

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. Assumption of Office:

- 1) Oath of Office administered to Council Member
Charles Leon Webber, Ward 5 1

C. Special Presentations:

- 1) Recognition of Ben Kittrell, Jr. for his service to the
City of Shelby 3
- 2) City of Shelby Natural Gas Marketing and Promotions –
Chip Nuhrah, Marketing and Promotions Specialist 4
- 3) Proclamation declaring October 7-13, 2018 as “Public Natural
Gas Week” in the City of Shelby, North Carolina 29
- 4) Proclamation declaring October 7-13, 2018 as “Public Power
Week” in the City of Shelby, North Carolina 31

D. 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.

- 1) Approval of the Minutes of the Special Meeting of September 10,
2018 33
- 2) Approval of the Minutes of the Regular Meeting of September 17,
2018 39

3) Approval of a Special Event Permit Application:	
a. Shelby High School Homecoming Parade, requested date: October 18, 2018	51
4) Approval of a resolution awarding the contract for the Fallen Hero Memorial Park Project: Resolution No. 51-2018	59
5) Approval of a resolution in support of the 2019 American Legion World Series bid: Resolution No. 52-2018	66
6) Approval of a resolution approving for acceptance, maintenance, and ownership of the water extension improvements for Cleveland County Fairgrounds: Resolution No. 53-2018	68
7) Adoption of an ordinance authorizing demolition of a dwelling: Ordinance No. 55-2018	77
8) Adoption of Fiscal Year 2018-2019 Budget Ordinance Amendment No. 3: Ordinance No. 56-2018	84
E. Unfinished Business:	
1) Consideration of a resolution authorizing submission of a revised loan application to the North Carolina Department of Environmental Quality - Division of Water Infrastructure for funding related to the Water Treatment Plant Upgrades Project: Resolution No. 54-2018	87
F. New Business: None	95
G. City Manager's Report	
H. Council Announcements and Remarks	95
I. Closed Session:	96
1) To establish or instruct staff in negotiating the terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease pursuant to North Carolina General Statute 143-318.11 (a) (5)	

J. Adjournment:

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

- 1) Motion to adjourn

City of Shelby
Agenda Item Summary
October 2, 2018
City Hall Council Chamber

B. Assumption of Office:

- 1) Oath of Office administered to Council Member Charles Leon Webber, Ward 5

(Comments: Mayor Stan Anthony)

Summary of Available Information:

- Oath of Office

City Manager's Recommendation / Comments

At this time Mayor Anthony will recognize Senior Resident Superior Court Judge Forrest Don Bridges to conduct the administration of the Oath of Office to Mr. Charles Leon Webber. Upon completion of the oath of office Mr. Webber will assume his seat and Mayor Anthony will continue with the remainder of the meeting agenda.

State of North Carolina
County of Cleveland
City of Shelby

OATH OF OFFICE

I, Charles Leon Webber, do solemnly swear that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina, not inconsistent therewith, and that I will faithfully discharge the duties of my office as a Member of the Shelby City Council of the City of Shelby, North Carolina, so help me God.

Charles Leon Webber

Administered by:

Forrest D. Bridges
Senior Resident Superior Court Judge

Signed and sworn to before me this day by Charles Leon Webber.

Date: October 1, 2018

Bernadette A. Parduski, City Clerk
Notary Public

City of Shelby
Agenda Item Summary
October 2, 2018
City Hall Council Chamber

C. Special Presentations:

Agenda Item C-1

- 1) Recognition of Ben Kittrell, Jr. for his service to the City of Shelby

(Comments: Mayor Stan Anthony)

Summary of Available Information:

- No documentation provided

City Manager's Recommendation / Comments

This time is scheduled on City Council agenda to recognize Mr. Ben Kittrell for his service as a member of City Council from December 2, 2013 until July 31, 2018.

City of Shelby
Agenda Item Summary
October 2, 2018
City Hall Council Chamber

Agenda Item C-2

2) Presentation – Chip Nuhrah, Marketing and Promotions Specialist

(Comments: Rick Howell, City Manager)

Summary of Available Information:

- PowerPoint slides provided

City Manager's Recommendation / Comments

This time is scheduled on the agenda to allow City Council to hear a presentation from Mr. Chip Nuhrah, Marketing and Promotion Specialist. Chip was hired by the City recently to fill the newly created position which is charged primarily with marketing and promoting the natural gas system. As you all know the natural gas system is a vital part of the City providing a tremendous resource to our customers and our economic development efforts. I have asked that he come and make this presentation providing you with an overview and some details on his efforts thus far.

City of Shelby

Natural Gas

Marketing & Promotions Presentation

By: Chip Nuhrah



“Making the way we live even better.”



New marketing slogan for the City of Shelby's natural gas services.

Methods of promoting natural gas.

◆ Social Media	◆ Brochures	◆ Website
◆ Local Movie Theatre	◆ Newspaper	◆ Promotional Materials
◆ Radio	◆ Trade Shows & Events	◆ Local TV
◆ Door Hangers	◆ Billboards	◆ School Programs
◆ Banners	◆ Bill Inserts	◆ Yard Signs
◆ Vehicle Decals & Wraps		

Highlighted in green indicates things we have already implemented or are in the process of implementing.

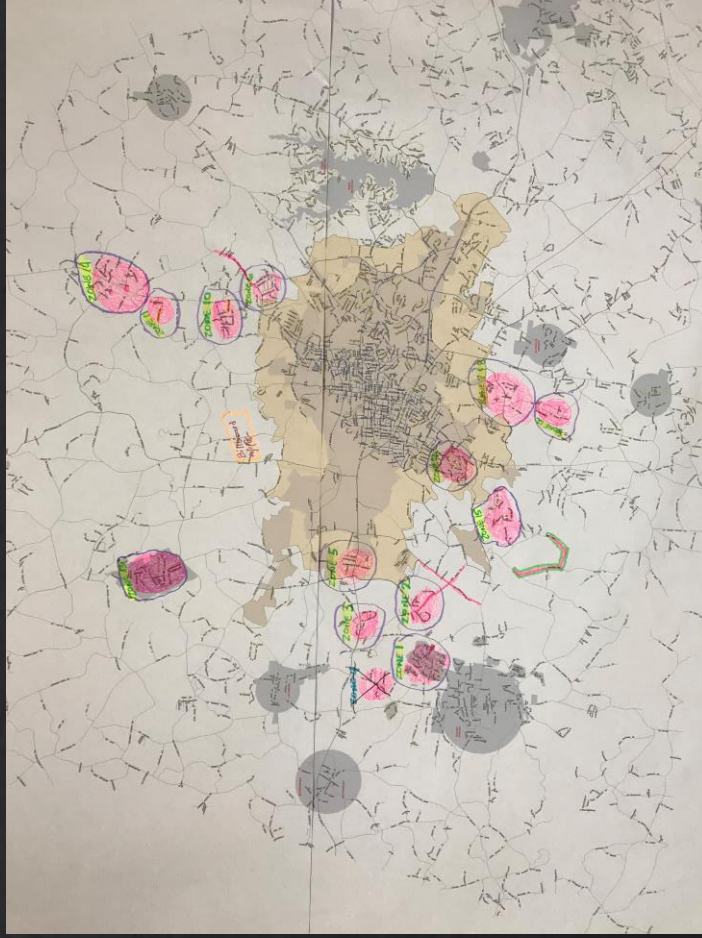
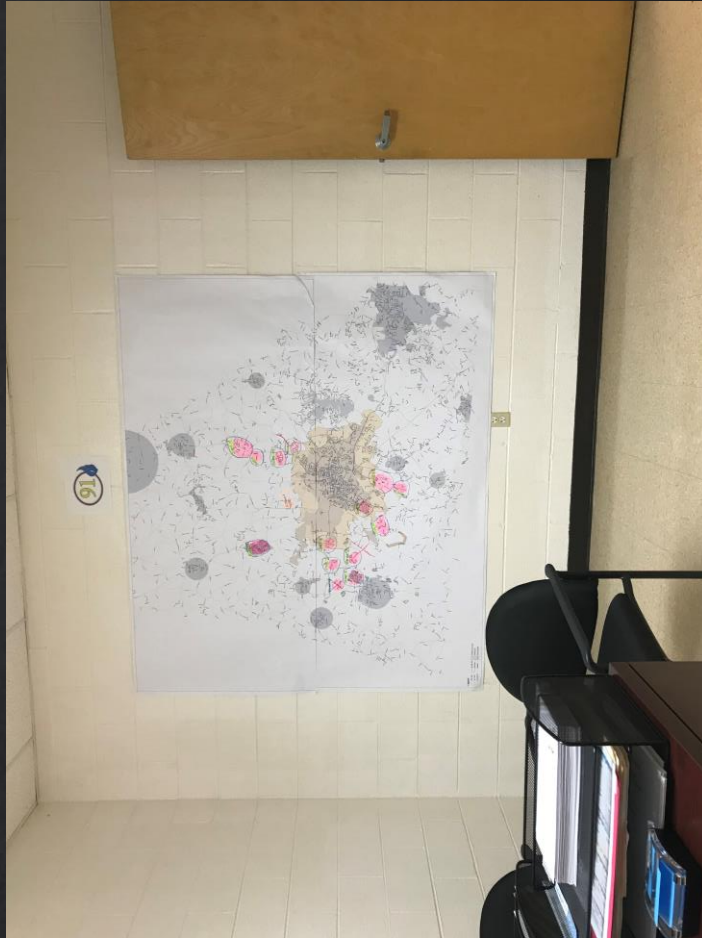
Vehicle Wrap



Vehicle Promoting Natural Gas



6'x8' Wall Map With Zones



Series of professional, highly customized brochures and rack cards.



Yard Signs

NATURAL GAS
Provided by City of Shelby



CALL 704-669-2520

NATURAL GAS
Available by City of Shelby



CALL 704-669-2520

23 Yard Signs strategically placed around Cleveland County as of 08/23/2018



Call the City of Shelby today at:
704-669-2520
cityofshelby.com

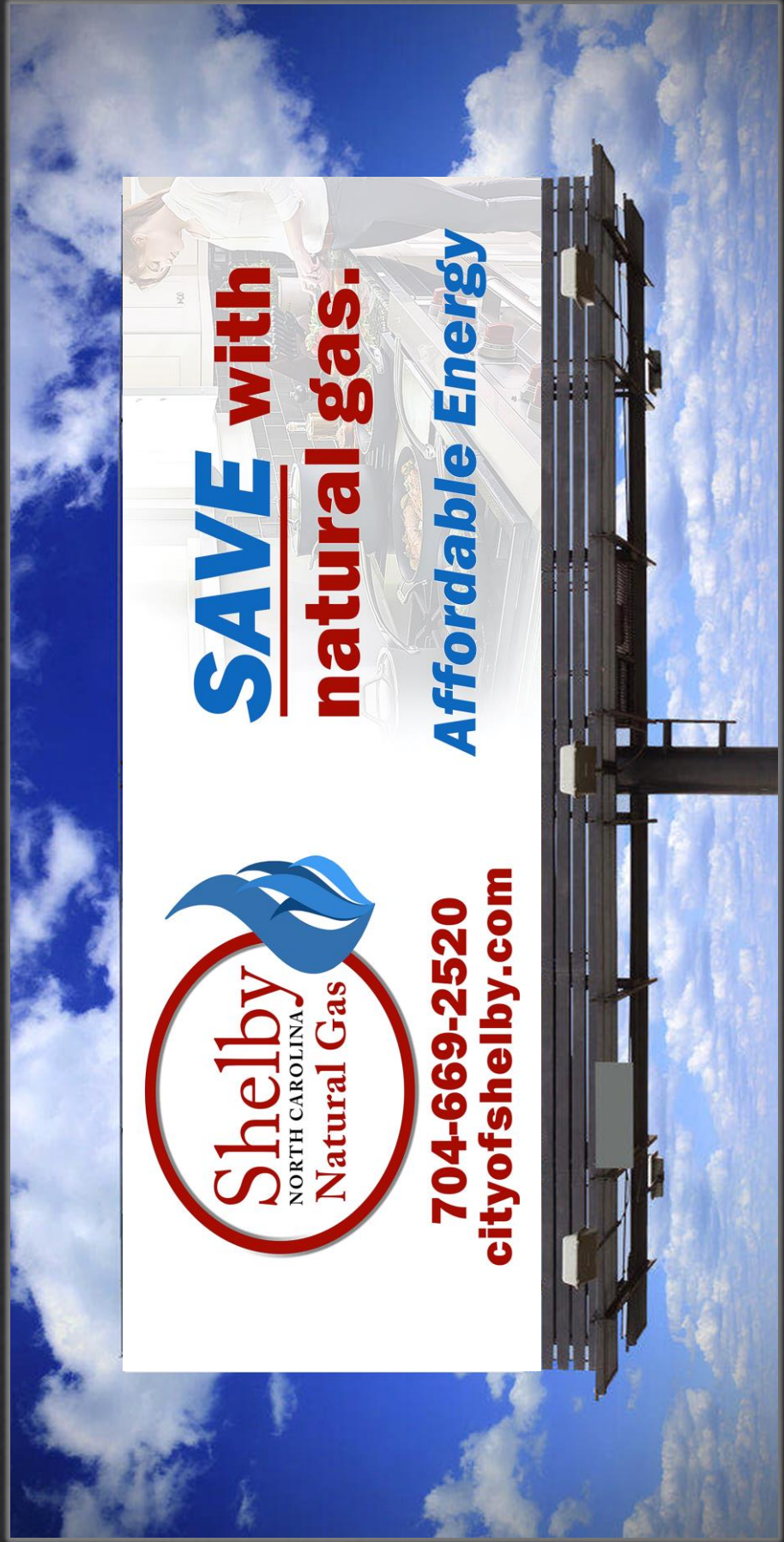
SAVE with
natural gas.
Affordable Energy

Seven 3' x 8'
custom banners
placed around
Cleveland County.



Billboard Advertising Natural Gas

To be installed October 1, 2018



Movie Theatre Advertising

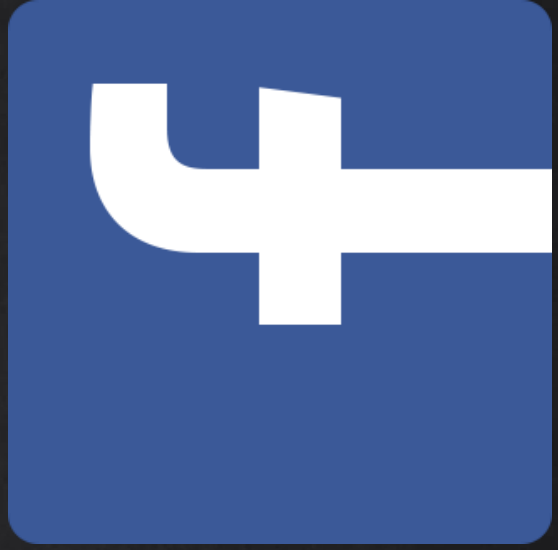
The Shelby movie theatre averages
5,500 movie goers each week.




Social Media Marketing

44 views/likes
January 1-June 13, 2018
164 Days

1,625 views/likes
June 14-September 30, 2018
109 Days



Current City of Shelby Natural Gas Website Page



Shelby
NORTH CAROLINA

[Pay Your Bill](#) | [Employment](#) | [Municipal Code](#) | [Contact Us](#)

Select Language

HOME

ABOUT

DEPARTMENTS

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NATURAL GAS

The City of Shelby is a public owned natural gas system. Click [here](#) to see a video on the benefits of a Public Gas System.

To see if the City of Shelby is your natural gas provider, call our Customer Services Department at 704-484-6866.

