

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 Presentation:

- 1) Watch for Me NC Program – Alan Toney, Planner, Planning and Development Services 1

C. Consent Agenda:

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

- 1) Approval of the Minutes of the Regular Meeting of July 15, 2019 4
- 2) Adoption of Fiscal Year (FY) 2018-2019 Budget Ordinance Amendment No. 10: Ordinance No. 54-2019 15
- 3) Adoption of Fiscal Year (FY) 2019-2020 Budget Ordinance Amendment No. 2: Ordinance No. 55-2019 19
- 4) Approval of a resolution authorizing disbursement of travel and tourism funding for Fiscal Year (FY) 2019-2020: Resolution No. 50-2019 23
- 5) Adoption of an ordinance authorizing demolition of structures: Ordinance No. 56-2019 26

6) Approval of a resolution declaring the intent of the City Council of the City of Shelby to consider the permanent closure of an unopened right of way for Shannonhouse Street: Resolution No. 51-2019	36
D. Unfinished Business:	
1) Consideration of appointments to City advisory boards and commissions:	47
a. Planning and Zoning Board	
E. New Business:	
1) Consideration of a resolution authorizing disbursement of travel and tourism funding to the Cleveland County Arts Council for Fiscal Year (FY) 2019-2020: Resolution No. 52-2019	52
2) Ella Street Sewer and Water Line Repair/Replacement Projects:	55
a. Consideration of a resolution of tentative award for the Ella Street Sewer Line Repair/Replacement Project to Kennedy Concrete & Utilities, Inc.: Resolution No. 53-2019	62
b. Consideration of a resolution of tentative award for the Ella Street Water Line Repair/Replacement Project to Marvin Hoyle Construction, Inc.: Resolution No. 54-2019	63
F. City Manager's Report	64
G. Council Announcements and Remarks	64
H. Adjournment:	
<i>To adjourn a meeting of City Council, a majority of the Council members must vote for a motion to adjourn.</i>	
1) Motion to adjourn	64

City of Shelby
Agenda Item Summary
August 5, 2019
City Hall Council Chamber

Agenda Item: B-1

Special Presentations

- 1) Watch for Me NC Program – Alan Toney, Planner, Planning and Development Services

(Comments: Alan Toney, Planner, Planning and Development Services)

Summary of Available Information:

- Memorandum dated July 12, 2019 from Walter Scharer, Planning Director to Rick Howell, City Manager
- Press Release for Watch For Me NC

City Manager's Recommendation / Comments

A special presentation is scheduled for this time on your agenda. Alan Toney will make this presentation as Mr. Scharer will be on vacation. The Watch for Me NC program is a public awareness effort to protect bicyclists and pedestrians. Mr. Toney has prepared a PowerPoint presentation for Council. No action is required at this time.



Memorandum

To: Rick Howell - City Manager
From: Walter Scharer – Planning Director
Date: July 12, 2019
Subject: Watch for Me NC Program

Executive Summary of issue – Background

Communities throughout North Carolina have begun to place more emphasis on providing facilities for biking and walking. A desire for improved modal choices, the demand for more bikeable and walkable communities and a focus on smart growth initiatives have combined to highlight the need for better, more complete bicycle and pedestrian transportation systems. However, each year, approximately 3,000 pedestrians and 850 bicyclists are hit by cars on North Carolina Streets. Watch for Me NC is a comprehensive program, run by the North Carolina Department of Transportation (NCDOT) in partnership with local communities, aimed at reducing the number of pedestrians and bicyclists hit and injured in crashes with vehicles.

The City of Shelby was accepted into the Watch for Me Program for 2019. The City also has the ability to continue the program in subsequent years.

The Watch for Me NC program involves two key elements: 1) safety and educational messages directed toward drivers, pedestrians and bicyclists, and 2) high visibility enforcement efforts by area law enforcement to reduce violations of traffic safety laws.

Review and Comments

Since 2007, the City of Shelby has established bicycle lanes on several of its streets and provided space for bicycle lanes on several NCDOT maintained streets. The potential of the rail trail on the current Norfolk-Southern ROW provides a great opportunity to incorporate bicycle facilities into the transportation thread of the community.

Policy 1.7 of the Strategic Growth Plan (2005) supports bicycle and pedestrian safety. “Pedestrian and bikeway facilities shall be encouraged as energy-efficient, healthful, and environmentally sound alternatives to the automobile.”

The Watch for Me NC program is also consistent with the policies and recommendations found in the Comprehensive Pedestrian Plan as well as the Comprehensive Land Use Plan. I believe a special presentation to City Council would be helpful in understanding the program. The Kick Off Event is scheduled for August 6th at the National Night Out at the City Pavilion. Staff has recently attended Watch for Me Workshops on Law Enforcement Operations and Action Planning.

Please schedule a special presentation on the agenda for the August 5, 2019 City Council meeting.

Alan Toney, the City’s Long Range Planner, will be making this presentation.



FOR IMMEDIATE RELEASE

Shelby Partners with Watch for Me NC

Shelby, NC, July 10, 2019 — Did you know that approximately 20% of the households in Shelby are without a motor-vehicle? Members of those households rely on walking or biking to go to work, the grocery store, and even school.

Since 2007, The City of Shelby has experienced over 150 reported pedestrian and bicycles crashes. Cleveland County has experienced over 300 reported pedestrian and bicycle crashes.

Watch for Me NC is a comprehensive program aimed at reducing the number of pedestrians and bicyclists hit and injured in crashes with vehicles. The Watch for Me NC program involves two key elements: 1) safety and educational messages directed toward drivers, pedestrians and bicyclists, which could mean educational and safety training classes, billboards, or booths at events in Shelby, and 2) high visibility enforcement efforts by area police to reduce violations of traffic safety laws which means operations focused on pedestrian safety at crosswalks, near schools, and other locations throughout Shelby.

Fun Facts:

- Walking and Cycling reduce the risk of heart disease, cancer, and obesity.
- The number of trips made by Bicycle was over 4 BILLION in 2009 in the United States
- Bicycle tourism contributes 43 million each year to the economy in Western North Carolina
- The average annual cost of car ownership is roughly 9,000 dollars per year

Watch for Me NC will be holding a kickoff event at the National Night Out at the City Pavillion on August 6th at 6:30 P.M.

To learn more about Watch for Me you can visit www.watchformenc.org

You can be involved by taking education material to your church, classroom, or business and to learn more on how you can be involved in Watch for Me NC in Shelby you can contact Alan Toney at Shelby Planning and Development Services at 704-484-6829 or alan.toney@cityofshelby.com

City of Shelby
Agenda Item Summary
August 5, 2019
City Hall Council Chamber

C. 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: C-1

- 1) Approval of the Minutes of the Regular Meeting of July 15, 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 July 15, 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

July 15, 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, and Charles Webber; City Manager Rick Howell, ICMA-CM, City Clerk Bernadette A. Parduski, 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, Fire Chief William P. Hunt, MPA, EFO, and Director of Planning and Development Services Walter (Walt) Scharer, AICP; and Director of Cable Programming Greg Tillman of Cleveland Community College and The Video Factory

Absent: Council Member Dicky Amaya

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

A. Approval of agenda:

- 1) Motion to adopt the proposed agenda

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

B. Public Comment: None

C. Second Reading:

- 1) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina: Ordinance No. 42-2019

Mayor Anthony summarized this proposed zoning map amendment for the property located at 2324 Kings Road Extension, which passed by Council's vote of 3 to 2 on June 17, 2019. However, according to North Carolina General Statute 160A-75, no ordinance nor any action having the effect of any ordinance may be finally adopted on the date on which it is introduced except by an affirmative vote equal to or greater than two-thirds of the actual membership of the Council. An ordinance shall be deemed to have been

introduced on the date the subject matter is first voted on by Council. Therefore, this ordinance must be approved by Council at a second reading before it may take effect. Accordingly, approval of this ordinance now only requires a simple majority of the members present for adoption.

Mr. Hendrick requested to be excused from voting on this rezoning matter due to his financial interest in the subject property. Mr. Yelton advised the matter involves a legislative land use matter and the standard is a board member shall not vote where the outcome of the matter is reasonably likely to have a direct, substantial, and readily identifiable financial impact.

ACTION TAKEN: Upon a motion made by Mr. Causby, City Council voted unanimously to excuse Mr. Hendrick from voting on Ordinance No. 42-2019.

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to approve and adopt Ordinance No. 42-2019 entitled, "A PROPOSED ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF SHELBY, NORTH CAROLINA".

D. Public Hearings:

- 1) Consideration of the City of Shelby's submittal of a Community Development Block Grant (CDBG) application to the North Carolina Department of Environmental Quality (NCDEQ) Division of Water Infrastructure (DWI)

Mayor Anthony introduced the matter and the public hearing as a requirement of the CDBG application process.

Mr. Scharer stated the North Carolina Department of Commerce has notified local communities of the latest round of CDBG funding assistance for infrastructure. He further stated the City of Shelby may be eligible for CDBG funds for sewer improvements. The hearing allows the public to provide input on projects to be considered by City Council. City staff will give this input consideration and review prior to a specific project recommendation. Should the City choose to apply for any CDBG funds, a second public hearing will be held directly concerning that specific project and application.

Mayor Anthony opened the public hearing at 6:06 p.m. and invited comments from the public:

Rev. James Williams who resides at 1410 Vantage Drive in Shelby, North Carolina spoke in support of the City's CDBG grant application. Rev. Williams was pleased to hear the promising news that sometime in the future there is a possibility of sewer service being provided to the Clearbrook

subdivision with its failing septic systems.

Rev. Frankie Smith who resides at 303 East Ross Grove Road in Shelby, North Carolina also spoke in support of the City's CDBG grant application. Rev. Smith was appreciative for the City's consideration of a project to bring sewer service to the long-time residents of Clearbrook subdivision.

Mayor Anthony closed the public hearing at 6:09 p.m.

Council received the information and no action was required at this time.

2) Consideration of a proposed ordinance to amend the Unified Development Ordinance (UDO) of the City of Shelby: Ordinance No. 45-2019

Mr. Scharer introduced the proposed textual amendment to the City's UDO for landscaping and horticultural services. He stated that currently the City's UDO permits landscaping and horticultural services as a use by right with no development standards in General Business (GB) and General Business 2 (GB2) zoning districts. The proposal permits landscaping and horticultural services with development standards in the Corridor Protection Zoning District. These development standards include requirements for setbacks and screening requirements.

Mr. Scharer explained the Corridor Protection District (CPD) 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.

Mr. Scharer concluded by stating the Planning and Zoning Board has reviewed this proposal and recommended the ordinance as proposed.

Mayor Anthony opened the public hearing at 6:11 p.m. and invited comments from the public.

The public offered no comments. Mayor Anthony closed the public hearing at 6:12 p.m.

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to approve and adopt Ordinance No. 45-2019 entitled, "A PROPOSED ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF SHELBY".

3) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina: Ordinance No. 46-2019

Mr. Scharer introduced this zoning map amendment for properties located at 410 Cherryville Road from Residential 20 (R20) zoning district to the Corridor Protection District (CPD). Utilizing a location map, a zoning map, a local future land use map, and an area future land use map, he pointed to the site currently adjacent to the Paradise Garden Center. The Shelby Comprehensive Land Use Plan designates this area as Medium Density Residential. Mr. Scharer stated the proposed zoning map amendment is inconsistent with Comprehensive Land Use Plan. However, the proposed zoning map amendment is consistent with the development patterns in the area as land uses include single-family dwellings, professional services, and institutional uses.

Mr. Scharer concluded by stating the Planning and Zoning Board recommended approval of the proposed zoning map amendment for the property located at 410 Cherryville Road from Residential 20 (R20) zoning district to Corridor Protection District (CPD).

Mayor Anthony opened the public hearing at 6:14 p.m. and invited comments from the public:

Michael Harden who owns the business, Paradise Garden Center, located at 460 Cherryville Road in Shelby, North Carolina spoke in support of the application requesting the zoning map amendment at 410 Cherryville Road.

Mayor Anthony closed the public hearing at 6:15 p.m.

