

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

~ Invocation ~

~ Pledge of Allegiance ~

**A. Approval of agenda:**

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

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

**B. Special Presentations:**

- 1) Annual Audit Report and Comprehensive Annual Financial Report (CAFR) for Fiscal Year (FY) ended June 30, 2018 – Kelly Gooderham, CPA, Senior Accountant, Martin Starnes & Associates, CPAs, P. A. 1
- 2) Neighbor Helping Neighbor Program – Sam Clark, Customer Services Manager, City of Shelby 2

**C. Public Hearing:**

- 1) Consideration of an ordinance to extend the corporate limits of the City of Shelby, North Carolina: Ordinance No. 68-2018 3-13

**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 Regular Meeting of November 19, 2018 14-23
- 2) Approval of a resolution of intent to submit applications for the Essential Single-Family Rehabilitation Loan Fund from the North Carolina Housing Finance Agency: Resolution No. 69-2018 24-26

3) Adoption of an ordinance establishing a capital project ordinance and budgets for the City of Shelby's Marion Street, Peach Street, and Cherryville Road Natural Gas Infrastructure Relocation Project: Ordinance No. 69-2018	27-33
<b>E. Unfinished Business:</b>	
1) Consideration of an ordinance prohibiting the use of unmuffled engine compression brakes: Ordinance No. 70-2018	34-44
2) Consideration of a resolution adopting the City of Shelby Traffic Calming Policy: Resolution No. 70-2018	45-68
<b>F. New Business: None</b>	69
<b>G. City Manager's Report</b>	69
<b>H. Council Announcements and Remarks</b>	69
<b>I. Closed Session:</b>	
1) To approve the Minutes and General Account of the Closed Sessions of September 17, 2018 and October 1, 2018	70
2) To consult with the City Attorney in order to preserve the attorney-client privilege pursuant to North Carolina General Statute 143-318.11 (a) (3)	70
3) To establish or instruct staff concerning the position to be taken by or on behalf of City Council in negotiating the price and other material 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)	70
<b>J. Adjournment:</b>	70
<i>To adjourn a meeting of City Council, a majority of the Council members must vote for a motion to adjourn.</i>	
1) Motion to adjourn	

City of Shelby  
Agenda Item Summary  
December 3, 2018  
City Hall Council Chamber

**Agenda Item: B-1**

*Special Presentations*

- 1) Annual Audit Report and Comprehensive Annual Financial Report (CAFR) for Fiscal Year (FY) ended June 30, 2018 – Kelly Gooderham, CPA, Senior Accountant, Martin Starnes & Associates, CPAs, P. A.

**(Comments: Mayor Stan Anthony and Rick Howell, City Manager)**

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Summary of Available Information:

- No documentation provided at this time

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City Manager's Recommendation / Comments

Ms. Kelly Gooderham, CPA with Martin Starnes & Associates, CPA's, P.A. is scheduled to attend the meeting to make the obligatory and required report to Council on the annual audit report for the fiscal year ending June 30, 2018.

Ms. Gooderham, Mr. Merritt and I will be available to answer any questions you may have. The audit and preparation of the CAFR are increasingly difficult due to the additional auditing standards that must be met by both the City and the auditing firm. The Governmental Accounting Standards Board (GASB) and reporting standards for both State and Federal grants slow this process even more every year. Mr. Merritt and Mrs. Beam have done an exemplary job shepherding the Finance Department through the process. I think the auditor would agree that the process went as smoothly as can be expected. The audit has been submitted to the NC Local Government Commission as required by law and positive acceptance has been communicated. An audit report should be regarded as a "snapshot" at a moment in time reflecting the overall financial health of the City.

I do want to point out that the outside audit firm works for the Mayor and Council. Staff provides them assistance as they perform the annual audit but they work for you as a Council. Should you have any questions regarding the audit I hope that you will feel free to reach out to them for clarification. It is important for any organization to have an audit which enables you as the responsible governing body to have a high level of confidence in the financial statements presented. Yes, it is important for management and staff to provide you information but in performing your fiduciary responsibilities to the citizens you should always feel free and confident to follow up with the outside auditor when questions arise.

The only action necessary at this point is for City Council to accept and acknowledge receipt of the annual audit for the year ending June 30, 2018.

City of Shelby  
Agenda Item Summary  
December 3, 2018  
City Hall Council Chamber

Agenda Item B-2

- 2) Neighbor Helping Neighbor Program – Sam Clark, Customer Services Manager,  
City of Shelby

**(Comments: Rick Howell, City Manager)**

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Summary of Available Information:

- No documentation provided

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City Manager's Recommendation / Comments

This time is scheduled on your agenda to allow Sam Clark, Customer Services Manager, to update the City Council on our assistance program called Neighbor Helping Neighbor.

City of Shelby  
Agenda Item Summary  
December 3, 2018  
City Hall Council Chamber

C. Public Hearing

**Agenda Item: C-1**

- 1) Consideration of an ordinance to extend the corporate limits of the City of Shelby, North Carolina: Ordinance No. 68-2018

**(Presenting: Walter Scharer, Planning Director)**

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Summary of Available Information:

- Memorandum dated November 20, 2018 from Walter Scharer, Planning Director to Rick Howell, City Manager
- Annexation Map showing Plato Lee Road
- Letter from The Broadway Group
- Plat of property
- Copy of Resolution No. 57-2018
- Certificate of Sufficiency
- Notice of Public Hearing
- Ordinance No. 68-2018

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City Manager's Recommendation / Comments

This public hearing is being held in accordance with NCGS 160A-58.2. This property consists of approximately 1.90 acres at Plato Lee Road. The property currently meets the statutory requirements for annexation and is contiguous to existing satellite corporate limits and is being considered for a commercial development. It is important to note that it is imperative that the City not annex property just to annex but rather we must consider whether or not we can provide similar services to the property.

**After the conclusion of the public hearing City Council may act upon Ordinance No. 68-2018**



## **Memorandum**

To: Rick Howell - City Manager

From: Walter Scharer – Planning Director

Date: November 20, 2018

Subject: Voluntary Annexation – 108 Plato Lee Road

### **Executive Summary of issue – Background**

This annexation site has an area of approximately 1.90 acres. This site is contiguous to an existing satellite corporate limits of the City of Shelby and is being considered for a commercial development.

### **Review and Comments**

North Carolina General Statute 160A-58.2 states that upon receipt of a petition for annexation the City Council shall cause the city clerk to investigate the petition, and certify the results of the investigation. If the clerk certifies that the petition appears to be valid, the council shall fix a date for a public hearing on the annexation.

### **Recommendation**

The City Clerk has certified sufficiency of the voluntary annexation petition and staff recommends proceeding with the annexation of this property.

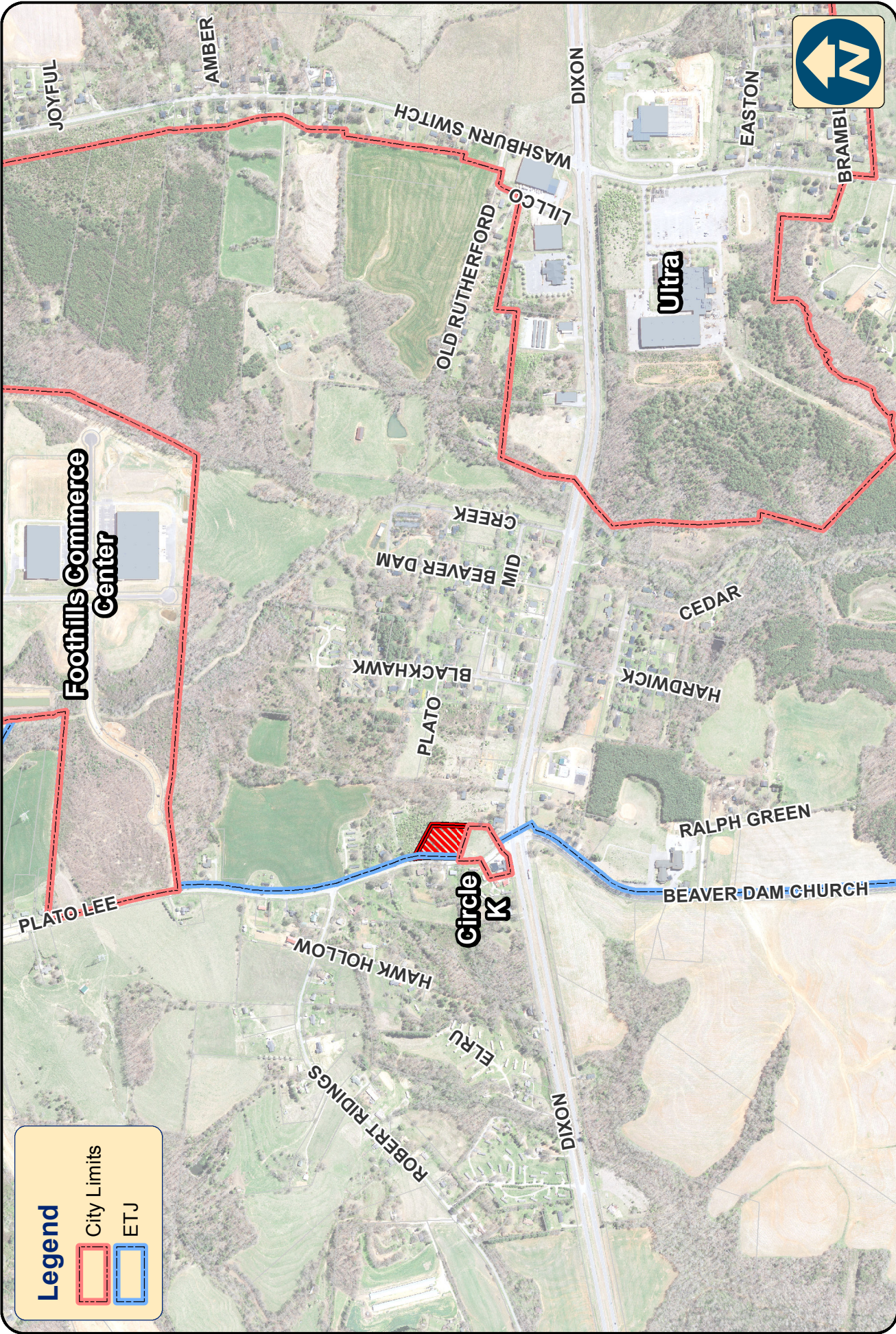
Please schedule a public hearing for this proposed annexation at the next City Council meeting on December 3, 2018.

**Attachments: Annexation Petition, Annexation Plat, Area Map, Resolution of Intent, Notice of Public Hearing, and Ordinance**



# Annexation Map Plato Lee Road

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



**Legend**

- City Limits
- ETJ



Date: 10/1/2018

2,000 Feet

1,000

500

0

Scale 1:12,000 1 inch = 1,000 feet



Commercial Real Estate Development

The Broadway Group, LLC • 216 Westside Square • Huntsville, AL 35801 • Phone: 256.533.7287 • Fax: 256.533.7236

City of Shelby, NC  
Planning Department


RE: Annexation Request for Property Located at 106 & 108 Plato Lee Road

To Whom It May Concern,

The Broadway Group, LLC is requested annexation into the City of Shelby of property located at 106 & 108 Plato Lee Road with Parcel ID # 2517926658 & 2517926964. We plan on developing a 9100 square foot commercial retail store at this location.

Please contact Alyssa Carter at 256-533-7287 or at [alyssa.carter@broadwaygroup.net](mailto:alyssa.carter@broadwaygroup.net) with any questions or concerns.

Sincerely,



Robert M. Broadway  
Managing Member  
The Broadway Group, LLC



**DESIGNATION OF AUTHORIZED AGENT**

I, Tony M. Lewis (Seller), have entered into a Sales Contract with Remlap Properties, LLC (and The Broadway Group, LLC, as assignee) for the sale of a ~~1.67~~ <sup>2.866</sup> acre tract of real property more particularly described as:

Tax Parcel ID #2517926658 & 2517926964

Seller hereby authorizes The Broadway Group, LLC, as assignee of Remlap Properties, LLC, to act as the Authorized Agent with NCDOT, NCDEQ to disturb the land, with the Town of Shelby, and with any other agency or governmental authority to apply for any and all permits, annexations, rezones, subdivisions, combination plats, and any other action needed in order to develop the subject property. The above referenced actions are required in order for The Broadway Group, LLC to purchase the Property.