The City's system consists of 501 miles of gas mains, 234 miles of gas service lines and 9,387 gas customers. We have two feeder lines from our supplier, Williams Transco Gas Pipeline, that run from Grover, NC to Shelby. We have 2 major and 38 secondary regulator stations to keep constant pressure in our lines.



We serve the City of Shelby as well as Earl, Waco, Fullston, Lenoirville, Polkville, Kingswood, Latimore, Moss Lake, part of Patterson Springs and Bowling Springs, and the surrounding areas in the county. To view our service area, [click here](#).

We operate under numerous stringent federal regulations. The system is maintained with a crew of 12 plus administrative support. Our goal is to provide a continuous supply of clean energy source to Shelby and Cleveland County. We strive to do this as safely and efficiently as we possibly can.

For more information, contact:
Jeff Champion, Natural Gas Superintendent
Chris White, Natural Gas Supervisor - Maintenance
Scott Huffstetler, Natural Gas Supervisor - Corrosion

George W. Clay, Jr., Utility Operations Center
 824 W Grover Street, Shelby, NC 28150
 (PO Box 207, Shelby, NC 28151-0207)
 Phone: 704-484-6860 • Fax: 704-484-6808
 Office Hours: 7:30 am – 4:00 pm Monday - Friday

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[Energy Services](#)
[Electric](#)
[Natural Gas](#)

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New City of Shelby Natural Gas Website Homepage

shelbynaturalgas.com



Making the way we live even better.



Providing safe, affordable natural gas to Cleveland County for over 63 years.

Natural Gas Benefits

Rebates & Incentives

Cost Comparison Calculator

Natural Gas Safety

Trivia & Fun Facts

Kids Corner

Photo Gallery

Contact Us

Developers & Contractors



Part of the City of Shelby Energy Services Group.
Click the icon to the right to navigate to the City of Shelby's homepage.



Search



Lowe's Event 2018



Cleveland County Fair 2018



City of Shelby Natural Gas Presentation
Cleveland County Association of Realtors Membership Meeting

Promotional Items



Flashlight



Bookmark



Hand Sanitizer



Magnet, Sticker, Coaster



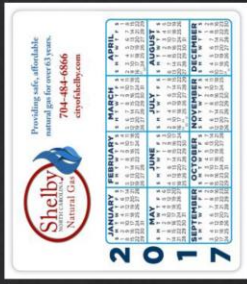
Crayons



Flexible Ruler



Pencils



Calendar



Post It Notes



Coffee Mug



Pen



Plastic Cup



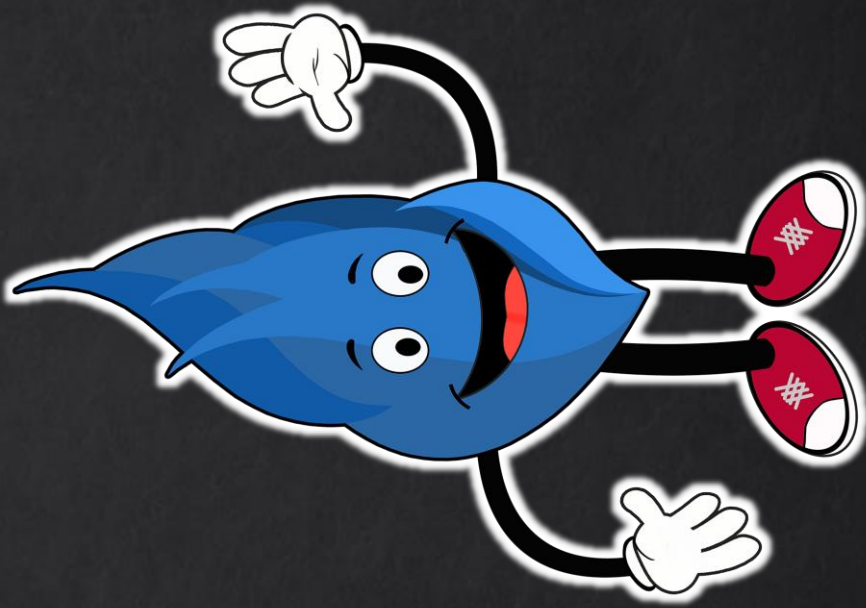
Light Up Key Chain



Sports Bottle



Facial Tissue




Birthdate
June 8, 2018

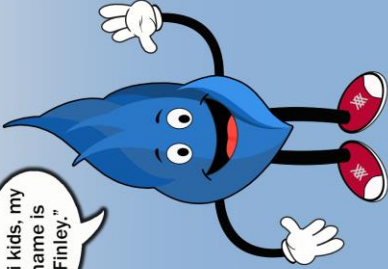
Introducing “Finley”!

The newest member of our team to promote natural gas safety to children.

Kid Friendly
2-Sided
Natural Gas Safety Brochure
Featuring "Finley"



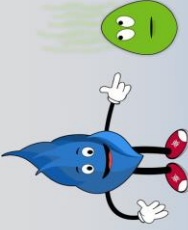
"Hi kids, my name is Finley."




Explore natural gas safety with Finley, the newest member of our team!

Natural Gas Safety


City of Shelby Utilities
704-484-6866
P.O. Box 207
Shelby, NC 28151-0207
cityofshelby.com



Natural gas is odorless, so a chemical called Mercaptan is added that gives natural gas a bad smell, just like rotten eggs! If you ever think you are smelling this, it could be a natural gas leak, so let an adult know right away.




It's important to call 811 before doing any project that requires digging. Buried utility lines could be damaged if digging occurs before calling. Not only is it a smart decision to call 811, it's also the law and the service is free!



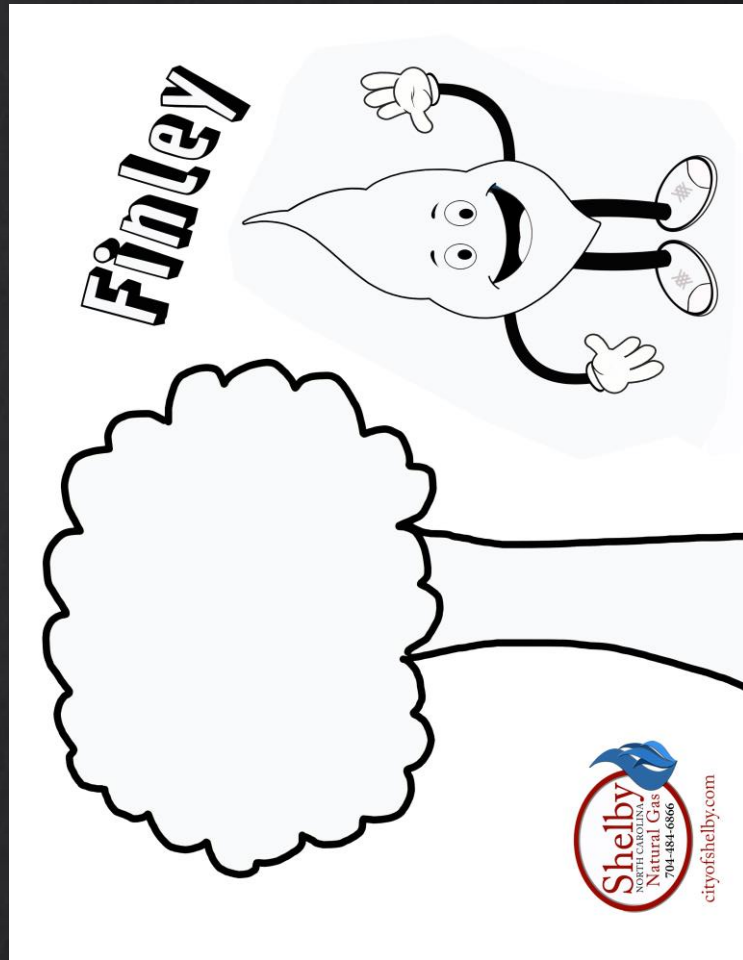
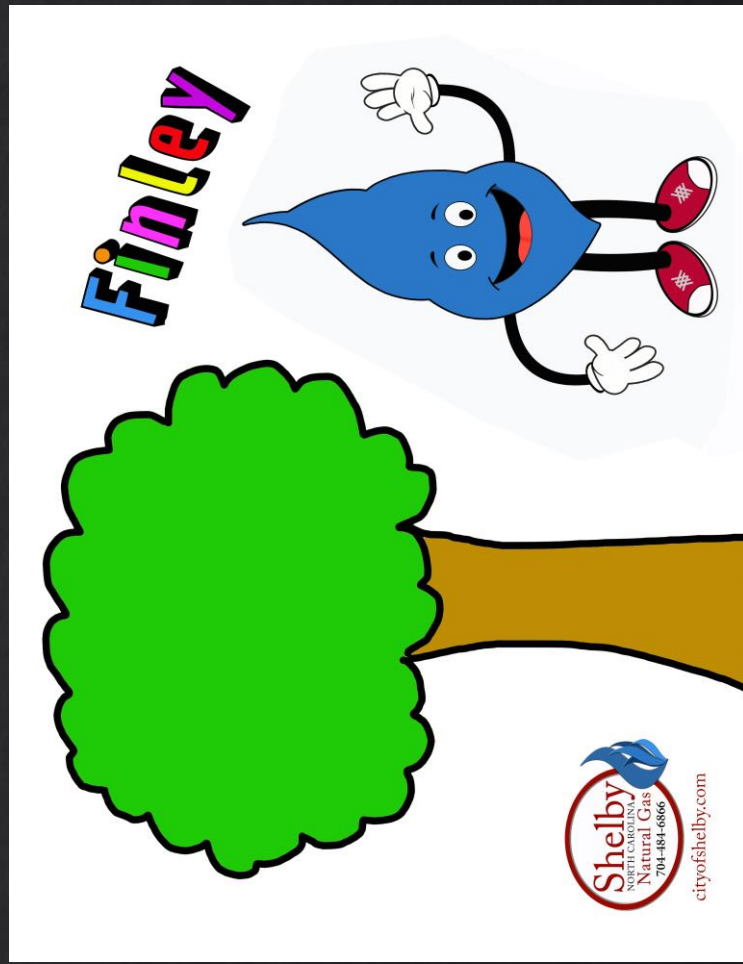
Finley wants you to play it safe when it comes to natural gas. Know what natural smells like and what to do, and always call 811 before you dig.

Visit Finley on our website. You can find him on our "Kids Corner" at www.shelbynaturalgas.com. Play games with Finley and learn more about natural gas!

City of Shelby Utilities
704-484-6866
cityofshelby.com



Kids Coloring Page



Measuring the Success of our Marketing Program

New NG Customer Tracking Spreadsheet 2018-2019 - Excel

Tell me what you want to do...

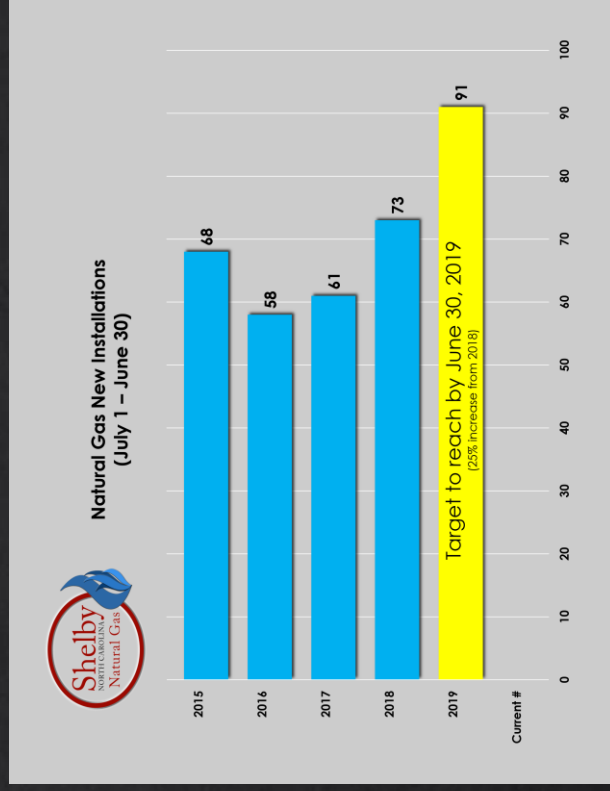
ACROBAT

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	
1	Date	Name	Notes	Brochure	Yard Sign	Banner	Billboard	Movie Ad	Radio	Trade Show	Social Media	Door Hanger	Customer Survey	Stitcher	Business	Newspaper	Vehicle Decal	Bill Insert	School Program	Website	TV	Other
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Sheet1

Target goal of 91 new natural gas installations.
July 1, 2018 - June 30, 2019

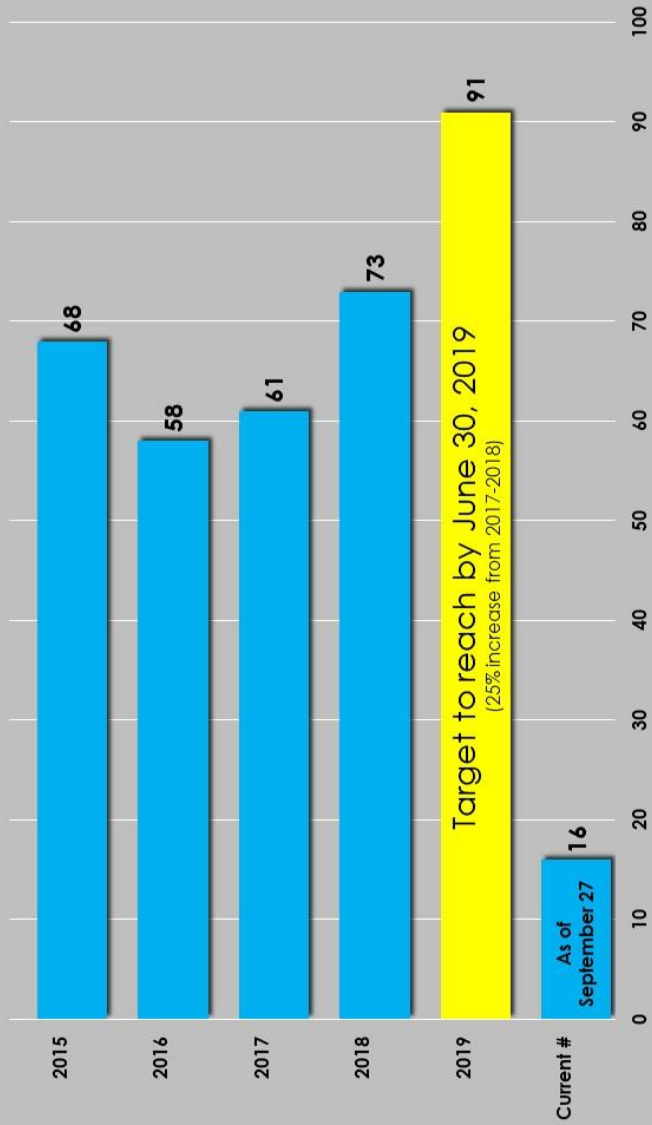
25% increase from previous year.



We are exceeding our goal.
Current increase compared to
same time period last year is
33.5%.



Natural Gas New Installations (July 1 – June 30)





City of Shelby
Agenda Item Summary
October 2, 2018
City Hall Council Chamber

Agenda Item C-3

- 3) Proclamation declaring October 7-13, 2018 as “Public Natural Gas Week” in the City of Shelby, North Carolina

(Comments: Rick Howell, City Manager)

Summary of Available Information:

- Copy of Proclamation

City Manager’s Recommendation / Comments

This item is placed on the agenda to allow Mayor Anthony to publically declare October 7-13, 2018 as “Public Natural Gas Week”. It is important to call attention to the importance of this city owned utility that has been such a huge benefit to not only city residents but non city residents alike for over 60 years. We are fortunate that the city leaders in the 1950’s had the vision and foresight to establish a public natural gas system that serves 10,000 customers and has made our economic development efforts that much more successful. It has been a vital tool in recruiting companies like PPG (now NEG), Clearwater Paper and more recently Mafic, LLC.



