

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) Recognition of the 2019 Shelby Girls 12 and Under All Stars as the Tar Heel Leagues, Inc. State Softball Champions 1-3

C. Public Comment:

4

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

D. 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 August 5, 2019 5-12
- 2) Approval of a resolution declaring the intent of the City Council of the City of Shelby to consider the permanent closure of a section of County Home Road: Resolution No. 55-2019 13-20

3) Adoption of an ordinance authorizing demolition of a dwelling (235 Thrift Road): Ordinance No. 57-2019	21-26
4) Adoption of a budget ordinance amendment for the City of Shelby's Water Treatment Plant Upgrade Project: Ordinance No. 58-2019	27-45
5) Approval of Notice of Cancellation in the Regular Meeting Schedule of Shelby City Council	46-47
E. Unfinished Business:	
1) Consideration of appointments to City advisory boards and commissions: a. Zoning Board of Adjustment	48-51
F. New Business:	
1) Consideration of a resolution authorizing selection of Destination by Design based on qualifications for the Parks and Recreation Master Plan and PARTF grant application: Resolution No. 56-2019	52-56
2) Consideration of a resolution authorizing selection of Rummel, Klepper, Kahl, LLC (RK&K) based on qualifications for assessment of the Natural Gas System: Resolution No. 57-2019	57-68
G. City Manager's Report	69
H. Council Announcements and Remarks	69
I. Adjournment:	69
<i>To adjourn a meeting of City Council, a majority of the Council members must vote for a motion to adjourn.</i>	
1) Motion to adjourn	

City of Shelby
Agenda Item Summary
August 19, 2019
City Hall Council Chamber

Agenda Item: B-1

Special Presentations

- 1) Recognition of the 2019 Shelby Girls 12 and Under All Stars as the Tar Heel Leagues, Inc. State Softball Champions

(Comments: Stan Anthony, Mayor)

Summary of Available Information:

- Memorandum dated August 7, 2019 from Charlie Holtzclaw, Director Parks and Recreation to Rick Howell, City Manager
- Roster of Girl's 12U All-Star Team

City Manager's Recommendation / Comments

This time is scheduled on City Council agenda to allow Mayor Anthony and City Council the opportunity to recognize and honor on your behalf the Shelby Parks and Recreation Department 12 & Under All-Star State Softball Champions. The State tournament was held in Currituck, NC from July 18th-21st. We are very proud of this team for their hard work and sportsmanship. Please join me in congratulating them on their accomplishment.



Memorandum

To: Rick Howell, City Manager
Cc: Bernadette Parduski, City Clerk
From: Charlie Holtzclaw, Director Parks and Recreation
Date: August 7, 2019
Subject: Recognizing 2019 Girls' Softball All-Star State Champions

Executive Summary of issue – Background

The City of Shelby Parks & Recreation Department captured the 12U Tar Heel Leagues State Softball Championship held in Currituck, NC July 18th through 21st.

Review and comments

Each of the team's players, coaches and families represented the City of Shelby in a very positive light not only by being successful on the field, but also demonstrating sportsmanship on and off the field. Since joining Tar Heel Leagues in 1992, the Shelby contingents have captured 25 combined State Boy's and Girl's State Championships and have finished runner-up several times. This is the 7th Girl's Fast-Pitch Softball State Championship, as Shelby went 4 and 0 winning the title 8 to 4 over the Wilkes County All-Stars in the finals.

Recommendation

Based on this memorable performance, it is my recommendation and request to you the team's players and coaches be recognized at the regular City Council Meeting on Monday, August 19th for their outstanding season and the positive attention they created for the City of Shelby. Staff will prepare framed certificates for the Mayor to present to each player and coach.

Players and coach's names on following page –

**2019 Shelby Parks & Recreation
Girl's 12U All-Star Roster**

Abby Clary

Peyton Cook

Maggie Earl

Reese Gettys

Laylah Haynes

Kaidence Miller

Esynce Hawze

Ella Shope

Sydney Jones

Katie Vassey

Aidan Ledbetter

Hadley Watts

**COACHES: Didi Ledbetter, Head Coach
Jeff Cook
Shawn Ledbetter
Chris Gettys**

City of Shelby
Agenda Item Summary
August 19, 2019
City Hall Council Chamber

C. Public Comment:

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

City of Shelby
Agenda Item Summary
August 19, 2019
City Hall Council Chamber

D. Consent Agenda:

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

Agenda Item: D-1

- 1) Approval of the Minutes of the Regular Meeting of August 5, 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 August 5, 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

August 5, 2019
Monday, 6:00 p.m.

Present: Mayor O. Stanhope Anthony III, presiding; Council Members David W. White, David Causby, Violet Arth Dukes, Charles Webber, and Dicky Amaya; City Manager Rick Howell, ICMA-CM, City Attorney Robert W. (Bob) Yelton, City Clerk Bernadette A. Parduski, Assistant City Manager/Director of Finance Justin S. Merritt, MPA, Director of Human Resources Deborah (Deb) Jolly, Director of Energy Resources Julie R. McMurry, Police Chief Jeffrey H. (Jeff) Ledford, and Fire Chief William P. Hunt, MPA, EFO

Absent: Council Member Eric B. Hendrick

Mayor Anthony called the meeting to order at 6:00 p.m. and welcomed all who were in attendance. The Mayor called for a moment of silence in mourning the victims of the El Paso, Texas and Dayton, Ohio shootings and gave the invocation. Mr. White led the *Pledge of Allegiance*.

A. Approval of agenda:

1) Motion to adopt the proposed agenda

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

B. Special Presentation:

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

Mr. Toney began his presentation by stating that Watch for Me NC is a comprehensive program run by the North Carolina Department of Transportation (NCDOT) in partnership with local communities like Shelby focusing on bicyclist and pedestrian safety.

The Watch for Me NC Program involves two key components:

- Safety and educational messages directed toward drivers, pedestrians, and bicyclists with samples in the form of bumper stickers, posters, informational posters, and rack cards provided by Mr. Toney.

Mr. Toney stated that Shelby's Watch for Me NC Program will be holding its kickoff event at National Night Out on August 6, 2019 at 6:30 p.m., City Pavilion. Additional outreach events this year include the Liver Mush Festival and the Cleveland County Fair. Future events include the Shelby Police Department's Cop Camp and safety training classes for City employees, Cleveland County Schools, and local employers and industries.

- High visibility enforcement efforts by area law enforcement to reduce violations of traffic safety laws which means operations focused on pedestrian safety at crosswalks throughout Shelby.

Next, Mr. Toney described the Pedestrian Crosswalk Enforcement – Yield to Pedestrians Operations and utilized a video depicting high visibility enforcement efforts by law enforcement officers to reduce violations of traffic safety laws focused on pedestrian safety at crosswalks. Ultimately, if a motorist or a pedestrian was observed violating North Carolina pedestrian laws, he or she is pulled over by local police officers and issued a Warning Educational Ticket. Mr. Toney concluded by stating Shelby's first Pedestrian Crosswalk Enforcement Operation will be setup at the end of August 2019 near the Atrium Health Cleveland Hospital.

Council received the information and no action was required.

C. Consent Agenda:

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

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

- 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

END CONSENT AGENDA

D. Unfinished Business:

- 1) Consideration of appointments to City advisory boards and commissions:

a. Planning and Zoning Board

Mrs. Parduski reported 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
- Henry Earle

Mr. White nominated Mike Royster, Jim Martin, and Scott Bankhead for reappointment.

ACTION TAKEN: Upon a motion by Mr. Amaya, City Council voted unanimously to close the nominations and accept the nominees by acclamation.

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

Mr. Howell introduced Resolution No. 52-2019 for Council's consideration.

Mrs. Arth Dukes requested to be excused from voting on this matter because she is an employee of the Cleveland County Arts Council and as such wishes to avoid the perception of a conflict of interest.

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to excuse Mrs. Arth Dukes from voting on Resolution No. 52-2019.

ACTION TAKEN: Upon a motion made by Mr. Amaya, City Council voted unanimously to approve and adopt Resolution No. 52-2019 entitled, “A RESOLUTION AUTHORIZING DISBURSEMENT OF TRAVEL AND TOURISM FUNDING TO THE CLEVELAND COUNTY ARTS COUNCIL FOR FISCAL YEAR 2019-2020”.