**SELLER:**

Tony M. Lewis  
(Print Name)

9-28-18  
Date

Tony M Lewis  
Signature

State of NORTH CAROLINA

County of CLEVELAND

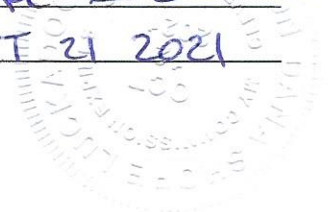
I, DANA SHOPE LUCKADOO, a Notary Public of the County of Cleveland, State of NC, hereby certify that Tony M Lewis

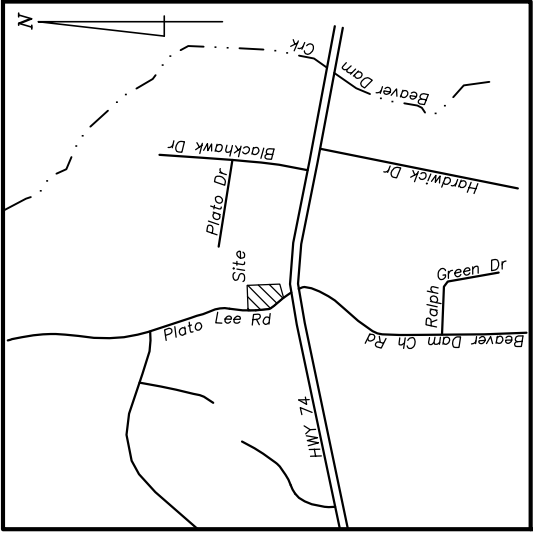
appeared personally before me this day and being duly sworn acknowledged that the above form was executed by him.

Witness my hand and notary seal, this the 26 day of Sept, 2018.

Notary Public: Dana Shope L.L.O.

My Commission Expires: OCT-21 2021





VICINITY MAP NO SCALE

Parcel 47035  
David Lee Hamrick  
DB 1128, PG 2484  
Zone: R-20

Parcel 28874  
Tony M. Lewis  
DB 1458, PG 361  
Zone: R-20  
1.90 ACRES

Parcel 28770  
Carson R. Hamrick  
DB 1128, PG 2484  
Zone: R-20

Parcel 28875  
Tony M. Lewis  
DB 1415, PG 1516  
Zone: CB2



Parcel 47035  
David Lee Hamrick  
DB 1128, PG 2484  
Zone: R-20

AIRPORT OVERLAY DISTRICT

Plato Lee Road, SR 1315, 60' R/W

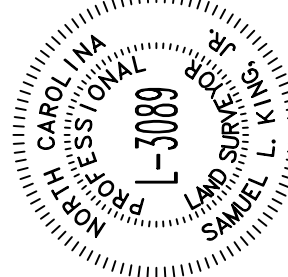
- REFERENCES
1. DEED REFERENCES SHOWN
  2. PLAT BOOK 20, PAGE 158
  3. PLAT BOOK 30, PAGE 166

LEGEND

- #feet(s) DENOTES SET IRON AS DESCRIBED
- 3/4" iron(1) DENOTES EXISTING MONUMENTATION
- CP DENOTES COMPUTED POINT
- 180°00'00"E — RIGHT OF WAY
- PROPERTY LINE
- W — EXISTING WATER LINE
- G — EXISTING GAS MAIN
- OU — EXISTING OVERHEAD UTILITY
- EXISTING UTILITY POLE

I, SAMUEL L. KING, JR., CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, DEED DESCRIPTION RECORDED IN DEED BOOK 1458, PAGE 361; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN DEED REFERENCES SHOWN; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED; THAT THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE A STREET.

WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 19TH DAY OF NOVEMBER, A.D., 2018.



*Samuel L. King, Jr.*  
Samuel L. King, Jr., L-3089

STATE OF NORTH CAROLINA  
COUNTY OF CLEVELAND

I, \_\_\_\_\_, REVIEW OFFICER OF CLEVELAND COUNTY CERTIFY THAT THIS MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

DATE \_\_\_\_\_ REVIEW OFFICER \_\_\_\_\_

NOTES:

1. SUBJECT PROPERTY LIES WITHIN FLOOD ZONE "X", (MINIMAL RISK) PER FEMA PANEL NUMBER 37102517 00 J EFFECTIVE DATE: FEBRUARY 20, 2008.
2. SUBJECT PROPERTY LOCATED WITHIN CITY OF SHELBY ETJ AND ZONED: "R-20" AND "CB2".
3. SUBJECT PROPERTY DOES NOT LIE WITHIN A PUBLIC WATER SUPPLY WATERSHED AREA
4. PROPERTY MAY BE SUBJECT TO ALL EASEMENTS, RIGHTS OF WAY, COVENANTS, RESTRICTIONS, CONDITIONS AND RESERVATIONS OF RECORD AFFECTING SUBJECT PROPERTY.

ANNEXATION SURVEY FOR:

The City of Shelby

1.90 ACRE TRACT TAX PARCEL 28874,  
DEED BOOK 1458, PAGE 361,  
NUMBER 6 TSP., CLEVELAND COUNTY, NC

PLAT PREPARED BY:

KING ENGINEERING of CONCORD, INC. C-09553  
546 NEWELL STREET NW  
CONCORD, NORTH CAROLINA 28025  
PHONE (828) 403 - 5586



NOVEMBER 19, 2018

JOB NUMBER: 18705\_ANNEX

SCALE: 1" = 30'



RESOLUTION NO. 57-2018

A RESOLUTION DIRECTING THE CITY CLERK TO DETERMINE  
SUFFICIENCY OF A VOLUNTARY ANNEXATION PETITION FROM  
THE BROADWAY GROUP, LLC

WHEREAS, the City of Shelby has received a petition for voluntary annexation from Broadway Group, LLC; and,

WHEREAS, North Carolina General Statute 160A-58.1 set forth standards allowing for non-contiguous annexation; and,

WHEREAS, the subject property, at 108 Plato Lee Road, as identified within the petition meets the standards set forth in the above referenced statute; and,

WHEREAS, North Carolina General Statute 160A-58.2 set forth standards allowing for a public hearing to annex non-contiguous property.

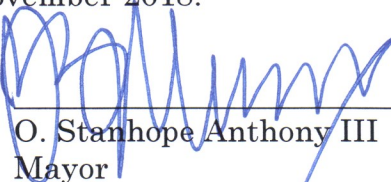
NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHELBY, NORTH CAROLINA:

Section 1. The City Clerk is hereby directed to investigate this petition and to certify the results of such investigation in writing to City Council at the regular meeting on November 5, 2018.

Section 2. That upon receipt of a favorable report as to the sufficiency of the petition from the City Clerk a public hearing is hereby scheduled to receive public comment on said petition in accordance to GS 160A-58.2 on December 3, 2018.

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

Adopted and approved this the 5th day of November 2018.

  
\_\_\_\_\_  
O. Stanhope Anthony III  
Mayor

ATTEST:

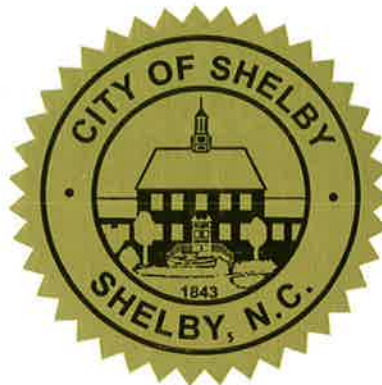
  
Bernadette A. Parduski, NC-CMC, IIMC-MMC  
City Clerk

CERTIFICATE OF SUFFICIENCY  
Satellite Annexation  
108 Plato Lee Road

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

I, Bernadette A. Parduski, City Clerk, do hereby certify that this proposed Satellite Annexation attached hereto satisfies the five standards a satellite annexation must meet as set out in North Carolina General Statute 160A-58.1(b). In witness whereof, I have hereunto set my hand and affixed the seal of the City of Shelby, North Carolina, this 29th day of October 2018.

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



**NOTICE OF PUBLIC HEARING TO ANNEX  
1.78 ACRES OF LAND AT 108 PLATO LEE ROAD**

The public will please take notice that a public hearing will be conducted on the question of a proposed annexation of property owned by the Tony M. Lewis on Monday, December 3, 2018 at 6:00 p.m., at the City Hall Council Chamber, 300 South Washington Street, Shelby, North Carolina, in accordance with N.C.G.S. 160A-31. The area proposed for annexation is described as follows: 108 Plato Lee Road with Cleveland County Tax Parcel Number 28874.

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

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

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

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

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**The Shelby Star:**

**Please publish this notice as a legal line ad on, MONDAY, NOVEMBER 19, 2018 & MONDAY, NOVEMBER 26, 2018.**

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

**ORDINANCE NO. 68-2018**

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

**WHEREAS**, the Shelby City Council has been petitioned by the Broadway Group, LLC under G.S. 160A-58.1, as amended, to annex the area described herein; and,

**WHEREAS**, the City Council has by resolution directed the City Clerk to investigate the sufficiency of said petition; and,

**WHEREAS**, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at City Hall Council Chambers, 300 South Washington Street, Shelby, North Carolina on December 3, 2018 at 6:00 p.m. after due notice by publication on November 19, 2018 and November 26, 2018; and,

**WHEREAS**, the City Council further finds that the area described herein meets the standards of GS 160A-58.1 (b), to wit:

- a. The nearest point on the proposed satellite corporate limits is no more than three miles from the primary corporate limits of the City.
- b. No point on the proposed satellite corporate limits is closer to another city than to the City of Shelby.
- c. The area described is so situated that the City will be able to provide services on the same basis within the proposed satellite corporate limits that it provides within the primary corporate limits.
- d. No subdivision, as defined in GS 160A-376, will be fragmented by this proposed annexation.
- e. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, does not exceed ten per cent (10%) of the area within the primary corporate limits of the City; and,

**WHEREAS**, the City Council does hereby find as a fact that said petition has been signed by all owners of real property in the area who are required by law to sign and all other requirements of GS 160A-58.1, as amended, have been satisfied; and,

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

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

**Section 1.** By virtue of the authority granted by GS 160A-58.2, as amended, the following described non-contiguous territory is hereby annexed and made part of the City of Shelby as of December 3, 2018:

Being a 1.90 acre tract, being Tax Parcel 28874, recorded in Deed Book 1458, Page 361, Number 6 Township, Cleveland County, North Carolina and described as follows:

Beginning at an existing rebar in the line of Tony M. Lewis, Deed Book 1415, Page 1516, said rebar being N 4° 15' 49" E, 148.11 feet from an existing pipe; thence with the line of Lewis N 72° 07' 10" W, passing an existing rebar at 245.55 feet, 276.84 feet to a point in the right of way of Plato Lee Road; thence a line through the right of way of Plato Lee Road, the

following three (3) courses and distances; 1) N 2° 43' 05" E, 84.72 feet to a point; 2) N 6° 24' 56" E, 107.11 feet to a point; 3) N 0° 54' 46" W, 141.54 feet to an existing rebar in the line of David Lee Hamrick, Deed Book 1128, Page 2484; thence with the line with Hamrick S 63° 20' 35" E, 302.61 feet to an existing rebar in the line of Carson R. Hamrick, Deed Book 1128, Page 2484; thence with the line of Carson R. Hamrick, the following two (2) courses and distances 1) S 4° 02' 54" W, 140.05 feet to a point; 1) S 4° 21' 23" W, 142.55 feet to an existing rebar being the Point and Place of Beginning and containing 1.90 acres more or less and being according to an actual annexation survey by King Engineering dated November 19, 2018 and attached.

**Section 2.** Upon and after December 3, 2018, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Shelby and shall be entitled to the same privileges and benefits as other parts of the City of Shelby. Said territory shall be subject to municipal taxes according to GS 16-A-58.10.

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

**Section 4.** In accordance with Chapter 160A, Article 19 of the North Carolina General Statutes, as amended, the Shelby Unified Development Ordinance and Shelby Zoning Map (appendix A of the Shelby City Code) is hereby amended to zone 108 Plato Lee Road General Business 2. Said area of zoning as described in Section 1.

Adopted and approved this 3rd day of December 2018.

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O. Stanhope Anthony, III  
Mayor

ATTEST:

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

APPROVED AS TO FORM:

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Robert W. Yelton  
City Attorney

City of Shelby  
Agenda Item Summary  
December 3, 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 Regular Meeting of November 19, 2018

**Consent Agenda Item: (Bernadette Parduski, City Clerk)**

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Summary of Available Information:

Please read and offer changes as you deem necessary.

- Minutes of the Regular Meeting of November 19, 2018

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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

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

**Present:** Mayor O. Stanhope Anthony III, presiding; Council Members David W. White, David Causby, Violet Arth Dukes, Charles Webber, 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 Services 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, Division Chief – Personnel and Emergency Services David Vanhoy, CFO, Director of Public Works Daniel C. (Danny) Darst, Director of Planning and Development Services Walter (Walt) Scharer, AICP; and Director of Cable Programming Greg Tillman of Cleveland Community College and The Video Factory

**Absent:** Council Member Eric B. Hendrick

Mayor Anthony called the meeting to order at 6:00 p.m. and welcomed all who were in attendance. The Mayor gave the invocation and Mr. Webber led the *Pledge of Allegiance*.

### A. Approval of agenda:

#### 1) Motion to adopt the proposed agenda

Mrs. Arth Dukes requested that Item E-6 be removed from the Consent Agenda and placed under New Business as Item G-1 as follows:

- Consideration of a resolution revising and amending the personnel policies of the City of Shelby to provide for an updated Personnel Policy and Procedure Manual: Resolution No. 62-2018

**ACTION TAKEN:** Upon a motion made by Mrs. Arth Dukes, City Council voted unanimously to approve the agenda as amended.

### B. Special Presentation:

#### A. Uptown Shelby Association (USA) update – Audrey Whetten,

## **Executive Director**

Referring to her handout, Miss Whetten reported her quarterly update included general news, projects, upcoming events, and business news and changes.

