on any shift, is strictly prohibited and grounds for discharge. Before performing an alcohol test under Part 199, the City shall notify an employee that the alcohol test is required. The City will not falsely represent that a test is administered under Part 199.

The City (with knowledge of) will prohibit an employee from reporting for duty or remaining on duty while having an alcohol concentration of 0.04 or greater. An alcohol concentration of 0.04 or greater will be considered a positive test results and grounds for discharge. The City (with knowledge of) will prohibit employees from using alcohol while working. The City prohibits employees from using alcohol within four (4) hours prior to working. This applies to employees who may be called to respond to an emergency. (Personnel Policy Manual – Standby and Callback Policy # 43)

An employee who refuses to submit to an alcohol test as defined in this **ANTI-DRUG AND ALCOHOL MISUSE PREVENTION POLICY** will be discharged. The City will prohibit an employee who is found to have an alcohol concentration of 0.02 or greater but less than 0.04, from working until:

- (1) The employee's alcohol concentration measures less than 0.02 in accordance; or
- (2) The start of the employee's next regularly scheduled duty period, but not less than 8 hours following administration of the test.

Alcohol tests under this policy will be administered using a breath specimen, taken by a Breath Alcohol Technician (BAT) using an approved Evidential Breath Testing (EBT) Device. The City will not use employees to serve as collector or BAT. Any Evidential Breath Testing Device (EBT) will be approved by the National Highway Traffic Safety Administration (NHTSA) and placed on a Conforming Products List (CPL). This equipment will have internal and external calibration checks according to manufacturer recommendations. The City will ensure that service providers follow the quality assurance plan (QAP) for any EBT used in performing alcohol tests of City employees by performing an annual inspection of service providers. The results of this inspection will be documented on the Service Provider Inspection Form. (Appendix D)

Before being tested, each employee will be required to present his/her personal identification. The BAT will explain the testing procedure to the employee, including showing the employee the instructions on the back of the DOT Breath Alcohol Test Form (ATF). To protect each employee, the BAT will provide an individually-sealed mouthpiece. The employee will then be directed to

blow steadily and forcefully into the breath testing device for at least six (6) seconds or until the device indicates an adequate amount of breath has been obtained. The BAT will then display the test results to the employee. The BAT will affix the printout of the information to the designated space on the ATF. The printout must contain the test number, testing device name and serial number, time and results.

At this point if the test result is an alcohol concentration of less than 0.01, the BAT will sign and date Step 3 of the ATF and transmit the result to the DER in a confidential manner. However, if the test result is an alcohol concentration of 0.01 or higher the BAT will direct the employee to take a confirmation test.

Before conducting a confirmation test the BAT will ensure that the waiting period lasts at least fifteen (15) minutes, starting with the completion of the screening test. After the waiting period has elapsed, the BAT will begin the confirmation test as soon as possible, but not more than 30 minutes after the completion of the screening test. The BAT performing the confirmation test, another employee of the testing site or an employer representative, will observe the employee during the waiting period. The BAT will instruct the employee not to put anything in his/her mouth during the waiting period.

The BAT will complete the confirmation test following the same steps as the initial test. The BAT will then show the tests results displayed on the EBT to the employee. The separate printout from the EBT will be attached to the designated space on the ATF. At this point if the test result is an alcohol concentration of less than 0.01, the BAT will sign and date Step 3 of the ATF and transmit the result to the DER in a confidential manner. However, if the alcohol confirmation test result is an alcohol concentration of 0.01 or higher, the BAT will sign and date Step 3 of the ATF, direct the employee to sign and date Step 4 of the ATF and immediately transmit the result directly to the DER in a confidential manner. If the employee does not sign and date Step 4 of the ATF, the BAT must note this on the "Remarks" line of the ATF. If the test is invalid, the BAT will tell the employee the test is cancelled and note the problem on the "Remarks" line of the ATF. If practicable, the BAT will attempt to conduct a re-test. The BAT will immediately transmit the result directly to the DER in a confidential manner.

In the event that an employee is unable to provide an adequate amount of breath for the initial or confirmatory test, the BAT will follow the Shy Lung procedure. The BAT will instruct the employee to attempt again to provide a sufficient amount of breath and will instruct the employee in the proper way to do so. After three (3) attempts to do so, the BAT will tell the employee the test is cancelled and note the problem on the ATF. The BAT will immediately contact the DER. The employee will be required to submit, within five (5) days, an evaluation by a licensed medical physician, acceptable to the MRO, to determine whether a valid medical condition exists. If the physician determines that a valid condition does exist, this information will be reported to the DER. If the physician determines that a valid medical condition does not exist, the employee will be considered to have refused to submit to testing and will be subject to the disciplinary action up to and including discharge.

On-Call Employees

Employees who are not at work, but are on call may be called at any time to perform covered functions (Personnel Policy Manual – Standby and Callback Policy # 43) are expected to be fit for duty and ready to report to work at any time. If an employee is under the influence of alcohol,

the employee must notify the City personnel when contacted. Failure to advise the City of alcohol consumption will result in disciplinary action. If a covered employee is perceived to be under the influence of alcohol when reporting to work after being called in, the employees' supervisor must be notified and the Reasonable Suspicion Testing process outlined in §199.225 will be followed.

VII. Types of Alcohol Testing (§199.225)

The City shall conduct the following required alcohol test:

Pre-Employment Testing

The City does not conduct pre-employment alcohol testing.

Post-Accident

(1) The City will test each employee for alcohol if that employee's performance contributed to the accident or cannot be completely discounted as a contributing factor to the accident. The City may decide not to test under this paragraph but such a decision will be based on best available information at the time of the determination that the covered employee's performance could not have contributed to the accident.

(2) A post-accident alcohol test shall be conducted as soon as possible but no later than eight (8) hours after the accident. If the test is not completed within two (2) hours the City will prepare and maintain a written statement documenting the reason the test was not conducted. If the test is not completed within eight (8) hours, no test will be conducted and the reason will be maintained in the written documentation.

(3) Employees who are subject to post-accident testing who fail to remain readily available for such testing, including notifying the City of his/her location if he/she leaves the scene of the accident prior to submission to such test, may be deemed by the City to have refused to submit to testing. Employees involved in an accident must refrain from using alcohol for eight (8) hours following the accident, unless he or she has been given a post-accident test or cleared by the Director of Human Resources as determined the employee's performance could not have contributed to the accident. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a covered employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care. An employee who refuses to take or has a positive alcohol test as defined by this policy will be discharged.

Random Testing

The City does not conduct random alcohol testing for Pipeline and Hazardous Materials Safety Administration (PHMSA) covered employees.

Reasonable Suspicion Testing

Employees will be asked to submit to an alcohol test if reasonable suspicion exists indicating that the employee is under the influence of drugs or alcohol, or exhibits behavior reflecting abuse. Reasonable suspicion means a basis for forming a belief based on specific facts and rational inferences drawn from those facts. The Director of Human Resources should be contacted timely and prior to Reasonable Suspicion Testing being conducted. The conduct constituting reasonable suspicion normally should, but need not always be witnessed by at least two employees, including a supervisor. These findings and observations will be documented on the Reasonable Suspicion Observation Checklist (Appendix C) and signed by the witnesses within twelve (12) hours of the

observed behavior. A reasonable suspicion alcohol test shall be conducted as soon as possible but no later than eight (8) hours after the behavior is detected. If the test is not completed within two (2) hours the City will prepare and maintain a written statement documenting the reason the test was not conducted. If the test is not completed within eight (8) hours, no test will be conducted and the reason will be maintained in the written documentation. An employee who is required to take a reasonable suspicion test will be suspended from his/her job, pending the results of his/her test. The employee will be escorted by the supervisor or his/her designee to the testing site immediately. Once the employee has been told he/she should be kept in site at all times. An employee who unnecessarily delays reporting to the test site may be subject to immediate termination. Once testing is complete, the supervisor will make necessary arrangements to have the employee taken home. Under no circumstances will the employee be permitted to drive alone. If the employee rejects the City's efforts in this regard and insists on driving his/her own personal vehicle, the City reserves the right to take whatever means are appropriate to prevent this, including contacting appropriate law enforcement personnel. An employee who refuses to take or has a positive alcohol test as defined by this policy will be discharged.

Post-Rehabilitation / Follow-Up Testing

An employee who has voluntarily requested rehabilitation prior to a positive alcohol test may be subject to unannounced alcohol testing to determine whether he or she is under the influence of alcohol or drugs after successful completion of the rehabilitation program. The number and frequency of such follow-up testing shall be determined by a Substance Abuse Professional, but shall consist of at least six (6) tests in the first twelve (12) months following the covered employee's return to duty. In addition, follow-up testing may include testing for alcohol as directed by the Substance Abuse Professional, to be performed in accordance with 49 CFR Part 40. Follow-up testing shall not exceed 60 months from the date of the covered employee's return to duty. The Substance Abuse Professional may discharge the requirement for follow-up testing at any time after the first six tests have been administered, if the Substance Abuse Professional determines that such testing is no longer necessary. An employee who refuses to take or has a positive alcohol test as defined by this policy will be discharged

Retention of records – (§199.227)

The City and/or the designated service agents will maintain the following records in a secure location with controlled access in accordance with the following schedule:

RECORD TYPE	RETENTION PERIOD (in years)
Records of alcohol test results indicating an alcohol concentrations of 0.02 or greater	5
Documentation of refusals to take required alcohol test	5
SAP reports, including compliance with SAP recommendations	5
All follow-up tests and schedules	5
MIS annual report data	5
Calibrations Documentation	5
Information obtained from previous employers concerning alcohol test results	3

Records of the inspection, maintenance and calibrations of EBT's	2
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The following specific records shall be maintained related to the collection process: log books, calibration documentation for evidential breath testing devices, breath alcohol technician training, documents generated in connection with decisions to administer reasonable suspicion alcohol tests, documents generated in connection with decisions on post-accident tests, documents verifying existence of a medical explanation of the inability of an employee to provide adequate breath for testing.

The following specific records shall be maintained related to test results and outcomes and training: alcohol test form, test results, documents related to the refusal of an employee to submit to an alcohol test, documents disputing the result of an alcohol test administered, determinations rendered by a SAP, compliance of recommendations of a SAP, MIS annual testing data, training and education records, material on alcohol misuse awareness, compliance requirements, and documentation of training provided to supervisors for the purpose of qualifying the supervisors to make a determination concerning the need for alcohol testing based on reasonable suspicion.

Access to facilities and records – (§199.231)

Upon written request employees may obtain copies of his/her records pertaining drug and alcohol tests. The City will permit access and provide records to facilities complying with the requirements of this subpart to the Secretary of Transportation, any DOT agency, or a representative of a state agency with regulatory authority over the City. The information shall include name-specific drug and alcohol test results, records, and reports. When requested by the National Transportation Safety Board as part of an accident investigation, the City will disclose information related to the City's administration of any post-accident drug and alcohol tests administered following the accident under investigation. The City shall make records available to a subsequent employer upon receipt of the written request from the covered employee. Disclosure by the subsequent employer is permitted only as expressly authorized by the terms of the employee's written request. The City may disclose information without employee consent as provided by DOT Procedures concerning certain legal proceedings.

Employee Assistance Program (EAP) and training (§199.239 – §199.241)

The City provides an employee assistance program (EAP) for its employees. EAP provide employees with informational material, education and training on the awareness and dangers of drug and alcohol use. Education under each EAP include flyers displayed and brochures with contact information and the 24-hour service line for employee assistance. A 120-minute period of training (60 minutes on drug and 60 minutes on alcohol) on the specific, contemporaneous physical, behavioral, and performance indicators of probable drug and alcohol use will be provided to supervisory personnel to help them determine whether an employee should be drug and alcohol tested based on reasonable cause. The City will provide educational materials and policy training that explain the drug and alcohol misuse requirements and the City's **ANTI-DRUG AND ALCOHOL MISUSE PREVENTION POLICY** with respect to meeting those requirements to all covered employees.