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

Mr. Howell presented both Resolution No. 53-2019 and Resolution No. 54-2019 for Council’s consideration. He noted 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 are not only necessary to continue to serve existing City customers but also is a must if any new construction or development is to occur. Mr. Howell reminded Council that 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 North Carolina Housing Finance Agency for funding to construct up to 96 new units, including apartments and duplexes, on those properties. In addition, this same group has applied for funding for an additional 48 duplex units in the area. Without these water and sewer improvements, this development cannot occur. This project also provides high quality affordable housing for low to moderate income persons in the community. Mr. Howell stated these projects are funded within the operating budget of the Water Resources Department for Fiscal Year (FY) 2019-2020.

Mr. Howell concluded by stating City staff has reviewed the bids and recommended awarding the sewer rehabilitation and replacement portion to the lowest bidder, Kennedy Concrete & Utilities, Inc., in the amount of \$153,901.00.

ACTION TAKEN: Upon a motion made by Mr. Amaya, City Council voted unanimously to approve and adopt Resolution No. 53-2019 entitled, “A RESOLUTION OF TENTATIVE AWARD FOR THE ELLA STREET SEWER LINE REPAIR/REPLACEMENT PROJECT TO KENNEDY CONCRETE & UTILITIES, INC.”

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

Mr. Howell concluded by stating City staff has reviewed the bids and recommended awarding the water repair and replacement portion to the lowest bidder, Marvin Hoyle Construction, Inc., in the amount of \$195,783.50.

ACTION TAKEN: Upon a motion made by Mr. Amaya, City Council voted unanimously to approve and adopt Resolution No. 54-2019 entitled, "A RESOLUTION OF TENTATIVE AWARD FOR THE ELLA STREET WATER LINE REPAIR/REPLACEMENT PROJECT TO MARVIN HOYLE CONSTRUCTION, INC."

F. City Manager's Report:

- 1) Mr. Howell mentioned the City received a proposal from Republic Services for the recycling contract renewal. It is under review and will be brought to Council for further discussion.
- 2) Mr. Howell stated the City is applying for a grant from the North Carolina Department of Environmental Quality's Community Development Block Grant Infrastructure Program. If funded, the City intends to use the grant funds to install sewer lines to address failing septic tanks in the Clearbrook Subdivision. In order to be awarded this competitive grant, the City must verify the household income ranges. The City's grant administrator will conduct an income survey of each household in the project area on August 8 and 9, 2019.
- 3) Mr. Howell reported the Water Treatment Plant Upgrades Project is approximately 20 to 25 percent complete and moving along very well at this time.
- 4) Mr. Howell stated the Farmville Road Elevated Storage Water Tank Project near Clearwater Paper Corporation is on schedule for completion in September 2019.
- 5) Mr. Howell mentioned a request to close a section of County Home Road has been received and staff has initiated the process of abandonment for Council's consideration on August 19, 2019.
- 6) Mr. Howell said a number of existing City ordinances, including panhandling, special events, and sidewalk merchandise, are under review by staff and will be brought to Council as future agenda items.

- 7) Mr. Howell mentioned Mr. Holtzclaw is working out the options for a future dog park in Shelby.
- 8) With regard to the future Shell Building No. 3, Mr. Howell said a site recommendation for Council's consideration will also be a future agenda item.
- 9) Mr. Howell mentioned the construction related to the Uptown Shelby Court Square Streetscape Project will begin August 19, 2019.
- 10) Mr. Howell provided an update regarding the T-Hangar Project at the Shelby-Cleveland County Regional Airport, which continues to move forward toward completion.

G. Council Announcements and Remarks:

- 1) Mayor Anthony announced that National Night Out, an annual campaign that promotes police-community partnerships, will be held on August 6, 2019 beginning at 6:30 p.m. at City Pavilion and encouraged all to attend.

The Mayor invited all to attend the American Legion World Series Committee's 7th Inning Stretch Festival on August 10, 2019 beginning at 3:00 p.m. in Uptown Shelby.

Mayor Anthony expressed his appreciation to all those involved in planning and who attended the Dedication of the Clarence M. Palmer Community Center at Holly Oak Park on July 27, 2019. The Mayor placed on view the shadow box presented by the Palmer family to the City of Shelby in memory of Clarence Palmer as a decorated military veteran. The shadow box displayed Mr. Palmer's Bronze Star and Purple Heart.

- 2) Mr. Webber echoed the Mayor's comments regarding the dedication ceremony of the Clarence M. Palmer Community Center. He also expressed his appreciation to all those involved in bringing this well-deserved honor to fruition.

H. Adjournment:

- 1) Motion to adjourn

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to adjourn the meeting at 6:32 p.m.

Respectfully submitted,

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

**O. Stanhope Anthony III
Mayor**

Minutes of August 5, 2019

DRAFT

City of Shelby
Agenda Item Summary
August 19, 2019
City Hall Council Chamber

Agenda Item: D-2

- 2) Approval of a resolution declaring the intent of the City Council of the City of Shelby to consider the permanent closure of a section of County Home Road:
Resolution No. 55-2019

Consent Agenda Item: (Walter Scharer, Planning Director)

Summary of Available Information:

- Memorandum dated August 3, 2019 from Walter Scharer, Planning Director to Rick Howell, City Manager
- General Applications
- Letter dated February 28, 2019 from Chris Dischinger, Manager of Shelby Hospitality Group, LLC to Walter Scharer, Planning Director
- Survey
- Location Map
- Resolution No. 55-2019

City Manager's Recommendation / Comments

Resolution No. 55-2019 is presented for your consideration via the Consent Agenda at this time. This item is placed on City Council agenda to consider a resolution that would make known to the public that the City has received a petition for road closure from property owners on both sides of a section of County Home Road located between the frontage road of US Hwy 74 and Kings Road (see map) and further that it is the City's intent to consider permanent closure of this road section. The resolution sets forth a date and time of September 16, 2019 for a public hearing on this matter and directs the City Clerk to advertise said hearing once a week for four consecutive weeks prior to the hearing.

I would note that the City does have a waterline located within this NCDOT street right of way and that the City will retain an easement so that it can remain in place until such time as the owner/developer requests relocation. If this waterline must be relocated for any reason in the future that cost would fall upon the property owner and/or developer unless otherwise authorized by City Council. The City does intend to reserve an easement for said waterline as authorized by statute.

If approved this resolution would set the required public hearing on the prescribed date. Following the public hearing and consideration of any public comment the City Council can take action on September 16 to permanently close this section of County Home Road.

It is my recommendation that Resolution No. 55-2019 be adopted and approved via the Consent Agenda.



Memorandum

To: Rick Howell - City Manager
From: Walter Scharer – Planning Director
Date: August 3, 2019
Subject: Request to close a section of County Home Road

Executive Summary of issue – Background

The owner of both sides of a small section of County Home Road on the north side of the current US 74 By-Pass has petitioned the City of Shelby to close the street. A location map and surveyor's plat showing this site is attached.

Review and Comments

Pursuant to North Carolina General Statute 160A-229, the City of Shelby may close a street 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. County Home Road is no longer a state street, therefore, after the public hearing is complete and City Council approves the Resolution to Close the Street, the street is closed as of the effective date.

Recommendation

Staff has no objection to this proposed right-of-way closing. Please place this item on the consent agenda for the August 19, 2019 City Council meeting.

Attachments: Application, Location Map, Resolution of Intent to Close a portion of County Home Road, and Plat.



City of Shelby
Planning and Development Services Department

General Application

Address of Subject Property:

County Home Road between Highway 74 and Kings Road

Applicant(s) Name: State Employees' Credit Union
Address: 1729 E Dixon Blvd.
Shelby, NC 28152
Email: crystal.adams@ncsecu.org
Phone: 704-482-4492

Owner(s) Name: State Employees' Credit Union
Email: crystal.adams@ncsecu.org
Phone: 704-482-4492

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

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

Project Information (Fill in applicable information):

Parcel Number: _____
Proposed Zoning: _____
Proposed Land Use: _____
Approx. Building Sq. Ft.: _____
Approx. Project Acreage: _____
Business Name: _____

Provide a detailed description of the proposed project. Attach additional pages or documentation if necessary.