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to approve and adopt Ordinance No. 46-2019 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. Hendrick 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 June 17, 2019**
- 2) Approval of Special Event Permit Applications:**

- a. **Mt. Calvary Baptist Church Community Explosion, requested date: July 27, 2019**
- b. **Veterans Awareness Walk, requested dates: August 16, 2019**
- c. **10th Annual Rhythm and Roots Run and Walk, 5K, and 10K, requested date: October 12, 2019**
- 3) **Approval of a resolution supporting the City of Shelby entering into a contract with Toole Design for the creation of a Bicycle and Pedestrian Comprehensive Plan: Resolution No. 46-2019**
- 4) **Adoption of an ordinance authorizing demolition of a dwelling (229 Chestnut Street): Ordinance No. 47-2019**
- 5) **Adoption of an ordinance authorizing demolition of a dwelling (802 Logan Street): Ordinance No. 48-2019**
- 6) **Adoption of an ordinance authorizing demolition of a dwelling (619 and 621 South Morgan Street): Ordinance No. 49-2019**
- 7) **Adoption of an ordinance authorizing demolition of a dwelling (902 West Oak Street): Ordinance No. 50-2019**
- 8) **Adoption of an ordinance authorizing demolition of a dwelling (223 and 225 Young Street): Ordinance No. 51-2019**
- 9) **Adoption of an ordinance authorizing demolition of a dwelling (229 Young Street): Ordinance No. 52-2019**
- 10) **Adoption of Fiscal Year (FY) 2019-2020 Budget Ordinance Amendment No. 1: Ordinance No. 53-2019**

END CONSENT AGENDA

F. Unfinished Business: None

G. New Business:

- 1) **Consideration of a resolution supporting the City of Shelby's application for the North Carolina Department of Transportation – Transportation Alternatives Program Fund Grant: Resolution No. 47-2019**

Mr. Howell introduced Resolution No. 47-2019 for Council's consideration. If approved, this resolution would authorize the City to submit a grant

application to the North Carolina Department of Transportation (NCDOT) through the Transportation Alternatives Program (TAP). The purpose of NCDOT-TAP is to provide funding for non-traditional transportation projects. Mr. Howell stated \$15 million has been allocated from the TAP Program to secure and improve rail corridors for Rails to Trails projects statewide. Staff is proposing to apply for these funds to assist in the acquisition of the Norfolk Southern Rail Corridor for the proposed Rail Trail in Shelby. The maximum grant amount is not yet determined and there is a minimum 20 percent match to this grant.

Mr. Howell recommended Council's approval of the resolution authorizing an application for a NCDOT-TAP Rails to Trails grant.

ACTION TAKEN: Upon a motion made by Mr. Webber, City Council voted unanimously to approve and adopt Resolution No. 47-2019 entitled, "A RESOLUTION SUPPORTING THE CITY OF SHELBY'S APPLICATION FOR THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION – TRANSPORTATION ALTERNATIVES PROGRAM FUND GRANT".

- 2) Consideration of a resolution awarding the contract for the City of Shelby Stormwater Infrastructure Assistance Program Project at 422 Carolina Avenue in Shelby, North Carolina: Resolution No. 48-2019

Mr. Howell introduced Resolution No. 48-2019 for Council's consideration. If approved, this resolution would award a contract in the amount of \$67,012.00 to Morrison Construction Co., Inc. for the construction of stormwater system improvements at 422 Carolina Avenue. The applicant is Mt. Calvary Baptist Church.

As a reminder, Mr. Howell explained this project qualifies for assistance through the City's Stormwater Infrastructure Assistance Policy which states that for assistance on commercial properties, the City will be responsible for 50 percent of the construction cost (\$33,506.00) and the property owner will be responsible for the remaining 50 percent (\$33,506.00) via a legal agreement. Funding for the City's portion of the construction contract is available in the existing Stormwater Utility budget.

Mr. Howell recommended City Council approve the resolution awarding the bid for the Stormwater Infrastructure Assistance Program project located at 422 Carolina Avenue to the lowest responsive bidder, Morrison Construction Co., Inc. of Shelby, North Carolina, for the bid price of \$67,012.00.

ACTION TAKEN: Upon a motion made by Mrs. Arth Dukes, City Council voted unanimously to approve and adopt Resolution No. 48-2019 entitled, "A RESOLUTION AWARDING THE CONTRACT FOR THE CITY OF SHELBY

STORMWATER INFRASTRUCTURE ASSISTANCE PROGRAM PROJECT AT 422 CAROLINA AVENUE IN SHELBY, NORTH CAROLINA”.

- 3) **Consideration of a resolution awarding the contract for the City of Shelby Stormwater Infrastructure Assistance Program Project at 200 West Warren Street in Shelby, North Carolina: Resolution No. 49-2019**

Mr. Howell introduced Resolution No. 49-2019 for Council’s consideration. If approved, this resolution would award a contract in the amount of \$82,390.00 to Clark Ledbetter Grading for the construction of stormwater system improvements at 200 West Warren Street. The applicant is Carl Cato, owner of Farmers Market Condominiums.

As a reminder, Mr. Howell explained this project qualifies for assistance through the City’s Stormwater Infrastructure Assistance Policy which states that for assistance on commercial properties, the City will be responsible for 50 percent of the construction cost (\$41,195.00) and the property owner will be responsible for the remaining 50 percent (\$41,195.00) via a legal agreement. Funding for the City’s portion of the construction contract is available in the existing Stormwater Utility budget.

Mr. Howell recommended City Council approve the resolution awarding the bid for the Stormwater Infrastructure Assistance Program project located at 200 West Warren Street to the lowest responsive bidder, Clark Ledbetter Grading, Inc. of Shelby, North Carolina, for the bid price of \$82,390.00.

ACTION TAKEN: Upon a motion made by Mr. Causby , City Council voted unanimously to approve and adopt Resolution No. 49-2019 entitled, “A RESOLUTION AWARDING THE CONTRACT FOR THE CITY OF SHELBY STORMWATER INFRASTRUCTURE ASSISTANCE PROGRAM PROJECT AT 200 WEST WARREN STREET IN SHELBY, NORTH CAROLINA”.

H. City Manager’s Report:

- 1) **With regard to the expansion of Greenheck Fan Corporation within the Foothills Commerce Center representing a total investment of \$59 million and more than 400 jobs, Mr. Howell reported the project is moving forward and their plans are consistent with the development agreement between the City of Shelby and the company.**
- 2) **Mr. Howell mentioned the process regarding the Airport Layout Plan, which is the master planning document for the Shelby-Cleveland County Regional Airport, will begin in the very near future. The City has secured a grant in the amount of \$225,000 from the North Carolina Division of Aviation for this project. The local match for this grant is \$25,000.**

- 3) With regard to the future construction of the next shell building, which will be the third joint venture by Cleveland County and the City of Shelby, Mr. Howell suggested either Cleveland County's 47-acre site on Plato Lee Road or the City's 64-acre site on Randolph Road as the possible locations under consideration.
- 4) Mr. Howell announced a portion of South Washington Street will be paved beginning in late August 2019.
- 5) Mr. Howell mentioned several utility relocation projects are in progress as a result of the North Carolina Department of Transportation projects currently underway including the US 74 Bypass and the Marion Street/Peach Street/Cherryville Road intersection.

He also mentioned the City is evaluating several proposals for a Natural Gas System Assessment which will be brought to Council as a future agenda item.

- 6) Mr. Howell provided an update on the T-Hangar Project at the Shelby-Cleveland County Regional Airport, which is moving along very well.
- 7) Mr. Howell stated the Farmville Road elevated storage water tank near Clearwater Paper Corporation is still on schedule to be operational in September 2019.
- 8) Mr. Howell also stated the First Broad River Wastewater Treatment Plant Bio-solids Improvement Project continues to move forward.
- 9) Mr. Howell provided a progress report regarding the Water Treatment Plant Upgrades Project which is ongoing as the new 2.5 million gallon clear wells are taking shape.
- 10) Mr. Howell said the next phase of the Uptown Shelby Streetscaping Project will begin on August 19, 2019.

I. Council Announcements and Remarks:

- 1) Mayor Anthony expressed his appreciation to City staff for hosting the fireworks show and display at the Shelby City Park Sports Complex on July 5, 2019, hoping this will become the start of a new tradition for the City.
- 2) Mr. White expressed his appreciation to Mr. Howell and City staff for bringing several minimum housing demolitions to City Council for action.

- 3) Mrs. Arth Dukes said she walked to Shelby City Park to attend the fireworks show on July 5, 2019, which was thoroughly enjoyed by all in her party. She added the best view and the best seats were on the baseball field. Mrs. Arth Dukes was pleased the fireworks were brought back by the City and hopes the traffic issues can be resolved in the future.

J. Closed Session:

- 1) To approve the Minutes and General Account of the Closed Session of April 15, 2019
- 2) To establish or instruct staff concerning the position to be taken by or on behalf of City Council in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease pursuant to North Carolina General Statute 143-318.11(a) (5)

ACTION TAKEN: Mr. White made a motion to enter into a closed session pursuant to the appropriate North Carolina General Statutes as cited. Mayor Anthony consulted with Mr. Yelton who advised the topic met the statutory requirements for a closed session. The Mayor invited all Council members present along with Mr. Howell and Mr. Yelton to attend. The motion passed unanimously and Council moved into closed session at 6:37 p.m.

Council returned to the regular session at 7:08 p.m.

K. Adjournment:

- 1) Motion to adjourn

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

Respectfully submitted,

Bernadette A. Parduski, NCCMC, MMC
City Clerk

O. Stanhope Anthony III
Mayor

Minutes of July 15, 2019

DRAFT

City of Shelby
Agenda Item Summary
August 5, 2019
City Hall Council Chamber

Agenda Item: C-2

- 2) Adoption of Fiscal Year (FY) 2018-2019 Budget Ordinance Amendment No. 10:
Ordinance No. 54-2019

**Consent Agenda Item: (Staff Resource, Justin Merritt, Assistant City Manager/
Finance Director)**

Summary of Available Information:

- Memorandum dated July 26, 2019 from Justin Merritt, Assistant City Manager/Finance Director to Rick Howell, City Manager
- Ordinance No. 54-2019

City Manager's Recommendation / Comments

Ordinance No. 54-2019 is presented for Council consideration at this time. This is the final budget amendment for fiscal year 2018-19 which will close June 30. These are final budget adjustments of previously authorized Council expenditures to ensure that the audited financial statements reflect a balanced budget as required by statute.

In accordance with the Local Government Budget and Fiscal Control Act (LGBFCA), the annual budget document for each fiscal year ending June 30 must meet the balanced budget and inclusiveness requirements. The inclusiveness requirements mean the City may only spend moneys that have been budgeted [G.S. 159-8(a)]. The balanced budget requirement means that any budget ordinance, project ordinance, financial plan, or internal service fund must balance. General Statute 159-8(a) defines a balanced budget as "the sum of estimated net revenues and appropriated fund balances is equal to the appropriations."

It is recommended that Ordinance No. 54-2019 be adopted by City Council at this time via the Consent Agenda.



MEMORANDUM

To: Rick Howell, City Manager

From: Justin S. Merritt, Assistant City Manager/Director of Finance

RE: Budget Amendment 10 – Final Adjustment

Date: July 26, 2019

As we close the fiscal year, we have begun several procedures to ensure that the City remains within budget as of June 30, 2019. One of these procedures is reviewing departmental budgets to identify potential overages and identify funds that can help offset these overages. Generally, overages can occur due to unexpected repairs/equipment breakdowns, changes in mandated procedures or other unforeseen events that occur throughout the year. This year, there is only one budgetary adjustment requiring Council action and is due to natural gas purchase for resale increasing as a result of increased sale of natural gas.

Let me know if you would like additional information.

Recommended Action:

Seek Council approval of the attached amendment

ORDINANCE NO. 54-2019

CITY OF SHELBY
FISCAL YEAR 2018-2019 BUDGET ORDINANCE AMENDMENT

WHEREAS, in accordance with applicable provisions of the North Carolina Budget and Fiscal Control Act, the City of Shelby finds it advisable and necessary to revise and amend its annual budget for FY 2018-2019; and,

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

WHEREAS, City Council now desires to act on the recommended budget amendments and approve same for implementation and compliance with the Fiscal Control Act;

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

Section 1. Ordinance No. 31-2019, the City’s FY 2018-2019 Budget Ordinance, is hereby amended as follows to provide for Budget Amendment No. 10 for the year:

(A) The City of Shelby has identified a need to adjust the Natural Gas Fund budget due to an increase in sales during FY 2019. Accordingly, the following budget modifications are approved in accordance with the chart of accounts heretofore established for the City of Shelby.

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

- (a) Increase 64006000-36740 Natural Gas Charges \$500,000
- (b) Increase 640742-45202 Natural Gas Purchase for Resale \$500,000

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

	<u>Current Budget</u>	<u>Amendment No. 10</u>
General Fund	\$ 24,977,533	\$ 24,977,533
Emergency Telephone System Fund	107,000	107,000
Powell Bill Fund	735,600	735,600
Economic Dev. Fund	2,130,873	2,130,873
Housing Fund	1,483,418	1,483,418
Cemetery Fund	30,000	30,000
Utilities-Water Fund	5,855,162	5,855,162
Utilities-Sewer Fund	5,856,560	5,856,560
Utilities-Electric Fund	22,317,298	22,317,298
Utilities-Gas Fund	16,210,368	16,710,368
Utilities – Stormwater Fund	<u>803,600</u>	<u>803,600</u>
FY 2018-2019 Budget Total:	<u>\$ 80,507,412</u>	<u>\$ 81,007,412</u>

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

Ordinance No. 54-2019
August 5, 2019
Page 2

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

Adopted and approved this the 5th day of August 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
August 5, 2019
City Hall Council Chamber

Agenda Item: C-3

- 3) Adoption of Fiscal Year (FY) 2019-2020 Budget Ordinance Amendment No. 2:
Ordinance No. 55-2019

**Consent Agenda Item: (Staff Resource, Justin Merritt, Assistant City Manager/
Finance Director)**

Summary of Available Information:

- Memorandum dated July 26, 2019 from Justin Merritt, Assistant City Manager/Finance Director to Rick Howell, City Manager
- Ordinance No. 55-2019

City Manager's Recommendation / Comments

Ordinance No. 55-2019 is presented for City Council consideration at this time via the Consent Agenda. Adoption of this ordinance would appropriate \$14,613 in unspent HUD funding so that it may be used in the current fiscal year which began July 1, 2019.