Referral, evaluation, and treatment – (§199.243)

An employee who has voluntarily requested referral, evaluation and/or treatment prior to a positive alcohol testing will be advised of the resources available. Resources including the

names, addresses, and telephone numbers of SAPs and counseling and treatment programs that can assist in evaluating and resolving problems associated with the misuse of alcohol. Employees seeking assistance will be evaluated by a SAP who shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse. Before returning to duty the employee shall undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02.

In addition, each covered employee identified as needing assistance in resolving problems associated with alcohol misuse will be evaluated by a SAP to determine that the employee has properly followed any rehabilitation program prescribed, is subject to unannounced follow-up alcohol tests and if so, the number and frequency of such follow-up testing. Following up testing shall consist of at least six tests in the first 12 months following the employee's return to duty. In addition, follow-up testing may include testing for drugs, as directed by the Substance Abuse Professional, to be performed in accordance with 49 CFR Part 40. Follow-up testing shall not exceed 60 months from the date of the employee's return to duty. The SAP may discharge the requirement for follow-up testing at any time after the first six tests have been administered, if the SAP determines that such testing is no longer necessary.

VIII. ALCOHOL SUPPLEMENT

The City encourages any employee with a drug and/or alcohol problem to voluntarily and confidentially seek help through our EAP program. Coming forward after you have been notified to report for testing is not considered a voluntary report. For confidential help with a substance abuse problem, contact your department director, Human Resources or the EAP. Counseling and rehabilitation for alcohol or substance abuse is available through the benefit package for employees. The City will assume no direct financial responsibility for counseling or rehabilitation costs of an employee, not covered by the benefits package. Any costs in addition to or in excess of any available health benefits are the employee's responsibility.

For many people, the facts about alcoholism are not clear. The National Institute on Alcohol Abuse and Alcoholism (NIAAA) has prepared this information to help individuals and families answer these and other common questions about alcohol problems. The following information explains both alcoholism and alcohol abuse, the symptoms of each, when and where to seek help, treatment choices, and additional helpful resources. The consequences of alcohol misuse are serious—in many cases, life threatening. Heavy drinking can increase the risk for certain cancers, especially those of the liver, esophagus, throat, and larynx (voice box). Heavy drinking can also cause liver cirrhosis, immune system problems, brain damage, and harm to the fetus during pregnancy. In addition, drinking increases the risk of death from automobile crashes as well as recreational and on-the-job injuries. Furthermore, both homicides and suicides are more likely to be committed by persons who have been drinking.

What Is Alcoholism?

Alcoholism, also known as “alcohol dependence,” is a disease that includes four symptoms:

- **Craving:** A strong need, or compulsion, to drink.
- **Loss of control:** The inability to limit one's drinking on any given occasion.
- **Physical dependence:** Withdrawal symptoms, such as nausea, sweating, shakiness, and anxiety, occur when alcohol use is stopped after a period of heavy drinking.
- **Tolerance:** The need to drink greater amounts of alcohol in order to “get high.”

People who are not alcoholic sometimes do not understand why an alcoholic can't just "use a little willpower" to stop drinking. However, alcoholism has little to do with willpower. Alcoholics are in the grip of a powerful "craving," or uncontrollable need, for alcohol that overrides their ability to stop drinking. This need can be as strong as the need for food or water. Although some people are able to recover from alcoholism without help, the majority of alcoholics need assistance. With treatment and support, many individuals are able to stop drinking and rebuild their lives.

What Is Alcohol Abuse?

Alcohol abuse differs from alcoholism in that it does not include an extremely strong craving for alcohol, loss of control over drinking, or physical dependence. Alcohol abuse is defined as a pattern of drinking that results in one or more of the following situations within a 12-month period:

- Failure to fulfill major work, school, or home responsibilities;
- Drinking in situations that are physically dangerous, such as while driving a car or operating machinery;
- Having recurring alcohol-related legal problems, such as being arrested for driving under the influence of alcohol or for physically hurting someone while drunk; and
- Continued drinking despite having ongoing relationship problems that are caused or worsened by the drinking.

Although alcohol abuse is basically different from alcoholism, many effects of alcohol abuse are also experienced by alcoholics. Absenteeism among problem drinkers or alcoholics is 3.8 to 8.3 times greater than normal. If your fellow workers don't come to work, you may have to do their jobs in addition to your own. Workers who misuse alcohol don't function at their full potential. Not only is absenteeism a problem, when they are at work these employees may have reduced capabilities and productivity. Since our product is the safe transportation of hazardous liquid (or natural gas), alcohol misuse is an especially serious issue.

APPENDIX A

City of Shelby – Designated Personnel and Service Agents

DESIGNATED EMPLOYER REPRESENTATIVE (DER)

NAME: Deborah Jolly
COMPANY: City of Shelby
TITLE: Human Resources Director
ADDRESS: 300 South Washington Street, Shelby, NC 28150
PHONE: (704) 484-6471

SECONDARY DESIGNATED EMPLOYER REPRESENTATIVE (DER)

NAME: Aaron Archibald
COMPANY: City of Shelby
TITLE: Safety & Risk Management Coordinator
ADDRESS: 300 South Washington Street, Shelby, NC 28150
PHONE: (704) 484-6470

CONSORTIUM /THIRD PARTY ADMINISTRATOR

NAME: Workforce Integrity Network (W.I.N.)
ADDRESS: PO Box 50575, Knoxville, NC 37950
PHONE: (800) 229-8001

MEDICAL REVIEW OFFICERS (MROs)

NAME: Jack Tarr, M.D.
TITLE: Physician, MRO
COMPANY: Workforce Integrity Network (W.I.N.)
ADDRESS: PO Box 50575, Knoxville, NC 37950
PHONE: (800) 229-8001

NAME: Charles Robinson, D.O.
TITLE: Physician, MRO
COMPANY: Workforce Integrity Network (W.I.N.)
ADDRESS: PO Box 50575, Knoxville, NC 37950
PHONE: (800) 229-8001

NAME: Jeffery McMichael, M.D.
TITLE: Physician, MRO
COMPANY: Workforce Integrity Network (W.I.N.)
ADDRESS: PO Box 50575, Knoxville, NC 37950
PHONE: (800) 229-8001

NAME: James Stacy Hicks, M.D.
TITLE: Physician, MRO
COMPANY: Workforce Integrity Network (W.I.N.)
ADDRESS: PO Box 50575, Knoxville, NC 37950
PHONE: (800) 229-8001

LABORATORY

NAME: Clinical Reference Laboratory
ADDRESS: 8433 Quivira Road, Lenexa KS 66215
PHONE: (913) 492-3652

COLLECTION SITE – DRUG & BREATH ALCOHOL

NAME: Carolinas Healthcare Urgent Care / Atrium – Shelby
ADDRESS: 1010 East Dixon Blvd., Suite B, Shelby, NC 28152
PHONE: (980) 487-2900

SECONDARY COLLECTION SITE – DRUG & BREATH ALCOHOL

NAME: Carolinas Healthcare Emergency Room / Atrium – Shelby
ADDRESS: 201 East Grover, Shelby, NC 28150
PHONE: (980) 487-3000

SUBSTANCE ABUSE PROFESSIONALS (SAPs)

NAME: John T. Trombello, LPC, CEAP, SAP
TITLE: Substance Abuse Clinician
COMPANY: MYgroup McLaughlin Young
ADDRESS: 5925 Carnegie Blvd., Suite 350, Charlotte, NC 28209
PHONE: 704-529-1428

NAME: Mary Kay Berhalter, SAP
TITLE: Substance Abuse Clinician
COMPANY: MYgroup McLaughlin Young
ADDRESS: 5925 Carnegie Blvd., Suite 350, Charlotte, NC 28209
PHONE: 704-529-1428

EMPLOYEE ASSISTANCE PROGRAM (EAP)

MYgroup McLaughlin Young

Employee Assistance Program

5925 Carnegie Blvd., Suite 350

Charlotte, NC 28209

Phone: 704-529-1428

Website: mygroup.com

APPENDIX B

City of Shelby

Release of Information Form -- 49 CFR Part 40 Drug and Alcohol Program

Section I. To be completed by the new employer, signed by the employee, and transmitted to the previous employer:

Employee Printed or Typed Name: _____

Employee SS or ID Number: _____

I hereby authorize release of information from my Department of Transportation regulated drug and alcohol testing records by my previous employer, listed in *Section I-B*, to the employer listed in *Section I-A*. This release is in accordance with DOT Regulation 49 CFR Part 40, Section 40.25. I understand that information to be released in *Section II-A* by my previous employer, is limited to the following DOT-regulated testing items:

1. Alcohol tests with a result of 0.04 or higher;
2. Verified positive drug tests;
3. Refusals to be tested;
4. Other violations of DOT agency drug and alcohol testing regulations;
5. Information obtained from previous employers of a drug and alcohol rule violation;
6. Documentation, if any, of completion of the return-to-duty process following a rule violation.

Employee Signature: _____ Date: _____

I-A.

New Employer Name: _____

Address: _____

Phone: _____ Fax: _____

Designated Employer Representative: _____

I-B.

Previous Employer Name: _____

Address: _____

Phone: _____ Fax: _____

Designated Employer Representative: _____

Section II. To be completed by the previous employer and transmitted by mail or fax to the new employer:

II-A.

In the two years prior to the date of the employee's signature (in Section I), for DOT-regulated testing:

1. Did the employee have alcohol tests with a result of 0.04 or higher? **YES** ____ **NO** ____
2. Did the employee have verified positive drug tests? **YES** ____ **NO** ____
3. Did the employee refuse to be tested? **YES** ____ **NO** ____
4. Did the employee have other violations of DOT agency drug and alcohol testing regulations? **YES** ____ **NO** ____
5. Did a previous employer report a drug and alcohol rule violation to you? **YES** ____ **NO** ____
6. If you answered "yes" to any of the above items, did the employee complete the return-to-duty process? **N/A** ____ **YES** ____ **NO** ____

NOTE: If you answered "yes" to item 5, you must provide the previous employer's report. If you answered "yes" to item 6, you must also transmit the appropriate return-to-duty documentation (e.g., SAP report(s), follow-up testing record).

II-B.

Name of person providing information: _____

Title: _____

Phone: _____

Date: _____

APPENDIX C

**The City of Shelby
Reasonable Suspicion Observation Checklist**

Employee Name	Job Title	Incident Date	Time
---------------	-----------	---------------	------

Witness/Supervisor (1)	Job Title	Location Incident Observed	
------------------------	-----------	----------------------------	--

Witness/Supervisor (2)	Job Title	Location Incident Observed	
------------------------	-----------	----------------------------	--

This checklist is to be completed when an incident has occurred which provides reasonable suspicion that an employee is under the influence of a prohibited drug or alcohol. You should note all behavior and physical signs or symptoms which lead you to reasonably believe that the employee has recently used or is under the influence of a prohibited substance. Mark each applicable item on this form and add any additional facts or circumstances which you have noted.

A. NATURE OF INCIDENT FOR SUSPICION

- 1. Possession or use of an unknown substance
- 2. Indications of drug or alcohol use
- 3. Abnormal or unusual behavior
- 4. Other observations (ex. reports by third party, serious safety or misconduct violation and fighting)

NOTE: PLEASE DESCRIBE BELOW

B. BEHAVIORAL INDICATORS NOTED

- 1. Verbally aggressive
- 2. Physically aggressive
- 3. Withdrawal, depression, tearful, or unresponsive
- 4. Other inappropriate behavior (ex. disoriented, talkative, confused)

NOTE: PLEASE DESCRIBE BELOW

C. PHYSICAL SIGNS OR SYMPTOMS

1. Walking/Balance:
 Stumbling Staggering Falling Unable to stand
 Swaying Unsteady Rigid Holding on
 Sagging at knees Feet wide apart Normal
2. Speech:
 Shouting Whispering Slow Rambling
 Slurred Slobbering Incoherent Normal
3. Actions:
 Resisting communication Insulting Hostile Drowsy
 Fighting/insubordinate Profanity Erratic Threatening
 Hyperactive Crying Indifferent Normal.
4. Eyes:
 Bloodshot Watery Dilated Constricted
 Droopy Closed Glassy Normal
5. Face:
 Flushed Pale Sweaty Normal
6. Appearance/Clothing:
 Messy Dirty Partially dressed
 Having odor Stains on clothing Normal
7. Breath:
 Alcoholic odor Faint alcohol odor Normal
 No alcohol odor Marijuana odor
8. Movements:
 Fumbling Jerky Slow Nervous
 Hyperactive Normal
9. Eating/Chewing:
 Gum Candy Mints Tobacco
 Other None

NOTE: PLEASE DESCRIBE BELOW

D. WRITTEN SUMMARY

Please summarize the facts and circumstances of the incident, employee response, supervisor actions taken, and other pertinent information.

