

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