She recognized USA board member, David Royster, in attendance for his support of the organization and its goal of working with the City to improve and strengthen Uptown Shelby.

With regard to investment statistics for 2017-2018, Miss Whetten reported public investment increased by 66.3 percent to \$4.4 million while private investment increased by almost 194 percent to more than \$5 million, which includes only completed projects in Uptown Shelby.

Miss Whetten announced Mountain BizWorks, a business assistance non-profit based in Asheville, North Carolina, received a US Department of Agriculture grant to open a temporary location in Uptown Shelby and to expand their services of lending and learning to this area. The business will be opened from April through June 2019 to serve Cleveland County.

With regard to ongoing projects, Miss Whetten stated USA is in the process of finalizing its new strategic marketing plan. She also mentioned USA continues to host Uptown business owner gatherings. She stated a proposal will be made to City staff for a future alley lighting project.

With regard to recent events, Miss Whetten noted the activities held from June to October 2018. She provided an informational sheet which highlighted several upcoming holiday events including Small Business Saturday, November 24, 2018.

Miss Whetten concluded her presentation with business news, providing the details of four new business openings and eight business changes. Lastly, she shared for informational purposes that USA celebrates, enhances, and advocates for Uptown Shelby through business development, marketing and events, aesthetic improvements, and community partnerships.

Council received the information. No action was required.

**C. Public Comment: None**

**D. Public Hearing:**

**1) Consideration of a proposed ordinance amending the Unified Development Ordinance (UDO) of the City of Shelby, North Carolina: Ordinance No. 64-2018**

**Mr. Scharer introduced a text amendment updating the City of Shelby Stormwater Regulations in accordance with its renewed Stormwater Permit with the North Carolina Department of Environmental Quality (NCDEQ) for Council's consideration.**

**He explained the City of Shelby was issued a permit by the NCDEQ to discharge stormwater to surface waters effective December 1, 2012. As part of this permit, City Council adopted Ordinance No. 21-2013 on November 18, 2013 outlining the requirements of the Phase II Stormwater Permit. In addition, it specified that developments disturbing more than one (1) acre must be designed in accordance with the NCDEQ Stormwater Design Manual that was developed in 2009. This permit was a 5-year permit. In 2017, Mr. Scharer added the permit was renewed effective February 1, 2018, which included new requirements as well as updated definitions. On January 1, 2017, he further stated the NCDEQ Stormwater Design Manual was also updated with new requirements and definitions. These changes have resulted in the necessity to update the City of Shelby Phase II Stormwater Ordinance, as proposed.**

**Mr. Scharer concluded by stating the Planning and Zoning Board recommended approval of this proposed text amendment which is consistent with the Shelby Comprehensive Land Use Plan.**

**Mayor Anthony opened the public hearing at 6:13 p.m. and invited comments from the public.**

**The public offered no comments and Mayor Anthony closed the public hearing at 6:14 p.m.**

**ACTION TAKEN: Upon a motion made by Mr. Amaya, City Council voted unanimously to approve and adopt Ordinance No. 64-2018 entitled, "A PROPOSED ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE (UDO) OF THE CITY OF SHELBY, NORTH CAROLINA".**

**E. 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 November 5, 2018**

**2) Approval of Special Event Permit Applications:**

- a. **Friday Night Carriage Rides, requested dates: November 23 and 30; December 7 and 14, 2018**
- b. **Shelby Christmas Parade, requested date: December 16, 2018**

**3) Adoption of a budget ordinance amendment for the City of Shelby's Joe's Lake Road Electric Line Relocation Project: Ordinance No. 65-2018**

**4) Adoption of a budget ordinance amendment for the City of Shelby's Joe's Lake Road Gas Line Relocation Project: Ordinance No. 66-2018**

**5) Approval of a resolution revising the City of Shelby Customer Services Policy Manual: Resolution No. 60-2018**

**6) REMOVED AND PLACED UNDER NEW BUSINESS AS ITEM G-1**

**Approval of a resolution revising and amending the personnel policies of the City of Shelby to provide for an updated Personnel Policy and Procedure Manual: Resolution No. 61-2018**

**7) Approval of a resolution approving an update of the City's Power Supply Contract with the Southeastern Power Administration: Resolution No. 62-2018**

**8) Approval of a resolution to change the name of Hallelujah Acres Boulevard at Kings View Subdivision to Pinnacle Crossing: Resolution No. 63-2018**

**END CONSENT AGENDA**

**F. Unfinished Business:**

**1) Shelby-Cleveland County Regional Airport T-Hangar and Taxilane Development Project Acceptance of Grant Agreements for Grant Numbers 36244.23.13.2 and 36237.16.15.1**

**Mr. Howell stated the City of Shelby utilized North Carolina Division of Aviation grant funding to initiate the design of the T-Hangar Site Development and T-Hangar Buildings Project in 2012. Previously Council has adopted a project budget ordinance in October 2018 authorizing funding of this project if these grants were received. City staff has received the grant agreements**

to be executed for the site preparation and two 10-unit T-Hangar buildings as follows:

- Grant 36244.23.13.2 (State) – \$2,134,773 (15 percent local match)
- Grant 36237.16.15.1 (Federal) – \$750,000 (10 percent local match)

Mr. Howell concluded by stating the execution of these grant agreements is the final step in completing acceptance of this grant funding.

- a. Consideration of a resolution accepting and entering into an agreement with the North Carolina Department of Transportation to accept grant funding for the Shelby-Cleveland County Regional Airport Grant No.  
36244.23.13.1: Resolution No. 64-2018

**ACTION TAKEN:** Upon a motion made by Mr. Amaya, City Council voted unanimously to approve and adopt Resolution No. 64-2018 entitled, “A RESOLUTION ACCEPTING AND ENTERING INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO ACCEPT GRANT FUNDING FOR THE SHELBY-CLEVELAND COUNTY REGIONAL AIRPORT GRANT NO. 36244.23.13.1”.

- b. Consideration of a resolution accepting and entering into an agreement with the North Carolina Department of Transportation to accept grant funding for the Shelby-Cleveland County Regional Airport Grant No.  
36237.16.15.1: Resolution No. 65-2018

**ACTION TAKEN:** Upon a motion made by Mr. Amaya, City Council voted unanimously to approve and adopt Resolution No. 65-2018 entitled, “A RESOLUTION ACCEPTING AND ENTERING INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO ACCEPT GRANT FUNDING FOR THE SHELBY-CLEVELAND COUNTY REGIONAL AIRPORT GRANT NO. 36237.16.15.1”.

- 2) Consideration of a resolution of award for the T-Hangar and Taxilane Development Project at the Shelby-Cleveland County Regional Airport to Anson Contractors: Resolution No. 66-2018

Mr. Howell introduced Resolution No. 66-2018 for Council’s consideration. He stated in July 2018 this project was advertised and bids were solicited. A public bid opening was conducted in August 2018 with five (5) responsive bids received. Mr. Howell further stated W. K. Dickson & Co., Inc., serving as project engineer for the Shelby-Cleveland County Regional Airport, reviewed the bid documents and qualifications of the bidders and recommended

award of the construction contract for the T-Hangar and Taxilane Development Project to Anson Contractors of Wadesboro, North Carolina in the amount of \$3,326,641.95.

Mr. Howell concluded by stating staff concurs with this recommendation and has prepared a resolution for the award of this construction contract.

**ACTION TAKEN:** Upon a motion made by Mr. Amaya, City Council voted unanimously to approve and adopt Resolution No. 66-2018 entitled, “A RESOLUTION OF AWARD FOR THE T-HANGAR AND TAXILANE DEVELOPMENT PROJECT AT THE SHELBY-CLEVELAND COUNTY REGIONAL AIRPORT TO ANSON CONTRACTORS”.

### **3) City of Shelby Water Treatment Plant Upgrades Project**

Mr. Howell introduced Resolution No. 67-2018, Ordinance No. 67-2018, and Resolution No. 68-2018 for Council’s consideration. If approved, the following actions would be authorized as follows:

Mr. Howell stated if Resolution No. 67-2018 is approved, it would accept a modified loan amount from the North Carolina Department of Environmental Quality Drinking Water State Revolving Fund for construction of the Grover Street Water Treatment Plant Upgrades Project. The rehabilitation includes the sedimentation basins, chemical-feed systems and main shell building; replace the clearwells, high-service pumps, and the filter controls (valves, actuators, etc.) The authorized loan amount would increase from the current \$10,285,000 to \$16,427,850. The terms of this loan remain at 20 years and an interest rate of 1.53 percent per annum. It was noted the North Carolina Local Government Commission approved the loan modification request.

Next, Mr. Howell stated if Ordinance No. 67-2018 is approved, it would amend the current Project Budget Ordinance to reflect the updated project cost of \$16,427,850 and recognize the change in the revolving loan fund amount.

Lastly, Mr. Howell stated if Resolution No. 68-2018 is approved, it would tentatively award a contract for the City of Shelby Water Treatment Plant Upgrades Project to State Utility Contractors, Inc. of Monroe, North Carolina in the amount of \$15,106,000 contingent upon the North Carolina Division of Water Infrastructure issuing an “Authority to Award” letter to the City.

- a. Consideration of a resolution accepting a modified loan from the State of North Carolina (NCDEQ) Drinking Water State Revolving Fund for construction of the Water Treatment Plant Upgrades Project:  
Resolution No. 67-2018

**ACTION TAKEN:** Upon a motion made by Mr. White, City Council voted unanimously to approve and adopt Resolution No. 67-2018 entitled, “A RESOLUTION ACCEPTING A MODIFIED LOAN FROM THE STATE OF NORTH CAROLINA (NCDEQ) DRINKING WATER STATE REVOLVING FUND FOR CONSTRUCTION OF THE WATER TREATMENT PLANT UPGRADES PROJECT”.

- b. Consideration of a budget ordinance amendment for the City of Shelby’s Water Treatment Plant Upgrades Project: Ordinance No. 67-2018

**ACTION TAKEN:** Upon a motion made by Mr. White, City Council voted unanimously to approve and adopt Ordinance No. 67-2018 entitled, “A BUDGET ORDINANCE AMENDMENT FOR THE CITY OF SHELBY’S WATER TREATMENT PLANT UPGRADES PROJECT”.

- c. Consideration of a resolution of tentative award for the Water Treatment Plant Upgrades to State Utility Contractors Inc.: Resolution No. 68-2018

**ACTION TAKEN:** Upon a motion made by Mr. White, City Council voted unanimously to approve and adopt Resolution No. 68-2018 entitled, “A RESOLUTION OF TENTATIVE AWARD FOR THE WATER TREATMENT PLANT UPGRADES TO STATE UTILITY CONTRACTORS INC.”.

**G. New Business:**

- 1) Consideration of a resolution revising and amending the personnel policies of the City of Shelby to provide for an updated Personnel Policy and Procedure Manual: Resolution No. 61-2018

Mr. Howell introduced Resolution No. 61-2018 for Council’s consideration. Prior to the meeting, he stated Mrs. Arth Dukes expressed a concern regarding the Appearance Policy, specifically the wording, as underlined, of item, “VI. BODY ART, ORNAMENTATION, TATTOOS, BRANDING AND/OR INTENTIONAL SCARRING: Employees are required to divulge the possession of any body art, ornamentation, tattoos, branding and/or intentional scarring as outlined in this policy to their Department Director.”

After consultation with Mrs. Jolly, Mr. Howell recommended the following amendment, as underlined:

“Employees are required to divulge the possession of any visible body art, ornamentation, tattoos, branding and/or intentional scarring as outlined in this policy to their Department Director.”

**ACTION TAKEN:** Upon a motion made by Mrs. Arth Dukes, City Council voted unanimously to approve and adopt Resolution No. 61-2018 entitled, “A RESOLUTION REVISING AND AMENDING THE PERSONNEL POLICIES OF THE CITY OF SHELBY TO PROVIDE FOR AN UPDATED PERSONNEL POLICY AND PROCEDURE MANUAL”, as amended.

**H. City Manager’s Report:**

**1) Mr. Howell provided the following information:**

- With regard to the Water and Sewer Infrastructure Project in Uptown Shelby, Mr. Howell reported it is anticipated to be completed by the end of November 2018, weather permitting.
- With regard to the Fallen Heroes Memorial, Mr. Howell stated the project is scheduled to begin on December 3, 2018. It is a 120-day contract.
- Mr. Howell informed Council of the utility assistance program known as Neighbor Helping Neighbor that allows customers to voluntarily contribute a monthly amount of their choice to assist qualifying utility customers in need. Sam Clark, Customer Service Manager, will make a presentation to share the basic facts about the program to Council at the meeting of December 3, 2018.
- Mr. Howell also informed Council that he has been drafting a Special Events Ordinance in order to formalize and amend the current process. Currently, the City has no formal written policy governing special events although the current application process has been in place for many years. The intent of the proposed ordinance is to give the City and special event organizers more consistency, allowing the City Manager to issue the permits and to report these events as they are approved and scheduled to Council. This will be a future agenda item for early 2019.
- Mr. Howell also reported the City’s 2018 United Way Campaign was very successful. Contributing employees more than doubled their contributions since 2013.