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

Edward J. [Signature] EUP. Property Mgt
Signature of Applicant

4-3-18
Date

Received by: _____

_____ Date



City of Shelby
Planning and Development Services Department

General Application

Address of Subject Property:

County Home Road between Highway 74 and Kings Road

Applicant(s) Name: SHELBY HOSPITALITY GROUP LLC

Address: 217 EAST TREMONT AVE
CHARLOTTE NC 28209

Email: DBARKER@CATELLUSGROUP.COM

Phone: 704.332.7052

Owner(s) Name: SHELBY HOSPITALITY GROUP LLC

Email: DBARKER@CATELLUSGROUP.COM

Phone: 704.332.7052

Relationship to Property: [] Owner [] Developer, Contractor, etc. [x] Other: Adjacent Property Owner

Request for (Check all that apply):

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

Project Information (Fill in applicable information):

Parcel Number:
Proposed Zoning:
Proposed Land Use:
Approx. Building Sq. Ft.:
Approx. Project Acreage:
Business Name:

Provide a detailed description of the proposed project. Attach additional pages or documentation if necessary.

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

Signature of Applicant

Date 4/3/18

Received by:

Date

February 28, 2018

Mr. Walter Scharer
P.O. Box 207
Shelby, North Carolina 28151

RE: County Home Road Closure

Dear Mr. Scharer,

Pursuant to North Carolina General Statute 160A-299, we, the owners of property adjacent to County Home Road, as shown on the attached plat, do hereby petition the City of Shelby to permanently close that section of the street.

If you have any questions, please contact me at 704-332-7052.

Thanks!

Sincerely,



Chris Dischinger, Manager
Shelby Hospitality Group LLC
CD Shelby, LLC, Manager Member

REVIEW OFFICERS CERTIFICATE:
STATE OF NORTH CAROLINA,
COUNTY OF CLEVELAND,

REVIEW OFFICER OF CLEVELAND COUNTY,
STATUTORY REQUIREMENTS FOR RECORDING.

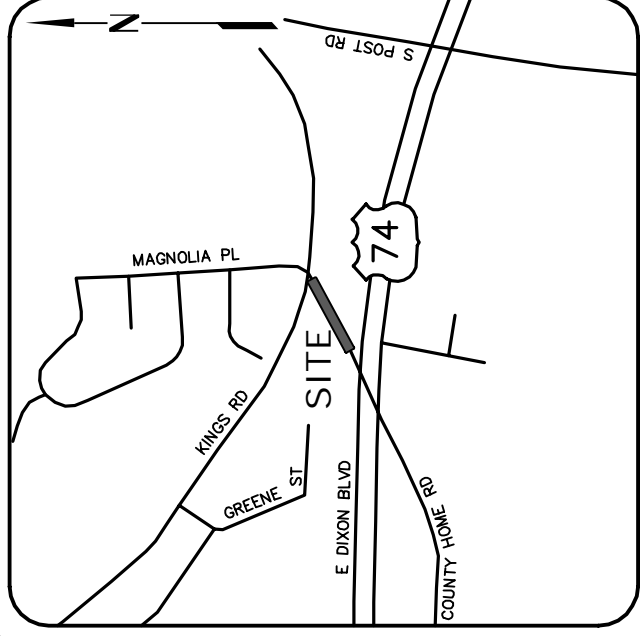
DATE _____ REVIEW OFFICER _____

REQUESTING ROAD CLOSING/ABANDONMENT AND PROPOSED PROPERTY ALLOCATION
SHELBY HOSPITALITY GROUP, LLC

SIGNATURE _____ DATE _____

REQUESTING ROAD CLOSING/ABANDONMENT AND PROPOSED PROPERTY ALLOCATION
STATE EMPLOYEES CREDIT UNION

SIGNATURE _____ DATE _____



LOCATION MAP
NOT TO SCALE

SYMBOL LEGEND

- CM(S) CONCRETE MONUMENT FOUND
- CM(F) CONCRETE MONUMENT SET
- IP(F) IRON PIN FOUND
- IP(S) IRON PIN SET (#5 REBAR)
- RS(F) RAILROAD SPIKE FOUND
- DOT(F) NODOT R/W DISK FOUND
- PK(F) P-K NAIL FOUND
- PK(S) P-K NAIL SET
- CP COMPUTED POINT

SHELBY HOSPITALITY GROUP, LLC
DEED BOOK 1745, PAGE 2037
LOT 1, PLAT BOOK 37, PAGE 29
PIN: 2556340040

AREA 1
709.60 Sq. Ft. or 0.016 Acres to
be combined with PIN: 2556340040

SHELBY HOSPITALITY GROUP, LLC
DEED BOOK 1745, PAGE 2037
LOT 2, PLAT BOOK 37, PAGE 29
PIN: 2556342009

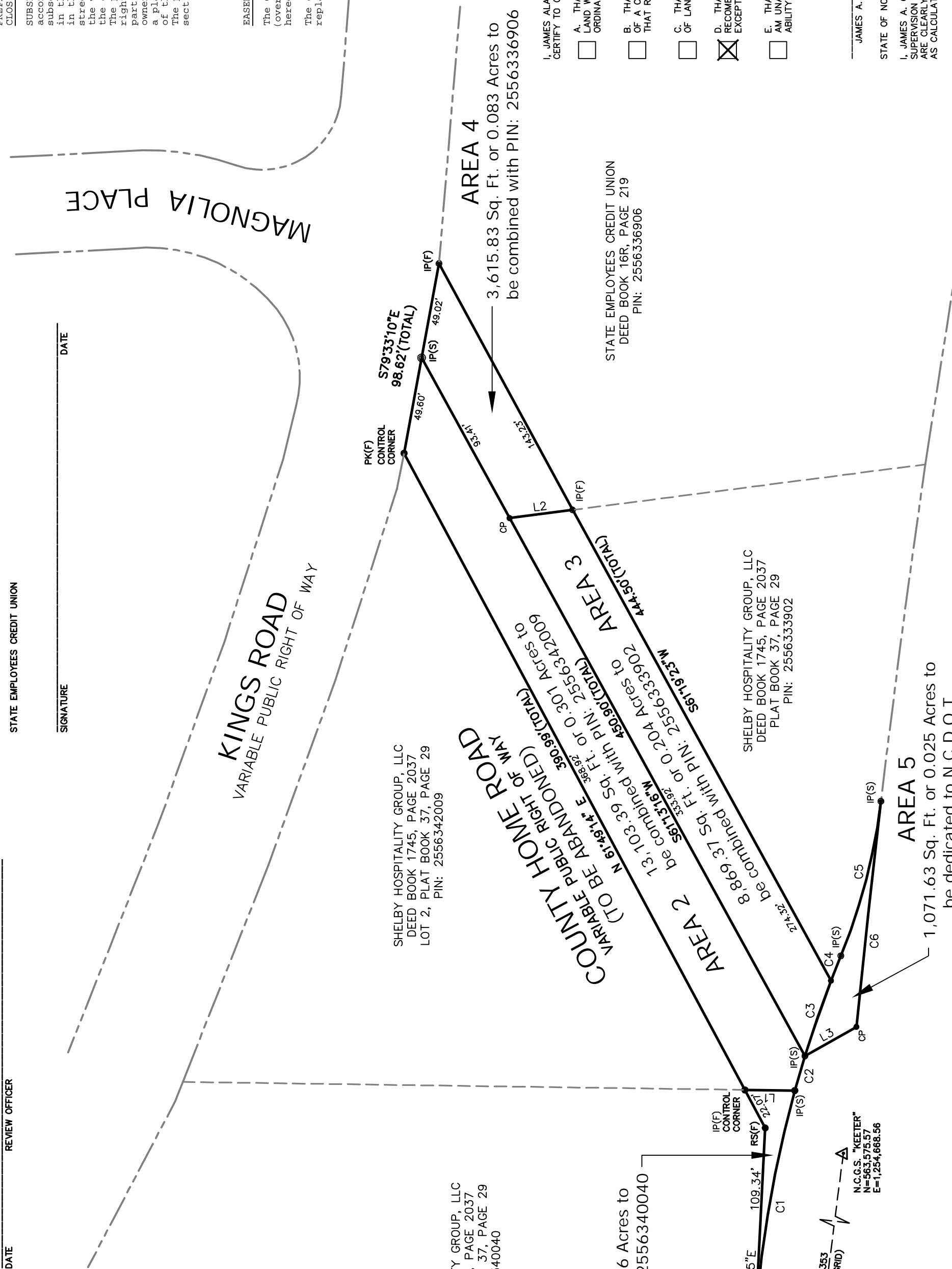
AREA 2
13,103.39 Sq. Ft. or 0.301 Acres to
be combined with PIN: 2556342009