It is recommended that Ordinance No. 55-2019 be adopted by City Council at this time via the Consent Agenda.



To: Rick Howell, City Manager

From: Justin S. Merritt, Assistant City Manager/Director of Finance

Date: July 26, 2019

Subject: BA #2 – Recognizing unspent 2017 HUD Revenues in FY 2020

Background:

As you know, the City Housing Department receives annual Capital Facilities Funding from the Department of Housing and Urban Development (HUD). At the end of FY 2019, \$14,613 remained unspent and must be appropriated in FY 2020 so that they can be utilized.

Recommendation:

Seek Council approval of Budget Amendment #2 for FY 2020.

ORDINANCE NO. 55-2019

CITY OF SHELBY
FISCAL YEAR 2019-2020 BUDGET ORDINANCE AMENDMENT

WHEREAS, in accordance with applicable provisions of the North Carolina Budget and Fiscal Control Act, the City of Shelby finds it advisable and necessary to revise and amend its annual budget for FY 2019-2020; and,

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

WHEREAS, City Council now desires to act on the recommended budget amendments and approve same for implementation and compliance with the Fiscal Control Act;

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

Section 1. Ordinance No. 31-2019, the City’s FY 2019-2020 Budget Ordinance, is hereby amended as follows to provide for Budget Amendment No. 2 for the year:

(A) The City of Shelby has identified a need to amend the FY 2020 Housing budget to allow for remaining unspent 2017 HUD Revenues. Accordingly, the following budget modifications are approved in accordance with the chart of accounts heretofore established for the City of Shelby.

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

- (a) Increase 34006000-34825
2017 HUD Revenues \$14,613
- (b) Increase 340530-65033
2017 HUD Expenditures \$14,613

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

	<u>Current Budget</u>	<u>Amendment No. 2</u>
General Fund	\$ 25,893,621	\$ 25,893,621
Emergency Telephone System Fund	107,000	107,000
Powell Bill Fund	790,200	790,200
Economic Dev. Fund	680,450	680,450
Housing Fund	1,534,795	1,549,408
Cemetery Fund	30,000	30,000
Utilities-Water Fund	5,145,000	5,145,000
Utilities-Sewer Fund	5,548,800	5,548,800
Utilities-Electric Fund	22,408,955	22,408,955
Utilities-Gas Fund	16,106,600	16,106,600
Utilities – Stormwater Fund	832,160	832,160
FY 2019-2020 Budget Total	<u>\$ 79,077,581</u>	<u>\$ 79,092,194</u>

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

Ordinance No. 55-2019
August 5, 2019
Page 2

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

Adopted and approved this the 5th day of August 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
August 5, 2019
City Hall Council Chamber

Agenda Item: C-4

- 4) Approval of a resolution authorizing disbursement of travel and tourism funding for Fiscal Year (FY) 2019-2020: Resolution No. 50-2019

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

Summary of Available Information:

- Resolution No. 50-2019

City Manager's Recommendation / Comments

I have reviewed the applications submitted by the eligible organizations for travel and tourism grant funding. Each year past grant recipients and other organizations that have expressed an interest are eligible to submit grant applications for these funds generated through the 3% room occupancy tax levied by City Council. Each is reviewed to determine if the purpose for use of funds is eligible under the statutes and city policy, the economic impact of the event(s), past use of funds, success of past events, financial participation by the entity, as well as other relevant criteria. Resolution No. 50-2019 is presented for consideration at this time.

As you all know these funds are limited and the competition is significant. I have tried to balance requests for funding within the provisions of adopted City policy to ensure the greatest benefit is realized as set forth within the applicable NC General Statute. Receipts for fiscal year 2019-2020 were approximately \$173,200.

It is my recommendation Resolution No. 50-2019 be adopted and approved by City Council at this time via the Consent Agenda.

RESOLUTION NO. 50-2019

A RESOLUTION AUTHORIZING DISBURSEMENT OF
TRAVEL AND TOURISM FUNDING FOR FISCAL YEAR 2019-2020

WHEREAS, the City of Shelby through the adoption of the 2005 Strategic Growth Plan recognizes the need to promote economic development efforts throughout the City; and

WHEREAS, City of Shelby currently levies a 3% occupancy tax in accordance with Resolution 69-97 and NC Session Law 1997-361 for the purpose of generating revenue for the promotion of travel and tourism within the City; and

WHEREAS, said occupancy tax proceeds are restricted for use by the noted resolution and session law for travel and tourism promotion and tourism related expenditures; and

WHEREAS, the City Manager has determined that sufficient funding has been appropriated by Council for the fiscal year beginning July 1, 2019; and

WHEREAS, the following organizations have submitted applications and requests to the City Manager and it is his determination that each is eligible under the city policy and the applicable general statute and therefore recommends that the following amounts be awarded:

- | | |
|---|-----------|
| 1. American Legion World Series Committee | \$50,000. |
| Marketing and Event Support | |
| 2. Earl Scruggs Center | \$30,000. |
| Marketing and Exhibit / Event Support | |
| 3. Don Gibson Theatre | \$30,000. |
| Marketing and Concert Sponsorship | |
| 4. Cleveland County Travel and Tourism | \$15,000. |
| Marketing | |
| 5. Foothills Merry Go Round Festival | \$15,000. |
| Marketing and Event Support | |

- | | |
|------------------------------|-----------|
| 6. Sharks Aquatics Club | \$ 7,200. |
| Swim Meet Event Equipment | |
| 7. Foothills Farmers Market | \$ 6,000. |
| Travel/Tourism Promotion | |
| 8. Uptown Shelby Association | \$ 5,000. |
| Travel/Tourism Promotion | |

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF SHELBY, NORTH CAROLINA as follows:

- 1) City Council authorizes disbursement of local occupancy tax funds for the preceding organizations.
- 2) Authorizes the City Manager to obtain activity reports from each funded organization detailing the use of said funds. The same shall be reported to City Council following the close of the fiscal year ending June 30, 2020.

This Resolution shall become effective upon its adoption and approval.

Adopted and approved this the 5th day of August 2019.

O. Stanhope Anthony, III
Mayor

ATTEST:

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

City of Shelby
Agenda Item Summary
August 5, 2019
City Hall Council Chamber

Agenda Item: C-5

- 5) Adoption of an ordinance authorizing demolition of structures (317, 319, and 321 Lineberger Street): Ordinance No. 56-2019

Consent Agenda Item: (Walter Scharer, Planning Director)

Summary of Available Information:

- Memorandum dated July 16, 2019 from Walter Scharer, Planning Director to Rick Howell, City Manager
- Photos of structures
- Location Map
- Tax Card for 2019
- Ordinance No. 56-2019

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. 56-2019 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: July 16, 2019
Subject: **Demolition of Structures at 317, 319, and 321 Lineberger Street**

Executive Summary of issue – Background

These buildings associated with this proposed demolition action are in a dilapidated condition and have been vacant and abandoned for nearly 12 years. 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 Building Code.

Review and Comments

Due to dilapidation these buildings are unfit for human habitation and have 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 \$25,000.00. Budgeted minimum housing funds will be used for this demotion.

Removal of this structure complies with the North Carolina Building Code and NC General Statutes.

The following Strategic Growth Plan Policies and Actions support removal of this structure.

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

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

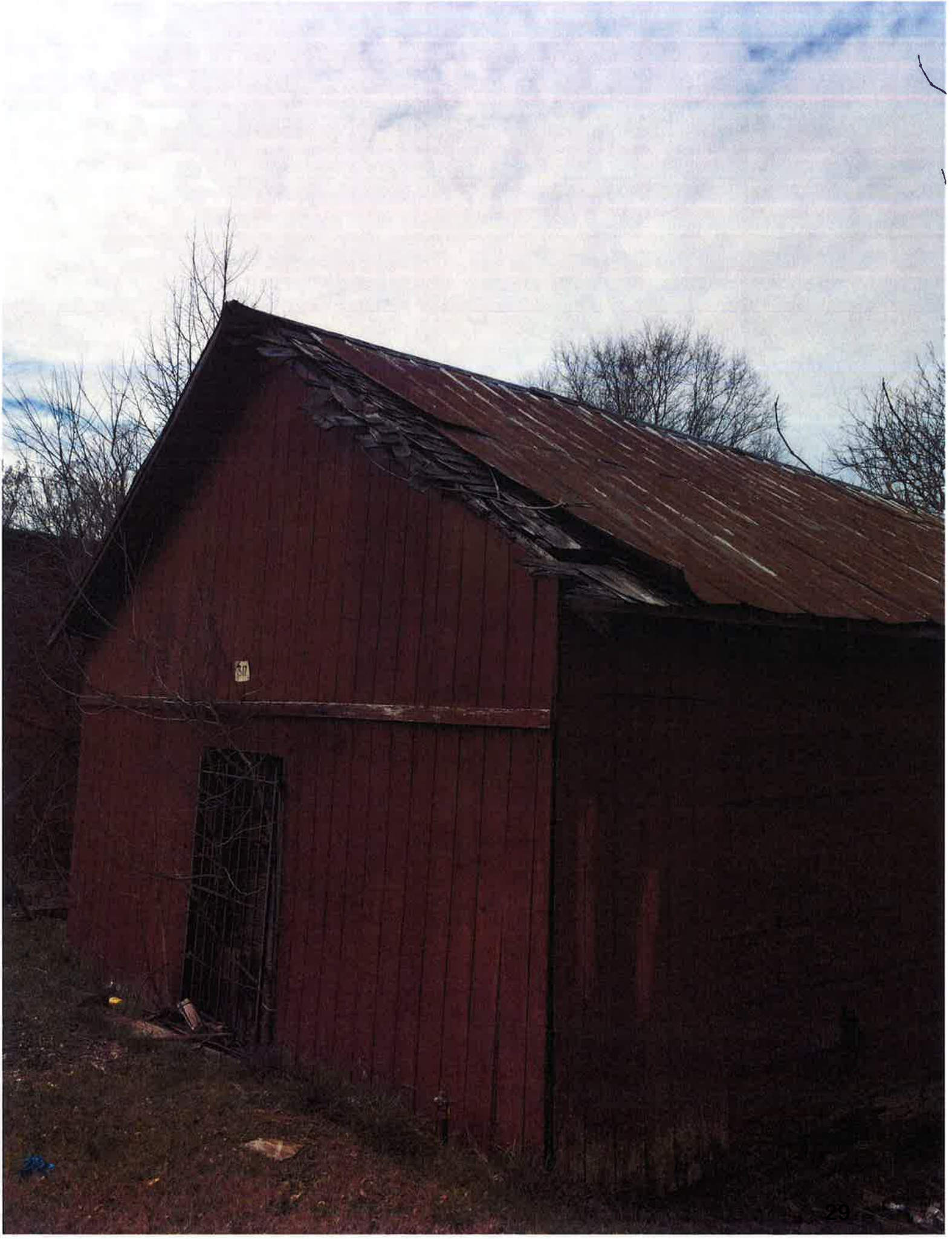
POLICY 9.2: Consistent, reliable enforcement of well written housing and nuisance abatement codes shall be employed to eliminate instances of unlawful activity and urban blight within the planning area of Shelby.