E. OUTCOME

- | | | |
|--|------------------------------|-----------------------------|
| 1. Employee appears capable of returning to work | <input type="checkbox"/> yes | <input type="checkbox"/> no |
| 2. Recommend for drug testing | <input type="checkbox"/> yes | <input type="checkbox"/> no |
| 3. Recommend for alcohol testing | <input type="checkbox"/> yes | <input type="checkbox"/> no |
| 4. Has Human Resources been consulted | <input type="checkbox"/> yes | <input type="checkbox"/> no |
| 5. Did employee refuse testing? | <input type="checkbox"/> yes | <input type="checkbox"/> no |
| If yes, was employee informed of consequences? | <input type="checkbox"/> yes | <input type="checkbox"/> no |
| 6. Did employee admit to using drugs or alcohol? | <input type="checkbox"/> yes | <input type="checkbox"/> no |
| If so, what, when, where and how much? | _____ | |

E. SIGNATURES

Employee Signature: _____ Date: _____

Supervisor (1) Signature: _____ Date: _____

Supervisor (2) Signature: _____ Date: _____

Appendix D

City of Shelby Service Provider Audit Form

Service Provider Name: _____

Service Provider Function: _____

Verify that the service providers meet the applicable requirements of the City of Shelby's Anti-Drug and Alcohol Misuse Prevention Policy and Drug and Alcohol Testing Policy

	DOES THE SERVICE PROVIDER USE OR HAVE:	YES	NO	N/A	COMMENTS
1	Procedures to ensure the correct identity of each employee at the time of testing?				
2	A strict chain-of-custody procedure to ensure that the employee's specimen is not tampered with?				
3	Trained breath alcohol technician (BAT) and DOT approved testing devices for conducting alcohol test?				
4	A laboratory which has been certified by the US Department of Health & Human Services (DHHS)?				
5	Confirmation of an initial positive drug screen by a second analysis using gas chromatography/mass spectrometry (GC/MS)?				
6	Confirmation of an initial positive alcohol screen by a second analysis?				
7	The Medical Review Officer (MRO) review all drug test results?				

Drug Testing Laboratories

D.01 - Verify that the drug testing laboratories meet the applicable requirements of Part 40 and Part 199.

D.03 – Verify that drug testing laboratory records are maintained and reports are issued as required by Part. 40.

	VERIFY THAT:	YES	NO	N/A	COMMENTS
D.01. a	The drug testing laboratory used for all testing Required by Part 40 and Part 199 is certified by DHHS.				
D.01. b	The drug testing laboratory only tests for the following five drugs or classes of drugs in a DOT drug test. (The laboratories must not test "DOT specimens" for any other drugs). Marijuana				

	metabolites, Cocaine metabolites, Amphetamines, Opiate metabolites and Phencyclidine.				
D.01. c	The laboratory results are reported directly, and only, to the MRO. Results must not be reported to through the DER or service agent.				
D.01. d	The laboratories testing the primary specimen Retain a specimen that was reported with positive, adulterated, substituted, or invalid results for a minimum of one year. The specimen must be kept a secure, long-term, frozen storage in accordance with HHS requirements.				
D.03. a	The laboratory retains all records pertaining to Each employee urine specimen for a minimum of two years and also keeps for two years employer specific data.				
D.03 b	The laboratory transmits an aggregate statistical summary, by employer, of the data listed in Part 40, Appendix B to the employer on a semi-annual basis.				

Alcohol Testing Devices

K.01 - Verify that the approved testing devices are used to perform alcohol screening and confirmation tests.

	VERIFY THAT:	YES	NO	N/A	COMMENTS
K.O1. a	Any Evidential Breath Testing Device (EBT) or used for DOT required testing is approved by the National Highway Traffic Safety Administration (NHTSA) and placed on a Conforming Products List (CPL).				
K.01. b	External calibration checks are performed at the Intervals specified in the manufacturer's Instructions for any EBT used for DOT required alcohol confirmation testing.				

Specimen Collection Sites

O.01 - Verify that the training and usage of personnel is in compliance with the applicable requirements of Part 40.

O.02 – Verify that the collection sites, forms and supplies are in compliance with the applicable physical and security requirements.

O.03 – Verify that procedures for collection of urine specimens are in compliance with the applicable requirements of Part 40.

	VERIFY THAT:	YES	NO	N/A	COMMENTS
O.01.	The operators ensures that, unless no other				

a	collector is available, an immediate supervisor of an employee does not service as a collection site person.				
O.01. b	Collectors meet the training requirements of §40.33 and documentation is available outlining all requirements are met.				
O.01. c	The operator provides error correction training as required by §40.33(f) and the training occurs within 30 days of date of notification of the error that led to the need for training.				
O.02. a	The City has designated a collection site that Meets the requirements of §40.41.				
O.02. b	If the collection site uses a facility normally used for other purposes, are procedures in place before the collection to ensure that: (1) access to collection materials and specimens is effectively restricted; and (2) the facility is secured against access during the procedure to ensure privacy to the employee and prevent distraction of the collector; and (3) limited access signs are posted.				
O.02. c	Procedures are in place to assure the collector maintains personal control over each specimen and CCF throughout the collection process and unauthorized personnel are preventing from entering any part of the site in which urine specimens are collected and stored.				
O.02. d	The current Federal Drug Testing Custody and Control Form (CCF) or equivalent are being used.				
O.02. e	The collection kit used meets the requirements of Appendix A to Part 40.				
O.03. a	Collection site personnel explains the basic Collection procedure to the employee, including showing the employee the instructions on the back of the CCF.				
O.03. b	Collection site personnel provide the employee with an individually wrapped sealed collection container from the collection kit materials.				
O.03. c	Precautions are taken to ensure that unadulterated specimens are obtained and correctly identified that meet the following requirements:				

	<ul style="list-style-type: none"> •Bluing agents in toilet tank and all water sources secure •Individual positively identified (photo ID, etc.) •The donor shall remove any unnecessary outer garments. Purses or briefcases shall remain with outer garments •Donor shall wash and dry his/her hands •To the greatest extent possible, the collector must keep an employee's collection container within view of both himself/herself and the employee between the time the employee has urinated and the specimen is sealed •Any unusual behavior noted on the CCF. 				
O.03.d	Procedures are being followed at the collection site after the specimen has been provided in compliance with the requirements of §40.65.				
O.03.e	Provisions have been made if the employee is unable to provide at least 45 milliliters of urine "Shy Bladder" procedure.				
O.03.f	Procedures are in place for immediately collecting urine specimens under direct observation for the situations identified in §40.67(c). All collections for Post-Rehab/Follow-up Testing are performed under MRO directed direct observation [§40.67(b)].				
O.03.g	Same gender collection personnel are used if a collection is monitored under direct observation by non-medical personnel				
O.03.h	The CCF is properly executed by authorized collection site personnel upon receipt and transfer of a urine specimen.				

Alcohol Testing Sites

P.01 - Verify that the training and usage of personnel is in compliance with the applicable requirements of Part 40.

P.02 – Verify that the collection sites, forms and supplies are in compliance with the applicable physical and security requirements.

P.03 – Verify that alcohol screening tests are performed in compliance with the applicable requirements of Part 40.

P.04 – Verify that alcohol confirmation tests are performed in compliance with the applicable requirements of Part 40.

P.05 – Verify that procedures for addressing problems in alcohol testing are in compliance with the applicable requirements.

	VERIFY THAT:	YES	NO	N/A	COMMENTS
P.01.a	The alcohol testing site specifies training for BATs that is in compliance with §40.213 and documentation certify that all requirements				

	are met.				
P.01. b	The plan specify that a supervisor shall not serve as the BAT if that supervisor makes the reasonable cause determination.				
P.02. a	The alcohol testing site complies with the applicable physical and security requirements of §40.221 and §40.223.				
P.02. b	The Alcohol Testing site's plan specifies that only EBTs listed on the NHTSA CPL will be used for DOT alcohol testing and the plan specify that an EBT must be used for conducting the confirmation tests.				
P.02. c	The Alcohol Testing site follows the Quality Assurance Plan (QAP) for the EBT that is used.				
P.02. d	The Alcohol Testing site complies with the QAP and manufacturer's instructions and the operator follow the QAP for the ASD that is used.				
P.03. a	The Alcohol Testing site prescribes that only the DOT-approved Alcohol Testing Form (ATF) is utilized.				
P.03. b	The Alcohol Testing site specifies that the employee shall provide a positive identification through use of photo ID or by employer representative.				
P.03. c	The BAT at the Alcohol Testing site will explain the testing process to the employee.				
P.03. d	The Alcohol Testing site follows specific instructions for conducting alcohol screening tests in compliance with §40.241 and §40.243 requirements.				
P.03. f	The Alcohol Testing site specifies actions that are taken after receipt of alcohol screening test results that are in compliance with §40.247.				
P.04. a	The Alcohol Testing site provides guidance for the actions a new BAT must complete to conduct a confirmation test in compliance with §40.251(b).				
P.04. b	The Alcohol Testing site specifies procedures to be followed in conducting a confirmation test that are in compliance with §40.253 and §40.255.				
P.05. a	The Alcohol Testing site addresses the situations for which the employee is considered to have				

	refused to take an alcohol test.				
P.05. c	The Alcohol Testing site specifies procedures concerning an employee's inability to provide an adequate amount of breath for testing in compliance with §40.265.				
P.05 d	The Alcohol Testing site specifies under what conditions that an alcohol test shall be cancelled.				
P.05. e	The Alcohol Testing site specifies procedures concerning the potential inability to complete an alcohol test and trying to successfully complete the test.				

City Rep Name: _____

Title: _____ **Audit Date:** _____

City of Shelby
CONTRACTOR DRUG AND ALCOHOL PLAN REVIEW FORM
APPENDIX E

Date: _____

Name of Contractor: _____

Name / Position Reviewer: _____

- A. Does Contractor have an Anti-Drug Plan? Yes No
- B. Does Contractor have an Alcohol Misuse Prevention Plan? Yes No

If you answered “No” to question A or B, skip to section: IV

I. Review: Contractors Anti-Drug Plan

This review is to assure a contractor's compliance with PHMSA/DOT regulations.

Review of Anti-Drug Plan completed? Yes N/A
Is Plan Acceptable? Yes No N/A

If “No”, the Contractor is prohibited from performing a covered function for the City of Shelby.

II. Review: Contractors Alcohol Misuse Prevention Plan

This review is to assure a contractor's compliance with PHMSA/DOT regulations.

Review of Alcohol Misuse Prevention Plan completed? Yes N/A
Is Plan Acceptable? Yes No N/A

If “No”, the Contractor is prohibited from performing a covered function for the City of Shelby.

III. Review: The following documents for availability and correctness

Laboratory Certification Yes No N/A

Only those laboratories identified under the HHS-Certified Laboratories list are permitted to participate in the DOT drug testing program.

MRO certifications Yes No N/A

SAP certifications Yes No N/A

BAT/STT certifications Yes No N/A

Collection Site Personnel certifications Yes No N/A

Proof of Supervisory 60/60 Training? Yes No N/A

Are Documents Acceptable? Yes No

Was a list of Contractor employees who will perform any work or functions covered by Part 199 under this contract, supplied to the Operator? Yes No

IV. Option to place the Contractor in the Operator's Pool

Was the Contractor given a pre-employment drug test? Yes (required)

Was the Contractor placed in drug pool? Yes (required)

Was the contractor given a copy of Drug and Alcohol Plan or Summarized Version of the Drug and Alcohol Plan, along with Educational material? Yes (required)

Date the Contractor was added to the pool: _____

Signature of Designated Employer Representative (DER): _____

This contractor is now eligible to perform covered functions as defined in Part 199 and Part 40.