In Honor of Our Local, Community-Owned Natural Gas Utility

**DECLARING OCTOBER 7-13 2018 AS
“PUBLIC NATURAL GAS WEEK” IN THE
CITY OF SHELBY, NORTH CAROLINA**

WHEREAS, we the residents of the **City of Shelby** own and operate our own natural gas utility system; and,

WHEREAS, we enjoy the economy, efficiency and environmental benefit of this community-owned natural gas system; and,

WHEREAS, this natural gas system has provided clean-burning natural gas and high standards or service; and,

WHEREAS, this natural gas utility system has provided exemplary service at rates competitive with those of alternate energy sources; and,

WHEREAS, we the residents of the **City of Shelby** have benefited from the dedication of the employees of the natural gas utility by providing responsible, safe, and reliable natural gas.

NOW, THEREFORE, BE IT RESOLVED that the Shelby City Council declares and designates the week of October 7-13, 2018 as Public Natural Gas Week, in order to honor the employees, policy leaders and community owners, who work together to provide safe, clean, dependable natural gas.

BE IT FURTHER RESOLVED that through the observance of Public Natural Gas Week, the **City of Shelby** joins hands with the hundreds of other communities across the United States served by publicly owned natural gas utilities to recognize this dedication and service from which all Americans benefit.

O. Stanhope Anthony III
Mayor

ATTEST:

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

City of Shelby
Agenda Item Summary
October 2, 2018
City Hall Council Chamber

Agenda Item C-4

- 4) Proclamation declaring October 7-13, 2018 as “Public Power Week” in the City of Shelby, North Carolina

(Comments: Rick Howell, City Manager)

Summary of Available Information:

- Copy of Proclamation

City Manager’s Recommendation / Comments

This item is placed on the agenda to allow Mayor Anthony to publically declare October 7-13, 2018 as “Public Power Week”. It is important to call attention to the importance of this city owned utility that has been such a huge benefit to city residents for over 100 years. It has provided service that not only offers competitive affordable rates but also puts customers first in terms of reliability and timely restoration of power service. We are fortunate that the city leaders in the early part of the 20th century had the vision and foresight to establish a public power system that serves 8,000 customers and has made our economic development efforts that much more successful. It has been a vital tool in recruiting companies to the Foothills Commerce Center like Greenheck, Schletter and Ivars.



DECLARING OCTOBER 7-13, 2018 AS
“PUBLIC POWER WEEK” IN THE
CITY OF SHELBY, NORTH CAROLINA

WHEREAS, we, the citizens of **the City of Shelby** place high value on local control over community services and therefore have chosen to operate a community-owned, locally controlled, not-for-profit electric utility and, as consumers and owners of our electric utility, have a direct say in utility operations and policies; and,

WHEREAS, **the City of Shelby** has approximately 7,698 customers with reliable, efficient, and cost-effective electricity employing sound business practices designed to ensure the best possible service at not-for-profit rates; and,

WHEREAS, **the City of Shelby** is a valuable community asset that contributes substantially to the well-being of local citizens through energy efficiency, customer service, environmental protection, economic development, and safety awareness; and,

WHEREAS, problems with the deregulation of the electric utility industry have renewed public interest in and appreciation for the concept of locally controlled, community-owned public power systems; and,

WHEREAS, **the City of Shelby** is a dependable and trustworthy institution whose local operation provides many consumer protections and continues to make our community a better place in which to work and live.

NOW, THEREFORE BE IT RESOLVED: that **the City of Shelby** will continue to work to bring lower-cost, safe, reliable electricity to community homes and businesses just as it has since 1912, the year when the utility was created to serve all the citizens of **the City of Shelby**; and,

BE IT FURTHER RESOLVED: that the week of **October 7-13**, be designated **Public Power Week** in order to honor **the City of Shelby** for its contributions to the community and to make its consumer-owners, policy makers, and employees more aware of its overall contributions to their well-being; and,

BE IT FURTHER RESOLVED: that our community joins hands with more than 2,000 other public power systems in the United States that through local, community-ownership ensures cost-cutting service for electricity customers.

O. Stanhope Anthony III
Mayor

ATTEST:

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

City of Shelby
Agenda Item Summary
October 2, 2018
City Hall Council Chamber

D. 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: D-1

- 1) Approval of the Minutes of the Special Meeting of September 10, 2018

Consent Agenda Item: (Bernadette Parduski, City Clerk)

Summary of Available Information:

Please read and offer changes as you deem necessary.

- Minutes of the Special Meeting of September 10, 2018

City Manager's Recommendation / Comments

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

MINUTES

Special Meeting
Council Chamber

September 10, 2018
Monday, 6:00 p.m.

Present: Mayor O. Stanhope Anthony III, presiding; Council Members Eric B. Hendrick, David W. White (arrived at 6:33 p.m.), David Causby, Violet Arth Dukes, and Dicky Amaya; City Manager Rick Howell, ICMA-CM, City Attorney Robert W. (Bob) Yelton, City Clerk Bernadette A. Parduski, NC-CMC, IIMC-MMC, Director of Finance Justin S. Merritt, MPA, Director of Human Resources Deborah C. (Deb) Jolly, Police Chief Jeffrey H. (Jeff) Ledford, Assistant Fire Chief – Logistics and Enforcement Services Todd McMurry, Director of Parks and Recreation Charlie Holtzclaw, and Director of Planning and Development Services Walter (Walt) Scharer, AICP; and Reporter Casey White of *The Star*

Clerk's note: There is a vacancy for the unexpired term of the Ward 5 seat on City Council, which exists due to the resignation of Mr. Kittrell on July 30, 2018.

Mayor Anthony called the meeting to order at 6:00 p.m.

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

Mr. Howell introduced the subject matter of this meeting to discuss the aspects of the Royster Memorial Golf Course relating to operations, finances, and legal research relating to the donated property.

Next, Mr. Holtzclaw summarized golf course operations as follows:

- The golf course is open every day except Christmas Day.
- The golf shop staff includes a fulltime Golf Course Manager and four year-round part-time Golf Shop Assistants.
- Maintenance is included in the overall recreation maintenance program, including a turf crew of five, with duties shared contingent on the type of work or project to be completed.

Mr. Holtzclaw discussed the makeup of golfers who play the course which include memberships, groups, walk-ins, tournaments, special programs, and the youth program.

After 2008, for a variety of reasons including the economy and fewer members,

rounds at the golf course began to decrease at a steady pace. This is especially true in the last four years of rounds: 8,685 in 2014, 7,259 in 2015, 6,506 in 2016, and 6,583 in 2017. This is almost a 50 percent decrease from 2008 and Fiscal Year 2019 is trending to be lower. Declining rounds equate to declining revenues.

Mr. Holtzclaw stated it is quite apparent that the issue is a significant decrease in rounds over several years that resulted in less revenue, and a larger operating deficit. The two primary reasons for less play are a shrinking membership and an overall reduction in the number of people playing golf both locally and nationally. Mr. Holtzclaw said in February 2015 green fees and membership fees were reduced in order to better compete with other golf courses and increase play at RMGC. Unfortunately, play has continued to drop and that approach was not successful. In Fiscal Year 2015, the City also made a large investment in a new irrigation system, renovated cart paths, and tree removal totaling about \$300,000 that without question improved the golf course but with no increase in play.

In March 2017 City Council implemented the Golf Operations Policies and Procedures and a revised fee schedule in order to modify the existing fee schedule to increase revenue and position RMGC to better serve the community. In order to achieve the goals set in 2017, RMGC offered more programs and changed rates to reflect 9-hole rounds without measurable growth in play or revenue.

Mr. Holtzclaw further stated the chart of historical rounds for the last 10 years from 2009 through 2018, as presented, is a good indication of the play and participation at RMGC.

Mr. Holtzclaw discussed projected future capital costs by investing significantly in course improvements to ensure RMGC can still operate and be successful, including:

- Fiscal Year 2019-2020 – 25 golf cart replacements at \$4,000 each (less trades from existing carts)
- Future fiscal years – Rebuilding all nine greens and the putting green at an estimated cost of \$40,000 each

Mr. Holtzclaw added the City has three choices concerning the status of RMGC:

- Leave it as is and hold down expenditures
- Middle of the road, a short-term fix – sprigging greens
- Invest \$400,000 in new greens to be rebuilt from scratch along with the removal of many more trees, however, this investment does not offer any

guarantee regarding the future of RMGC

Mr. Howell stated the expectation for the golf course and recreation programs in general is to maintain a certain percentage of the overall operating costs as revenue from individuals using the facilities versus the amount the taxpayers subsidize those facilities.

Next, Mr. Howell reviewed the RMGC Rounds by Year and Revenue by Year, per month, for Fiscal Year 2015-2016, 2016-2017, and 2017-2018.

Mr. Howell noted the amount of money the City spends from an operational standpoint is lean. The City shares its labor. However, the golf course at times needs a great deal of labor just as the cemeteries.

Mr. Howell discussed the RMGC financials by Fiscal Year for 2015, 2016, and 2017, noting the net operating loss in 2015 was \$181,742 with a tax rate equivalent of 1.02 cents per \$100 valuation; in 2016 was \$174,791 with a tax rate equivalent of .97 cents per \$100 valuation; and in 2017 was \$166,538 with a tax rate equivalent of .80 cents per \$100 valuation.

When questioned about the removal of trees at the golf course, Mr. Howell responded those responsibilities are tasked mostly to the Public Works Department as shared services.

Mr. Howell stated recreation programs, particularly golf courses, can be capital-intensive expenditures.

Mr. Howell reviewed capital costs at RMGC as follows:

ACTUAL

- **Fiscal Year 2014-2015 – The City invested \$230,000 to install a new irrigation system at City Park primarily for RMGC. It included a booster pump station and new irrigation lines and heads. The system was also set up to irrigate the ballfields.**
- **Fiscal Year 2014-2015 – Turf mower and sprayer at \$46,000 (shared costs)**
- **Fiscal Year 2015-2016 – Top dresser, gang reels, and turf aerator at \$22,500 (shared costs)**
- **Fiscal Year 2016-2017 – Pickup truck at \$12,000 (shared costs)**

FUTURE

- **All nine greens and putting green will need to be rebuilt at an estimated cost of approximately \$40,000 per green**

- Golf cart replacements – 25 carts at \$4,000 each (less trades from existing carts)

Next, Mr. Yelton presented his legal research with regard to the deeds of 1948 and 1965 donating tracts of land from the Royster family to the Shelby Parks and Recreation Commission and from the Shelby Parks and Recreation Commission to the City of Shelby. Most of the land used for the Royster Memorial Golf Course was donated by the Royster family as outlined in the 1948 deed. The land was originally granted to the Shelby Parks and Recreation Commission, most likely acting as a citizen group, which created the golf course. The land was later given to the City to serve as a municipal course.

The deed for the golf course land states:

“It is understood and agreed that the land herein described is being conveyed for use as a golf course to be known as ‘Royster Memorial Golf Course’ and in the event the said land should be abandoned for use as a golf course then and in such event the land herein described shall revert to the grantors hereof, their heirs and assigns.”

Mr. Yelton explained despite the language, the deed itself creates some ambiguity in its argument that it is intended for public recreational purposes, has the alternative “in the event” clause, which could indicate a possibility of reverter, followed by reversion language, “shall revert”.

Citing the lack of case law and no guiding statutory procedures in North Carolina, Mr. Yelton said the use of “shall revert” means a court of law might follow the strict interpretation of the wording and determine the land would return to the Royster family if the City moves forward with closing the golf course. If closed by the City, the Cleveland County Tax Office would most likely re-list the property in the heirs of the decedent in care of one of those heirs.

Mr. Yelton added most revision clauses have been declared to be invalid but they are not worded with the same certainty as “shall”.

Utilizing a plat of the donated acreage, which is on file in the Cleveland County Register of Deeds Office, both Mr. Howell and Mr. Yelton pointed to the areas restricted and not restricted by the deed. It was noted a portion of the land used for the golf course was owned by the City rather than the Royster family and includes portions of three holes and all of one hole, which are not subject to the reversion clause.

When questioned about the closing of the golf course, Mr. Holtzclaw responded it would not affect City Park operations as a whole.

Mr. Howell reminded Council of their vote on June 4, 2018 directing him to close the golf course no later than November 1, 2018. He reiterated unless the board acts to change that, he must do so in order to comply with Council's instructions.

The presentation is incorporated by reference and made a part of these Minutes.

Council received the information and took no action.

Adjournment:

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to adjourn the meeting at 7:08 p.m.

Respectfully submitted,

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

**O. Stanhope Anthony III
Mayor**

Minutes of September 10, 2018

City of Shelby
Agenda Item Summary
October 2, 2018
City Hall Council Chamber

Agenda Item: D-2

2) Approval of the Minutes of the Regular Meeting of September 17, 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 September 17, 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

September 17, 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, and Dicky Amaya; City Manager Rick Howell, ICMA-CM, City Clerk Bernadette A. Parduski, NCCMC, MMC, City Attorney Robert W. (Bob) Yelton, Director of Finance Justin S. Merritt, MPA, Director of Human Resources Deborah C. (Deb) Jolly, Director of Energy Resources Julie R. McMurry, Director of Water Resources David W. Hux, Director of Engineering Services Benjamin (Ben) Yarboro, Police Chief Jeffrey H. (Jeff) Ledford, Fire Chief William P. Hunt, MPA, EFO, Assistant Fire Chief – Logistics and Enforcement Services Todd McMurry, 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

Clerk's note: There is a vacancy for the unexpired term of the Ward 5 seat on City Council, which exists due to the resignation of Mr. Kittrell on July 30, 2018.

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 Mrs. Arth Dukes led the *Pledge of Allegiance*.

A. Approval of agenda:

- 1) Motion to adopt the proposed agenda

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

B. Public Comment:

- 1) Stephen Barker who resides at 929 Huntington Park Drive in Charlotte, North Carolina spoke as developer and part owner of the Fairfield Inn & Suites by Marriott. He is the applicant on behalf of Shelby Hospitality Group LLC in support of the right-of-way abandonment of County Home Road.

C. Public Hearings:

1) Consideration of a resolution approving a Downtown Development Agreement between the City of Shelby and Thompson-Gordon-Shook (TGS) Engineers Incorporated: Resolution No. 44-2018

Mr. Howell introduced Resolution No. 44-2018 for Council’s consideration. The required public hearing has been advertised and will be conducted by Council in accordance with North Carolina General Statutes to solicit comments regarding the sale of real property for redevelopment in the Uptown Shelby Municipal Service District. If approved, the resolution will authorize and approve an agreement between the City of Shelby and TGS Engineers, Incorporated, summarized as follows:

- **The City agrees to sell the property located at 201 West Marion Street (formerly the Marion Mall) to TGS Engineers by private sale for the amount of \$300,000 to be paid in full at closing.**
- **The developer agrees to redevelop the existing building in two phases with the first phase being completed within 24 months of closing and the second phase to be completed as the developer secures tenants for the space. The City shall have the right to repurchase the property should the developer fail to meet this deadline.**
- **The City agrees to make sidewalk and streetscape improvements from the intersection of Pere Street to the existing Norfolk Southern Railroad tracks.**
- **The parties agree that the City will retain the right to retain by long term lease at no cost twenty (20) parking spaces for use by the City.**
- **The City agrees to grant the developer an easement/encroachment permit within the existing Norfolk Southern right of way should it obtain the legal right to do so in the future.**

Mayor Anthony opened the public hearing at 6:05 p.m. and invited comments from the public.

