

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) Certified Entrepreneurial Community Program update –
Steve Padgett, Director, Small Business Center, Cleveland
Community College 1
- 2) Beating Recycle Contamination – Danny Darst, Director of
Public Works 2

C. Public Comment: 12

In accordance with City Council’s policy, public comment is only taken at the second regular meeting each month. Any citizen who wishes to address Council must register with the City Clerk prior to 6:00 p.m. on the meeting night. The Mayor will call upon each individual during this portion of the meeting and will allow three (3) minutes to speak.

D. Public Hearings:

- 1) Consideration of a proposed ordinance amending the zoning map
of the City of Shelby, North Carolina: Ordinance No. 17-2019 13
- 2) Consideration of a resolution granting a Special Use Permit to
Senior Total Life Care Inc., 101 T. R. Harris and Fallston Road and
103 T. R. Harris: Resolution No. 21-2019 28

E. Consent Agenda:

Prior to approval and adoption of the agenda, a Council Member may move an item from the Consent Agenda to the regular agenda. Items remaining on the Consent Agenda will be considered collectively through a single motion and vote.

- 1) Approval of the Minutes of the Special Meeting of February 2, 2019 49
- 2) Approval of the Minutes of the Regular Meeting of February 18, 2019 68
- 3) Approval of a resolution approving the 2019 Local Government Agencies General Records Retention and Disposition Schedule recommended by the North Carolina Department of Natural and Cultural Resources: Resolution No. 22-2019 81
- 4) Approval of a resolution revising and amending the Safety Policies of the City of Shelby to provide for an updated Safety Policy and Safety Manual: Resolution No. 23-2019 87
- 5) Adoption of an ordinance amending the Code of Ordinances, City of Shelby, North Carolina, Chapter 32. Parks and Recreation, Article I. Section 32-1. Hours of Operation: Ordinance No. 18-2019 91
- 6) Adoption of an ordinance amending the Code of Ordinances, City of Shelby, North Carolina, Chapter 32. Parks and Recreation, Article II. Parks and Recreation Commission: Ordinance No. 19-2019 96
- 7) Adoption of an ordinance authorizing demolition of a dwelling (1206 Patterson Street): Ordinance No. 20-2019 100
- 8) Adoption of an ordinance authorizing demolition of a dwelling (714 Congress Street): Ordinance No. 21-2019 108
- 9) Adoption of an ordinance establishing a capital project ordinance and budgets for the City of Shelby Circuit 10-4 Reconductoring Project: Ordinance No. 22-2019 115
- 10) Adoption of a budget ordinance amendment for the City of Shelby's Airport T-Hangar Project: Ordinance No. 23-2019 120

11) Adoption of a budget ordinance amendment for the City of Shelby's Uptown Streetscape and Pedestrian Improvements Project: Ordinance No. 24-2019	132
F. Unfinished Business:	
1) City of Shelby's W-5712-A NC 180 and SR 2202 Water and Sewer Utility Relocation Project	144
a. Consideration of an ordinance establishing a capital project ordinance and budgets for the City of Shelby's W-5712-A NC 180 and SR 2202 Water and Sewer Utility Relocation Project: Ordinance No. 25-2019	157
b. Consideration of a resolution accepting and approving a utility relocation agreement for water and sewer between the City of Shelby and the North Carolina Department of Transportation for relocation of utilities in conflict with the interchange improvements at NC 180 and SR 2202 intersection: Resolution No. 24-2019	158
2) City of Shelby's U-5775 NC 150 and US 74 Business Water and Sewer Utility Relocation Project:	159
a. Consideration of an ordinance establishing a capital project ordinance and budgets for the City of Shelby's U-5775 NC 150 and US 74 Business Water and Sewer Utility Relocation Project: Ordinance No. 26-2019	174
b. Consideration of a resolution accepting and approving a utility relocation agreement for water and sewer between the City of Shelby and the North Carolina Department of Transportation for relocation of utilities in conflict with the realignment of NC 150 and US 74 intersection: Resolution No. 25-2019	175
G. New Business: None	176
H. City Manager's Report	176
I. Council Announcements and Remarks	176

J. Closed Session:

- 1) To approve the Minutes and General Account of the Closed Sessions of December 3, 2018, February 4, 2019, and February 18, 2019 177
- 2) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the City Council, including agreement on a tentative list of economic development incentives that may be offered pursuant to North Carolina General Statute 143-318.11 (a) (4) 177

K. 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 177

City of Shelby
Agenda Item Summary
March 18, 2019
City Hall Council Chamber

Agenda Item: B-1

Special Presentations

- 1) Certified Entrepreneurial Community Program update – Steve Padgett, Director, Small Business Center, Cleveland Community College

(Comments: Stan Anthony, Mayor)

Summary of Available Information:

- Nothing provided at this time

City Manager's Recommendation / Comments

Mr. Padgett has requested time on the agenda to make a brief presentation regarding activities of the Certified Entrepreneurial Program.

City of Shelby
Agenda Item Summary
March 18, 2019
City Hall Council Chamber

Agenda Item: B-2

2) Beating Recycle Contamination – Danny Darst, Director of Public Works

(Comments: Mayor Stan Anthony)

Summary of Available Information:

- Copy of PowerPoint slides

City Manager's Recommendation / Comments

I have asked Mr. Darst to update Council on the City's efforts to reduce contamination within the recycling stream. This information is important to ensure Council is educated about what constitutes contamination, how we are going about combatting it and the potential implications if the City does not aggressively address it.

Beating Recycle Contamination

What's Our Role

Recycle Shelby

Curbside Rollout Recycling Program Recycling Tonnage Report

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Annual Avg.
2012	51.02	51.57	66.73	58.23	63.22	55.74	59.68	69.35	58.68	67.58	58.12	68.47	728.39	60.70
2013	88.82	59.84	60.66	72.72	83.48	72.28	84.13	76.51	70.43	82.75	65	82.18	898.8	74.90
2014	90.92	65.26	70.54	81.91	79.26	76.8	93.06	72.02	80.38	80.95	72.67	91.57	955.34	79.61
2015	92.65	66.24	81.1	87.14	78.42	86.08	84.2	71.49	86.7	77.82	85.35	99.35	996.54	83.05
2016	77.17	77.59	78.9	71.94	84.55	95.04	78.73	82.83	88.18	75.7	75.02	73.7	959.35	79.95
2017	93.75	68.68	89.76	80.89	91.76	90.1	84.87	100.04	80.14	87.04	92.89	89.82	1049.74	87.48
2018	88.91	88.76	89.44	95.44	101.16	95.04	80.51	81.35	80.33	91.25	88.78	82.96	1063.93	88.66
2019	93.07												93.07	7.76

Recycle Customers

- We have 6278 Residential customers
- We have 271 Commercial customers
- Residential Participation 77%
- Commercial Participation 40%



The Recycle Shelby program needs your help.

Contamination in the Recycling industry has become a major problem worldwide. In January 2018 China stopped buying recyclable material from the US due to the contamination.

This has caused the Recycle industry to restrict the product delivered to the transfer stations. These transfer stations are rejecting contaminated loads and are asking for our help to clean up the Recycle stream.

This is where you come in. Recycle Shelby along with Republic Services will be checking recycling carts for contamination. When carts are identified as contaminated a tag and a flyer stating what **can** and **cannot** be recycled will be attached to the cart informing you of the contamination. We ask that the contaminated materials be removed and placed in the brown refuse cart.

With your help we will keep this valuable service from being interrupted or stopped, as has happened in other areas in our country. Thank you for your help. If you have questions, please call Recycle Shelby at 704-484-6846.

**RECYCLE
SHELBY**



***Because it's still
the right thing to do!***

For more information call
704-484-6846 or
visit cityofshelby.com

KNOW YOUR NO'S



No Tanglers
Hoses, cords, holiday lights, etc. tangle up the recycling equipment.



No Plastic Film
Return clean, dry plastic bags, wraps & packaging to your local retailer.



No Scrap Metal
Take mixed metals & wires to your local recycling convenience center.



No Food Waste
Dispose of food waste in your compost or trash bin.



No Bagged Recyclables
Bagged recyclables are the number one contaminant. Keep your recyclables loose and free.



No Textiles
Donate clothing & textiles to a consignment center or thrift store.



No Hazardous or Medical Waste
Call 877-623-6748 for hazardous waste drop-off locations. Call your local public health department for medical disposal information.

Keep these items out of your recycling container.





Friendly Service Reminder

Date: _____
 Address: _____
 Notes: _____

We were unable to collect your recyclables today due to the following:

- Container placement**
 Container must not be placed closer than 4 feet from any object (mailbox, another container, pole, vehicle, etc.).
 Please place the container between 3-5 feet off the road.
- Contamination**
 Waste, incorrect recyclables found. Please see reverse side for acceptable recyclables.
- Hazardous materials found**
 No batteries, oil, and/or other hazardous materials can be placed in this container.



ACCEPTABLE RECYCLABLES

- Aluminum, steel, and tin cans
- Glass containers (clear, green and brown)
- Plastic bottles (#1, #2, #3, #4, #5, #6, and #7)
- Newspapers and newspaper inserts
- Magazines, catalogs and phone books
- Junk mail and envelopes
- Manila folders and construction paper
- Office paper
- Paperback books
- Soda and beer cartons
- Toilet and paper towel rolls
- Paper egg cartons
- Box board (cereal, pasta boxes, etc.)
- Corrugated cardboard
- Brown paper grocery bags

*Rinsed and cleaned of contaminants

DO NOT PLACE THESE IN RECYCLING CONTAINER

- Yogurt cups
- Pizza boxes
- Plastic bottles (that contain oil or hazardous substances)
- Margarine containers
- Mirrors
- Window or auto glass
- Light bulbs
- Ceramics or porcelain
- Coat hangers
- Glass cookware or bakeware
- Household items (cooking pots, toasters, etc.)
- Frozen food trays
- Plastic wrap or plastic bags
- Styrofoam
- Stamps and stickers from junk mail
- Shredded paper
- Plastics unnumbered
- Aerosol cans
- Wrapping paper

NEED MORE INFORMATION?

704-484-6846

recycleshelby@cityofshelby.com



Front

Back

DON'T TANGLE OR CONTAMINATE RECYCLE MORE FOR A GREENER STATE



TALKING POINTS

Quick training guide for recycling experts and educators from MRFs, local governments, haulers, teachers, etc. to replace common negative recycling messaging with positive alternatives.

1

WHAT NOT TO SAY:
"Education doesn't help.
You can't reduce contamination."



WHAT THEY HEAR:
Recycling is hopeless.

SAY THIS INSTEAD:

Contamination is a reality, but data and experience prove that we **CAN** reduce it through consistent and sustained education and improvements in sorting technology. The recycling industry didn't develop with standardization in mind; it was a local grassroots effort in individual communities with unique and varied collection and sorting systems, facilities, technology, and support. Education is the way we help encourage best practices and refine the public's sorting skills. Recycling education works!

2

WHAT NOT TO SAY:
"Don't worry about if you put that item in the recycling. We will sort it out for you. We don't have a hard answer on that item. It constantly changes and is up for debate."



WHAT THEY HEAR:
What I do doesn't matter.

SAY THIS INSTEAD:

"When in doubt, throw it out **OR** give us a shout!" if you know your no's and your yes's, you really help Jimmy on the line and make his life easier. You are the first sorters — we **NEED** you to make the right choice.

3

WHAT NOT TO SAY:
"Recycling isn't that important."



WHAT THEY HEAR:
Recycling isn't that important.

SAY THIS INSTEAD:

Recycling is very important. There are soon to be 9 billion people in the world. Our landfills are filling up! We have the opportunity to enhance domestic recycling markets and keep waste out of landfills and out of international waters. It is our responsibility to create jobs in the US and reclaim resources like paper, plastic, metal and glass rather than making products and packaging out of virgin materials and burying those discarded resources in a hole in the ground.

4

WHAT NOT TO SAY:

"Look for the recycling symbol or the numbers 1-7."

WHAT THEY HEAR:

If it has a number on it or the recycling symbol, it is recyclable.



SAY THIS INSTEAD:

Numbers don't matter, what we can process does. When it comes to plastic, recycle by shape: bottles, tubs, jugs and jars are recyclable.

Remember: Can we process it? Do we have a buyer? Technology and markets determine if something is recyclable. Is the item made out of a material that our machines and people can easily process and does that material have a buyer? If it is small, dirty, or atypical, it isn't recyclable.

5

WHAT NOT TO SAY:

"We aren't making money on our materials."

WHAT THEY HEAR:

This is a waste of time, energy and money.



SAY THIS INSTEAD:

Markets might be down right now and some materials may not be returning the profits we like, BUT recycling is the right thing to do and Americans **LOVE** to recycle! We have spent decades and dollars supporting recycling infrastructure and educating the public. Now we must stop shipping our recycling overseas and instead help support and grow our domestic markets and local jobs by supplying the clean recyclables they rely on.

6

WHAT NOT TO SAY:

"No one wants these jobs."

WHAT THEY HEAR:

Then why am I doing this?



SAY THIS INSTEAD:

This is a hard job, so let's take care of our people. North Carolina hosts 16,200 recycling related jobs. We must update our sorting technology and decrease contamination so that the quality of these jobs is improved. Continuation of public programs is so important to keep these jobs and the technologies improving. So is knowing what goes into the recycling bin, and what to throw out!



The N.C. Division of Environmental Assistance and Customer Service (DEACS) is a non-regulatory division of N.C. DEQ, offering technical and financial assistance to businesses, manufacturers, local governments, institutions, economic developers and citizens in environmental management. For questions call 1-877-623-6748.

City of Shelby
Agenda Item Summary
March 18, 2019
City Hall Council Chamber

C. Public Comment:

In accordance with City Council's policy, public comment is only taken at the second regular meeting each month. Any citizen who wishes to address Council must register with the City Clerk prior to 6:00 p.m. on the meeting night. The Mayor will call upon each individual during this portion of the meeting and will allow three (3) minutes to speak.

City of Shelby
Agenda Item Summary
March 18, 2019
City Hall Council Chamber

D. Public Hearing (Legislative Hearing)

Agenda Item: D-1

- 1) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina: Ordinance No. 17-2019

(Presenting: Walter Scharer, Planning Director)

Summary of Available Information:

- Memorandum dated March 8, 2019 from Walter Scharer, Planning Director to Rick Howell, City Manager
- General Application
- Staff Report
- Location Map of 101 T.R. Harris
- Zoning Map
- Future Land Maps
- Planning and Zoning Board Minutes
- Certified Recommendation
- Notice of Public Hearing
- Ordinance No. 17-2019

City Manager's Recommendation / Comments

This time is scheduled on the agenda for City Council to conduct the required public hearing in accordance with the NC General Statutes. Following the conclusion of the hearing the Council may act on the item under consideration. After a careful review of the proposed rezoning application it appears to be prudent and reasonable for Council to approve the recommendations from staff and the Planning and Zoning Board. I would call attention to Mr. Scharer's memorandum noting that the zoning map amendment is in conformance with the City's current land use plan.

The following excerpt from the NC General Statutes is provided as a reminder as to the statutory guidance provided to Council when considering changes in zoning and development regulations.

§ 160A-383. Purposes in view.

***Zoning regulations shall be made in accordance with a comprehensive plan.** When adopting or rejecting any zoning amendment, the governing board shall also approve a statement describing whether its action is consistent with an adopted comprehensive plan and any other officially adopted plan that is applicable, and briefly explaining why the board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review.*

After the conclusion of the public hearing City Council may act upon Ordinance No. 17-2019



Memorandum

To: Rick Howell - City Manager

From: Walter Scharer – Planning Director

Date: March 8, 2019

Subject: Requested zoning map amendment from Corridor Protection District (CPD) to General Business – Conditional Use (GB-CU).

Executive Summary of Issue – Background

This site at the corner of Fallston Road and TR Harris Boulevard has a total area of approximately 2.06 Acres.

Review and Comments

The Comprehensive Land Use Plan designates this property as Low Density Residential.

Recommendation

This proposed zoning map amendment is inconsistent with the Comprehensive Land Use Plan. However, staff does recommend this proposed zoning map amendment due to development patterns in the area. The Planning and Zoning Board also recommends this proposed zoning amendment.

Please schedule a public hearing for this proposed zoning amendment at the next City Council meeting on March 18, 2019.

Attachments: Application, Staff Report, Zoning Map, Notice of Public Hearing, Planning and Zoning Board February 21, 2019 minutes, Certified P&Z Recommendation, and Ordinance



City of Shelby
Planning and Development Services Department

General Application

Address of Subject Property:

101 T.R. Harris

Applicant(s) Name: Spencer Borders
Address: 213 S Trade Street
Shelby, NC 28150
Email: spencer.borders@foothillscommercial.com
Phone: 980-404-1111

Owner(s) Name: Carr Ann Enterprises LLC Joe & Jodi Morgan
Email: 126 Stone Gate Ln, Shelby 110 Appian Way, Shelby, NC
Phone: 704-477-5425 704-482-2428

Relationship to Property: Owner Developer, Contractor, etc. Other: Agent

Request for (Check all that apply):

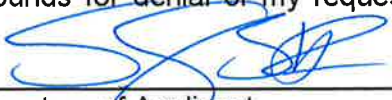
- Annexation (Contiguous & Satellite)
- Change in Tenant/Building Use
- Site Plan Review & Zoning Permit
- Street Name Change
- Street/ROW Closing
- Conditional Use Permit or Special Use Permit
- UDO Text Amendment
- Zoning Map Amendment
- Conditional Use Map Amendment
- Zoning Permit or Home Occupation Permit

Project Information (Fill in applicable information):

Parcel Number: 26837 & 48432
Proposed Zoning: GB-CU
Proposed Land Use: Medical
Approx. Building Sq. Ft.: 6,068 sf
Approx. Project Acreage: 2.05 ac
Business Name: _____

Provide a detailed description of the **proposed project**. Attach additional pages or documentation if necessary. Former Life Enrichment Center was constructed with no deeded parking spaces. The only solution for adding parking requires parking in the street yard, which is prohibited in the CPD. Rezoning is required to permit off-site parking on an adjoining lot.

Oath: By signing, I hereby certify that all information that I have provided in this application is correct and complete to the best of my knowledge. I understand that providing false or incomplete information may be grounds for denial of my request or may result in future action by the City Council to revoke the permit.



Signature of Applicant

1-29-19

Date



Received by:

1-29-19

Date

Staff Report



To: Shelby Planning & Zoning Board
From: Alan Toney
Planner

Date: February 12, 2019
Meeting: February 21, 2019
File: #1099

OWNER: Carr Ann Enterprises LLC
& Joe and Jodi Morgan

APPLICANT: Spencer Borders

LOCATION: 101 T.R. Harris & Fallston Road

PARCEL ID #s: 26837 & 48432

PRESENT ZONING: CPD

REQUESTED ZONING: GB-CU

SURROUNDING ZONING: **North:** R20 **South:** CPD **East:** CPD & R6 **West:** CPD

UTILITIES: **Water:** Yes **Sewer:** Yes **Floodplain:** No **Watershed:** No

ANALYSIS: These 2.06-Acre in total properties are an undeveloped lot and a former life enrichment center. Land uses in the area include single-family dwellings, various commercial uses, institutional uses, and the Leona Neal Senior Center.

The CPD Corridor Protection District has major objectives such as promoting a sensitive conversion of vacant land to more urban uses; support development that is compatible with and enhances the visual attractiveness of the area; promote well-planned, economically viable development; ensure safe and efficient traffic flow; and avoid uncoordinated, strip development patterns. Residential uses are permitted at the same density and according to the same dimensional requirements as the R6 Residential District.

The GB General Business District is established as a district in which to accommodate a wide range of retail; business, professional, and personal services; office; and limited wholesale and warehousing uses. Areas zoned as GB are generally located on the fringe of the central business district and along major highway corridors. Residential uses are permitted at the same density and according to the same dimensional requirements as the R6 Residential District.

Conditional Use Districts are circumstances where a general zoning designation allowing a use by right would not be appropriate for a particular property even though the use itself could, if properly planned, be appropriate for the property consistent with the objectives of the UDO and the City of Shelby Comprehensive Land Use Plan. The conditional use district process was established to address situations when a particular use may be acceptable but the general zoning district, which would allow that use would not be acceptable. It allows the City Council to approve a proposal for a specific use with reasonable conditions to assure compatibility of the use with the surrounding properties.

The Conditional Uses for these parcels would be off-street parking and an adult day care.

The application includes the proposed site-plan for the conditional-uses within The City of Shelby. The site-plan includes 5-foot sidewalks with American with Disabilities Act (ADA) compliant ramps in 5 different locations and 6-foot planter strips with maturing trees. The site-plan also includes a 4-foot

berm with minimum 36-inch shrubs and a street yard with a planting strip with minimum 4 large maturing trees located between the berm and parking lot.

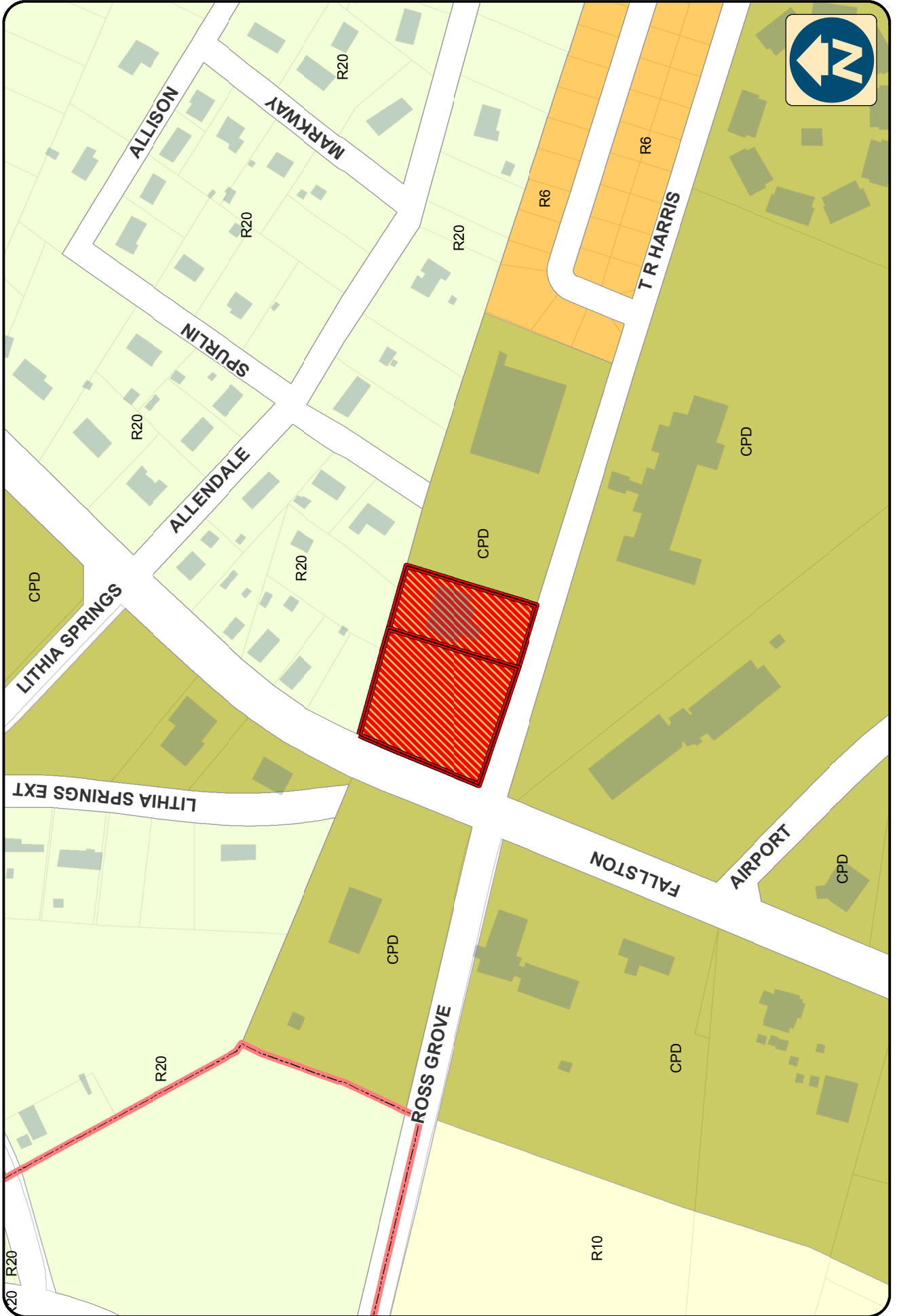
The site-plan is key to meeting some of the goals of the Corridor Protection District (CPD). The landscaping on the site plan is consistent with the enhancing visual attractiveness goal of the CPD. The sidewalks are consistent with the plan of ensuring safe and efficient traffic flow by promoting walking and converting the site to a more urban use.

STAFF COMMENTS: The Comprehensive Land Use Plan for this area designates the site as Residential Low Density. The low-density residential classification is for single-family detached residential land uses, which are approximately 2 units or less per acre. This classification is typical of many of the residential subdivisions in Shelby and in Cleveland County. It is also typical of many residential uses that are not in a formal subdivision. The proposed zoning map amendment is inconsistent with the Comprehensive Land Use Plan.



Zoning Map 101 T.R. Harris

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



500 Feet

250

0

125

Scale 1:3,000 1 inch = 250 feet

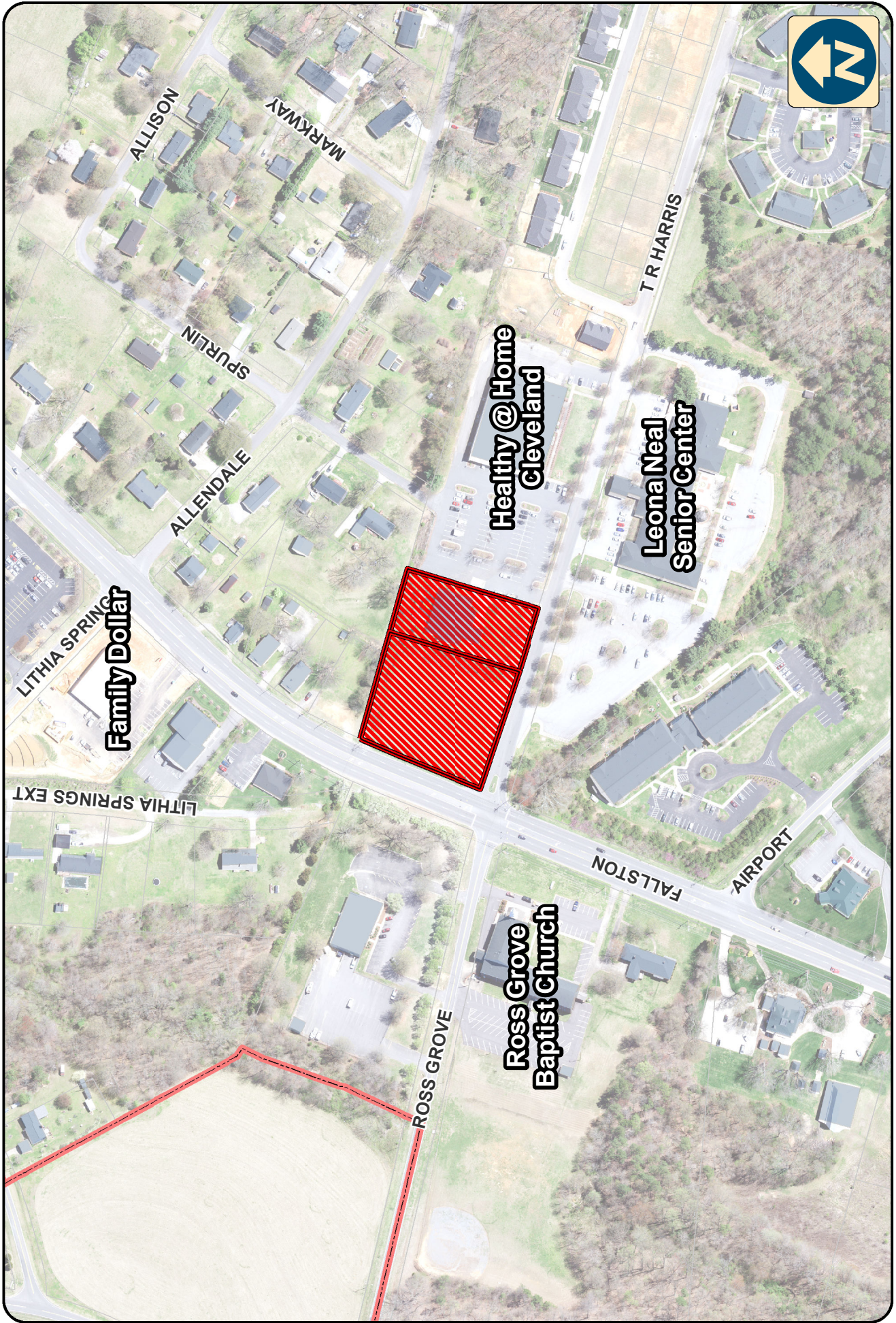
Date: 1/30/2019



Location Map

101 T.R. Harris

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



Scale 1:3,000 1 inch = 250 feet



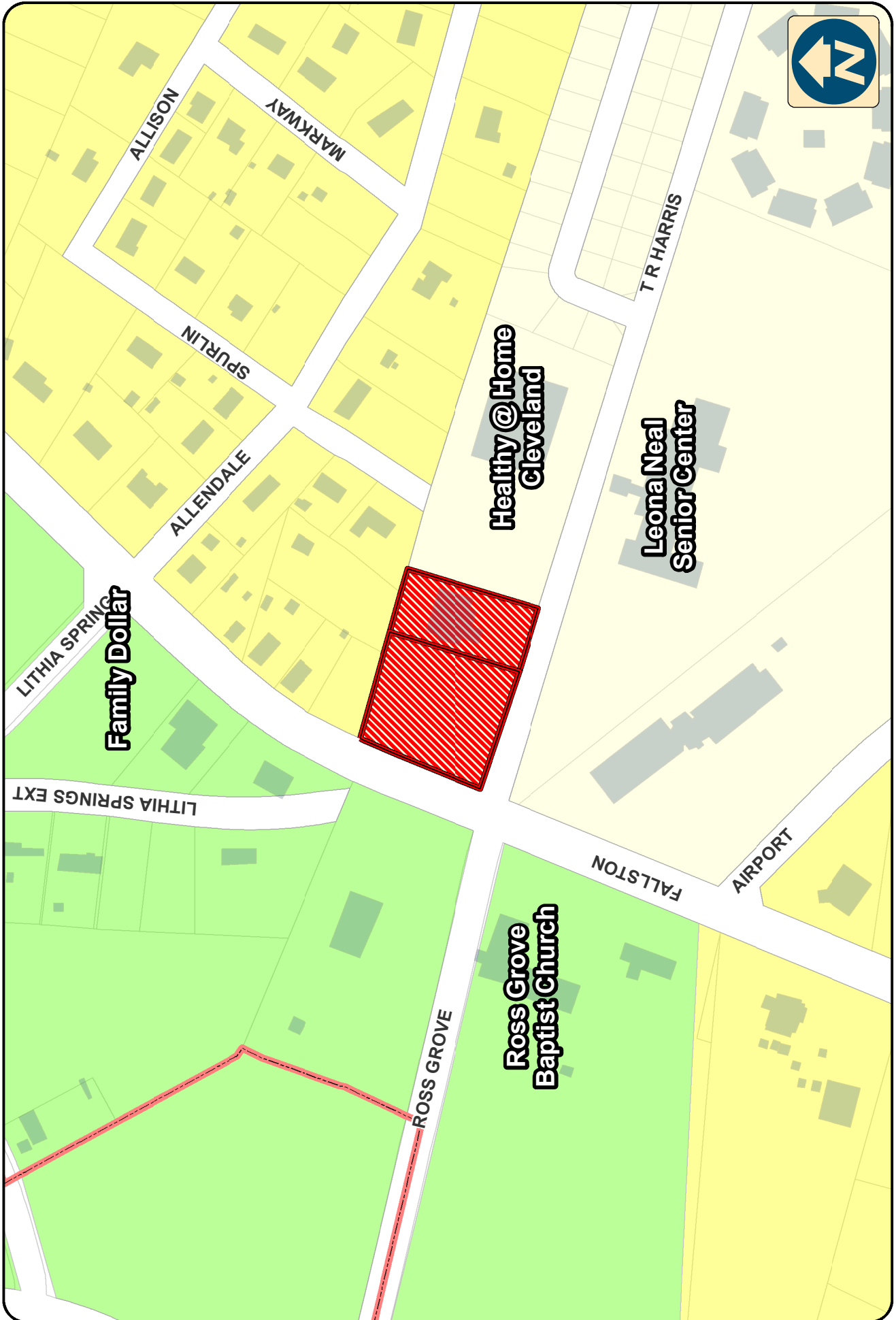
Date: 1/30/2019



Future Land Use Plan Local Map

101 T.R. Harris

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



Scale 1:3,000 1 inch = 250 feet



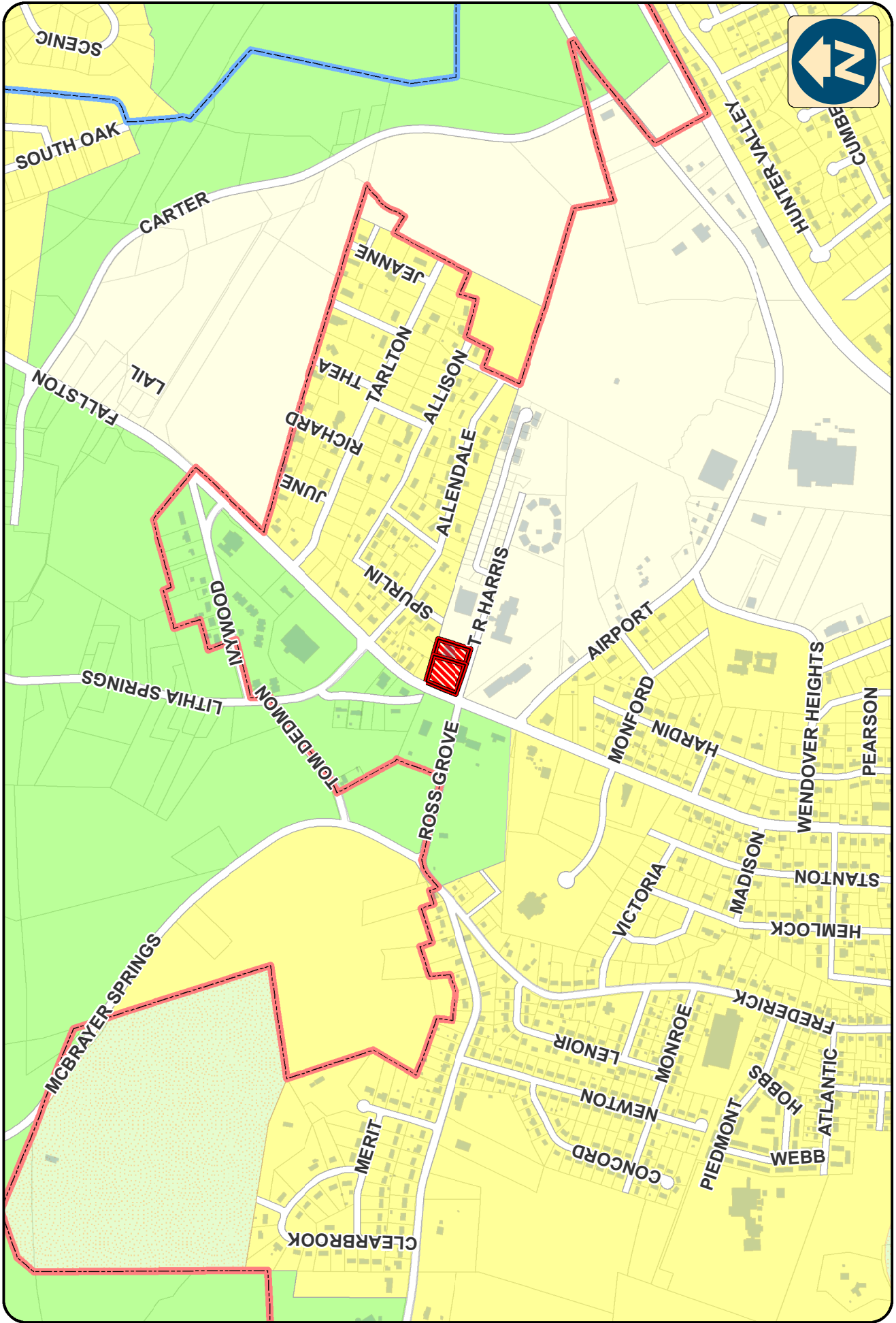
Date: 1/30/2019



Future Land Use Plan Area Map

101 T.R. Harris

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



Date: 1/30/2019

2,000 Feet

1,000

500

0

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

**NOTICE OF PUBLIC HEARING
APPLICATION #: 1099-2019
ZONING MAP AMENDMENT**

The City Council of Shelby, North Carolina will conduct a public hearing during its regular meeting at 6:00 p.m., Monday, March 18, 2019 in the City Council Chambers, City Hall located at 300 South Washington Street, Shelby, North Carolina. City Council will consider a zoning map amendment for a property located at 101 T.R Harris and Fallston Road and 103 T.R. Harris from Corridor Protection District (CPD) to General Business Conditional Use (GB-CU) Zoning District. Said area of consideration is more fully described as Cleveland County Parcel Identification Numbers 26837 & 48432.