Recommendation

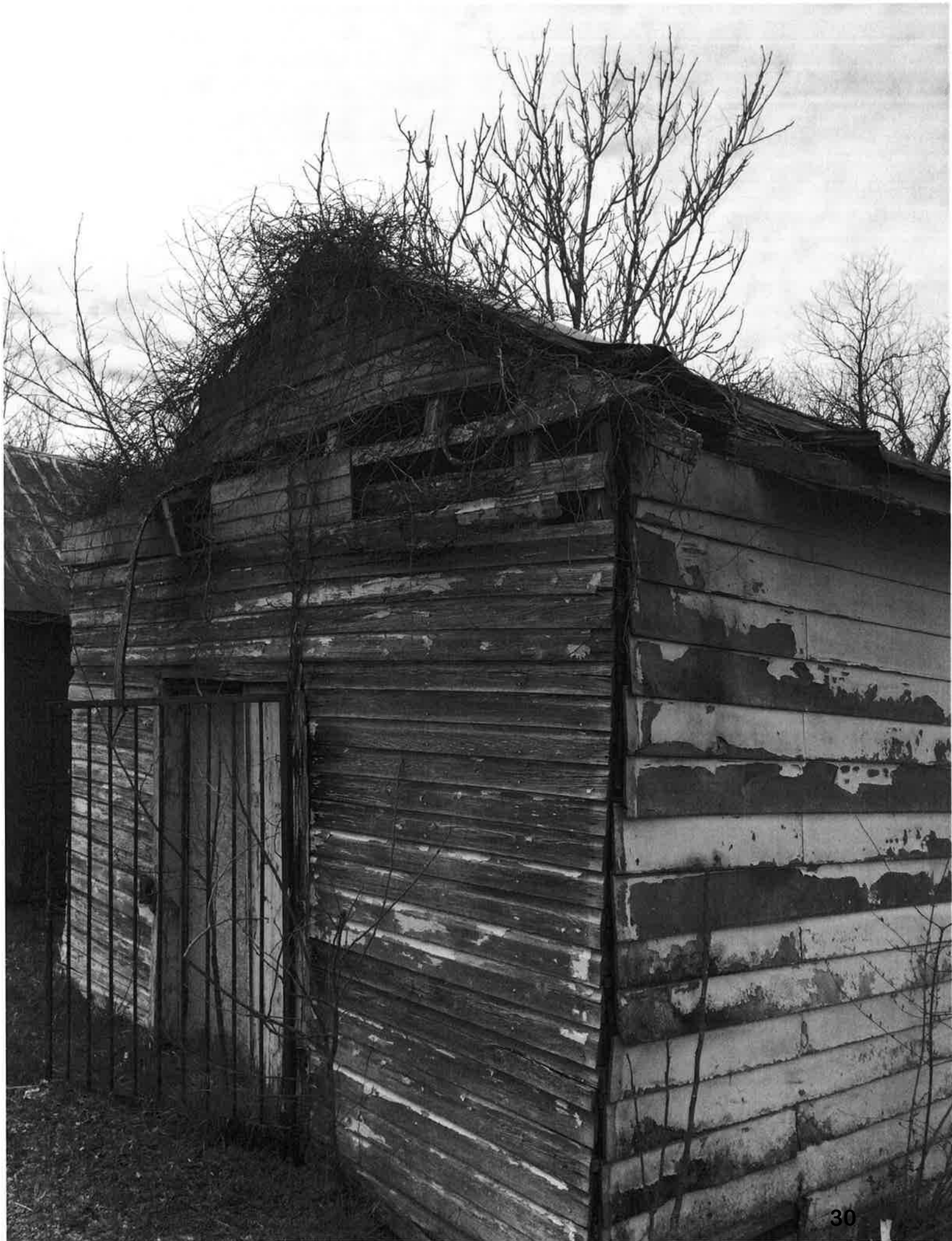
Please place this item on the consent agenda for the next City Council meeting on August 5, 2019. Staff recommends this action.

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





50







Location Map 317, 319, & 321 Lineberger 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



480 Feet

0 120 240

Scale 1:3,000 1 inch = 250 feet

Date: 6/24/2019

----- MA 34M RETAIL STORE-MASONRY FLOOR: 1.00 ----- TRAVERSE -----
 --

D U 58.00 D R 25.00 D D 58.00 D L 25.00

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

MAIN FIN AREA.. ACT/EFF YR/AGE.. 1984 1998 18 VISITED.. BY
 STRAT..... 04 DESCRIPT.... STORE MAINTAINED.. 7/17/2018 BY MAYES
 LOCATION #..... LINBERGER ST

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

 MS 99 MISC BUILDING 1.00
 QUAL.. QG 100 MISC IMPR QUALITY 10 100.00 x
 0
 DEPR.. DX NO DEPRECIATION .00 - 0
 0 T PCT COMPLETE 100
 --FMV...
 1,000

----- IMPROVEMENT # 3 MISC IMPR-Y -----

MAIN FIN AREA.. ACT/EFF YR/AGE.. 1984 1998 18 VISITED.. BY
 STRAT..... 04 DESCRIPT.... STORAGE BUILDING MAINTAINED.. 7/17/2018 BY MAYES
 LOCATION #..... LINBERGER ST

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

 MS 29 STORAGE BUILDING 1.00
 QUAL.. QG 100 MISC IMPR QUALITY 10 100.00 x
 0
 DEPR.. 40 *INVALID .00 - 0
 0 T PCT COMPLETE 100
 --FMV...
 500

----- IMPROVEMENT # 4 MISC IMPR-Y -----

MAIN FIN AREA.. ACT/EFF YR/AGE.. 1984 1998 18 VISITED.. BY
 STRAT..... 04 DESCRIPT.... STORAGE BUILDING MAINTAINED.. 7/17/2018 BY MAYES
 LOCATION #..... LINBERGER ST

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

 MS 29 STORAGE BUILDING 1.00
 QUAL.. QG 100 MISC IMPR QUALITY 10 100.00 x
 0
 DEPR.. 40 *INVALID .00 - 0
 0 T PCT COMPLETE 100
 --FMV...
 100

TOTAL PARCEL VALUES---- LAND / OVR IMPROVEMENTS / OVR TOTAL LAND/IMPROVE 2018
 VALUE
 21,750 FMV..... 7,688 14,062 21,750
 21,750 APV..... 7,688 14,062 21,750

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

ORDINANCE NO. 56-2019

AN ORDINANCE AUTHORIZING DEMOLITION OF STRUCTURES

WHEREAS, pursuant to the provisions of Chapter 160A, Article 19, Part 5, of the North Carolina General Statutes, the structures located at 315, 317, 319, and 321 Lineberger Street, Shelby, North Carolina, have 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, Kwame Adu Gyamfi, has or have been given notice of the aforesaid inspection, determination, and orders to bring said property into compliance with the building codes of the City of Shelby by appropriate repair or removal of said structures; 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 structures 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 structures on the property known as 315, 317, 319, and 321 Lineberger Street, Shelby, and described in the Cleveland County records as Tax Parcel No. 18748 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-432, et seq.; and,

Section 2. Said lien shall 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 5th day of August 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
August 5, 2019
City Hall Council Chamber

Agenda Item: C-6

- 6) Approval of a resolution declaring the intent of the City Council of the City of Shelby to consider the permanent closure of an unopened right of way for Shannonhouse Street: Resolution No. 51-2019

Consent Agenda Item: (Walter Scharer, Planning Director)

Summary of Available Information:

- Memorandum dated July 29, 2019 from Walter Scharer, Planning Director to Rick Howell, City Manager
- Letter from Yansea H. Taylor to the City of Shelby
- Petition to Close Street or Alley
- Plats showing Street
- Location Map
- Resolution No. 51-2019

City Manager's Recommendation / Comments

Resolution No. 51-2019 is presented for City Council consideration at this time via the Consent Agenda. If approved this resolution simply states the City's intent to close the noted unopened right of way and provides notice to the public of this intent. A public hearing is also set for Monday, September 16, 2019 to hear public comment. All affected property owners will receive notice either by newspaper publication, certified mail and posted public notice. This action is initiated at the request of the adjoining property owners.

It is my recommendation Resolution No. 51-2019 be adopted and approved by City Council at this time via the Consent Agenda.



Memorandum

To: Rick Howell - City Manager
From: Walter Scharer – Planning Director
Date: July 29, 2019
Subject: Request to close an unopened right-of-way for Shannonhouse Street

Executive Summary of issue – Background

A portion of the Shannonhouse Street right-of-way was never completed as a street. The property owners adjacent to this unopened right-of-way for Shannonhouse Street have petitioned the City to close this section of Right-of-Way. A location map showing this site is attached.

Review and Comments

Pursuant to North Carolina General Statute 160A-299, the City may close a street or alley after passing a resolution of intent that establishes a public hearing for said closing. The public hearing for this street closing, as established by the resolution of intent, is scheduled for September 16, 2019.

Recommendation

Please place this item on the consent agenda for the August 5, 2019 City Council meeting.

Attachments: Right of Way Closure Request, Location Map, Plat, and Resolution of Intent

To: The City of Shelby
Attn: Walter Scharer
From: Tube Enterprises, Inc.
Date: September 7, 2018

Re: Letter of Request to Close a Right-of-Way

Dear Sir or Madam,

I hope this reaches you well. Tube Enterprises, Inc. owns certain parcels of real property in Cleveland County most commonly known as 1028 Railroad Avenue, Shelby, NC 28152. Tube Enterprises, Inc. respectfully requests that that the City of Shelby permanently close and enter an order abandoning the twenty-five (25) foot right-of-way as more particularly described below:

A 25' Right-of-Way for Shannonhouse Street recorded in Plat Book 7, Page 8. For further description please see the attached Survey by Steven A. Amos, dated February 8, 2015. (hereinafter the Shannonhouse easement)

Additionally, pursuant to our conversation regarding this matter, Tube Enterprises, Inc. has obtained the signature of the only adjacent property owner affected by the Shannonhouse easement, Mr. Jay S. Hennett. Mr. Hennett owns the property located at 1024 Railroad Ave, Shelby, NC 28152, parcel number 20785. Both Mr. Hennett and Mr. Alfred Alexander Taylor, II, of Tube Enterprises, Inc., have signed this letter in support of the request by Tube Enterprises, Inc. to abandon the right-of-way.

I am hopeful this letter meets the City's approval. To that end, I look forward to hearing from you soon. Otherwise, please do not hesitate to contact me with any questions or concerns.

Thank you.

Sincerely,

Yansea H. Taylor


***See Signature Page attached hereto in support of the petition to abandon the Shannonhouse easement.*

Tube Enterprises, Inc.

By:  (SEAL)

Alfred Alexander Taylor, Member/Manager

Hill Property Management, Inc.

By:  (SEAL)

Jay S. Hennett, Member/Manager

Petition to Close Street or Alley

Pursuant to North Carolina General Statute 160A-299, we the owners of property adjacent to the street/alley described below do hereby petition the City of Shelby to permanently close the said street/alley.

Name of Street/Alley: 25' Right of Way for Shannonhouse Street recorded in Plat Book 7 page 8 as shown on the attached survey from 2015

From: _____ To: _____

Further description if needed: _____

Property Owners' Signature
(Print name beside signature)

Owners' Mailing Address

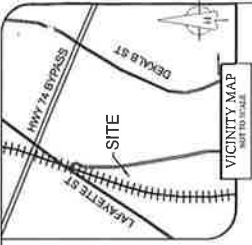
Tube Enterprises Inc.

Alfred A Taylor III owner

Alfred A Taylor III

1028 Railroad Ave

Shelby NC 28152



SURVEY CERTIFICATION

TO TUBE ENTERPRISES, INC. AND INVESTORS TITLE INSURANCE COMPANY:

THIS IS TO CERTIFY THAT THIS MAP OR PLAN AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE REQUIREMENTS FOR THE CONDUCT OF SURVEYS FOR THE ALTA/ACSM LAND TITLE SURVEY, AND INCLUDES ITEMS 1-4, 6(B), 7(a), 11(a), 13, 20(a), and 21 of TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON 2/7/15.

I, STEVEN A. AMOS, FURTHER CERTIFY THAT THIS PLAN WAS DRAWN UNDER MY SUPERVISION AND THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS RECORDED AS SHOWN; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION AS REFERENCE HEREON; THAT THE BATION OF PRECISION EXCEEDS 1:10,000; THAT THIS PLAN WAS PREPARED IN ACCORDANCE WITH TITLE 21, CHAPTER 96 SECTION 1-601, AS AMENDED, OF THE NORTH CAROLINA ADMINISTRATIVE CODE.

STEVEN A. AMOS, NC PLS L-4230 DATE 2/8/15

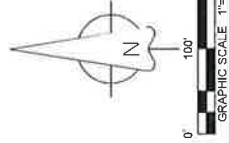


NOTES:

1. BEARINGS BASED ON NAD 83(2011) ESTABLISHED UTILIZING THE NC REAL TIME NETWORK WITH A TRIMBLE 5700 GPS RECEIVER WITH A ZEPHYRUS ANTENNA.
2. NO INVESTIGATION OF UTILITIES WAS PERFORMED AS PART OF THIS SURVEY.
3. THERE WAS NO RECORDED RAILROAD RIGHT OF WAY FOUND FOR THESE PROPERTIES, HOWEVER, ADJACENTS TO THIS SITE GRANTED RIGHT OF WAY TO THE RUTHERFORD RAILROAD CONSTRUCTION COMPANY IN THE MID 1800s.
4. NO EASEMENT WAS FOUND FOR THE SANITARY SEWER LINE CROSSING THE PROPERTY.