The public offered no comments and Mayor Anthony closed the public hearing at 6:06 p.m.

ACTION TAKEN: Upon a motion made by Mr. Amaya, City Council voted unanimously to approve and adopt Resolution No. 44-2018 entitled, “A RESOLUTION APPROVING A DOWNTOWN DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SHELBY AND THOMPSON-GORDON-SHOOK (TGS) ENGINEERS INCORPORATED”.

2) 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 941 Wyke Road from Residential Office (RO) District to Neighborhood Business (NB) District as submitted by the applicant, Yves Boudreau/Gencent LLC. Utilizing both location and zoning maps, he pointed to the subject property along Wyke Road near the CSX Rail Line. Currently, a commercial structure is located on this 5.26 acre site. Land uses in the area include single-family dwellings, multi-family dwellings, institutional uses, and neighborhood business uses.

Mr. Scharer stated the Comprehensive Land Use Plan for this area designates the site as a Low Density Residential Area. A low-density residential area is intended for single family residential land uses at a density of two units per acre. Normally, this type of land use typology associates with areas that are not served by sewer. This area is served by sewer with the Hickory Creek outfall. Mr. Scharer explained this designation to be an error in the Comprehensive Land Use Plan. The Plan calls for much higher densities nearby that are also served by the Hickory Creek outfall.

Mr. Scharer further stated the proposed zoning map amendment is inconsistent with the Shelby Comprehensive Land Use Plan. He added the Planning and Zoning Board recommended approval of this proposed zoning amendment for the property located at 941 Wyke Road from Residential Office (RO) zoning district to Neighborhood Business (NB) zoning district.

Mayor Anthony opened the public hearing at 6:08 p.m. and invited comments from the public.

The public offered no comments and Mayor Anthony closed the public hearing at 6:09 p.m.

ACTION TAKEN: Upon a motion made by Mr. Amaya, City Council voted unanimously to approve and adopt Ordinance No. 49-2018 entitled, "A PROPOSED ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF SHELBY, NORTH CAROLINA".

D. Consent Agenda:

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

- 1) Approval of the Minutes of the Regular Meeting of August 6, 2018
- 2) Approval of Special Event Permit Applications:

- a. Don Gibson Theatre 4th Annual Fundraiser, requested date: November 2, 2018
- b. Cleveland County Veterans Day Parade, requested date: November 10, 2018
- 3) Approval of a resolution approving the local Alcohol Beverage Control (ABC) Board's use of the Appointing Authority's Travel Policy: Resolution No. 45-2018
- 4) Approval of a resolution honoring Timothy Milson Walker on the occasion of his retirement from employment with the City of Shelby: Resolution No. 46-2018
- 5) Adoption of Fiscal Year (FY) 2018-2019 Budget Ordinance Amendment No. 1: Ordinance No. 50-2018
- 6) Approval of a resolution approving supporting the City of Shelby's Application for North Carolina Department of Transportation State Planning and Research Program Funds: Resolution No. 47-2018
- 7) Adoption of an ordinance establishing a capital project ordinance and budgets for the City of Shelby's Highway 74 Sections D and E Natural Gas Infrastructure Relocation Project: Ordinance No. 51-2018
- 8) City of Shelby's Foothills Commerce Center Job Ready Shell Building No. 3 Project
 - a. Adoption of an ordinance establishing a capital project ordinance and budgets for the City of Shelby's Foothills Commerce Center Job Ready Shell Building No. 3 Project: Ordinance No. 52-2018
 - b. Approval of a reimbursement resolution with regard to Job Ready Shell Building No. 3: Resolution No. 48-2018
- 9) Adoption of Fiscal Year (FY) 2018-2019 Budget Ordinance Amendment No. 2: Ordinance No. 53-2018
- 10) Adoption of an ordinance establishing a capital project ordinance and budgets for the City of Shelby's Holly Oak Park Playground Project: Ordinance No. 54-2018

END CONSENT AGENDA

E. Unfinished Business:

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

ACTION TAKEN: Upon a motion made by Mr. Hendrick, City Council voted unanimously to reconsider the closing of Royster Memorial Golf Course.

Mr. Hendrick moved to keep Royster Memorial Golf Course open for the remainder of the current fiscal year ending June 30, 2019 and further directed the City Manager to prepare a budget amendment for City Council's consideration appropriating funding from the General Fund reserve to be presented at the October 1, 2018 regular meeting.

In addition, the City Manager is directed to develop and implement a plan, in consultation with City staff, Parks and Recreation Advisory Board, Friends of the Park, and the Royster family, if they so wish to be included, to develop a viable plan to increase user play at Royster Memorial Golf Course over a recommended period of time that gives the effort a chance at success. If user play can be sustained and increased then Council will consider continuing operation of the course.

Lastly, the City Manager is to report regularly to City Council on these efforts.

Mr. Amaya read the following statement:

"I would like to remind Council that we took a $\frac{3}{4}$ cent tax reduction when we were voting on the budget last June and that this $\frac{3}{4}$ cent was directly connected to the closure of the golf course. I think if, at some point we decide to close the golf course, we should be willing to proceed with the revert clause and take the bondage off future Councils."

ACTION TAKEN: Upon a motion made by Mr. Hendrick, City Council voted unanimously to approve the proposal as stated above.

To sum up, Mayor Anthony read the following statement:

"I commend each of you Council Members on the decision you made tonight. I know each of you has gone through agonizing, gut-wrenching experiences since Council's action of June 4 concerning the golf course status at City Park. For that I am deeply sorry because I know each of you vote your conscious, in good faith, for the betterment of the City and not for any personal, political, or financial gain. So, I hope this begins a time of rebuilding trust among our Council and the entire community.

My hope is this will also begin a broader dialogue within the community about recreational priorities and needs. All of us here know, Shelby has a proud history of providing affordable public recreation amenities to the citizens of Shelby and our community at large. However, facilities with diminishing public usage, increasing operating and capital costs, cannot and should not be indefinitely sustained entirely by the taxpayers of Shelby.

So, as we look ahead to the upcoming Parks and Recreation Master Plan process soon to begin, I hope we will have serious dialogue within our community about changing recreational needs with these guiding principles:

- 1. Value recreational amenities that improve Shelby's livability, thus becoming an even more attractive place to live.**
- 2. Prioritize park assets that are accessible and used by the greatest number of people, of all ages.**

If we can come to consensus on these objectives, I am confident our community will prosper and benefit from your vision and generous spirit. Thank you again, Council, for your willingness to serve your community and how you conducted yourself during the last few months."

- 2) Consideration of a resolution and order permanently closing a section of County Home Road: Resolution No. 49-2018**

Mr. Howell reminded Council that a public hearing was held on July 16, 2018 regarding the 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 Bypass and Kings Road. The matter was tabled in order to allow for further discussions with State Employees' Credit Union and the North Carolina Department of Transportation (NCDOT) regarding the future of County Home Road.

Mr. Howell reported representatives of the State Employees' Credit Union indicated they do in fact have intentions to build a new facility but there is no definite schedule to do so. They are willing to work with the City to plan for a new connector road in the future through a portion of their property but cannot commit to that until they have firmer plans.

Mr. Howell recommended Council deny the resolution and order and allow him to work with NCDOT to work out a long-term solution in which the City of Shelby takes over the control and ownership of this section of County Home Road with the intent of constructing a new connector road. He reiterated County Home Road is a North Carolina State road and the final authority rests with the North Carolina Board of Transportation.

Discussion continued regarding traffic safety issues, the potential for new development, possible traffic congestion through residential areas, and the County Home Road Traffic Impact Study.

ACTION TAKEN: Upon a motion made by Mr. Hendrick, City Council voted unanimously to deny Resolution No. 49-2018 entitled, "A RESOLUTION AND ORDER PERMANENTLY CLOSING A SECTION OF COUNTY HOME ROAD" and to direct City staff to approach North Carolina Department of Transportation about turning over control of County Home Road to the City of Shelby.

3) Consideration of appointment to City Council Ward 5 Seat

Mayor Anthony stated the successful application process for the vacant Ward 5 seat concluded on September 6, 2018. Mrs. Parduski verified seven applicants who met the requirements.

ACTION TAKEN: Upon a motion by Mr. Amaya, City Council voted unanimously to appoint, by acclamation, Charles Webber to Shelby City Council, representing Ward 5 for the unexpired term concluding December 3, 2019.

F. New Business:

1) Consideration of a resolution of the City Council of the City of Shelby, North Carolina, authorizing the purchase of natural gas from the Black Belt Energy Gas District; approving the execution and delivery of a gas supply agreement and other documents relating to said purchase; consenting to the assignment of certain obligations under the gas supply agreement in connection with the issuance of bonds by the Black Belt Energy Gas District; and addressing related matters: Resolution No. 50-2018

Mr. Howell introduced Resolution No. 50-2018 for Council's consideration. If approved, it will authorize a natural gas prepayment agreement with Black Belt Energy. The agreement essentially will allow the City to participate with a group of other cities leveraging tax exempt financing to pre-purchase natural gas at a significant discount. The current deal could provide annual savings in the range of \$290,000 annually.

He introduced Scott Heath of Heath and Associates, Inc., who will explain this natural gas prepay opportunity for the City of Shelby.

Next, Mr. Heath expressed his appreciation to the City as Heath and Associates has provided its natural gas consulting services for 58 years.

Mr. Heath explained the basic premise of the transaction which begins with a joint action agency, a municipal entity that issues municipal bonds and pays a gas supplier for 30 years of gas supply upfront with the bond money. A third party bank takes that discount and translates it into a real time discount. He stated there is no fixed price just a discount on top of the buying price.

The Black Belt Energy Gas District will be issuing the bonds and the City will not have any liability. The City's contract is strictly a gas purchase contract. The contract is almost identical to the current contract except for the discount with it.

Mr. Heath further explained the concept was introduced back in the early 2000s. The City had an arrangement completed and was waiting for the deal to close. Then, Bear Stearnes and Wachovia failed in 2008 as part of the global financial crises and recession. All of the benefit between municipal bonds interest rates and investor-owned financing collapsed as interest rates collapsed.

Mr. Heath stated the City purchases and arranges through a gas supplier to purchase at Transco Pipeline's published index at Station 65 or Station 85. The published index is an average of all the purchases and transactions that have occurred. At that point, the buyer and the seller feel this is a fair price, the average price. With Black Belt Energy, the City will buy at the same index price less the discount.

Mr. Heath provided background information that Black Belt Energy Gas District is inviting select municipal utilities to participate in a 30 year natural gas pre-payment transaction targeting an early fall close with the first gas deliveries beginning April 2019. Black Belt Energy Gas District is an Alabama gas supply district formed under the provisions of the Alabama Gas Districts Act and is the leading natural gas pre-payment structurer and issuer. Black Belt has a strong management and legal team, including gas supplier, J. Aron & Company, a division of Goldman Sachs.

Mr. Heath provided the specifics of the economic terms as follows:

- **30 year term**
- **Initial period priced at closing and establish the discount, the relative interest rates, and the price of gas**
- **Savings threshold – 35 cents/Decatherm or just more than 10 percent discount**
- **On average, from the initial period through the reset period, a minimum net savings of no less than 25 cents**

- Every 5 to 7 years, it will be repriced
- Once the discount is established and the natural gas is sold to the purchasers in the initial rate period, Black Belt Energy will take an administrative fee of 3 cents up to 7 cents

Citing Black Belt Energy's most recent transaction, Mr. Heath shared that the discount was 46 cents with an administrative fee of 3 cents for a savings of \$293,000 per year. He added the amount of pre-purchased gas will be 30 percent of the City's purchase volumes for a 30-year period. Both the City's council on natural gas matters, Mr. Byrd, and Mr. Yelton have reviewed and advised on the Black Belt Energy project. Mr. Heath felt there was no financial risk to the City except for an opportunity risk that a better opportunity may present itself.

Mr. Heath concluded by informing Council that Black Belt Energy is actively managing three projects: One for itself, one for Lower Alabama Gas District and one for Louisiana Municipal Gas Authority. Depending on circumstances and which project goes first, one of these three will be issuing the bonds and the City of Shelby will be entering into the gas supply contract accordingly.

ACTION TAKEN: Upon a motion made by Mr. Amaya, City Council voted unanimously to adopt Resolution No. 50-2018 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHELBY, NORTH CAROLINA, AUTHORIZING THE PURCHASE OF NATURAL GAS FROM THE BLACK BELT ENERGY GAS DISTRICT; APPROVING THE EXECUTION AND DELIVERY OF A GAS SUPPLY AGREEMENT AND OTHER DOCUMENTS RELATING TO SAID PURCHASE; CONSENTING TO THE ASSIGNMENT OF CERTAIN OBLIGATIONS UNDER THE GAS SUPPLY AGREEMENT IN CONNECTION WITH THE ISSUANCE OF BONDS BY THE BLACK BELT ENERGY GAS DISTRICT; AND ADDRESSING RELATED MATTERS".

G. City Manager's Report:

- 1) Mr. Howell stated bids have been received for the Fallen Heroes Memorial Project and he will provide his recommendation to Council at the next meeting of October 1, 2018.
- 2) Mr. Howell provided an update on a previously reported environmental issue involving an oil spill on Ruth Street near Lineberger Street. City crews initially responded. The matter was reported to both state and federal environmental agencies for investigation and assessment.
- 3) Mr. Howell informed Council the Shelby Fire and Rescue Department sent a crew including Captain Gene Stinchcomb, Engineer Willie Williams, and

Firefighters Ethan Winkler and Gideon Kahn to Brunswick County on September 16, 2018 to provide their services to the Winnabow Fire Department and Winnabow, North Carolina in relief of Hurricane Florence.

- 4) Mr. Howell reported the intent to redevelop a brownfields property in Shelby at the site of the Sackville Mill by Ella Mill Properties LLC located between Lafayette Street and Dekalb Street is nearing the end of its public comment period this month. The development of this project is anticipated to begin in the near future.
- 5) Mr. Howell acknowledged today, September 17, as Constitution Day, an observance to recognize the adoption of the US Constitution. He encouraged all to read it, to become familiar with it, and to gain an understanding what the Founding Fathers intended for our country.
- 6) Mr. Howell mentioned the City's Volunteer Recognition Event is scheduled for Thursday, October 18, 2018, beginning at 6:00 p.m., City Pavilion.

H. Council Announcements and Remarks:

- 1) Mayor Anthony announced the City's Employee Picnic has been rescheduled to Thursday, September 20, 2018, between 11:00 a.m. and 2:00 p.m. at Shelby City Park. The Mayor encouraged Council members to attend.

I. Closed Session:

- 1) To approve the Minutes and General Account of the Closed Session of May 14, 2018
- 2) To approve the Minutes and General Account of the Closed Session of July 19, 2018
- 3) To establish or instruct staff in negotiating the terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease pursuant to North Carolina General Statute 143-318.11 (a) (5)

ACTION TAKEN: Mr. White made a motion to enter into a closed session pursuant to the appropriate North Carolina General Statutes as cited. Mayor Anthony consulted with Mr. Yelton who advised the topics met the statutory requirements for a closed session. The Mayor invited all Council members present along with Mr. Howell, Mr. Yelton, and Mrs. Parduski to attend. The motion passed unanimously and Council moved into closed session at 7:05 p.m.

Council returned to the regular session at 7:31 p.m.

J. Adjournment:

1) Motion to adjourn

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to adjourn the meeting at 7:32 p.m.