A more detailed description and map of this property are available for public inspection in the Planning and Development Services Department located at 315 South Lafayette Street, Shelby, North Carolina, during regular business hours, 8:00 AM until 5:00 PM. Also, you can call (704) 484-6829 for more information.

The City Council may change the existing zoning classification of the entire area covered by the petition or any part thereof, without the withdrawal or modification of the petition or further publication of notice.

Persons interested in being heard on this matter are invited to comment on the proposed rezoning 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.

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

The Shelby Star:

Please publish this notice as a legal line ad on TUESDAY, MARCH 5, 2019 and repeat the same ad on TUESDAY, MARCH 12, 2019.

Mail invoices with affidavits to Walt Scharer, City of Shelby, PO Box 207, Shelby, NC 28151. Thank you.



CITY OF SHELBY PLANNING AND ZONING BOARD MINUTES
February 21, 2019
City of Shelby/Cleveland County Airport
830 College Avenue, Shelby, NC

Item 1. Call to Order/Roll Call

Vice-Chair Washburn called the meeting to order at 12:15 PM and noted that a quorum was present.

Board Present: Rick Washburn, Charles Hamrick, Mike Royster, Scott Bankhead, Jim Martin, Mark Carter, Jeff Aderholt, and Greg Taylor

Staff Present: Walt Scharer (Planning Director), Darin Hallman (Planner), and Alan Toney (Planner)

Applicants Present: Spencer Borders

Item 2. Approval of the Minutes for the December 20, 2018 meeting

Vice-Chair Washburn asked if there were any questions or comments about the January 17, 2019 minutes. The minutes were approved as submitted.

Item 3. Proposed Zoning Map Amendment 103 T.R. Harris Boulevard and the Corner of Fallston Road

Mr. Toney presented this proposed zoning map amendment. The subject properties are zoned CPD. The subject property currently has a 1-story brick building and a vacant lot on the 89,954 total square feet properties. The applicant wishes to build off-street parking and expand upon the current 1-story building. Other land uses in the area include single-family dwellings, various commercial uses, and institutional uses.

The CPD Corridor Protection District has as its major objectives to promote sensitive conversion of vacant land to more urban uses; support development that is compatible with and enhance the visual attractiveness of the area; promote well-planned, economically viable development; ensure safe and efficient traffic flow; and avoid uncoordinated, strip development patterns. Residential uses are permitted at the same density and according to the same dimensional requirements as the R6 Residential District.

The GB-CU District is established as a district in which to accommodate a wide range of retail; business, professional, and personal services; office; and limited wholesale and warehousing uses. Areas zoned as GB are generally located on the fringe of the central business district and along major highway corridors. Residential uses are permitted at the same density and according to the same dimensional requirements as the R6 Residential District. The Conditional Use for these properties would be off-street parking and an adult day care.

A discussion of the site plan amongst the board members, Mr. Borders, and staff occurred.

It was noted the site plan attempts to satisfy the spirit of the CPD Zoning District.

This amendment is consistent with the City’s Comprehensive Land Use Plan.

Motion: Mr. Carter made the motion to recommend approval of this proposed zoning map amendment from CPD to GB-CU.

Second: Mr. Royster. **Action:** This motion passed unanimously.

Item 4 Proposed Zoning Map Amendment 1700 Block of Charles Road

Mr. Toney presented this proposed zoning map amendment. The subject property is currently zoned R10. The subject property is currently undeveloped and approximately 4.22 acres in area. Other land uses in the area includes single-family residential, assisted living facilities, and institutional uses.

The R10 Residential District is primarily intended to accommodate low density moderate density single-family detached swellings and modular homes at a maximum density of approximately 4 dwellings units per gross acre. Public water and sewer service is generally available in areas zoned as R10. Nonresidential uses permitted within this district include customary accessory, recreational, educational, and institutional land uses that are compatible with the low-density residential character of the R10 district.

The RO Residential-Office District is primarily intended to accommodate high-density multifamily residences; offices; public and institutional; business, professional, and personal services; and limited support retail businesses. Permitted residential uses include single-family detached dwellings, modular homes, apartments, townhomes, and condominiums.

This amendment is inconsistent with the land use plan.

Motion: Mr. Hamrick made the motion to recommend disapproval of this proposed zoning map amendment from R10 to RO.

Second: Mr. Aderholt **Action:** This motion passed unanimously.

Item 5 **Announcements**

Mr. Scharer reviewed ongoing and upcoming streetscape work.

Item 6. **Motion to adjourn.**

Vice-Chair Washburn adjourned the meeting at 12:45 pm.



Certified Recommendation

City of Shelby Planning & Zoning Board

Case File: 1099

Amendment: A Zoning Map Amendment for property located at 101 T.R. Harris with PIN #s: 26837 & 48432 from Corridor Protection District (CPD) zoning district to General Business-Conditional Use (GB-CU) zoning district.

Recommendation: **The Planning and Zoning Board recommends approval of the proposed zoning map amendment for property located at 101 T.R. Harris with PIN #s: 26837 & 48432 from Corridor Protection District (CPD) zoning district to General Business Conditional Use (GB-CU) zoning district.**

Findings &

Reasons: 1. The proposed zoning map amendment is consistent with the development patterns in the area.

Motion: Mr. Carter made the motion to recommend approval of this proposed zoning map amendment from Corridor Protection District (CPD) zoning district to General Business Conditional Use (GB-CU).

Second: Mr. Royster

Action: This motion passed unanimously.

Signatures: Walter Scharer
Planning and Development Director

Marlene Peeler
Planning and Zoning Board Chair

Date: 2/21/2019

Date: 2/21/2019

ORDINANCE NO. 17-2019

**A PROPOSED ORDINANCE AMENDING THE ZONING MAP OF
THE CITY OF SHELBY, NORTH CAROLINA**

WHEREAS, the City of Shelby has received an application requesting the rezoning of property located within the City or its Area of Extraterritorial Jurisdiction; and,

WHEREAS, the Shelby Planning and Zoning Board has reviewed said application for a zoning change and has made its findings and recommendations to City Council; and,

WHEREAS, the Shelby Planning and Zoning Board found that the zoning change is inconsistent with the Comprehensive Land Use Plan; and,

WHEREAS, in accordance with GS 160A-364, a public hearing on this proposed rezoning was held by City Council on March 18, 2019 after due publication of said hearing as required by law; and,

WHEREAS, after hearing all who wished to be heard on this matter and upon review of the findings and recommendations of the Planning and Zoning Board, City Council now desires to act on this matter.

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

Section 1. This zoning change is inconsistent with the City of Shelby Comprehensive Land Use Plan.

Section 2. 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), 101 T.R. Harris and Fallston Road and 103 T.R. Harris is hereby amended from CPD Zoning District to GB-CU Zoning District. Said area of zoning are more fully described as the parcels listed by the Cleveland County Tax Office as Parcel Identification Numbers 26837 & 48432.

Section 3. The City Clerk of the City of Shelby is hereby authorized and directed to cause the provisions of Section 2 of this ordinance to be properly codified, and the City Clerk is further authorized and directed to cause her official records and the Official Zoning Map of the City of Shelby to be properly amended to reflect the approved zoning changes.

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

Ordinance No. 17-2019

March 18, 2019

Page 2

ADOPTED AND APPROVED this the 18th day of March 2019.

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
March 18, 2019
City Hall Council Chamber

Agenda Item: D-2 (Quasi-Judicial Hearing)

- 2) Consideration of a resolution granting a Special Use Permit to Senior Total Life Care Inc., 101 T. R. Harris and Fallston Road and 103 T. R. Harris: Resolution No. 21-2019

(Presenting: Walter Scharer, Planning Director)

Summary of Available Information:

- Memorandum dated March 1, 2019 from Walter Scharer, Planning Director to Rick Howell, City Manager
- General Application
- Staff Report
- City of Shelby Special Use Permit Approval Process
- Location Map of 101 T.R. Harris
- Zoning Map
- Future Land Use Map2
- Planning and Zoning Board Minutes
- Certified Recommendation
- Notice of Public Hearing
- Resolution No. 21-2019 with Attachment “A”

City Manager’s Recommendation / Comments

This hearing must be conducted in a quasi-judicial fashion by the Mayor and Council. By nature decisions conducted as such involve two key elements 1) there must be a written finding of facts regarding the specific proposal and 2) the exercise of judgment and discretion must apply existing policies to the situation.

As a reminder these hearings must be evidentiary in nature and the decision of Council must be based upon that evidence. The purpose of the hearing is to establish facts, not to gather opinions about the desirability or popularity of the proposed development. Any person offering testimony must do so under oath and cross examination must be allowed. The gathering of evidence outside the hearing by individual members is not permitted and as noted previously a written finding of facts is required.

Information provided by Mr. Scharer within the agenda packet is to be considered evidence to be factored in as part of your decision making policy. It should be noted that your decision may only be appealed to NC Superior Court within the prescribed time frame in the statute.

After the conclusion of the public hearing City Council may act upon Resolution No. 21-2019 based upon “findings of fact” from information and testimony presented.



Memorandum

To: Rick Howell - City Manager
From: Walter Scharer – Planning Director
Date: March 1, 2019
Subject: Special Use Zoning Permit – Fallston Road and TR Harris Boulevard

Executive Summary of Issue – Background

This site at the corner of Fallston Road and TR Harris Boulevard is approximately 2 acres in size. There are two properties that make up this site. Currently, the property closest to Fallston Road is vacant while the property on TR Harris Boulevard is the former home of the Life Enrichment Center. The applicant is proposing an adult daycare as the conditional use along with parking on this property.

Review and Comments

The Comprehensive Land Use Plan designates this property as Low Density Residential. Although this proposal is inconsistent with the Comprehensive Land Use Plan, it is consistent with the development patterns in the area.

Recommendation

If the proposed zoning map amendment for this area does not pass this proposed Special Use Permit cannot be approved by City Council.

More information can be found in the Staff Report attached.

Also attached is a white paper describing the SUP approval process here in Shelby as amended in November 2015. This proposal does require a quasi-judicial public hearing because of the Special Use Permit. The rules of procedure for a quasi-judicial public hearing should be followed.

Please schedule a quasi-judicial public hearing for this proposed zoning amendment at the next City Council meeting on March 18, 2019.

Attachments: Application, Site Plan, Staff Report, SUP Approval Process, Zoning Map, Location Map, Planning and Zoning Board February 21, 2019 minutes, Certified P&Z Recommendation, and Resolution



City of Shelby
Planning and Development Services Department

General Application

Address of Subject Property:

101 T.R. Harris

Applicant(s) Name: Spencer Borders
Address: 213 S Trade Street
Shelby, NC 28150
Email: spencer.borders@foothillscommercial.com
Phone: 980-404-1111

Owner(s) Name: Carr Ann Enterprises LLC Joe & Jodi Morgan
Email: 126 Stone Gate Ln, Shelby 110 Appian Way, Shelby, NC
Phone: 704-477-5425 704-482-2428

Relationship to Property: Owner Developer, Contractor, etc. Other: Agent

Request for (Check all that apply):

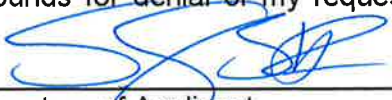
- Annexation (Contiguous & Satellite)
- Change in Tenant/Building Use
- Site Plan Review & Zoning Permit
- Street Name Change
- Street/ROW Closing
- Conditional Use Permit or Special Use Permit
- UDO Text Amendment
- Zoning Map Amendment
- Conditional Use Map Amendment
- Zoning Permit or Home Occupation Permit

Project Information (Fill in applicable information):

Parcel Number: 26837 & 48432
Proposed Zoning: GB-CU
Proposed Land Use: Medical
Approx. Building Sq. Ft.: 6,068 sf
Approx. Project Acreage: 2.05 ac
Business Name: _____

Provide a detailed description of the proposed project. Attach additional pages or documentation if necessary. Former Life Enrichment Center was constructed with no deeded parking spaces. The only solution for adding parking requires parking in the street yard, which is prohibited in the CPD. Rezoning is required to permit off-site parking on an adjoining lot.

Oath: By signing, I hereby certify that all information that I have provided in this application is correct and complete to the best of my knowledge. I understand that providing false or incomplete information may be grounds for denial of my request or may result in future action by the City Council to revoke the permit.



Signature of Applicant

1-29-19

Date



Received by:

1-29-19

Date

Staff Report



To: Shelby Planning & Zoning Board
From: Alan Toney
Planner

Date: February 12, 2019
Meeting: February 21, 2019
File: #1099

OWNER: Carr Ann Enterprises LLC
& Joe and Jodi Morgan

APPLICANT: Spencer Borders

LOCATION: 101 T.R. Harris & Fallston Road

PARCEL ID #s: 26837 & 48432

PRESENT ZONING: CPD

REQUESTED ZONING: GB-CU

SURROUNDING ZONING: **North:** R20 **South:** CPD **East:** CPD & R6 **West:** CPD

UTILITIES: **Water:** Yes **Sewer:** Yes **Floodplain:** No **Watershed:** No

ANALYSIS: These 2.06-Acre in total properties are an undeveloped lot and a former life enrichment center. Land uses in the area include single-family dwellings, various commercial uses, institutional uses, and the Leona Neal Senior Center.

The CPD Corridor Protection District has major objectives such as promoting a sensitive conversion of vacant land to more urban uses; support development that is compatible with and enhances the visual attractiveness of the area; promote well-planned, economically viable development; ensure safe and efficient traffic flow; and avoid uncoordinated, strip development patterns. Residential uses are permitted at the same density and according to the same dimensional requirements as the R6 Residential District.

The GB General Business District is established as a district in which to accommodate a wide range of retail; business, professional, and personal services; office; and limited wholesale and warehousing uses. Areas zoned as GB are generally located on the fringe of the central business district and along major highway corridors. Residential uses are permitted at the same density and according to the same dimensional requirements as the R6 Residential District.

Conditional Use Districts are circumstances where a general zoning designation allowing a use by right would not be appropriate for a particular property even though the use itself could, if properly planned, be appropriate for the property consistent with the objectives of the UDO and the City of Shelby Comprehensive Land Use Plan. The conditional use district process was established to address situations when a particular use may be acceptable but the general zoning district, which would allow that use would not be acceptable. It allows the City Council to approve a proposal for a specific use with reasonable conditions to assure compatibility of the use with the surrounding properties.

The Conditional Uses for these parcels would be off-street parking and an adult day care.

The application includes the proposed site-plan for the conditional-uses within The City of Shelby. The site-plan includes 5-foot sidewalks with American with Disabilities Act (ADA) compliant ramps in 5 different locations and 6-foot planter strips with maturing trees. The site-plan also includes a 4-foot

berm with minimum 36-inch shrubs and a street yard with a planting strip with minimum 4 large maturing trees located between the berm and parking lot.

The site-plan is key to meeting some of the goals of the Corridor Protection District (CPD). The landscaping on the site plan is consistent with the enhancing visual attractiveness goal of the CPD. The sidewalks are consistent with the plan of ensuring safe and efficient traffic flow by promoting walking and converting the site to a more urban use.

STAFF COMMENTS: The Comprehensive Land Use Plan for this area designates the site as Residential Low Density. The low-density residential classification is for single-family detached residential land uses, which are approximately 2 units or less per acre. This classification is typical of many of the residential subdivisions in Shelby and in Cleveland County. It is also typical of many residential uses that are not in a formal subdivision. The proposed zoning map amendment is inconsistent with the Comprehensive Land Use Plan.

City of Shelby Special Use Permit Approval Process

A Special Use Permit application may be submitted to the City Council by filing a copy of the application with the Planning Department. Applications may be taken no later than 25 days prior to the City Council meeting at which the request will be reviewed. The review process for a Special Use Permit includes:

- Planning Department review and recommendation.
- Public hearing held by the City Council; and
- City Council review and action.

Recommendations on Special Use Permit Applications

- When presented to the City Council, the Special Use Permit application will be accompanied by a report setting forth the Planning & Development Department's proposed findings concerning the application's compliance to the City's UDO, as well as any staff recommendations for additional requirements to be imposed by the City Council.
- If the staff report proposes a finding or conclusion that the application fails to comply with any requirement of the Ordinance, the report will identify the requirement in question and specifically state supporting reasons for the proposed findings or conclusions.
- The City Council may, on a case-by-case basis, refer applications to the Planning and Zoning Board to obtain its recommendations.

Public Hearing Requirements and Procedures

- A public hearing is required in order for City Council to approve a Special Use Permit.
- The Planning Department will mail written notice of the public hearing to the owners of all properties involved in the permit request as well as the owners of all properties any portion of which is within 100 feet of the property involved in the permit request.
- The Planning Department will also post Zoning Hearing signs in the vicinity of the property involved in the permit request and take any other action deemed necessary to be useful or appropriate to give notice of the public hearing.
- At the conclusion of the public hearing, the City Council may proceed to vote on the permit request, refer it to a committee for further study, or take any other action consistent with its usual rules of procedure.
- City Council is not required to take final action on a permit request within any specific period of time, but it should proceed as expeditiously as practicable on permit requests since inordinate delays can result in the applicant incurring unnecessary costs.
- The City Council should approve the requested permit unless it concludes, based upon the information submitted at the hearing, that:
 - (1) The requested permit is not within its jurisdiction according to the Table of Permissible Uses; or
 - (2) The application is incomplete; or

- (3) If completed as proposed in the application, the development will not comply with one or more requirements of this Ordinance; or
- (4) Will not materially endanger the public health or safety; and
- (5) Will not substantially injure the value of adjoining or abutting property; and
- (6) Will be in harmony with the area in which it is to be located; and
- (7) Will be in general conformity with the Comprehensive Land Use Plan or other plans officially adopted by the City Council.

- The burden of persuasion on the issue of whether the development, if completed as proposed, will comply with the requirements seven standards listed above remains at all times on the applicant.
- Even if City Council finds that the application complies with all other provisions of this Ordinance, it may still deny the permit if it concludes, **based upon the information submitted at the hearing**, the development, more probably than not:
 - (1) Will materially endanger the public health or safety; or
 - (2) Will substantially injure the value of adjoining or abutting property; or
 - (3) Will not be in harmony with the area in which it is to be located; or
 - (4) Will not be in general conformity with the Comprehensive Land Use Plan or other plans officially adopted by the City Council.
- The burden of persuasion on the issue of whether the application should be turned down for any of the reasons above rests on the party or parties urging that the requested permit should be denied.

City Council Voting Procedure on Special Use Permits

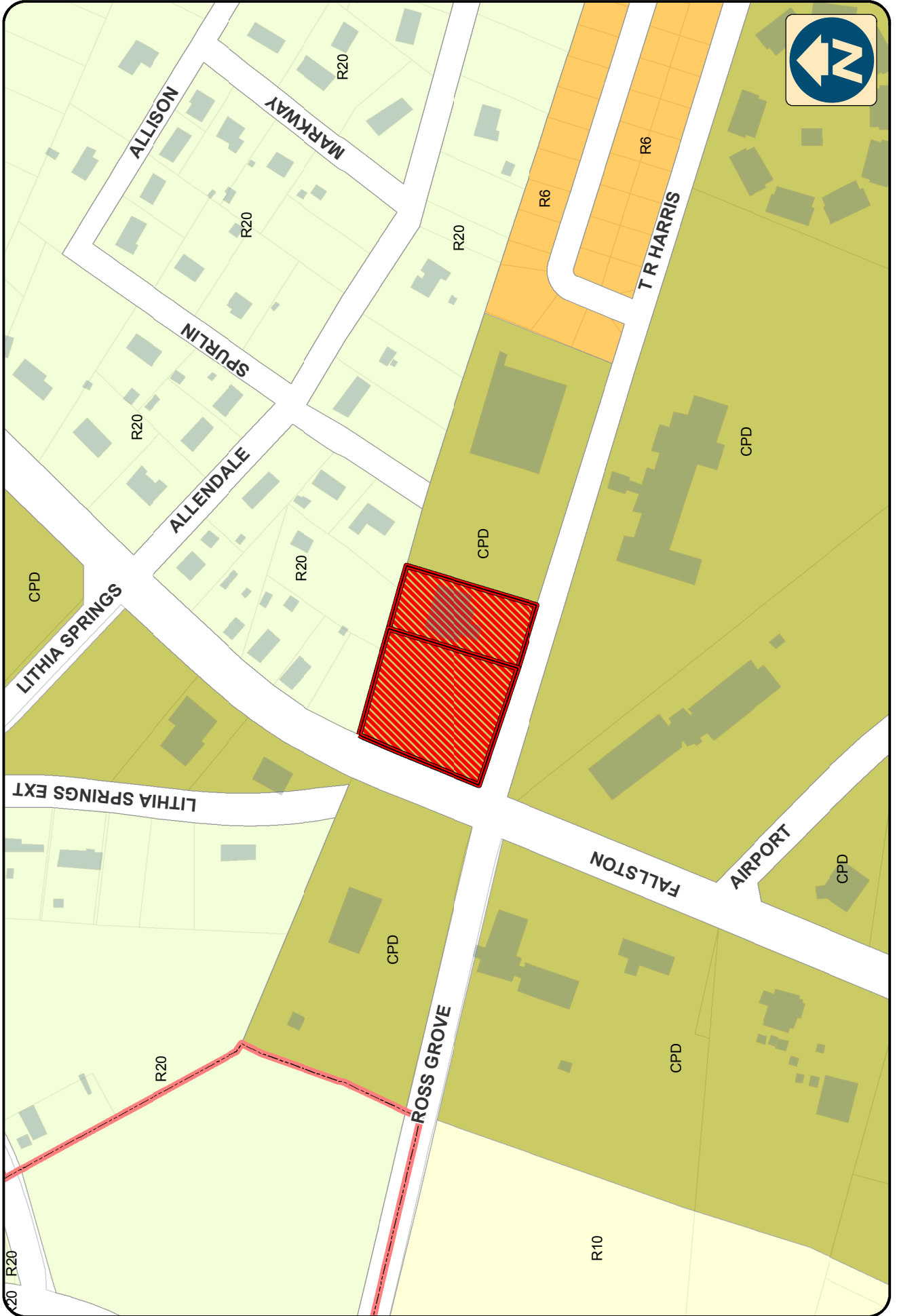
- Upon receipt of a recommendation from the Planning Department, City Council will review the Special Use Permit application and will hold a public hearing.
- Following the public hearing, the City Council may proceed to vote on the permit request, refer it to committee for further study.
- In considering whether to approve Special Use Permit application, City Council should proceed according to the following format:
 - (1) The City Council shall consider whether the application is complete. If no member moves that the application be found incomplete then this shall be taken as an affirmative finding by the City Council that the application is complete.
 - (2) The City Council shall consider whether the application complies with all of the applicable standards of the UDO. If a motion to approve fails or is not made then a motion should be made that the application be found not in compliance with one or more of the standards of the UDO. A motion to disapprove should specify the particular standard the application fails to meet. Separate votes may be taken with respect to each standard not met by the application.

- (3) If the City Council concludes that the application fails to comply with one or more standards of the UDO, the application shall be denied. If the City Council concludes that all such standards are met, it shall issue the permit unless it adopts a motion to deny the application. Such a motion shall propose specific findings, based upon the competent evidence submitted, justifying such a conclusion.



Zoning Map 101 T.R. Harris

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



500 Feet

250

0

125

Scale 1:3,000 1 inch = 250 feet

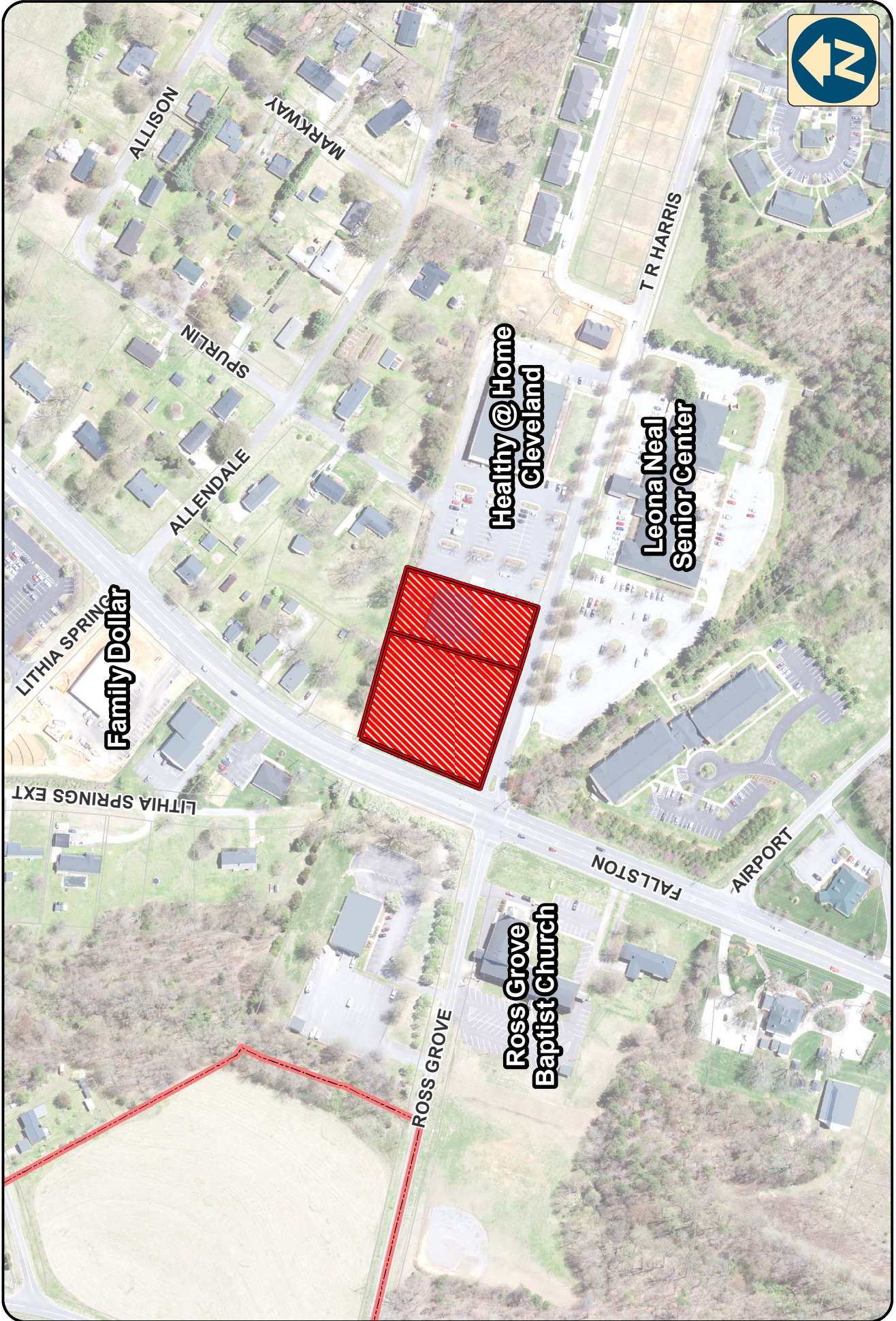
Date: 1/30/2019



Location Map

101 T.R. Harris

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



Scale 1:3,000 1 inch = 250 feet



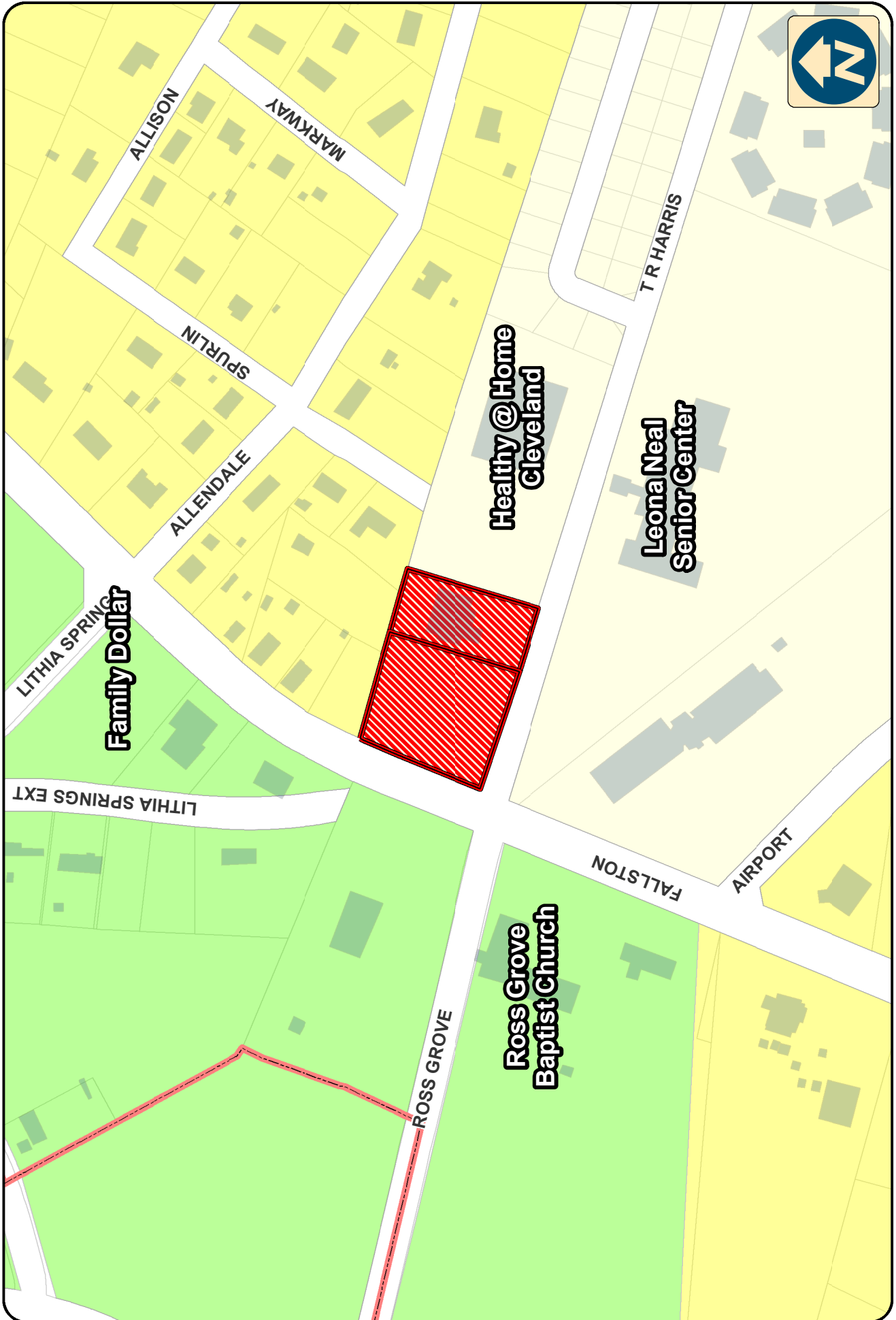
Date: 1/30/2019



Future Land Use Plan Local Map

101 T.R. Harris

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



Scale 1:3,000 1 inch = 250 feet



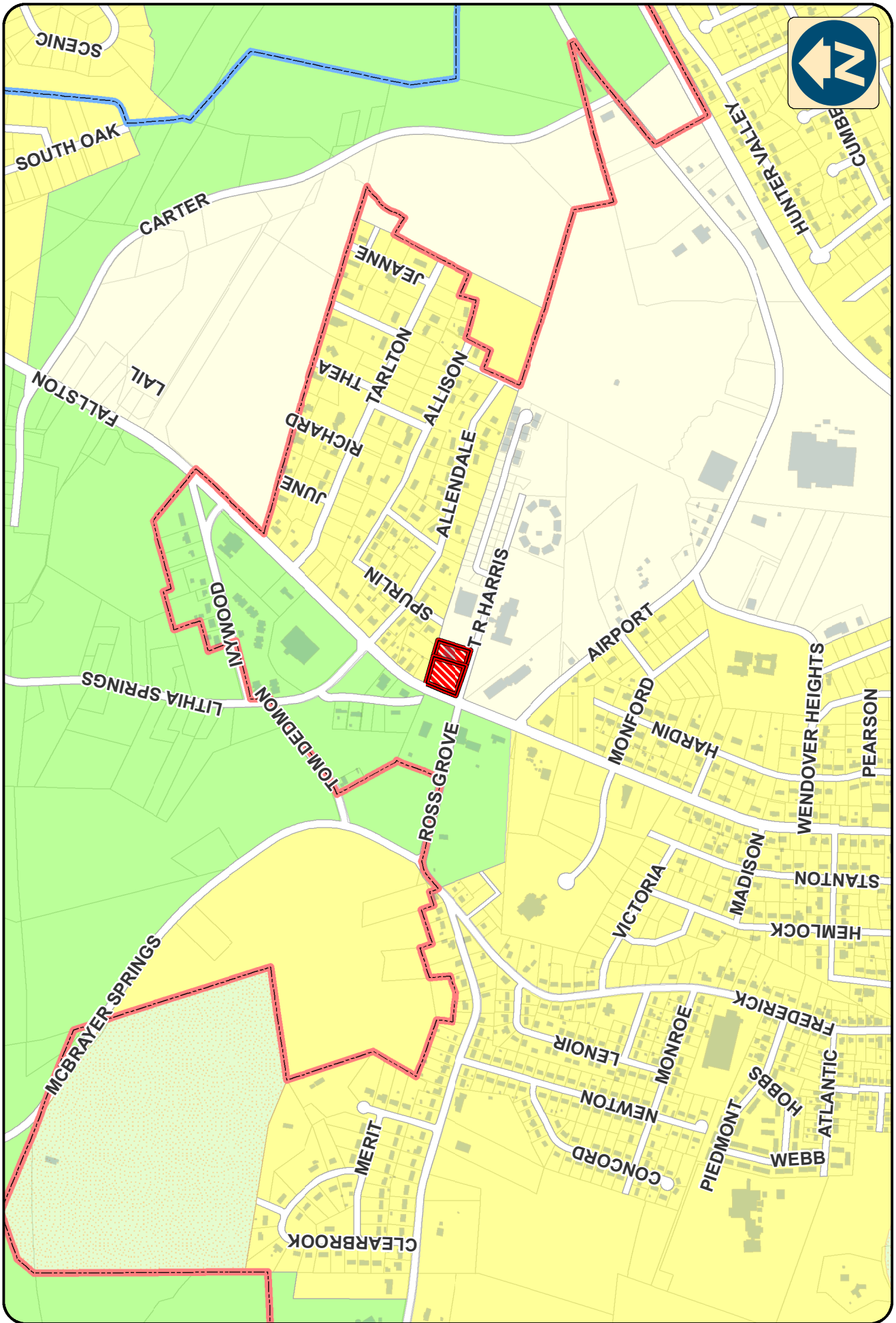
Date: 1/30/2019



Future Land Use Plan Area Map

101 T.R. Harris

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



Date: 1/30/2019

2,000 Feet

1,000

500

0

1 inch = 1,000 feet

Scale



CITY OF SHELBY PLANNING AND ZONING BOARD MINUTES
February 21, 2019
City of Shelby/Cleveland County Airport
830 College Avenue, Shelby, NC

Item 1. Call to Order/Roll Call

Vice-Chair Washburn called the meeting to order at 12:15 PM and noted that a quorum was present.