AREA 3
444.50(TOTAL)
N 61.4317° E 389.89(TOTAL)
S 81.1232° W 561.1923° W
be combined with PIN: 2556333902

SHELBY HOSPITALITY GROUP, LLC
DEED BOOK 1745, PAGE 2037
PLAT BOOK 37, PAGE 29
PIN: 2556333902

AREA 5
1,071.63 Sq. Ft. or 0.025 Acres to
be dedicated to N.C.D.O.T.

U.S. HIGHWAY 74
VARIABLE PUBLIC RIGHT OF WAY



LINE TABLE

LINE	BEARING	DISTANCE
L1	S00°48'53"W	25.50
L2	N07°21'47"W	32.45
L3	N29°28'38"W	30.21

CURVE TABLE

CURVE	RADIUS	LENGTH	CH. BRG.	CH. DIST.
C1	600.00'	130.20'	N80°49'15"W	129.95'
C2	600.00'	18.44'	N73°43'26"W	18.44'
C3	600.00'	40.74'	N70°53'55"W	40.73'
C4	600.00'	13.67'	N68°18'03"W	13.67'
C5	300.00'	81.79'	S75°27'32"E	81.54'
C6	6466.67'	115.93'	N83°46'59"W	115.93'

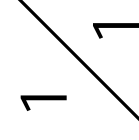


SCALE: 1" = 50'

REVISION/DATE/COMMENT

CHECKED BY: JAC
DRAWN BY: JAC
SURVEY DATE: 09/14/2017
PROJECT NUMBER: CH130128
DRAWING NUMBER: CH130128-RWA.dwg
DATE: 09/14/2017
UNIT: PRELIMINARY

GEOSCIENCE GROUP
Incorporated
F-0585
500-K Clanton Road
Charlotte, NC 28217
704-525-2003
704-525-2051(fax)
geosciencegroup.com



SURVEY NOTES

- NORTH ORIENTATION IS N.C. GRID BASED ON TIES TO N.C. GRID MONUMENTS "HICKS" AND "KEETER" AS SHOWN HEREON.
- BOUNDARY BASED ON EXISTING PHYSICAL EVIDENCE OBSERVED ON THE DATE(S) OF THE SURVEY.
- ALL DISTANCES SHOWN HEREON ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED. ALL AREAS CALCULATED USING THE COORDINATE METHOD. ERROR WAS DISTRIBUTED USING THE LEAST SQUARES METHOD OF ADJUSTMENT.
- IRON PINS FOUND OR SET AT ALL CORNERS UNLESS OTHERWISE NOTED.

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

SECTION "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 right, title, and interest in the right-of-way shall be conclusively presumed to be vested in those persons owning the parcels of land adjacent to the street or alley at the time of the closing. 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 shall apply to the closing of a street or alley as to a particular street or alley closing by the assent of all property owners taking title to a closed street or alley by the 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. If at any time after the closing of a street or alley, this section, has an ownership right in the closed street or alley.

EASEMENT NOTE

The City of Shelby retaining a utility easement for any utilities (overhead and/or buried) that may lie on or cross the road shown hereon.

The easement width is to be as required for the maintenance or replacement of existing utilities.

I, JAMES ALAN CLINE, A PROFESSIONAL LAND SURVEYOR, NCPLS L-3504 CERTIFY TO ONE OR MORE OF THE FOLLOWING:

- A. THAT THIS PLAT IS OF A SURVEY THAT CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.
- B. THAT THIS PLAT IS OF A SURVEY THAT IS LOCATED IN SUCH A PORTION OF A COUNTY OR MUNICIPALITY THAT IS UNREGULATED AS TO AN ORDINANCE THAT REGULATES PARCELS OF LAND.
- C. THAT THIS PLAT IS OF A SURVEY OF AN EXISTING PARCEL OR PARCELS OF LAND.
- D. THAT THIS PLAT IS OF A SURVEY OF ANOTHER CATEGORY, SUCH AS THE CLOSING OF A STREET OR ALLEY, THE CLOSING OF A ROAD, THE DEDICATION OF A SUBDIVISION, EXCEPTION TO THE DEFINITION OF A SUBDIVISION.
- E. THAT THE INFORMATION AVAILABLE TO THIS SURVEY IS SUCH THAT I AM UNABLE TO MAKE A DETERMINATION TO THE BEST OF MY PROFESSIONAL ABILITY AS TO THE PROVISIONS CONTAINED IN (A) THROUGH (D) ABOVE.

JAMES A. CLINE, L-3504 DATE _____

STATE OF NORTH CAROLINA, CLEVELAND COUNTY

I, JAMES A. CLINE, CERTIFY THAT THIS PLAT WAS DRAWN BY ME FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTIONS FROM SOURCES SHOWN HEREON); THAT THE BOUNDARIES NOT SURVEYED BY ME WERE MEASURED AND CALCULATED FROM THE SURVEYED BOUNDARIES; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-39 AS AMENDED. AS CALCULATED IS 1:10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-39 AS AMENDED.

WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER, AND SEAL THIS 11 DAY OF MAY, A.D. 2018.

PRELIMINARY PLAT
NOT FOR RECORDATION,
SALES, OR CONVEYANCES

JAMES A. CLINE L-3504

PLAT OF RIGHT OF WAY ABANDONMENT/DEDICATION
COUNTY HOME ROAD

S.R. 2409

CITY OF SHELBY, TOWNSHIP NUMBER 6
CLEVELAND COUNTY, NORTH CAROLINA



Location Map County Home Road

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



Date: 4/11/2018

680 Feet

340

0 170 340 feet

Scale 1:4,075 1 inch = 340 feet

RESOLUTION NO. 55-2019

A RESOLUTION DECLARING THE INTENT OF THE CITY COUNCIL OF THE CITY OF SHELBY TO CONSIDER THE PERMANENT CLOSURE OF A SECTION OF COUNTY HOME ROAD

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 a section of County Home Road; 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 to close a section of County Home Road.

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 19th 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 19, 2019
City Hall Council Chamber

Agenda Item: D-3

- 3) Adoption of an ordinance authorizing demolition of a dwelling (235 Thrift Road):
Ordinance No. 57-2019

Consent Agenda Item: (Walter Scharer, Planning Director)

Summary of Available Information:

- Memorandum dated August 2, 2019 from Walter Scharer, Planning Director to Rick Howell, City Manager
- Photo of Property
- Location Map – 235 Thrift Road
- Tax Card for 2019
- Ordinance No. 57-2019

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. 57-2019 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: August 2, 2019
Subject: **Demolition of Structure at 235 Thrift Road**

Executive Summary of issue – Background

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

Review and Comments

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

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

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

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

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

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

Recommendation

Please place this item on the consent agenda for the next City Council meeting on August 19, 2019. Staff recommends this minimum housing action.