**I. Council Announcements and Remarks:**

- 1) Mayor Anthony reminded all to attend the festive events including live music, singing, the tree lighting ceremony, etc. to kick-off the holiday



season on November 23, 2018 in Uptown Shelby.

- 2) The Mayor and Council members joined in to wish all a Happy Thanksgiving, expressing their appreciation to City staff for their good work.

**J. Adjournment:**

- 1) Motion to adjourn

**ACTION TAKEN:** Upon a motion made by Mrs. Arth Dukes, City Council voted unanimously to adjourn the meeting at 6:40 p.m.

Respectfully submitted,

Bernadette A. Parduski, NCCMC, MMC  
City Clerk

O. Stanhope Anthony III  
Mayor

Minutes of November 19, 2018

City of Shelby  
Agenda Item Summary  
December 3, 2018  
City Hall Council Chamber

Agenda Item: D-2

- 2) Approval of a resolution of intent to submit applications for the Essential Single-Family Rehabilitation Loan Fund from the North Carolina Housing Finance Agency: Resolution No. 69-2018

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

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Summary of Available Information:

- Memorandum dated November 26, 2018 from Walter Scharer, Planning Director to Rick Howell, City Manager
- Resolution No. 69-2018

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City Manager's Recommendation / Comments

Resolution No. 69-2018 is presented for City Council consideration at this time via the Consent Agenda. If approved this resolution would simply state the City's intent to apply and authorize the City Manager to submit an application. I would note that while this is titled "Essential Single Family Rehabilitation Loan Fund" the program is not loaning money to the City nor do we have any obligation to repay funds. This program simply functions as a forgivable loan to any qualifying property owner. The loan is typically filed as a debt of trust and is forgiven in equal amounts over a 7 year period. The loan typically is forgiven as long as the qualifying low income person(s) is benefitting. In some cases the loan must be repaid.

**It is my recommendation that Resolution No. 69-2018 be adopted and approved by City Council via the Consent Agenda at this time.**



**To:** Rick Howell - City Manager  
**From:** Walter Scharer – Planning Director  
**Date:** November 26, 2018  
**Subject:** Essential Single-Family Rehabilitation Loan Pool

**Executive Summary of issue – Background**

The North Carolina Housing Finance Agency has announced its 2019 Essential Single-Family Rehabilitation Loan Pool program. Successful applicants will be awarded a set-aside of \$190,000 for the rehabilitation of eligible units, with the option of receiving additional funds on a first-come, first-served basis.

The focus of the program is on financially feasible, essential rehabilitation. ESFRLP funds are targeted to owner-occupied units. Homes must be occupied by households with elderly, disabled and/or veteran full-time household members or a child six years old or younger exposed to lead hazards. Household incomes must be at or below 80% of the area median income. Nonprofit organizations, local governments and regional councils of government are eligible to apply for ESFRLP funding. Applicants must show that they have capacity to manage the program. If two or more eligible entities apply to serve a given county, organizational capacity and experience with housing rehabilitation assistance will be deciding factors.

**Review and Comments**

This Loan Pool Program will aid the City to sustaining safe and clean housing.

The Strategic Growth Plan identifies the need to rehabilitate single family dwellings in Shelby’s neighborhoods:

Policy 9.1: The protection and rehabilitation of viable neighborhoods shall be encouraged to ensure their continued existence as a housing resource, as an integral part of the uninterrupted cityscape, and to undergird Shelby’s attractiveness and livability.

Action 9.1.3: Focus City budget dollars and grant funding to the one or more targeted neighborhoods for which a neighborhood improvement plan has been prepared and approved.

**Recommendation**

Staff recommends pursuing the Loan Pool with the necessary application.

Please place this item on the consent agenda for the December 3, 2018 City Council meeting.

**Attachments: Resolution**

**RESOLUTION NO. 69-2018**

**A RESOLUTION OF INTENT TO SUBMIT APPLICATIONS FOR THE  
ESSENTIAL SINGLE-FAMILY REHABILITATION LOAN FUND  
FROM THE NORTH CAROLINA HOUSING FINANCE AGENCY**

**WHEREAS**, the North Carolina Housing Finance Agency has opened the 2019 round of funding assistance from the Essential Single-Family Rehabilitation Loan Pool; and

**WHEREAS**, the City of Shelby Strategic Plan outlines a goal that the protection and rehabilitation of viable neighborhoods shall be encouraged to ensure their continued existence as a housing resource, as an integral part of the uninterrupted cityscape, and to undergird Shelby's attractiveness and livability; and

**WHEREAS**, the City of Shelby Strategic Plan also outlines a goal to focus city budget dollars and grant funding to the one or more targeted neighborhoods for which a neighborhood improvement plan has been prepared and approved; and

**WHEREAS**, the City of Shelby wishes to promote a safe and stable housing stock for its citizens.

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

**Section 1.** The City of Shelby hereby authorizes the City Manager to produce and submit a North Carolina Housing Finance Agency 2019 Essential Single-Family Rehabilitation Loan Pool application.

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

Adopted and approved this the 3rd day of December 2018.

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O. Stanhope Anthony III  
Mayor

ATTEST:

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

APPROVED AS TO FORM:

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Robert W. Yelton  
City Attorney

City of Shelby  
Agenda Item Summary  
December 3, 2018  
City Hall Council Chamber

**Agenda Item: D-3**

- 3) Adoption of an ordinance establishing a capital project ordinance and budgets for the City of Shelby's Marion Street, Peach Street, and Cherryville Road Natural Gas Infrastructure Relocation Project: Ordinance No. 69-2018

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

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Summary of Available Information:

- Memorandum dated November 26, 2018 from Julie McMurry, Energy Services Director to Rick Howell, City Manager and Justin Merritt, Finance Director
- Proposal dated November 15, 2018 from Heath and Associates
- Ordinance No. 69-2018

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City Manager's Recommendation / Comments

Ordinance No. 69-2018 is presented for City Council consideration at this time via the Consent Agenda. If approved this ordinance would appropriate engineering and design funding for the relocation of the City owned natural gas distribution lines in and around the intersection of East Marion Street, Peach Street and Cherryville Road in the northeastern section of the City. Council will recall that NCDOT has funded and is realigning this intersection. As such the City is being required by NCDOT (per the NC General Statutes) to relocate all of its utility infrastructure to accommodate the road work. This ordinance only affects the natural gas distribution system. This work is preliminarily estimated to cost \$300,000. However, you are now only being asked to fund the actual engineering and design portion in the amount of \$46,000 at this time. The City must pay 100% of this cost as there is no reimbursement for electric or natural gas lines within the NCDOT right of way. This funding is appropriated from the Natural Gas Fund capital reserve.

**It is my recommendation that Ordinance No. 69-2018 be adopted and approved by City Council via the Consent Agenda at this time.**



## **Memorandum**

**To:** Rick Howell, City Manager  
Justin Merritt, Finance Director

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

**RE:** **Marion Street, Peach Street, Cherryville Road Gas Line Relocation**

**Date:** November 26, 2018

### **Background:**

The City of Shelby utilities department received information from the NCDOT earlier this year of their intent to proceed with their project at the intersection of Marion Street, Peach Street and Cherryville Road. This project involves relocation of natural gas lines in the intersection and adjacent streets.

The gas department has requested that Heath & Associates, Inc. review our lines and make recommendation on the Right of Way (ROW) needed to relocate our lines out of the project area, design of the project including material lists and estimates and design of new locations of the gas lines.

### **Review:**

City staff has met with Heath & Associates, Inc. staff regarding this project. Communication with NCDOT has begun as well to determine the scope. Heath and Associates, Inc. has provided us engineering costs for the project. The amount is \$46,000. Once design is further along Heath and Associates, Inc. will provide construction estimates for the project. It is anticipated that the project will begin sometime in 2019.

### **Recommendation:**

We are requesting a Project Budget Ordinance for Engineering to relocate the natural gas lines in the intersection of Marion Street, Peach Street and Cherryville Road for the NCDOT project.

Please let me know if you need additional information.



November 15, 2018

Julie McMurry  
Director of Utilities  
City of Shelby  
824 W. Grover Street  
Shelby, NC 28150

**Re: Engineering Proposal Contract  
Gas System Relocation at Peach Street and Marion Street  
Heath and Associates PN# 21809**

Dear Julie,

We are pleased to submit this proposal for engineering services in relation to the design and construction management of a natural gas pipeline facility in accordance with our previous conversations and our recent meetings.

### **PROPOSAL**

Heath and Associates, Inc., offers the following services related to the design and construction management of the natural gas system facilities and pipeline. The proposal addresses relocation of natural gas pipelines associated with the natural gas pipeline relocation at Peach Street and Marion Street in Shelby. The project area contains approximately 3,000' of distribution pressure pipeline that requires relocation.

Specifications will be integrated into the plans and it is anticipated that the project will be publically bid and constructed as soon as the new NCDOT right-of-way is available. Heath and Associates will advertise the project, and assist the City with the evaluation of bids and the selection of a contractor. We will also provide construction management services to oversee this phase of the project. This proposal does not include onsite inspection of the project; however, Heath and Associates can provide a proposal for these services upon your request.

### Project Surveying

Any engineering design services that require the services of a Registered Land Surveyor, or GPS data acquisition, will be provided to the City by our surveying subcontractor, Bankhead Surveying. Depending on the project needs, right-of-way agreements or property surveys may be required. All services provided by Bankhead Surveying shall be billed to the City at their standard hourly rates, in addition to the lump sum associated with the other design and construction management services.

### SERVICES TO BE PROVIDED BY OTHERS

1. Consulting services concerning jurisdictional rights or legal proceedings.
2. Onsite daily inspection of contractor.
3. Specialized services such as laboratory testing, geotechnical testing, radiography, etc.
4. Environmental impact assessments, wetland delineation, or other specialized environmental assessments.

### FEES AND TERMS OF PAYMENT

Heath and Associates will provide pipeline and facility design, advertising, bidding, contractor selection, and construction management services for the subject work for a lump sum fee of forty-six thousand (\$46,000.00) dollars. All surveying services required shall be billed to the City in addition to the lump sum. The lump sum fee covers all services (except for surveying), overheads, and travel expenses for the project for each of the activities.

Should the project scope significantly change or if additional consulting services are requested to address work outside the scope identified by this proposal, Heath and Associates shall conduct extra work under our Standard Hourly Billing Rates. The Standard Hourly Billing Rates are shown in Attachment A and will be used if a specific change order or purchase order is issued to address a scope change.

Billing will be made monthly and will reflect the percent completion of the work. Seventy-five percent (75%) of the lump sum will be billed when the plans and specifications



Julie McMurry, Director of Utilities  
November 15, 2018  
Page Three

are submitted to the City for approval. Terms are Net 60 days from billing date. Interest will be charged at 1% monthly beyond 60 days.

The plans, specifications, and contract documents prepared for this work are not to be reproduced or used for work outside the scope of this project without the consent of Heath and Associates, Inc.

We appreciate the opportunity to present this Proposal and we assure you of our assistance toward the successful completion of this project. Should this proposal meet with your approval, please sign both copies as indicated and return one copy to us.

Respectfully submitted,

HEATH AND ASSOCIATES, INC.



E. Scott Heath, PE  
President

**PROPOSAL ACCEPTED BY THE CITY OF SHELBY, NORTH CAROLINA**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

**ATTACHMENT A**

**HEATH AND ASSOCIATES, INC.**

**Standard Hourly Billing Rates**

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	<u>HOURLY</u>
Principal Engineer/Officer	\$ 160.00
Senior Registered Professional Engineer	\$ 120.00
Associate Engineer I	\$ 80.00
Engineering Technician/CADD Operator	\$ 70.00
Subcontract Services negotiable	Cost + 15%, except for Bankhead Surveying which will be at cost
Out-of-Pocket and Travel Expenses	cost
Mileage	IRS Rate

Heath and Associates Standard Billing Rates offered to the City of Shelby.

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**HEATH AND ASSOCIATES, INC.**

ORDINANCE NO. 69-2018

AN ORDINANCE ESTABLISHING A CAPITAL PROJECT ORDINANCE AND BUDGETS FOR THE CITY OF SHELBY’S MARION STREET, PEACH STREET AND CHERRYVILLE ROAD NATURAL GAS INFRASTRUCTURE RELOCATION PROJECT

WHEREAS, in accordance with applicable provisions of the North Carolina Budget and Fiscal Control Act, the City of Shelby finds it advisable and necessary to establish a capital project ordinance and budgets for the City of Shelby’s Marion Street, Peach Street and Cherryville Road Natural Gas Infrastructure Relocation Project; and

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

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

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHELBY, NORTH CAROLINA: The City of Shelby has identified a need to relocate natural gas infrastructure in conjunction with the construction of Marion Street, Cherryville Road and Peach Street Intersection Improvements. Accordingly, the following budget modifications are approved in accordance with the chart of accounts heretofore established for the City of Shelby.