Board Present: Rick Washburn, Charles Hamrick, Mike Royster, Scott Bankhead, Jim Martin, Mark Carter, Jeff Aderholt, and Greg Taylor

Staff Present: Walt Scharer (Planning Director), Darin Hallman (Planner), and Alan Toney (Planner)

Applicants Present: Spencer Borders

Item 2. Approval of the Minutes for the December 20, 2018 meeting

Vice-Chair Washburn asked if there were any questions or comments about the January 17, 2019 minutes. The minutes were approved as submitted.

Item 3. Proposed Zoning Map Amendment 103 T.R. Harris Boulevard and the Corner of Fallston Road

Mr. Toney presented this proposed zoning map amendment. The subject properties are zoned CPD. The subject property currently has a 1-story brick building and a vacant lot on the 89,954 total square feet properties. The applicant wishes to build off-street parking and expand upon the current 1-story building. Other land uses in the area include single-family dwellings, various commercial uses, and institutional uses.

The CPD Corridor Protection District has as its major objectives to promote sensitive conversion of vacant land to more urban uses; support development that is compatible with and enhance the visual attractiveness of the area; promote well-planned, economically viable development; ensure safe and efficient traffic flow; and avoid uncoordinated, strip development patterns. Residential uses are permitted at the same density and according to the same dimensional requirements as the R6 Residential District.

The GB-CU District is established as a district in which to accommodate a wide range of retail; business, professional, and personal services; office; and limited wholesale and warehousing uses. Areas zoned as GB are generally located on the fringe of the central business district and along major highway corridors. Residential uses are permitted at the same density and according to the same dimensional requirements as the R6 Residential District. The Conditional Use for these properties would be off-street parking and an adult day care.

A discussion of the site plan amongst the board members, Mr. Borders, and staff occurred.

It was noted the site plan attempts to satisfy the spirit of the CPD Zoning District.

This amendment is consistent with the City’s Comprehensive Land Use Plan.

Motion: Mr. Carter made the motion to recommend approval of this proposed zoning map amendment from CPD to GB-CU.

Second: Mr. Royster. **Action:** This motion passed unanimously.

Item 4 Proposed Zoning Map Amendment 1700 Block of Charles Road

Mr. Toney presented this proposed zoning map amendment. The subject property is currently zoned R10. The subject property is currently undeveloped and approximately 4.22 acres in area. Other land uses in the area includes single-family residential, assisted living facilities, and institutional uses.

The R10 Residential District is primarily intended to accommodate low density moderate density single-family detached swellings and modular homes at a maximum density of approximately 4 dwellings units per gross acre. Public water and sewer service is generally available in areas zoned as R10. Nonresidential uses permitted within this district include customary accessory, recreational, educational, and institutional land uses that are compatible with the low-density residential character of the R10 district.

The RO Residential-Office District is primarily intended to accommodate high-density multifamily residences; offices; public and institutional; business, professional, and personal services; and limited support retail businesses. Permitted residential uses include single-family detached dwellings, modular homes, apartments, townhomes, and condominiums.

This amendment is inconsistent with the land use plan.

Motion: Mr. Hamrick made the motion to recommend disapproval of this proposed zoning map amendment from R10 to RO.

Second: Mr. Aderholt **Action:** This motion passed unanimously.

Item 5 **Announcements**

Mr. Scharer reviewed ongoing and upcoming streetscape work.

Item 6. **Motion to adjourn.**

Vice-Chair Washburn adjourned the meeting at 12:45 pm.

**NOTICE OF PUBLIC HEARING
APPLICATION #: 1100-2019
SPECIAL USE PERMIT**

The City Council of Shelby, North Carolina will conduct a public hearing during its regular meeting at 6:00 p.m., Monday, March 18, 2019 in the City Council Chambers, City Hall located at 300 South Washington Street, Shelby, North Carolina. City Council will consider a special use permit for a property located at 101 T.R Harris and Fallston Road and 103 T.R. Harris to allow off street parking and a life enrichment center. Said area of consideration is more fully described as Cleveland County Parcel Identification Numbers 26837 & 48432.

A more detailed description and map of this property are available for public inspection in the Planning and Development Services Department located at 315 South Lafayette Street, Shelby, North Carolina, during regular business hours, 8:00 AM until 5:00 PM. Also, you can call (704) 484-6829 for more information.

Persons interested in being heard on this matter are invited to comment on the proposed rezoning 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.

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

The Shelby Star:

Please publish this notice as a legal line ad on TUESDAY, MARCH 5, 2019 and repeat the same ad on TUESDAY, MARCH 12, 2019.

Mail invoices with affidavits to Walt Scharer, City of Shelby, PO Box 207, Shelby, NC 28151. Thank you.

RESOLUTION NO. 21-2019

**A RESOLUTION GRANTING A SPECIAL USE PERMIT
TO SENIOR TOTAL LIFE CARE INC.
101 T.R. HARRIS & FALLSTON ROAD & 103 T.R HARRIS**

WHEREAS, the City of Shelby has received an application requesting a Special Use Permit for property located within the City or its area of Extraterritorial Jurisdiction; and,

WHEREAS, the Staff has reviewed said application for a special use zoning permit and has made its findings and recommendations to City Council; and

WHEREAS, Section 4-7.2 of the City of Shelby Unified Development Ordinance authorizes the establishment of “special use permit” as a means by which special conditions can be imposed on the use of property to assure compliance with the Unified Development Ordinance, promote the welfare of adjacent property owners and the protection of the general public interest; and

WHEREAS, in accordance with GS 160A-364, the City Council has considered a special use permit request by Senior Total Life Care, Inc. in a public hearing on this date following quasi-judicial hearing procedures as outlined in Section 4-7.2 of the City of Shelby Unified Development Ordinance; and

WHEREAS, after hearing all who wished to present testimony on this special use permit request and consideration of the facts presented in this cause, the Council made the Findings of Fact and Conclusions of Law which are stated on Attachment “A” which is incorporated herein by this reference.

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

Section 1. In accordance with Chapter 160A, Article 19 of the North Carolina General Statutes, as amended, the City of Shelby may approve a Special Use Zoning Permit according to the requirements of the Unified Development Ordinance (Appendix A of the Shelby City Code) at 101 T.R. Harris and Fallston Road and 103 T.R. Harris. Lying within the City of Shelby in the General Business Conditional Use District (GB-CU). Said area is more fully described as follows; PIN #'s 26837 & 48432.

Section 2. In accordance with Section 4-7.7 of the City of Shelby Unified Development Ordinance, a Special Use Zoning Permit is hereby granted to Senior Total Life Care, Inc. for construction of off street parking and a life enrichment center. The terms and conditions of such permit are stated in Attachment, "A" which is attached hereto and incorporated herein by this reference.

Section 3. The City Clerk of the City of Shelby is hereby authorized and directed to cause resolution and recording of this Special Use Zoning Permit with the Cleveland County Register of Deeds.

Section 4. This Special Use Zoning Permit shall become effective upon its adoption and approval.

ADOPTED AND APPROVED this the 18th day of March 2019.

O. Stanhope Anthony III
Mayor

ATTEST:

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

APPROVED AS TO FORM:

Robert W. Yelton
City Attorney

ATTACHMENT "A"

Prepared by and return to the City of Shelby, PO Box 207 Shelby, North Carolina 28151

NORTH CAROLINA

FILE #: 1100

CLEVELAND COUNTY

**THE CITY OF SHELBY, NORTH CAROLINA
SPECIAL USE ZONING PERMIT**

On the date(s) listed below, the City Council of the City of Shelby met and held a public hearing to consider the following application:

Record Owner(s): Senior Total Life Care Inc.

Property Location: 101 T.R. Harris and Fallston Road & 103 T.R. Harris

Tax Map, Block, and Lot#: PIN# 26837 & 48432

Deed Reference: **BOOK** 1556, **PAGE** 1287 **Acreage:** 1.313 acres

Deed Reference: **BOOK** 1735, **PAGE** 0419 **Acreage:** .75 acres

Type and Intensity of Use: Off Street Parking and a Life Enrichment Center

Meeting Date(s): March 18, 2019

Approval Date: March 18, 2019

SECTION 1. FINDINGS: Having heard all of the evidence and arguments presented at the hearing, the City Council, at its regular meeting, finds and determines that the application is complete, and subject to the conditions imposed below, the following findings are made:

1. The applicant for the property submitted the required application and site plan for special use permit; and
2. According to Article 9-3-1, Life Enrichment Centers and off street parking is permitted in the GB Zoning District with a Special Use permit issued by City Council; and
3. The subject parcel lies within the City of Shelby fronting at Fallston Road and T.R. Harris in the General Business Conditional Use (GB-CU); and
4. Land Use in the surrounding area is a mixture of commercial, residential, and institutional uses; and
5. The Comprehensive Land Use Plan designates this area as a Low Density Residential Area; and
6. The petitioner has declared that the intended use of the property is for a life enrichment center and off street parking; and

7. Other than what is shown on the site plan, no other changes to the site are planned; and
8. To the best of staff's knowledge, no non-conformities currently exist on the property and none will be created by the requested special use permit; and
9. The use will not materially endanger the public health or safety if located where proposed and developed according to the plan; and
10. The use will not substantially injure the value of adjoining or abutting property; and
11. The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Comprehensive Land Use Plan.

SECTION 2. CONDITIONS: Now, therefore, the application to make use of the above-described property for the purpose indicated is hereby approved and granted, subject to all applicable provisions of the Unified Development Ordinance, Sections 3 and 4 of this permit, and the following special condition(s), which the City Council finds to be in the public interest:

1. The development of the tract shall proceed in conformity to all plans and design features submitted as part of the special use permit application and kept on file by the City of Shelby Planning Services Department; and
2. In accordance with the 2007 City of Shelby Comprehensive Pedestrian Plan, the 2015 City of Shelby Comprehensive Land Use Plan, the Comprehensive Transportation Plan for Gaston- Cleveland-Lincoln Metropolitan Planning Organization, and Carolina Thread Trail Master Plan for Cleveland County Communities, the developer shall provide Recreation Easements for a Greenway along the Hickory Creek and Hickory Creek Tributary.

SECTION 3. VESTED RIGHTS. Approval of this permit confers upon the property the right to develop with the type and intensity of use as herein described and as shown on the approved site plan in accordance with section 4-15 of the Unified Development Ordinance.

SECTION 4. SEVERABILITY AND RECORDATION. Invalidation of any one or more of the conditions set forth herein shall not adversely affect the balance of said conditions, which shall remain in full force and effect. This permit shall become null and void if not recorded in the office of the Register of Deeds, Cleveland County, North Carolina, on or before April 19, 2019.

O. Stanhope Anthony III
Mayor

ATTEST:

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

CERTIFICATE

I, Bernadette A. Parduski, the duly appointed, qualified, and City Clerk of the City of Shelby do hereby certify that the attached Extract from the Minutes of the Regular Meeting of the City Council of said City held on March 18, 2019 at 6:00 PM, is a true and correct copy of the original minutes of said meeting on file and of record in my office insofar as said original minutes relate to the matters in said attached extract. I further certify that the copy of the special use zoning permit appearing in said attached Extract is a true and correct copy of said permit adopted at said meeting and on file and of record in my office.

IN WITNESS THEREOF I have hereunto set my hand and official seal of the City of Shelby on this the ____ day of _____, 2019.

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

(City Seal)

_____, appointed agent of the subject property, do hereby acknowledge receipt of this special use zoning permit and agree to the conditions stated within. I further acknowledge that no work may be done pursuant to this permit except in accordance with all of its conditions and requirements and that this restriction shall be binding upon me and my successors in interest and shall run with the land in perpetuity.

ATTEST:

SENIOR TOTAL LIFE CARE, INC.

City of Shelby
Agenda Item Summary
March 18, 2019
City Hall Council Chamber

E. 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: E-1

- 1) Approval of the Minutes of the Special Meeting of February 2, 2019

Consent Agenda Item: (Bernadette Parduski, City Clerk)

Summary of Available Information:

Please read and offer changes as you deem necessary.

- Minutes of the Special Meeting of February 2, 2019.

City Manager's Recommendation / Comments

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

MINUTES

Special Meeting

February 2, 2019

Shelby-Cleveland County Regional Airport Terminal Building Saturday, 8:00 a.m.

Present: Mayor O. Stanhope Anthony III, presiding; Council Members Eric, B. Hendrick, David W. White, David Causby, Violet Arth Dukes, Charles Webber, Dicky Amaya; City Manager Rick Howell, ICMA-CM, City Clerk Bernadette A. Parduski, NC-CMC, IIMC-MMC, Director of Finance Justin S. Merritt, MPA, Assistant Director of Finance Elizabeth B. (Beth) Beam, CPA 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, Director of Public Works Daniel C. (Danny) Darst, Jr., Director of Parks and Recreation Charlie Holtzclaw, Director of Housing Bryan T. Howell, and Director of Planning Services and Development Services Walter (Walt) Scharer, AICP

Mayor Anthony called the meeting to order at 8:27 a.m. and welcomed all who were in attendance. Guests included Executive Director Audrey Whetten and President-Elect David Royster IV, representing Uptown Shelby Association and its Board of Directors, respectively.

Mr. Howell provided an overview of the day:

- 2018 in Review, highlighting accomplishments
- What's ahead for 2019-2020, highlighting ongoing projects and initiatives
- Goals, Objectives, and Action Items status and update
- Mid-year Fiscal Year 2018-2019 Budget and Financial Report
- Fiscal Year 2019-2020 Preliminary Budget Assumptions
- Discussion of Council Priorities

ENERGY SERVICES – Electric and Natural Gas

LED (Light Emitting Diode) STREET LIGHTING UPGRADES

Mrs. McMurry described the project which includes replacing high pressure sodium street lights with LED street lights. The locations included West Marion Street from Dekalb Street to Highway 74, Graham Street from Gold Street to the end of East Graham Street, Morgan Street from Graham Street to Grover Street, and the Broad, Shannonhouse, Dodd, and Ramblewood area.

ADDITIONAL CIRCUIT IN SUBSTATION 11

Mrs. McMurry described the project which created an additional circuit feeding from Substation 11 to the Foothills Commerce Center, providing more reliable power to industries in the Commerce Center. The original circuit also fed into the City.

HANNA PARK ELECTRIC EXTENSION

Mrs. McMurry described the project as the construction of approximately 4,000 feet of 15kv underground distribution line along Tom Dedmon Road and McBrayer Springs Road to the park property as well as electric service within the park.

CABLE REPLACEMENT PROJECTS

Mrs. McMurry described the project as replacing underground electric lines due to age and outages. The locations included Elmwood subdivision, Fire Station 2, White Oak Manor, and Shelby High School.

NATURAL GAS LINE REHABILITATION

Mrs. McMurry described the project as the replacement of 1955 natural gas steel pipe. The locations included West Marion Street, Broad, Jackson, Wilmouth, Ford, Morgan, and Hillcrest.

FARMVILLE/CHATFIELD NATURAL GAS LOOP, CLEARWATER SERVICE AND METER SET AND WASHBURN SWITCH ROAD RELOCATION

Mrs. McMurry described the project which included relocation of the gas line along Washburn Switch Road, installation of a 6-inch steel gas line along Chatfield Road from Polkville Road to Farmville Road and along Farmville Road to newly constructed Leadership Drive into the Clearwater facility. It also included a service line into the Clearwater facility and a meter set to serve the facility.

UPCOMING PROJECTS

On the Natural Gas side, Mrs. McMurry discussed:

- Mafic extension
- Vale/Kenmore gas line replacement

- Bypass C Section completion
- Bypass D Section relocations
- Peach Street, Marion Street, and Cherryville Road relocation
- Direct Current Voltage Gradient (DCVG) survey of 1955 400 lb. line

On the Electric side, Mrs. McMurry discussed:

- Joe's Lake Road relocation
- Peach Street, Marion Street, and Cherryville Road relocation
- Underground Cable Replacement – Patton Drive, Pinkney Street, and Second Baptist Church
- Generator Switchgear Upgrades at Shelby High School
- Substation Equipment Upgrades at Station 10
- Copper Line Replacement at Circuit 10-4

WATER RESOURCES – Water Treatment Plant, Water Distribution System, Wastewater Treatment Plant, and Wastewater Collection System

Mr. Hux discussed 2019-2020 ongoing projects and initiatives:

- Complete projects related to Clearwater expansion
- Begin construction of Water Plant Upgrades
- Begin construction of Wastewater Plant Biosolids Handling Upgrades
- Continue to conduct sewer inflow and infiltration sources
- Continue water and sewer rehabilitation
- North Carolina Department of Transportation Relocation Projects: Bypass relocation R2707D, Peach Street and Marion Street interchange, and Joe's Lake Road and South Post Road

Mr. Hux described the GROVER MORGAN WATERLINE PROJECT which included the installation of new 24 inch waterline from Water Treatment Plant to Marion Street, abandoning the 16 inch waterline through the Sunset Cemetery, increasing the size of waterline for future flows, with a long-term goal of running 24 inch water lines to elevated storage tanks.

Mr. Hux described the HANNA PARK SEWER LIFT STATION PROJECT which was constructed for sewer service to Hanna Park and located to serve the Ross Grove area with public sewer extensions.

With regard to the UPTOWN WATER AND SEWER PROJECT, Mr. Hux described the connection of the new waterline at Marion Street and the loop through the Court Square on Marion Street from Morgan Street to Washington Street, on Lafayette Street from Sumter Street to Graham Street, on Warren Street from

Lafayette Street to Washington Street, and on Washington Street from Marion Street to Graham Street. He also described the replacement of sewer on Marion Street from Morgan Street to Dekalb Street, on Washington Street from Warren Street to Graham Street, and on Lafayette Street from Warren Street to Graham Street.

The focus of the Project included:

- Improved fire protection
- Installation of meters on unmetered services
- Replacement of galvanized services
- Replacement of sewer services
- Future connections for redevelopment of empty buildings
- Limit cuts to travel lanes

Mr. Hux described the **FARMVILLE ROAD WATERLINE AND BOOSTER STATION** with the installation of new 24 inch waterline from the Water Treatment Plant to Washburn Switch Road via Chatfield Road and Farmville Road and included a new booster pump station with two pumps. The project met the capacity for water demand from the Clearwater expansion.

Mr. Hux described the **FARMVILLE ROAD TANK PROJECT** as a 750,000 gallon elevated storage tank which provides system capacity for increased daily demand and fire protection.

Mr. Hux described the **WESTSIDE GRAVITY SEWER** as a 24 inch parallel sewer from Clearwater Paper to Crest High school.

Mr. Hux described the **WESTSIDE LIFT STATION UPGRADES** as an additional pump installed with piping modifications and electrical work.

Mr. Hux described the **WESTSIDE FORCE MAIN UPGRADES** as the installation of a parallel 16 inch force main at Sam Lattimore Road and College Avenue to the First Broad River Wastewater Treatment Plant.

Mr. Hux described the **FIRST BROAD WASTEWATER TREATMENT PLANT INFLUENT AND PRELIMINARY TREATMENT PROJECT** which includes new headworks (new screening and grit removal) designed for peak flows, pump station upgrades (increased capacity for peak flows 16.0 MGD TO 22.5 MGD), replacement of electrical gear and installation of a new back-up generator, and a new 30 inch force main to top of hill with a new splitter box.

Mr. Hux described the **WATER TREATMENT PLANT UPGRADES** to replace

existing clear wells, new finished water pump station, filter valve replacements, sedimentation basin repairs, and replacement windows and building ventilation.

Mr. Hux described the **WASTEWATER TREATMENT PLANT BIOSOLIDS IMPROVEMENTS PROJECT** with upgrades to address the deterioration for Compost Facility, for long-term treatment capacity, and the installation of a new digester complex with dewatering and storage facility.

Mr. Hux reviewed the completed water and sewer projects:

- **Gidney Street – sewer services to Habitat**
- **Lawndale Drive and Lattimore Street – water looping for water quality**
- **Mark Drive for both water and sewer rehabilitation**

Mayor Anthony declared a recess at 9:34 a.m. and reconvened the meeting at 9:47 a.m.

ENGINEERING SERVICES – Airport and Stormwater

Mr. Yarboro began his presentation with the projects completed at the airport during the past year:

He described the **RUNWAY OVERLAY PROJECT** as follows:

- **Repaired existing cracks in asphalt via routing, filling, etc.**
- **Completed a 2-inch asphalt overlay on the runway**
- **Reflective pavement markings installed in accordance with Federal Aviation Administration standards; this increased visibility and directly improves the safety of all approaching aircraft**
- **Additional asphalt thickness allows the airport to accommodate larger corporate aircraft and prevents asphalt damage from these heavier aircraft**
- **The new asphalt surface will greatly reduce the occurrence of aggregate breaking loose from the cracks in the existing asphalt, reducing the major concern of foreign object debris striking aircraft.**

Mr. Yarboro noted this project will add approximately 15 to 20 years to the life expectancy of the pavement, stating the runway is the backbone of the airport.

Mr. Yarboro described the **T-HANGAR CONSTRUCTION PROJECT** as follows:

- **Grading site for four T-Hangar buildings**
- **Construction of two 10-unit T-Hangar buildings**

- Asphalt taxi-lane connectors
- Water and sewer extensions to serve building
- Contract awarded to Anson Contractors – November 2018
- Cost for site preparation – \$2.26 million
- Cost for two 10-unit hangars – \$1.07 million

He noted the airport's capacity to house aircraft increases from 45 to 65 with this project. Mr. Howell added this project also increases the possibility of attaining the goal of making the airport self-sustaining. The next project on the horizon will be the updating of the Airport Layout Plan to add new projects allowing for grant funding approval.

Next, Mr. Yarboro described the **FALLEN HERO MEMORIAL PARK PROJECT** as follows:

- Purpose – to utilize construction of hardscape and landscape features to create a dedicated space to memorialize the Fallen Heroes.
- Completed to date: Demolition, grading, columns, and sidewalks
- Project elements to be included: Bubbler fountain, paver plaza, monument, decorative fencing, landscaping pavers, and lighting improvements

Discussion also included weather delays and the solicitation of donations, donor challenges to raise funds, and grants to finance this project are almost complete.

Mr. Yarboro described the **CITY OF SHELBY GATEWAY PROJECT** as follows:

- The project scope included and has been completed: Removal of wooden poles, cables, and old traffic signals; installation of decorative mast arms with new traffic signals, detection sensors, and controls; intersection lighting; stamped concrete monolithic islands; and landscaping.

Discussion also included the installation of the City's gateway sign at this intersection (East Marion Street and East Dixon Boulevard/US 74 Bypass) and the North Carolina Department of Transportation's Corridor Safety Review Project of the frontage road.

Mr. Yarboro described the **STORMWATER SYSTEM MAINTENANCE PROJECTS** as follows:

Culvert Replacements

- Sumter Street culvert replacement (*Emergency*)
- Broad Street pipe replacements for resurfacing
- Mark Drive two culvert replacements for resurfacing
- Grover Street – Housing funding
- Logan Street – Housing funding
- Logan Street – System within right-of-way
- Lawndale Street culvert replacement
- Brookwood culvert replacement
- Lynhurst Lane pipe replacement
- Ridgeview Drive culvert replacement

Culvert Repairs

- Westover Terrace culvert lining
- Blanton Street culvert lining
- Carolina Avenue culvert repair (*Emergency*)
- Briarcliff Road culvert lining
- East Main Street culvert lining
- Kingsbury Street culvert lining

Mr. Yarboro stated staff has placed a high priority on coordinating all City utility and planning projects ahead of paving projects making asphalt the last phase of each project. He also mentioned the City's Stormwater Infrastructure Assistance Program assists property owners with the costs of repairing and/or replacing stormwater infrastructure causing stormwater issues on their private property. The City does not have maintenance responsibilities outside of the public rights-of-way. However, the Stormwater Infrastructure Assistance Program requires that funding for such projects in excess of \$10,000 shall be presented to City Council for consideration before awarding contracts.

HANNA PARK SITE GRADING PROJECT

As background information, Mr. Howell stated the City of Shelby owns approximately 81 acres of property located at 1655 McBrayer Springs Road. The southern portion of this property was recently developed by the City to establish Hanna Park. The northern portion of this property is currently undeveloped. The northern property line of this property adjoins the future US 74 Bypass right-of-way. The contractor for this section of the North Carolina Department of Transportation US 74 Bypass project (R-2707C) is E.S. Wagner Co., LLC. As the bypass is graded in this general area, there will be large amounts of excess soil generated. As the contractor was reviewing properties in the vicinity for potential sites to dispose of this soil, the City of Shelby was contacted regarding the possibility of a grading project at 1655 McBrayer Springs Road.

Next, Mr. Yarboro added that E.S Wagner Co., LLC has prepared a proposal for a grading project that will be mutually beneficial to both the City of Shelby and E.S. Wagner. This proposed project consists of placing approximately 335,000 cubic yards of soil within approximately 11 acres on the northern portion of the property at 1655 McBrayer Springs Road. E.S. Wagner was instructed that the plans shall result in the final graded area being suitable for future recreational fields. It is important to note that the City of Shelby will not incur any expenses related to the design, permitting, or construction associated with this project.

Mr. Yarboro further stated the final proposal also meets the following additional requirements:

- Grading must create large, usable pads for recreational purposes
- Terraced final grade for maintenance and aesthetics, rather than a single large fill slope
- Soil imported on site shall not be contaminated or create other environmental issues
- Soil imported on site shall be suitable backfill void of large quantities of organics
- 95 percent compaction is required based on unknown future uses
- Top soil shall be placed on final grade to ensure a smooth maintainable surface
- Positive water drainage must be provided away from the maintenance building, overflow parking, and pedestrian trail
- Disturbance to wooded areas shall be minimized
- Dust control must be provided
- 3:1 maximum slopes to match recreation project on south side of the property
- Permanent slope drains shall be installed
- One-year warranty period upon completion where stabilization can be fully established and drainage verified
- A hold harmless agreement must be executed and the City added as additional insured to contractor's insurance

Both Mr. Howell and Mr. Yarboro concluded the proposed grading plan has been reviewed by City staff and determined to be beneficial to the City as it has been designed in a manner that will allow this area to be utilized for recreational purposes in the future.

PARKS & RECREATION – City Park, Holly Oak Park, Hanna Park, and Cemeteries

Mr. Holtzclaw presented the year, 2018, in review and highlighted the following accomplishments through a series of images, chronicling the construction projects at:

- Hanna Park
- All Aboard Playground at City Park
- Holly Oak Park improvements and new playground

Discussion included the renovation of the swimming pool at City Park.

PUBLIC SAFETY

Police Chief Ledford summarized operations at the Police Department Headquarters and the 911 Center Addition. He noted the 911 Center serves as backup communications for Cleveland County and Kings Mountain and provides backup services to Rutherford and Burke Counties. The Chief added most positive aspect since moving into these new facilities is an increase in the number of tours requested by the community.

Next, Police Chief Ledford presented the crime data which represents all Part 1 Crimes that were reported in Shelby. These are the same statistics that are reported to the Federal Bureau of Investigation (FBI) for publication.

The Chief stated when the year began, the Shelby Police Department's focus was twofold: Reduce crime and improve our neighborhoods where crime is most prevalent. Through programs such as CrimeStat and Problem Solving, the Shelby Police Department was able to address those areas most prone to criminal activity. The department then was able to reduce crime in Shelby to the lowest in its history. While seeing an extraordinary reduction, Police Chief Ledford said keep in mind that the Police Department cannot celebrate and think the battle is over. They must continue to address crime in a proactive manner, work with their law enforcement partners and the District Attorney's Office, build relationships with the community members, and above all continue to identify strategies to reduce recidivism. The staff has worked hard this year to be more visible in the communities and to build relationships with the good people in the City. This is working due to getting more tips on crimes and an increased volume of calls coming into the department. The Chief said when people trust you, they will call upon you more. That is a true sign that the community policing model is working. Chief Ledford concluded by stating the department's methods are constantly changing just as crime trends do.

FIRE AND RESCUE DEPARTMENT

Fire Chief Hunt presented the year, 2018, in review and highlighted the following accomplishments:

HEAVY RESCUE TRUCK REPLACEMENT OF 2018

- Represents both an investment in the truck and the equipment
- Recently placed in service in 2019 and housed at Station 1
- Provides a higher level of delivering services to residents, guests, and industry
- The department has been certified as a heavy rescue provider

ISO NC DEPARTMENT OF INSURANCE RATING REVIEW OF 2019

Chief Hunt explained the Insurance Services Office (ISO) provides advisory services to insurance companies for underwriting risk and establishing insurance rates in communities. ISO evaluates municipal fire-protection efforts in communities throughout the United States. In each of those communities, ISO analyzes the relevant data using the Fire Suppression Rating Schedule (FSRS) and assigns a Public Protection Classification from 1 to 10. Class 1 generally represents superior property fire protection, and Class 10 indicates that the area's fire-suppression program does not meet ISO's minimum criteria. In North Carolina, the Office of the State Fire Marshal administers the program for ISO as the North Carolina Response Rating System in communities with populations less than 100,000. A community's protection class rating is among the factors used to determine local residential and commercial insurance rates. The Shelby Fire & Rescue Department is an ISO-4 rated municipal agency.