Appendix F

City of Shelby

Acknowledgement of Receipt of Policy & Training

I hereby acknowledge that I have received, read, and understand the City of Shelby's Anti-Drug and Alcohol Misuse Prevention Plan. I understand that I am subject to and must adhere to the requirements and must abide by the terms of the City's Policy as a condition of employment.

I understand that:

1. I may be required to submit to drug and/or alcohol tests as directed by the City;
2. The City's Policy on drugs and/or alcohol and understand failure to comply is grounds for disciplinary action, up to and including discharge; and
3. Refusal to submit to a drug and/or alcohol test in accordance with the Policy, and will result in disciplinary action, up to and including discharge of employment, in addition to action required by DOT regulations.

THE UNDERSIGNED STATES THAT HE OR SHE HAS READ THE FOREGOING ACKNOWLEDGEMENT AND UNDERSTANDS THE CONTENTS THEREOF.

Employee Name

Date

Employee Signature

RESOLUTION NO. 40-2018

A RESOLUTION REVISING AND AMENDING THE PERSONNEL POLICIES
OF THE CITY OF SHELBY TO PROVIDE FOR
AN UPDATED PERSONNEL POLICY AND PROCEDURE MANUAL

WHEREAS, the City of Shelby has heretofore enacted a variety of policies, procedures and policy statements governing the personnel system of the City; and,

WHEREAS, to keep in compliance with Federal and State Laws these policies will be utilized by City management consistently in handling employee issues and grievances.

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

Section 1. The City's Personnel Policy dated July 1998 and adopted in August 1998 is hereby amended to include the addition or revision of the following: "ANTI-DRUG AND ALCOHOL MISUSE PREVENTION POLICY", copies of which are attached hereto as ATTACHMENT A and made a part of this resolution.

Section 2. The City Manager is hereby authorized and directed to implement and administer the policies set forth in Section I of this resolution. The City Clerk is likewise authorized and directed to cause the provisions of this policy to be properly recorded into the Personnel Policy document, as may be applicable.

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

Resolution No. 40-2018
August 6, 2018
Page 2

Adopted and approved this the 6th day of August 2018.

O. Stanhope Anthony III
Mayor

ATTEST:

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

City of Shelby
Agenda Item Summary
August 6, 2018
City Hall Council Chamber

Agenda Item: B-6

- 6) Approval of a resolution approving an application by the City of Shelby Police Department to the US Department of Justice for an Edward Byrne Memorial Justice Assistance Grant and accepting the funds of same: Resolution No. 41-2018

Consent Agenda Item: (Staff Resource, Jeff Ledford, Chief of Police)

Summary of Available Information:

- Memorandum dated August 1, 2018 from Chief J.H. Ledford to Rick Howell, City Manager
- Resolution No. 41-2018

City Manager's Recommendation / Comments

Resolution No. 41-2018 is presented for Council consideration at this time via the Consent Agenda. If approved this resolution would merely authorize the submission of the application for funding to the Edward Byrne Memorial Justice Assistance Grant (JAG) Program. The City routinely submits these requests for federal funding. There is no local match. In the past these funds have been used to supplement local funding for various public safety, crime prevention and interdiction initiatives. In this case we are eligible to apply for \$13,932 in funding.

It is my recommendation Resolution No. 41-2018 be adopted and approved by City Council at this time via the Consent Agenda.



Intradepartmental Communication

To: Rick Howell, City Manager
From: Chief J.H. Ledford
Date: August 1, 2018
Subject: JAG Grant Resolution Request

Background

The Edward Byrne Memorial Justice Assistance Grant (JAG) Program (42 U.S.C. 3751(a)) is the primary provider of federal criminal justice funding to state and local jurisdictions. The JAG Program provides states and units of local governments with critical funding necessary to support a range of program areas including law enforcement, prosecution and court programs, prevention and education programs, corrections and community corrections, drug treatment and enforcement, crime victim and witness initiatives, and planning, evaluation, and technology improvement programs.

Current Funding

Recently, the US Department of Justice, Bureau of Justice Assistance (BJA) released the FY2018 Edward Byrne Memorial Justice Assistance Grant (JAG) grant solicitation for local law enforcement. Through the formula established by the BJA, the City of Shelby is eligible to apply for \$13,932 in grant funding to be used towards law enforcement programs and improvements. This grant program requires no local funding match.

Through the guidelines established in the program, the City of Shelby and Cleveland County submitted a joint application for funding for this fiscal year. This grant application requires approval by the local governing body for submission.

Recommendation

We are requesting a council resolution to approve the submission of this application for funding.

RESOLUTION NO. 41-2018

A RESOLUTION APPROVING AN APPLICATION BY THE CITY OF SHELBY
POLICE DEPARTMENT TO THE U.S. DEPARTMENT OF JUSTICE
FOR AN EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT
AND ACCEPTING THE FUNDS OF SAME

WHEREAS, the United States Department of Justice offers grant funds to local law enforcement agencies for programs targeted at fighting crime and assisting police and local law enforcement agencies across the country; and,

WHEREAS, the Shelby Police Department has developed a grant proposal for the purchase of police equipment designed for improvements in communication, officer protection, officer training and more; and,

WHEREAS, it is the desire of the Shelby City Council to accept this proposal and a grant award from the U.S. Department of Justice.

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

Section 1. The Edward Byrne Memorial Justice Assistance Grant application in the amount of \$13,932.00 to purchase departmental equipment is hereby approved for submission to the United States Department of Justice. There are no local matching fund requirements to this application.

Section 2. The City Manager of the City of Shelby is hereby authorized and directed to execute and submit all applicable documents and make assurances as required by said grant program.

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

Adopted and approved this the 6th day of August 2018.

O. Stanhope Anthony III
Mayor

ATTEST:

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

City of Shelby
Agenda Item Summary
August 6, 2018
City Hall Council Chamber

Agenda Item: B-7

- 7) Adoption of an ordinance authorizing demolition of a dwelling (112 Palmer Street):
Ordinance No. 44-2018

Consent Agenda Item: (Staff Resource, Walter Scharer, Planning Director)

Summary of Available Information:

- Memorandum dated July 23, 2018 from Walter Scharer, Planning Director to Rick Howell, City Manager
- Photo of property
- Location Map – 112 Palmer Street
- Tax Card for 2018
- Ordinance No. 44-2018

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. 44-2018 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: July 23, 2018
Subject: **Demolition of Structure at 112 Palmer 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 approximately \$4,000.00. 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 Policies and Actions:

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.

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 August 6, 2018. Staff recommends this minimum housing action.

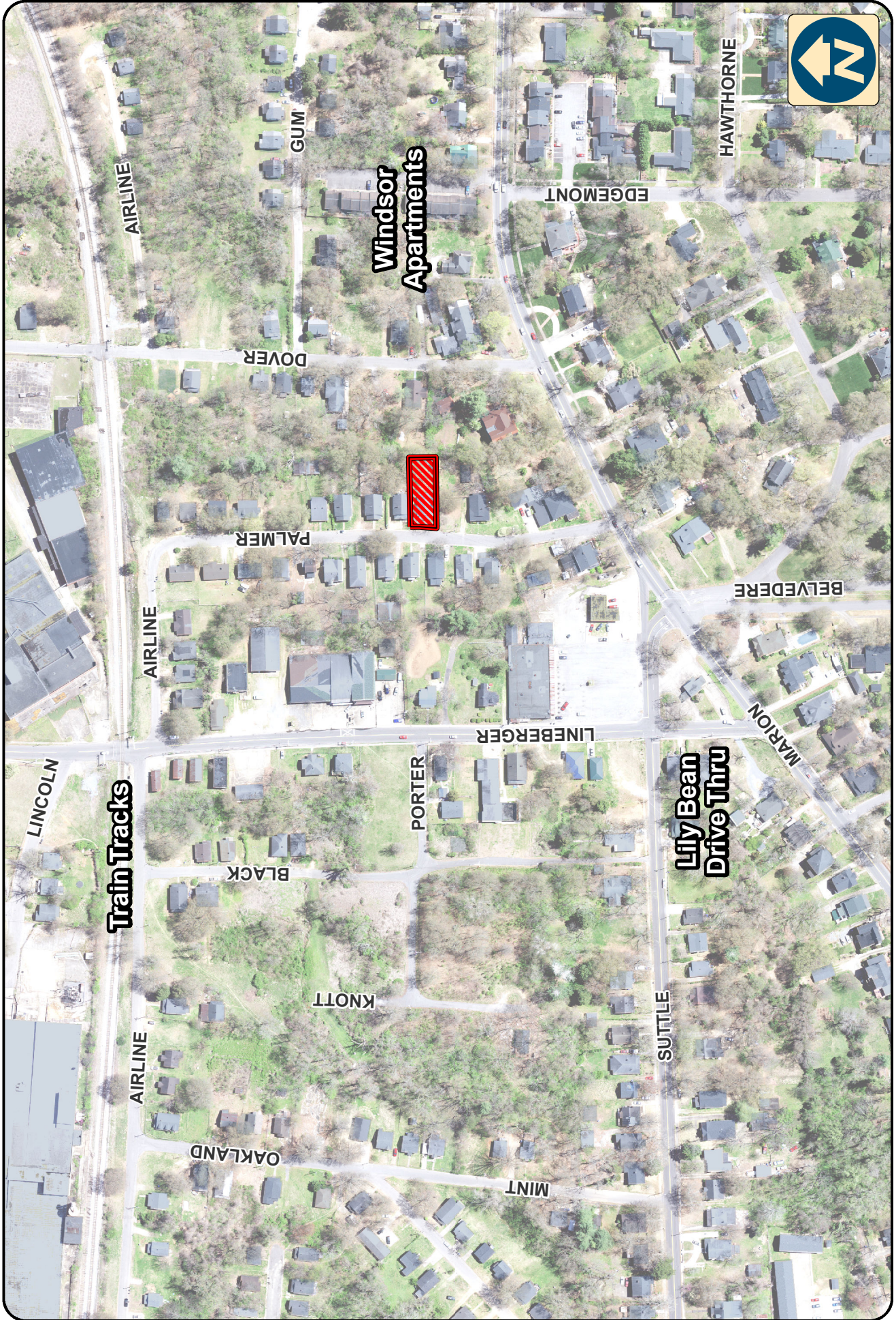
Attachments: Photo of Structure, Location Map, Tax Card and Ordinance





Location Map 112 Palmer Street

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



500 Feet

250

125

0 125 250 feet

Scale 1:3,000 1 inch = 250 feet

Date: 7/19/2018

USER ALAN

FOR YEAR 2018

CHILDERS MAE OGLE HEIRS
PIN... S15 7 14

PARCEL ID.. 18797

LOCATION... 112 PALMER ST

SHELBY

DEED YEAR/BOOK/PAGE.. 2006 13K 796

ASSESSMENT RECY

112 PALMER ST

PLAT BOOK/PAGE..

OWNER ID.. 1235388

LEGAL DESC:112 PALMER ST

DISTRICT.. 6 CITY OF SHELBY

TOWNSHIP... 6 SHELBY

SHELBY

NC 28150-

NBRHOOD... 272 S MAPS #6

DESCRIPTION

RESIDENTIAL

MAINTAINED.. 5/17/2017 BY MAYES

VALUED.. 9/14/2016 BY MAYES

VISITED..... 9/16/1998 BY

ROUTING#..