Section 1. Appropriating Fund Balance:

Fund Balance Appropriated	64006000-39900	\$46,000
Transfer to Gas Capital Projects	640741-49641	\$46,000

Section 2. The following revenues are available and amounts are hereby appropriated:

Revenues:		
Transferred from Gas Fund	64106000-39640-64886	\$46,000
Appropriation:		
Engineering	641746-42004-64886	\$64,000

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

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

Adopted and approved this the 3rd day of December 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  
December 3, 2018  
City Hall Council Chamber

**Agenda Item: E-1**

Unfinished Business

- 1) Consideration of an ordinance prohibiting the use of unmuffled engine compression brakes: Ordinance No. 70-2018

**Unfinished Business Item: (Rick Howell, City Manager and Ben Yarboro, Engineering Services Director)**

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Summary of Available Information:

- Memorandum dated November 26, 2018 from Ben Yarboro, Engineering Services Director to Rick Howell, City Manager
- Map showing potential sign locations
- NCDOT Standard Practice B-29
- North Carolina General Statute 14-4
- Ordinance No. 70-2018

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City Manager's Recommendation / Comments

Ordinance No. 70-2018 is presented for City Council consideration at this time. Council may recall that in 2017 it directed staff to investigate the potential of regulating the use of what is referred to as a "Jake Brake". As Mr. Yarboro explains in his memo to me these braking systems create substantial noise when activated and have generated some complaints from residents living immediately adjacent to US Hwy 74. This ordinance would simply prohibit the use of "unmuffled engine compression braking systems" in areas designated by the City and subject a violator to a traffic infraction citation and \$50.00 as prescribed by NC General Statute 14-4. Locations where these systems would be prohibited would be designated by the City and properly signed in accordance with NCDOT regulations.

**It is my recommendation that Ordinance No. 70-2018 be adopted and approved by City Council via the Consent Agenda at this time.**



## *Memorandum*

**To:** Rick Howell, City Manager

**From:** Ben Yarboro, Engineering Services Director *BY*

**RE:** Ordinance prohibiting the use of unmuffled engine compression brakes

**Date:** November 26, 2018

### **Background**

In recent years, noise created by use of engine compression brakes on vehicles within the City of Shelby have been observed. This compression release engine brake, frequently called a Jake brake or Jacobs brake, is an engine braking mechanism installed on some diesel engines in larger vehicles. When activated, it opens exhaust valves in the cylinders after the compression cycle, releasing the compressed air trapped in the cylinders, and slowing the vehicles.

The driver of a vehicle with an engine braking system has controls that consist of an on/off switch and, sometimes, a multi-position switch that controls the number of cylinders on which the brake is active. When the driver has turned on the compression release engine brake, it will activate when the driver releases the accelerator. A muffler mechanism can be installed to eliminate or substantially reduce the noise created by this system.

### **Review**

The use of compression release engine brakes without proper muffling systems may cause a vehicle to make a loud chattering or “machine gun” exhaust noise, especially vehicles having high flow mufflers, or no mufflers at all, causing many communities in the United States to prohibit compression braking within municipal limits. Drivers are notified by roadside signs with legends such as “Engine Braking Restricted,” “Jake Brakes Prohibited,” “Compression Braking Prohibited,” or “Unmuffled Compression Braking Prohibited,” and enforcement is typically through fines. Such prohibitions have led to the development of new types of mufflers and turbochargers to better silence compression braking noise.

In North Carolina, the NCDOT Standard Practice B-29 (attached) requires a sign stating “Unmuffled Engine Braking Prohibited” if engine braking is to be regulated.

If this ordinance is adopted, the City will complete the necessary encroachment agreements to allow the installation of the signs along US 74 Bypass (Dixon Blvd.). Following the installation of the signs, the ordinance shall be enforced. A violation of this ordinance shall be a traffic infraction as outlined in N.C.G.S. 14-4 (attached) and will result in a fine of \$50.00.

The potential sign locations along US 74 Bypass (Dixon Blvd.) are shown on the attached map.

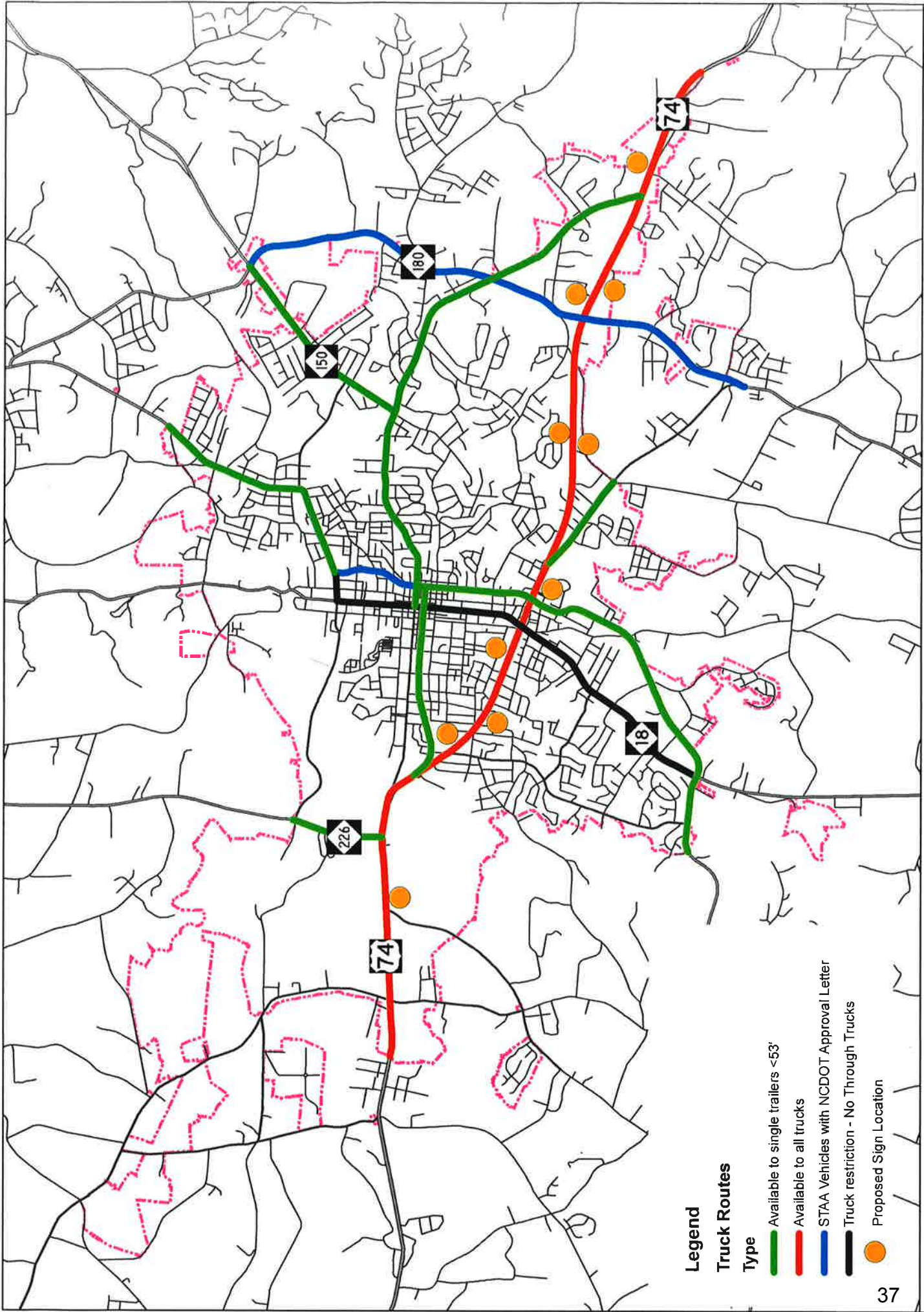
### **Recommendation**

City Staff recommends that the Shelby City Council adopt the ordinance prohibiting the use of unmuffled engine compression brakes within the city limits on streets or highways with one or more signs stating “Unmuffled Engine Braking Prohibited”.

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

#### Attachments:

- Proposed Ordinance
- NCDOT Standard Practice B-29
- N.C.G.S. 14-4
- Map of Potential Sign Locations



**Legend**  
**Truck Routes**

- Type
- Available to single trailers <53'
  - Available to all trucks
  - STAA Vehicles with NCDOT Approval Letter
  - Truck restriction - No Through Trucks
  - Proposed Sign Location

Potential "Unmuffled Engine Braking Prohibited" Sign Locations

North Carolina Department of Transportation

Division of Highways

Transportation Mobility and Safety Division

## STANDARD PRACTICE

for

County/Town/City, North Carolina to Install

### Sign Prohibiting Use of Unmuffled Engine Compression Brakes

The purpose of this Standard Practice is to provide guidance on this issue and specify the requirements for installation of a sign within a county/city/town limits prohibiting use of unmuffled engine compression brakes. Establishment of a prohibitory sign is not required for law enforcement to enforce G.S 20-128: "Exhaust system and emissions control devices." Therefore; we see these signs as discretionary and will allow others to pay to have them installed when approved and if space is available.

For the purpose of this standard practice, engine compression brakes are defined as a device primarily on large trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes. They are incorrectly referred to as "Jake" brakes (Jacobs ©brake). When not muffled, engine compression braking may cause excessive noise and vibration in violation with Federal Motor Carrier Safety Regulations 40 CFR 2002.10 and North Carolina G.S. 20-128.

The North Carolina Department of Transportation (NCDOT) considers appropriate engine braking an essential safety practice, and prohibiting use of engine brakes may have negative impacts. However, a properly installed muffler will reduce the excessive noise and vibration emitted. Therefore, NCDOT will allow the installation of "Unmuffled Engine Braking Prohibited" signs on NCDOT right-of-way inside municipal limits if all requirements herein are met. Additional criteria will be required for establishment of these signs outside a municipal limit. The compliance of these signs is analogous with installation of a no speeding sign.

This sign shall not apply to emergency driving situations requiring the utilization of an engine or exhaust brake to protect the safety and property of motor vehicle operators, pedestrians, and the operator and passengers of the motor vehicle involved in said emergency situation.

#### **Requirements prior to requesting NCDOT approval to allow prohibitory sign within municipal limit:**

1) An ordinance must be first adopted by a county, city, or town prohibiting the excessive noise due to unmuffled engine compression brakes within the official limits specifying the limits of the restriction.



2) A speed limit sign must be in place at the municipal limit, regardless of any statutory speed limit in effect. If speed reduction signs are required outside the municipal limits to notify the motorist and allow gradual braking, these signs must be installed prior to request. See MUTCD for requirements. If speed reduction signs are warranted, this request should be made prior to the request to allow the prohibitory engine braking sign.

**Other Requirements:**

3) Establishment of these signs outside a municipal limit on NCDOT right of way will require a completed NCDOT encroachment agreement by requesting party. The requesting party will be responsible for installation of sign and maintenance.

4) An NCDOT encroachment agreement is required for any request for signs to be installed within NCDOT right-of-way.

5) Signs must be installed by NCDOT or an NCDOT approved contractor, if outside municipal limits.

6) The county/town/city will be responsible for payment of sign, installation, enforcement, and sign maintenance.

7) The sign design will be provided by the NCDOT.

8) All sign requests should be made to the appropriate Division Engineer with required documentation.

9) NCDOT is not responsible for theft, damage, or destruction of the sign.

**Guidance on information that may be included (or modified to fit the specific location) in ordinance:**

- It shall be unlawful for any person to employ unmuffled engine compression brakes within the municipal limits on [route name] or such that can be detected within [distance] of sign.
- The penalty for usage of unmuffled engine compression brakes.
- This sign shall not be enforced when engine or exhaust braking is required due to an emergency driving situation such as to protect the safety and property of motor vehicle operators, pedestrians, and the operator and passengers of the motor vehicle involved in said emergency situation.
- It shall be unlawful for any person to operate or cause to be operated a motor vehicle unless the exhaust system is free from defects, which affect sound reduction.
- No person shall remove or render inoperative, or cause to be removed or rendered inoperative, other than for purposes of maintenance, repair or replacement, any muffler or sound dissipative device on a motor vehicle.
- It shall be unlawful for any person to modify the exhaust system of a motor vehicle by the installation of a muffler cut-out or bypass, and no person shall operate a motor vehicle which has been so modified.

**Reference information:****GS 160A-187: "Noise Regulation"**

A city may by ordinance regulate, restrict, or prohibit the production or emission of noises or amplified speech, music, or other sounds that tend to annoy, disturb, or frighten its citizens. (1971, c. 698, s. 1; 1973, c. 426, s. 25.)

**§ 153A-133. Noise regulation.**

A county may by ordinance regulate, restrict, or prohibit the production or emission of noises or amplified speech, music, or other sounds that tend to annoy, disturb, or frighten its citizens. (1973, c. 822, s. 1.)

**GS 20-128: "Exhaust system and emissions control devices"**

(a) No person shall drive a motor vehicle on a highway unless such motor vehicle is equipped with a muffler, or other exhaust system of the type installed at the time of manufacture, in good working order and in constant operation to prevent excessive or unusual noise, annoying smoke and smoke screens.

(b) It shall be unlawful to use a "muffler cut-out" on any motor vehicle upon a highway.

(c) No motor vehicle registered in this State that was manufactured after model year 1967 shall be operated in this State unless it is equipped with emissions control devices that were installed on the vehicle at the time the vehicle was manufactured and these devices are properly connected.