LEGEND

- SUBJECT PROPERTY
- LINE NOT SURVEYED
- PARCEL IDENTIFICATION NUMBER
- EXISTING IRON PIN FOUND
- IRON PIPE FOUND
- CONCRETE MONUMENT FOUND
- #5 REBAR SET
- UTILITY POLE
- ELECTRIC TRANSFORMER
- GAS METER
- SANITARY MANHOLE
- CATCH BASIN
- AC UNIT
- WATER VALVE
- FIRE HYDRANT



ALTA/ACSM LAND TITLE SURVEY
FOR
TUBE ENTERPRISES, INC.
DEED BOOK 1584, PAGE 510 AND A PORTION OF DEED BOOK 1610, PAGE 1514
CITY OF SHELBY, CLEVELAND CO., NORTH CAROLINA

Prepared by
TRINITY LAND SURVEYORS, PC
PO BOX 561283
GASTONIA, NC 28055 704-915-5202 FIRM# C-3925

Scale: 1"=100' Map Date: 02/06/15 Field Date: 02/05/15
Drawn: SAA Checked: SAA Job: 15-004



SURVEY DESCRIPTION

Tract 1
Being a tract of land located in the City of Shelby, Cleveland County North Carolina, located east of the Norfolk Southern Railway, originally Rutherford Railway Construction Company, and South of Shannouse Street, being more particularly described as follows:
Beginning at the intersection of the centerline of the Norfolk Southern Railway track running from Bloodgood to Shelby and the South Right of Way line of Shannouse Street, also being located N 51°23'29" E 609.19 from NCGS Monument Stake;
Thence along the South line of said Shannouse Street, S 64°26'50" E 119.26 to a point on the centerline of said Shannouse Street, also being located N 56°46'30.52" E 114.01 from NCGS Monument Stake;
Thence along the centerline of said Shannouse Street, S 89°28'43" E 415.19 to the Point of Beginning, containing 312305 Square Feet, Or 4.876 Acres, MORE OR LESS.

Tract 2
Being a tract of land located in the City of Shelby, Cleveland County North Carolina, located east of the Norfolk Southern Railway, originally Rutherford Railway Construction Company, and South of Shannouse Street, being more particularly described as follows:
Beginning at a point on the centerline of the Norfolk Southern Railway track running from Bloodgood to Shelby, said point being located 415.19 South of the intersection with the South Right of Way line of Shannouse Street, also being located N 89°28'43" E 415.19 from NCGS Monument Stake;
Thence, passing a #5 Rebar Set at S 51°56' S 62°04'19" E 304.63 to a #5 Rebar set on the centerline of a 15' alley west of Morgan Street, as shown on the plat of O. Max Garner's Extension of South Shelby recorded in Plat Book 1, Page 47 in the Cleveland County Register of Deeds Office;
Thence along the centerline of said alley line following 5 cuts:
1) S 02°15'09" E 338.46 to a #5 Rebar set;
2) S 11°24'03" E 152.76 to a #5 Rebar set;
3) S 00°32'33" E 111.04 to a #5 Rebar set;
4) S 58°21'11" W 105.75 to a #5 Rebar set on the north line of the old line of Lily Mills as recorded in Plat Book 5, Page 46 in said Register's office;
Thence along the centerline of said alley line following 5 cuts to a point in the centerline of said Railroad tracks, passing a Concrete Monument at 203.84;
Thence along the centerline of said alley, with a curve to the right, an arc length of 415.19, a radius of 2864.00, and a chord bearing N 11°00'35" E 414.83 to the Point of Beginning, Containing 36072 Square Feet, Or 2.066 Acres, MORE OR LESS.

SCHEDULE 'B' ITEMS - INVESTORS TITLE COMMITMENT
#201100450N/C/T, dated 01/31/2011

5. SEE NOTE 3
6. AS SHOWN HEREON
7. AS SHOWN HEREON

STATE OF NORTH CAROLINA
COUNTY OF CLEVELAND

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

DATE REVIEW OFFICER

PREPARED IN ACCORDANCE WITH:
160A-299, PROCEDURE FOR PERMANENTLY CLOSING STREETS AND ALLEYS

SUBSECTION (c) UPON THE CLOSING OF A STREET OR ALLEY IN ACCORDANCE WITH THIS SECTION SUBJECT TO THE PROVISIONS OF SUBSECTION (f) OF THIS SECTION, ALL RIGHTS, TITLE AND INTEREST IN THE RIGHT-OF-WAY SHALL BE CONCLUSIVELY PRESUMED TO BE VESTED IN THOSE PERSONS OWNING LOTS OR PARCELS OF LAND ADJACENT TO THE STREET OR ALLEY, AND THE TITLE OF SUCH ADJOINING LANDOWNERS, FOR THE WIDTH OF THE ABUTTING LAND OWNED BY THEM, SHALL EXTEND TO THE CENTERLINE OF THE STREET OR ALLEY.

THE PROVISIONS OF THIS SUBSECTION REGARDING DIVISION OF RIGHT-OF-WAY IN STREET OR ALLEY CLOSINGS MAY BE ALTERED AS TO A PARTICULAR STREET OR ALLEY CLOSING BY THE ASSENT OF ALL PROPERTY OWNERS TAKING TITLE TO A CLOSED STREET OR ALLEY BY FILING OF A PLAT WHICH SHOWS THE STREET OR ALLEY CLOSING AND THE PORTION OF THE CLOSED STREET OR ALLEY TO BE TAKEN BY EACH SUCH OWNER. THE PLAT SHALL BE SIGNED BY EACH OWNER WHO, UNDER THIS SECTION, HAS AN OWNERSHIP RIGHT IN THE CLOSED STREET OR ALLEY.

REQUESTING CLOSURE/ABANDONMENT OF STREET AND ALLEY
RIGHT-OF-WAY AND PROPOSED PROPERTY ALLOCATION

TUBE ENTERPRISES, INC.

SIGNATURE DATE

S. JAY HENNETT

SIGNATURE DATE

PORTIA SHELL

SIGNATURE DATE

HLL PROPERTY MANAGEMENT, LLC

SIGNATURE DATE

REFERENCE

- LOTS 1 thru 7 and LOT 10 OF THE O. MAX GARDNERS EXTENSION OF SOUTH SHELBY PLAT BOOK 1 PAGE 47
- LOTS 5 and 6 OF THE PLAT OF CONSOLIDATED TEXTILES INC. PROPERTY PLAT PLAT BOOK 7 PAGE 8

CURVE	RADIUS	TANGENT	LENGTH	DELTA	DEGREE	CHORD	CHLBEARING
C-1	2864.00'	6.31'	12.61'	0°15'08"	2°00'02"	12.61'	N 15°21'38"E
C-2	2864.00'	6.31'	12.61'	0°15'08"	2°00'02"	12.61'	N 15°36'47"E

EASEMENT NOTE

- A 30' (15' EACH SIDE OF UTILITY LINE) UTILITY EASEMENT IS RETAINED BY THE CITY OF SHELBY FOR THE UTILITIES LYING INSIDE THE STREET AND ALLEY RIGHT-OF-WAYS SHOWN HEREON AND ANY BURIED UTILITIES OWNED BY THE CITY THAT ARE NOT SHOWN HEREON.

- THE CITY OF SHELBY IS TO BE DEEDED A 30' (15' EACH SIDE OF UTILITY LINE) UTILITY EASEMENT FOR THE GAS AND OVERHEAD UTILITY LINES SHOWN HEREON LYING ON THE TUBE ENTERPRISES PROPERTY AS DESCRIBED IN DEED 1692 PAGE 810

COURSE	BEARING	DISTANCE
L-1	N 17°50'32"E	12.23'
L-2	S 89°34'21"E	7.54'
L-3	N 89°49'10"E	7.69'
L-4	N 09°20'13"W	25.10'
L-5	S 80°06'32"W	7.67'
L-6	S 09°19'17"E	25.00'
L-7	S 88°48'13"W	7.58'
L-8	N 88°48'11"E	7.58'
L-9	N 89°21'00"E	7.94'
L-10	S 89°20'17"W	7.93'
L-11	S 09°18'37"E	24.98'

GENERAL NOTES

- AREA CALCULATED BY COORDINATE COMPUTATION
- THE PROPERTY SHOWN HEREON MAY BE SUBJECT TO EASEMENTS OF RECORD OR UNRECORDED EASEMENTS
- BANKHEAD SURVEYING WAS NOT PROVIDED WITH ANY TITLE EXCEPTIONS
- ROAD R/W'S ARE APPROXIMATE UNLESS OTHERWISE NOTED
- UNDERGROUND UTILITIES HAVE NOT BEEN LOCATED
- NO FEATURES (BUILDING, UTILITIES, ETC.) LOCATED EXCEPT THOSE SHOWN HEREON
- ALL DISTANCES SHOWN HEREON ARE HORIZONTAL DISTANCES

LEGEND

- EXISTING IRON
- UNMARKED POINT
- ▲ MAG NAIL SET
- ⊠ EXISTING RAILROAD SPIKE
- CATCH BASIN
- ⊕ UTILITY POLE
- ⊕ WATER VALVE
- △ FIRE HYDRANT
- SUBJECT PROPERTY LINE
- ROAD RIGHT OF WAY LINE
- WATER LINE
- OVERHEAD UTILITY LINE
- GAS LINE
- RAILROAD RIGHT OF WAY LINE
- LINE PLOTTED PER DEED (UNLESS SHOWN WITH BEARING AND DISTANCE)



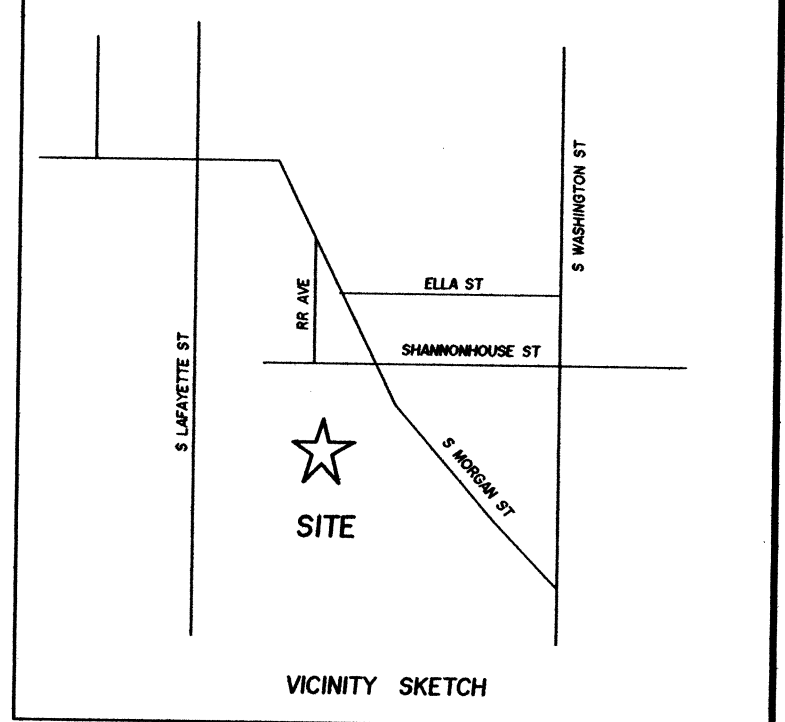
THIS IS TO CERTIFY THAT THIS SURVEY IS OF ANOTHER CATEGORY AND IS AN EXCEPTION TO THE DEFINITION OF SUBDIVISION.

L. T. SCOTT BANKHEAD (PLS)

L. T. SCOTT BANKHEAD, PROFESSIONAL LAND SURVEYOR CERTIFY THAT THIS PLAT WAS DRAWN FROM AN ACTUAL FIELD SURVEY PERFORMED UNDER MY DIRECTION AND SUPERVISION (DEED REFERENCE: DEED 112 PAGE 810); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED BY DASHED LINES DRAWN FROM THE DEED INFORMATION SHOWN HEREON; THAT THE KIND OF PRECISION IS 1:10,000; AND THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH GS 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS

20th Day of May, 2019

Professional Land Surveyor - License No. L-3001



PRELIMINARY PLAT
Not for Recordation, Conveyance or Sale

PROPOSED STREET & ALLEY CLOSING/ABANDONMENT

SURVEY FOR
The City Of Shelby
CLEVELAND COUNTY, NORTH CAROLINA
TAX MAP REF: S48-1-1,2,3, 4 & 17
S49-6-5 & 6
PARCEL NUMBER: 60689,60690,60691
60692,20702,20785 & 20786
SCALE 1" = 30' DATE 05/20/19

30 0 30 60 90
GRAPHIC SCALE - FEET

PROPOSED PROPERTY ALLOCATION

- PARCEL 1 : 0.036 ACRES S. JAY HENNETT
- PARCEL 2 : 0.135 ACRES TUBE ENTERPRISES, INC.
- PARCEL 3 : 0.085 ACRES TUBE ENTERPRISES, INC.
- PARCEL 4 : 0.004 ACRES HLL PROPERTY MANAGEMENT, LLC
- PARCEL 5 : 0.004 ACRES PORTIA SHELL
- PARCEL 6 : 0.004 ACRES TUBE ENTERPRISES, INC.