COMMISSION ON FIRE ACCREDITATION INTERNATIONAL (CFAI) REACCREDITATION

Chief Hunt explained CFAI voted to grant the Shelby Fire & Rescue Department accredited status in 2014. Accreditation is valid for a five-year period (2019). An annual compliance report is submitted. At the end of the five-year period, the Shelby Fire & Rescue Department will repeat the steps in the Candidate Agency process.

ECONOMIC DEVELOPMENT

Mr. Howell reviewed the economic development opportunities of 2018 as follows:

- The sale of the 201 West Marion Street property to TGS Engineering for their offices, redevelopment, and public purpose

- The agreement with Cleveland County to fund and build the Job Ready Shell Building No. 3 at Foothills Commerce Center
- The completion of the Clearwater Paper Site 2 expansion with the City's contractual obligations met in February 2019 and plant operations to begin at the end of March 2019
- State of North Carolina Site Recertification for Foothills Commerce Center
- Rail Trail Corridor Acquisition – The City's offer was submitted through the Conservation Fund, awaiting one final approval from Norfolk Southern Corporation

Mayor Anthony declared a recess at 11:40 a.m. for lunch and reconvened the meeting at 12:24 p.m.

GOALS, OBJECTIVES, AND ACTION ITEMS STATUS

Mr. Howell reviewed the action items under the categories: Appearance, Economic Development, Community Engagement, Quality of Life, Public Safety, and Organizational. He noted good progress has been made overall, however, several action items remain to be brought to fruition. These matters will be brought back to Council for discussion at a future meeting.

Mr. Howell recommended Council should consider a new set of Goals, Objectives, and Action Items at their next retreat in 2020.

MID-YEAR FISCAL YEAR 2018-2019 BUDGET AND FINANCIAL REPORT

Mr. Merritt provided a review of the City's Monthly Financial Summary of the Fiscal Year to date at December 2018, commenting as follows:

- **Current Property Tax Collection Budgeted and Collected** – The collection percentage is on track and currently the City has collected 82 percent of its budgeted number. Mr. Merritt expressed no concerns at this point.
- **Sales Tax Collection Budgeted and Collected** – The numbers reflected are from October 2018 and include 3 percent above on the year thus far. Mr. Merritt stated the State anticipates a growth rate above 3 percent in 2020. With regard to Cleveland County's sales tax distribution, the City will receive 12.57 percent in the current fiscal year. Next fiscal year the City will receive a minimum of 12.97 percent for 12 years as negotiated in the Economic Development Agreement between the City of Shelby and Cleveland County for the Clearwater Paper Corporation expansion.

- **Utility Sales Tax Distribution (formerly Utility Franchise Tax) – Mr. Merritt reported the City has received one quarterly distribution, slightly above budget. Overall, he noted the local distribution levels will not grow or change in the future due to a hold harmless provision keeping local distribution levels at the amounts received during Fiscal Year 2013-2014.**
- **Solid Waste Fees Budgeted and Collected – Mr. Merritt reported the City has collected 50 percent of its budgeted fees. He mentioned Cleveland County is proposing a 15 percent rate increase in their landfill tipping fees (from \$43/ton to \$49.45/ton) for municipal solid waste and yard waste which will have to be factored into the City’s rate adjustment.**
- **Recycling Fees Budgets and Collected – Mr. Merritt reported fees are slightly ahead of budget at 53 percent. Contract negotiations with Republic Waste Services will be begin shortly and will include both pricing and restrictions. It is anticipated the price per cart could change dramatically and cause a serious evaluation of the cost effectiveness of the program, based on the current challenges in the recycling industry.**
- **General Fund Debt Service – Mr. Merritt noted approximately \$106,000 of debt will retire in 2019. He mentioned installment purchase contracts are 59-month borrowings for the City’s purchase of items such as vehicles and capital equipment.**
- **General Fund Expenditures by Division – Mr. Merritt explained these accounts represent departmental expense budgets. The overall percentage spent for the year is 47.88 percent with exceptions for various insurance payments, contracts, and fees the City pays in July plus carryover purchase orders.**
- **Powell Bill Fund Debt Service – Mr. Merritt reviewed the installment purchase contracts and debt, noting Powell Bill Fund Debt Service is similar to General Fund Debt Service.**
- **Water Revenue Budget – The City has collected its budgeted revenues through December 2018 just under target. The new Clearwater expansion usage has not been budgeted due to too many fluctuations in their numbers.**
- **Water Sales – Mr. Merritt noted higher usage in the summer months.**

- **Water Fund Debt Service – Mr. Merritt reviewed the revenue bonds and retiring debt, mentioning the addition of the Water Treatment Plant renovations when completed.**
- **Sewer Revenue Budget – Mr. Merritt reported the City has collected 50 percent of its budgeted revenues and is slightly ahead of target. The new Clearwater expansion usage has not been budgeted due to too many fluctuations in their numbers.**
- **Sewer Fund Debt Service – Approximately \$102,000 has been retired from the Sewer Fund, mentioning the addition of the Compost Facility Upgrade Project and Wastewater Treatment Plant Biosolids Improvements Project when completed.**
- **Electric Revenues, Expenses, and Margin Budgets – Mr. Merritt commented all electric funds are following trends and doing relatively well.**
- **The Electric Fund Debt Service – Mr. Merritt reported no major debt is being added and remaining debt is steady through 2029.**
- **Gas Revenues, Expenses, and Margin Budgets – Mr. Merritt reported overall slightly ahead of margin and the expenses are holding on target. The next few months will be determined by weather conditions.**
- **Gas Fund Debt Service – Mr. Merritt commented no major debt added or retired.**
- **Utility Funds Expenditures by Department – Mr. Merritt commented the figures reflect the total expenditures for current fiscal year in the water, sewer, electric, and natural gas funds, holding steady to date.**

Lastly, Mr. Merritt provided the information for weather variances related to rain, heating degree days, and cooling degree days for fiscal year to date at December 31, 2018 for reference.

FISCAL YEAR 2019-2020 PRELIMINARY BUDGET ASSUMPTIONS

Mr. Howell presented and discussed the following:

Under General Fund:

- **No tax rate increase – The City is awaiting Clearwater Paper and Mafic**

plant expansions to go online, adding to property tax revenue and collections

- No increases in fees and charges
- Sales tax growth – The City will receive a minimum of 12.97 percent in FY 2019-2020), a conservative number which may be slightly higher
- Utility sales tax distribution will be flat – Effective July 2014, the utility franchise tax was eliminated on sales of electricity and piped natural gas. A percentage of the proceeds from the sales are returned to municipalities from the State based on a formula instituted by the North Carolina General Assembly. This revenue is capped with no growth for local distribution levels.
- Implement Year 2 of Pay and Classification Plan – To relieve wage compression for City employees with a cost of living allowance and a years' of service component
- Group health insurance increase of approximately 5 percent – Percent of increase may be lower and will be finalized by the end of February 2019
- Installment financing of capital equipment and vehicles will be flat
- Recycling contract negotiations ongoing for 2020 renewal – Changes in the recycling industry are anticipated to affect the City's contract and program

CITY OF SHELBY 2018 ANNUAL LABOR FORCE STABILITY REPORT

Mrs. Jolly presented the City of Shelby Annual Labor Force Stability Report for fulltime employees and reviewed the 10-year turnover percentages, noting Calendar Year 2018 prior to the implementation of the Classification and Compensation Plan at 10.21 percent and after the implementation of the Classification and Compensation Plan after July 1 at 4.81 percent.

Next, Mrs. Jolly discussed separations by department totaling 50 employees of the City's 333 budgeted employees. The main reason for 36 of the 50 separations was higher pay. The separations by length of service greater than three years or non-retired employees totaled 23 of the 50.

Mrs. Jolly concluded by stressing the importance of the implementation and funding of Year 2 and Year 3 of the Classification and Compensation Plan in order to ensure compensation for employees is equitable and competitive in the labor market, to ensure that salary compression issues are addressed, and to aid in reducing employee turnover.

FISCAL YEAR 2019-2020 PRELIMINARY BUDGET ASSUMPTIONS

Mr. Howell presented and discussed the following:

Under Natural Gas Fund:

- No increase in the margin rate
- Clearwater Paper S1 (Site 1, current plant) qualifies and may opt to go on City's Transport Rate (similar to the agreement with PPG Industries) affecting overall system income of approximately \$1 million in net margin
- Implement Year 2 of Pay and Classification Plan
- Group health insurance increase of approximately 5 percent
- Installment financing of capital equipment and vehicles will be flat
- Completion of Natural Gas System Asset Management Plan
- Continue replacement of original 1955 system lines
- Preliminary planning for City utility service at new US Highway 74 Bypass interchanges (Washburn Switch Road, US Highway 226, NC Highway 18, and NC Highway 150) for future commercial growth

FISCAL YEAR 2019-2020 PRELIMINARY BUDGET ASSUMPTIONS

Mr. Howell presented and discussed the following:

Under Electric Fund:

- No increase in rate
- Load growth less than 1 percent
- Implement Year 2 of the Pay and Classification Plan
- Group health insurance increase of approximately 5 percent
- Installment financing of capital equipment and vehicles will be flat
- Continue implementation of Electric System Asset Management Plan
- Continue implementation of LED Street Light Replacement Program
- Preliminary planning for City utility service at new US Highway 74 Bypass interchanges (Washburn Switch Road, US Highway 226, NC Highway 18, and NC Highway 150) for future commercial growth

FISCAL YEAR 2019-2020 PRELIMINARY BUDGET ASSUMPTIONS

Mr. Howell presented and discussed the following:

Under Water Fund:

- No increase in rate
- Clearwater Paper S2 (Site 2) fully operational
- Implement Year 2 of the Pay and Classification Plan

- Group health insurance increase of approximately 5 percent
- Installment financing of capital equipment and vehicles will be flat
- Reduction of system improvements and capital outlay in operational budget
- Preliminary planning for City utility service at new US Highway 74 Bypass interchanges (Washburn Switch Road, US Highway 226, NC Highway 18, and NC Highway 150) for future commercial growth

FISCAL YEAR 2019-2020 PRELIMINARY BUDGET ASSUMPTIONS

Mr. Howell presented and discussed the following:

Under Sewer Fund:

- No increase in rate
- Clearwater Paper S2 (Site 2) fully operational
- Implement Year 2 of the Pay and Classification Plan
- Group health insurance increase of approximately 5 percent
- Installment financing of capital equipment and vehicles will be flat
- Reduction of system improvements and capital outlay in operational budget
- Preliminary planning for City utility service at new US Highway 74 Bypass interchanges (Washburn Switch Road, US Highway 226, NC Highway 18, and NC Highway 150) for future commercial growth

Mayor Anthony declared a recess at 1:45 p.m. and reconvened the meeting at 1:55 p.m.

ENTERPRISE FUNDS – Natural Gas and Electric

Mr. Howell presented the Natural Gas Fund Historic Financial and Operating Performance, including statements of revenue and expenses, from Fiscal Year 2010-2011 through 2017-2018. He explained the numbers utilized in this presentation are audited numbers and are taken from the City's Comprehensive Annual Financial Reports (CAFR).

Discussion included this is an enterprise fund which is not a continuous supply of money every year, it is weather dependent, reducing costs first and becoming less reliant on transfers, and consideration of maintaining a working capital of \$3.6 million plus additional money for long-term capital projects.

ENTERPRISE FUNDS – Electric Fund

Mr. Howell presented the Electric Fund Historic Financial and Operating Performance, including statements of revenue and expenses, from Fiscal Year 2010-2011 through 2017-2018. He explained the numbers utilized in this presentation are audited numbers and are taken from the City's Comprehensive Annual Financial Reports (CAFR).

Discussion included this is an enterprise fund which is less profitable than the Natural Gas Fund and the transfer is limited by the Local Government Commission to 3 percent of the value of the gross fixed assets of the electric system. The transfer is now at 3 percent.

Lastly, Mr. Howell mentioned the City's Natural Gas Industrial Firm Transportation Rate and the possibility of adding an additional customer.

DISCUSSION OF COUNCIL PRIORITIES

This discussion included the following items:

- Complete prior goals
- East gateway sign
- Dog park
- Uptown projects – status
- Possible annexation of Deerbrook subdivision
- Rail-Trail status and update
- Renovation of the City Park pool
- Adding other water features – near the Rail-Trail
- Update of the City's Comprehensive Parks and Recreation Master Plan
- Additional Christmas lights and decorations in Uptown Shelby
- A request and a plan for Uptown Shelby lighting every Friday and Saturday night in January, February, and March until 11:00 p.m.
- Increase population growth and build new housing stock in Shelby – Study and document
- Sidewalks – repair existing and add new construction; Americans with Disabilities Act (ADA) Transition Plan for public infrastructure
- Rebranding of the City – logo, etc.

The agenda and presentation including staff reports from the 2019 Shelby City Council Planning Retreat are hereby incorporated by reference and made a part of these Minutes.

ADJOURNMENT

ACTION TAKEN: Upon a motion made by Mr. Hendrick, City Council voted

unanimously to adjourn the meeting at 2:56 p.m.

Respectfully submitted,

Bernadette A. Parduski, NCCMC, MMC
City Clerk

O. Stanhope Anthony III
Mayor

Minutes of February 2, 2019

DRAFT

City of Shelby
Agenda Item Summary
March 18, 2019
City Hall Council Chamber

Agenda Item: E-2

2) Approval of the Minutes of the Regular Meeting of February 18, 2019

Consent Agenda Item: (Bernadette Parduski, City Clerk)

Summary of Available Information:

Please read and offer changes as you deem necessary.

- Minutes of the Regular Meeting of February 18, 2019.

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

February 18, 2019
Monday, 6:00 p.m.

Present: Mayor O. Stanhope Anthony III, presiding; Council Members Eric B. Hendrick, David W. White, David Causby, Violet Arth Dukes, Charles Webber, and Dicky Amaya; City Manager Rick Howell, ICMA-CM, City Clerk Bernadette A. Parduski, NC-CMC, IIMC-MMC, City Attorney Robert W. (Bob) Yelton, Assistant City Manager/Director of Finance Justin S. Merritt, MPA, Director of Human Resources Deborah C. (Deb) Jolly, Director of Energy Services Julie R. McMurry, Director of Engineering Services Benjamin (Ben) Yarboro, Police Chief Jeffrey H. (Jeff) Ledford, Fire Chief William P. Hunt, MPA, EFO, Director of Planning and Development Services Walter (Walt) Scharer, AICP; and Director of Cable Programming Greg Tillman of Cleveland Community College and The Video Factory

Mayor Anthony called the meeting to order at 6:00 p.m., welcomed all who were in attendance, and recognized Chair Susan Allen of the Cleveland County Board of Commissioners and Danny Blanton of the Cleveland County Board of Education. The Mayor gave the invocation and members of Boy Scout Troop 101 chartered through First Baptist Church led the *Pledge of Allegiance*.

A. Approval of agenda:

1) Motion to adopt the proposed agenda

Mr. White requested the addition of Item B-2 under Special Presentations as follows:

- Presentation of a Proclamation celebrating 2019 as the Year of Music in the City of Shelby, North Carolina

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

B. Special Presentations:

1) Presentation of a Proclamation declaring 2019, the Year of the American Legion and the American Legion Auxiliary

Mayor Anthony called upon American Legion Post 82 Commander Jim Quinlan. The Mayor formally read and presented the Proclamation declaring 2019, the Year of the American Legion and the American Legion Auxiliary to Commander Quinlan, commending the veterans of Post 82 for their military service and work in the community. Commander Quinlan recognized the officers and the honorably discharged veterans of Post 82 in attendance.

2) Presentation of a Proclamation celebrating 2019 as the Year of Music in the City of Shelby, North Carolina

Mayor Anthony called upon Audrey Whetten and Susan Allen. The Mayor formally read and presented the Proclamation celebrating 2019 as the Year of Music in the City of Shelby, North Carolina to both.

Miss Whetten provided the background information which brought about Governor Roy Cooper's proclamation proclaiming 2019 as the "Year of Music" in North Carolina. The proclamation was prompted by the "Oxford American" magazine, which published its annual Southern music issue, featuring and exploring the history and legacy of North Carolina music. "Come Hear North Carolina" is a promotional campaign of the North Carolina Department of Natural and Cultural Resources and the North Carolina Arts Council. It has also been undertaken by a group of Shelby and Cleveland County partners coordinating an initiative to celebrate the musical heritage, both past and present, of this community and to promote the community as a music destination even beyond 2019.

Mrs. Allen added the local initiative is in its early stages of development and will be unveiled in the very near future, noting Governor Cooper has done his part to promote Shelby and Cleveland County in the "Come Hear North Carolina"/"Come Hear Shelby" effort.

3) Uptown Shelby Association (USA) update – Audrey Whetten, Executive Director

Miss Whetten mentioned that she and a USA board member attended the recent City Council retreat, expressing her appreciation for the work the elected officials do on behalf of the community.

Referring to her handout, Miss Whetten reported her quarterly update included the following topics: News, on-going projects, and upcoming events.

Miss Whetten announced USA is accepting board member applications for the 2019-2022 term. Interested individuals can contact her directly to apply.

She also mentioned USA is finishing up with three major special projects:

- Public art piece on South Washington Street which will tie into the City's Streetscaping Project
- Installing alley festival lights between Glow Salon and Dragonfly Wine Market on Warren Street for a sense of safety and ambiance
- Completed a promotional video for release

With regard to on-going projects, Miss Whetten stated that USA is a partner in the "Come Hear North Carolina"/"Come Hear Shelby" project mentioned during the previous presentation.

With regard to upcoming events, Miss Whetten stated USA will partner with the Arts Council for a Spring Art Walk on April 25, 2019. USA will also partner with the Keep Shelby Beautiful Commission for Keep Shelby Beautiful Day on April 27, 2019.

Miss Whetten concluded her presentation by commending City staff for their dedication on the job and overall helpfulness.

Council received the information. No action was required.

- 4) City of Shelby 2018 Phase II Stormwater Annual Report Update – Ben Yarboro, Director of Engineering Services, and Tyler Brooks, Stormwater Technician

Mr. Howell introduced the subject matter of the presentation, stating the intent is to promote public awareness. Each year City staff must produce an annual Phase II Stormwater Report for regulatory agencies and public information. This presentation is not meant to be all inclusive but rather an outline to highlight the year's activities.

Next, Mr. Yarboro reviewed the evolution of Shelby's Phase II Stormwater Program, beginning with its designation as a Phase II Stormwater community in 2010 to receiving its Phase II Stormwater Permit in 2012. As part of this permit, Council adopted the City of Shelby Phase II Stormwater Ordinance in November 2013, outlining the requirements of the Phase II Stormwater Permit. This was a 5-year permit. In 2017, Mr. Yarboro added the permit was renewed effective February 1, 2018, which included new requirements as well as updated definitions. He stated his presentation will summarize and highlight the 2018 Annual Report which is intended to document Shelby's accomplishments in implementing the National Pollution Discharge Elimination System (NPDES) Permit and Comprehensive Stormwater Management Plan to the State of North Carolina.

Mr. Yarboro began by reviewing and defining stormwater as when rain falls, it creates runoff from impervious surfaces. This runoff is referred to as stormwater. As stormwater flows, it collects pollutants and stormwater runoff ends up in local streams, creeks, rivers, and lakes as untreated water.

Mr. Yarboro provided a state map of the NPDES Phase I/II Communities, Exempted Municipalities, and Tipped Counties with County-wide Post Construction. The legend depicted NPDES-exempt Phase II Municipalities and Extra-territorial jurisdictions (ETJs) as well as Phase II NPDES Entities. Shelby is designated as a NPDES Permitted Phase II MS4 (municipal separate storm sewer system).

Mr. Yarboro stated the Stormwater Program is composed of six management measures as defined in the NPDES Permit:

- Public Education and Outreach
- Public Participation and Involvement
- Illicit Discharge Detection and Elimination
- Construction Site Runoff/Control
- Post-construction Runoff Control
- Pollution Prevention/Good Housekeeping

Next, Mr. Brooks cited examples as follows:

GOAL 1 – Public Education and Outreach

The objective is to be a visible part of the community, promoting stormwater pollution prevention:

- Attended public events including 7th Inning Stretch Festival, Cleveland County Fair, etc.
- Distributed stormwater educational handouts, brochures, and posters at multiple public and private locations throughout the City
- Mailed bill inserts to the City's stormwater utility customers in March and October with a new insert in 2019
- Utilized the Enviroscape watershed model for school presentations and demonstrations
- Installed stormwater manhole covers to distinguish between the stormwater system and the sewer system and drain covers
- Designed a new stormwater logo

GOAL 2 – Public Involvement and Participation

- Established a stormwater hotline and e-mail address for citizens to get more information on stormwater and to report problems
- Partnered with Keep Shelby Beautiful Commission in seven litter sweeps
- Assisted Cleveland County in the Annual Household Hazardous Waste Collection Day
- Organized the Hickory Creek Tributary Clean-up at Palmer Park
- Supported the Broad River Alliance in its Annual Sarah Sweep
- Supported the Rotary Club's First Broad River Clean-up at Zion Church Road to Twin Trestle Trailhead

GOAL 3 – Illicit Discharge Detection and Elimination

- The Phase II Stormwater Ordinance provides legal authority to restrict illegal discharges such as oil, grease, chemicals, pesticides, and garbage; illicit connections; and provides conditions for cleaning up and preventing spills.
- Staff continues to inspect and verify the stormwater system map, which provides a tool for investigating illicit discharges and connections.
- Staff inspected 292 major outfalls.
- Since 2015, staff has identified 50 possible illicit discharges, connections, or dumping. In 2018, three were identified. To date, 24 of 50 issues were either resolved or considered closed out and addressed through public education.

Mr. Brooks discussed the equipment utilized by staff to inspect stormwater infrastructure.

Mr. Yarboro discussed the following:

Goal 4 – Construction Site Runoff Control

- Construction site runoff controls or erosion controls are delegated to the NCDEQ.
- Developers are required to submit a copy of an approved NCDEQ permit prior to beginning site work.

Goal 5 – Post-construction Runoff Control

- Projects that disturb more than 1 acre
- Low density less than 24 percent built-upon area (BUA)
- High density greater than 24 percent BUA
- High density requirements must comply with NCDEQ Stormwater

Design Manual

- The City has issued a total of 17 stormwater management permits: 11 high density permits, 5 low density permits, and 1 high/low density permit

Goal 6 – Pollution Prevention/Good Housekeeping for Municipal Operations

- Two street sweepers collected 700 tons of debris in 2018
- Two leaf vacuum trucks are operated for most of the year and four during peak leaf season; 4,800 tons of leaves and yard waste were collected
- 100 structures (catch basins and pipes) were cleaned utilizing the City's jet vacuum truck

Lastly, Mr. Yarboro reviewed common infrastructure issues and provided examples of street flooding through a series of photographs. He discussed stormwater infrastructure projects totaling \$608,911 in 2018. The stormwater system improvements included the new 36-inch Sumter Street culvert and the Ridgeview Drive culvert replacement. The Stormwater Infrastructure Assistance Program, adopted by Council in February 2016, for residential pays 80 percent by the City and 20 percent by the homeowner and for commercial pays 50 percent by both City and property owner. A total of 19 applications have been received since 2016 with 8 projects complete, 10 in progress or pending, and 3 resolved or did not proceed. The City funded approximately \$100,000 of these repairs.

Council received the information and took no action.

C. Public Comment:

- 1) Danny Blanton of the Cleveland County Board of Education spoke in support of a resolution supporting local control of school calendars adopted by the Cleveland County Board of Education, specifically:
 - To provide enough calendar flexibility to enable Cleveland County Schools to align their calendar with Cleveland Community College
 - To provide enough calendar flexibility to enable Cleveland County Schools to complete the first semester before Christmas break
 - To provide enough calendar flexibility for Cleveland County Schools to start school in time to complete the school year before Memorial Day

Mr. Blanton requested Council's full support of this resolution.

D. Public Hearings:

- 1) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina (2322 Kings Road Extension): Ordinance No. 12-2019**

Mr. Scharer introduced this proposed zoning map amendment for the subject property located at 2322 Kings Road Extension from Residential 10 (R10) Zoning District to General Business 2 (GB2) Zoning District. Utilizing a map of the area, Mr. Scharer pointed to the .747 acre site which has a single-family dwelling and an accessory structure currently owned by Kimberly Hunt. The owner/applicant wishes to erect a machine shop on the property. Mr. Scharer stated other land uses in the area include single-family dwellings and various commercial uses. He further stated the Shelby Comprehensive Land Use Plan for this area designates the site as a Corridor Revitalization Area. Land uses in such areas could include a mix of retail, office, and residential with higher intensity uses close to the intersection of major roads. He added the proposed zoning map amendment is consistent with the Shelby Comprehensive Land Use Plan.

Mr. Scharer concluded by stating the Planning and Zoning Board recommended approval of the proposed zoning map amendment for the property located at 2322 Kings Road Extension from Residential 10 (R10) Zoning District to General Business 2 (GB2) Zoning District.

Mayor Anthony opened the public hearing at 6:40 p.m. and invited comments from the public.

The public offered no comments and Mayor Anthony closed the public hearing at 6:41 p.m.

ACTION TAKEN: Upon a motion made by Mr. Amaya, City Council voted unanimously to approve and adopt Ordinance No. 12-2019 entitled, "A PROPOSED ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF SHELBY, NORTH CAROLINA".

- 2) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina (422 Carolina Avenue): Ordinance No. 13-2019**

Mr. Scharer introduced this proposed zoning map amendment for the subject property located at 422 Carolina Avenue from Residential 6 (R6) Zoning District to Residential-Office (RO) Zoning District. Utilizing a map of the area, Mr. Scharer pointed to 14 parcels totaling approximately 3.16 acres currently owned by Mt. Calvary Baptist Church. Land uses on these parcels include

the church, single-family dwellings, and associated parking for the church. The subject property has a large single-family dwelling and the applicant, Holland & Hamrick Architects, on behalf of the owner, wishes to convert the single-family dwelling into a professional service office. Other land uses in the area include single-family dwellings and commercial uses.

Mr. Scharer stated the Shelby Comprehensive Land Use Plan for this area designates the site as a Neighborhood Revitalization Area. Neighborhood revitalization areas are older, declining neighborhoods that need stabilization. These areas are predominately residential with a mix of housing types and densities. To support revitalization efforts, some additional complementary uses such as parks, churches, schools, and other community services could be allowed. Mr. Scharer further stated staff recognizes churches are permitted uses in both R6 and RO.

He added the proposed zoning map amendment is consistent with the Shelby Comprehensive Land Use Plan.

Mayor Anthony opened the public hearing at 6:42 p.m. and invited comments from the public.

The public offered no comments and Mayor Anthony closed the public hearing at 6:43 p.m.

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to approve and adopt Ordinance No. 13-2019 entitled, "A PROPOSED ORDINANCE AMENDING THE ZONING MAP 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 February 4, 2019
- 2) Approval of a resolution approving and accepting the revised City of Shelby Stormwater Quality Management Program: Resolution No. 16-2019
- 3) Adoption of an ordinance authorizing demolition of a dwelling: Ordinance No. 14-2019
- 4) Adoption of an ordinance establishing a capital project ordinance and budgets for the City of Shelby's Marion Street, Peach Street, and

**Cherryville Road Electric Line Infrastructure Relocation Project:
Ordinance No. 15-2019**

- 5) **City of Shelby's South Washington Street Streetscape Improvement Project:**
 - a. **Adoption of an ordinance establishing a capital project ordinance and budgets for the City of Shelby's South Washington Street Streetscape Improvement Project: Ordinance No. 16-2019**
 - b. **Approval of a resolution awarding the contract for the South Washington Street Streetscape Project: Resolution No. 17-2019**
- 6) **Approval of a resolution accepting the infrastructure constructed within the public right-of-way for Leadership Drive into the City of Shelby Street System: Resolution No. 18-2019**
- 7) **Approval of a resolution approving application to Watch For Me NC: Resolution No. 19-2019**
- 8) **Approval of Notice of Cancellation in the Regular Meeting Schedule of Shelby City Council**

END CONSENT AGENDA

F. Unfinished Business:

- 1) **Consideration of a resolution approving a grading project by E. S. Wagner Co., LLC on City-owned property at 1655 McBrayer Springs Road: Resolution No. 20-2019**

Mr. Howell introduced Resolution No. 20-2019 for Council's consideration. As previously presented at Council recent retreat, he stated the City of Shelby owns approximately 81 acres of property located at 1655 McBrayer Springs Road. The southern portion of this property was recently developed by the City to establish Hanna Park. The northern portion of this property is currently undeveloped. The northern property line of this property adjoins the future US 74 Bypass right-of-way. The contractor for this section of the North Carolina Department of Transportation US 74 Bypass project (R-2707C) is E.S. Wagner Co., LLC. As the bypass is graded in this general area, there will be large amounts of excess soil generated. As the contractor was reviewing properties in the vicinity for potential sites to dispose of this soil, the City of Shelby was contacted regarding the possibility of a grading project at 1655 McBrayer Springs Road.

Mr. Howell added that E.S Wagner Co., LLC has prepared a proposal for a grading project that will be mutually beneficial to both the City of Shelby and E.S. Wagner. This proposed project consists of placing approximately 335,000 cubic yards of soil within approximately 11 acres on the northern portion of the property at 1655 McBrayer Springs Road. E.S. Wagner was instructed that the plans shall result in the final graded area being suitable for future recreational fields. It is important to note that the City of Shelby will not incur any expenses related to the design, permitting, or construction associated with this project.

Both Mr. Howell and Mr. Yarboro determined the proposed grading plan to be beneficial to the City as it has been designed in a manner that will allow this area to be utilized for recreational purposes in the future and at a cost avoidance for taxpayers.

Mr. Howell recommended approval of the resolution approving and executing the plans and agreements for grading on a portion of 1655 McBrayer Springs Road by E. S. Wagner Co., LLC.

ACTION TAKEN: Upon a motion made by Mr. Amaya, City Council voted unanimously to approve and adopt Resolution No. 20-2019 entitled, “A RESOLUTION APPROVING A GRADING PROJECT BY E. S. WAGNER CO., LLC ON CITY-OWNED PROPERTY AT 1655 MCBRAYER SPRINGS ROAD”.

G. New Business: None

H. City Manager’s Report:

- 1) Mr. Howell informed Council of the possibility of securing additional grant funding for the City from the North Carolina Division of Aviation for a third T-hangar project at Shelby-Cleveland County Regional Airport.
- 2) As mentioned at the Council retreat, Mr. Howell anticipates moving forward in late spring 2019 with the preliminary engineering and financial planning for City utility services along the new US Highway 74 Bypass interchanges at Washburn Switch Road, US Highway 226, NC Highway 18, and NC Highway 150. The project will formulate a plan for the City to provide these services in anticipation of future development and growth.
- 3) Mr. Howell and Chief Ledford announced that two officers, Evan Ledford and Nicholas Marlow, have received their assignment orders from the National Guard for deployment in the very near future.
- 4) Mr. Howell announced the Cleveland County Chamber is hosting the Shelby State of the Community Breakfast on March 21, 2019 at 7:30 a.m.,

Don Gibson Theatre.

I. Council Announcements and Remarks:

1) Mayor Anthony made the following announcements:

- The American Legion Post 82 invited all to attend their Open House on March 17, 2019 from 2:00 p.m. to 5:00 p.m. at 1628 South Lafayette Street
- Save the date for Keep Shelby Beautiful Day scheduled for April 27, 2019 – details to follow

2) Mr. Amaya said he, his wife, and his visiting family members attended the Remembering Earl concert featuring Ronnie Milsap and Pam Tillis on February 16, 2019 and they thoroughly enjoyed the music, Uptown Shelby, and the post-show reception at the Earl Scruggs Center.

J. Closed Session:

1) To conduct the annual performance evaluation of the City Clerk pursuant to North Carolina General Statute 143.318.11 (a) (6)

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

Council returned to the regular session at 7:20 p.m.

K. Adjournment:

1) Motion to adjourn

ACTION TAKEN: Upon a motion made by Mr. Amaya, City Council voted unanimously to adjourn the meeting at 7:21 p.m.

Respectfully submitted,

Bernadette A. Parduski, NCCMC, MMC

City Clerk

**O. Stanhope Anthony III
Mayor**

Minutes of February 18, 2019

DRAFT

City of Shelby
Agenda Item Summary
March 18, 2019
City Hall Council Chamber

Agenda Item: E-3

- 3) Approval of a resolution approving the 2019 Local Government Agencies General Records Retention and Disposition Schedule recommended by the North Carolina Department of Natural and Cultural Resources: Resolution No. 22-2019

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

Summary of Available Information:

- Memorandum dated March 11, 2019 from Bernadette A. Parduski, City Clerk to Rick Howell, City Manager
- 2019 Local Government Agencies General Records Retention and Disposition Schedule
- Resolution No. 22-2019

City Manager's Recommendation / Comments

It is my recommendation Resolution No. 22-2019 be adopted and approved by City Council at this time via the Consent Agenda.

Memo

To: Rick Howell, City Manager

From: Bernadette A. Parduski, City Clerk

Date: March 11, 2019

Re: 2019 Local Government Agencies General Records Retention and Disposition Schedule

BACKGROUND:

The Department of Natural and Cultural Resources has provided the March 2019 updates to North Carolina Local Government Records Retention Schedule. The universal update covering General Records is taking the form of a General Local Records Retention Schedule. When adopted, it supersedes the following standards on all local schedules published prior to March 1, 2019:

- Administration and Management Records
- Budget, Fiscal, and Payroll Records
- Geographic Information System (GIS) Records
- Information Technology Records
- Legal Records
- Personnel Records
- Public Relations Records
- Risk Management Records
- Workforce Development Records

REVIEW:

The Local Government Agencies General Records Retention and Disposition Schedule document is a tool for City employees to use when managing the records in their offices. It lists records (record series) commonly found in our offices, and gives an assessment of their value (administrative, fiscal, legal, and/or historical) by indicating when, and if, those records should be destroyed. The Schedule is also an agreement between the City of Shelby and the Department of Natural and Cultural Resources. According to General Statutes, we may only destroy public records with the consent of the Department of Natural and Cultural

Resources. This Schedule is the primary way the Department of Natural and Cultural Resources gives its consent. Without approving a schedule, the City of Shelby is obligated to obtain permission to destroy any record, no matter how insignificant.