Respectfully submitted,

Bernadette A. Parduski, NCCMC, MMC
City Clerk

O. Stanhope Anthony III
Mayor

Minutes of September 17, 2018

City of Shelby
Agenda Item Summary
October 2, 2018
City Hall Council Chamber

Agenda Item: D-3

3) Approval of a Special Event Permit Application:

- a. Shelby High School Homecoming Parade, requested date: October 18, 2018

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

Summary of Available Information:

- Memorandum dated September 24, 2018 from Bernadette A. Parduski, City Clerk to Rick Howell, City Manager
- Memorandum from Bernadette A. Parduski, City Clerk to Police Chief Jeff Ledford, Fire Chief William Hunt, Parks and Recreation Director Charlie Holtzclaw, Public Works Director Danny Darst, Assistant Director Public Works Scott Black, Director of Water Resources David Hux, and Director of Engineering Services Ben Yarboro
- Special Event Permit Application

City Manager's Recommendation / Comments

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

Memo

To: Rick Howell, City Manager
From: Bernadette A. Parduski, City Clerk
Date: September 24, 2018
Re: Special Event Permit Application

BACKGROUND:

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

- ✓ Shelby High School Homecoming Parade, requested date: October 18, 2018

REVIEW:

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

RECOMMENDATION:

Please place the attached Special Event Permit Applications on the Consent Agenda of October 1, 2018 for Council's review and approval.

ATTACHMENT:

- A. Special Event Permit Application packet received July 30, 2018

Memo

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

From: Bernadette A. Parduski, City Clerk

CC: Rick Howell, City Manager

Date: September 12, 2018

Re: Special Event Permit Application

All:

Attached you will find a Special Event Permit Application submitted by Principal Allen at Shelby High School as follows:

- ✓ Shelby High School Homecoming Parade, requested date: October 18, 2018

Please carefully review the details of this application as it pertains to your department, and let me know of any anticipated problems/objections that you would like to bring to the attention of the City Council. If there are none, please let me know that as well. The event will be considered by City Council at the October 1, 2018 meeting and recommended for approval unless you advise otherwise. If I do not hear from you by September 24, 2018, it will be assumed that you are in agreement with the application as presented.

As always, thanks for your attention and consideration.

Attachment

CITY OF SHELBY
SPECIAL EVENT PERMIT APPLICATION

RECEIVED

JUL 30 2018

CITY OF SHELBY NC
OFFICE OF THE CITY CLERK

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

1. EVENT NAME:

Shelby High School Homecoming Parade

2. PURPOSE AND BRIEF DESCRIPTION OF EVENT:

Short parade of cars, band and other school groups.

3. LOCATION OF EVENT (ATTACH MAP):

Start at Lutheran Church on Lafayette proceed down Lafayette, turn left on Marion, right on Washington and break up at intersection of Washington and Graham St.

4. PLEASE INDICATE:

Approximately how many people will attend the event? 500

Approximately how many vehicles will be present? 60

Approximately how many animals will be present? 0

If the event is a parade, please indicate the amount of street that will be needed:

Single lane _____

All lanes in travel direction _____

Whole street _____

5. PLEASE LIST THE FOLLOWING PARTY (IES) RESPONSIBLE FOR THE EVENT:

Name: David Allen, SHS

Address: 230 E. Dixon Blvd.

Phones: 704-476-8325 (Daytime) 704-481-0942 (Evening)

E-mail address: dralen@clevelandcountyschools.org

Name: _____

Address: _____

Phones: _____ (Daytime) _____ (Evening)

E-mail address _____

6. PLEASE LIST THE FOLLOWING: *Thursday*

Requested day(s) and date(s) ~~Friday~~, *Thursday*, October ~~19~~ *18*

Alternate day(s) and date(s) None

Requested hours of operation, from 4:00 AM/PM to 5:00 AM/PM

7. EVENT NOTIFICATION TO RESIDENTS AND BUSINESSES: As an event planner, you are responsible for notifying the neighbors and businesses in the surrounding area of your event. The City requires notifying as many businesses and residents around the event site as possible as early as possible. Please provide your plan of notification at the time you submit your permit application.

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

9. AVAILABILITY OF FOOD, BEVERAGES, AND/OR ENTERTAINMENT:

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

Will alcoholic beverages be served? No

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

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

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

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

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

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

Name: _____
Address: _____
Phones: _____

Indicate medical services that will be provided for the event.

AMBULANCE: _____
DOCTOR (S): _____
PARAMEDICS: _____

11. CITY SERVICES/EQUIPMENT REQUESTED FOR THIS EVENT:

12. ANY ADDITIONAL COMMENTS:

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

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


SIGNATURE

David Allen
APPLICANT

704-476-8325
PHONE

230 E. Dixon Blvd.
PHYSICAL ADDRESS

28152.
PHONE

drallen@clevelandcountyschools.org
E-MAIL ADDRESS

July 30, 2018
DATE

WOOD

WILSON

DORTON

MARIETTA

SUMTER

CAMPBELL

MARION

TRADE

WASHINGTON

WARREN

LAFAYETTE

AREY

HARRIS

DEKALB

JUSTICE

GRAHAM

HOLLAND

JUAN



Bank Drive Thru Exit

City of Shelby
Agenda Item Summary
October 2, 2018
City Hall Council Chamber

Agenda Item: D-4

- 4) Approval of a resolution awarding the contract for the Fallen Hero Memorial Park
Project: Resolution No. 51-2018

Consent Agenda Item: (Staff Resource, Rick Howell, City Manager and Ben Yarboro, Engineering Services Director)

Summary of Available Information:

- Memorandum dated September 26, 2018 from Ben Yarboro, Engineering Services Director to Rick Howell, City Manager
- Resolution No. 51-2018

City Manager's Recommendation / Comments

Resolution No. 51-2018 is presented for City Council consideration at this time via the Consent Agenda. If approved this resolution would award the construction contract for the Fallen Hero Memorial Park Project to T. C. Strickland Construction Company. They were the lowest responsive bidder with the bid amount of \$189,866.00. Council will recall it adopted a project budget ordinance for this project at your last regular meeting.

It is my recommendation that Resolution No. 51-2018 be adopted and approved at this time via the Consent Agenda.



Memorandum

To: Rick Howell, City Manager
From: Ben Yarboro, Engineering Services Director *BY*
RE: Recommendation of Award of the Construction Contract for Fallen Hero Memorial Park Project
Date: September 26, 2018

Background

The City of Shelby contracted with The Dodd Studio to complete the plans and specifications for the Fallen Hero Memorial Park Project. A design for this site consisting of hardscape and landscape features was completed to create a dedicated space to memorialize the Fallen Heroes. A project budget ordinance amendment (Ordinance No. 48-2018 attached for reference) was approved by City Council on August 6, 2018 that establishes adequate funding for this project.

Review

The City of Shelby advertised for the Fallen Hero Memorial Park project and informal quotes for the project were due to the City by 11:00am on September 14, 2018. Three quotes were received and are as follows:

T.C. Strickland Construction Company, Inc.	\$189,866.00
M.D. Harden Enterprises LLC	\$207,435.11
Sossoman Construction Company	\$298,500.00

After a review of the submitted bids, the enclosed certified bid tabulation was prepared by The Dodd Studio (attached for reference). The Dodd Studio has also provided the City with a recommendation of award (attached for reference) for the City of Shelby Fallen Hero Memorial Park construction contract to T.C. Strickland Construction Company, Inc. of Shelby, NC in the amount of \$189,866.00. This project has a 120 day construction allowance following the issuance of the written Notice to Proceed.

Recommendation

Staff recommends award of the construction contract for the City of Shelby Fallen Hero Memorial Park Project in the amount of \$189,866.00 to T.C. Strickland Construction Company, Inc.

Please advise if you have any questions or need additional information.

Attachments

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>Current Budget</u>	<u>Amendment No. 1</u>
<u>Fallen Hero Memorial Park Project</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



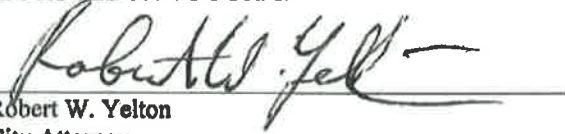
O. Stanhope Anthony, III
Mayor

ATTEST:



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

APPROVED AS TO FORM:



Robert W. Yelton
City Attorney

Fallen Heroes Memorial Shelby NC

Bid Tab

14-Sep-18

Contractor	Base Bid	Alt 1	Total with Alt	Add 1	Add 2	Bond
TC Strickland	164,866.00	25,000.00	189,866.00	Yes	Yes	Yes
MID Harden	178,405.89	29,029.22	207,435.11	Yes	Yes	No
Sossamon Construction Co	281,000.00	17,500.00	298,500.00	Yes	Yes	Yes

Certified 9.17.18



Daniel Dodd, PLA
The Dodd Studio, LLC

THE DODD STUDIO

314 TOM HALL STREET | FORT MILL, SC 29715 | (P) 803.981.4330 | (E) DAN@THEDODDSTUDIO.COM

September 20, 2018

Rick Howell
City Manager
300 South Washington Street
Shelby, NC 28151

Re: Fallen Heroes Memorial

Dear Mr. Howell,

After a review of the submitted bids, The Dodd Studio recommends the award of the Fallen Heroes Memorial project to the low bidder of TC Strickland. This award includes the base bid (\$164,866.00) and Alternate 1 (\$25,000) for a total price of \$189,866.00

Sincerely,



Dan Dodd, PLA

RESOLUTION NO. 51-2018

**A RESOLUTION AWARDING THE CONTRACT FOR
THE FALLEN HERO MEMORIAL PARK PROJECT**

WHEREAS, the City of Shelby contracted with The Dodd Studio to develop plans and specifications for the Fallen Hero Memorial Park Project located on property owned by the City of Shelby at 303 South Lafayette Street ; and,

WHEREAS, the City of Shelby in accordance with applicable provisions of NCGS 143-129, as amended, received three (3) informal proposals for the Fallen Hero Memorial Park in accordance with priorities heretofore established by City Council; and,

WHEREAS, bids for this proposed work have been tabulated and contract award recommended for this project by The Dodd Studio and City Staff; and,

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

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

Section 1. The contract for the Fallen Hero Memorial Park Project, as outlined in the bid specifications for this offering, is hereby awarded to the lowest responsive bidder, T.C. Strickland Construction Company, Inc. for a bid price of \$189,866.00 as stated in their official proposal for this bidding, and in accordance with the City's official bid specifications for this project.

Section 2. The City Manager of the City of Shelby or his designee is hereby authorized and directed to execute the applicable contracts and any change orders as specified in Section 1 of this resolution.

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

Adopted and approved this the 1st day of October 2018.

O. Stanhope Anthony III
Mayor

ATTEST:

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

City of Shelby
Agenda Item Summary
October 2, 2018
City Hall Council Chamber

Agenda Item: D-5

- 5) Approval of a resolution in support of the 2019 American Legion World Series bid:
Resolution No. 52-2018

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

Summary of Available Information:

- Resolution No. 52-2018

City Manager's Recommendation / Comments

Resolution No. 52-2018 is presented at the request of Cleveland County for City Council consideration at this time via the Consent Agenda. If approved this resolution would support the effort of our communities bid for the American Legion World Series.

It is my recommendation Resolution No. 52-2018 be adopted and approved by City Council at this time via the Consent Agenda.

RESOLUTION NO. 52-2018

**A RESOLUTION IN SUPPORT OF THE
2019 AMERICAN LEGION WORLD SERIES BID**

WHEREAS, in the summer of 2008, Cleveland County and the City of Shelby hosted a very successful American Legion World Series and won location bid in 2010.

WHEREAS, after the first two years the National Office of the American Legion, extended the original four-year contract to 2019; and,

WHEREAS, the host committee continues to recognize the important relationship of the military to the American Legion World Series by holding special events and tributes to the military giving Cleveland County and the City of Shelby the highest ranking of "Superior" for military ceremonies, which include recognitions and appreciation to the men and women who serve(d) in our Nation's military; and,

WHEREAS, in hopes for the past eight years to make Shelby a permanent home for the American Legion World Series, Cleveland County and its municipalities, local businesses and many citizens come together and offer support of the event; and,

WHEREAS, big-city sophistication, small-town charm and southern hospitality are just a few of the qualities that help define the wonderful Shelby community. As evidenced by an American Legion World Series volunteer base of over three hundred, Cleveland County citizens are excited about the opportunity to share their community with thousands of visitors each summer; and,

WHEREAS, the City of Shelby is enthusiastic about hosting the American Legion World Series and bringing together players, managers, coaches, officials, parents and countless others from all over the world in an atmosphere of wholesome community activity.

NOW, THEREFORE, BE IT RESOLVED, that we, Shelby City Council on behalf of the citizens of Shelby, hereby support our communities bid for the American Legion World Series.

ADOPTED THIS THE 1st DAY OF OCTOBER 2018.

O. Stanhope Anthony III
Mayor

ATTEST:

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

City of Shelby
Agenda Item Summary
October 2, 2018
City Hall Council Chamber

Agenda Item: D-6

- 6) Approval of a resolution approving for acceptance, maintenance, and ownership of the water extension improvements for Cleveland County Fairgrounds:
Resolution No. 53-2018

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

Summary of Available Information:

- Memorandum dated September 24, 2018 from David Hux, Water Resources Director to Rick Howell, City Manager
- Aerial photo of waterline at Cleveland County Fairgrounds
- Utility Construction Plans, Cleveland County Fairgrounds
- TGS Engineers, Public Water System Project Engineer Certification Form
- Letter dated May 21, 2018 from NC Dept. of Water Resources to Rick Howell, City Manager
- Resolution No. 53-2018


City Manager's Recommendation / Comments

Resolution No. 53-2018 is presented for Council consideration at this time via the Consent Agenda. If approved this resolution would have the City accept new water mains installed by the Cleveland County Fair Association on the fairgrounds property. This project was constructed solely at the expense of the CCFA and it is now offered for maintenance by the City as part of the publically owned system. I would note that it makes sense for the City to own these lines to ensure that they are properly maintained for fire flow and public health purposes. Water sales will also be more accurately metered and billed under this new arrangement.

It is my recommendation Resolution No. 53-2018 be adopted and approved by City Council at this time via the Consent Agenda.

Memorandum

To: Rick Howell; City Manager

From: David Hux; Director of Water Resources 

RE: Acceptance of Water Infrastructure
Cleveland County Fairgrounds Waterline Extension

Date: September 24, 2018

Background:

Cleveland County Fairgrounds Association recently completed the construction of public waterline extension to better serve the Cleveland County Fairgrounds with fire protection and improved water flow at 1751 East Marion Street. This extension of 1,860+- feet of 8 inch water line was permitted through NC Public Water Supply and extended/looped from Marion Street through a portion of the Fairgrounds.

Review:

City staff was involved during the design, permitting and construction process. The water infrastructure that was installed to serve these properties was constructed in accordance with the approved plans and specifications and State/local standards. Attached are copies of the as-built water drawing, along with the engineer's certification from TGS Engineers. The water extension is located on private property; however the necessary easements from property owners have been obtained, signed and registered with Cleveland County Register of Deeds.

The property owner has requested that the City formally accept the infrastructure for perpetual operation and maintenance by Water Resources.

Recommendation:

City staff recommends that City Council formally accept this new water infrastructure (1,860+- feet) associated with this extension to better serve the Fairgrounds.

Please let me know if additional information is required.