SURVEY BY
BANKHEAD SURVEYING, PA
407 EAST MARLOW STREET
SHELBY, N.C. 28150
(704) 481-1040
FIRM LICENSE NUMBER - C-0972



Location Map East Shannonhouse 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



Date: 11/13/2018



Scale 1:3,000 1 inch = 250 feet

RESOLUTION NO. 51-2019

**A RESOLUTION DECLARING THE INTENT OF THE CITY COUNCIL
OF THE CITY OF SHELBY TO CONSIDER THE PERMANENT CLOSURE OF
AN UNOPENED RIGHT OF WAY FOR SHANNONHOUSE STREET**

WHEREAS, North Carolina General Statute 160A-299 authorizes the City Council of the City of Shelby to permanently close public streets and alleys within its jurisdiction; and,

WHEREAS, the City has received a request and petition from abutting property owners to permanently close an unopened right-of-way for West Shannonhouse Street and the South End of Railroad Avenue; and,

WHEREAS, the City Council considers it advisable to conduct a public hearing for the purpose of giving consideration to this proposal.

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

Section 1. That a public hearing on the matter will be held at 6:00 PM, on the 16th day of September, 2019 in the Council Chamber at the City Hall in Shelby, North Carolina to consider an order closing an unopened right of way for West Shannonhouse Street and the South End of Railroad Avenue.

Section 2. The City Clerk is hereby directed to publish this Resolution of Intent once a week for four (4) successive weeks prior to the public hearing in *The Shelby Star*.

Section 3. The City Clerk is further directed to transmit by certified mail, return receipt requested, to each owner of property abutting on said street a copy of this Resolution of Intent and shall cause a notice of the Public Hearing to be prominently posted in at least two places along the subject street.

Section 4. This Resolution of Intent shall become effective upon its adoption and approval.

Adopted and approved this the 5th day of August 2019.

O. Stanhope Anthony, III
Mayor

ATTEST:

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

City of Shelby
Agenda Item Summary
August 5, 2019
City Hall Council Chamber

D. Unfinished Business

Agenda Item D-1

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

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

Summary of Available Information:

- Memorandum dated July 29, 2019 from Bernadette A. Parduski, City Clerk to Rick Howell, City Manager
- Planning and Zoning Board Roster 2019
- Applications for the Planning and Zoning Board – Juan Cherry and Henry Earle

City Manager's Recommendation / Comments

Volunteers are an essential part of the work the City performs each year. As always this is just a reminder that we all should work to recruit qualified and quality people to serve whenever possible. Solicitation of both qualified and interested citizens to serve on these important advisory boards remains a priority for 2019. I would challenge each of you to recruit viable candidates that possess the knowledge and willingness to serve during the coming months.

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



Memo

To: Rick Howell, City Manager
From: Bernadette A. Parduski, City Clerk
Date: July 29, 2019
Re: Appointments to City Advisory Boards and Commissions

BOARD REVIEW:

PLANNING AND ZONING BOARD

The terms of three incumbents, Mike Royster, Jim Martin, and Scott Bankhead, concluded June 2019. All three incumbents are seeking reappointment to this board.

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

- Juan Cherry – currently serving on the Parks and Recreation Advisory Board
- Henry Earle

POSSIBLE ACTION:

Council can begin the nominating process or take appointive action for three new terms concluding June 2022.

Attachments:

- A. Planning and Zoning Board Roster 2019
- B. Application of Juan Cherry
- C. Application of Henry Earle

PLANNING AND ZONING BOARD 2019

MEMBERS	ADDRESS	TERM EXPIRATION	PHONE NUMBER
Marlene Peeler (I) Chair marlene@prushelby.com	H: 217 Windsor Drive W: 410 N. Lafayette St. Shelby, NC 28150	June 2021	704 484-3003
Rick Washburn (I) Vice Chair rick.washburn@hometrustedbanking.com	1622 Spangler Drive Shelby, NC 28150	June 2021	W: 704 476-2727
Mark Carter (I) mcarter@carterchev.com	1335 East Marion Street Shelby, NC 28150	June 2021	704 482-4341
Bob Cabaniss (ETJ) bcabanis46@yahoo.com	371 Magness Road Shelby, NC 28150	June 2021	704 484-3484
Emanuel Hunt, Jr. (ETJ) ehuntjr46@yahoo.com	810 B Pleasant Drive Shelby, NC 28152	June 2021	H: 704 487-5280 W: 404 780-5224
Jeff Aderholdt (ETJ) jaderholdt1@yahoo.com	113 Shadowgate Drive Shelby, NC 28152	June 2020	W: 864 492-2401 C: 704 284-1244
Charles Hamrick (I) mrcharles911@gmail.com	P O Box 1356 Shelby, NC 28151-1356	June 2020	704 996-3114
Greg Taylor (I) gtpsi@carolina.rr.com	2605 Pebble Creek Dr. Shelby, NC 28152	June 2020	H: 704 477-6457 W: 704 487-7774
Michael R. (Mike) Royster (I) mroyster@roysteroil.com	915 West Marion Street Shelby, NC 28150	June 2019	H: 704 484-1933 W: 704 487-6344
Jim Martin 150jmartin@gmail.com	162 Columns Circle Shelby, NC 28150	June 2019	H: 704 482-5265 C: 704 473-7391
Scott Bankhead (I) banksurv@bellsouth.net	H: 1907 Three Lakes Dr. W: 1203 East Marion St. Shelby, NC 28150	June 2019	H: 704 482-0562 W: 704 481-1040

Meetings are held on the third Thursday of each month at noon

Three (3) year appointments: (I) Inside Members – 8; (ETJ) Extraterritorial Jurisdiction Members – 3

City Council Liaison: Eric Hendrick – Ward 1
926 Elizabeth Road
Shelby, NC 28150
C: 704 418-5688; W: 704 487-7846
E-mail: eric.hendrick@cityofshelby.com

Staffed by Planning and Development Services Department (704 484-6829): Walt Scharer, Director and Darin Hallman, Planner



APPLICATION FOR APPOINTMENT TO BOARDS AND COMMISSIONS

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

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



DATE 5-14-18

NAME Juan L. Cherry

ADDRESS (No P O Boxes please) 307 Goldfinch Court

CITY / STATE / ZIP Shelby/NC/28150

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

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

WARD 6

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

EMAIL ADDRESS juancherry07@gmail.com

OCCUPATION Educator/Clergy

EDUCATIONAL BACKGROUND BA - Journalism / MA -School Counseling

BOARD OR COMMISSION INTERESTED IN:

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

OTHER COMMENTS:

SIGNATURE Juan L. Cherry

DATE 5-14-18



APPLICATION FOR APPOINTMENT TO BOARDS AND COMMISSIONS

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

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



DATE 12/4/2018

NAME Henry Earle

ADDRESS (No P O Boxes please) 108 Victoria Park Drive

CITY / STATE / ZIP Shelby NC 28150

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

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

WARD 2 (I think)

PHONE NUMBERS: Cell 704-473-6019 Work 704-484-4975

EMAIL ADDRESS henry_earle@yahoo.com

OCCUPATION County Planner

EDUCATIONAL BACKGROUND Master of Public Administration-University of North Carolina-Pembroke

BOARD OR COMMISSION INTERESTED IN:

- 1. Planning and Zoning Advisory Board
2. Zoning Board of Adjustment
3.

OTHER COMMENTS:

SIGNATURE

DATE 12/4/2018

City of Shelby
Agenda Item Summary
August 5, 2019
City Hall Council Chamber

E. New Business

Agenda Item E-1

- 1) Consideration of a resolution authorizing disbursement of travel and tourism funding to the Cleveland County Arts Council for Fiscal Year (FY) 2019-2020: Resolution No. 52-2019

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

Summary of Available Information:

- Resolution No. 52-2019

City Manager's Recommendation / Comments

Upon the advice of the City Attorney and in consultation with the School of Government Resolution No. 52-2019 is presented for City Council consideration at this time. It is presented separately from Resolution 50-2019 to remove any perception or real conflict of interest. As you all know Councilmember Violet Arth Dukes is an employee of the Cleveland County Arts Council and as such it could be perceived that she has a conflict of interest when voting on this matter given it awards her employer a grant. This could be considered or perceived by some that Councilmember Arth Dukes is receiving a prohibited "direct benefit" from the City if she were to vote. As such it is up to a member of Council to request recusal and for Council to grant that recusal.

I have reviewed the applications submitted by the eligible organizations for travel and tourism grant funding. Each year past grant recipients and other organizations that have expressed an interest are eligible to submit grant applications for these funds generated through the 3% room occupancy tax levied by City Council. Each is reviewed to determine if the purpose for use of funds is eligible under the statutes and city policy, the economic impact of the event(s), past use of funds, success of past events, financial participation by the entity, as well as other relevant criteria. Resolution No. 52-2018 is presented for consideration at this time.

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

RESOLUTION NO. 52-2019

A RESOLUTION AUTHORIZING DISBURSEMENT OF
TRAVEL AND TOURISM FUNDING TO THE CLEVELAND COUNTY ARTS COUNCIL
FOR FISCAL YEAR 2019-2020

WHEREAS, the City of Shelby through the adoption of the 2005 Strategic Growth Plan recognizes the need to promote economic development efforts throughout the City; and

WHEREAS, City of Shelby currently levies a 3% occupancy tax in accordance with Resolution 69-97 and NC Session Law 1997-361 for the purpose of generating revenue for the promotion of travel and tourism within the City; and

WHEREAS, said occupancy tax proceeds are restricted for use by the noted resolution and session law for travel and tourism promotion and tourism related expenditures; and

WHEREAS, the City Manager has determined that sufficient funding has been appropriated by Council for the fiscal year beginning July 1, 2019; and

WHEREAS, the following organizations have submitted applications and requests to the City Manager and it is his determination that each is eligible under the city policy and the applicable general statute and therefore recommends that the following amounts be awarded:

1. Cleveland County Arts Council – Art of Sound Festival \$15,000.
Marketing and Event Support

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF SHELBY, NORTH CAROLINA as follows:

- 1) City Council authorizes disbursement of local occupancy tax funds for the preceding organization in the designated amount.

- 2) Authorizes the City Manager to obtain activity reports from each funded organization detailing the use of said funds. The same shall be reported to City Council following the close of the fiscal year ending June 30, 2020.

This Resolution shall become effective upon its adoption and approval.

Adopted and approved this the 5th day of August 2019.

O. Stanhope Anthony, III
Mayor

ATTEST:

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

City of Shelby
Agenda Item Summary
August 5, 2019
City Hall Council Chamber

Agenda Item E-2

2) Ella Street Sewer and Water Line Repair/Replacement Projects:

- a. Consideration of a resolution of tentative award for the Ella Street Sewer Line Repair/Replacement Project to Kennedy Concrete & Utilities, Inc.:
Resolution No. 53-2019
- b. Consideration of a resolution of tentative award for the Ella Street Water Line Repair/Replacement Project to Marvin Hoyle Construction, Inc.:
Resolution No. 54-2019

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

Summary of Available Information:

- Memorandum dated July 30, 2019 from David Hux, Director of Water Resources and Cameron Howell, Utilities Project Coordinator to Rick Howell, City Manager
- Photo of Ella Mill Project Area
- Bid letters dated July 30, 2019 from Odom Engineering, PLLC to Cameron Howell, Utilities Project Coordinator
- Tabulation Sheet
- Resolution No. 53-2019 and Resolution No. 54-2019

City Manager's Recommendation / Comments

Resolution Nos. 53-2019 and 54-2019 are presented for City Council consideration as new business. As noted in a memo from Mr. Hux the water and sewer lines currently serving this neighborhood have largely outlived their useful life. The City has experienced significant issues with service over the years. City staff believes that replacement and repair of these water and sewer lines is not only necessary to continue to serve existing City customers but also is a must if any new construction or development is to occur. As you know Carolina Community Developers, LLC has purchased the old Ella Mill site as well as a significant number of lots surrounding the site. They have been approved by the NC Housing Finance Agency for funding to construct up to 96 new units (apartments and duplexes) on those properties. In addition this same group has applied for funding for an additional 48 units (duplexes) in the area. They actually own these properties or have options on them. Without these water and sewer improvements this development cannot occur. Estimated investment by the developer is approximately \$8 million when all is said and done. This project also provides high quality affordable housing for low to moderate income persons in our community. These projects are funded within the operating budget of the Water Resources Department for fiscal year 2019-2020.

It is my recommendation that Resolution Nos. 53-2019 and 54-2019 be approved by City Council at this time.



Memorandum

To: Rick Howell; City Manager

From: David Hux; Director of Water Resources
Cameron Howell; Utilities Project Coordinator *DHux CH*

RE: Ella Street Sewer & Water Replacement Contracts Award

Date: July 30, 2019

Background

The Ella Mill property and a number of homes located around S Morgan and Textile have been purchased by a developer with the intent to build new houses, duplexes, and apartments.

The water system in this area dates back to the early 1940's and has lines that cross private property, broken valves and has some hydrants with minimal fire flow protection. The sewer system in this area dates back to the early 1900's and was initially installed by the mill. Most of the sewer lines are small and have structural defects requiring replacement.