(d) The requirements of subsection (c) of this section shall not apply if the emissions control devices have been removed for the purpose of converting the motor vehicle to operate on natural or liquefied petroleum gas or other modifications have been made in order to reduce air pollution and these modifications are approved by the Department of Environment and Natural Resources. (1937, c. 407, s. 91; 1971, c. 455, s. 1; 1983, c. 132; 1989, c. 727, s. 9; 1997-443, s. 11A.119(a); 2000-134, s. 6.)

**40 CFR 202.20: STANDARDS FOR HIGHWAY OPERATIONS.****§ 202.20 Standards for Highway Operations.**

(a) No motor carrier subject to these regulations shall operate any motor vehicle of a type to which this regulation is applicable which at any time or under any condition of highway grade, load, acceleration or deceleration generates a sound level in excess of 86dB(A) measured on an open site with fast meter response at 50 feet from the centerline of lane of travel on highways with speed limits of 35 MPH or less; or 90 dB(A) measured on an open site with fast meter response at 50 feet from the centerline of lane of travel on highways with speed limits of more than 35 MPH.

(b) No motor carrier subject to these regulations shall operate any motor vehicle of a type to which this regulation is applicable which at any time or under any condition of highway grade, load, acceleration or deceleration generates a sound level in excess of 83 dB(A) measured on an open site with fast meter response at 50 feet from the centerline of lane of travel on highways with speed limits of 35 MPH or less; or 87 dB(A) measured on an open site with fast meter response at 50 feet from the centerline of lane of travel on highways with speed limits of more than 35 MPH.

[39 FR 38215, Oct. 29, 1974, as amended at 51 FR 852, Jan. 8, 1986]

(f) The provisions of § 202.20(a) and § 202.21(a) of Subpart B apply only to applicable motor vehicles manufactured prior to the 1986 model year.

(g) The provisions of § 202.20(b) and § 202.21(b) apply to all applicable motor vehicles manufactured during or after the 1986 model year.

**§ 14-4. Violation of local ordinances misdemeanor.**

(a) Except as provided in subsection (b), if any person shall violate an ordinance of a county, city, town, or metropolitan sewerage district created under Article 5 of Chapter 162A, he shall be guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars (\$500.00). No fine shall exceed fifty dollars (\$50.00) unless the ordinance expressly states that the maximum fine is greater than fifty dollars (\$50.00).

(b) If any person shall violate an ordinance of a county, city, or town regulating the operation or parking of vehicles, he shall be responsible for an infraction and shall be required to pay a penalty of not more than fifty dollars (\$50.00). (1871-2, c. 195, s. 2; Code, s. 3820; Rev., s. 3702; C.S., s. 4174; 1969, c. 36, s. 2; 1985, c. 764, s. 2; 1985 (Reg. Sess., 1986), c. 852, s. 17; 1991, c. 415, s. 1; c. 446, s. 1; 1993, c. 538, s. 8; c. 539, s. 9; 1994, Ex. Sess., c. 24, ss. 14(b), 14(c); 1995, c. 509, s. 133.1.)

**ORDINANCE NO. 70-2018**

**AN ORDINANCE PROHIBITING THE USE OF UNMUFFLED  
ENGINE COMPRESSION BRAKES**

**WHEREAS**, under N.C.G.S. 160A-174, a city may by ordinance define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the city, and may define and abate nuisances; and

**WHEREAS**, under N.C.G.S. 160A-184, a city may by ordinance regulate, restrict, or prohibit the production or emission of noises or amplified speech, music, or other sounds that tend to annoy, disturb, or frighten its citizens; and

**WHEREAS**, the City Council finds that the use of unmuffled engine compression brakes, commonly referred to as “jake brakes”, by motor vehicles, creates noise which unreasonably and excessively disturbs the public; and

**WHEREAS**, the City Council deems it appropriate and necessary to prohibit the use of engine compression brakes in the City of Shelby and proper signage will be placed on streets or highways within the City of Shelby as deemed necessary; and

**WHEREAS**, City Council finds that adoption of this ordinance would enhance the public health, safety, and welfare of the City of Shelby;

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

Section 1. Definitions

- (a) *Unmuffled engine compression brake*: a motor vehicle brake which is activated or worked by the compression of the engine of a motor vehicle, and which is not effectively muffled to prevent excessive noise.
- (b) *Proper signage*: an NCDOT approved sign stating “Unmuffled Engine Braking Prohibited”

Section 2. Prohibition

- (a) No person shall use an unmuffled engine compression braking system, which is in any way activated or operated by the compression of the engine of any such motor vehicle or any such unit or part thereof, on any street within the city limits for which one or more signs are posted stating “Unmuffled Engine Braking Prohibited” except in cases of emergency or necessary for the protection of persons and/or property. Such braking is commonly referred to as compression braking or a “jake brake”.
- (b) The City of Shelby shall collaborate with NCDOT to identify the areas that engine braking is prohibited and signs shall be conspicuously posted in such areas stating “Unmuffled Engine Braking Prohibited”.

Ordinance No. 70-2018  
December 3, 2018  
Page 2

(c) This ordinance shall not apply to public school buses or public safety vehicles, including but not limited to, fire trucks and emergency medical service vehicles.

Section 3. Penalty

Violation of this ordinance shall be a traffic infraction as outlined in N.C.G.S. 14-4 and shall result in a fine of \$50.00.

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

Adopted and approved this the 3rd day of December 2018.

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O. Stanhope Anthony III  
Mayor

ATTEST:

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

APPROVED AS TO FORM:

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Robert W. Yelton  
City Attorney

City of Shelby  
Agenda Item Summary  
December 3, 2018  
City Hall Council Chamber

**Agenda Item: E-2**

- 1) Consideration of a resolution adopting the City of Shelby Traffic Calming Policy:  
Resolution No. 70-2018

**Unfinished Business Item: (Rick Howell, City Manager and Ben Yarboro,  
Engineering Services Director)**

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Summary of Available Information:

- Memorandum dated November 27, 2018 from Ben Yarboro, Engineering Services Director to Rick Howell, City Manager
- City of Shelby Traffic Calming Policy
- Resolution No. 70-2018

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City Manager's Recommendation / Comments

Resolution No. 70-2018 is presented for City Council consideration at this time. Council may recall that in early 2018 it directed me to investigate the potential of establishing a "traffic calming" policy that would under certain limited circumstances allow the installation of traffic calming measures on City maintained streets. The attached policy has been researched and I believe is a reasonable effort at providing the City with a common sense tool to address the most serious traffic issues.

**It is my recommendation that Resolution No. 70-2018 be adopted and approved by City Council via the Consent Agenda at this time.**



## *Memorandum*

**To:** Rick Howell, City Manager  
**From:** Ben Yarboro, Engineering Services Director *BY*  
**RE:** City of Shelby Traffic Calming Policy  
**Date:** November 27, 2018

### **Background**

At the direction of the Shelby City Council, City staff has developed a traffic calming policy for council consideration. This policy was prepared after thorough research and discussion with other municipalities in order to determine appropriate measures for Shelby. The purpose of a traffic calming policy is to provide a uniform process for reviewing and analyzing traffic issues that are not commonly addressed in other engineering documents such as the Manual on Uniform Traffic Control Devices (MUTCD), the City of Shelby Standard Details, or the FHWA Roadway Design Manual.

The objectives of the proposed City of Shelby Traffic Calming Policy are to improve safety and quality of life for citizens by:

- Reducing speeding and cut through traffic
- Improving pedestrian/bike safety and access
- Increasing driver awareness
- Preventing shifting the problem to other streets
- Enhancing aesthetics
- Reducing collision frequency and severity
- Minimizing increases in noise and pollution

### **Review**

This traffic calming policy is intended to guide city staff and inform citizens of the policy and procedures for implementing traffic calming measures on city maintained residential streets. The City of Shelby Engineering Department will work with residents to identify traffic issues in neighborhoods and develop an appropriate plan of action.



There are numerous factors that must be considered before implementing traffic calming measures. These include but are not limited to:

- Street classification
- Speed limit
- Number of travel lanes
- Traffic volumes
- Pedestrian volumes
- Traffic speeds (85<sup>th</sup> percentile)
- Accident history
- Visibility
- Street grades
- Truck traffic
- Emergency vehicles
- Service vehicles
- Surrounding land uses
- Schools/playgrounds
- Sidewalk availability
- Cut through traffic
- Traffic safety
- Pedestrian safety
- Liability
- Drainage impacts
- Transit routes
- Aesthetics
- ADA accessibility
- Location relative to other calming and control devices

If traffic calming measures are justified, there are two types of traffic calming measures that will be considered: non-physical and physical measures. **Non-physical measures** are those that do not alter the physical path of travel. They also do not require significant construction or alteration of the roadway. These measures should be the first method of traffic calming before more extensive measures are considered. Examples of non-physical measures include, but are not limited to:

- Speed Enforcement
- Radar Trailers
- Lane Striping (per MUTCD, NCDOT, and FHWA standards and warrants)
- Signage
- Pavement Marking Legends (i.e. speed limit painted on roadway)
- High Visibility Crosswalks
- On-Street Parking
- Raised Pavement Markers
- Streetscaping
- Multi-Way Stops (only when justified as an appropriate “traffic control” element)
- Turn Prohibitions & Other Restrictions
- Gateways / Entryways

**Physical measures** are those that alter the physical path of travel resulting in reduced speeds. Some physical measures may also result in reduced traffic by causing drivers to find alternate routes. These measures may require significant construction or alteration of the roadway. These measures should only be considered if non-physical measures are not successful at reducing traffic and/or speeds. Examples of physical measures include, but are not limited to:

- Textured Pavements
- Speed Humps

- Speed Cushions
- Speed Tables/Raised Crosswalks
- Bulbouts
- Chokers
- Lateral Shifts
- Chicanes
- Realigned Intersections
- Center Island Narrowing/Medians
- Traffic Circles
- Roundabouts
- Diagonal Diverters
- Street Closures

After the need for traffic calming measures has been justified at a specific location, the following criteria will be used to prioritize projects:

- Speed
- Traffic Volume
- Crash History (Property Damage)
- Crash History (Personal Injury)
- Pedestrian Activity
- Sidewalks
- Amount of time on project waiting list

Utilizing the aforementioned prioritization criteria, City staff will complete the design, bidding, and construction process as funding allows.

It is important to note that the proposed policy has been reviewed by the following City departments to ensure that the policy does not create issues with providing City services (Police, Fire, Planning, and Public Works). Furthermore, all traffic calming measures recommended by the Engineering Department will be reviewed by the appropriate City Departments prior to implementation.

### **Recommendation**

City staff recommends approval of the resolution adopting the City of Shelby Traffic Calming Policy in an effort to promote safety, mobility, and increased quality of life.

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

## CITY OF SHELBY TRAFFIC CALMING POLICY

### Definition

As defined by the Institute of Transportation Engineers, traffic calming is “the combination of mainly physical measures that reduce the negative effects of motor vehicle use, alter driver behavior and improve conditions for non-motorized street users. The Federal Highway Administration (FHWA), states that “the primary purpose of traffic calming is to support the livability and vitality of residential and commercial areas through improvements in non-motorist safety, mobility, and comfort. These objectives are typically achieved by reducing vehicle speeds or volumes on a single street or a street network. Traffic calming measures consist of horizontal, vertical, lane narrowing, roadside, and other features that use self-enforcing physical or psycho-perception means to produce desired effects.”

### Objectives

The objectives of the City of Shelby Traffic Calming policy are to improve safety and quality of life for citizens by:

- Reducing speeding and cut through traffic
- Improving pedestrian/bike safety and access
- Increasing driver awareness
- Preventing shifting the problem to other streets
- Enhancing aesthetics
- Reducing collision frequency and severity
- Minimizing increases in noise and pollution

This policy is meant to guide city staff and inform citizens of the policy and procedures for implementing traffic calming measures on city maintained residential streets. The City of Shelby Engineering Department will work with residents to identify traffic issues in neighborhoods and develop an appropriate plan of action.

There are several factors that must be considered before implementing traffic calming measures. These include but are not limited to:

- Street classification
- Speed limit
- Number of travel lanes
- Traffic volumes
- Pedestrian volumes
- Traffic speeds (85<sup>th</sup> percentile)
- Accident history
- Visibility
- Street grades
- Truck traffic
- Emergency vehicles
- Service vehicles
- Surrounding land uses
- Schools/playgrounds
- Sidewalk availability
- Cut through traffic
- Traffic safety
- Pedestrian safety
- Liability
- Drainage impacts
- Transit routes
- Aesthetics
- ADA accessibility
- Location relative to other calming and control devices

## **Procedure**

### **Request Initial Review**

Individuals may contact the City of Shelby Engineering Department with traffic related concerns. The Engineering Department will research the street(s) in question and make a determination at the department's discretion as to whether a project would be feasible. If the Engineering Department determines that the concern warrants further investigation, the department will work with the Shelby Police Department (SPD) to conduct a preliminary evaluation including a basic speed and volume study utilizing radar trailers and/or other data collection equipment. SPD and neighborhood representatives begin policing and educating neighborhood residents after initial data is gathered.

Based on general industry observations, most "speeders" in neighborhoods are the residents of that neighborhood. There are a number of activities neighborhoods can participate in to bring awareness to speeding through neighborhoods:

- a) Hold a block party to get people to think about their driving habits
- b) Discuss the issues at HOA meetings
- c) Walk the neighborhood with door hangers or brochures and talk to neighbors about traffic safety in the neighborhood.