PARCEL STATUS... ACTIVE

CATEGORY.. Real & Personal

----- SALES HISTORY -----

DEED BK/PAGE AMOUNT	SALE DATE DEED NAME	SALES INSTRUMENT	DISQUALIFIED	SALE AMOUNT	STAMP
13K 796	12/31/2006	DEATH REPORT	NO STAMPS ON DE		
	CHILDERS MAE OGLE HEIRS				
13K 796	1/01/1970	SALE	QUALIFIED		
7.50					

----- LAND SEGMENTS -----

LND TOT #	STRAT CURRENT ZONE	LAND CODE	TYPE/CODE	LAND QTY	LAND RATE	DPT%	SHP%	LOC%
1	02	FF F		50.000	60.00	100.00	.00	100.00
.00	.00	.00	.00	3,000				
			DPH..	143			OTHER ADJ...	
.00	.00	.00	.00					
	TOTAL ACRES..			.000				
TOTAL LAND FMV..			3,000					

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

MAIN FIN AREA.. 1,028.00 ACT/EFF YR/AGE.. 1935 1970 46
 VISITED.. BY
 STRAT..... 02 DESCRIPT.... SINGLE FAMILY DWELLING-WF
 MAINTAINED.. 5/17/2017 BY MAYES

MAIN PERIM..... 132.00 MAIN GROUND SF.... 1,028.000
 LOCATION #..... PALMER ST 119

HGT%	PER%	CDS%	COMPONENT TYPE/CODE/DESC COST	PCT %CMPL	UNITS	RATE	STR#	STR%	SIZ%
------	------	------	-------------------------------	-----------	-------	------	------	------	------

AC 06			COVERED PORCH	100	140.00	13.19			
113.00					2,086				
MA 37W			SINGLE FAMILY DWELLI	100	1028.00	62.11	1.00		
100.00		100			63,849				
EW 06			WOOD SIDING	100	132.00	.00			
0									
- FD 04			PERIMETER FOOTING	100	1028.00	.00			
0									
- HC 05			FORCED HOT AIR	100	1028.00	.00			
0									
- PL R			RES PLUMB-EXTRA FIXT	100	5.00	717.00			
0									

x			RCN...		PCT COMPLETE			100	
			65,935						
85.00	x		QUAL.. QG D3		D+-				
			56,044						
68.00	-	38,110	DEPR.. D4		46 YEARS OLD				
25.00	-	4,483	LOCA.. LOD		LOCATIONAL OBS DEP				
			42,593	T					
75.00	x		--FMV... MA 272		272 MARKET ADJ				
			10,087						
DATE	5/25/18				CLEVELAND COUNTY				
PAGE	2								
TIME	9:16:24				PROPERTY CARD				
PROG#	AS2006								
USER	ALAN				FOR YEAR 2018				

CHILDERS MAE OGLE HEIRS PARCEL ID.. 18797
 PIN... S15 7 14

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

+-----24-----+
 +2 :
 : :
 : :
 : :
 : 4
 3 0
 4 :
 : :
 : :
 : :

B :
 ++-----26-----++
 : A
 7 7
 +-----20-----+

----- AC 06 COVERED PORCH -----
 TRAVERSE -----

M R 22.00 D D 7.00 D L 20.00 D U 7.00
 D R 20.00

----- MA 37W SINGLE FAMILY DWELLI FLOOR: 1.00 -----
 TRAVERSE -----

D U 34.00 D R 2.00 D U 6.00 D R 24.00
 D D 40.00 D L 26.00

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

MAIN FIN AREA.. ACT/EFF YR/AGE.. 1984 1998 18
 VISITED.. BY
 STRAT..... 02 DESCRIPT....
 MAINTAINED.. 5/17/2017 BY MAYES
 LOCATION #..... PALMER ST 119

COMPONENT	TYPE/CODE/DESC	PCT	UNITS	RATE	STR#	STR%	SIZ%
HGT%	PER%	CDS%	COST	%CMPL			

MS 23	SHED				1.00		
		QUAL..	QG 100		MISC IMPR	QUALITY 10	
100.00	x			0			
		DEPR..	25		18 YRS OLD		
72.00	-		0	0	T		
					PCT COMPLETE		100
		--FMV...					
0							

TOTAL PARCEL VALUES-----	LAND /	OVR	IMPROVEMENTS /	OVR	TOTAL
LAND/IMPROVE	2017 VALUE				
	FMV.....	3,000		10,087	
13,087	13,087				
	APV.....	3,000		10,087	
13,087	13,087				

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

ORDINANCE NO. 44-2018

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 **112 Palmer 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, **Mae Olge Childers Heirs**, 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 **112 Palmer Street**, Shelby, and described in the Cleveland County records as Tax Parcel No. **18797** 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 6th day of August 2018.

O. Stanhope Anthony, III
Mayor

ATTEST:

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

APPROVED AS TO FORM:

Robert W. Yelton
City Attorney

City of Shelby
Agenda Item Summary
August 6, 2018
City Hall Council Chamber

Agenda Item: B-8

- 8) Adoption of an ordinance authorizing demolition of a dwelling (412 Orange Street):
Ordinance No. 45-2018

Consent Agenda Item: (Staff Resource, Walter Scharer, Planning Director)

Summary of Available Information:

- Memorandum dated July 27, 2018 from Walter Scharer, Planning Director to Rick Howell, City Manager
- Photo of property
- Location Map – 412 Orange Street
- Tax Card for 2018
- Ordinance No. 45-2018

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. 45-2018 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: July 27, 2018
Subject: **Demolition of Structure at 412 Orange 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 approximately \$4,000.00. 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 Policies and Actions:

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.

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 August 6, 2018. Staff recommends this minimum housing action.

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





Location Map 412 Orange Street

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



500 Feet

250

125

0

1 inch = 250 feet

Scale 1:3,000

Date: 7/26/2018

ORDINANCE NO. 45-2018

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 **412 Orange 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, **EDWIN HARRILL**, 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 **412 Orange Street**, Shelby, and described in the Cleveland County records as Tax Parcel No. **17433** 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 6th day of August 2018.

O. Stanhope Anthony, III
Mayor

ATTEST:

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

APPROVED AS TO FORM:

Robert W. Yelton
City Attorney

City of Shelby
Agenda Item Summary
August 6, 2018
City Hall Council Chamber

Agenda Item: B-9

- 9) Adoption of an ordinance authorizing demolition of a dwelling (419 Orange Street):
Ordinance No. 46-2018

Consent Agenda Item: (Staff Resource, Walter Scharer, Planning Director)

Summary of Available Information:

- Memorandum dated July 27, 2018 from Walter Scharer, Planning Director to Rick Howell, City Manager
- Photo of property
- Location Map – 419 Orange Street
- Tax Card for 2018
- Ordinance No. 46-2018

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. 46-2018 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: July 27, 2018
Subject: **Demolition of Structure at 419 Orange 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 approximately \$4,000.00. 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 Policies and Actions:

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.

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 August 6, 2018. Staff recommends this minimum housing action.

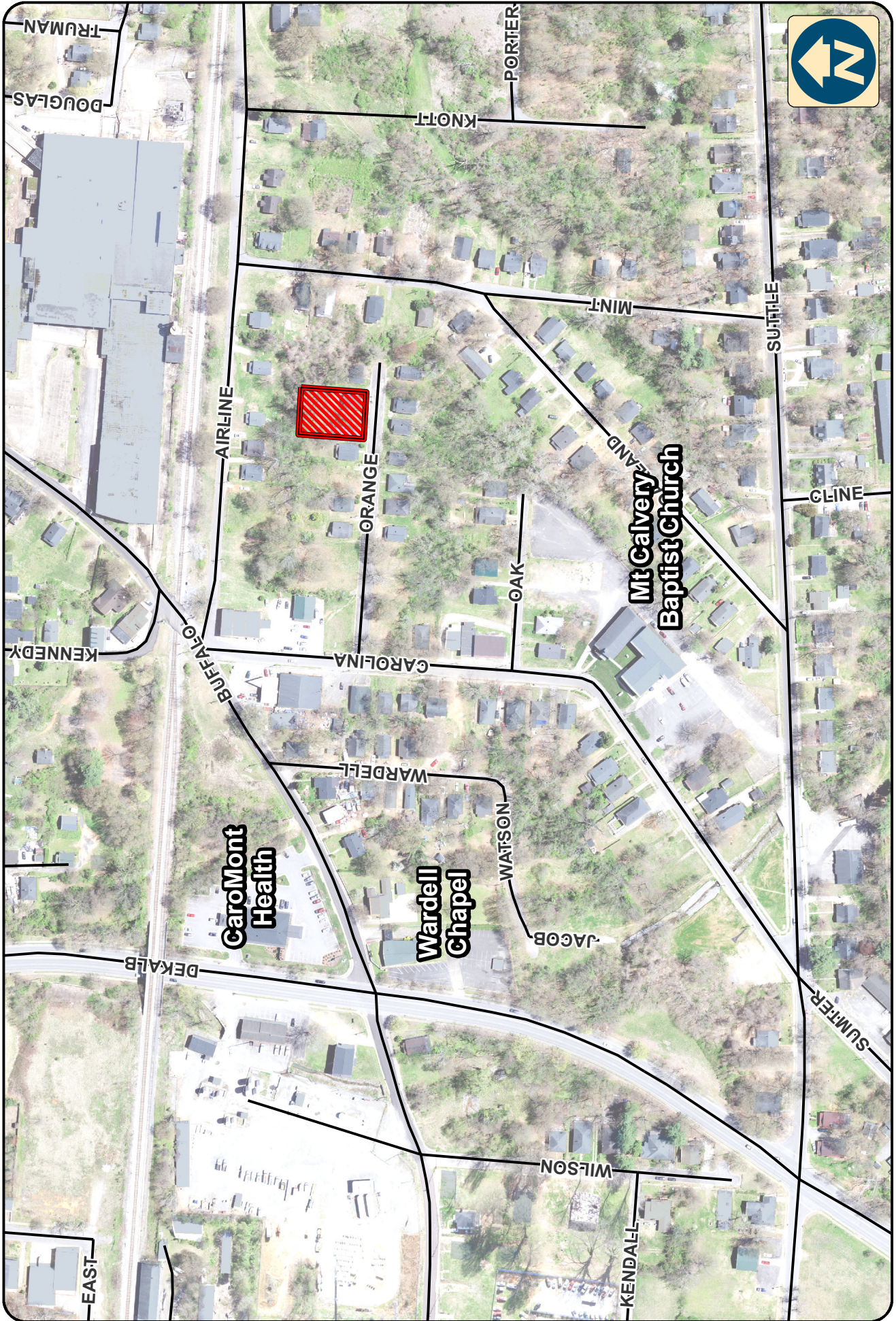
Attachments: Photo of Structure, Location Map, Tax Card and Ordinance





Location Map 419 Orange Street

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



Scale 1:3,000 1 inch = 250 feet 0 125 250 500 Feet

Date: 7/26/2018

Cleveland County NC Property Card

MS 33	DWELLING			512.00							
		QUAL..	QG	100	MISC IMPR QUALITY 10	100.00	x			0	
		DEPR..	D		VERRIDE DEPRECIATIO	100.00					
		COND..	D	65	DEPRECIATION OVERRID	x 65.00		65.00	-	0	0 T
					PCT COMPLETE			100			
		--FMV...									3,000
TOTAL PARCEL VALUES----			LAND /	OVR	IMPROVEMENTS /	OVR	TOTAL LAND/IMPROVE			2017 VALUE	
	FMV.....		5,076		3,186		8,262			8,262	
	APV.....		5,076		3,186		8,262			8,262	

COMMENTS - -----											

ORDINANCE NO. 46-2018

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 **419 Orange 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, **EDWIN HARRILL**, 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 **419 Orange Street**, Shelby, and described in the Cleveland County records as Tax Parcel No. **17436** 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 6th day of August 2018.