Cleveland County Fairgrounds Waterline



Legend

- Valves
- Hydrants
- Water Main
- Parcels



9/11/2018



The City of Shelby makes no representations, warranties or guarantees as to the accuracy and completeness of the enclosed information and data, and the City is not responsible for any errors or omissions concerning the content and positional accuracy of such information and data.

locus\sign\cleveland co. fair\18-06-2018\CAD\UC-1.dgn

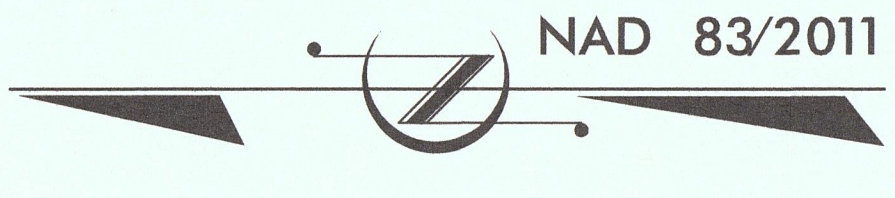
09/08/18

CLEVELAND CO. FAIR

UTILITY CONSTRUCTION PLANS CLEVELAND COUNTY

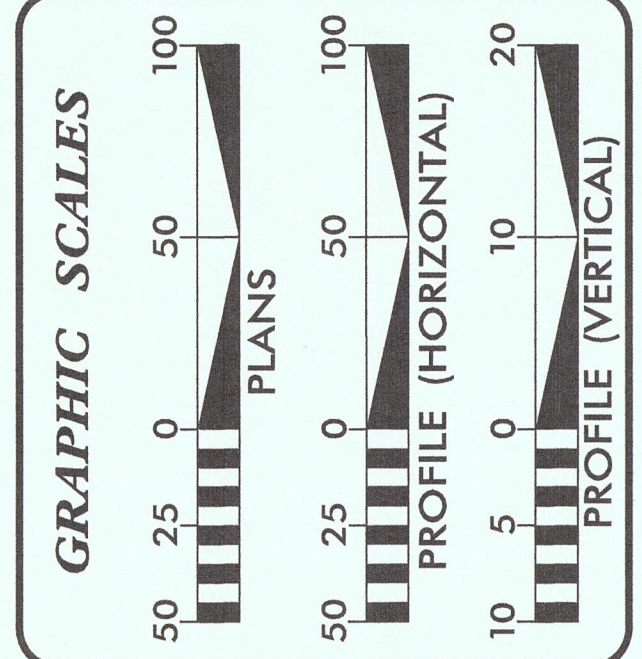
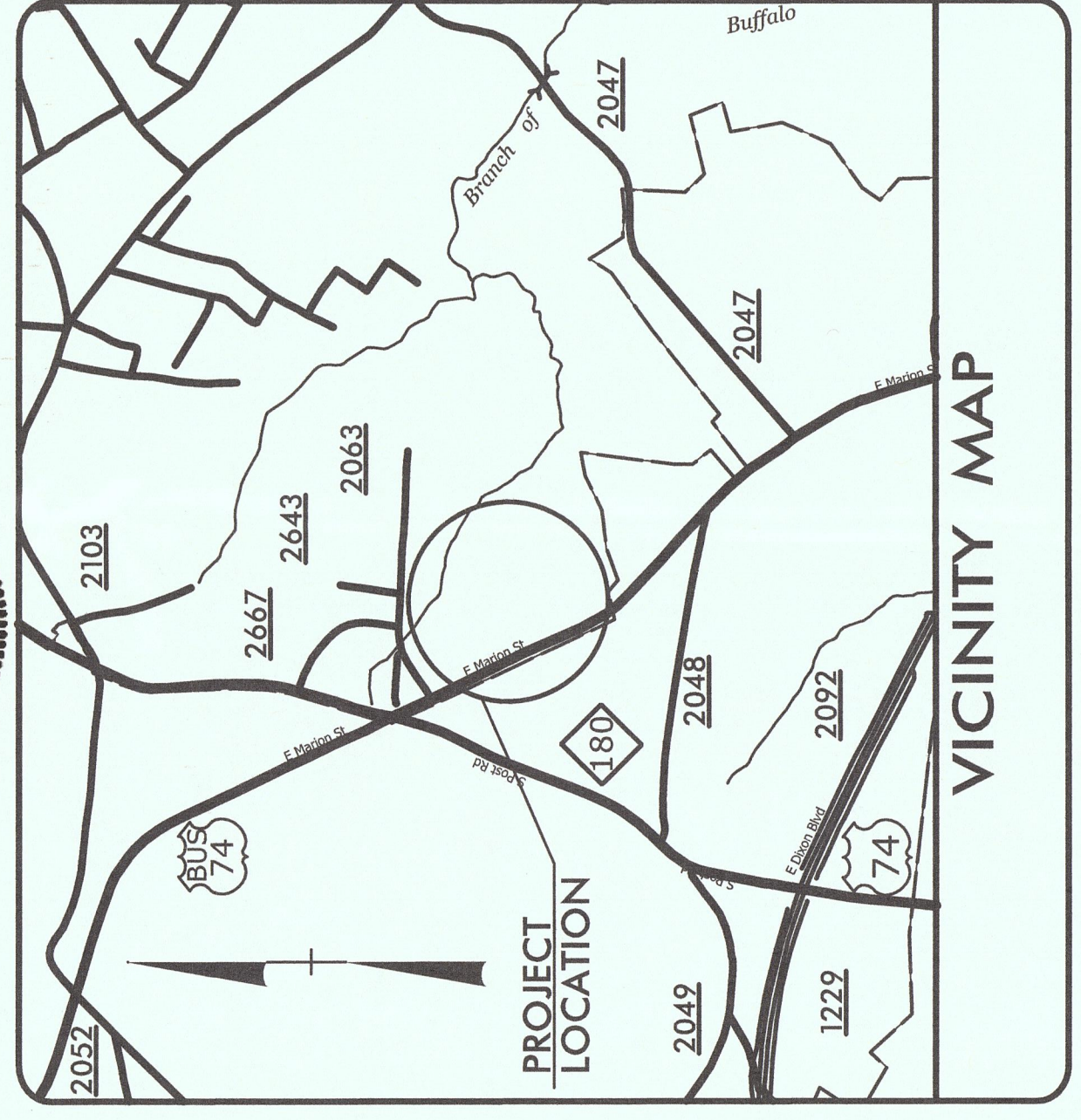
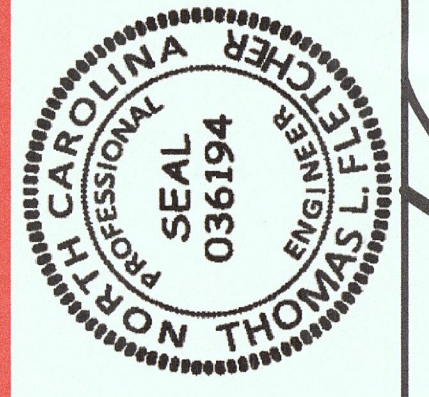
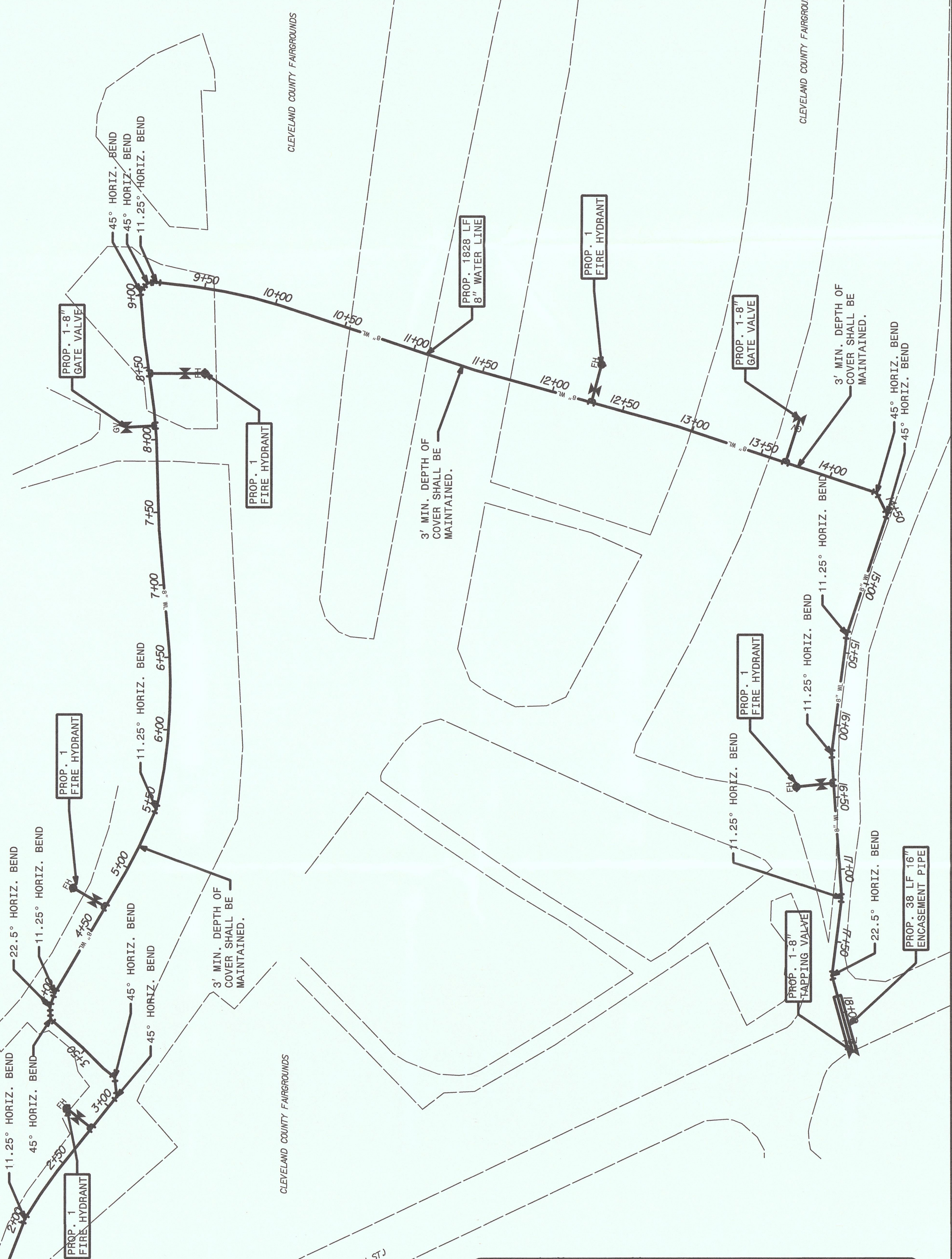
T.I.P. NO. CLEVELAND CO. FAIR UC-1

As Constructed Plans 6/4/2018



LOCATION: CLEVELAND COUNTY FAIRGROUNDS TYPE OF WORK: WATER MAIN INSTALLATION

Record Drawings
This Drawing has been modified to reflect changes made during construction based upon information provided by the Contractor and construction observations made by the Owners Authorized Representative.
By: Thomas Fletcher Date: 6/4/2018 1:46:45 PM PDT

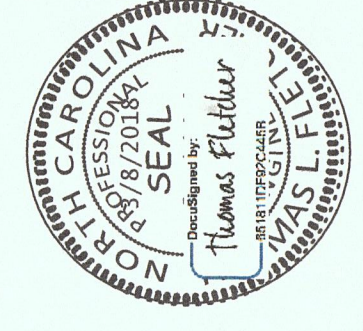


INDEX OF SHEETS

SHEET NO.:	DESCRIPTION:
UC-1	TITLE SHEET
UC-2	UTILITY SYMBOLLOGY
UC-3	NOTES
UC-3A	DETAILS
UC-4	UTILITY CONSTRUCTION SHEETS
UC-5	PROFILE SHEETS

WATER AND SEWER OWNERS ON PROJECT
(A) WATER - CITY OF SHELBY

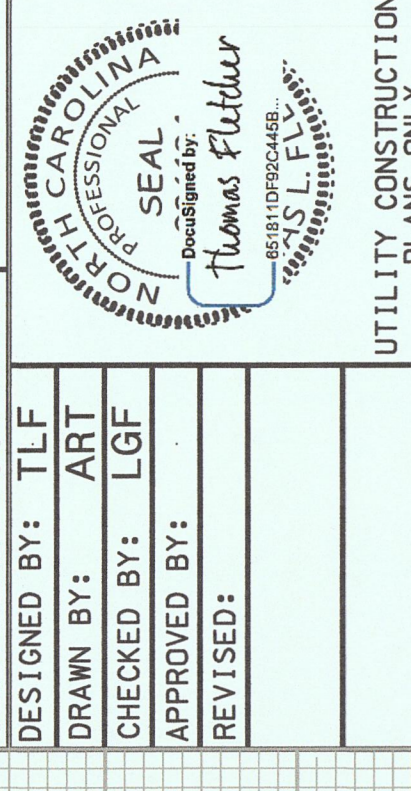
PREPARED IN THE OFFICE OF
TGS ENGINEERS
804 W. LAFAYETTE ST
SHELBY, NC 28150
PH: (704) 766-0000
CORP. LICENSE NO.: C-0275