Review

The City of Shelby staff has reviewed the existing conditions in the area and has also met with the developer to review layouts and utility connections. Water connections will be paid for by the developer and some of the sewer will have to be re-laid in some areas by the developer to accommodate development plans.

Odom Engineer provided water and sewer improvements design for the City's portion of this project. The waterlines on South Morgan and Ella would be replaced due to age and lower fire flow. This work also allows us to remove an old line that crosses private property and crosses under the railroad.

The sewer line running from Morgan across Wooden and Church Streets will be replaced due to small size and structural integrity. This line will also be relocated to allow adequate access for City crews after redevelopment.

Plans were developed and bids were taken for the project. The City received five (5) bids for the Ella Street Sewer & Water Repair/Replacement on June 21, 2019.

The water rehabilitation/replacement portion was bid with three (3) different options. The City has decided to complete two (2) of the options at this time. The lowest combined bid for the two (2) water options selected was submitted by Marvin Hoyle Construction, Inc. in the amount of \$195,783.50.

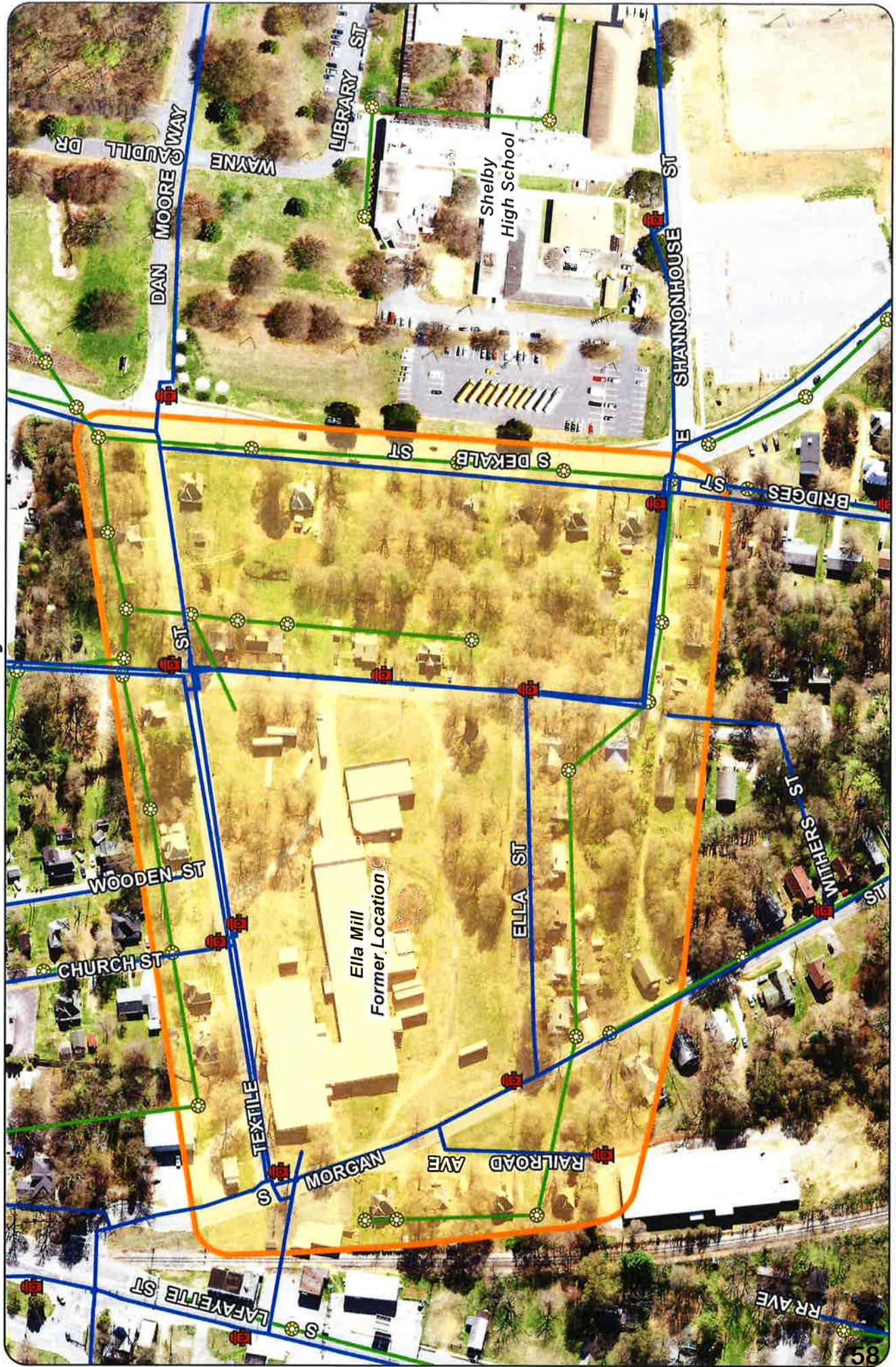
The lowest bid for the sewer rehabilitation/replacement portion was submitted by Kennedy Concrete & Utilities, Inc. in the amount of \$153,901.00.

Recommendation







City Staff has reviewed the bids and recommends that the City Council approve the resolutions, awarding the bid for the Ella Street Water Repair/Replacement to the lowest bidder, Marvin Hoyle Construction, Inc. in the amount of \$195,783.50 and Ella Street Sewer Repair/Replacement to the lowest bidder, Kennedy Concrete & Utilities Inc. in the amount of \$153,901.00. Funds are budgeted in the water and sewer budgets for FY2019/2020.

Please let us know if you need further information.

Ella Mill Project Area



Legend

-  Project Area Outline
-  Project Area
-  Existing Gravity Main
-  Existing Hydrants
-  Existing Manholes
-  Existing Water Main

1 inch = 200 feet (8.5" x 11")



7/30/2019

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

July 30, 2019

Cameron Howell
Utilities Project Coordinator
City of Shelby
PO Box 207, 824 W Grover St.
Shelby, NC 28150

RE: Contractor Recommendation for the Ella Street Sewer and Water Line Repair / Replacement Project (SEWER PROJECT)

Dear Cameron,

Bids were received on Thursday, June 21, 2019 at 1:30 p.m. at the Shelby Utility Operations Center for the Ella Street Sewer and Water Line Repair / Replacement Project (SEWER PROJECT).

<u>SEWER PROJECT BID</u>	<u>BID AMOUNT</u>
• Kennedy Concrete & Utilities, Inc.	\$153,901.00
• Clark Ledbetter Grading & Hauling, Inc.	\$163,410.50
• Marvin Hoyle Construction, Inc.	\$189,029.50
• Two Brothers Utilities, LLC	\$211,112.00
• Piedmont Utility Group, Inc.	\$266,206.46

* Contractors submitted a document indicating their unwillingness to submit a price for the project due to their current workload.

The low bidder was Kennedy Concrete & Utilities, Inc. with a bid amount of **\$153,901.00**. We recommend awarding the contract to **Kennedy Concrete & Utilities, Inc.** in the amount of **\$153,901.00** to complete the project.

Sincerely,



David Odom, P.E.

July 30, 2019

Cameron Howell
Utilities Project Coordinator
City of Shelby
PO Box 207, 824 W Grover St.
Shelby, NC 28150

RE: Contractor Recommendation for the Ella Street Sewer and Water Line Repair / Replacement Project (OPTION 1 & 2 WATER PROJECT)

Dear Cameron,

Bids were received on Thursday, June 21, 2019 at 1:30 p.m. at the Shelby Utility Operations Center for the Ella Street Sewer and Water Line Repair / Replacement Project (OPTION 1 & 2 WATER PROJECT).

<u>OPTION 1 & 2 WATER PROJECT BID</u>	<u>BID AMOUNT</u>
• Marvin Hoyle Construction, Inc.	\$195,783.50
• Two Brothers Utilities, LLC	\$224,191.00
• Clark Ledbetter Grading & Hauling, Inc.	\$229,185.00
• Kennedy Concrete & Utilities, Inc.	\$246,987.40
• Piedmont Utility Group, Inc.	\$322,729.09

* Contractors submitted a document indicating their unwillingness to submit a price for the project due to their current workload.

The low bidder was Marvin Hoyle Construction, Inc. with a bid amount of **\$195,783.50**. We recommend awarding the contract to **Marvin Hoyle Construction, Inc.** in the amount of **\$195,783.50** to complete the project.

Sincerely,



David Odom, P.E.