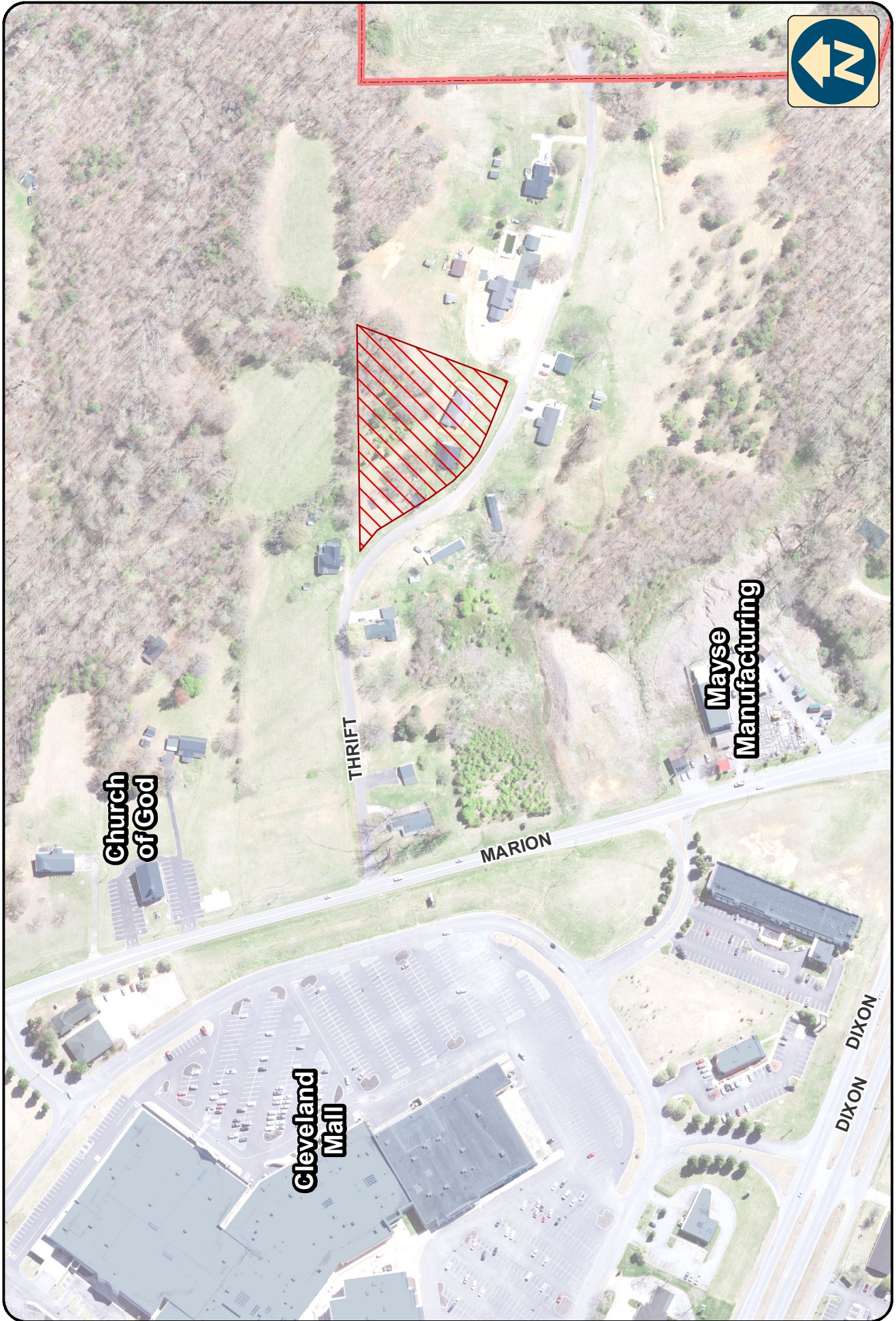
Attachments: Photo of Structure, Location Map, Tax Card and Ordinance





Location Map 235 Thrift Road

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



Scale 1:3,000 1 inch = 250 feet



Date: 8/1/2019

USER MATTCAPPS

FOR YEAR 2019

ALLEN DAVID WAYNE PARCEL ID.. 21882 PIN... 6- 2 1 5
LOCATION... 220 THRIFT RD SHELBY
DEED YEAR/BOOK/PAGE.. 2005 1304 0033 ASSESSMENT RECY
PO BOX 1588 PLAT BOOK/PAGE.. OWNER ID.. 187001
LEGAL DESC:7.253AC HWY 74 & 2046 DISTRICT.. 5 CITY OF SHELBY (CO SCH)

SHELBY TOWNSHIP... 6 SHELBY NBRHOOD... 26 6 MAPS #06
DESCRIPTION NC 28151-1588 RESIDENTIAL

MAINTAINED.. 7/17/2018 BY MAYES VALUED.. 7/10/2018 BY MAYES
ROUTING#..
VISITED..... 9/09/2014 BY JP CATEGORY.. Real & Personal
PARCEL STATUS... ACTIVE

SALES HISTORY table with columns: DEED BK/PAGE, SALE DATE, SALES INSTRUMENT, DISQUALIFIED, SALE AMOUNT, STAMP AMOUNT, DEED NAME. Includes rows for 1304 0033 8/11/2005 and 1304 0033 7/31/2001.

LAND SEGMENTS table with columns: LND #, ZONE, STRAT CODE, LAND TYPE/CODE, LAND QTY, LAND RATE, DPT%, SHP%, LOC%, SIZ%, OTH%, TOP%, TOT ADJ, CURRENT FMV. Includes rows for AC BASE, AC OPEN, and AC WOODS.

IMPROVEMENT # 6 MAJOR IMPR-M
MAIN FIN AREA.. 2,048.00 ACT/EFF YR/AGE.. 1951 1980 36 VISITED.. 9/09/2014 BY JP
STRAT..... 02 DESCRIPT... SINGLE FAMILY DWELLING-WF MAINTAINED.. 7/17/2018 BY MAYES
MAIN PERIM..... 204.00 MAIN GROUND SF.... 2,048.00
LOCATION #..... 220 THRIFT RD

Table with columns: COMPONENT, TYPE/CODE/DESC, PCT, UNITS, RATE, STR#, STR%, SIZ%, HGT%, PER%, CDS%, COST, %CMPL. Lists items like FULL SCREEN PORCH, SINGLE FAMILY DWELLI, ALUMINUM/VINYL.

RCN... PCT COMPLETE 100 x 128,098
QUAL.. QG C3 C+- 100.00 x 128,098
DEPR.. D4 36 YEARS OLD 52.00 - 66,610
ADDL.. APO ADDITONAL PHY OBS 91.00 - 55,954 122,564 T

--FMV... 5,534
DATE 5/06/19 CLEVELAND COUNTY PAGE 5
TIME 14:24:17 PROPERTY CARD PROG# AS2006
USER MATTCAPPS FOR YEAR 2019

ALLEN DAVID WAYNE PARCEL ID.. 21882 PIN... 6- 2 1 5

IMPROVEMENT # 6 MAJOR IMPR-M

ASCII art representation of the parcel layout with various symbols and numbers.

Table with columns: Component, Type/Code/Desc, Pct, Units, Rate, Str#, Str%, Siz%, Hgt%, Per%, Cds%, Cost, %Cmpl. Includes rows for AC 17 FULL SCREEN PORCH and MA 37W SINGLE FAMILY DWELLI.

TOTAL PARCEL VALUES---- LAND / OVR IMPROVEMENTS / OVR TOTAL LAND/IMPROVE 2018 VALUE
FMV..... 68,362 41,227 109,589 109,589
APV..... 68,362 41,227 109,589 109,589

ORDINANCE NO. 57-2019

AN ORDINANCE AUTHORIZING DEMOLITION OF A DWELLING

WHEREAS, pursuant to the provisions of Chapter 160A, Article 19, Part 6, of the North Carolina General Statutes, the single family dwelling located at 235 Thrift Road, Shelby, North Carolina, has been inspected and found to be unfit for human habitation and to otherwise constitute a danger to persons and a threat to the health and welfare of the citizens within the City; and,

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

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

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

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

Section 1. The dwellings on the property known as 235 Thrift Road, Shelby, and described in the Cleveland County records as Tax Parcel No. 21882 be demolished forthwith, the remnants thereof disposed, and a lien for the costs of such demolition and removal, less any credits due the owner(s), be filed against the property and collected pursuant to the provisions of North Carolina General Statutes § 160A-443, et seq.; and,

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

Adopted and approved this 19th 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 19, 2019
City Hall Council Chamber

Agenda Item: D-4

- 4) Adoption of a budget ordinance amendment for the City of Shelby's Water Treatment Plant Upgrade Project: Ordinance No. 58-2019

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

Summary of Available Information:

- Memorandum dated August 6, 2019 from Julie McMurry, Energy Services Director to Rick Howell, City Manager
- Copy of emails from David Hux and others regarding the project
- Change Proposal Request #4 and related documents
- Ordinance No. 58-2019

City Manager's Recommendation / Comments

Ordinance No. 58-2019 is presented for City Council consideration at this time via the Consent Agenda. If approved this ordinance would appropriate additional funding for the new electrical service and backup generator power to the WTP modernization project including the new high service pumping station and the existing water plant facility.