THOMAS FLETCHER, PE CONSULTANT CONTACT #1

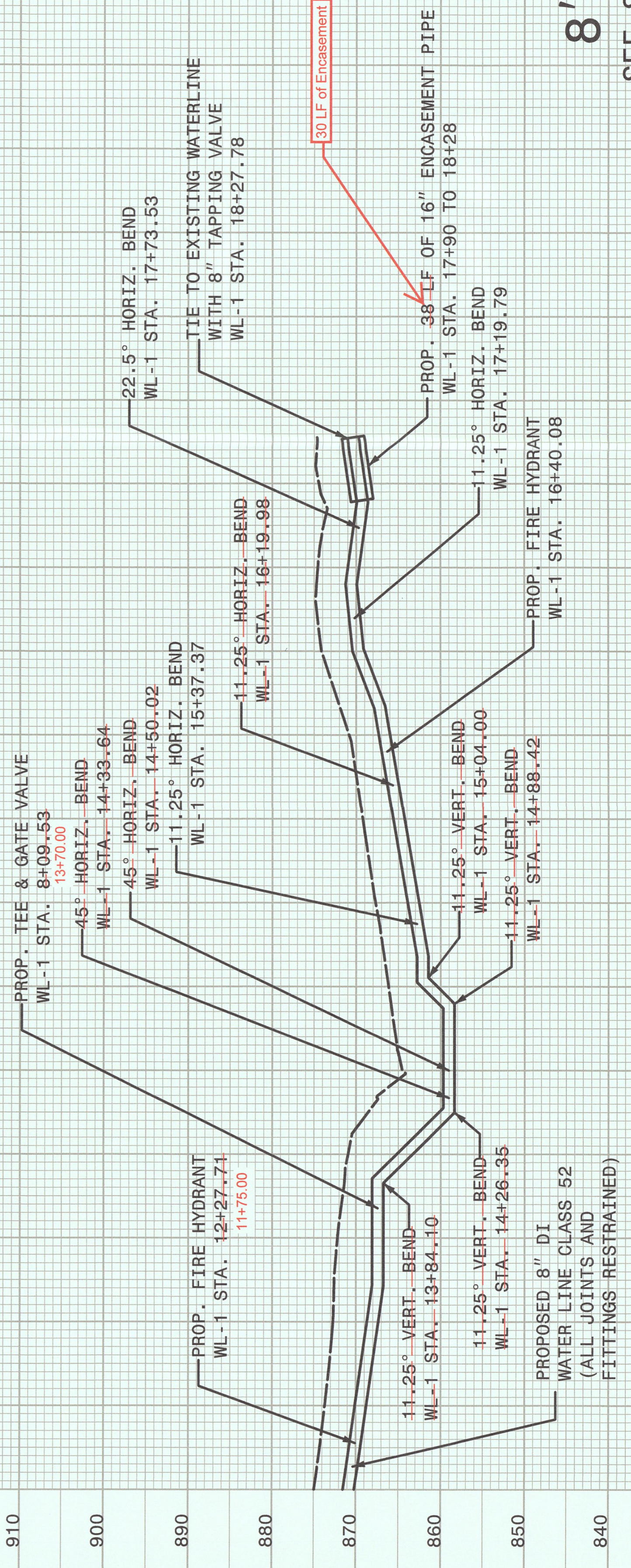
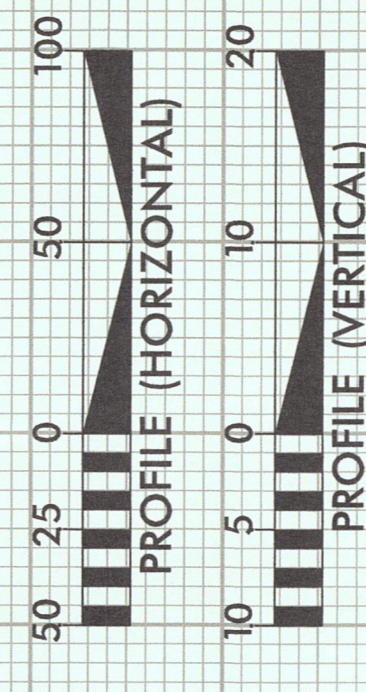
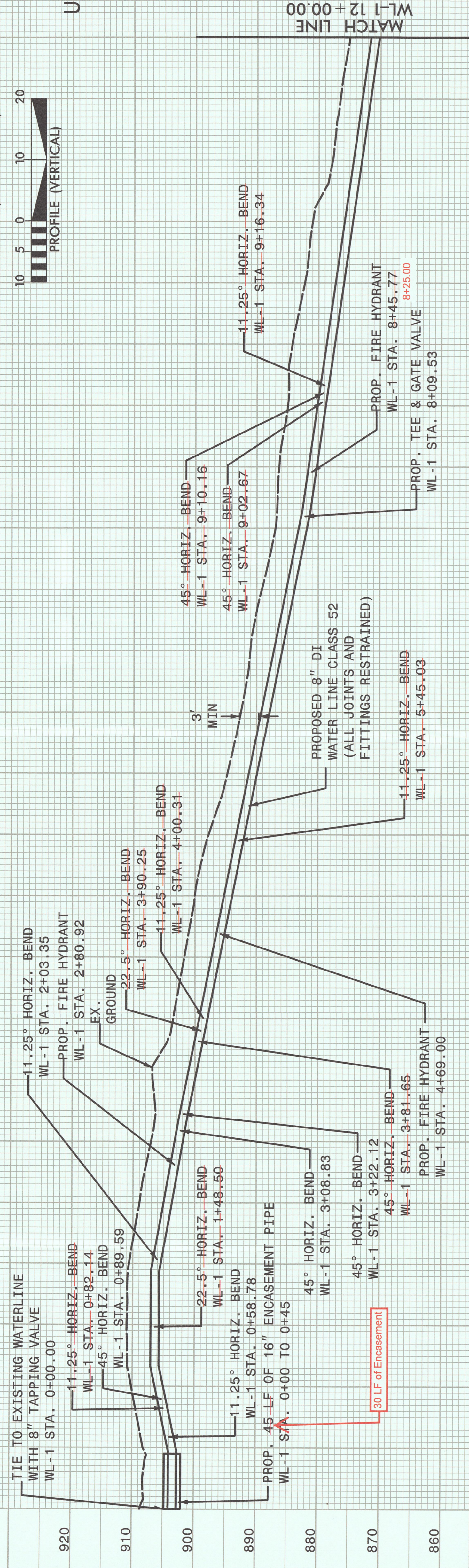
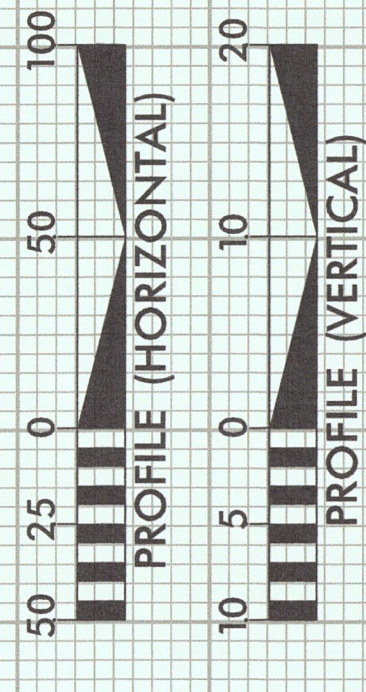
3/8/2018 10:54:44 AM

PROJECT REFERENCE NO. FAIR UC-4
 SHEET NO. UC-4
 CLEVELAND CO. FAIR
 DESIGNED BY: TLF
 DRAWN BY: ART
 CHECKED BY: LGF
 APPROVED BY:
 REVISED:

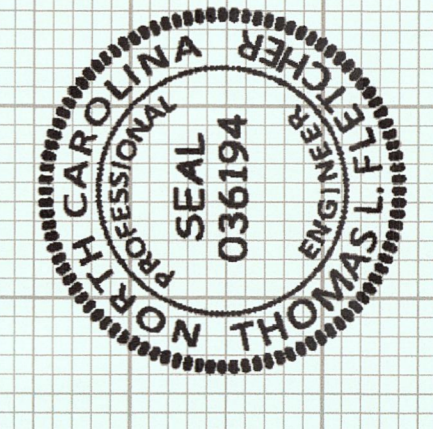


UTILITY CONSTRUCTION PLANS ONLY

UTILITY CONSTRUCTION



Record Drawings
 This Drawing has been modified to reflect changes made during construction based upon information provided by the Contractor and construction observations made by the Owners Authorized Representative.
 By: Thomas Fletcher Date: 6/17/2018 1:46:45 PM PDT



8" WATER LINE WL-1
 SEE SHEET UC-4 FOR 8" WATER LINE PLAN

TGS Engineers

804-C N. Lafayette St. | Shelby, NC 28150 | 704-476-0003 ex 303
tfletcher@tgsengineers.com

Public Water System Project Engineer Certification Form

By the signature below I certify:

The referenced public water system project was completed in substantial compliance with the approved engineering plans and specifications, including any provisions stipulated in the Department's plan approval letter or authorization to construct letter, and revised only in accordance with the provisions of Rule .0306.

This is a

- Full certification
- Partial certification, covering _____

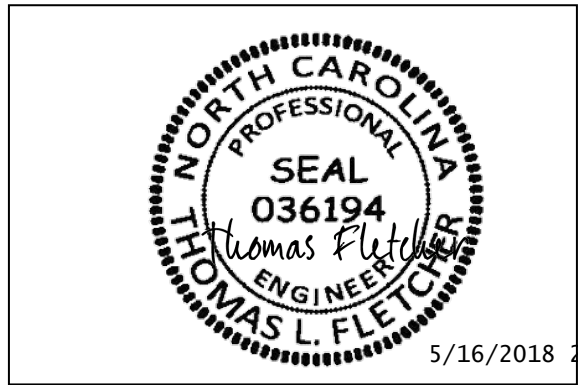
This certification is based upon inspections conducted (select one):

- Daily
- Continuously
- Periodically

By (select one):

- Myself
- Another under my responsible charge

Seal here:



Engineer Signature: Thomas Fletcher

Engineer Name(Print): Thomas L. Fletcher

Project Name: Cleveland County Fair

Date: 05/17/2018

Serial No: 18-00219

Water System Name: Cleveland County Fairgrounds



ROY COOPER
Governor
MICHAEL S. REGAN
Secretary
LINDA CULPEPPER
Interim Director

May 21, 2018

CITY OF SHELBY
ATTN: RICK HOWELL, CITY MANAGER
P O BOX 207
SHELBY, NC 28151

Re: **Final Approval**
Final Approval Date: May 21, 2018
CLEVELAND COUNTY FAIRGROUNDS
Serial No.: 18-00219
Water System Name: SHELBY, CITY OF
Water System No.: NC0123010
Cleveland County

Dear Sir/Madam:

The Department received an Engineer's Certification statement and an Applicant's Certification concerning the above referenced project. The Engineer's Certification verifies that the construction of the referenced project has been completed in accordance with the engineering plans and specifications approved under Department Serial Number 18-00219. The Applicant's Certification verifies that an Operation and Maintenance Plan and Emergency Management Plan have been completed and are accessible to the operator at all times and available to the department upon request and that the system will have a certified operator as required by 15A NCAC 18C .1300.

The Department has determined that the requirements specified in 15A NCAC 18C .0303(a) and (c) have been met, and therefore, issues this **Final Approval** in accordance with Rule .0309(a).

Please contact us at (919) 707-9100 if you have any questions or need additional information.

Sincerely,

Robert W. Midgette, P.E., Operations Branch Head
Public Water Supply Section
Division of Water Resources

cc: CLINTON COOK, P.E., Regional Engineer
Cleveland County Health Department
TGS ENGINEERS



RESOLUTION NO. 53-2018

A RESOLUTION APPROVING FOR ACCEPTANCE, MAINTENANCE, AND OWNERSHIP OF THE WATER EXTENSION IMPROVEMENTS FOR CLEVELAND COUNTY FAIRGROUNDS

WHEREAS, the owners (Cleveland County and Cleveland County Fair Association) of the properties located at 1751 East Marion Street, Shelby, North Carolina have completed an extension of the water service to better serve these parcels; and,

WHEREAS, City staff have completed final inspections and can certify that all infrastructure was constructed to City standards and has been completed, thus releasing all requirements from the owner for the construction and completion of said infrastructure; and,

WHEREAS, the design engineer has certified that all infrastructure for the applicable improvements has been completed in accordance with City policy and standards.

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

Section 1. The water system extension project as denoted above is hereby accepted by the City Council of the City of Shelby for maintenance and operation.

Section 2. The City Manager of the City of Shelby or his designee are hereby authorized and instructed to cause the provision of section 1 of this resolution to be implemented and the applicable infrastructure shall be assumed for ownership and maintenance by the City of Shelby.

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

Adopted and approved this the 1st day of October 2018.

O. Stanhope Anthony III
Mayor

ATTEST:

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

City of Shelby
Agenda Item Summary
October 2, 2018
City Hall Council Chamber

Agenda Item: D-7

- 7) Adoption of an ordinance authorizing demolition of a dwelling (810 Second Street):
Ordinance No. 55-2018

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

Summary of Available Information:

- Memorandum dated September 24, 2018 from Walter Scharer, Planning Director to Rick Howell, City Manager
- Photo of property
- Location Map – 810 Second Street
- Tax Card for 2018
- Ordinance No. 55-2018

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. 55-2018 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: September 24, 2018
Subject: **Minimum Housing Demolition of Structure at 810 SECOND ST.**

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 OCTOBER 1, 2018. Staff recommends this minimum housing action.

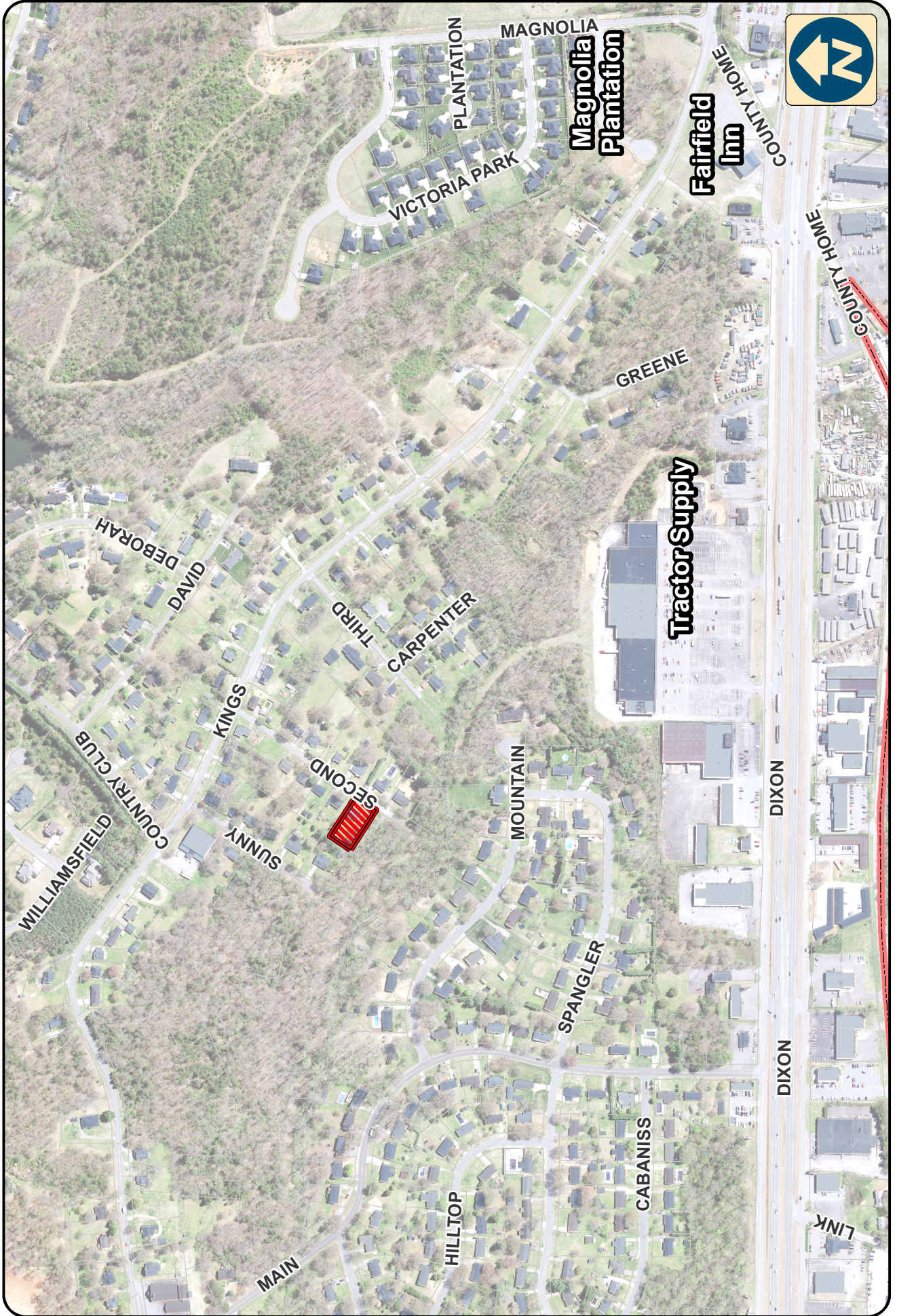
Attachments: Photo of Structure, Location Map, Tax Card and Ordinance





Location Map 810 Second 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 1:6,000 1 inch = 500 feet

0 250 500 1,000 Feet

Date: 9/19/2018

USER ALAN

FOR YEAR 2018

WEBBER PEGGY HEIRS PARCEL ID.. 26089 PIN... 6-45 1 14
BARTS LINDA SUE WEBBER LOCATION... 810 SECOND ST SHELBY
DEED YEAR/BOOK/PAGE.. 2014 02E 7 ASSESSMENT RECX
810 SECOND ST PLAT BOOK/PAGE.. OWNER ID.. 1306007
LEGAL DESC:LT#28-31 BLK B J L L DISTRICT.. 5 CITY OF SHELBY (CO SCH)
LACKEY S/D PB3-78
TOWNSHIP... 6 SHELBY
SHELBY NC 28150- NBRHOOD... 36 6 MAPS #6
DESCRIPTION RESIDENTIAL
MAINTAINED... 4/20/2018 BY MAGALYR VALUED... 4/20/2018 BY MAGALYR EXEMPT... **** MULTIPLE EXEMPTIONS EXIST
VISITED... 4/19/2018 BY PM ROUTING#..
PARCEL STATUS... ACTIVE CATEGORY.. Real & Personal

SALES HISTORY table with columns: DEED BK/PAGE, SALE DATE, SALES INSTRUMENT, DISQUALIFIED, SALE AMOUNT, STAMP AMOUNT, DEED NAME. Includes entries for 02E 7, 1676 1574, 98E 758, 1170 1053, 8U 086.