O. Stanhope Anthony, III
Mayor

ATTEST:

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

APPROVED AS TO FORM:

Robert W. Yelton
City Attorney

City of Shelby
Agenda Item Summary
August 6, 2018
City Hall Council Chamber

Agenda Item: B-10

10) Adoption of an ordinance authorizing demolition of a dwelling (424 Orange Street):
Ordinance No. 47-2018

Consent Agenda Item: (Staff Resource, Walter Scharer, Planning Director)

Summary of Available Information:

- Memorandum dated July 27, 2018 from Walter Scharer, Planning Director to Rick Howell, City Manager
- Photo of property
- Location Map – 419 Orange Street
- Tax Card for 2018
- Ordinance No. 47-2018

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. 47-2018 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: July 27, 2018
Subject: **Demolition of Structure at 424 Orange 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 approximately \$4,000.00. 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 Policies and Actions:

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.

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 August 6, 2018. Staff recommends this minimum housing action.

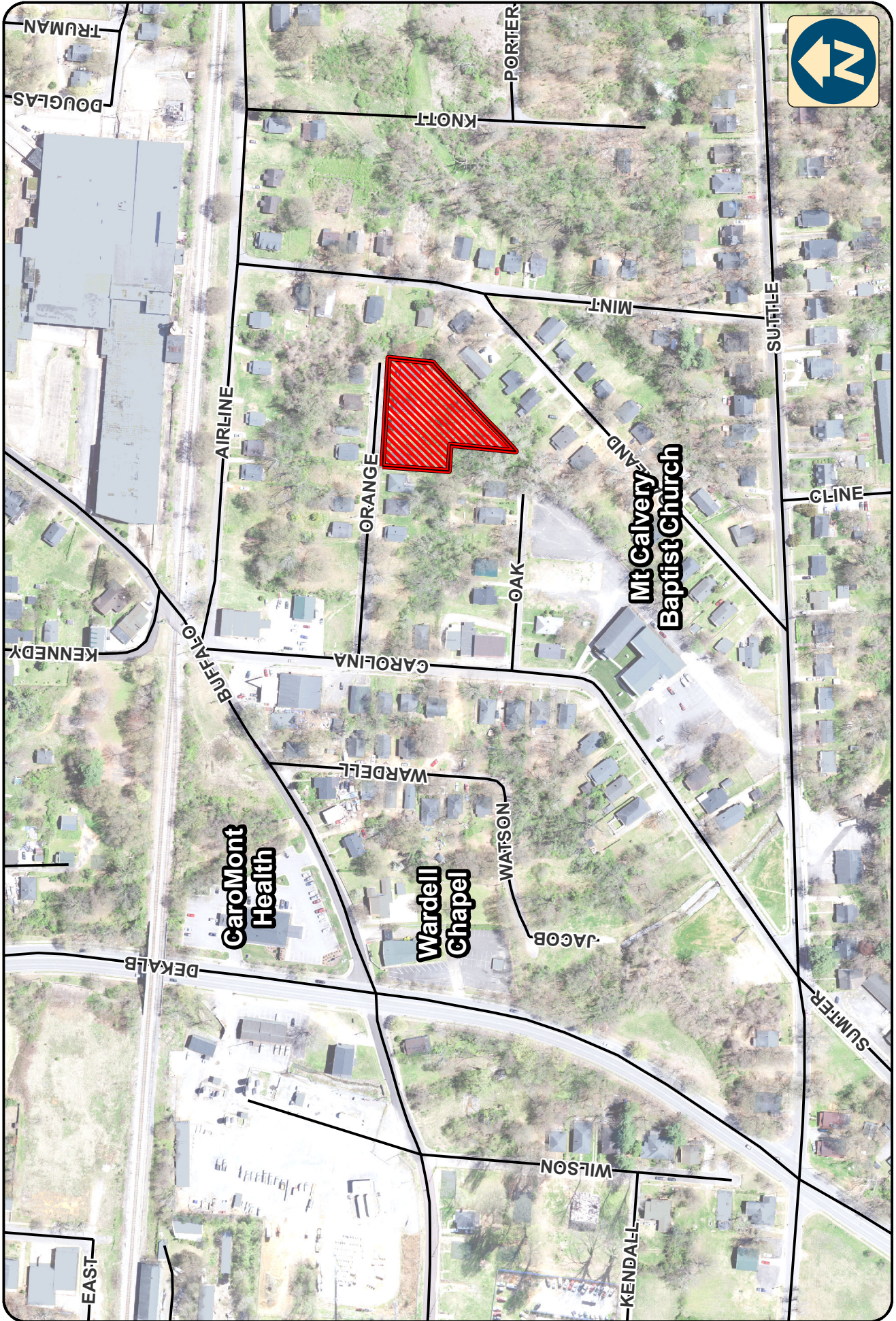
Attachments: Photo of Structure, Location Map, Tax Card and Ordinance





Location Map 424 Orange Street

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



Scale 1:3,000

1 inch = 250 feet

0 125 250 500 Feet

Date: 7/26/2018

USER ALAN FOR YEAR 2018

HARRILL EDWIN RALPH JR PARCEL ID.. 17434 PIN... S 5 5 31
HARRILL PAMELA LOCATION... 424 ORANGE ST SHELBY
DEED YEAR/BOOK/PAGE.. 2003 1398 0548 ASSESSMENT NONE
PLAT BOOK/PAGE... OWNER ID.. 9588501
LEGAL DESC:#55-58 PB1-45 GREEN PROP DISTRICT.. 6 CITY OF SHELBY

SHELBY NC 28151-0801 TOWNSHIP... 6 SHELBY NBRHOOD... 272 S MAPS #6
DESCRIPTION RESIDENTIAL

MAINTAINED.. 5/17/2017 BY MAYES VALUED.. 9/14/2016 BY MAYES
ROUTING#..
VISITED..... 5/11/2000 BY JP CATEGORY.. Real & Personal
PARCEL STATUS... ACTIVE

SALES HISTORY table with columns: DEED BK/PAGE, SALE DATE, SALES INSTRUMENT, DISQUALIFIED, SALE AMOUNT, STAMP AMOUNT, DEED NAME. Includes entries for 1398, 1202, 1184, and 5K.

LAND SEGMENTS table with columns: LND #, ZONE, STRAT CODE, LAND TYPE/CODE, LAND QTY, LAND RATE, DPT%, SHP%, LOC%, SIZ%, OTH%, TOP%, TOT ADJ, CURRENT FMV. Includes a TOTAL ACRES.. row.

IMPROVEMENT # 1 MAJOR IMPR-M
MAIN FIN AREA.. 888.00 ACT/EFF YR/AGE.. 1963 1967 49 VISITED.. 5/11/2000 BY JP
STRAT..... 02 DESCRPT.... DUPLEX-WOOD FRAME MAINTAINED.. 5/17/2017 BY MAYES
MAIN PERIM..... 124.00 MAIN GROUND SF.... 888.000
LOCATION #..... ORANGE ST 424

Table with columns: COMPONENT, TYPE/CODE/DESC, PCT, UNITS, RATE, STR#, STR%, SIZ%, HGT%, PER%, CDS%, COST, %CML. Lists items like COVERED PORCH, DUPLEX-WOOD FRAME, WOOD SIDING, NONE, RES BASE PLUMBING FI100.

RCN... PCT COMPLETE 100 x 49,577
QUAL.. QG E3 E+- 65.00 x 32,225
DEPR.. D8 49 YEARS OLD 99.00 - 31,902
LOCA.. LOD LOCATIONAL OBS DEP 25.00 - 80 31,982 T
--FMV... MA 272 272 MARKET ADJ 75.00 x 181

DATE 5/25/18 CLEVELAND COUNTY PAGE 2
TIME 9:16:24 PROPERTY CARD PROG# AS2006
USER ALAN FOR YEAR 2018

HARRILL EDWIN RALPH JR PARCEL ID.. 17434 PIN... S 5 5 31

IMPROVEMENT # 1 MAJOR IMPR-M

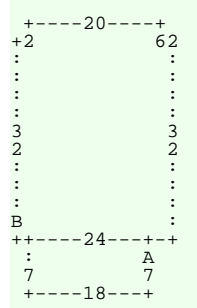


Table with columns: AC 06, COVERED PORCH, TRAVERSE, MA 18W, DUPLEX-WOOD FRAME, FLOOR: 1.00, TRAVERSE. Includes dimensions and values for each component.

IMPROVEMENT # 2 MAJOR IMPR-M

MAIN FIN AREA.. 816.00 ACT/EFF YR/AGE.. 1963 1967 49 VISITED.. BY
STRAT..... 02 DESCRPT.... SINGLE FAMILY DWELLING-WF MAINTAINED.. 5/17/2017 BY MAYES
MAIN PERIM..... 116.00 MAIN GROUND SF.... 816.000
LOCATION #..... ORANGE ST 424

Table with columns: COMPONENT, TYPE/CODE/DESC, PCT, UNITS, RATE, STR#, STR%, SIZ%, HGT%, PER%, CDS%, COST, %CML. Lists items like COVERED PORCH.

Cleveland County NC Property Card

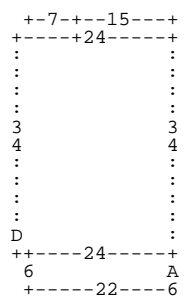
AC 06	COVERED PORCH	100	90.00	13.19		124.00			1,471
MA 37W	SINGLE FAMILY DWELLI	100	816.00	62.11	1.00	104.00		100	52,708
EW 06	WOOD SIDING	100	116.00	.00					0
- FD 04	PERIMETER FOOTING	100	816.00	.00					0
- HC 05	FORCED HOT AIR	100	816.00	.00					0
- PL R	RES PLUMB-EXTRA FIXT	100	5.00	717.00					0

	RCN...		PCT COMPLETE			100	x		56,893
	QUAL.. QG E3		E+-			65.00	x		36,980
	DEPR.. D7		49 YEARS OLD			95.00	-	35,131	
	LOCA.. LOD		LOCATIONAL OBS DEP			25.00	-	462	35,593 T
--FMV...	MA 272		272 MARKET ADJ			75.00	x		1,040

DATE 5/25/18 CLEVELAND COUNTY PAGE 3
 TIME 9:16:24 PROPERTY CARD PROG# AS2006
 USER ALAN FOR YEAR 2018

HARRILL EDWIN RALPH JR PARCEL ID.. 17434 PIN... S 5 5 31

----- IMPROVEMENT # 2 MAJOR IMPR-M -----



AC 06	COVERED PORCH	TRVERSE
M R	24.00 D D 6.00 D L 22.00 D U	6.00 D R 22.00
AC 06	COVERED PORCH	TRVERSE
M U	34.00 M R 9.00 D U 6.00 D L	7.00 D D 6.00 D R 7.00
AC 06	COVERED PORCH	TRVERSE
M U	34.00 M R 9.00 D U 6.00 D R	15.00 D D 6.00 D L 15.00
MA 37W	SINGLE FAMILY DWELLI FLOOR: 1.00	TRVERSE
D U	34.00 D R 24.00 D D 34.00 D L	24.00

----- IMPROVEMENT # 3 MAJOR IMPR-M -----

MAIN FIN AREA.. 584.00 ACT/EFF YR/AGE.. 1965 1967 49 VISITED.. BY
 STRAT..... 02 DESCRPT... SINGLE FAMILY DWELLING-WF MAINTAINED.. 5/17/2017 BY MAYES
 MAIN PERIM..... 100.00 MAIN GROUND SF.... 584.00
 LOCATION #..... 7723 424 ORANGE ST

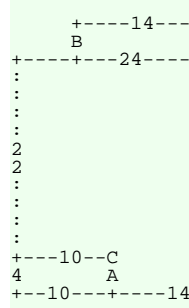
COMPONENT	TYPE/CODE/DESC	PCT	UNITS	RATE	STR#	STR%	SIZ%	HGT%	PER%	CDS%	COST	%CPL
AC 06	COVERED PORCH	100	40.00	13.19			143.00					754
AC 06	COVERED PORCH	100	84.00	13.19			124.00					1,373
MA 37W	SINGLE FAMILY DWELLI	100	584.00	62.11	1.00		111.00			100		40,262
EW 06	WOOD SIDING	100	100.00	.00								0
- FD 04	PERIMETER FOOTING	100	584.00	.00								0
- HC 05	FORCED HOT AIR	100	584.00	.00								0
- PL R	RES PLUMB-EXTRA FIXT	100	5.00	717.00								0

	RCN...		PCT COMPLETE				100	x			42,389	
	QUAL.. QG E3		E+-				65.00	x			27,552	
	DEPR.. D8		49 YEARS OLD				99.00	-	27,277			
	LOCA.. LOD		LOCATIONAL OBS DEP				25.00	-	68		27,345	T
--FMV...	MA 272		272 MARKET ADJ				75.00	x			154	

DATE 5/25/18 CLEVELAND COUNTY PAGE 4
 TIME 9:16:24 PROPERTY CARD PROG# AS2006
 USER ALAN FOR YEAR 2018

HARRILL EDWIN RALPH JR PARCEL ID.. 17434 PIN... S 5 5 31

----- IMPROVEMENT # 3 MAJOR IMPR-M -----



ORDINANCE NO. 47-2018

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 **424 Orange 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, **EDWIN HARRILL**, 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 **424 Orange Street**, Shelby, and described in the Cleveland County records as Tax Parcel No. **17434** 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 6th day of August 2018.