RECOMMENDATION:

It is recommended the attached resolution be adopted and approved to accept the Local Government Agencies General Records Retention and Deposition Schedule dated March 1, 2019 issued by North Carolina Department Natural and Cultural Resources, Division of Archives and Records, Government Records Section.

ATTACHMENTS:

1. Signature page to the Schedule and Executive Summary
2. General Records Schedule under separate cover
3. Resolution

2019 Local Government Agencies General Records Retention and Disposition Schedule

The records retention and disposition schedule and retention periods governing the records series listed herein are hereby approved. In accordance with the provisions of Chapters 121 and 132 of the *General Statutes of North Carolina*, it is agreed that the records do not and will not have further use or value for official business, research, or reference purposes after the respective retention periods specified herein and are authorized to be destroyed or otherwise disposed of by the agency or official having custody of them without further reference to or approval of either party to this agreement. The local government agency agrees to comply with 07 NCAC 04M .0510 when deciding on a method of destruction. Confidential records will be destroyed in such a manner that the records cannot be practicably read or reconstructed. However, records subject to audit or those legally required for ongoing official proceedings must be retained until released from such audits or official proceedings, notwithstanding the instructions of this schedule. **Public records, including electronic records, not listed in this schedule are not authorized to be destroyed.**

All local government agencies and the Department of Natural and Cultural Resources agree that certain records series possess only brief administrative, fiscal, legal, research, and reference value. These records series have been designated by retention periods that allow these records to be destroyed when "*reference value ends.*" All local government agencies hereby agree that they will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "*destroy when reference value ends.*" If a local government agency does not establish internal policies and retention periods, the local government agency is not complying with the provisions of this retention schedule and is not authorized by the Department of Natural and Cultural Resources to destroy the records with the disposition instruction "*destroy when reference value ends.*"

All local government agencies and the Department of Natural and Cultural Resources concur that the long-term and/or permanent preservation of electronic records requires additional commitment and active management by the agency. Agencies agree to comply with all policies, standards, and best practices published by the Department of Natural and Cultural Resources regarding the creation and management of electronic records.

It is further agreed that these records may not be destroyed prior to the time periods stated; however, for sufficient reason they may be retained for longer periods. This schedule supersedes the general standards in all previous local government retention and disposition schedules and is to remain in effect from the date of approval until it is reviewed and updated.

APPROVAL RECOMMENDED

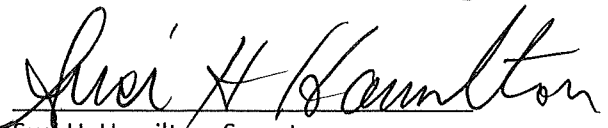
Municipal/County Clerk or Manager
Title: _____



Sarah E. Koonts, Director
Division of Archives and Records

APPROVED

Head of Governing Body
Title: _____



Susi H. Hamilton, Secretary
Department of Natural and Cultural
Resources

Municipality/County: _____

EXECUTIVE SUMMARY

- ✓ According to G.S. § 121-5(b) and G.S. § 132-3, you may destroy public records only with the consent of the Department of Natural and Cultural Resources (DNCR). The State Archives of North Carolina is the division of DNCR charged with administering a records management program. This schedule is the primary way the State Archives of North Carolina gives its consent. Without approving this schedule, your agency is obligated to obtain the State Archives of North Carolina's permission to destroy *any* record, no matter how insignificant.
- ✓ Each records series listed on this schedule has specific disposition instructions that will indicate how long the series must be kept in your office. In some cases, the disposition instructions are simply "retain in office permanently," which means that those records must be kept in your office forever. In other cases, the retention period may be "destroy in office when reference value ends." An agency may have reference copies of materials, meaning "a copy of a record distributed to make recipients aware of the content but not directing the recipient to take any action on the matter" (from Richard Pearce-Moses, *A Glossary of Archival and Records Terminology*). Your agency must establish and enforce internal policies by setting minimum retention periods for the records that the State Archives of North Carolina has scheduled with the disposition instructions, "destroy when reference value ends."
- ✓ E-mail is a record as defined by G.S. § 121-5 and G.S. § 132. It is the content of the e-mail that is critical when determining the retention period of a particular e-mail, including attachments, not the media in which the record was created. It is important for all agency employees and officials to determine the appropriate records series for specific e-mails and retain them according to the disposition instructions.
- ✓ The State Archives of North Carolina recommends that all agency employees and officials view the tutorials that are available online through the State Archives website in order to familiarize themselves with records management principles and practices. The State Archives of North Carolina's online tutorials include topics such as records management and scanning guidelines.
- ✓ The State Archives of North Carolina provides microfilming services for the minutes of major decision-making boards and commissions. Once those records are filmed, we will store the silver halide negative (original) in our security vault. There is a nominal fee for filming and duplicating film. Contact the Records Management Analyst in charge of microfilm coordination for the most current information.

RESOLUTION NO. 22-2019

A RESOLUTION APPROVING THE 2019 LOCAL GOVERNMENT AGENCIES
GENERAL RECORDS RETENTION AND DISPOSITION SCHEDULE
RECOMMENDED BY THE
NORTH CAROLINA DEPARTMENT OF NATURAL AND CULTURAL RESOURCES

WHEREAS, the North Carolina Department of Natural and Cultural Resources has prepared an update to the North Carolina Local Government Records Retention Schedules and is taking the form of a General Local Records Retention Schedule; and,

WHEREAS, the Department of Natural and Cultural Resources has provided said schedule to the City of Shelby and recommended its official adoption and utilization by the City in the maintenance of the City's official records and materials; and,

WHEREAS, City Council desires to accept the recommendation of the State and take action to accept and approve this schedule document.

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

Section 1. The 2019 Local Government Agencies General Records Retention and Disposition Schedule dated March 1, 2019 issued by the North Carolina Department of Natural and Cultural Resources is hereby accepted and approved for use by the City of Shelby in the maintenance and disposal of its official records and materials.

Section 2. The official approval statement contained in the schedule referenced in Section 1 of this resolution bearing all the signatures of State and Municipal officials shall be spread upon the minutes of City Council. The City Clerk and all other applicable City officials are hereby authorized to implement utilization of this schedule.

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

Adopted and approved this the 18th day of March 2019.

O. Stanhope Anthony III
Mayor

ATTEST:

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

City of Shelby
Agenda Item Summary
March 18, 2019
City Hall Council Chamber

Agenda Item: E-4

- 4) Approval of a resolution revising and amending the Safety Policies of the City of Shelby to provide for an updated Safety Policy and Safety Manual: Resolution No. 23-2019

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

Summary of Available Information:

- Memorandum dated March 5, 2019 from Aaron Archibald, Safety & Risk Management Coordinator to Rick Howell, City Manager
- Resolution No. 23-2019

City Manager's Recommendation / Comments

Resolution No. 23-2018 is presented for City Council consideration at this time via the Consent Agenda. If approved this resolution would establish a Safety Policy Manual for the City of Shelby that will govern the safety of the workforce while complying with local, State and Federal Laws. I would like to commend Mr. Aaron Archibald, Safety and Risk Management Coordinator and the employee safety committee for their good work on this project.

It is my recommendation Resolution No. 23-2019 be adopted and approved by City Council at this time via the Consent Agenda.

Memorandum

TO: Rick Howell, City Manager

FROM: Aaron Archibald, Safety & Risk Management Coordinator

RE: Safety Policy Manual

DATE: March 5, 2019

BACKGROUND:

This resolution is to establish a Safety Policy Manual for the City of Shelby that will govern the Safety of the workforce while complying with local, State and Federal Laws.

REVIEW:

It is very important to maintain well-structured and updated guidelines to ensure compliance with applicable laws and allow for consistency in handling Safety procedures and compliance for employees. Department Directors have reviewed and are in agreement with the recommendations of the following policies:

- EMERGENCY ACTION PLAN
- ACCESS TO EMPLOYEE EXPOSURE AND MEDICAL RECORDS
- FIRST AID/CPR/AED
- BLOOD BORNE PATHOGENS
- HEARING CONSERVATION
- CONFINED SPACE
- HOUSEKEEPING/STAIR/WALKING SURFACES
- FALL PROTECTION
- FIRE PREVENTION
- HAZARD COMMUNICATION
- LOCKOUT/TAG OUT
- PERSONAL PROTECTIVE EQUIPMENT
- SAFETY EYEWEAR
- RESPIRATORY PROTECTION
- POWERED INDUSTRIAL TRUCK
- LADDER SAFETY
- WELDING, CUTTING & BRAZING
- HOISTING EQUIPMENT/HOIST CRANES/SLINGS
- EXCAVATION & TRENCHING
- FLAGGER

RECOMMENDATION:

In order to establish the City of Shelby's Safety Policy Manual, I recommend that the 20 policies listed above be approved effective March 18, 2019. Thank you for your consideration. Please let me know if you have questions.

RESOLUTION NO. 23-2019

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

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

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

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

Section 1. The City's Safety Policies dated March 2019 be adopted and made a part of this resolution:

EMERGENCY ACTION PLAN; ACCESS TO EMPLOYEE EXPOSURE AND MEDICAL RECORDS; FIRST AID/CPR/AED; BLOOD BORNE PATHOGENS; HEARING CONSERVATION; CONFINED SPACE; HOUSEKEEPING/STAIR/WALKING SURFACES; FALL PROTECTION; FIRE PREVENTION; HAZARD COMMUNICATION; LOCKOUT/TAG OUT; PERSONAL PROTECTIVE EQUIPMENT; SAFETY EYEWEAR; RESPIRATORY PROTECTION; POWERED INDUSTRIAL TRUCK; LADDER SAFETY; WELDING, CUTTING & BRAZING; HOISTING EQUIPMENT/HOIST CRANES/SLINGS; EXCAVATION & TRENCHING and FLAGGER, copies of which are attached hereto as ATTACHMENT A and made a part of this resolution.

Resolution No. 23-2019
March 18, 2019
Page 2

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

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

Adopted and approved this the 18th day of March 2019.

O. Stanhope Anthony III
Mayor

ATTEST:

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

City of Shelby
Agenda Item Summary
March 18, 2019
City Hall Council Chamber

Agenda Item: E-5

- 5) Adoption of an ordinance amending the Code of Ordinances, City of Shelby, North Carolina, Chapter 32. Parks and Recreation, Article I. Section 32-1. Hours of Operation: Ordinance No. 18-2019

Consent Agenda Item: (Rick Howell, City Manager and Charlie Holtzclaw, Director Parks and Recreation)

Summary of Available Information:

- Memorandum dated March 5, 2019 from Charlie Holtzclaw, Director Parks and Recreation to Rick Howell, City Manager and Bernadette Parduski, City Clerk
- Ordinance No. 18-2019

City Manager's Recommendation / Comments

Ordinance No. 18-2019 is presented for City Council consideration at this time via the Consent Agenda. If approved this ordinance would establish an ordinance establishing and granting authority to the Parks and Recreation Director in consultation with the City Manager to set the hours of operations for all City parks and greenways. The ordinance allows flexibility in the hours of use of these facilities.

It is my recommendation Ordinance No. 18-2019 be adopted and approved by City Council at this time via the Consent Agenda.



Memorandum

To: Rick Howell, City Manager
Cc: Bernadette Parduski, City Clerk
From: Charlie Holtzclaw, Director Parks & Recreation
Date: March 5, 2019
Subject: Shelby City Parks Hours of Operation

Executive Summary of issue – Background

For decades, City Code has stated it shall be unlawful for any person to be on City Parks or Playgrounds between the hours of 10:00pm and 7:00am except for those that have been authorized by the Parks and Recreation Director.

Review and comments

For the last several years, and with the addition of new recreation facilities, staff has concluded the current hours of operation are impractical and need to be updated to better accommodate today's operations.

1. In the spring of 2019, Hanna Park will open as the first gated park in the City Parks' system and will need to be staffed at all times while open to the public. It would be a waste of resources to pay staff to work 7:00am until 10:00pm when there are no programs/events taking place or when general usage is absent. An example would include that staff feels it is not a good idea for greenways and trails to be open in the nighttime hours.
2. All City playgrounds are currently closed at dusk for safety and security purposes. It should be noted cemeteries have the same rules.
3. With time changes and different seasons, having specific hours varies greatly throughout the year. For example in the winter it can be dark at 5:00pm but in the summer it may not be dark until 9:00pm.
4. The vast majority of vandalism and illegal activity at all parks occurs after dark.
5. Current Code does not address hours for the existing and future City greenways and nature trails not located within City Parks.

In essence, this proposed change means parks and greenways are closed to the public in the overnight hours unless there is an approved program or event occurring. We feel this is a positive action for the safety and security of our patrons and staff.

Tie in to current policy and/or adopted planning documents

The proposed amendment will affect City Code Chapter 32 – Article I - Section 32.1

Recommendation

Therefore, it is my recommendation and request to you that consideration be given to the approval of the amended hours of operation to include all City owned parks and greenways.

ORDINANCE NO. 18-2019

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF SHELBY,
NORTH CAROLINA, CHAPTER 32. PARKS AND RECREATION, ARTICLE I.
SECTION 32-1. HOURS OF OPERATION**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHELBY THAT THE
CODE OF ORDINANCES, CITY OF SHELBY, NORTH CAROLINA, BE AMENDED
BY CHANGING ARTICLE I. SEC. 32.1 TO READ AS FOLLOWS:**

Chapter 32 - PARKS AND RECREATION

ARTICLE I. - IN GENERAL

~~Sec. 32-1. Hours city parks or playgrounds closed to public.~~

~~It shall be unlawful for any person to be on any park or playground owned or operated by the city between the hours of 10:00 p.m. and 7:00 a.m., except such persons as have been authorized to be in such places by the parks director.~~

Sec. 32-1. - Hours of operation.

- (a) It shall be unlawful for any person to enter or remain in or on a park or greenway except during those hours of operation that it is open to the general public. Parks and greenways shall be closed to the general public from dusk until dawn, unless:
- (1) The park or greenway is otherwise posted;
 - (2) Prior written permission for the use of a park or greenway has been obtained from the director of parks and recreation; or
 - (3) A person is participating in a city sponsored program.
- (b) Any section of a park may be declared closed to the public by the director of parks and recreation, in consultation with the City Manager, at any time for any interval of time, at the director's discretion including times when it is determined to be in the best interest of public safety, health, conduct, or order.
- (c) *Definitions.* For purposes of this section, the following definitions shall apply:

Dawn means one-half hour before sunrise.

Dusk means one-half hour after sunset.

Park means any area or space set aside and designated as a public park by the city council and any park, greenway, swimming pool, playground, athletic facility or recreational area owned by the city.

Ordinance No. 18-2019
March 18, 2019
Page 2

This Ordinance shall be in full force and effect from and after the date of adoption.

Adopted this the 18th day of March 2019.

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
March 18, 2019
City Hall Council Chamber

Agenda Item: E-6

- 6) Adoption of an ordinance amending the Code of Ordinances, City of Shelby, North Carolina, Chapter 32. Parks and Recreation, Article II. Parks and Recreation Commission: Ordinance No. 19-2019

Consent Agenda Item: (Rick Howell, City Manager and Charlie Holtzclaw, Director Parks and Recreation)

Summary of Available Information:

- Memorandum dated March 5, 2019 from Charlie Holtzclaw, Director Parks and Recreation to Rick Howell, City Manager and Bernadette Parduski, City Clerk
- Ordinance No. 18-2019

City Manager's Recommendation / Comments

Ordinance No. 19-2019 is presented for City Council consideration at this time via the Consent Agenda. If approved this ordinance would:

- Officially changes the name of the "Parks and Recreation Commission" to the "Parks and Recreation Advisory Board".
- Changes the number of board members from 10 back to the original 9.
- Defines the powers and duties as advisory in nature.
- Clarifies the board's role in recommending the naming of facilities.

These recommendations were initiated after a review by the Director of Parks and Recreation and a discussion with management.

It is my recommendation Ordinance No. 18-2019 be adopted and approved by City Council at this time via the Consent Agenda.



Memorandum

To: Rick Howell, City Manager
Cc: Bernadette Parduski, City Clerk
From: Charlie Holtzclaw, Director Parks & Recreation
Date: March 5, 2019
Subject: Parks and Recreation Advisory Board

Executive Summary of issue – Background

The City has an established Code defining the duties and responsibilities of a Parks and Recreation Commission. Some of the powers and duties in the current Code are carried forward from the days of the original Commission that was established in the 1940's. At that time, the Commission's role was significantly different than today.

Review and comments

The goal of the proposed revised Code is to update and reflect the common duties and responsibilities the Board has performed the last 30 to 40 years. Highlights include:

1. Changing the name to Shelby Parks and Recreation Advisory Board
2. Changing the number of members from ten back to the original 9 member Board.
3. Defining the powers and duties as advisory capacity only to the Park Director, City Manager and City Council.
4. Clarifying the Boards role in recommending naming of facilities using the City Council adopted Facility Naming Policy.

Tie in to current policy and/or adopted planning documents

The proposed amendment will affect City Code Chapter 32 – Article II - Sections 32.1 through 32.5

Recommendation

Therefore, it is my recommendation and request to you that consideration be given to the approval of the amended Code for Shelby Parks and Recreation Advisory Board.

ORDINANCE NO. 19-2019

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF SHELBY, NORTH CAROLINA, BY CHANGING THE WORDING OF CHAPTER 32. PARKS AND RECREATION, ARTICLE II. PARKS AND RECREATION COMMISSION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHELBY THAT THE CODE OF ORDINANCES, CITY OF SHELBY, NORTH CAROLINA, BE AMENDED BY CHANGING ARTICLE II. PARKS AND RECREATION COMMISSION TO READ AS FOLLOWS:

~~ARTICLE II. - PARKS AND RECREATION COMMISSION~~

ARTICLE II. - **SHELBY PARKS AND RECREATION ADVISORY BOARD**

Sec. 32-31. - Created.

There is created and established a parks and recreation ~~commission~~ advisory board in and for the city.

Sec. 32-32. - Members.

- (a) The parks and recreation ~~commission~~ advisory board shall be composed of ten nine members appointed by the city council for terms of three years each and who shall serve without compensation. Vacancies in the advisory board shall be filled for the unexpired term by the city council.
- (b) ~~The commission shall appoint a chair and such other officers as may be deemed necessary for the conduct of its business and shall adopt rules and regulations to govern its procedures.~~
- (b) There shall be a chairman and vice-chairman of the advisory board. An annual election of the chairman and vice- chairman shall be held by the board members, and shall occur at the regular monthly meeting in January.
- (c) The board shall adopt by-laws to govern its procedures.

~~Sec. 32-33. - Powers and duties.~~

~~—The parks and recreation commission shall serve the city manager and the city council in an advisory capacity and may suggest and recommend the hours of operation of city recreational facilities and rates of admission to fee-supported facilities and programs, exercise general policy guidance over the directors of city facilities and fiscal matters, and such other duties as the city manager may request.~~

Sec. 32-33. - Powers and duties.

- (a) The parks and recreation advisory board shall serve the parks director, city manager and the city council in an advisory capacity only and may suggest and recommend the hours of operation of city recreational facilities, and such other duties as the parks director or city manager may request.
- (b) The advisory board shall serve as the advisory body for the department of parks and recreation, and the city. The board shall serve in an advisory

- (c) capacity only. The board shall consult with and advise in matters affecting recreation and park policies, program, resources, finances, and the acquisition and disposal of lands and properties related to the total city parks and recreation program, and to its long-range, projected program for recreation and parks.

Sec. 32-34. - Meetings.

The parks and recreation commission shall meet at least once each month and upon the call of the chair or a majority of the membership, for the transaction of its business, and shall deliver to the city manager a copy of the minutes of each meeting.

~~Sec. 32-35. - Parks and playgrounds.~~

~~—The parks and recreation commission is authorized to make a study of existing parks and submit plans for their development, to locate new parks and recommend to the city council their acquisition, to submit plans for the development of existing playgrounds, and to locate and make recommendations for the acquisition and development of such new playgrounds. Also, the commission may recommend appropriate names for parks, playgrounds and public places.~~

Sec. 32-35. - Parks facility naming

The advisory board may recommend appropriate names for naming parks and recreation facilities using the Shelby City Council adopted Facility Naming Policy.

This Ordinance shall be in full force and effect from and after the date of adoption.

Adopted this the 18th day of March 2019.

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
March 18, 2019
City Hall Council Chamber

Agenda Item: E-7

- 7) Adoption of an ordinance authorizing demolition of a dwelling: Ordinance No. 20-2019

Consent Agenda Item: (Walter Scharer, Planning Director)

Summary of Available Information:

- Memorandum dated February 18, 2019 from Walter Scharer, Planning Director to Rick Howell, City Manager
- Location Map of 1206 Patterson Street
- Photo of property
- Tax Card for 2019
- Ordinance No. 20-2019

City Manager's Recommendation / Comments

Please note that the Building Inspector has duly conducted enforcement of the minimum housing code in accordance with the NC General Statutes and City Code. I do want to emphasize that it is the common practice of the City to err on the side of the property owner in most all cases giving them the benefit of the doubt when action is initiated. A thorough and fair due process is followed in all cases. Demolition of these homes is always the last resort after efforts to persuade a property owner to make these minimum standards have failed. As you all know once this ordinance is passed the City is empowered to enter onto the property to demolish the building. All associated demolition costs and administrative costs are then filed by the City Attorney as a lien against the property. This lien is normally only satisfied to the City's benefit upon the sale of the property.

Excerpt from Strategic Growth Plan

4. Community Appearance & Image

POLICY 4.4: Vacant and abandoned sites and buildings shall be properly cared for or removed, thereby preventing a blighting impact on the area in which they are located.

Action 4.4.1: Examine and implement standards for maintaining undeveloped or vacant lots and for repairing or removing abandoned structures and sites.

It is my recommendation Ordinance No. 20-2019 be adopted and approved by City Council at this time via the Consent Agenda.



Memorandum

To: Rick Howell - City Manager
From: Walter Scharer – Planning & Development Director
Date: February 18, 2019
Subject: **Demolition of Structure at 1206 Patterson Street**

Executive Summary of issue – Background

The dwelling associated with this proposed demolition action is in a dilapidated condition that has burnt causing heavy damage and should be removed for the safety of the citizens of Shelby. Initial complaints came from residents, the Shelby Police Department and City Code Enforcement. The property owner has been given due process and has failed to comply with the City's Minimum Housing Code.

Review and Comments

Due to dilapidation this dwelling is unfit for human habitation and has the potential of increasing the hazards of fire, accident, and other calamities; it is dangerous and detrimental to the health, safety, and welfare of the citizens of the City of Shelby. The estimated cost of demolition and removal is approximately \$5,000.00. Budgeted minimum housing funds will be used for this demotion.

Removal of this structure is in compliance with the City of Shelby Minimum Housing Code pursuant to N.C.G.S. 160A-441.

Removal of this structure is supported by the following Strategic Growth Plan Policies and Actions:

POLICY 4.4: Vacant and abandoned sites and buildings shall be properly cared for or removed, thereby preventing a blighting impact on the area in which they are located.

Action 4.4.1: Examine and implement standards for maintaining undeveloped or vacant lots and for repairing or removing abandoned structures and sites.

POLICY 9.2: Consistent, reliable enforcement of well written housing and nuisance abatement codes shall be employed to eliminate instances of unlawful activity and urban blight within the planning area of Shelby.

Recommendation

Please place this item on the consent agenda for the next City Council meeting on March 18, 2019. Staff recommends this minimum housing action.

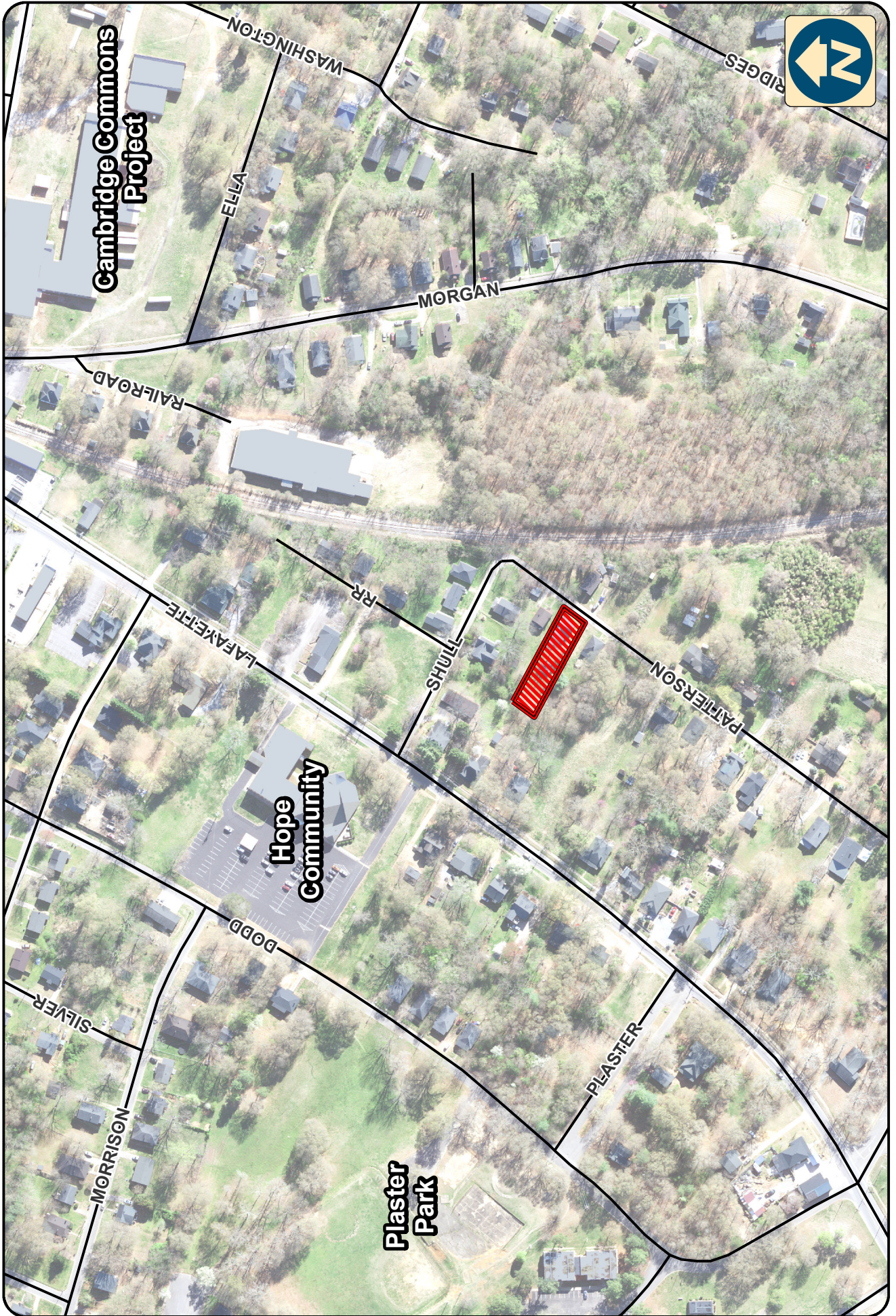
Attachments: Photo of Structure, Location Map, Tax Card and Ordinance





Location Map 1206 Patterson Street

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



500 Feet

250

125

0

1 inch = 250 feet

Scale 1:3,000

Date: 7/25/2018

MA 37W	SINGLE FAMILY DWELLI	100	1174.00	62.11	1.00	100.00
100	72,917					
EW 06	WOOD SIDING	100	152.00	.00		
0						
- FD 04	PERIMETER FOOTING	100	1174.00	.00		
0						
- FP 04	ONE STORY SINGLE	100	1.00	2250.00		
2,250						
- HC 01	NONE	100	1174.00	1.89-		
2,218-						
- PL R	RES PLUMB-EXTRA FIXT	100	5.00	717.00		
0						

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76,142          RCN...          PCT COMPLETE          100      x
64,720          QUAL.. QG  D3      D+-          85.00  x
62,293 T        DEPR.. D7          49 YEARS OLD          95.00  -      61,484
                   LOCA.. LOD          LOCATIONAL OBS DEP          25.00  -      809

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--FMV...
2,427DATE 2/05/19          CLEVELAND COUNTY
PAGE 2
TIME 7:48:45          PROPERTY CARD
PROG# AS2006          FOR YEAR 2019
USER MAYES

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GIBSON IRA EUGENE HEIRS PARCEL ID.. 20655 PIN... S47 3 4

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----- IMPROVEMENT # 1 MAJOR IMPR-M -----
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+--16---+
+-9---+ 1
: 1
1 +-7-+
1 6
+2 +4+
: :
: :
2 2
6 5
: :
: :
B :
++-----30-----++
5 A
+-----26-----5

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----- AC 08 ENCLOSED FRAME PORCH ----- TRAVERSE -----
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M R	28.00	D D	5.00	D L	26.00	D U	5.00	D R	26.00
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----- MA 37W SINGLE FAMILY DWELLI FLOOR: 1.00 ----- TRAVERSE -----
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D U	26.00	D R	2.00	D U	11.00	D R	9.00	D U	5.00
D R	16.00								
D D	11.00	D R	7.00	D D	6.00	D L	4.00	D D	25.00
D L	30.00								

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----- IMPROVEMENT # 2 MISC IMPR-Y -----
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MAIN FIN AREA..          ACT/EFF YR/AGE.. 1984 1998 18          VISITED..
BY

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ORDINANCE NO. 20-2019

AN ORDINANCE AUTHORIZING DEMOLITION OF A DWELLING

WHEREAS, pursuant to the provisions of Chapter 160A, Article 19, Part 6, of the North Carolina General Statutes, the single family dwelling located at **1206 Patterson St.** Shelby, North Carolina, has been inspected and found to be unfit for human habitation and to otherwise constitute a danger to persons and a threat to the health and welfare of the citizens within the City; and,

WHEREAS, according to the procedure provided by law, the owner(s) of said property, **Ira Gibson Heirs**, has or have been given notice of the aforesaid inspection, determination, and orders to bring said property into compliance with the housing standards of the City of Shelby by appropriate repair or removal of said dwelling; and,

WHEREAS, no action of any kind has been taken or initiated by the owner(s), or any party on behalf of said owner(s), to achieve compliance with said ordinances within the periods allowed by law; and,

WHEREAS, the said dwellings remain at this time unfit for human habitation, dilapidated, and a danger to the health and safety of the citizens of the City of Shelby, and should be removed by demolition in order to prevent and alleviate such continuing danger and dilapidated conditions.

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

Section 1. The dwellings on the property known as **1206 Patterson St.**, Shelby, and described in the Cleveland County records as Tax Parcel No. **20655** be demolished forthwith, the remnants thereof disposed, and a lien for the costs of such demolition and removal, less any credits due the owner(s), be filed against the property and collected pursuant to the provisions of North Carolina General Statutes § 160A-443, et seq.; and,

Section 2. Said lien bear interest until paid, as allowed in Article 10 of Chapter 160A of the N.C. General Statutes, at the rate of eight percent (8.0%) per annum.

Adopted and approved this 18th day of March 2019.

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
March 18, 2019
City Hall Council Chamber

Agenda Item: E-8

- 8) Adoption of an ordinance authorizing demolition of a dwelling: Ordinance No. 21-2019

Consent Agenda Item: (Walter Scharer, Planning Director)

Summary of Available Information:

- Memorandum dated March 8, 2019 from Walter Scharer, Planning Director to Rick Howell, City Manager
- Location Map of 714 Congress Street
- Photo of property
- Tax Card for 2019
- Ordinance No. 21-2019

City Manager's Recommendation / Comments

Please note that the Building Inspector has duly conducted enforcement of the minimum housing code in accordance with the NC General Statutes and City Code. I do want to emphasize that it is the common practice of the City to err on the side of the property owner in most all cases giving them the benefit of the doubt when action is initiated. A thorough and fair due process is followed in all cases. Demolition of these homes is always the last resort after efforts to persuade a property owner to make these minimum standards have failed. As you all know once this ordinance is passed the City is empowered to enter onto the property to demolish the building. All associated demolition costs and administrative costs are then filed by the City Attorney as a lien against the property. This lien is normally only satisfied to the City's benefit upon the sale of the property.

Excerpt from Strategic Growth Plan

4. Community Appearance & Image

POLICY 4.4: Vacant and abandoned sites and buildings shall be properly cared for or removed, thereby preventing a blighting impact on the area in which they are located.

Action 4.4.1: Examine and implement standards for maintaining undeveloped or vacant lots and for repairing or removing abandoned structures and sites.

It is my recommendation Ordinance No. 21-2019 be adopted and approved by City Council at this time via the Consent Agenda.



Memorandum

To: Rick Howell - City Manager
From: Walter Scharer – Planning & Development Director
Date: March 8th, 2019
Subject: **Demolition of Structure at 714 CONGRESS ST.**

Executive Summary of issue – Background

The dwelling associated with this proposed demolition action is in a dilapidated condition and should be removed for the safety of the citizens of Shelby. Initial complaints came from residents, the Shelby Police Department and City Code Enforcement. The property owner has been given due process and has failed to comply with the City’s Minimum Housing Code.

Review and Comments

Due to dilapidation this dwelling is unfit for human habitation and has the potential of increasing the hazards of fire, accident, and other calamities; it is dangerous and detrimental to the health, safety, and welfare of the citizens of the City of Shelby. The estimated cost of demolition and removal is approximately \$5,000.00. Budgeted minimum housing funds will be used for this demotion.