It is recommended that Ordinance No. 58-2019 be adopted and approved by City Council via the Consent Agenda.



Memorandum

To: Rick Howell, City Manager

Cc: Justin Merritt, Assistant City Manager

From: Julie McMurry, Energy Services Director *JM*

RE: **New WTP Facility PBO Amendment Request**

Date: August 6, 2019

Executive Summary of Issue – Background

On April 15, 2019 Council approved funding for line construction and metering for the new water treatment facilities being constructed on Grover Street (Ordinance No. 29-2019). The amount requested and approved was \$421,200 for labor, materials and engineering. Review of the specifications for the generator identified modifications that need to be made in order to successfully utilize the new generator for back up generation and peak shaving.

Review and comments

Progressive Engineering Consultants, Inc. provided the specifications for the following modifications:

- Extending the enclosure to include space for control equipment to be inside, consistent with other locations in the City. Allows for ability to work on it out of the weather
- Electronically operated breaker – needed to sync with the utility in the event of an outage
- Easy Gen Interface panel – this is needed for peak shaving, also necessary whenever a 2nd generator is added to facility (future) to allow them to run parallel.

HDR worked with the contractors to revise their cost estimates for the modifications requested. Costs include equipment cost as well as labor. The total for the modifications is \$357,000.

I have attached documentation of the estimates.

Tie in to current policy and/or adopted planning documents

This work supports Strategic Growth Plan Policy 7.1 Business-oriented perspective/public service function and 7.4 Phase out old utility system components and phase in new ones.

Recommendation

I would like to request a project budget ordinance amendment in the amount of \$357,000 for the generator modifications and electrical revisions for the generator that will be installed at the new water treatment plant facility that will be utilized to back up generation and peak shaving.

Julie McMurry

From: David Hux
Sent: Friday, August 2, 2019 10:50 AM
To: Julie McMurry
Cc: Justin Merritt
Subject: RE: P-0821 - Shelby WTP - CPR#4 - Carolina Cat Scope of Supply/Pricing info

Julie:

As discussed, the contractor for the WTP Project was notified that we are moving forward with the changes to generator specification to add the generator control room on the generator. Funds from the Electric fund will be appropriated to cover these changes. As I have indicated in my emails regarding the electrical/generator circuits, the contractor has begun to grade for the generator and the electrician will begin to install conduits next week; therefore we need to finalize the change-order.

After the staff meeting yesterday, I talked with Rick and Justin and we need to get the appropriation/PBO on the August 19th agenda. In my previous email on the July 23rd I provided the information packet for the changes to the generator. Please provide a memo to Justin requesting the appropriation and he will put together the PBO amendment. I will be on vacation all of next week and possibly Monday of the following week. If you have any questions let me know.

I received the signed change-order Wednesday and delivered them to Justin. After the council meeting on August 19th we will be able to execute those and return them to engineer and contractor.

Thanks

David W. Hux
Director of Water Resources

City of Shelby
PO Box 207
Shelby, NC 28151-0207

Phone 704-484-6840

From: David Hux
Sent: Tuesday, July 23, 2019 11:39 AM
To: Julie McMurry <julie.mcmurry@cityofshelby.com>
Cc: Justin Merritt <justin.merritt@cityofshelby.com>
Subject: FW: P-0821 - Shelby WTP - CPR#4 - Carolina Cat Scope of Supply/Pricing info

Julie:

We are ready to move forward with the official change-order for the generator for the add on features for the electrical room per Energy Services request. The amount of the change order is \$357,000 as outlined in the attached documentation. You will need to get a memo to Justin outlining the changes so that funds can be appropriated and to allow the change-order can be signed in the coming weeks. Let me know if you need additional information.

Thanks

David Hux

From: Shull, Will [<mailto:Will.Shull@hdrinc.com>]
Sent: Tuesday, May 7, 2019 2:51 PM
To: Chris Heyward <cheyward@sucontractors.com>; Zach Wooten <zwooten@sucontractors.com>
Cc: Rella, Bob <Bob.Rella@hdrinc.com>; Snyder, Scott <Scott.Snyder@hdrinc.com>; David Hux <david.hux@cityofshelby.com>
Subject: RE: P-0821 - Shelby WTP - CPR#4 - Carolina Cat Scope of Supply/Pricing info

Zach/Chris,

The City has reviewed and approved CPR-04 – Generator Modifications. Further direction will be provided for how to present this on the pay app. The generator submittal will be transmitted back to you by the end of the day.

Please let me know if you have any questions.

Thank you,
Will Shull, PE
D 704-338-6796

hdrinc.com/follow-us

From: Chris Heyward [<mailto:cheyward@sucontractors.com>]
Sent: Friday, April 26, 2019 1:58 PM
To: Shull, Will <Will.Shull@hdrinc.com>
Cc: Snyder, Scott <Scott.Snyder@hdrinc.com>; Chris Heyward <cheyward@sucontractors.com>; Zach Wooten <zwooten@sucontractors.com>
Subject: P-0821 - Shelby WTP - CPR#4 - Carolina Cat Scope of Supply/Pricing info

Will,
Per our conversations, please find the attached information from Smart Electric regarding the generator modifications from Carolina Cat included in CPR#4. Please review and let us know if you have any questions.

Thanks.

Christopher B Heyward | Vice President/Senior Project Manager



Mail – P.O Box 5019 Monroe NC, 28111
Direct: 704-261-1337 Mobile: 704-622-9589

Main Office: 704-289-6400

www.sucontractors.com

NCLBGC # 17793 SC-LLR # GC-10401

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*** This message came from outside of the City of Shelby network. Please be careful in opening attachments or clicking on any links. Feel free to contact the IT Department if you have any concerns or questions about e-mail. ***



Attention: Mr. Will Shull, PE

Total Pages: TWELVE (12)

CHANGE PROPOSAL REQUEST # 04

SU Project #: P0821 - Shelby WTP

Date: April 24, 2019

HDR Project No: 10080063

Transmitted Via: EMAILED

Drawing Ref: INCLUDED IN CPR #04

Ref. Field Order: N/A

Spec. Ref:

Time Add/Deduct: 0 DAYS IF NTP BY DATE SHOWN BELOW

Cost Add/Deduct: \$ 357,000.00

Inquiry by Contractor:

WE ARE PLEASED TO OFFER THIS LUMP SUM PROPOSAL TO INCORPORATE THE GENERATOR MODIFICATIONS IN ACCORDANCE TO HDR'S LETTER DATED APRIL 9, 2019 AND THE MODIFIED DRAWINGS ATTACHED THERETO. THE ONLY EXCEPTION IS THE ADDITIONAL BOLLARDS AND CONCRETE STOOP SHOWN ON SHT. 01C-03 THAT ARE OUTSIDE TO THE RED-CLOUDED AREA. WE UNDERSTAND THESE ITEMS MAY BE PART OF A FUTURE CHANGE PROPOSAL REQUEST.

PLEASE NOTE, TIME IS OF THE ESSENCE, DUE TO THE LONG LEAD TIME OF THE GENERATOR, WHICH WE UNDERSTAND IS 30 WEEKS ARE APPROVAL(S). CURRENTLY, THIS PROPOSAL DOES NOT INCLUDE REQUESTS FOR ADDITIONAL TIME, EXTENDED PROJECT GENERAL CONDITIONS (DAILY FIXED COSTS) NOR LIQUIDATED DAMAGES BASED ON THE UNDERSTANDING THAT ALL NECESSARY APPROVALS TO PROCEED, BOTH WITH PRICING AND MANUFACTURING CAN BE ISSUED BY NO LATER THAN MAY 5, 2019. PLEASE LET US KNOW IF YOU HAVE ANY QUESTIONS. PLEASE RESPOND, IN WRITING, AND ADVISE IF WE ARE AUTHORIZED TO PROCEED WITH THIS CHANGE.