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 entry for 1 EXMPT.. E/D.

IMPROVEMENT # 1 MAJOR IMPR-M
MAIN FIN AREA.. 1,064.00 ACT/EFF YR/AGE.. 1959 1988 28 VISITED.. 4/19/2018 BY PM EXEMPT... E/D
STRAT..... 02 DESCRIPTION... SINGLE FAMILY DWELLING-WF MAINTAINED.. 4/19/2018 BY MAGALYR
MAIN PERIM..... 132.00 MAIN GROUND SF.... 1,064.000
LOCATION #..... SECOND ST 810

Table with columns: COMPONENT, TYPE/CODE/DESC, PCT, UNITS, RATE, STR#, STR%, SIZ%, HGT%, PER%, CDS%, COST, %CMPL. Includes rows for AC 05 CARPORT, AC 15 FRAME/METAL STORAGE, AC 20 MASONRY STOOP, MA 37W SINGLE FAMILY DWELLI, EW 01 BRICK, FD 04 PERIMETER FOOTING, HC 05 FORCED HOT AIR, PL R RES PLUMB-EXTRA FIXT.

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

Table with columns: IMPROVEMENT #, MAJOR IMPR-M, and various component details like AC 05 CARPORT, AC 15 FRAME/METAL STORAGE, AC 20 MASONRY STOOP, MA 37W SINGLE FAMILY DWELLI. Includes a diagram showing dimensions and layout.

Cleveland County NC Property Card

MAIN FIN AREA..		ACT/EFF YR/AGE.. 1968 1985 31			VISITED.. 4/19/2018 BY PM							
STRAT..... 02		DESCRIPT.... CB			MAINTAINED.. 4/19/2018 BY MAGALYR							
LOCATION #.....		SECOND ST 810										
COMPONENT	TYPE/CODE/DESC	PCT	UNITS	RATE	STR#	STR%	SIZ%	HGT%	PER%	CDS%	COST	%CMPL
MS 24001	SHOP		882.00									
	OVR											
	QUAL.. QG	100		MISC IMPR QUALITY 10			100.00	x				0
	DEPR.. D			VERRIDE DEPRECIATIO	100.00							
	COND.. D	60		DEPRECIATION OVERRID x	60.00		60.00	-		0		
	ADDL.. APO			ADDITIONAL PHY OBS			100.00	-		0		0 T
				PCT COMPLETE			100					
	--FMV...											0
TOTAL PARCEL VALUES----												
	FMV.....		LAND /	OVR	IMPROVEMENTS /	OVR	TOTAL LAND/IMPROVE				2017 VALUE	
	APV.....		15,390		0		15,390				66,727	
			15,390		0		15,390				66,727	
----- COMMENTS -----												

ORDINANCE NO. 55-2018

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 **810 SECOND ST**, 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, **LINDA SUE WEBBER BARTS & SPOUSE, PATRICIA D WEBBER & SPOUSE, JOHNNY N HOYLE & SPOUSE, and DONOVAN MCENTYRE & SPOUSE**, 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 **810 SECOND ST**, Shelby, and described in the Cleveland County records as Tax Parcel No. **26089** 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 1ST day of OCTOBER 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
October 2, 2018
City Hall Council Chamber

Agenda Item: D-8

- 8) Adoption of Fiscal Year 2018-2019 Budget Ordinance Amendment No. 3: Ordinance No. 56-2018

Consent Agenda Item: (Staff Resource, Rick Howell, City Manager and Justin Merritt, Finance Director)

Summary of Available Information:

- Ordinance No. 56-2018

City Manager's Recommendation / Comments

Ordinance No. 56-2018 is presented for City Council consideration at this time. If approved this ordinance would amend the current City General Fund budget as directed by City Council at your September 17th regular meeting. More specifically it would appropriate \$150,000 from the General Fund reserve for golf course operations which were deleted when the budget was originally adopted in June.

It is my recommendation Ordinance No. 56-2018 be adopted and approved by City Council at this time via the Consent Agenda.

ORDINANCE NO. 56-2018

CITY OF SHELBY
FISCAL YEAR 2018-2019 BUDGET ORDINANCE AMENDMENT

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 annual budget for FY 2018-2019; 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 same for implementation and compliance with the Fiscal Control Act;

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

Section 1. Ordinance No. 31-2019, the City’s FY 2018-2019 Budget Ordinance, is hereby amended as follows to provide for Budget Amendment No. 3 for the year:

(A) The City of Shelby has identified a need to fund Royster Memorial Golf Course operations through June 30, 2019. Accordingly, the following budget modifications are approved in accordance with the chart of accounts heretofore established for the City of Shelby.

(1) The following General Fund line items are amended:

(a) Increase 11001000-39900 Fund Balance Appropriated	\$150,000
(b) Increase 110613-40100 Salaries and Wages	\$128,000
Increase 110613-41515 Chemicals	\$ 2,500
Increase 110613-43404 Land & Area Maintenance	\$ 2,500
Increase 110613-45105 Utilities - Fuel	\$ 17,000

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

	<u>Current Budget</u>	<u>Amendment No. 3</u>
General Fund	\$ 24,080,324	\$ 24,230,324
Emergency Telephone System Fund	107,000	107,000
Powell Bill Fund	735,600	735,600
Economic Dev. Fund	671,500	671,500
Housing Fund	1,483,418	1,483,418
Cemetery Fund	30,000	30,000
Utilities-Water Fund	5,429,800	5,429,800
Utilities-Sewer Fund	5,451,500	5,451,500
Utilities-Electric Fund	21,942,000	21,942,000
Utilities-Gas Fund	15,714,600	15,714,600
Utilities – Stormwater Fund	803,600	803,600
FY 2018-2019 Budget Total	<u>\$ 76,449,342</u>	<u>\$ 76,599,342</u>

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 1st day of October 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
October 2, 2018
City Hall Council Chamber

Agenda Item: E-1

Unfinished Business

- 1) Consideration of a resolution authorizing submission of a revised loan application to the North Carolina Department of Environmental Quality – Division of Water Infrastructure for funding related to the Water Treatment Plant Upgrades Project: Resolution No. 54-2018

Unfinished Business Item: (Staff Resource, Rick Howell, City Manager, David Hux, Water Resources Director)

Summary of Available Information:

- Water Treatment Plant Upgrades Project packet
- Resolution No. 54-2018


City Manager's Recommendation / Comments

Resolution No. 54-2018 is presented for City Council consideration at this time. If approved this resolution would authorize the City Manager to seek an increase in the amount of State Revolving Fund loan already approved by the Local Government Commission. It anticipated that bids for this project will come in higher than the authorized \$10.2 million budget now in place and it is necessary to both seek an increase in this SRF loan and authorization from the NC Local Government Commission.

It is my recommendation Resolution No. 54-2018 be adopted and approved by City Council at this time.

Memorandum

To: Rick Howell; City Manager

From: David Hux; Director of Water Resources 

RE: **Water Treatment Plant Upgrades
Funding Application Revision – NC Drinking Water State Revolving Fund**

Date: September 27, 2018

Background:

The City of Shelby owns and operates a 12 million gallon per day (MGD) Water Treatment Plant (Plant) located on Grover Street on the west side of Shelby. The Plant was originally constructed in the 1950's and has been renovated and expanded several times over the years. The last major upgrade of the plant occurred in 1992. Since the upgrade, only smaller projects and repairs have been implemented. The Plant currently produces approximately 5 to 6 MGD, providing water service to residents of Shelby and Boiling Springs.

Since 2008, the City has made a significant strides to identify and evaluate both short and long term actions to keep the water plant operational; while also considering the long-term improvements that are needed to fulfill the future water demands as growth occurs.

Over the past few years, the City became more concerned about the water plant structures due to leakage water from the sedimentation basins and finished water clearwells. Construction joints have deteriorated over the years, allowing water to leave the basins. An evaluation of the clearwell leakage estimated that well over 500,000 gallons per day of treated water is leaking from the clearwell. This equates to as much as 10% of the daily volume treated. This is critical water loss; however more importantly is the impact that it is having and could have on surrounding structures. The City was required to provide structural reinforcement to the East wing of the water plant a couple of years ago because of wet soils underneath the main control building.

In 2016 HDR of the Carolinas completed a rehabilitation and upgrade evaluation of the water plant identifying a phased approach at completing critical water plant improvements. The first phase of this plan included an estimate of \$10,000,000 of improvements needed. From this evaluation, staff received council approval to seek funding from the State of North Carolina Drinking Water Fund (Resolution 19-2016).

In August of 2017, the City selected HDR of the Carolinas to provide engineering services related to the first phase of the water treatment plant upgrades. After review of the immediate needs, City staff and HDR began design of plant upgrades that included the following:

- Two new clearwells
- New High Service Pump Station
- Structural Improvements to Sedimentation Basin
- Filter Valve Improvements
- Main Water Plant Building Improvements - Structural

Review:

Phase I of the Water Treatment Upgrades was advertised for bid on August 27, 2018, with bids being received on September 27, 2018. The lowest responsible bid for this project \$15,069,000.00 exceeding the loan funding of \$10,285,000 from the NC Drinking Water State Revolving Fund.

Based upon discussions with HDR and contractors, the bids are reflective of a volatile construction market that has impacted both labor and materials. As an example, concrete prices for the project have nearly doubled since the construction estimate in 2016.

Recommendations:

In consideration of the age of the City's Water Treatment Plant and issues related to leaking clearwells and aging infrastructure, staff believes that we need to move forward with this first phase of water plant upgrades. This project is especially critical with our projected significant increase in water demand in early 2019. In efforts to meet the deadlines of the initial loan offer and award construction contracts, Staff would like to request additional funding from the State of North Carolina Drinking Water State Revolving Fund. Pending approval from council a revised loan application will be submitted to North Carolina Department of Environmental Quality.

Please let me know if you need additional information.



Water Infrastructure
ENVIRONMENTAL QUALITY

ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

KIM H. COLSON
Director

February 1, 2017

Mr. Rick Howell, City Manager
City of Shelby
PO Box 2307
Shelby, NC 28151-0207

Subject: Letter of Intent to Fund
WTP Rehabilitation and Upgrades
September 2016 Application Cycle
Project No.: WIF-1925

Dear Mr. Howell:

The Division of Water Infrastructure has reviewed your application, and the State Water Infrastructure Authority has approved your project as eligible to receive funding. The Drinking Water State Revolving Fund (DWSRF) loan amount will be \$10,285,000 at a maximum interest rate of 1.53%. A loan fee of 2% will be invoiced after bids have been received.

Please note that this intent to fund is contingent on approval of the loan through the Local Government Commission and on meeting **all** of the following milestones:

<u>Milestone</u>	<u>Date</u>
Engineering Report Submittal	June 1, 2017
Engineering Report Approval	November 1, 2017
Bid and Design Package Submittal	May 1, 2018
Bid and Design Package Approval	September 4, 2018
Advertise Project, Receive Bids, Submit Bid Information, and Receive Authority To Award	January 4, 2019
Execute Construction Contract(s)	February 4, 2019

The first milestone is the submittal of an Engineering Report by close of business on June 1, 2017. The Engineering Report must be developed using the guidance found on our website (<http://portal.ncdenr.org/web/wi/home>). **Failure to meet any milestone may result in the forfeiture of funding for the proposed project.**

Upon detailed review of the project during the funding process, it may be determined that portions of your project are not eligible for funding and the total loan amount may be reduced. Additionally, changes in the scope or priority points awarded – based on additional information that becomes apparent during project review – may also result in changes to the total loan amount and loan terms.



Mr. Rick Howell, City Manager
February 1, 2017
Page 2 of 2

Davis-Bacon Requirements and American Iron and Steel Provisions

Projects funded through the State Revolving Fund (SRF) program must comply with Davis-Bacon wage requirements and American Iron and Steel provisions. You can find standard specifications covering these requirements on our website.

General Assembly Notification Requirements

In accordance with G.S. 120-157.1 through 157.9, enacted on June 24, 2011, local government units with projects that require debt to be issued greater than \$1,000,000 **must** submit a letter to Committee Chairs, Committee Assistant, and the Fiscal Research Division of the General Assembly at least 45 days prior to presentation before the Local Government Commission. You are responsible for submitting this letter and providing a copy to the Division of Water Infrastructure upon receipt of this approval letter.

Drought Bill Requirements

In accordance with G.S. 143-355.4, a project "for the purpose of extending waterlines or expanding water treatment capacity" must document numerous requirements during the Engineering Report review process. You can find additional information at the following link:

http://www.ncleg.net/enactedlegislation/statutes/html/bysection/chapter_143/gs_143-355.4.html

If you have questions, please contact Seth Robertson, PE, Chief, State Revolving Fund Section at 919-707-9175.

Sincerely,



Kim H. Colson, P.E.

CC: Will Shull, PE, HDR Engineering, Inc. of the Carolinas, Charlotte
Vincent Jude Tomaino, PE
Mark Hubbard, PE
Project File (COM_LOIF)

RESOLUTION NO. 54-2018

A RESOLUTION AUTHORIZING SUBMISSION OF A REVISED LOAN APPLICATION TO THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY - DIVISION OF WATER INFRASTRUCTURE FOR FUNDING RELATED TO THE WATER TREATMENT PLANT UPGRADES PROJECT

WHEREAS, the City of Shelby has applied for and accepted a loan from the State of North Carolina Drinking Water State Revolving Fund in the amount of \$10,285,000 for the design and construction of Water Treatment Plant Upgrades; and,

WHEREAS, the City of Shelby has designed, valued engineered to reduce costs, and bid a project entitled the Water Treatment Plant Upgrades and has held a competitive public bid opening on September 27, 2018 consistent with the applicable North Carolina General Statutes for bidding of public construction contracts, and;

WHEREAS, the City of Shelby received bids from four (4) qualified contractors for the completion of the Water Treatment Plant Upgrades; and,

WHEREAS, the City's consulting engineer, HDR Engineering of the Carolinas and the City have reviewed the bids with the lowest responsive bid being in amount of \$15,069,000.00; and,

WHEREAS, the North Carolina Drinking Water Loan from the State Revolving Fund is not enough to cover the applicable costs associated with the Design and construction; and,

WHEREAS, the City of Shelby intends to request a loan modification from the North Carolina Drinking Water State Revolving Fund.

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

Section 1. The City of Shelby will arrange additional financing by requesting a modification of the current \$10,285,000 (1.53%) loan from Drinking Water State Revolving Fund.

Section 2. The City Manager of the City of Shelby, or his designee, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State Agency may request in connection with such application or the project; and to execute such other documents as may be required in connection with this application.

Resolution No. 54-2018
October 1, 2018
Page 2

Section 3. The City of Shelby has substantially complied or will substantially comply with all Federal, State and local laws, rules, regulations and ordinances applicable to the project and to the Federal and State grants and loans pertaining thereto.

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

Adopted and approved this the 1st day of October 2018.

O. Stanhope Anthony, III
Mayor

ATTEST:

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

City of Shelby
Agenda Item Summary
October 2, 2018
City Hall Council Chamber

Agenda Item: F

New Business

None

Agenda Item: G

City Manager's Report

I have provided a summary report of various ongoing issues. I will touch on some of them on Monday evening.

Agenda Item: H

Council Announcements and Remarks

City of Shelby
Agenda Item Summary
October 2, 2018
City Hall Council Chamber

I. Closed Session:

- 1) To establish or instruct staff in negotiating the terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease pursuant to North Carolina General Statute 143-318.11 (a) (5)

J. Adjournment:

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

- 1) Motion to adjourn