Removal of this structure is in compliance with the City of Shelby Minimum Housing Code pursuant to N.C.G.S. 160A-441.

Removal of this structure is supported by the following Strategic Growth Plan Policies and Actions:

POLICY 4.4: Vacant and abandoned sites and buildings shall be properly cared for or removed, thereby preventing a blighting impact on the area in which they are located.

Action 4.4.1: Examine and implement standards for maintaining undeveloped or vacant lots and for repairing or removing abandoned structures and sites.

POLICY 9.2: Consistent, reliable enforcement of well written housing and nuisance abatement codes shall be employed to eliminate instances of unlawful activity and urban blight within the planning area of Shelby.

Recommendation

Please place this item on the consent agenda for the next City Council meeting on March 18th, 2019. Staff recommends this minimum housing action.

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





Location Map 714 Congress Street

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



Scale 1:3,000 1 inch = 250 feet



Date: 12/11/2018

USER ALAN

FOR YEAR 2018

CARPENTER ALSONA FRONEBERGER
HEIRS
PO BOX 2227

PARCEL ID.. 20877
LOCATION... 714 CONGRESS ST
DEED YEAR/BOOK/PAGE.. 2015 16E 254
PLAT BOOK/PAGE..
LEGAL DESC:714 CONGRESS PB 5-17

PIN... S52 4 5
SHELBY
ASSESSMENT NONE
OWNER ID.. 1310359
DISTRICT.. 6 CITY OF SHELBY

SHELBY
DESCRIPTION

TOWNSHIP... 6 SHELBY
NC 28151-

NBRHOOD... 211 S50 S52 06
RESIDENTIAL

MAINTAINED.. 5/17/2017 BY MAYES VALUED.. 9/14/2016 BY MAYES
VISITED..... 9/16/1998 BY PREV PARCEL 20877
PARCEL STATUS... ACTIVE

ROUTING#..
CATEGORY.. Real & Personal

SALES HISTORY

DEED BK/PAGE	SALE DATE	SALES INSTRUMENT	DISQUALIFIED	SALE AMOUNT	STAMP AMOUNT	DEED NAME
16E 254	12/18/2015	WILL				CARPENTER ALSONA FRONEBERGER H
DEATH STATE: NC COUNTY: CLEVE DATE OF DEATH: 12/16/2015 DEATH CERTIFICATE#:						
1113 0474	5/15/1992	QUIT CLAIM DEE				CARPENTER ALSONA
13C 0082	1/01/1991	*INVALID				
1113 0474	1/01/1969	SALE			7.50	

LAND SEGMENTS

LND #	ZONE	STRAT CODE	LAND TYPE/CODE	LAND QTY	LAND RATE	DPT%	SHP%	LOC%	SIZ%	OTH%	TOP%	TOT ADJ	CURRENT FMV
1		02	FF F DPTH..	81.000	117.00	112.00	.00	.00	.00	.00	.00	112.00	10,614
TOTAL ACRES..				.000								TOTAL LAND FMV..	10,614

IMPROVEMENT # 1 MAJOR IMPR-M

MAIN FIN AREA.. 852.00 ACT/EFF YR/AGE.. 1954 1980 36 VISITED.. BY
STRAT..... 02 DESCRIPT.... SINGLE FAMILY DWELLING-WF MAINTAINED.. 5/17/2017 BY MAYES
MAIN PERIM..... 126.00 MAIN GROUND SF.... 852.000
LOCATION #.....

COMPONENT	TYPE/CODE/DESC	PCT	UNITS	RATE	STR#	STR%	SIZ%	HGT%	PER%	CDS%	COST	%CPL
AC 06	COVERED PORCH	100	84.00	13.19			124.00				1,373	
AC 06	COVERED PORCH	100	108.00	13.19			113.00				1,609	
MA 37W	SINGLE FAMILY DWELLI	100	852.00	62.11	1.00		103.00			100	54,505	
EW 06	WOOD SIDING	100	126.00	.00							0	
- FD 04	PERIMETER FOOTING	100	852.00	.00							0	
- HC 05	FORCED HOT AIR	100	852.00	.00							0	
- PL R	RES PLUMB-EXTRA FIXT	100	5.00	717.00							0	

RCN... PCT COMPLETE 100 x 57,487
QUAL.. QG D3 D+- 85.00 x 48,863
DEPR.. D6 36 YEARS OLD 59.00 - 28,829
FUNC.. FOD FUNCTIONAL OBS DEP 75.00 - 15,025 43,854 T
--FMV... 5,009

DATE 5/25/18
 TIME 9:16:24
 USER ALAN

CLEVELAND COUNTY
 PROPERTY CARD
 FOR YEAR 2018

PAGE 2
 PROG# AS2006

CARPENTER ALSONA FRONEBERGER PARCEL ID.. 20877 PIN... S52 4 5

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

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+----24---+
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3         :
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C         :
+A-12---+
:         :
:         :
7         7
+--12---+--12--+
    
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-----	AC 06	COVERED PORCH	-----	TRAVERSE	-----
D R	12.00	D D	7.00	D L	12.00
				D U	7.00
-----	AC 06	COVERED PORCH	-----	TRAVERSE	-----
M U	32.00	M R	24.00	D U	6.00
				D L	18.00
				D D	6.00
				D R	18.00
-----	MA 37W	SINGLE FAMILY DWELLI	FLOOR:	1.00	-----
				TRAVERSE	-----
D U	32.00	D R	24.00	D D	39.00
				D L	12.00
				D U	7.00
				D L	12.00

TOTAL PARCEL VALUES----	LAND /	OVR	IMPROVEMENTS /	OVR	TOTAL LAND/IMPROVE	2017 VALUE
FMV.....	10,614		5,009		15,623	15,623
APV.....	10,614		5,009		15,623	15,623

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

ORDINANCE NO. 21-2019

AN ORDINANCE AUTHORIZING DEMOLITION OF A DWELLING

WHEREAS, pursuant to the provisions of Chapter 160A, Article 19, Part 6, of the North Carolina General Statutes, the single family dwelling located at 714 CONGRESS ST., Shelby, North Carolina, has been inspected and found to be unfit for human habitation and to otherwise constitute a danger to persons and a threat to the health and welfare of the citizens within the City; and,

WHEREAS, according to the procedure provided by law, the owner(s) of said property, ALSONA FRONEBERGER CARPENTER HEIRS has or have been given notice of the aforesaid inspection, determination, and orders to bring said property into compliance with the housing standards of the City of Shelby by appropriate repair or removal of said dwelling; and,

WHEREAS, no action of any kind has been taken or initiated by the owner(s), or any party on behalf of said owner(s), to achieve compliance with said ordinances within the periods allowed by law; and,

WHEREAS, the said dwellings remain at this time unfit for human habitation, dilapidated, and a danger to the health and safety of the citizens of the City of Shelby, and should be removed by demolition in order to prevent and alleviate such continuing danger and dilapidated conditions.

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

Section 1. The dwellings on the property known as 714 CONGRESS ST., Shelby, and described in the Cleveland County records as Tax Parcel No. 20877 be demolished forthwith, the remnants thereof disposed, and a lien for the costs of such demolition and removal, less any credits due the owner(s), be filed against the property and collected pursuant to the provisions of North Carolina General Statutes § 160A-443, et seq.; and,

Section 2. Said lien bear interest until paid, as allowed in Article 10 of Chapter 160A of the N.C. General Statutes, at the rate of eight percent (8.0%) per annum.

Adopted and approved this 18th day of March 2019.

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
March 18, 2019
City Hall Council Chamber

Agenda Item: E-9

- 9) Adoption of an ordinance establishing a capital project ordinance and budgets for the City of Shelby Circuit 10-4 Re-conductoring Project: Ordinance No. 22-2019

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

Summary of Available Information:

- Memorandum dated March 12, 2019 from Julie McMurry, Energy Services Director to Rick Howell, City Manager and Justin Merritt, Assistant City Manager
- Letter dated February 12, 2019 from Progressive Engineering Consultants, Inc.
- Ordinance No. 22-2019

City Manager's Recommendation / Comments

Ordinance No. 22-2019 is presented for City Council consideration at this time via the Consent Agenda. If approved this ordinance would appropriate \$122,585 from the Electric Fund Capital Reserve (net retained earnings) for the replacement of existing older copper wire along Trade Street between West Marion Street and West Graham Street. This request is in keeping with recommendations contained within the City's Electric Asset Management Plan and is also in keeping with the City's ongoing efforts to modernize our utility systems with up to date materials and construction.

It is my recommendation Ordinance No. 22-2019 be adopted and approved by City Council at this time via the Consent Agenda.

Memorandum

To: Rick Howell, City Manager

Cc: Justin Merritt, Assistant City Manager

From: Julie McMurry, Energy Services Director *JRM*

RE: **Reconductor Circuit 10-4 PBO Request**

Date: March 12, 2019

Executive Summary of Issue – Background

The City of Shelby electric distribution system currently has approximately 47,000 feet of 3 phase copper wire. These copper lines are brittle and do not hold up well during ice storms and wind storms that cause tree limbs to fall. They tend to break creating danger until the circuit can be de-energized and lines repaired.

Review and comments

Progressive Engineering Consultants, Inc. has reviewed the area on Trade Street from W. Marion St to W Graham St (circuit 10-4) and provided cost estimates to reconductor these overhead distribution lines.

The estimates include:

Labor	\$65,905.00
Materials	\$36,247.75
Engineering	<u>\$20,430.55</u>
Total	\$122,583.30

I have attached documentation of their estimates.

Tie in to current policy and/or adopted planning documents

In 2016 Progressive Engineering Consultants, Inc completed an Electrical Distribution System Planning Study that was presented and approved by Council. The results of the study were recommendations to be completed over the next several years. Replacing the 3 phase copper lines in our system is one of the recommendations from the study. The total has been broken into a manageable amount for the next several years.

Recommendation

I would like to request a project budget ordinance to create a project to allow for reconductoring the section on circuit 10-4 on Trade St from W. Marion St to W Graham St. – replacing the existing copper wire with Aluminum-Conductor Steel Reinforced (ACSR) cable.

Progressive Engineering Consultants, Inc.

P.O. Box 690638, Charlotte, NC 28227-7011

Telephone: (704) 545-7327

Fax: (704) 545-2315

progress@pecinc.net

February 12, 2019

City of Shelby
PO Box 207
Shelby, NC 28151
Attn: Ms. Julie McMurry

Re: Cost Estimate for the Reconductor of Circuit 10-4
Construction of the Overhead Distribution Line on
Trade Street (from W. Marion Street to W. Graham Street)

Ms. McMurry,

Please see the following outline of the estimated construction costs for the Reconductor of Circuit 10-4. The Construction of the Overhead Distribution Line includes the removal of 4A copper wire and replacing with 336.4 ACSR Primary with a 1/0 ACSR Neutral.

Costs not included in this estimate are:

- Cutting, removal, patching or the installation of pavement or concrete
- Removal or installation of telephone, CATV, other communication cables, equipment and/or additional conduits (except for City purposes only).

Circuit 10-4 Addition

Labor Estimate	\$ 65,905.00
Material Estimate	\$ <u>36,247.75</u>
Total	\$ 102,152.75
Design Engineering, Overhead and Contingencies (20%)	\$ <u>20,430.55</u>
Total Construction Cost	\$ 122,583.30

If you have any questions or should need additional information, please don't hesitate to call.

Best regards,



Rogky A. Martin
Field Engineer

c: Jeff Freeman

ORDINANCE NO. 22-2019

AN ORDINANCE ESTABLISHING A CAPITAL PROJECT ORDINANCE AND BUDGETS FOR THE CITY OF SHELBY CIRCUIT 10-4 RECONDUCTORING 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 Circuit 10-4 Reconductoring 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 electric 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 reconductoring circuit 10-4 due to the deteriorated condition of the electric lines. 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	63006000-39900	\$122,585
Transfer to Electric Capital Projects	630731-39631	\$122,585

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

Revenues:		
Transferred from Electric Fund	63106000-39630-63874	\$122,585
Appropriation:		
Engineering	631736-42004-63874	\$ 20,430
Construction	631736-53000-63874	\$102,155

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 18th day of March 2019.

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
March 18, 2019
City Hall Council Chamber

Agenda Item: E-10

10) Adoption of a budget ordinance amendment for the City of Shelby's Airport T-Hangar Project: Ordinance No. 23-2019

Consent Agenda Item: (Staff Resource, Ben Yarboro, Engineering Services Director)

Summary of Available Information:

- Memorandum dated March 12, 2019 from Ben Yarboro, Engineering Services Director to Rick Howell, City Manager and Justin Merritt, Assistant City Manager
- Copy of Ordinance 59-2018
- Copy of Resolution No. 66-2018
- Letter from NC DOT
- FAA form 5100-110
- Construction Costs estimate
- Ordinance No. 23-2019

City Manager's Recommendation / Comments

Ordinance No. 23-2019 is presented for City Council consideration at this time. If approved this ordinance would formally recognize an additional \$450,000 of grant funding from the NC Division of Aviation to be used to construct a third T-Hangar at the airport. The required local match is \$50,000 for the project. In addition it also recognizes the appropriation of \$150,000 from the City's general fund reserve which will the City will reimburse itself from a future NPE grant. The remainder is recognizing funding from Cleveland County that will be realized as part of our ongoing agreeing for sharing the cost of capital at the airport.

It is my recommendation Ordinance No. 23-2019 be adopted and approved by City Council at this time via the Consent Agenda.



Memorandum

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

From: Ben Yarboro, Engineering Services Director 

RE: Shelby-Cleveland County Regional Airport
T-Hangar and Taxilane Development Budget Ordinance
Amendment for addition of Third Hangar Building

Date: March 12, 2019

Background

In November 2018, the Shelby City Council established a project budget (Ordinance No. 59-2018 attached for reference) and awarded the construction contract for the site development and construction of two 10-unit T-Hangars at the Shelby-Cleveland County Regional Airport. The construction contract was awarded to Anson Contractors for a bid amount of \$3,326,641.95 via Resolution No. 66-2018 (attached for reference). This scope of this awarded project consisted of site preparation for four hangars and construction of two 10-unit T-Hangar buildings.

Following the award of the grant from the Division of Aviation, the City of Shelby began accepting deposits from individuals on the T-Hangar waiting list. Currently, all of the 20 hangar spaces associated with the two buildings in the original contract have been reserved. After filling these 20 spaces, there are still 13 individuals on the waiting list and the airport receives calls from others inquiring about hangar space on a regular basis. Based on the success of filling the first two hangars and the existing waiting list, there is an obvious demand for additional hangar space.

Review

In February 2019, the City of Shelby was notified about the opportunity to potentially obtain additional Non-Primary Entitlement (NPE) grant funding from Western Carolina Regional Airport located in Cherokee County, NC. These funds had previously been awarded to Western Carolina Airport, but they did not have plans to utilize these funds at their airport. Through discussions with Cherokee County staff, our engineering consultant (W.K. Dickson), and the NC Division of Aviation, the transfer process was recently completed and approved by the FAA (see www.cityofshelby.com)

attached approval form). The total amount of this transfer was \$500,000 (10% local match) as stated in the attached grant transfer letter from the NC Division of Aviation dated March 1, 2019. This equates to \$450,000 of additional federal funds and a \$50,000 local match that can be utilized for construction of a third 10-unit T-Hangar building. The construction cost estimate prepared by W.K. Dickson (see attached) for completing construction on this third T-Hangar building is \$711,875.00. A limited amount of additional professional services expenses are also anticipated related to inspections, material testing, etc. With all additional expenses accounted for, it is recommended that the existing budget ordinance be increased by \$750,000.00. It is important to note that all expenses related to this project are eligible for 90% NPE grant funding via either existing grants or future annual NPE grants.

This grant funding provides the City with the opportunity to construct a third T-Hangar building during this initial phase of the T-Hangar Development Project. Due to factors such as permitting, bidding, the contractor already being mobilized and avoiding additional future site work, the City is able to experience a significant reduction in construction costs compared to constructing this hangar as a separate project in the future.

The addition of a third hangar to the contract is anticipated to add approximately 60 days to the contract time resulting in completion and occupancy of all three hangars in November 2019.

Recommendations

City staff recommends the project budget associated with the T-Hangar and Taxilane Development construction project be increased by \$750,000.00 to allow for the construction of a third 10-unit T-Hangar building. If approved by Council, City Staff will submit a Certification of Local Funds to the NCDOA. Following this submission, a grant amendment will be completed and then a change order will be executed with Anson Contractors to construct three T-Hangar buildings as part of this ongoing project.

Please let me know if more information is required.

Attachments:

- City of Shelby Ordinance No. 59-2018
- City of Shelby Resolution No. 66-2018
- NC Division of Aviation Transfer Letter dated March 1, 2019
- FAA Form 5100-110 (Executed by Cherokee County, NC and FAA)
- Cost Estimate prepared by W.K. Dickson

ORDINANCE NO. 59-2018

AN ORDINANCE ESTABLISHING A CAPITAL PROJECT ORDINANCE AND BUDGET FOR THE CITY OF SHELBY'S AIRPORT GRANT T-HANGAR 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 budget for the City of Shelby's Airport T-Hangar Project

WHEREAS, it is necessary for the City to establish a budget for this capital project and appropriate applicable funds needed for 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 projects such as the Airport T-Hangar construction project by way of a capital project ordinance providing the necessary balance 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's Airport has received grants for construction of a T-Hangar. The proceeds and disbursements of this grant are required to be appropriated.

Section 1. Appropriating General Fund Balance:

Fund Balance Appropriated	11001000-39900	\$ 422,612
Transfer to General Cap. Projects	110495-49111	\$ 422,612

Section 2. The following amounts are hereby appropriated for the Airport T-Hangar Project:

111453-53000-APTHP	Hangar Construction	\$1,068,500
111453-53417-APTHP	Site Improvements	\$2,511,498

Section 3. It is estimated that the following revenues will be available for the Airport T-Hangar Project:

11105000-34501-APTHP	State Grants	\$ 2,734,774
11105000-33500-APTHP	Transferred from County	422,612
11005000-39110-APRWO	Transferred from General Fund	422,612

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 15th day of October 2018

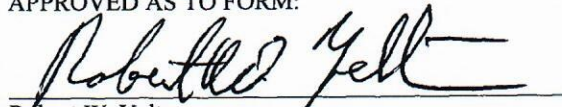


O. Stanhope Anthony, III
Mayor

ATTEST:


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

APPROVED AS TO FORM:


Robert W. Yelton
City Attorney

RESOLUTION NO. 66-2018

A RESOLUTION OF AWARD FOR THE T-HANGAR AND TAXILANE DEVELOPMENT PROJECT AT THE SHELBY-CLEVELAND COUNTY REGIONAL AIRPORT TO ANSON CONTRACTORS

WHEREAS, the City of Shelby in accordance with North Carolina General Statutes related to the bidding of public construction contracts has solicited bids for qualified contractors to perform work related to construction of the T-Hangar and Taxilane Development Project at the Shelby-Cleveland County Regional Airport; and

WHEREAS, a project budget ordinance has been established for the construction of the T-Hangar and Taxilane Development Project; and

WHEREAS, City staff in conjunction with W.K. Dickson & Co., Inc. held a public bid opening to accept bids from qualified contractors to perform construction for the above mentioned project; and

WHEREAS, five (5) responsive bids was received and the apparent low bidder is Anson Contractors in the amount of \$3,326,641.95 with add alternates included; and

WHEREAS, W.K. Dickson & Co., Inc. has reviewed the bid in conjunction with City staff and City staff now recommends to the City Manager and City Council that the contract be awarded to the low bidder, Anson Contractors in the amount of \$3,326,641.95 conditioned on the sections below.

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

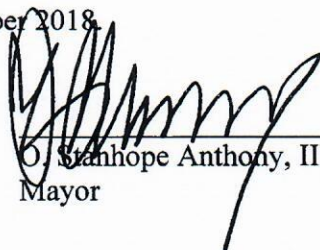
Section 1. The City Council of the City of Shelby hereby awards the contract to Anson Contractors for construction of the T-Hangar and Taxilane Development Project at the Shelby-Cleveland County Regional Airport.

Section 2. The City Manager and City Clerk are hereby authorized and directed to execute the applicable contract associated with this project.

Section 3. The City Manager or his designee is hereby authorized to execute change orders, amendments, and other documents associated with this project.

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

Adopted and approved this the 19th day of November 2018.



O. Stanhope Anthony, III
Mayor

ATTEST:



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



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

JAMES H. TROGDON, III
SECRETARY

March 1, 2019

Mr. Rick Howell, Manager
City of Shelby
P.O. Box 207
Shelby, NC 28151-0207

Dear Mr. Howell,

Please be advised that the below FAA Federal *Non-Primary Entitlement* (NPE) funds have been transferred under the State Block Grant Program to the **Shelby-Cleveland County Regional Airport**. This is in response to the FAA Form 5100-110 (attached) initiated and executed by Cherokee County on behalf of Western Carolina Regional. As with all NPE funding they are intended for airside safety needs first, after which other needs can be considered. The specific funding allocation is noted below:

Award ID	Description	Federal Funds	Local Funds
36237.NPE.15 <i>Expires: 7/1/2019</i>	Airfield Improvements	\$150,000	\$16,667
36237.NPE.16 <i>Expires: 6/1/2020</i>	Airfield Improvements	\$150,000	\$16,667
36237.NPE.17 <i>Expires: 6/1/2021</i>	Airfield Improvements	\$150,000	\$16,667

The NCDOT Division of Aviation requires effective airport planning and management for all projects to ensure that funds are expended within the performance period of this grant. The Division appreciates your commitment and contribution to our state aviation system, and we are excited to partner with you on this grant.

Sincerely,

Bobby L. Walston, P.E.
Director of Aviation

BLW/bb

cc: Randy Wiggins, County Manager, Cherokee County
Jon Arnold, Deputy Director, Division of Aviation (file copy)

Mailing Address:
NC DEPARTMENT OF TRANSPORTATION
DIVISION OF AVIATION
1560 MAIL SERVICE CENTER
RALEIGH, NC 27699-1560

Telephone: 919-814-0550
Fax: 919-840-9267

Website: www.ncdot.gov/aviation

Location:
RDU AIRPORT
1050 MERIDIAN DRIVE
MORRISVILLE, NC 27560



U.S. Department
of Transportation
Federal Aviation
Administration

FAA Form 5100-110, Request for FAA Approval of Agreement for Transfer of Entitlements

Paperwork Reduction Act Burden Statement

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120-0569. Public reporting for this collection of information is estimated to be approximately 8 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing and reviewing the collection of information. All responses to this collection of information are required under 49 U.S.C. Section 47105 to retain a benefit and to meet the reporting requirements of 2 CFR 200. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to the Federal Aviation Administration at: 800 Independence Ave. SW, Washington, DC 20591, Attn: Information Collection Clearance Officer, ASP-110.

Request for FAA Approval of Agreement for Transfer of Entitlements

In accordance with 49 USC § 47117(c)(2),

Name of Transferring Sponsor: CHEROKEE COUNTY, NC

hereby waives receipt of the following amount of funds apportioned to it under 49 USC § 47117(c) for the:

Name of Transferring Airport (and LOCID): WESTERN CAROLINA REGIONAL (KRHP)

for each fiscal year listed below:

Entitlement Type (Passenger, Cargo or Nonprimary)	Fiscal Year	Amount
NPE	2015	150,000
NPE	2016	150,000
NPE	2017	150,000
Total		450,000

The Federal Aviation Administration has determined that the waived amount will be made available to:

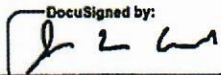
Name of Airport (and LOCID) Receiving Transferred Entitlements: SHELBY-CLEVELAND COUNTY REGIONAL
(KEHO)

Name of Receiving Airport's Sponsor: CITY OF SHELBY

a public use airport in the same state or geographical areas as the transferring airport for eligible projects under 49 USC § 47104(a).

The waiver expires on the earlier of _____ (date) or when the availability of apportioned funds lapses under 49 USC § 47117(b).

For the United States of America, Federal Aviation Administration:

DocuSigned by:
Signature: 
F0221B4FE9E344C...

Name: Jonathan Arnold

Title: Deputy Director, NCDOT, DoA; serving as ADO for NC State Block Grant

Date: 2/27/2019

Certification of Transferring Sponsor

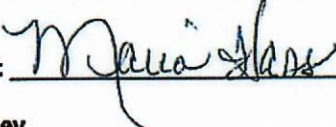
I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.

Executed on this day of ,

Name of Sponsor: CHEROKEE COUNTY

Name of Sponsor's Authorized Official: MARIA HASS

Title of Sponsor's Authorized Official: ASSISTANT COUNTY MANAGER

Signature of Sponsor's Authorized Official: 

Certificate of Transferring Sponsor's Attorney

I, DARRYL R. BROWN, acting as Attorney for the Sponsor do hereby certify that in my opinion the Sponsor is empowered to enter into the foregoing Agreement under the laws of the state of NORTH CAROLINA. Further, I have examined the foregoing Agreement and the actions taken by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said state and 49 USC § 47101, et seq.

Dated at Murphy, NC (City, State),
this 21st day of February, 2019

Signature of Sponsor's Attorney: 

ENGINEER'S PRELIMINARY ESTIMATE OF PROBABLE CONSTRUCTION COSTS
T-HANGAR AND TAXILANE DEVELOPMENT (CHANGE ORDER)
SHELBY-CLEVELAND COUNTY REGIONAL AIRPORT
 February 2019

Schedule I

Item No.	Spec. Section	Description	Quantity	Unit	Unit Price	Extended Total
1	GP-105	Mobilization	1	LS	\$20,000.00	\$20,000.00
2	P-152	Unclassified Excavation	870	CY	\$12.75	\$11,092.50
3	P-209	Crushed Aggregate Base Course	609	CY	\$62.75	\$38,214.75
4	P-400	Asphalt Surface Course (S-9.5B)	689	TN	\$139.00	\$95,715.40
5	P-602	Bituminous Prime Coat	782	GL	\$6.25	\$4,887.50
6	P-603	Bituminous Tack Coat	261	GL	\$3.85	\$1,004.85
7	P-610	5' Wide Concrete Sidewalk	61	LF	\$35.00	\$2,135.00
8	P-620	Reflectorized Pavement Marking (Yellow)	320	SF	\$4.75	\$1,520.00
9	D-701	12" HDPE	98	LF	\$37.50	\$3,675.00
10	L-110	4-Way Concrete Encased Underground Duct Bank	49	LF	\$120.00	\$5,880.00
11	Spec.	Utility-Electrical Installation, Complete	1	LS	\$2,500.00	\$2,500.00

TOTAL \$186,625.00

Schedule II

1	13122	10 Unit T-Hangar Building (No. 3), Complete	1	LS	\$475,000.00	\$475,000.00
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Additive Bid Items - Schedule II

1	13122	Insulate Hangar Exterior Walls and Bi-Fold Doors, Complete Per Building	1	EA	\$19,750.00	\$19,750.00
2	13122	Gutters with Down Spouts, Complete Per Building	1	EA	\$30,500.00	\$30,500.00

Total \$711,875

ORDINANCE NO. 23-2019

A BUDGET ORDINANCE AMENDMENT FOR THE
CITY OF SHELBY'S AIRPORT T-HANGAR PROJECT

WHEREAS, in accordance with applicable provisions of the North Carolina Budget and Fiscal Control Act, the City of Shelby finds it advisable and necessary to revise and amend its capital project ordinance and budgets for the City of Shelby's City of Shelby's Airport T-Hangar Project; and

WHEREAS, the City Manager (Budget Officer) has recommended certain amendments to the budget which the governing body finds acceptable; and,

WHEREAS, City Council now desires to act on the recommended budget amendments and approve the same for implementation and compliance with the North Carolina Local Government Budget and Fiscal Control Act.

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

Section 1. Ordinance No. 59-2018, the City of Shelby's Airport T-Hangar Project, is hereby amended as follows to provide for Budget Amendment No. 1 for said project:

Airport T-Hangar Project

(1) Appropriating General Fund Revenues:

Fund Balance Appropriated	11001000-39900	\$ 150,000
Transfer to General Cap. Projects	110495-49111	\$ 150,000

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

11105000-34501-APTHP	State Grants	\$450,000
11105000-33500-APTHP	Transferred from County	150,000
11005000-39110-APTHP	Transferred from General Fund	150,000

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

111453-53000-APTHP	Construction	\$750,000
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Section 2. That the revenues, expenditures and amendments set forth in Section 1 of this ordinance are hereby summarized as follows:

<u>Airport T-Hangar Project</u>	<u>Current Budget</u>	<u>Amendment No. 1</u>
Revenues		
Transferred from County	\$ 422,612	\$ 572,612
State Grant	\$2,734,774	\$3,184,774
Transferred from General Fund	\$ 422,612	\$ 572,612
Expenditures		
Site Improvements	\$1,068,500	\$1,068,500
Construction	\$2,511,498	\$3,261,498

Section 3. Copies of this Budget Ordinance Amendment shall be furnished to the City Manager as Budget Officer and to the Finance Director to be kept on file by them for their direction in the collection and disbursement

Ordinance No. 23-2019
March 18, 2019
Page 2

of funds. Said officials are hereby authorized to receive and expend funds as herein set forth in accordance with the Shelby

City Code, the General Statutes of North Carolina, and the provisions of the original budget ordinance; inclusive of GS 159-28 governing budgetary accounting of appropriations.

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

Adopted and approved this the 18th day of March 2019.

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
March 18, 2019
City Hall Council Chamber

Agenda Item: E-11

- 11) Adoption of a budget ordinance amendment for the City of Shelby's Uptown Streetscape and Pedestrian Improvements Project: Ordinance No. 24-2019

Consent Agenda Item: (Staff Resource, Ben Yarboro, Engineering Services Director)

Summary of Available Information:

- Memorandum dated March 12, 2019 from Ben Yarboro, Engineering Services Director to Rick Howell, City Manager and Justin Merritt, Assistant City Manager
- Streetscape Project Task Order from Stantec
- Ordinance No. 24-2019

City Manager's Recommendation / Comments

Ordinance No. 24-2019 is presented for City Council consideration via the Consent Agenda. If approved this ordinance would appropriate an additional \$15,000 from General Fund balance to provide funding for bid administration services by the Stantec. This item was originally left out of the original contract inadvertently.

It is my recommendation Ordinance No. 24-2019 be adopted and approved by City Council at this time via the Consent Agenda.



Memorandum

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

From: Ben Yarboro, Engineering Services Director *BY*

RE: Shelby Streetscape Project Budget Ordinance Amendment –
Bid Administration and Hydraulic/Roadway Design
Modifications Task Order

Date: March 12, 2019

Background

In March 2017, the City of Shelby entered into an agreement with Stantec for engineering services related to the design of the Shelby Streetscape Project. This project is currently in the final phase of plan review with approval anticipated by NCDOT in March 2019.

City staff desires to add bid administration to the professional services contract for Stantec. The tasks associated with this include:

- advertisement preparation
- plan and specification distribution
- pre-bid meeting
- responding to Requests for Information by contractors
- conducting bid opening
- reviewing bids to determine responsiveness
- reviewing bids with NCDOT to ensure compliance with applicable standards and MBE/DBE goals
- recommendation of award to City of Shelby

The original proposal by Stantec included preparing bid documents, but did not include completing the tasks associated with bidding the project.


In relation the construction documents, the NCDOT is in the final phase of plan review and has required modifications to the mid-block crossing on Lafayette St. at Arey St. This resulted in several changes to the existing drainage plans and a portion of the roadway and landscape plans.


Stantec has reviewed the request for bid administration by the City and the required modifications necessary to obtain NCDOT approval. The total of these additional tasks is \$15,000.00 as detailed in the attached Task Order 4 dated 3/7/2019.


Recommendation


City Staff recommends a budget amendment in the amount of \$15,000.00 for Stantec to provide professional services for the bid administration and plan modification for the Shelby Streetscape Project.