Following a period of education and policing, a follow-up evaluation is conducted to gather basic speed and volume data to determine the effectiveness of the measures taken.

If data suggests that the traffic problem is significant enough to warrant a more in depth traffic study, the following data will be collected for the street(s) in question:

- a) Vehicular volume (daily and peak hour)
- b) Speed data (85<sup>th</sup> percentile, median, and average)
- c) Crash history (3 year)
- d) Street characteristics (length, grade, alignment, etc.)
- e) Emergency and public transit routes

f) Pedestrian activity  
Prioritization

The data collected during the in-depth traffic study will be used to prioritize projects based on the following table:

<b>Criteria</b>	<b>Points</b>	<b>Basis For Point Assignment</b>
Speed	0 to 50	2 points for every 1 mph of the 85th percentile speed that exceeds the posted limit (example: posted speed = 35mph; 85th percentile speed = 38mph; 38-35=3; 3X2= 6 points)
Traffic Volume	0 to 20	1 point for each 100 vehicles per day
Crash History (Property Damage)	No Max	2 points for each reported crash occurring within the project area during the last 3 years
Crash History (Personal Injury)	No Max	5 points for each reported personal injury crash occurring within the project area during the last 3 years
Pedestrian Activity	0 to 10	5 points for each school, church, shopping center, etc. that is likely to generate a significant number of pedestrians crossing the street
Sidewalks	0, 5, or 10	10 points if there is NOT a continuous sidewalk on at least one side of the street. 5 points if there is a continuous sidewalk on one side of the street. 0 points if there are sidewalks on both sides of the street.
Number of Years on the Project List	0 to 6	0.1 points for every month the project is on the list (example: project has been on the list 12 months; 12 X 0.1 = 1.2 points)

Projects with a priority score of less than 25 will not be considered for traffic calming.

The Engineering Department will provide a petition and a map depicting the affected area to the project contact to have affected neighbors sign. This petition will require signatures by a majority of the property owners (i.e. greater than 50%) along the street(s) within the affected area as determined by the City Engineering Department.

The Engineering Department will coordinate with the Planning and Development Services Department to determine how traffic calming measures fit into the Shelby Comprehensive Pedestrian Plan. The Engineering Department will also solicit feedback on all proposed traffic calming measures from the Police, Fire, and Public Works Departments to ensure projects do not create issues with providing public services prior to implementation.

A conceptual plan and preliminary cost estimate will be developed based on the data collected. Meetings will be held to present the traffic study data and conceptual plan to affected citizens. Citizens will have the opportunity to provide comments on the conceptual plan. City staff will review comments and revisions will be made as appropriate.

As funding is available, the City Engineering Department will review the list of prioritized projects with conceptual plans and preliminary cost estimates. A project(s) will then be recommended to City Council for approval. Once Council approves a project, a final engineering design, bidding, and award will be completed in accordance with all applicable local, state, and federal regulations.

## **Funding**

### **General Fund (Operating Budget)**

Local funds may be appropriated annually for projects that qualify for this program.

### **Powell Bill**

State appropriated funds may be used to construct traffic calming measures, if available.

### **Private Funding**

Residents may fund the project to expedite the process if other funding is not available. Residents would be responsible for 100% of the costs associated with the project. The installation of traffic calming devices is considered a street improvement and is eligible for special assessments in accordance with North Carolina General Statute § 160A-216 (1). If residents choose to fund a project, they may choose to have the costs assessed.

## **Traffic Calming Measures**

### **Non-Physical Measures**

These are measures that do not alter the physical path of travel. They also do not require significant construction or alteration of the roadway. These measures should be the first method of traffic calming before more extensive measures are considered. Examples of non-physical measures include, but are not limited to:

- Speed Enforcement
- Radar Trailers
- Lane Striping (per MUTCD, NCDOT, and FHWA standards and warrants)
- Signage
- Pavement Marking Legends (i.e. speed limit painted on roadway)
- High Visibility Crosswalks
- On-Street Parking
- Raised Pavement Markers
- Streetscaping
- Multi-Way Stops (only when justified as an appropriate “traffic control” element)
- Turn Prohibitions & Other Restrictions
- Gateways / Entryways

### **Physical Measures**

These are measures that alter the physical path of travel resulting in reduced speeds. Some physical measures may also result in reduced traffic by causing drivers to find alternate routes. These measures may require significant construction or alteration of the roadway. These measures should only be considered if non-physical measures are not successful at reducing traffic and/or speeds. Physical measures of traffic calming are

divided into the following categories: vertical measures, horizontal measures, and diversions. An overview of these physical measures is outlined below:

- **Vertical measures** of traffic calming are variations in the height of the pavement. If physical methods of traffic calming are warranted, vertical measures will be considered before any other methods. These measures do not restrict the flow of traffic. These measures are not favorable for primary emergency response and transit routes. Examples of vertical traffic calming measures include, but are not limited to:
  - Textured Pavements
  - Speed Humps
  - Speed Cushions
  - Speed Tables/Raised Crosswalks
  
- **Horizontal measures** of traffic calming are used to eliminate straight-line travel or reducing the width of pavement resulting in reduced speeds. Examples of horizontal measures include, but are not limited to:
  - Bulbouts
  - Chokers
  - Lateral Shifts
  - Chicanes
  - Realigned Intersections
  - Center Island Narrowing/Medians
  - Traffic Circles
  - Roundabouts
  
- **Diversions** are a last resort measure of traffic calming. They are meant to change the flow of traffic and can limit or even eliminate certain traffic movements. Diversions should not be used on primary emergency routes unless an alternate access route can be identified. Examples of diversions include, but are not limited to:
  - Diagonal Diverters
  - Street Closures

# APPENDIX A

## DESCRIPTIONS AND IMAGES OF PHYSICAL TRAFFIC CALMING MEASURES



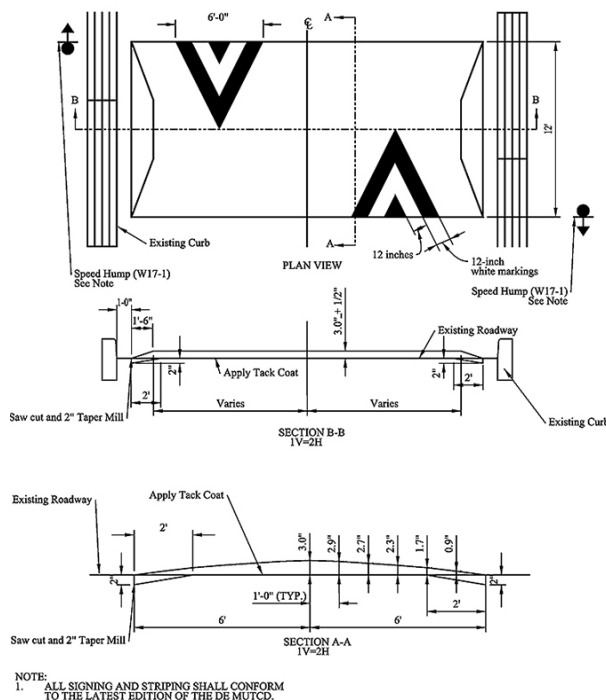
**Textured Pavements**

Textured pavements alert drivers of special conditions through sound and/or vibration. Brick pavers are a form of textured pavement.



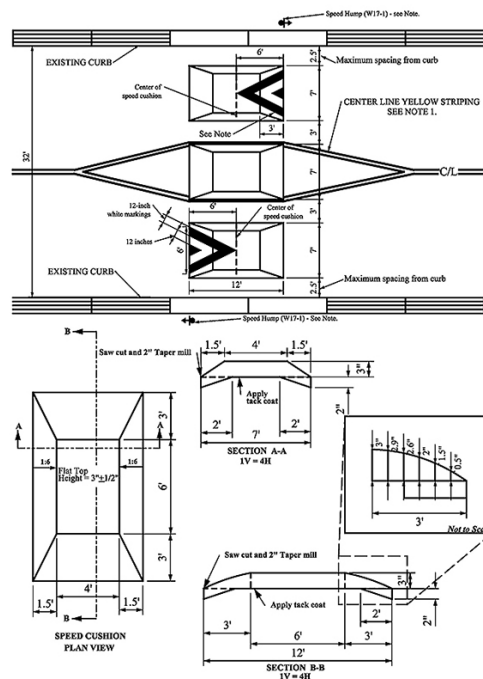
**Speed Humps**

A raised “hump” in the roadway perpendicular to the flow of traffic and having a parabolic shaped top. Speed humps differ from speed bumps in width. Speed bumps are typically narrow (i.e. 18 inches) whereas speed humps are much wider (the diagram below shows a 12 feet wide speed hump).



### Speed Cushions

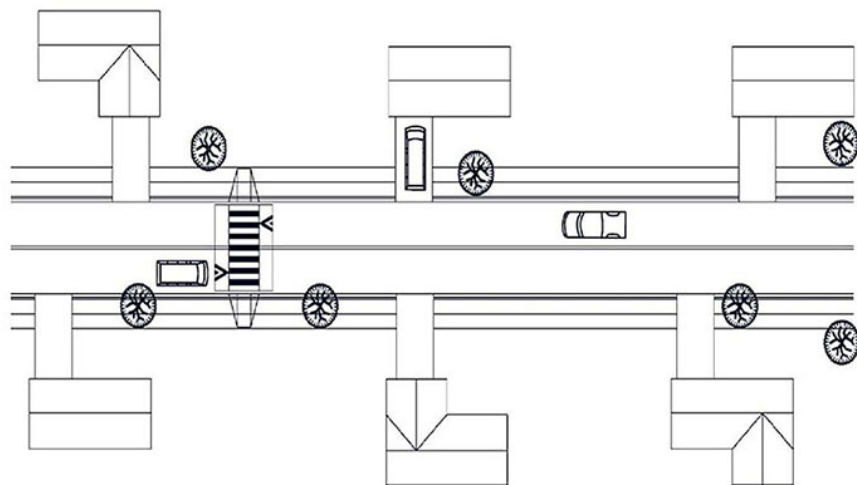
A variation of the speed hump with two cut-outs for tires of larger vehicles such as emergency vehicles. Larger vehicles can pass through the cut-outs without slowing down much while standard vehicles must pass at least one tire over a cushion.



NOTE:  
1. ALL SIGNING AND STRIPING SHALL CONFORM TO THE LATEST EDITION OF THE DE MUTCD.

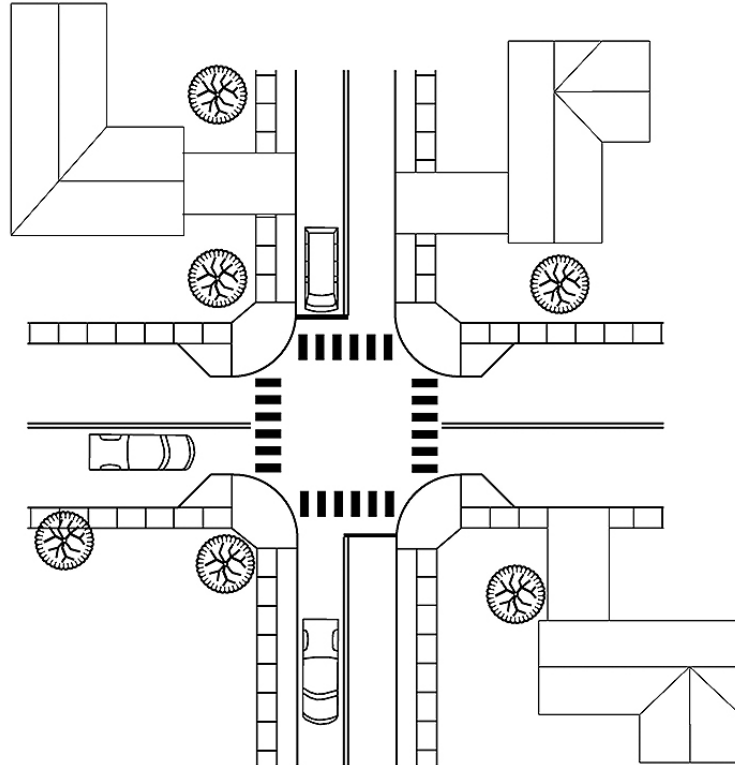
**Speed Tables/Raised Crosswalks**

Speed tables are longer than speed humps and have a flat top. They may also be used as raised crosswalks by adding crosswalk markings where appropriate for pedestrian traffic.