Requested Notice to Proceed Date: May 5, 2019

* Note: This proposal is based on a Notice to Proceed by the date indicated. If acceptance is not given, in writing, by the NTP date, this proposal may be void.

Response from Engineer:

Response By: HDR ENGINEERING OF THE CAROLINAS, INC

Submitted By: STATE UTILITY CONTRACTORS, INC.

By:

By: Chris Heyward

Signed:

Signed: Christopher B. Heyward Digitally signed by Christopher B. Heyward Date: 2019.04.24 11:54:36 -04'00'

Date:

Title: Project Manager



P0821- Shelby Water Treatment Plant - Plant Upgrades Project

CPR #04-- ADD - GENERATOR MODIFICATIONS

DESCRIPTION	RATE	QTY	LABOR	EQUIP./MISC.	SUB'S	MAT'L'S	TOTAL
Materials:							
1. ADDITIONAL CONCRETE	\$ 110.00	6 CY	\$ -	\$ -	\$ -	660.00	\$ 660.00
2. FORMING MATERIALS	\$ 1.50	40 SF	\$ -	\$ -	\$ -	60.00	\$ 60.00
3. MISC. MATERIALS	\$ 175.00	1 LS	\$ -	\$ -	\$ -	175.00	\$ 175.00
4. CONSUMABLES	\$ 75.00	1 LS	\$ -	\$ -	\$ -	75.00	\$ 75.00
5. SMALL TOOLS	\$ 100.00	1 LS	\$ -	\$ -	\$ -	100.00	\$ 100.00
Labor:							
1. PREP/FORM CREW (G-1 CREW)	\$ 41.00	32 MH	\$ 1,312.00	\$ -	\$ -	-	\$ 1,312.00
2. CONCRETE CREW (C-1 CREW)	\$ 36.84	60 MH	\$ 2,210.40	\$ -	\$ -	-	\$ 2,210.40
3. PROJECT ENGINEER	\$ 33.60	40 MH	\$ 1,344.00	\$ -	\$ -	-	\$ 1,344.00
4. SUPERINTENDENT	\$ 75.80	60 MH	\$ 4,548.00	\$ -	\$ -	-	\$ 4,548.00
5. PROJECT MANAGER	\$ 79.20	50 MH	\$ 3,960.00	\$ -	\$ -	-	\$ 3,960.00
Equipment:							
1. TRACK SKID LOADER (OUTSIDE RENT)	\$ 360.00	3 DY	\$ -	\$ 1,080.00	\$ -	-	\$ 1,080.00
2. MISC. EQUIPMENT	\$ 50.00	3 DY	\$ -	\$ 150.00	\$ -	-	\$ 150.00
Subcontracts:							
1. ROUGH GRADING - GEYMONT CONSTRUCTION, INC.	\$ 2,500.00	1 LS	\$ -	\$ -	\$ 2,500.00	-	\$ 2,500.00
2. ASPHALT PAVING - (ESTIMATED)	\$ 35.30	-10 SY	\$ -	\$ -	\$ (353.00)	-	\$ (353.00)
3. ELECTRICAL REVISIONS & GENERATOR MODS. - SMART ELECTRIC	\$ 306,463.86	1 LS	\$ -	\$ -	\$ 306,463.86	-	\$ 306,463.86
Miscellaneous:							
1. JOBSITE OPERATING EXPENSES- NOT INCLUDED FOR THIS CHANGE (TEMP. POWER, FACILITIES, PHONE, TRAILERS, ETC.)	\$ 250.00	0 DY	\$ -	\$ -	\$ -	-	\$ -
			\$ 13,374.40	\$ 1,230.00	\$ 308,610.86	1,070.00	
			x 40%			x 7.0%	
			\$ 18,724.16	\$ 1,230.00	\$ 308,610.86	1,144.90	\$ 329,709.92
							\$ 3,164.86
							\$ 15,430.54
							\$ 348,305.32
							\$ 8,707.63
							\$ (12.96)
							\$ 357,000.00

Notes:
 1. PRICING DOES NOT INCLUDE ADDITIONAL SITE BOLLARDS AND CONCRETE STOOP SHOWN OUTSIDE OF THE CLOUDED AREA DENOTED ON PLAN SHEET 01C-03 PROVIDED.
 2. REFERENCE THE ATTACHED QUOTATION FROM SMART ELECTRIC TO INCORPORATE THE GENERATOR MODIFICATIONS AND THE ELECTRICAL REVISIONS ASSOCIATED WITH THE GENERATOR MODIFICATIONS.
 3. TIME IS OF THE ESSENCE, CURRENTLY, THIS PROPOSAL DOES NOT INCLUDE A REQUEST FOR ADDITIONAL TIME, EXTENDED PROJECT GENERAL CONDITIONS (DAILY FIXED COSTS) NOR LIQUIDATED DAMAGES BASED ON A NOTICE TO PROCEED AS INDICATED ON THE CPR COVER SHEET.

Shelby WTP : Generator modification for Future additions
Totals (Summary) - Bid Summary: Default

Material	
Non-Quoted	\$19,019.90
Quotes	192,031.00
Sales Tax (6.75%)	14,245.94
Total Material	\$225,296.84
Labor	
Direct (407.93 hours @ \$42.61)	\$17,381.90
Non-Productive Labor	\$1,738.19
Total Labor (407.93 hours)	\$19,120.09
Direct Job Expenses	\$9,900.00
Tools and Miscellaneous Materials	5,817.07
Subcontracts	0.00
Job Subtotal (Prime Cost)	\$260,134.00
Overhead (10.00%)	26,013.40
Profit (5.00%)	14,307.37
Job Total	\$300,454.77
Bond	6,009.10
Job Total with Bond	\$306,463.86
Actual Bid Price	\$306,463.86
Material to Direct Labor ratio: 0.97	
Prime Cost per square foot	\$0.00
Job Total per square foot	\$0.00
Actual Bid Price per square ft	\$0.00
Labor cost per square foot	\$0.00
Labor hours per square foot	0.00
Gross Profit %	15.12
Gross Profit \$	\$46,329.86
Net Profit %	6.63



April 18, 2019

Chris Heyward
State Utility Contractors
PO Box 5019
Monroe NC 28111

Re: P821- Shelby WTP Project – Generator Grading Modifications (CPR #4)

Dear Chris:

The following is our Lump Sum proposal to perform the revisions to the grading per the revised grading plan included in CPR #4.

Total = \$ 2,500.00

If you have any questions, please let us know

Thank you,

Jerry D. Geymont

Jerry D Geymont
President



April 9, 2019

Attn: Mr. Chris Heyward
State Utility Contractors, Inc. (SUC)
4417 Old Charlotte Hwy.
Monroe, NC 28110

Re: City of Shelby
Water Treatment Plant – Upgrades Project
HDR Project No. 10145609
DWSRF Project No. WIF-1925

Subject: Change Proposal Request CPR 04
Generator Modifications

Dear Mr. Heyward,

In accordance with the General Conditions of the Contract, State Utility Contractors, Inc. is hereby requested to provide a lump sum cost for the following modification(s):

REFERENCES:

The following drawings are attached for reference:

1. 98E-01 – Electrical Overall Power One-Line Diagram
2. 01E-02 – Enlarged Electrical Site Plan
3. 01C-03 – Site Layout and Control Plan
4. 01C-04 – Site Grading and Drainage Plan 2
5. Revised Generator Layout
6. Example Transformer Pad

MODIFICATIONS:

1. Provide an electronic breaker in lieu of a manual fixed breaker.
2. Provide an EasyGen generator controller in lieu of the EMCP 4.4 generator controller.
3. Provide extension to generator enclosure as required to accommodate generator changes.
4. Provide additional 4x4 handhole for generator controls and install associated conduit from this handhole to the generator. Refer to 01E-02 for number of conduits.
5. Provide additional 4x4 handhole for future generator and install associated conduits. Refer to 01E-02 for number of conduits.
6. Revise generator layout and associated grading per drawing 01C-03 and 01C-05. Include additional bollards at generator.

hdrinc.com

440 S Church Street, Suite 1000, Charlotte, NC 28202-2075
704.338.6700

JUSTIFICATION

The City of Shelby operates its own electric distribution system. The proposed modifications to the generator controls are required to comply with and to fully integrate into the City's system.