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


Project	Shelby Streetscape Project - Lafayette Street and Graham Street Improvements (Task Order 4)	
Prepared by:	Mike Lindgren, PE	
Date	3/7/2019	801 Jones Franklin Road, Suite 300 Raleigh, North Carolina 27606-3394
Shelby Streetscape Project - Lafayette Street and Graham Street Improvements (Task Order 4)		
NOTES - TASK ORDER No. 2 SCOPE		
NOTE: ALL SCOPE DATA INCLUDED IN THE PREVIOUS CONTRACT SCOPES (TASK ORDER NO. 1-5) APPLIES TO TASK ORDER NO. 5		
PROJECT MANAGEMENT		
Additional Project Management Time for efforts to evaluate options, design revisions, report findings and implement changes in order to meetin NCDOT Requirements.		
PROJECT COORDINATION		
Additional Coordination Required to obtain NCDOT approval. Significant coordination was necessary		
SURVEY		
None		
ROADWAY PLAN		
Revise Plans for Arey Street, including drainage.		
DRAINAGE & HYDRAULICS		
Design of 3 inlets that needed to be added to the plans to provide a functional mid-block crossing at Arey St.		
TRANSPORTATION MANAGEMENT		
None		
SIGNING PLAN		
None		
PAVMENT MARKING PLAN		
None		
SIGNALS AND COMMUNICATION PLAN		
None		
LANDSCAPE / HARDSCAPE PLAN		
None		
CONSTRUCTION BID DOCUMENTS		
Execution and management of the Bidding Process (Linda Pass)		
CONSTRUCTION ADMINISTRATION		
None		

Project	Shelby Streetscape Project - Lafayette Street and Graham Street Improvements (Task Order 4)			 801 Jones Franklin Road, Suite 300 Raleigh, North Carolina 27606-3394
Prepared by:	Mike Lindgren, PE			
Date	3/7/2019			
Shelby Streetscape Project - Lafayette Street and Graham Street Improvements (Task Order 4)				
DISCIPLINE	Design Phase Mandays	Design Phase Labor	Design Phase Direct Costs	Design Phase Labor + Direct Cost
PROJECT MANAGEMENT	1	\$ 1,328.00	\$ -	\$ 1,328.00
PROJECT COORDINATION	2	\$ 2,616.00	\$ -	\$ 2,616.00
SURVEYS / SUE	0	\$ -	\$ -	\$ -
ROADWAY DESIGN	0.75	\$ 986.00	\$ -	\$ 986.00
HYDRAULIC AND EROSION CONTROL DESIGN	1	\$ 1,244.00	\$ -	\$ 1,244.00
TRANSPORTATION MANAGEMENT PLANS	0	\$ -	\$ -	\$ -
SIGNING PLANS	0	\$ -	\$ -	\$ -
PAVEMENT MARKING PLANS	0	\$ -	\$ -	\$ -
LANDSCAPE / HARDSCAPE PLANS	0	\$ -	\$ -	\$ -
CONSTRUCTION BID PROCESS	6	\$ 8,208.00	\$ 618.00	\$ 8,826.00
CONSTRUCTION ADMINISTRATION REVIEWS	0	\$ -	\$ -	\$ -
CONSTRUCTION INSPECTION (TBD AFTER DESIGN)				\$ -
TOTALS	10.75	\$14,382.00	\$618.00	\$15,000.00

Project	Shelby Streetscape Project - Lafayette Street and Graham Street Improvements (Task Order 4)				 801 Jones Franklin Road, Suite 300 Raleigh, North Carolina 27606-3394
Prepared by:	Mike Lindgren, PE				
Date	3/7/2019				
Shelby Streetscape Project - Lafayette Street and Graham Street Improvements (Task Order 4)					
PROJECT MANAGEMENT - TASK & SCOPE					
	Discipline Lead Hours	Senior Engineer Hours	Staff Engineer Hours	Engineer Hours	Admin
Coordinating the NCDOT Approvals and requirements.	4	4	0	0	0
STAFF RATES					
	HOURLY RATE	HOURS	TOTAL LOADED COSTS		
Discipline Lead Hours	\$171.00	4	\$684.00		
Senior Engineer Hours	\$161.00	4	\$644.00		
Staff Engineer Hours	\$0.00	0	\$0.00		
Engineer Hours	\$0.00	0	\$0.00		
Admin. Hours	\$0.00	0	\$0.00		
DESIGN FEE SUBTOTALS		<u>8</u>	\$1,328.00		
DIRECT COSTS / EXPENSES					
		MANDAYS	TOTAL LABOR COSTS		
		1	<u>\$1,328.00</u>		

Project	Shelby Streetscape Project - Lafayette Street and Graham Street Improvements (Task Order 4)			 801 Jones Franklin Road, Suite 300 Raleigh, North Carolina 27606-3394	
Prepared by:	Mike Lindgren, PE				
Date	3/7/2019				
Shelby Streetscape Project - Lafayette Street and Graham Street Improvements (Task Order 4)					
PROJECT COORDINATION - TASK & SCOPE					
	Discipline Lead Hours	Senior Engineer Hours	Staff Engineer Hours	Engineer Hours	Admin
Coordinating Design Changes with Team	4	12	0	0	0
	0	0	0	0	0
	0	0	0	0	0
STAFF RATES					
	HOURLY RATE	HOURS	TOTAL LOADED COSTS		
Discipline Lead Hours	\$171.00	4	\$684.00		
Senior Engineer Hours	\$161.00	12	\$1,932.00		
Staff Engineer Hours	\$0.00	0	\$0.00		
Engineer Hours	\$0.00	0	\$0.00		
Admin. Hours	\$0.00	0	\$0.00		
DESIGN FEE SUBTOTALS		<u>16</u>	\$2,616.00		
DIRECT COSTS / EXPENSES			\$0.00		
		MANDAYS	TOTAL LABOR COSTS		
		<u>2</u>	<u>\$2,616.00</u>		

Project	Shelby Streetscape Project - Lafayette Street and Graham Street Improvements (Task Order 4)		 801 Jones Franklin Road, Suite 300 Raleigh, North Carolina 27606-3394			
Prepared by:	Linda Pass, PE					
Date	3/7/2019					
Shelby Streetscape Project - Lafayette Street and Graham Street Improvements (Task Order 4)						
DRAINAGE & HYDRAULICS - TASK & SCOPE (HOURS)						
TASK DESCRIPTION	Principal	Senior Engineer	Project Engineer	Engineer	Junior Engineer	Technician
FIELD RECONNAISSANCE						
EROSION CONTROL						
Final Grade Plans						
Details						
Review and Rework						
INTERAGENCY MEETINGS						
Attend one meeting						
Prepare Meeting Minutes						
Review and Rework						
DRAINAGE DESIGN						
Hydraulic Calculations						
Final Drainage Plans-Addition of 3 CBs at Arey		4	4			
STAFF RATES						
	HOURLY RATE	HOURS	TOTAL LOADED COSTS			
Principal	\$171.00	0	\$0.00			
Senior Engineer	\$161.00	4	\$644.00			
Project Engineer	\$150.00	4	\$600.00			
Junior Engineer	\$108.00	0	\$0.00			
Technician	\$108.00	0	\$0.00			
DESIGN FEE SUBTOTALS		8	\$1,244.00			
DIRECT COSTS / EXPENSES			\$0.00			
		MANDAYS	TOTAL LABOR COSTS			
		1	\$1,244.00			

Project	Shelby Streetscape Project - Lafayette Street and Graham Street Improvements (Task Order 4)				 801 Jones Franklin Road, Suite 300 Raleigh, North Carolina 27606-3394
Prepared by:	Mike Lindgren, PE				
Date	3/7/2019				
Shelby Streetscape Project - Lafayette Street and Graham Street Improvements (Task Order 4)					
CONSTRUCTION BID DOCUMENTS - TASK & SCOPE					
	Discipline Lead Hours	Senior Engineer Hours	Staff Engineer Hours	Engineer Hours	Admin
Manage bidding process with City	48				
STAFF RATES					
	HOURLY RATE	HOURS	TOTAL LOADED COSTS		
Discipline Lead Hours	\$171.00	48	\$8,208.00		
Senior Engineer Hours	\$161.00	0	\$0.00		
Staff Engineer Hours	\$0.00	0	\$0.00		
Engineer Hours	\$0.00	0	\$0.00		
Admin. Hours	\$0.00	0	\$0.00		
DESIGN FEE SUBTOTALS		48	\$8,208.00		
DIRECT COSTS / EXPENSES			\$618.00		
		MANDAYS	TOTAL LABOR COSTS		
		6	\$8,826.00		

ORDINANCE NO. 24-2019

A BUDGET ORDINANCE AMENDMENT FOR THE CITY OF SHELBY'S
 UPTOWN STREETScape AND PEDESTRIAN IMPROVEMENTS PROJECT

WHEREAS, in accordance with applicable provisions of the North Carolina Budget and Fiscal Control Act, the City of Shelby finds it advisable and necessary to revise and amend its capital project ordinance and budgets for the City of Shelby's Uptown Streetscape and Pedestrian Improvements Project; and

WHEREAS, the City Manager (Budget Officer) has recommended certain amendments to the budget which the governing body finds acceptable; and,

WHEREAS, City Council now desires to act on the recommended budget amendments and approve the same for implementation and compliance with the North Carolina Local Government Budget and Fiscal Control Act.

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

Section 1. Ordinance No. 19-2017, the City's Uptown Streetscape and Pedestrian Improvements Project, is hereby amended as follows to provide for Budget Amendment No. 3 for said project:

Uptown Streetscape and Pedestrian Improvements Project

(1) Appropriating Fund Balance:

Fund Balance Appropriated	11001000-39900	\$7,496
Transfer to General Capital Projects	110495-49111	\$7,496
Fund Balance Appropriated	61006000-39900	\$1,251
Transfer to General Capital Projects	610711-49111	\$1,251
Fund Balance Appropriated	62006000-39900	\$1,251
Transfer to General Capital Projects	620721-49111	\$1,251
Fund Balance Appropriated	63006000-39900	\$2,501
Transfer to General Capital Projects	630731-49111	\$2,501
Fund Balance Appropriated	64006000-39900	\$2,501
Transfer to General Capital Projects	640741-49111	\$2,501

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

Transferred from General Fund	11101000-39110-USPIP	\$ 7,496
Transferred from Water Fund	11101000-39610-USPIP	\$ 1,251
Transferred from Sewer Fund	11101000-39620-USPIP	\$ 1,251
Transferred from Electric Fund	11101000-39630-USPIP	\$ 2,501
Transferred from Gas Fund	11101000-39640-USPIP	\$ 2,501

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

Engineering	111451-42004-USPIP	\$ 15,000
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Section 2. That the revenues, expenditures and amendments set forth in Section 1 of this ordinance are hereby summarized as follows:

<u>East Gateway Enhancement Project</u>	<u>Current Budget</u>	<u>Amendment No. 3</u>
Revenues		
Transferred from General Fund	\$ 202,606	\$ 210,102
Transferred from Water Fund	\$ 33,773	\$ 35,024
Transferred from Sewer Fund	\$ 33,773	\$ 35,024
Transferred from Electric Fund	\$ 67,529	\$ 70,030
Transferred from Gas Fund	\$ 67,529	\$ 70,030
Expenditures		
Engineering	\$ 405,210	\$ 420,210

Section 3. Copies of this Budget Ordinance Amendment shall be furnished to the City Manager as Budget Officer and to the Finance Director to be kept on file by them for their direction in the collection and disbursement of funds. Said officials are hereby authorized to receive and expend funds as herein set forth in accordance with the Shelby City Code, the General Statutes of North Carolina, and the provisions of the original budget ordinance; inclusive of GS 159-28 governing budgetary accounting of appropriations.

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

Adopted and approved this the 18th day of March 2019.

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
March 18, 2019
City Hall Council Chamber

Agenda Item: F-1

Unfinished Business

- 1) City of Shelby's W-5712-A NC 180 and SR 2202 Water and Sewer Utility Relocation Project
 - a. Consideration of an ordinance establishing a capital project ordinance and budgets for the City of Shelby's W-5712-A NC 180 and SR 2202 Water and Sewer Utility Relocation Project: Ordinance No. 25-2019
 - b. Consideration of a resolution accepting and approving a utility relocation agreement for water and sewer between the City of Shelby and the North Carolina Department of Transportation for relocation of utilities in conflict with the interchange improvements at NC 180 and SR 2202 intersection: Resolution No. 24-2019

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

Summary of Available Information:

- Memorandum dated March 11, 2019 from David Hux, Water Resources Director to Rick Howell, City Manager and Justin Merritt, Assistant City Manager
- Photo showing intersection
- Utility Construction Agreement and Plans
- Ordinance No. 25-2019
- Resolution No. 24-2019


City Manager's Recommendation / Comments

Ordinance No. 25-2019 is presented for City Council consideration at this time. If approved this ordinance would appropriate funding for the relocation of the City owned water distribution and sewer collection lines in and around the intersection of Joe's Lake Road and South Post Road in the southeastern section of the City. Council will recall that NCDOT has funded and is building a roundabout at 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 water and sewer systems. This work is estimated to cost \$232,711. The City share is \$90,052.75. The City will agree to allow NCDOT to include approved work within their construction contract. NCDOT will pay these costs up front and the City will reimburse our portion of the total cost once billed by NCDOT. The City's share is appropriated from the Water Fund and Sewer Fund capital reserves respectively. Resolution No 24-2019 authorizes the City to enter into an agreement with NCDOT.

It is my recommendation Ordinance No. 25-2019 and Resolution No. 24-2019 be adopted and approved by City Council at this time via the Consent Agenda.

Memorandum

To: Rick Howell; City Manager
 Justin Merritt; Director of Finance

From: David Hux; Director of Water Resources 

RE: **U-5712A NC180 and SR2202 Utility Relocation
 Relocation Agreements and Project Budget Ordinance**

Date: March 11, 2019

Background:

NCDOT has developed and adopted plans for street improvements under Project U-5712A for the intersection of NC 180 (S. Post Road) and SR2202 (Joe’s Lake Road). With this new intersection, the City will be required to relocate both water and sewer infrastructure in the project area. For months the City has been actively working with NCDOT’s engineer to develop plans and relocation costs that will be in conflict with the project. The City has elected to include this relocations within the construction contracts of NCDOT which is scheduled to be out for bid March 19, 2019.

Review:

Water and sewer relocation have been incorporated into the NCDOT contracts and drawings for the U-5712A Project. Under the NC General Statutes, the City is responsible for 25% of relocation costs and any betterment costs for utility relocation. NCDOT has submitted estimated construction costs and a Utility Construction Agreement for the associated water and sewer infrastructure relocation.

- 16 inch waterline Relocation – On South Post crossing Joe’s Lake Road
- 8 inch waterline – Crossing South Post and heading west on Earl Road
- 4 inch sewer force main relocation South Post Road

Costs for improvements are totaled as follows:

Waterline Relocation Costs:	\$ 47,552.75
Sewer Relocation Costs:	\$ 42,500.00
Total Construction Costs:	\$ 90,052.75

Recommendations:

Staff recommends adoption and acceptance of the subject NCDOT Utility Relocation Agreement associated with U-5712A (South Post Road and Joe's Lake Road) Project and recommends a project budget ordinance be developed for the estimated construction costs as listed above.

U-5712A NC 180 (S Post Rd) &
 SR 2202 (Joes Lake Rd)
 UTILITY RELOCATION



- - - Relocation Area
- Water Main
- Force Main
- Gravity Sewer
- Hydrants
- Manholes
- Force Main Valve
- Air Release Valve
- Volves



1 inch = 100 feet

0 50 100 147 200 Feet



NORTH CAROLINA
CLEVELAND COUNTY

UTILITY CONSTRUCTION AGREEMENT (UCA)

DATE: 12/3/2018

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

Project: W-5712A

AND

WBS Elements: 44858.2.1

CITY OF SHELBY

THIS AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department" and the City of Shelby, hereinafter referred to as the "Municipality."

WITNESSETH:

WHEREAS, the Department has prepared and adopted plans to make certain street and highway improvements under Project W-5712A, in Cleveland County, said plans consists of water and sewer line relocations along NC 180 (S. Post Rd) at SR 2202 (Beam Rd/Joe's Lake Rd); Cleveland County; said project having a right-of-way width as shown on the project plans on file with the Department's office in Raleigh, North Carolina; and,

WHEREAS, the parties hereto wish to enter into an agreement for certain utility work to be performed by the Department's construction contractor with full reimbursement by the Municipality for the costs thereof as hereinafter set out.

NOW, THEREFORE, it is agreed as follows:

1. The Department shall place provisions in the construction contract for Project W-5712A Cleveland County, for the contractor to adjust and relocate water and sewer lines. Said work shall be accomplished in accordance with plan sheets, attached hereto as Exhibit "A", cost estimate attached hereto as Exhibit "B", and project specific provisions, if applicable, attached hereto as Exhibit "C".
2. **The Municipality shall be responsible for water and sewer lines cost as shown on the attached Exhibit "A". The cost share is as follows:**

\$47,552.75 (25% of \$190,211.00) UC Plan Sheet 4

\$42,500.00 (100% of \$42,500.00, 4" private force main sewer) UC Plan Sheet 4

The estimated cost to the Municipality is \$90,052.75 as shown on the attached Exhibit "B". It is understood by both parties that this is an estimated cost and is subject to change. The Municipality shall reimburse the Department for said costs as follows:

- A. Upon completion of the highway work, the Department shall submit an itemized invoice to the Municipality for costs incurred. Billing will be based upon the actual bid prices and actual quantities used.
 - B. Reimbursement shall be made by the Municipality in one final payment within sixty (60) days of said invoice.
 - C. If the Municipality does not pay said invoice within sixty (60) days of the date of the invoice, the Department shall charge interest on any unpaid balance at a variable rate of the prime plus (1%) in accordance with G.S. 136-27.3.
 - D. Said interest rate shall be set upon final execution of the Agreement by the Department. The Municipality will be notified of the set interest rate by the Department's approval letter upon receipt of the fully executed agreement.
 - E. Any cost incurred due to additional utility work requested by the Municipality after award of the construction contract, shall be solely the responsibility of the Municipality. The Municipality shall reimburse the Department 100% of the additional utility cost.
3. In the event the Municipality fails for any reason to pay the Department in accordance with the provisions for payment hereinabove provided, North Carolina General Statute 136-41.3 authorizes the Department to withhold so much of the Municipality's share of funds allocated to said Municipality by North Carolina General Statute, Section 136-41.1, until such time as the Department has received payment in full.
 4. Upon the satisfactory completion of the relocations and adjustments of the utility lines covered under this Agreement, the Municipality shall assume normal maintenance operations to the said utility lines. Upon completion of the construction of the highway project, the Municipality shall release the Department from any and all claims for damages in connection with adjustments made to its utility lines; and, further, the Municipality shall release the Department of any future responsibility for the cost of maintenance to said utility lines. Said releases shall be deemed to be

given by the Municipality upon completion of construction of the project and its acceptance by the Department from its contractor unless the Municipality notifies the Department, in writing, to the contrary prior to the Department's acceptance of the project.

5. It is further agreed that the following provisions shall apply regarding the utilities covered in this Agreement.
 - A. The Municipality obligates itself to service and to maintain its facilities to be retained and installed over and along the highway within the Department's right-of-way limits in accordance with the mandate of the North Carolina General Statutes and such other laws, rules, and regulations as have been or may be validly enacted or adopted, now or hereafter.
 - B. If at any time the Department shall require the removal of or changes in the location of the encroaching facilities which are being relocated at the Municipality's expense, the Municipality binds itself, its successors and assigns, to promptly remove or alter said facilities, in order to conform to the said requirement (if applicable per G.S. 136-27.1), without any cost to the Department.
6. By Executive Order 24, issued by Governor Perdue, and N.C. G.S. § 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Environmental Quality, Health and Human Services, Information Technology, Military and Veterans Affairs, Natural and Cultural Resources, Public Safety, Revenue, Transportation, and the Office of the Governor).

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the Municipality by authority duly given.

L S. ATTEST: CITY OF SHELBY
BY: _____
TITLE: _____ TITLE _____
DATE: _____

NSI133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

Approved by _____ he local governing body of the City of Shelby as attested to by the signature of Clerk of said governing body on _____ (Date)

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

(SEAL)

(FINANCE OFFICER)

Federal Tax Identification Number

Remittance Address:

City of Shelby

DEPARTMENT OF TRANSPORTATION

BY: _____
(CHIEF ENGINEER)

DATE: _____

APPROVED BY BOARD OF TRANSPORTATION ITEM 0: _____ (Date)

STATE OF NORTH CAROLINA
DIVISION OF HIGHWAYS

T.I.P. NO.
W-5712-A

SHEET NO.
UC-1

UTILITY CONSTRUCTION PLANS CLEVELAND COUNTY

**LOCATION: NC 180 (S. POST RD), NC 226 (EARL RD) AND
SR 2202 (JOE'S LAKE RD) INTERSECTION IMPROVEMENTS**

TYPE OF WORK: WATER AND SEWER RELOCATION

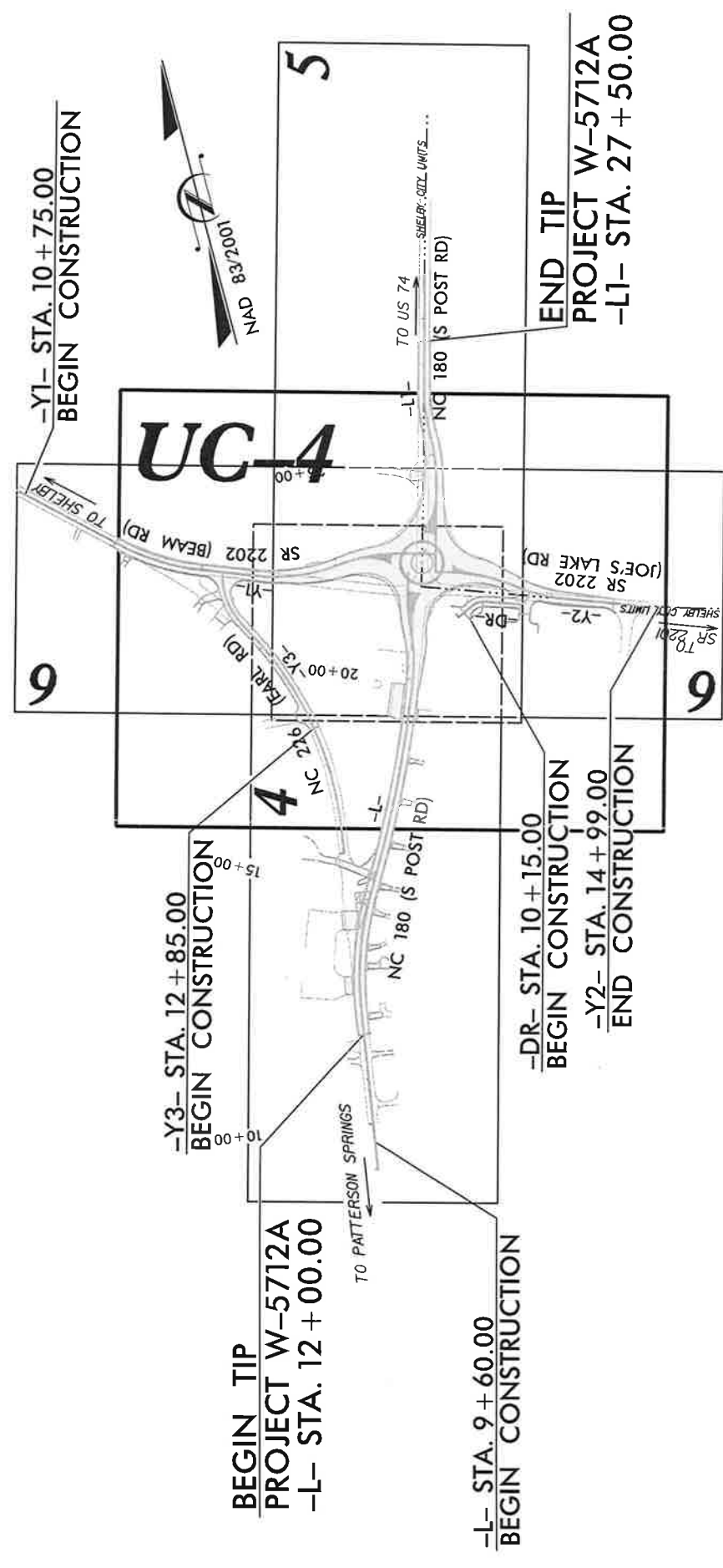
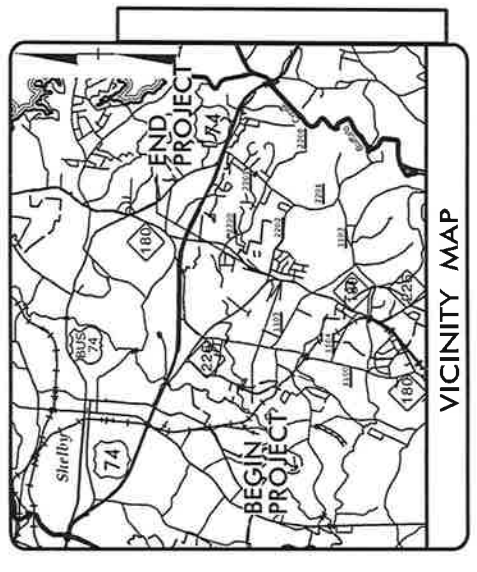
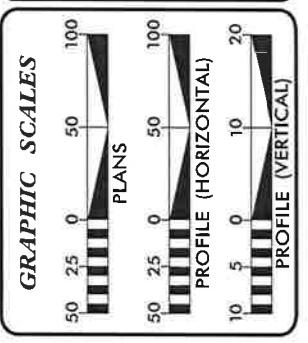


Exhibit "A"

PRELIMINARY PLANS
DO NOT USE FOR CONSTRUCTION

DOCUMENT NOT CONSIDERED FINAL
UNTIL ALL SIGNATURES ARE COMPLETED

AGREEMENT PLANS



INDEX OF SHEETS

SHEET NO.:	DESCRIPTION:
UC-1	TITLE SHEET
UC-2	UTILITY SYMBOLOLOGY
UC-3	NOTES
UC-3A	DETAILS
UC-4	UTILITY CONSTRUCTION SHEETS
UC-5 TO UC-7	PROFILE SHEETS

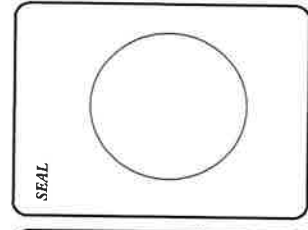
WATER AND SEWER OWNERS ON PROJECT

(A) WATER - CITY OF SHELBY
(B) WATER - CLEVELAND COUNTY WATER
(C) SEWER - PRIVATE

PREPARED IN THE OFFICE OF

TGS ENGINEERS
804-C N. LAFAYETTE ST
SHELBY, NC 28150
PH (704) 476-0003
CORP. LICENSE NO.: C-0275

B. CHAD HOUSER PE PROJECT DESIGN ENGINEER
JIMMY TERRY PE PROJECT MANAGER



DIVISION OF HIGHWAYS
DIVISION 12
1710 E. MARION ST.
SHELBY, NC 28157
704-489-9920

BRYAN SOBELL
WARREN ANDERSON UTILITIES AREA COORDINATOR

UTILITIES PLAN SHEET SYMBOLS

PROPOSED WATER SYMBOLS

Water Line (Sized as Shown)	
1 1/4 Degree Bend	
2 1/2 Degree Bend	
45 Degree Bend	
90 Degree Bend	
Plug	
Tee	
Cross	
Reducer	
Gate Valve	
Butterfly Valve	
Tapping Valve	
Line Stop	
Line Stop with Bypass	
Blow Off	
Fire Hydrant	
Relocate Fire Hydrant	
Remove Fire Hydrant	
Water Meter	
Relocate Water Meter	
Remove Water Meter	
Water Pump Station	
RPZ Backflow Preventer	
DCV Backflow Preventer	
Relocate RPZ Backflow Preventer	
Relocate DCV Backflow Preventer	

PROPOSED SEWER SYMBOLS

Gravity Sewer Line (Sized as Shown)	
Force Main Sewer Line (Sized as Shown)	
Manhole (Sized per Note)	
Sewer Pump Station	

PROPOSED MISCELLANEOUS UTILITIES SYMBOLS

Power Pole	
Telephone Pole	
Joint Use Pole	
Telephone Pedestal	
Utility Line by Others (Type as Shown)	
Trenchless Installation	
Encasement by Open Cut	
Encasement	
Thrust Block	
Air Release Valve	
Utility Vault	
Concrete Pier	
Steel Pier	
Plan Note	
Pay Item Note	

EXISTING UTILITIES SYMBOLS





Power Pole	
Telephone Pole	
Joint Use Pole	
Utility Pole	
Utility Pole with Base	
H-Frame Pole	
Power Transmission Line Tower	
Water Manhole	
Power Manhole	
Telephone Manhole	
Sanitary Sewer Manhole	
Hand Hole for Cable	
Power Transformer	
Telephone Pedestal	
CATV Pedestal	
Gas Valve	
Gas Meter	
Located Miscellaneous Utility Object	
Abandoned According to Utility Records	
End of Information	
*Underground Power Line	
*Underground Telephone Cable	
*Underground Telephone Conduit	
*Underground Fiber Optics Telephone Cable	
*Underground TV Cable	
*Underground Fiber Optics TV Cable	
*Underground Gas Pipeline	
Aboveground Gas Pipeline	
*Underground Water Line	
Aboveground Water Line	
*Underground Gravity Sanitary Sewer Line	
Aboveground Gravity Sanitary Sewer Line	
*Underground SS Forced Main Line	
Underground Unknown Utility Line	
SUE Test Hole	
Water Meter	
Water Valve	
Fire Hydrant	
Sanitary Sewer Cleanout	

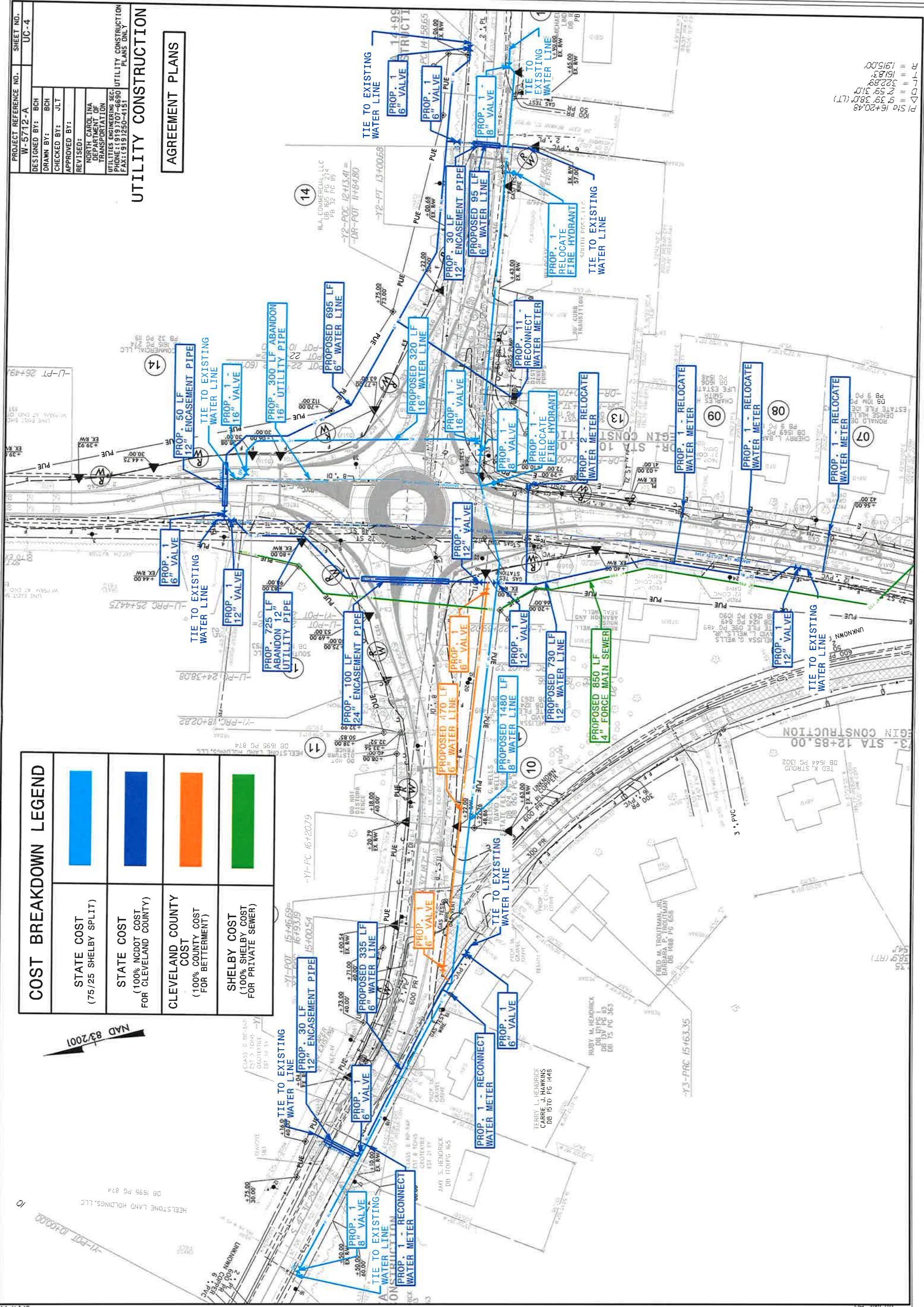
*For Existing Utilities
Utility Line Drawn from Record
(Type as Shown)
Designated Utility Line
(Type as Shown)

PROJECT REFERENCE NO. W-5712-A SHEET NO. UC-4
 DESIGNED BY: BCH
 DRAWN BY: BCH
 CHECKED BY: JLT
 APPROVED BY:
 NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
 UTILITIES ENGINEERING SECTION
 PHONE: (919) 707-6690
 FAX: (919) 250-4151

UTILITY CONSTRUCTION PLANS ONLY

AGREEMENT PLANS

COST BREAKDOWN LEGEND	
	STATE COST (75/25 SHELBY SPLIT)
	STATE COST (100% NCDOT COST FOR CLEVELAND COUNTY)
	CLEVELAND COUNTY COST (100% COUNTY COST FOR BETTERMENT)
	SHELBY COUNTY COST (100% SHELBY COST FOR PRIVATE SEWER)



PL 16+20.48
 STA 16+20.48
 2.59 31.0
 32.289
 161.83
 1915.00

AN ORDINANCE ESTABLISHING A CAPITAL PROJECT ORDINANCE AND BUDGETS
FOR THE CITY OF SHELBY'S W-5712-A NC 180 AND SR 2202
WATER AND SEWER UTILITY 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 W-5712-A NC 180 and SR 2202 Water and Sewer Utility 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 water and sewer 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 water and sewer line infrastructure in conjunction with the construction of NC 180 and SR 2202 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	61006000-39900	\$47,553
Transfer to Water Capital Projects	610711-49611	\$47,553
Fund Balance Appropriated	62006000-39900	\$42,500
Transfer to Sewer Capital Projects	620711-49611	\$42,500

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

Revenues:		
Transferred from Water Fund	6106000-39610-61840	\$47,553
Transferred from Sewer Fund	6206000-39620-62877	\$42,500
Appropriation:		
Construction	611716-53000-61840	\$47,553
Construction	621726-53000-62877	\$42,500

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 18th day of March 2019.