O. Stanhope Anthony, III
Mayor

ATTEST:

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

APPROVED AS TO FORM:

Robert W. Yelton
City Attorney

City of Shelby
Agenda Item Summary
August 6, 2018
City Hall Council Chamber

Agenda Item: B-11

- 11) Adoption of a budget ordinance amendment for the City of Shelby's Fallen Hero Memorial Park Project: Ordinance No. 48-2018

Consent Agenda Item: (Staff Resource, Rick Howell, City Manager)

Summary of Available Information:

- Ordinance No. 48-2018

City Manager's Recommendation / Comments

Ordinance No. 48-2018 is presented for City Council consideration at this time. If approved this ordinance would recognize grant funding and contributions toward this project as well as appropriate funding from the City's fund balance. Once adopted this project would be put out to bid and then brought to City Council for consideration of award. I am continuing to fund raise and hope that additional contributions from other entities and private individuals can be secured. I would anticipate that bids would be available for consideration at your September 17 regular meeting.

It is my recommendation that Ordinance No. 48-2018 be adopted and approved at this time via the Consent Agenda.

ORDINANCE NO. 48-2018

A BUDGET ORDINANCE AMENDMENT FOR THE CITY OF SHELBY'S
FALLEN HERO MEMORIAL PARK 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 Fallen Hero Memorial Park 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. 54-2017, the City's Fallen Hero Memorial Park Project, is hereby amended as follows to provide for Budget Amendment No. 1 for said project:

Fallen Hero Memorial Park Project

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

Community Grants 11101000-34503-UFHMP \$ 30,000

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

Construction 111612-53000-UFHMP \$ 30,000

Section 2. That the revenues, expenditures and amendments set forth in Section 1 of this ordinance are hereby summarized as follows:

<u>Fallen Hero Memorial Park Project</u>	<u>Current Budget</u>	<u>Amendment No. 1</u>
Revenues		
Community Grants	\$ 94,000	\$ 124,000
State Grant	\$ 50,000	\$ 50,000
Transferred from General Fund	\$ 56,000	\$ 56,000
Expenditures		
Construction	\$200,000	\$ 230,000

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 August 2018.

Ordinance No. 48-2018
August 6, 2018
Page 2

O. Stanhope Anthony, III
Mayor

ATTEST:

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

APPROVED AS TO FORM:

Robert W. Yelton
City Attorney

City of Shelby
Agenda Item Summary
August 6, 2018
City Hall Council Chamber

Agenda Item: B-12

12) Approval of a Notice of Cancellation in the Regular Meeting Schedule of Shelby City Council

Consent Agenda Item: (Bernadette Parduski, City Clerk)

Summary of Available Information:

- Notice of Cancellation

City Manager's Recommendation / Comments

After reviewing with staff the upcoming agenda schedule and any upcoming items requiring action by City Council it is my recommendation that the regular meeting slated for Monday, September 3, 2018 be cancelled via the Consent Agenda. As a matter of practice agenda items are scheduled and planned weeks in advance for most items to allow the appropriate review process to occur. I would note that in the event an issue arises that would require immediate action by City Council a special meeting could be called in accordance with the NC General Statutes. If approved by City Council your next regularly scheduled meeting would be held on Monday, September 17, 2018.

**Notice of Cancellation
in the
Regular Meeting Schedule
of
Shelby City Council**

This notice is to inform the general public and the media, and is conducted in accordance with the mandates of North Carolina General Statutes 160A-71 and 143-318.12 (a), that the regularly scheduled Shelby City Council meeting of September 3, 2018 has been cancelled in observance of the City's Labor Day holiday.

The regular meeting schedule, as adopted by the Council, remains in place for all other regular meetings of the Council and will resume:

**Monday, September 17, 2018, at 6:00 p.m.
City Hall Council Chamber
300 South Washington Street
Shelby, North Carolina**

Dated: August 6, 2018

**O. Stanhope Anthony III
Mayor**

City of Shelby
Agenda Item Summary
August 6, 2018
City Hall Council Chamber

Agenda Item: C-1

Unfinished Business

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

Unfinished Business Item: (Staff Resource, Bernadette A. Parduski, City Clerk)

Summary of Available Information:

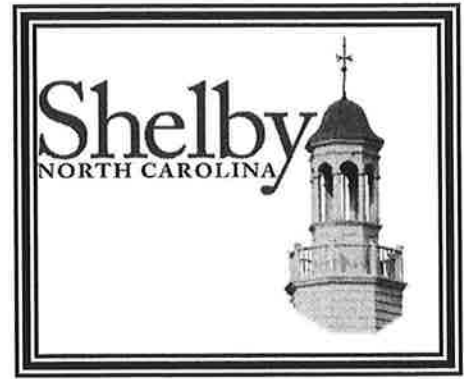
- Memorandum dated August 1, 2018 from Bernadette A. Parduski, City Clerk to Rick Howell, City Manager
- Parks and Recreation Advisory Board 2018
- Applications for Baker, Cherry, and Gerald
- Attendance History 2018

City Manager's Recommendation / Comments

Volunteers are an essential part of the work the City performs each year. As always this is just a reminder that we all should work to recruit qualified and quality people to serve whenever possible. Solicitation of both qualified and interested citizens to serve on these important advisory boards remains a priority for 2018. I would challenge each of you to recruit viable candidates that possess the knowledge and willingness to serve during the coming months.

I cannot emphasize enough the importance of appointing quality people to these very important citizen boards and commissions. It is incumbent upon Council as the appointing authority to ensure members are responsible members of the community who will make decisions that reflect the established and recognized values of the City. These appointees after all reflect upon Council as the appointing authority as well as the City as they conduct business month to month.

**OFFICE OF THE
CITY CLERK**



Memo

To: Rick Howell, City Manager
From: Bernadette A. Parduski, City Clerk
Date: August 1, 2018
Re: Appointments to City Advisory Boards and Commissions

BOARD REVIEW:

PARKS AND RECREATION ADVISORY BOARD:

The terms of four incumbents, Wesley "Ty" Gantt, Bill Young, Michael Shawn Collins, and Shanda Hoskins, concluded July 2018. Bill Young, Michael Shawn Collins, and Shanda Hoskins are seeking reappointment to this board. Mr. Gantt does not wish to continue his service.

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

- Richard Baker Jr.
- Juan Cherry
- Darrell Gerald

POSSIBLE ACTION:

Council can begin the nominating process or take appointive action for four new terms concluding July 2021.

Attachment:

- A. Parks and Recreation Advisory Board Roster 2018
- B. Application of Richard F. (Dick) Baker, Jr.
- C. Application of Juan L. Cherry
- D. Application of Darrell Gerald

PARKS AND RECREATION ADVISORY BOARD 2018

MEMBERS	ADDRESS	TERM EXPIRATION	PHONE NUMBER
VACANT		July 2021	
Bill Young byray@carolina.rr.com	915 Hampton Street Shelby, NC 28152	July 2018	704 482-5864
Michael Shawn Collins shawn.collins@ncdops.gov	204 Worthington Shelby, NC 28150	July 2018	H: 704 472-2694 W: 704 480-5648
Shanda Hoskins hoskins.34@hotmail.com	115 Ashley Street Shelby, NC 28150	July 2018	H: 704 482-7717 W: 704 472-2460
Marie Hendrick	109 Wilson Farm Road Shelby, NC 28150	July 2020	704 487-1012
Craig Ferree Vice Chair	914 Blanton Street Shelby, NC 28150	July 2020	H: 704 487-1498 W: 704 482-6384
Allen Langley, Chair	306 Windsor Drive Shelby, NC 28150	July 2019	704 482-3741
David Carl Lynn davidclynn@yahoo.com	243 Country Club Circle Shelby, NC 28150	July 2019	H: 704 482-6233 W: 704 482-4331
Nathaniel Mills Ledford nathaniel.ledford@gmail.com	219 Windsor Drive Shelby, NC 28150	July 2019	704 692-7544
Robert Coleman rcoleman006@carolina.rr.com	315 Windsor Drive Shelby, NC 28150	July 2019	H: 704 297-2947 W: 704 487-0035

Meetings are held on the third Wednesday of each month at 12:00 noon, Shelby City Park Aquatic Center Conference Room

Three (3) year appointments

City Council Liaison: Dicky Amaya – Ward 6
610 Schenck Street, Shelby, NC 28150
704 473-6899
E-mail: dickyamaya@gmail.com

Staffed by: Charlie Holtzclaw, Director, Parks & Recreation Department
Rose Toney, Secretary to the Board, Parks & Recreation Department
Office: 704 484-6811



APPLICATION FOR APPOINTMENT TO
BOARDS AND COMMISSIONS



The Shelby City Council believes that all citizens should have the opportunity to actively participate in governmental decisions. One way of participating is by serving as a voluntary member of one of the City's boards, commissions, or committees as outlined below. If you have an interest in being considered for appointment, please complete the form below and mail it to the City Clerk, City of Shelby, P O Box 207, Shelby, NC 28151-0207 or email it to bernie.parduski@cityofshelby.com. If you have questions or need assistance, please call 704 669-6588. Thank you!

- Keep Shelby Beautiful Commission
- Shelby-Cleveland County Regional Airport Advisory Commission
- Shelby Alcoholic Beverage Control Board
- Shelby Zoning Board of Adjustment
- Shelby Firefighters Relief Fund Board of Trustees
- Shelby Housing & Redevelopment Advisory Board
- Shelby Parks & Recreation Advisory Commission
- Shelby Planning & Zoning Advisory Board

DATE November 3, 2017

NAME Richard F. (Dick) Baker, Jr.