Ella Street Sewer & Water Line Repair/Replacement
City of Shelby
21-Jun-19

DESCRIPTION	QTY	UNITS	TWO BROTHERS UTILITIES, LLC			MARVIN HOYLE CONSTRUCTION, INC.			KENNEDY CONCRETE & UTILITIES, INC.			PIEDMONT UTILITY GROUP, INC.			CLARK LEDBETTER GRADING & HAULING, INC.			
			UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST				
SEWER																		
1 MOBILIZATION	1	LS	\$1,500.00	\$1,500.00	\$4,000.00	\$4,000.00	\$1,000.00	\$1,000.00	\$9,075.74	\$9,075.74	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	
2 NEW 8" SDR-21 PVC SEWER MAIN	1370	LF	\$62.00	\$84,940.00	\$46.00	\$63,020.00	\$35.00	\$47,950.00	\$76.87	\$105,311.90	\$39.00	\$53,430.00	\$39.00	\$53,430.00	\$39.00	\$53,430.00	\$39.00	\$53,430.00
3 NEW 8" DIP CL-52 SEWER MAIN	30	LF	\$1,000.00	\$30,000.00	\$80.00	\$2,400.00	\$70.00	\$2,100.00	\$95.63	\$2,868.90	\$50.00	\$1,500.00	\$50.00	\$1,500.00	\$50.00	\$1,500.00	\$50.00	\$1,500.00
4 CONNECT TO EXISTING MANHOLE	1	EA	\$1,000.00	\$1,000.00	\$3,000.00	\$3,000.00	\$1,500.00	\$1,500.00	\$2,826.51	\$2,826.51	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00
5 PRECAST 4' DIAMETER MANHOLE (0'-8" DEPTH)	14	EA	\$3,000.00	\$42,000.00	\$3,900.00	\$54,600.00	\$2,200.00	\$30,800.00	\$3,135.18	\$43,892.52	\$2,500.00	\$35,000.00	\$2,500.00	\$35,000.00	\$2,500.00	\$35,000.00	\$2,500.00	\$35,000.00
6 ABANDONING MANHOLE	3	EA	\$3,000.00	\$9,000.00	\$2,000.00	\$6,000.00	\$1,200.00	\$3,600.00	\$605.00	\$1,815.00	\$1,200.00	\$3,600.00	\$1,200.00	\$3,600.00	\$1,200.00	\$3,600.00	\$1,200.00	\$3,600.00
7 4" SEWER LATERAL - RECONNECT	17	EA	\$1,500.00	\$25,500.00	\$1,000.00	\$17,000.00	\$1,500.00	\$25,500.00	\$1,406.18	\$23,905.06	\$1,000.00	\$10,000.00	\$1,000.00	\$10,000.00	\$1,000.00	\$10,000.00	\$1,000.00	\$10,000.00
8 CITY STREET ASPHALT REPAIR	315	SY	\$50.00	\$15,750.00	\$4,725.00	\$15,000.00	\$15,750.00	\$15,750.00	\$99.09	\$31,213.35	\$45.00	\$14,175.00	\$45.00	\$14,175.00	\$45.00	\$14,175.00	\$45.00	\$14,175.00
9 UNSUITABLE MATERIAL	300	TONS	\$30.00	\$9,000.00	\$20.00	\$6,000.00	\$30.00	\$9,000.00	\$39.38	\$11,914.50	\$25.00	\$7,500.00	\$25.00	\$7,500.00	\$25.00	\$7,500.00	\$25.00	\$7,500.00
10 LATERALS	200	LF	\$45.00	\$9,000.00	\$30.00	\$6,000.00	\$30.00	\$6,000.00	\$47.12	\$9,424.00	\$15.00	\$3,000.00	\$15.00	\$3,000.00	\$15.00	\$3,000.00	\$15.00	\$3,000.00
11 CLEANDUPS	17	EA	\$100.00	\$1,700.00	\$300.00	\$5,100.00	\$130.00	\$2,210.00	\$339.17	\$5,765.89	\$50.00	\$850.00	\$50.00	\$850.00	\$50.00	\$850.00	\$50.00	\$850.00
12 ROCK	30	CY	\$1.00	\$30.00	\$300.00	\$9,000.00	\$30.00	\$900.00	\$30.00	\$900.00	\$30.00	\$900.00	\$30.00	\$900.00	\$30.00	\$900.00	\$30.00	\$900.00
SUBTOTAL				\$19,192.00		\$17,884.50		\$13,991.00		\$42,006.87		\$42,006.87		\$24,200.59		\$14,855.50		\$14,855.50
Contingency (10%)				\$1,919.20		\$1,788.45		\$1,399.10		\$4,200.69		\$4,200.69		\$2,420.06		\$1,485.55		\$1,485.55
SEWER PROJECT BID (A)				\$21,111.20		\$18,929.50		\$15,390.10		\$46,207.56		\$46,207.56		\$26,620.65		\$16,341.05		\$16,341.05
1 MOBILIZATION	1	LS	\$1,500.00	\$1,500.00	\$4,000.00	\$4,000.00	\$1,000.00	\$1,000.00	\$4,373.89	\$4,373.89	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
2 CITY STREET ASPHALT REPAIR	400	SY	\$50.00	\$20,000.00	\$15.00	\$6,000.00	\$15.00	\$6,000.00	\$99.09	\$39,636.00	\$20.00	\$8,000.00	\$20.00	\$8,000.00	\$20.00	\$8,000.00	\$20.00	\$8,000.00
3 8" CL-52 DIP WATER MAIN	600	LF	\$47.00	\$28,200.00	\$61.50	\$37,700.00	\$79.00	\$47,400.00	\$73.46	\$44,076.00	\$50.00	\$30,000.00	\$50.00	\$30,000.00	\$50.00	\$30,000.00	\$50.00	\$30,000.00
4 TIE TO EXISTING WATERLINE	2	EA	\$6,000.00	\$12,000.00	\$7,000.00	\$14,000.00	\$10,600.00	\$21,200.00	\$7,295.85	\$14,591.70	\$6,500.00	\$13,000.00	\$6,500.00	\$13,000.00	\$6,500.00	\$13,000.00	\$6,500.00	\$13,000.00
5 RECONNECT EXISTING SERVICE	11	EA	\$800.00	\$8,800.00	\$500.00	\$5,500.00	\$1,400.00	\$15,400.00	\$1,284.69	\$14,131.59	\$1,000.00	\$10,000.00	\$1,000.00	\$10,000.00	\$1,000.00	\$10,000.00	\$1,000.00	\$10,000.00
6 CUT & PLUG	2	EA	\$2,000.00	\$4,000.00	\$4,000.00	\$8,000.00	\$2,500.00	\$5,000.00	\$2,732.04	\$5,464.08	\$1,000.00	\$2,000.00	\$1,000.00	\$2,000.00	\$1,000.00	\$2,000.00	\$1,000.00	\$2,000.00
7 ROCK	10	CY	\$1.00	\$10.00	\$100.00	\$1,000.00	\$10.00	\$100.00	\$10.00	\$100.00	\$70.00	\$700.00	\$70.00	\$700.00	\$70.00	\$700.00	\$70.00	\$700.00
8 FITTINGS	240	LEBS	\$5.00	\$1,200.00	\$6.00	\$1,440.00	\$5.00	\$1,200.00	\$9.19	\$2,184.00	\$5.00	\$2,500.00	\$5.00	\$2,500.00	\$5.00	\$2,500.00	\$5.00	\$2,500.00
9 NEW COPPER SERVICE	140	LF	\$41.00	\$5,740.00	\$10.00	\$1,400.00	\$37.00	\$5,180.00	\$43.11	\$6,035.40	\$12.00	\$1,680.00	\$12.00	\$1,680.00	\$12.00	\$1,680.00	\$12.00	\$1,680.00
10 GATE VALVES	2	EA	\$3,400.00	\$6,800.00	\$6,000.00	\$12,000.00	\$1,800.00	\$3,600.00	\$1,779.89	\$3,519.78	\$2,500.00	\$5,000.00	\$2,500.00	\$5,000.00	\$2,500.00	\$5,000.00	\$2,500.00	\$5,000.00
11 REMOVE EXISTING HYDRANT	2	EA	\$500.00	\$1,000.00	\$1,000.00	\$2,000.00	\$1,200.00	\$2,400.00	\$730.23	\$1,460.46	\$1,400.00	\$2,800.00	\$1,400.00	\$2,800.00	\$1,400.00	\$2,800.00	\$1,400.00	\$2,800.00
12 6" FIRE HYDRANT ASSEMBLY	2	EA	\$6,000.00	\$12,000.00	\$4,900.00	\$9,800.00	\$4,320.00	\$8,640.00	\$6,835.56	\$13,671.12	\$4,000.00	\$8,000.00	\$4,000.00	\$8,000.00	\$4,000.00	\$8,000.00	\$4,000.00	\$8,000.00
SUBTOTAL				\$12,250.00		\$8,840.00		\$18,736.00		\$49,205.62		\$39,000.00		\$59,000.00		\$98,000.00		\$98,000.00
Contingency (10%)				\$1,225.00		\$884.00		\$1,873.60		\$4,920.56		\$3,900.00		\$5,900.00		\$9,800.00		\$9,800.00
WATER PROJECT OPTION 1 BID (B)				\$13,475.00		\$9,724.00		\$20,609.60		\$54,126.18		\$42,900.00		\$64,800.00		\$107,800.00		\$107,800.00
1 MOBILIZATION	1	LS	\$1,500.00	\$1,500.00	\$4,000.00	\$4,000.00	\$1,000.00	\$1,000.00	\$4,209.49	\$4,209.49	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
2 CITY STREET ASPHALT REPAIR	360	SY	\$50.00	\$18,000.00	\$15.00	\$5,400.00	\$15.00	\$5,400.00	\$99.09	\$35,672.40	\$20.00	\$7,200.00	\$20.00	\$7,200.00	\$20.00	\$7,200.00	\$20.00	\$7,200.00
3 8" CL-52 DIP WATER MAIN	550	LF	\$47.00	\$25,850.00	\$61.50	\$33,825.00	\$79.00	\$43,450.00	\$73.46	\$40,403.00	\$50.00	\$27,500.00	\$50.00	\$27,500.00	\$50.00	\$27,500.00	\$50.00	\$27,500.00
4 TIE TO EXISTING WATERLINE	2	EA	\$9,000.00	\$18,000.00	\$7,000.00	\$14,000.00	\$10,600.00	\$21,200.00	\$8,165.34	\$16,330.68	\$6,500.00	\$13,000.00	\$6,500.00	\$13,000.00	\$6,500.00	\$13,000.00	\$6,500.00	\$13,000.00
5 CUT & PLUG	4	EA	\$2,000.00	\$8,000.00	\$4,000.00	\$16,000.00	\$2,500.00	\$10,000.00	\$2,732.04	\$10,928.16	\$1,000.00	\$4,000.00	\$1,000.00	\$4,000.00	\$1,000.00	\$4,000.00	\$1,000.00	\$4,000.00
6 ROCK	10	CY	\$1.00	\$10.00	\$100.00	\$1,000.00	\$10.00	\$100.00	\$10.00	\$100.00	\$70.00	\$700.00	\$70.00	\$700.00	\$70.00	\$700.00	\$70.00	\$700.00
7 FITTINGS	220	LEBS	\$7.00	\$1,540.00	\$6.00	\$1,320.00	\$5.00	\$1,100.00	\$9.19	\$2,001.80	\$5.00	\$1,100.00	\$5.00	\$1,100.00	\$5.00	\$1,100.00	\$5.00	\$1,100.00
8 NEW COPPER SERVICE	30	LF	\$45.00	\$1,350.00	\$10.00	\$300.00	\$37.00	\$1,110.00	\$43.11	\$1,293.30	\$12.00	\$360.00	\$12.00	\$360.00	\$12.00	\$360.00	\$12.00	\$360.00
9 RECONNECT A METER	1	EA	\$710.00	\$710.00	\$700.00	\$700.00	\$1,800.00	\$1,800.00	\$1,246.88	\$1,246.88	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00
10 NEW METER AND BOX	1	EA	\$700.00	\$700.00	\$1,500.00	\$1,500.00	\$2,250.00	\$2,250.00	\$1,349.85	\$1,349.85	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00
11 GATE VALVES	5	EA	\$1,400.00	\$7,000.00	\$1,400.00	\$7,000.00	\$1,723.25	\$8,616.25	\$1,723.25	\$8,616.25	\$1,500.00	\$7,500.00	\$1,500.00	\$7,500.00	\$1,500.00	\$7,500.00	\$1,500.00	\$7,500.00
12 REMOVE EXISTING HYDRANT	2	EA	\$500.00	\$1,000.00	\$2,000.00	\$4,000.00	\$600.00	\$1,200.00	\$730.23	\$1,460.46	\$1,000.00	\$2,000.00	\$1,000.00	\$2,000.00	\$1,000.00	\$2,000.00	\$1,000.00	\$2,000.00
13 6" FIRE HYDRANT ASSEMBLY	2	EA	\$9,000.00	\$18,000.00	\$4,900.00	\$9,800.00	\$4,320.00	\$8,640.00	\$6,835.56	\$13,671.12	\$4,000.00	\$8,000.00	\$4,000.00	\$8,000.00	\$4,000.00	\$8,000.00	\$4,000.00	\$8,000.00
SUBTOTAL				\$10,250.00		\$8,840.00		\$18,736.00		\$49,205.62		\$39,000.00		\$59,000.00		\$98,000.00		\$98,000.00
Contingency (10%)				\$1,025.00		\$884.00		\$1,873.60		\$4,920.56		\$3,900.00		\$5,900.00		\$9,800.00		\$9,800.00
WATER PROJECT OPTION 2 BID (C)				\$11,275.00		\$9,724.00		\$13,909.60		\$14,126.18		\$11,873.60		\$14,920.56		\$19,308.00		\$19,308.00
1 MOBILIZATION	1	LS	\$1,500.00	\$1,500.00	\$4,000.00	\$4,000.00	\$1,000.00	\$1,000.00	\$4,209.49	\$4,209.49	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
2 CITY STREET ASPHALT REPAIR	360	SY	\$50.00	\$18,000.00	\$15.00	\$5,400.00	\$15.00	\$5,400.00	\$99.09	\$35,672.40	\$20.00	\$7,200.00	\$20.00	\$7,200.00	\$20.00	\$7,200.00	\$20.00	\$7,200.00
3 8" CL-52 DIP WATER MAIN	550	LF	\$47.00	\$25,850.00	\$61.50	\$33,825.00	\$79.00	\$43,450.00	\$73.46	\$40,403.00	\$50.00	\$27,500.00	\$50.00	\$27,500.00	\$50.00	\$27,500.00	\$50.00	\$27,500.00
4 TIE TO EXISTING WATERLINE	2	EA	\$9,000.00	\$18,000.00	\$7,000.00	\$14,000.00	\$10,600.00	\$21,200.00	\$8,165.34	\$16,330.68	\$6,500.00	\$13,000.00	\$6,500.00	\$13,000				

RESOLUTION NO. 53-2019

**A RESOLUTION OF TENTATIVE AWARD FOR THE
ELLA STREET SEWER LINE REPAIR/REPLACEMENT PROJECT
TO KENNEDY CONCRETE & UTILITIES, INC.**

WHEREAS, the City of Shelby, North Carolina has designed and bid a project entitled the Ella Street Sewer Replacement and has held a competitive public bid opening on June 21, 2019 consistent with the applicable North Carolina General Statutes for bidding of public construction contracts, and;

WHEREAS, the City of Shelby received bids from five (5) qualified contractors for the completion of the Ella Street Sewer Replacement, and;

WHEREAS, the City's consulting engineer, Odom Engineering and the City have reviewed the bids and now recommend tentative award of the construction contracts for the work described to Kennedy Concrete & Utilities, Inc. in the amount of \$153,901.00.

**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 Kennedy Concrete & Utilities, Inc. for the construction of the Ella Street Sewer Repair/Replacement.

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

Section 3. The City Manager and his designees are hereby to execute amendments and change orders to the applicable documents associated with this project.

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

Adopted and approved this the 5th day of August 2019.

O. Stanhope Anthony, III
Mayor

ATTEST:

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

RESOLUTION NO. 54-2019

**A RESOLUTION OF TENTATIVE AWARD FOR THE
ELLA STREET WATER LINE REPAIR/REPLACEMENT PROJECT
TO MARVIN HOYLE CONSTRUCTION, INC.**

WHEREAS, the City of Shelby, North Carolina has designed and bid a project entitled the Ella Street Water Replacement and has held a competitive public bid opening on June 21, 2019 consistent with the applicable North Carolina General Statutes for bidding of public construction contracts, and;

WHEREAS, the City of Shelby received bids from five (5) qualified contractors for the completion of the Ella Street Water Replacement, and;

WHEREAS, the City's consulting engineer, Odom Engineering and the City have reviewed the bids and now recommend tentative award of the construction contracts for the work described to Marvin Hoyle Construction, Inc. in the amount of \$195,783.50.

**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 Marvin Hoyle Construction, Inc. for the construction of the Ella Street Water Repair/Replacement.

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

Section 3. The City Manager and his designees are hereby to execute amendments and change orders to the applicable documents associated with this project.

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

Adopted and approved this the 5th day of August 2019.

O. Stanhope Anthony, III
Mayor

ATTEST:

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

City of Shelby
Agenda Item Summary
August 5, 2019
City Hall Council Chamber

Agenda Item: F

City Manager's Report

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

Agenda Item: G

Council Announcements and Remarks

H. 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