O. Stanhope Anthony III
Mayor

ATTEST:

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

APPROVED AS TO FORM:

Robert W. Yelton
City Attorney

RESOLUTION NO. 24-2019

A RESOLUTION ACCEPTING AND APPROVING A UTILITY RELOCATION AGREEMENT FOR WATER AND SEWER BETWEEN THE CITY OF SHELBY AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR RELOCATION OF UTILITIES IN CONFLICT WITH THE INTERCHANGE IMPROVEMENTS AT HIGHWAY 180 AND SR2202 INTERSECTION

WHEREAS, the North Carolina Department of Transportation has designed a project for construction to include realignment of the Highway 180 (S Post Road) and SR2202 (Joe's Lake Road) intersection in Cleveland County, North Carolina, and referenced as WBS Element: 44858.2.1 (U-5712A); and,

WHEREAS, the construction of said project will require certain adjustments to be made to the existing water and sewer systems of the City of Shelby; and,

WHEREAS, the City of Shelby utilities do not have private utility easements and are located within the right of way of said proposed project area; and,

WHEREAS, the City of Shelby agrees to undertake the actions required to accommodate the proposed improvements, and will enter into certain agreements with NCDOT to complete these aforementioned utility relocations for the realigned intersection.

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

Section 1. In order to facilitate the orderly and expeditious relocation of the said required utilities owned by the City of Shelby, the NCDOT and the City of Shelby have agreed to relocation and reimbursement as detailed in the attached agreements entitled "Utility Relocation Agreement" and is hereby made a part of this resolution by its incorporation.

Section 2. The City Manager of the City of Shelby or his designee are hereby authorized and directed to execute the applicable agreement as specified in Section 1 of this resolution.

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

Adopted and approved this the 18th day of March 2019.

ATTEST:

O. Stanhope Anthony III
Mayor

Bernadette A. Parduski, NCCMC, IIMC-MMC
City Clerk

City of Shelby
Agenda Item Summary
March 18, 2019
City Hall Council Chamber

Agenda Item: F-2

2) City of Shelby's U-5775 NC 150 and US 74 Business Water and Sewer Utility Relocation Project:

- a. Consideration of an ordinance establishing a capital project ordinance and budgets for the City of Shelby's U-5775 NC 150 and US 74 Business Water and Sewer Utility Relocation Project: Ordinance No. 26-2019
- b. Consideration of a resolution accepting and approving a utility relocation agreement for water and sewer between the City of Shelby and the North Carolina Department of Transportation for relocation of utilities in conflict with the realignment of NC 150 and US 74 intersection: Resolution No. 25-2019

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

Summary of Available Information:

- Memorandum dated March 11, 2019 from David Hux, Water Resources Director to Rick Howell, City Manager and Justin Merritt, Assistant City Manager
- Photo showing intersection
- Utility Construction Agreement and Plans
- Ordinance No. 26-2019
- Resolution No. 25-2019


City Manager's Recommendation / Comments

Ordinance No. 26-2019 is presented for City Council consideration at this time. If approved this ordinance would appropriate funding for the relocation of the City owned water distribution and sewer collection lines in and around the intersection of E. Marion Street, Cherryville Road and Peach Street. Council will recall that NCDOT has funded and is realigning these intersections. 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 water and sewer systems. The City's share is \$271,465.25. The City will agree to allow NCDOT to include approved work within their construction contract. NCDOT will pay these costs up front and the City will reimburse our portion of the total cost once billed by NCDOT. The City's share is appropriated from the Water Fund and Sewer Fund capital reserves respectively. Resolution No 25-2019 authorizes the City to enter into an agreement with NCDOT. This project was accelerated by NCDOT after the City agreed to provide \$300,000 towards construction several years ago.

It is my recommendation Ordinance No. 26-2019 and Resolution No. 25-2019 be adopted and approved by City Council at this time via the Consent Agenda.

Memorandum

To: Rick Howell; City Manager
Justin Merritt; Director of Finance

From: David Hux; Director of Water Resources 

RE: **U-5775 Highway 150 and Highway 74 Utility Relocation Relocation Agreements and Project Budget Ordinance**

Date: March 11, 2019

Background:

NCDOT has developed and adopted plans for street improvements under Project U-5775 for the intersection of Highway 150 (Cherryville Road) and Highway 74 (Marion Street). With this realignment, the City will be required to relocate both water and sewer infrastructure in the project area. For several months the City has been actively working with NCDOT's engineer to develop plans and relocation costs that will be in conflict with the project. The City has elected to include this relocations within the construction contracts of NCDOT which is scheduled to be out for bid May 28, 2019.

Review:

Water and sewer relocation have been incorporated into the NCDOT contracts and drawings for the U-5775 Project. Under the NC General Statutes, the City is responsible for 25% of relocation costs and 100% of any betterment costs for utility relocation. NCDOT has submitted estimated construction costs and a Utility Construction Agreement for the associated water and sewer infrastructure relocation.

With the relocation of the intersection the City has elected to upsize the waterlines on Peach, Marion and Cherryville Road in efforts to provide eventually looping of the distribution system in a long term effort to improve flow distribution to East and Northeast Shelby.

- 12 inch waterline – From construction limits on Peach across Marion and north on Cherryville Road just north of Sunrise Circle. Betterment costs included.
- 8 inch waterline – From Locust east on Marion to Country Club Circle. Betterment Costs included.
- 6 inch waterline – 6 inch water looping behind 1207 Marion Street to Cherryville Road. Betterment costs included.

- 8 inch sewer relocation – Cherryville Road and Marion Street

Costs for improvements are totaled as follows:

Waterline Relocation Costs:	\$258,455.25
<u>Sewer Relocation Costs:</u>	<u>\$ 13,010.00</u>
Total Construction Costs:	\$271,465.25

Recommendations:

Staff recommends adoption and acceptance of the subject NCDOT Utility Relocation Agreement associated with U-5775 Highway 150 and Highway 74 Project and recommends a project budget ordinance be developed for the estimated construction costs as listed above.



U-5775 CHERRYVILLE RD & MARION ST
UTILITY RELOCATION

NORTH CAROLINA
CLEVELAND COUNTY

UTILITY CONSTRUCTION AGREEMENT (UCA)

DATE: 12/17/2018

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

Project: U-5775

AND

WBS Elements: 50186.3.1

CITY OF SHELBY

THIS AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department" and the City of Shelby, hereinafter referred to as the "Municipality."

WITNESSETH:

WHEREAS, the Department has prepared and adopted plans to make certain street and highway improvements under Project U-5775, in Cleveland County, said plans consists of improvements, to include water and sewer relocation along US 74 Business (Marion Street) and the intersection US 74 Business (Marion Street) and NC 150 (Cherryville Road); Cleveland County; said project having a right-of-way width as shown on the project plans on file with the Department's office in Raleigh, North Carolina; and,

WHEREAS, the parties hereto wish to enter into an agreement for certain utility work to be performed by the Department's construction contractor with full reimbursement by the Municipality for the costs thereof as hereinafter set out.

NOW, THEREFORE, it is agreed as follows:

1. The Department shall place provisions in the construction contract for Project U-5775, Cleveland County, for the contractor to adjust and relocate water and sewer lines. Said work shall be accomplished in accordance with plan sheets, attached hereto as Exhibit "A", cost estimate attached hereto as Exhibit "B", and project specific provisions, if applicable, attached hereto as Exhibit "C".
2. The Municipality shall be responsible for water and sewer lines cost, to include relocation, new construction and 100% Betterment cost as shown on the attached Exhibit 'A'.

The cost share is as follows:

- \$27,295.75 (25%) UC Plan Sheet 4,
 - \$16,724.50 (25%) UC Plan Sheet 5
 - \$59,845.00 (100% - Betterment of 8" and 12" waterline) UC Plan Sheet 4
 - \$62,995.00 (100% - New construction of 8" and 12" waterline) UC Plan Sheet 4
 - \$32,220.00 (100% - Betterment of 12" waterline) UC Plan Sheet 5
 - \$72,385.00 (100% - New construction of 6" and 12" waterline) UC Plan Sheet 5
3. The estimated cost to the Municipality is \$271,465.25, as shown on the attached Exhibit "B". It is understood by both parties that this is an estimated cost and is subject to change. The Municipality shall reimburse the Department for said costs as follows:
- A. Upon completion of the highway work, the Department shall submit an itemized invoice to the Municipality for costs incurred. Billing will be based upon the actual bid prices and actual quantities used.
 - B. Reimbursement shall be made by the Municipality in one final payment within sixty (60) days of said invoice.
 - C. If the Municipality does not pay said invoice within sixty (60) days of the date of the invoice, the Department shall charge interest on any unpaid balance at a variable rate of the prime plus (1%) in accordance with G.S. 136-27.3.
 - D. Said interest rate shall be set upon final execution of the Agreement by the Department. The Municipality will be notified of the set interest rate by the Department's approval letter upon receipt of the fully executed agreement.
 - E. Any cost incurred due to additional utility work requested by the Municipality after award of the construction contract, shall be solely the responsibility of the Municipality. The Municipality shall reimburse the Department 100% of the additional utility cost.
 - F. In the event the Municipality fails for any reason to pay the Department in accordance with the provisions for payment hereinabove provided, North Carolina General Statute 136-41.3 authorizes the Department to withhold so much of the Municipality's share of funds allocated

to said Municipality by North Carolina General Statute, Section 136-41.1, until such time as the Department has received payment in full.

4. Upon the satisfactory completion of the relocations and adjustments of the utility lines covered under this Agreement, the Municipality shall assume normal maintenance operations to the said utility lines. Upon completion of the construction of the highway project, the Municipality shall release the Department from any and all claims for damages in connection with adjustments made to its utility lines; and, further, the Municipality shall release the Department of any future responsibility for the cost of maintenance to said utility lines. Said releases shall be deemed to be given by the Municipality upon completion of construction of the project and its acceptance by the Department from its contractor unless the Municipality notifies the Department, in writing, to the contrary prior to the Department's acceptance of the project.

5. It is further agreed that the following provisions shall apply regarding the utilities covered in this Agreement.
 - A. The Municipality obligates itself to service and to maintain its facilities to be retained and installed over and along the highway within the Department's right-of-way limits in accordance with the mandate of the North Carolina General Statutes and such other laws, rules, and regulations as have been or may be validly enacted or adopted, now or hereafter.

 - B. If at any time the Department shall require the removal of or changes in the location of the encroaching facilities which are being relocated at the Municipality's expense, the Municipality binds itself, its successors and assigns, to promptly remove or alter said facilities, in order to conform to the said requirement (if applicable per G.S. 136-27.1), without any cost to the Department.

6. By Executive Order 24, issued by Governor Perdue, and N.C. G.S. § 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Environmental Quality, Health and Human Services, Information Technology, Military and Veterans Affairs, Natural and Cultural Resources, Public Safety, Revenue, Transportation, and the Office of the Governor).

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the Municipality by authority duly given.

L.S. ATTEST: CITY OF SHELBY

BY: _____ BY: _____

TITLE: _____ TITLE: _____

DATE: _____

N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

Approved by _____ of the local governing body of the City of Shelby as

attested to by the signature of Clerk of said governing body on _____ (Date)

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

(SEAL)

(FINANCE OFFICER)

Federal Tax Identification Number

Remittance Address:

City of Shelby

DEPARTMENT OF TRANSPORTATION

BY: _____
(CHIEF ENGINEER)

DATE: _____

APPROVED BY BOARD OF TRANSPORTATION ITEM O: _____ (Date)

Prepared By: BCH
Requested By:

2/14/2019

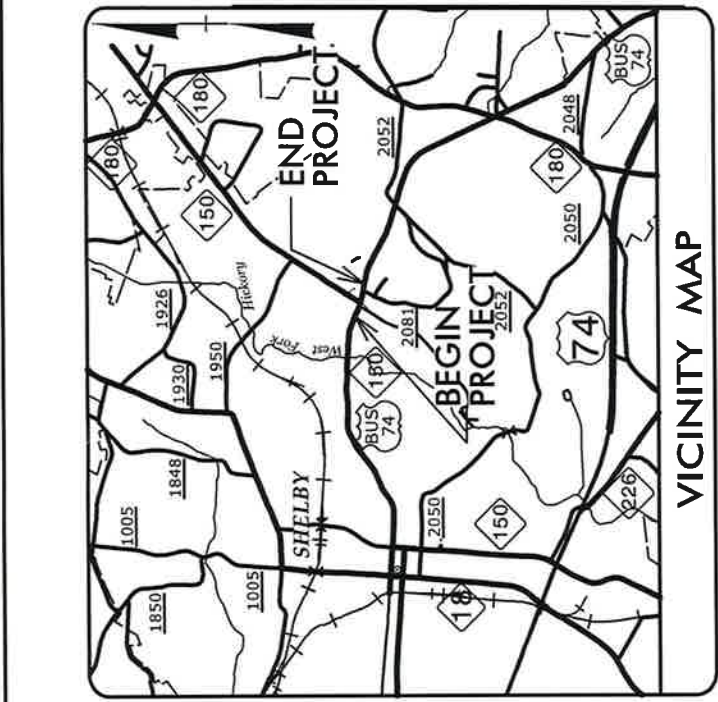
Line Item	Des	Sec No.	Description	Quantity	Unit	Price	Amount	
UC Plan Sheet 4 NCDOT COST (75/25 Shelby Split)								
WATER COST								
031800000-E		300	FOUNDATION CONDITIONING MATERIAL, MINOR STRUCT	10	TN	\$	-	
032000000-E		300	FOUNDATION CONDITIONING GEOTEXTILE	30	SY	\$	-	
531900000-E		1505	CLASS B CONCRETE FOR ENCASING UTILITY LINES	1	CY	\$	-	
532560000-E		1510	6" WATER LINE	74	LF	\$	-	
532580000-E		1510	8" WATER LINE	20	LF	\$	-	
532900000-E		1510	DUCTILE IRON WATER PIPE FITTINGS	4,000	LB	\$	-	
554000000-E		1515	6" VALVE	4	EA	\$	-	
554600000-E		1515	8" VALVE	1	EA	\$	-	
564800000-N		1515	RELOCATE WATER METER	8	EA	\$	-	
564900000-N		1515	RECONNECT WATER METER	1	EA	\$	-	
567200000-N		1515	RELOCATE FIRE HYDRANT	1	EA	\$	-	
567300000-E		1515	FIRE HYDRANT LEG	20	LF	\$	-	
568600000-E		1515	2" WATER SERVICE LINE	25	LF	\$	-	
568650000-E		1515	WATER SERVICE LINE	250	LF	\$	-	
581500000-E		1530	REMOVE WATER METER	3	EA	\$	-	
		SP	POLYETHYLENE ENCASEMENT	20	LF	\$	-	
WATER TOTAL							\$ 21,420.75	-
SEWER COST								
031800000-E		300	FOUNDATION CONDITIONING MATERIAL, MINOR STRUCT	10	TN	\$	-	
032000000-E		300	FOUNDATION CONDITIONING GEOTEXTILE	30	SY	\$	-	
569130000-E		1520	8" GRAVITY SEWER	92	LF	\$	-	
577500000-E		1525	4' DIA. UTILITY MANHOLE	2	EA	\$	-	
578100000-E		1525	UTILITY MANHOLE WALL 4' DIA	1.2	LF	\$	-	
SEWER TOTAL							\$ 5,875.00	-
WATER AND SEWER TOTAL							\$ 27,295.75	-
UC Plan Sheet 4 SHELBY BETTEREMENT COST								
031800000-E		300	FOUNDATION CONDITIONING MATERIAL, MINOR STRUCT	120	TN	\$	-	
032000000-E		300	FOUNDATION CONDITIONING GEOTEXTILE	370	SY	\$	-	
531900000-E		1505	CLASS B CONCRETE FOR ENCASING UTILITY LINES	1	CY	\$	-	
532580000-E		1510	8" WATER LINE	1066	LF	\$	-	
532620000-E		1510	12" WATER LINE	521	LF	\$	-	
532900000-E		1510	DUCTILE IRON WATER PIPE FITTINGS	1,000	LB	\$	-	
554600000-E		1515	8" VALVE	9	EA	\$	-	
555800000-E		1515	12" VALVE	1	EA	\$	-	
		SP	POLYETHYLENE ENCASEMENT	20	LF	\$	-	
SEWER TOTAL							\$ 59,845.00	-
UC Plan Sheet 4 100% SHELBY COST								
031800000-E		300	FOUNDATION CONDITIONING MATERIAL, MINOR STRUCT	40	TN	\$	-	
032000000-E		300	FOUNDATION CONDITIONING GEOTEXTILE	110	SY	\$	-	
532580000-E		1510	8" WATER LINE	40	LF	\$	-	
532620000-E		1510	12" WATER LINE	345	LF	\$	-	
532900000-E		1510	DUCTILE IRON WATER PIPE FITTINGS	2,000	LB	\$	-	
554600000-E		1515	8" VALVE	2	EA	\$	-	
555800000-E		1515	12" VALVE	2	EA	\$	-	
566600000-E		1515	FIRE HYDRANT	2	EA	\$	-	
567300000-E		1515	FIRE HYDRANT LEG	30	LF	\$	-	
SEWER TOTAL							\$ 62,995.00	-
SHEET 4 TOTAL:							\$ 150,135.75	-

Prepared By: BCH
Requested By:

2/4/2019

Line Item	Des	Sec No.	Description	Quantity	Unit	Price	Amount
UC Plan Sheet 5 NCDOT COST (75/25 Shelby Split)							
WATER COST							
0318000000-E		300	FOUNDATION CONDITIONING MATERIAL, MINOR STRUCT	15	TN	\$	-
0320000000-E		300	FOUNDATION CONDITIONING GEOTEXTILE	40	SY	\$	-
5325600000-E		1510	6" WATER LINE	153	LF	\$	-
5325800000-E		1510	8" WATER LINE	20	LF	\$	-
5329000000-E		1510	DUCTILE IRON WATER PIPE FITTINGS	500	LB	\$	-
5540000000-E		1515	6" VALVE	3	EA	\$	-
5546000000-E		1515	8" VALVE	1	EA	\$	-
5648000000-N		1515	RELOCATE WATER METER	1	EA	\$	-
5649000000-N		1515	RECONNECT WATER METER	3	EA	\$	-
5672000000-N		1515	RELOCATE FIRE HYDRANT	1	EA	\$	-
5673000000-E		1515	FIRE HYDRANT LEG	20	LF	\$	-
5686500000-E		1515	WATER SERVICE LINE	250	LF	\$	-
						WATER TOTAL	\$ 9,589.50
SEWER COST							
0318000000-E		300	FOUNDATION CONDITIONING MATERIAL, MINOR STRUCT	15	TN	\$	-
0320000000-E		300	FOUNDATION CONDITIONING GEOTEXTILE	40	SY	\$	-
5691300000-E		1520	8" GRAVITY SEWER	158	LF	\$	-
5775000000-E		1525	4' DIA. UTILITY MANHOLE	2	EA	\$	-
5781000000-E		1525	UTILITY MANHOLE WALL 4' DIA	2	LF	\$	-
						SEWER TOTAL	\$ 7,135.00
						WATER AND SEWER TOTAL	\$ 16,724.50
UC Plan Sheet 5 SHELBY BETTEREMENT COST							
0318000000-E		300	FOUNDATION CONDITIONING MATERIAL, MINOR STRUCT	50	TN	\$	-
0320000000-E		300	FOUNDATION CONDITIONING GEOTEXTILE	160	SY	\$	-
5326200000-E		1510	12" WATER LINE	470	LF	\$	-
5329000000-E		1510	DUCTILE IRON WATER PIPE FITTINGS	1,500	LB	\$	-
5558000000-E		1515	12" VALVE	3	EA	\$	-
						\$ 32,220.00	
UC Plan Sheet 5 100% SHELBY COST							
0318000000-E		300	FOUNDATION CONDITIONING MATERIAL, MINOR STRUCT	70	TN	\$	-
0320000000-E		300	FOUNDATION CONDITIONING GEOTEXTILE	220	SY	\$	-
5325600000-E		1510	6" WATER LINE	423	LF	\$	-
5326200000-E		1510	12" WATER LINE	232	LF	\$	-
5329000000-E		1510	DUCTILE IRON WATER PIPE FITTINGS	1,500	LB	\$	-
5540000000-E		1515	6" VALVE	1	EA	\$	-
5558000000-E		1515	12" VALVE	2	EA	\$	-
5666000000-E		1515	FIRE HYDRANT	1	EA	\$	-
5673000000-E		1515	FIRE HYDRANT LEG	10	LF	\$	-
						\$ 72,385.00	
						SHEET 5 TOTAL:	\$ 121,329.50

TIP PROJECT: U-5775



STATE OF NORTH CAROLINA
DIVISION OF HIGHWAYS

UTILITY CONSTRUCTION PLANS
CLEVELAND COUNTY

LOCATION: INTERSECTION OF US 74 BUS. (MARION ST) AT
NC 150 (CHERRYVILLE RD) AND PEACH ST.

TYPE OF WORK: WATER AND SEWER RELOCATION

-Y- STA. 11 + 00.00
BEGIN CONSTRUCTION

-SVC- STA. 10 + 55.00
BEGIN CONSTRUCTION

-SVC- STA. 15 + 10.00
END CONSTRUCTION

END TIP
PROJECT U-5775
-L- STA. 30 + 00.00

BEGIN TIP
PROJECT U-5775
-L- STA. 19 + 46.00

-Y- STA. 26 + 78.00
END CONSTRUCTION



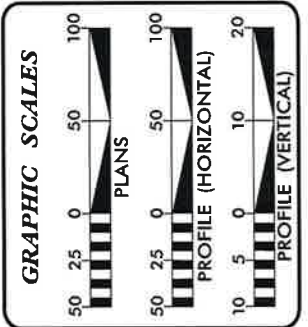
T.I.P. NO.	SHEET NO.
U-5775	UC-1

EXHIBIT A

AGREEMENT PLANS

PRELIMINARY PLANS
DO NOT USE FOR CONSTRUCTION

DOCUMENT NOT CONSIDERED FINAL
UNTIL ALL SIGNATURES ARE COMPLETED



INDEX OF SHEETS

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

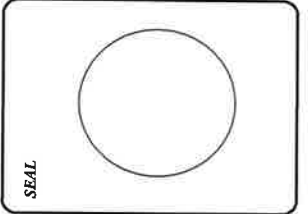
WATER AND SEWER OWNERS ON PROJECT

(A) WATER - CITY OF SHELBY
(B) SANITARY SEWER - CITY OF SHELBY

PREPARED IN THE OFFICE OF

TGS ENGINEERS
804-C N. LAFAYETTE ST
SHELBY, NC 28150
PH (704) 476-0883
CORP. LICENSE NO.: C-0275

B. CHAD HOUSER, PE UTILITY DESIGN ENGINEER
JIMMY TERRY, PE PROJECT MANAGER



NCDOT DIVISION 12

1710 E. MARION ST
RANDOLPH COUNTY
PHONE (803) 532-4200

BRYAN SOWELL, PE DIVISION PROJECT ENGINEER
CHAD DREWERY DIVISION UTILITY ENGINEER

UTILITIES PLAN SHEET SYMBOLS

PROPOSED WATER SYMBOLS

Water Line (Sized as Shown)	----- 12" W. -----
11 1/4 Degree Bend	┆┆┆
22 1/2 Degree Bend	┆┆┆
45 Degree Bend	┆┆┆
90 Degree Bend	┆┆┆
Plug	┆
Tee	┆┆┆
Cross	┆┆┆
Reducer	▶
Gate Valve	GV
Butterfly Valve	BV
Tapping Valve	TV
Line Stop	LS
Line Stop with Bypass	LS (BP)
Blow Off	BO
Fire Hydrant	FH
Relocate Fire Hydrant	REH
Remove Fire Hydrant	REM FH
Water Meter	WM
Relocate Water Meter	REM WM
Remove Water Meter	REM WM
Water Pump Station	PS
RPZ Backflow Preventer	RPZ
DCV Backflow Preventer	DCV
Relocate RPZ Backflow Preventer	REH RPZ
Relocate DCV Backflow Preventer	REH DCV

PROPOSED SEWER SYMBOLS

Gravity Sewer Line (Sized as Shown)	----- 12" S. -----
Force Main Sewer Line (Sized as Shown)	----- 12" F.S. -----
Manhole (Sized per Note)	•
Sewer Pump Station	PS

PROPOSED MISCELLANEOUS UTILITIES SYMBOLS

Power Pole	⊙
Telephone Pole	⊙
Joint Use Pole	⊙
Telephone Pedestal	⊙
Utility Line by Others (Type as Shown)	----- STOP OF P.W. LINES -----
Trenchless Installation	----- 12" TL INSTALL -----
Encasement by Open Cut	----- ENC. OPEN CUT -----
Encasement	----- ENC. REPAIRMENT -----

EXISTING UTILITIES SYMBOLS

Power Pole	⊙
Telephone Pole	⊙
Joint Use Pole	⊙
Utility Pole	•
Utility Pole with Base	□
H-Frame Pole	•
Power Transmission Line Tower	⊠
Water Manhole	⊙
Power Manhole	⊙
Telephone Manhole	⊙
Sanitary Sewer Manhole	⊙
Hand Hole for Cable	⊠
Power Transformer	⊠
Telephone Pedestal	⊙
CATV Pedestal	⊙
Gas Valve	⊙
Gas Meter	⊙
Located Miscellaneous Utility Object	⊙
Abandoned According to Utility Records	• AATUR
End of Information	• E.O.I.

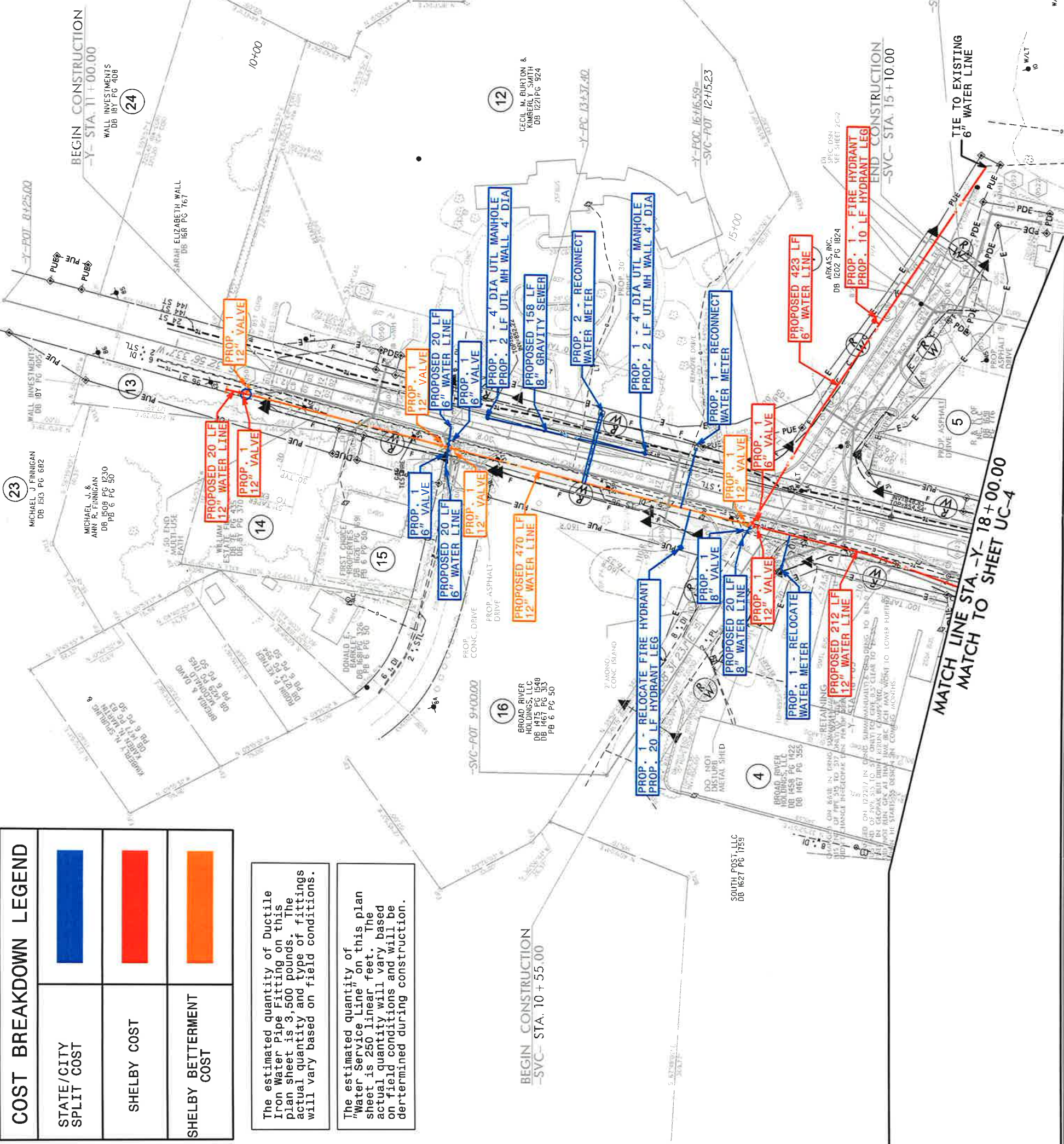
*For Existing Utilities
Utility Line Drawn from Record (Type as Shown)
Designated Utility Line (Type as Shown)

REV: 2/1/2012

PROJECT REFERENCE NO.	SHEET NO.
U-5775	UC-5
DESIGNED BY: BCH	
DRAWN BY: BCH	
CHECKED BY: JLT	
APPROVED BY:	
REVISED:	
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION UTILITIES ENGINEERING SEC. PHONE: (919) 707-6690 FAX: (919) 750-4151	

UTILITY CONSTRUCTION
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CHANGED ON 12/22/17 IN DRWG SUMMAMANUALY & GPK DRWG TO 848.0
US END OF PIPE 515 TO 517 ONLY TO GIVE 0.5' CLEAR TO EX SS.
CONTRACTOR TO VERIFY ALL FIELD CONDITIONS. ALL CHANGES
DID NOT RUN GPK AT THAT TIME. ALL CHANGES WENT TO LOWER FURTHER
WHEN HE STARTS SS DESIGN IN COMING MONTHS



COST BREAKDOWN LEGEND	
STATE/CITY SPLIT COST	
SHELBY COST	
SHELBY BETTERMENT COST	

The estimated quantity of Ductile Iron Water Pipe Fitting on this plan sheet is 3,500 pounds. The actual quantity and type of fittings will vary based on field conditions.

The estimated quantity of "Water Service Line" on this plan sheet is 250 linear feet. The actual quantity will vary, based on field conditions and will be determined during construction.

MATCH LINE STA. -Y- 18+00.00
MATCH TO SHEET UC-4

AN ORDINANCE ESTABLISHING A CAPITAL PROJECT ORDINANCE AND BUDGETS FOR
THE CITY OF SHELBY'S U-5775 NC 150 AND US 74 BUSINESS
WATER AND SEWER UTILITY 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 U-5775 NC 150 and US 74 Business Water and Sewer Utility 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 water and sewer utility infrastructure, by way of a capital project ordinance providing the necessary balanced budget and funding for the life of the project; and,

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 water and sewer line 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	61006000-39900	\$258,456
Transfer to Water Capital Projects	610711-49611	\$258,456
Fund Balance Appropriated	62006000-39900	\$ 13,010
Transfer to Sewer Capital Projects	620711-49611	\$ 13,010

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

Revenues:		
Transferred from Water Fund	6106000-39610-61839	\$258,456
Transferred from Sewer Fund	6206000-39620-62876	\$ 13,010
Appropriation:		
Construction	611716-53000-61839	\$258,456
Construction	621726-53000-62876	\$ 13,010

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 18th day of March 2019.

O. Stanhope Anthony III
Mayor

ATTEST:

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

APPROVED AS TO FORM:

Robert W. Yelton
City Attorney

RESOLUTION NO. 25-2019

A RESOLUTION ACCEPTING AND APPROVING A UTILITY RELOCATION AGREEMENT FOR WATER AND SEWER BETWEEN THE CITY OF SHELBY AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR RELOCATION OF UTILITIES IN CONFLICT WITH THE REALIGNMENT OF HIGHWAY 150 AND HIGHWAY 74 INTERSECTION

WHEREAS, the North Carolina Department of Transportation has designed a project for construction to include realignment of the Highway 150 (Cherryville Road) and Highway 74 (Marion Street) intersection in Cleveland County, North Carolina, and referenced as WBS Element: 50186.3.1 (U-5775); and,

WHEREAS, the construction of said project will require certain adjustments to be made to the existing water and sewer systems of the City of Shelby; and,

WHEREAS, the City of Shelby utilities do not have private utility easements and are located within the right of way of said proposed project area; and,

WHEREAS, the City of Shelby agrees to undertake the actions required to accommodate the proposed improvements, and will enter into certain agreements with NCDOT to complete these aforementioned utility relocations for the realigned intersection; and,

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

Section 1. In order to facilitate the orderly and expeditious relocation of the said required utilities owned by the City of Shelby, the NCDOT and the City of Shelby have agreed to relocation and reimbursement as detailed in the attached agreements entitled "Utility Relocation Agreement" and is hereby made a part of this resolution by its incorporation.

Section 2. The City Manager of the City of Shelby or his designee are hereby authorized and directed to execute the applicable agreement as specified in Section 1 of this resolution.

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

Adopted and approved this the 18th day of March 2019.

ATTEST:

O. Stanhope Anthony III
Mayor

Bernadette A. Parduski, NCCMC, IIMC-MMC
City Clerk

City of Shelby
Agenda Item Summary
March 18, 2019
City Hall Council Chamber

Agenda Item: G

New Business

None

Agenda Item: H

City Manager's Report

A copy of my report was distributed at each Council seat prior to the meeting. I will briefly review some of them but am glad to answer your questions about any item.

Agenda Item: I

Council Announcements and Remarks

City of Shelby
Agenda Item Summary
March 18, 2019
City Hall Council Chamber

J. Closed Session:

- 1) To approve the Minutes and General Account of the Closed Sessions of December 3, 2018, February 4, 2019, and February 18, 2019
- 2) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the City Council, including agreement on a tentative list of economic development incentives that may be offered pursuant to North Carolina General Statute 143-318.11 (a) (4)

K. Adjournment:

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

Motion to adjourn