ADDRESS (No P O Boxes please) 1810 Country Garden Drive

CITY / STATE / ZIP Shelby, NC 28150

DO YOU RESIDE WITHIN THE CITY OF SHELBY'S CORPORATE LIMITS?
YES

DO YOU RESIDE WITHIN THE CITY OF SHELBY'S EXTRATERRITORIAL JURISDICTION (ETJ)?
N/A

WARD 2

PHONE NUMBERS: Cell 704-574-1443 Work 980-487-3787

EMAIL ADDRESS Rbaker51@carolina.rr.com

OCCUPATION Executive Director, HealthCare Foundation of Cleveland County

EDUCATIONAL BACKGROUND University of Georgia, Non-profit executive for over 30 years, former chamber of commerce executive, civic volunteer. Current Chair of Leadership Cleveland County program, member of Shelby Rotary Club

BOARD OR COMMISSION INTERESTED IN:

1. Parks & Recreation Advisory Commission
2. Regional Airport Advisory Commission (US Air Force Veteran)
3. Keep Shelby Beautiful Commission

OTHER COMMENTS

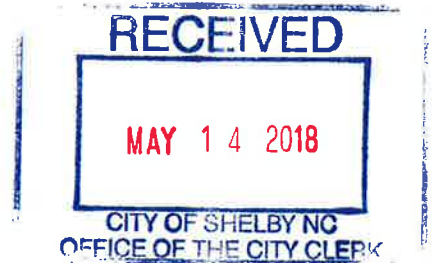
SIGNATURE *Richard F. Baker, Jr.* DATE 11/3/17



APPLICATION FOR APPOINTMENT TO BOARDS AND COMMISSIONS

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- Keep Shelby Beautiful Commission
Shelby-Cleveland County Regional Airport Advisory Commission
Shelby Alcoholic Beverage Control Board
Shelby Zoning Board of Adjustment
Shelby Firefighters Relief Fund Board of Trustees
Shelby Housing & Redevelopment Advisory Board
Shelby Parks & Recreation Advisory Commission
Shelby Planning & Zoning Advisory Board



DATE 5-14-18

NAME Juan L. Cherry

ADDRESS (No P O Boxes please) 307 Goldfinch Court

CITY / STATE / ZIP Shelby/NC/28150

DO YOU RESIDE WITHIN THE CITY OF SHELBY'S CORPORATE LIMITS? Yes

DO YOU RESIDE WITHIN THE CITY OF SHELBY'S EXTRATERRITORIAL JURISDICTION (ETJ)? No

WARD 4 (with handwritten '4' and 'Ward' in red)

PHONE NUMBERS: Home 704-300-8617 Work 704-476-8386

EMAIL ADDRESS juancherry07@gmail.com

OCCUPATION Educator/Clergy

EDUCATIONAL BACKGROUND BA - Journalism / MA - School Counseling

BOARD OR COMMISSION INTERESTED IN:

- 1. Housing & Redevelopment Advisory Board
2. Parks & Recreation Advisory Commission
3. Shelby Planning & Zoning Board

OTHER COMMENTS:

SIGNATURE Juan L. Cherry DATE 5-14-18



APPLICATION FOR APPOINTMENT TO
BOARDS AND COMMISSIONS

RECEIVED

NOV 6 2017

CITY OF SHELBY NC
OFFICE OF THE CITY CLERK

The Shelby City Council believes that all citizens should have the opportunity to actively participate in governmental decisions. One way of participating is by serving as a voluntary member of one of the City's boards, commissions, or committees as outlined below. If you have an interest in being considered for appointment, please complete the form below and mail it to the City Clerk, City of Shelby, P O Box 207, Shelby, NC 28151-0207 or email it to bernie.parduski@cityofshelby.com. If you have questions or need assistance, please call 704 669-6588. Thank you!

- Keep Shelby Beautiful Commission
- Shelby-Cleveland County Regional Airport Advisory Commission
- Shelby Alcoholic Beverage Control Board
- Shelby Zoning Board of Adjustment
- Shelby Firefighters Relief Fund Board of Trustees
- Shelby Housing & Redevelopment Advisory Board
- Shelby Parks & Recreation Advisory Commission
- Shelby Planning & Zoning Advisory Board

DATE 11/6/17

NAME Darrell Gerald

ADDRESS (No P O Boxes please) 124 Brookhill Rd

CITY / STATE / ZIP Shelby, NC 28150

DO YOU RESIDE WITHIN THE CITY OF SHELBY'S CORPORATE LIMITS?
yes

DO YOU RESIDE WITHIN THE CITY OF SHELBY'S EXTRATERRITORIAL JURISDICTION (ETJ)?
NO

WARD 1

PHONE NUMBERS: Home 704-406-9650 Work 704-4770482

EMAIL ADDRESS gerald78@Carolina.rr.com

OCCUPATION store operations management - Lidl

EDUCATIONAL BACKGROUND BS, MBA, MISM

BOARD OR COMMISSION INTERESTED IN:

1. Shelby Alcoholic Beverage Control Board
2. Shelby Parks and Recreation Advisory Commission
3. Shelby Housing and Redevelopment Advisory Board

OTHER COMMENTS:

SIGNATURE *Darrell Gerald* DATE 11/6/17

City of Shelby
Agenda Item Summary
August 6, 2018
City Hall Council Chamber

Agenda Item: C-2

- 2) Discussion regarding Royster Memorial Golf Course

Unfinished Business Item: (Staff Resource, Rick Howell, City Clerk)

Summary of Available Information:

- No documentation provided

City Manager's Recommendation / Comments

Council will recall that following your Special Meeting held on Thursday, July 19, 2018 you requested that this item be placed on the agenda for discussion at your August 6, 2018 regular meeting. This request was made in light of information shared by the City Attorney regarding discovered deed restrictions placed on the golf course property when it was originally conveyed from the Royster family to the Parks and Recreation Commission of Shelby in 1948. It was noted by the City Attorney that these restrictions transferred with the property when it was donated to the City by the Parks and Recreation Commission in 1965.

I would note that the City Attorney continues to research this matter and is expected to provide a full legal review in the coming month. I would also note that the legal consultation that took place in closed session on July 19th is still covered by attorney client privilege. I am sure Mr. Yelton will address this with you on Monday evening.

City of Shelby
Agenda Item Summary
August 6, 2018
City Hall Council Chamber

Agenda Item: D-1

New Business

- 1) Discussion regarding City Council Ward 5 vacancy

Unfinished Business Item: (Staff Resource, Rick Howell, City Manager)

Summary of Available Information:

- Draft Vacancy Process and Application

City Manager's Recommendation / Comments

Please see the attached draft process prepared for discussion purposes of this matter. I would note that this is for discussion purposes only and may be amended by City Council as you see fit. This was the process used by City Council last in 2010. As I noted previously I believe transparency in essential as you move through the process and also that ensuring that each member of City Council has the same information at the same time. The process used by City Council is solely the decision of that body.

**City of Shelby, NC
Ward 5 City Council
Vacancy Appointment**

Public Notice

WARD 5 – CITY COUNCIL VACANCY

In accordance with NC General Statute 160A-63 the Shelby City Council is required to fill any resulting vacancy that occurs during the term of office of any member as prescribed by law. The public should take note that the Shelby City Council will accept **sealed** letters of interest and resumes from all qualified persons beginning XXXXXXXXXXXXXXX, through XXXXXXXXXXXXXXXat 5:00 pm in the Office of the City Clerk.

The following qualifications are required:

- Candidate must be a registered voter as of the date of appointment.
- Candidate must reside within the boundaries of City Council Ward 5 as of the date of appointment.

(City Council Ward maps are available online at the City's website at http://www.cityofshelby.com/images/ward_maps/2006%20Ward%20Map.pdf.

Detailed Ward Maps are available at the following locations:

City Administrative Offices
City Hall
300 South Washington Street
(704) 484-6801

Planning Services Department
City Hall Annex Building
315 South Lafayette Street
(704) 484-6829

Cleveland County Board of Elections
215 Patton Drive
(704) 476-3022

Continued on next page

**City of Shelby, NC
Ward 5 City Council
Vacancy Appointment**

Letters of interest and background documents should include:

- Candidates' full legal name and physical address of residence as listed in Cleveland County voter registration records.
 - A statement indicating that you are a registered voter residing in City Council Ward 5.
 - A statement indicating a willingness to serve in the Ward 5 City Council seat until the next regularly scheduled City election as prescribed by the NC General Statutes. (December 2019)
 - A statement indicating why you are interested in serving the citizens of Shelby as a member of the Shelby City Council.
 - A statement indicating that you understand that any and all information submitted for consideration will be considered public record and released to the public and media.
 - Detailed resume outlining sufficient background information and qualifications you believe make you the best candidate for the position.
-

The following timeline and process has been approved by City Council:

Date TBD Regular City Council Meeting – Discussion and approval of appointment process by City Council.

Date TBD – Public Announcement that sealed letters of interest will be received in the office of the City Clerk. City Clerk receives and holds letters of interest until 5:00 pm on Date TBD. Letters received after 5:00 pm and/or unsealed letters will not be considered.

Date TBD - City Clerk copies and distributes letters of interest to City Council at the Date TBD City Council workshop meeting. Letters released to the media and public at this time as well. Also posted on City's website.

Date TBD - City Council Meeting – Discussion of persons submitting letters of interest. Possible appointive action if Council reaches consensus on an appointee. Statements from applicants may be heard by Council at this time.

Date TBD – If consensus not reached at Date TBD meeting further discussion and appointive action by City Council.

Date TBD City Council Meeting – Newly appointed member of City Council sworn into office.

**City of Shelby, NC
Ward 5 City Council
Vacancy Appointment**

Application for City Council

PERSONAL DATA:

Name: _____

Home Address: _____

Mailing Address: (if different) _____

Home Phone: _____ Cell Phone: _____

Email address: _____

Which City Council ward are you applying for: _____

Do you currently live within the boundaries of the ward for which you are applying? _____

EDUCATIONAL DATA:

High School: _____

College/University: _____

EMPLOYMENT DATA:

Current Employer: _____

Address: _____

Business Phone: _____ Job Title: _____

Date Employed: _____

Please list previous two employers, job title and dates of employment:

(1) _____

(2) _____

GENERAL INFORMATION:

Are you a former employee of the City of Shelby? _____ Yes _____ No

If yes, please indicate which department: _____

Dates of employment: _____

**City of Shelby, NC
Ward 5 City Council
Vacancy Appointment**

Page 2

Are you related to any person currently employed by the City of Shelby? ____ Yes ____ No
If yes, please indicate name, relationship and department employee works in:

Have you ever been convicted of or plead guilty to a crime other than minor traffic violations?
____ Yes ____ No

If yes, please explain each conviction, nature of offense, date(s) of conviction, sentence, and type(s) of rehabilitation, if any.

NOTE: A conviction will not automatically bar you from consideration.

Have you ever filed for personal bankruptcy? ____ Yes ____ No

Have your City and County property taxes for the current and past years been paid? ____ Yes
No

DO YOU CURRENTLY SERVE ON A CITY BOARD OR COMMITTEE? ____ Yes ____ No

If yes, please list:

(1) _____

(2) _____

(3) _____

REFERENCES: (Please list names and phone number):

(1) _____

(2) _____

(3) _____

READ CAREFULLY BEFORE SUBMITTING:

I certify that all answers and statements on this application are true and complete. I understand that any falsification, omission, or misrepresentation of facts in this application, could result in not being considered for city council or being removed if appointed.

Date: _____ Applicant Signature: _____

Please complete and return to:
**City of Shelby
Bernadette Parduski, City Clerk
300 South Washington Street
PO Box 207
Shelby, NC 28151-0207**

§ 160A-63. Vacancies.

A vacancy that occurs in an elective office of a city shall be filled by appointment of the city council. If the term of the office expires immediately following the next regular city election, or if the next regular city election will be held within 90 days after the vacancy occurs, the person appointed to fill the vacancy shall serve the remainder of the unexpired term. Otherwise, a successor shall be elected at the next regularly scheduled city election that is held more than 90 days after the vacancy occurs, and the person appointed to fill the vacancy shall serve only until the elected successor takes office. The elected successor shall then serve the remainder of the unexpired term. If the number of vacancies on the council is such that a quorum of the council cannot be obtained, the mayor shall appoint enough members to make up a quorum, and the council shall then proceed to fill the remaining vacancies. If the number of vacancies on the council is such that a quorum of the council cannot be obtained and the office of mayor is vacant, the Governor may fill the vacancies upon the request of any remaining member of the council, or upon the petition of any five registered voters of the city. Vacancies in appointive offices shall be filled by the same authority that makes the initial appointment. This section shall not apply to vacancies in cities that have not held a city election, levied any taxes, or engaged in any municipal functions for a period of five years or more.

In cities whose elections are conducted on a partisan basis, a person appointed to fill a vacancy in an elective office shall be a member of the same political party as the person whom he replaces if that person was elected as the nominee of a political party. (R.C., c. 111, ss. 9, 10; Code, ss. 3793, 3794; Rev., ss. 2921, 2931; C.S., ss. 2629, 2631; 1971, c. 698, s. 1; 1973, c. 426, s. 11; c. 827, s. 1; 1983, c. 827, s. 1.)

City of Shelby
Agenda Item Summary
August 6, 2018
City Hall Council Chamber

Agenda Item: E

City Manager's Report

Agenda Item: F

Council Announcements and Remarks

G. 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