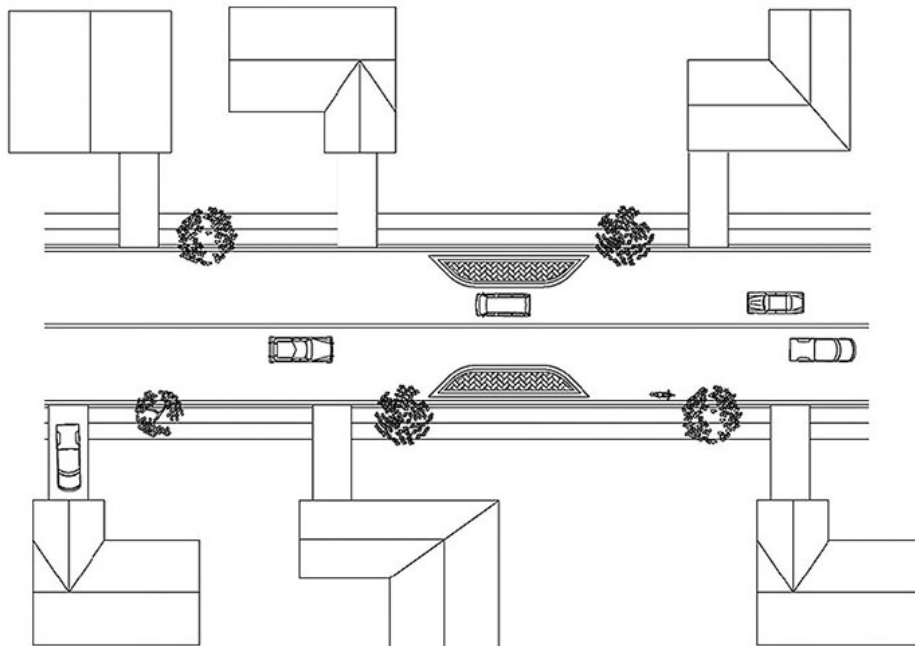
**Bulb-outs**

Bulb-outs are curb extensions at the corner of streets. They are used to narrow the roadway cross-section, but still maintain thru traffic. Bulb-outs also reduce crosswalk widths which improves pedestrian safety.



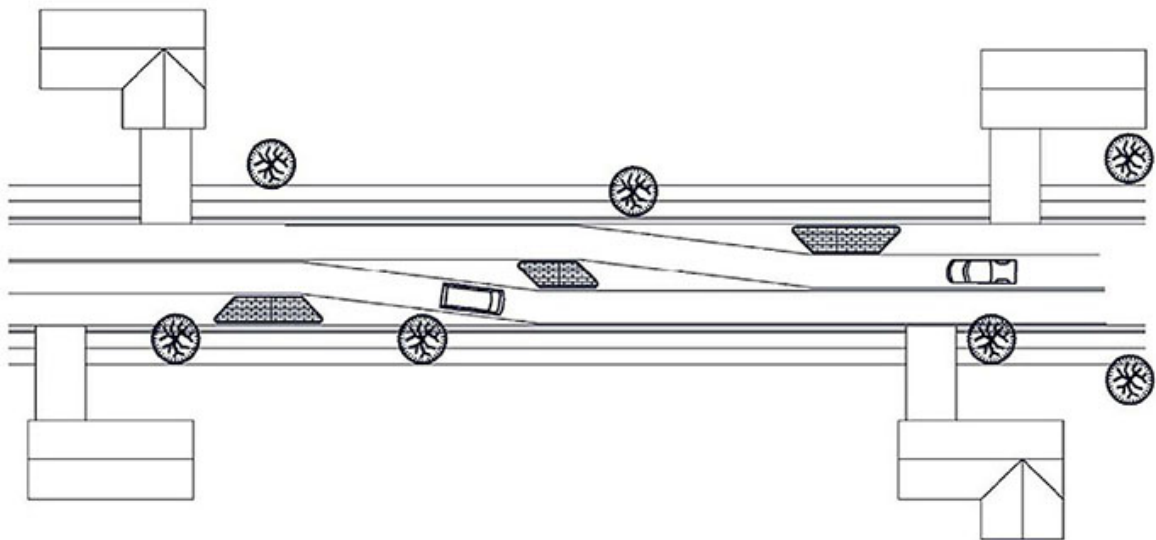
**Chokers**

Chokers are curb extensions typically at mid-block along a street. They are used to narrow the roadway cross-section, but still maintain two lanes of thru traffic.



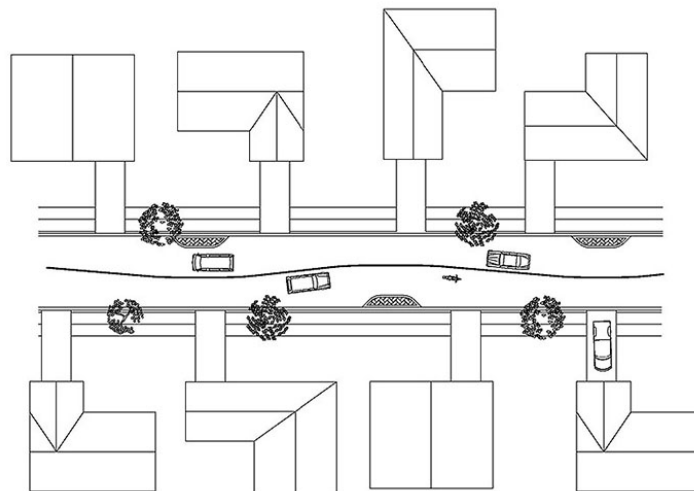
**Lateral Shifts**

They are used to narrow the roadway cross-section and cause a shift in the travel path breaking up a normally straight roadway.



**Chicanes**

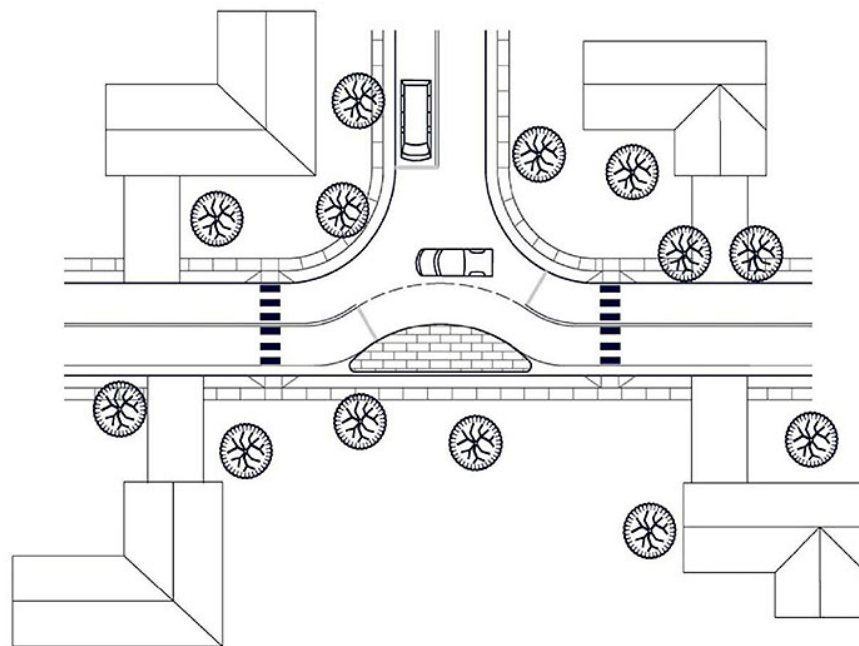
A constriction on the roadway to create bends in a road that was formerly straight. Vehicles are forced to travel in a serpentine manner to navigate the narrowed street. Retrofitting streets typically results in a single lane of traffic thru the chicane causing opposing traffic to yield. Chicanes are typically used on one-way streets with adequate width.





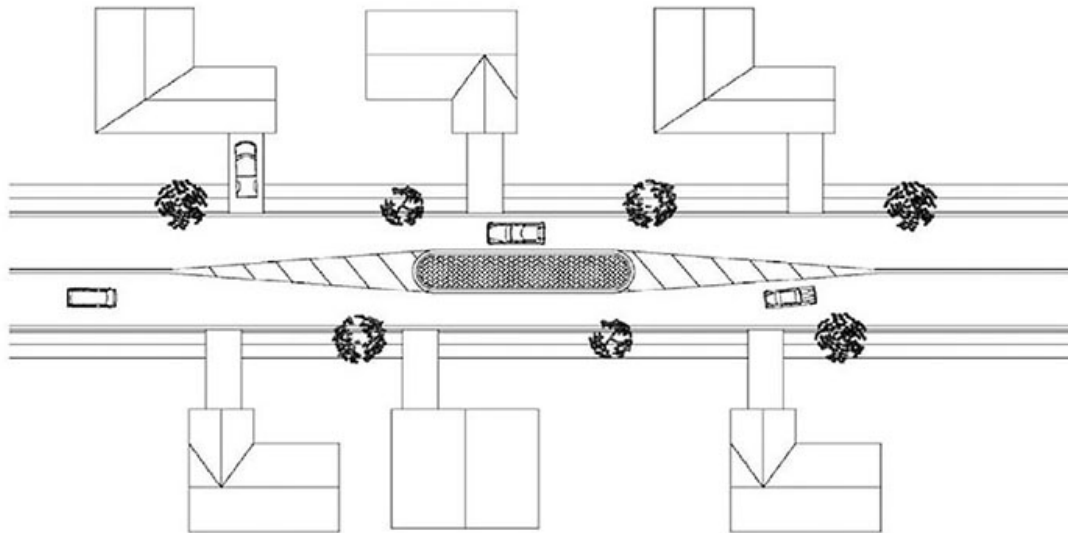
**Realigned Intersections**

Realigned intersections convert typical T-intersections with straight approaches into curving streets that meet at right angles. This realignment discourages fast movements through intersections.



**Center Island Narrowing/Medians**

A raised center island is used to narrow the roadway. They may also provide pedestrian refuge is combined with a crosswalk allowing pedestrians to cross one lane of traffic at a time.



**Traffic Circles**

A raised island in the center of an intersection requiring vehicles to maneuver around the circle resulting in slower speeds. Entry into the intersection is controlled by yield signs.



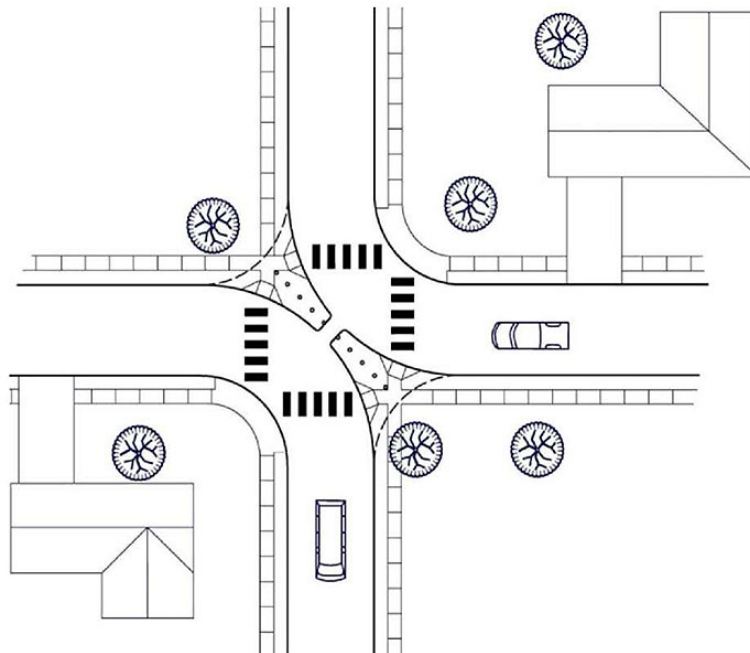
### **Roundabouts**

Similar to traffic circles, but larger. Roundabouts requires a large right-of-way area to construct. Entry into the roundabout is controlled by “splitter” islands that flare traffic into the roundabout. They are often used in-lieu of a traffic signal.



**Diagonal Diverters**

Diagonal diverters are physical barriers that bisect an intersection diagonally creating two unconnected intersections. Approaching traffic is restricted to one receiving street rather than three.



RESOLUTION NO. 70-2018

A RESOLUTION ADOPTING THE CITY OF SHELBY  
TRAFFIC CALMING POLICY

WHEREAS, the City of Shelby owns and maintains public streets in accordance with North Carolina General Statutes; and,

WHEREAS, the City Council desires to adopt a policy with the objective of slowing the speed of motor vehicle traffic in neighborhoods or reducing the volume of cut through traffic resulting in improved safety, mobility, and quality of life; and,

WHEREAS, the City Council desires traffic calming requests to be processed and analyzed based on engineering criteria in a consistent manner under one policy; and,

WHEREAS, the only streets considered by this policy are city owned and maintained streets; and

WHEREAS, this policy may be revised, amended, supplemented, updated, or otherwise changed from time to time by action of the City Council.

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

Section 1. The City of Shelby Traffic Calming Policy is attached hereto as **ATTACHMENT A** and made a part of this resolution.

Section 2. That the City Manager is hereby authorized and directed to implement and administer the Traffic Calming Policy set forth in Section 1 of this resolution.

Section 3. This resolution shall become effective December 4, 2018.

Adopted and approved this the 3rd day of December 2018.

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O. Stanhope Anthony III  
Mayor

ATTEST:

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

City of Shelby  
Agenda Item Summary  
December 3, 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  
December 3, 2018  
City Hall Council Chamber

**I. Closed Session:**

- 1) To approve the Minutes and General Account of the Closed Sessions of September 17, 2018 and October 1, 2018
- 2) To consult with the City Attorney in order to preserve the attorney-client privilege pursuant to North Carolina General Statute 143-318.11 (a) (3)
- 3) To establish or instruct staff concerning the position to be taken by or on behalf of City Council in negotiating the price and other material 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