Please contact us at 864.631.0439 if you have any questions.

Sincerely,
HDR Engineering, Inc. of the Carolinas

A handwritten signature in black ink, appearing to read 'S E Snyder', with a long horizontal flourish extending to the right.

Scott E. Snyder, PE
Project Manager

Cc: Brad Greene, City of Shelby
David Hux, City of Shelby
Zach Wooten, SUC
Will Shull, HDR
Bob Rella, HDR
Michelle Simms, HDR



Quote No.: 30497970

Issue Date: 4/22/2019

Project Name: City of Shelby WTP Upgrades

Validity: 30 days

Project Location: Shelby, NC

Square D Cubicle and electrically operated breaker
Addition of electrical room on the generator enclosure
Easy Gen

SQUARE D BILL OF MATERIAL:

Square D Custom Swbd
QED-2 Switchboard

Square D Custom Swbd
Designed and Tested in accordance with:
UL 891/NATIONAL ELECTRIC CODE/NEMA PB-2
System Voltage - 480Y/277V 3Ph 4W 60Hz
System Ampacity - 3200A
Source Description - Single Main
Bussing - Aluminum Plated w/Tin and Copper
Plated w/Silver
Neutral Bus - 100%
Max Available Fault Current (RMS) - 100kA
Enclosure - Type 1
Accessibility: Front Only
Overhead Lifting Trolley for entire SWBD
No Horizontal Bus
Exterior Paint Color - ANSI 49
Ground Lug provided for each device
Aluminum Ground Bus
Special: TAG # RAPIDTAG - Set of PTs

Dimensions

1 - 42" Wide Section(s)
1 - 48" Deep Enclosure(s)
Dimensions: 42.00" W X 48" Max D X 91.5" H
Approximate Weight: 1926.00 lbs / 873.63 kgs

Incoming Requirements

Suitable for Use As Service Entrance
Entry Point: Left of Lineup Through the Bottom
Connection Type: Cable

Mains

1 - 4000AF/3200AT 100% 3 Pole Stored Energy,
Drawout Mounted Circuit Breaker, ANSI:
Type NW
Power Trip Unit, Long Time, Short Time,
Instantaneous, Ground Fault
Overcurrent Trip Switch 1A/1B Form C
Contact (SDE)
Auxiliary Switches 4A-4B
Padlock Attachment
Shunt Trip - 24Vdc
Drawout Crank
Cradle Position Switches 1A/1B Form C
(C/T/D)
Contact Wear Indication - Visual

Spring Charging Motor - 120Vac
Padlock Provisions on Cradle
Cradle Cell Keying
Energy Reduction Maintenance Switch
Shunt Close without Communications -
120Vac

Enclosure Bill of Material:

1. Generator set load connection group including the following items:
 - a. Square D Masterpact Unit Mounted Circuit Breaker
 - b. Model No. NW40H 3-Pole UL489/CSA Rated
 - c. Rated 4000 Amps, 100% Rated
 - d. Air - 100kA/100kA/85kA @ 240/480/600 Vac
 - e. Top Termination - Rear Connected "T" Vertical
 - f. Bottom Termination - Rear Connection "T" Vertical
 - g. 4000 Amp Sensor Plug
 - h. UL Type A Plug
 - i. Trip Unit Type 5.0 with:
 - j. Zone Selective Protection (LSI)
 - k. Residual Ground Fault Protection
 - l. Ground Fault Alarm Only
 - m. Power Meter
 - n. Modbus Communication Module
 - o. 4 Auxiliary Contacts
 - p. 2 Programmable Contact Modules
 - q. Shunt Trip - 24-30Vdc
 - r. Overcurrent Trip (SDE) contact standard
 - s. Source - A

2. Control room load connection group including the following items:
 - I. Labor and material to install the freestanding 3,200 amp circuit breaker cabinet which measures approximately 42"W x 92"H x 48"D and cable the generator set to the switchgear. We will pull the control wiring from the generator set to the circuit breaker.
 - II. Installation of the Easy gen control
 - III. The one (1) 36"W x 84"H access door is equipped with the following items:
 - a. The door is for service use when accessing the rear of the switchgear.
 - b. Door constructed of the same material type as the enclosure.
 - c. Drip gutters installed above the doors. The gutters shall extend 6" beyond each door opening as required and as permitted.
 - d. Stainless steel, surface mount, padlocking handle
 - e. Zinc plated, three-point latches
 - f. Stainless steel, surface mount, strap-type hinges
 - g. Full perimeter gaskets
 - h. Detachable restraint chains
 - i. Anti-skid tape applied to the thresholds
 - IV. Install the EMCP generator set control panel in the control room and connect the Caterpillar supplied wiring harness. Please Note: The CT's and PT's will come installed from the Caterpillar factory.
 - V. Install easYgen cabinet in the control room. The cabinet will come complete.
 - VI. One (1) 1.5 ton, 60Hz wall mounted air conditioner complete with low ambient controls and heating elements. **The air conditioner will ship loose for installation to the exterior of the enclosure by others.**

Because of the additional room, the freight of the package has changed. Please see the estimated loads per truck for the contractor to schedule the crane.

- A. Truck 1. The approximate weight and dimensions of the above sub base fuel tank is 145"W x 160"H x 544"L and 39,000 pounds.
- B. Truck 2. The approximate weight and dimensions of the above enclosure is 150"W x 145"H x 662"L and 35,000 pounds.
- C. Truck 3. The approximate weight and dimensions of the above air intake hoods, step assemblies and silencers is 120"W x 130"H x 576"L and 11,000 pounds.
- D. Truck 4. The approximate weight and dimensions of the above generator set is 110"W x 130"H x 300"L and 43,000 pounds.
- E. Truck 5. The approximate weight and dimensions of the above CEM and stand is 110"W x 130"H x 144"L and 7,000 pounds.
- F. The approximate weight and dimensions of the above assembled unit is 288"W x 186"H x 662"L and 128,000 pounds dry weight.

1 GENERAL

· F.O.B. Job Site for quoted equipment & material (Off-loading and installation not included)

Price: \$ 192,051.00 (applicable taxes not included)

Invoice & Payment Terms

Net due 30 days from invoice date

90% of total price invoiced upon equipment delivery

10% of total price invoiced upon completion of Carolina CAT's scope of supply

Notes/Clarification/Deviations/Exclusion:

- 1. We are providing pricing to modify the proposed enclosure with an electrical room, square D breaker and easy gen controls. No specs provided.

General Notes:

- 1. **WE HAVE DETAILED THE EQUIPMENT PROPOSED. PLEASE REVIEW YOUR SPECIFICATIONS TO BE SURE THAT THE EQUIPMENT DESCRIBED ABOVE MEETS YOUR REQUIREMENTS.**
- 2. This quotation covers items listed herein and does not constitute a specific job proposal.
- 3. All equipment furnished loose for installation by others unless specifically listed as installed.
- 4. We are quoting this equipment as a material supplier only, we do not include any offloading, installation, concrete pad, conduit, wiring, lugs, fuel, fuel piping, and other misc. hardware.
- 5. Start-Up, Testing, & Training to be performed during normal business hours unless specifically indicated otherwise.
- 6. Relay and/or System Coordination Study is not included unless specifically noted.
- 7. Telephone and verbal orders are to be confirmed in writing.
- 8. We reserve the right to correct errors or omissions.
- 9. Carolina Cat is not responsible for occurrences beyond our control.
- 10. Sale is contingent upon customer signing a Carolina CAT Purchaser Agreement Form.
- 11. This quotation is made subject to Carolina Tractor Standard Terms and Conditions.
- 12. This quotation is valid for Thirty (30) days from date of issue.
- 13. Contracts which include penalties or liquidated damage clauses for failure to meet promised shipping dates are not accepted by or binding on Carolina CAT, unless accepted, and confirmed in writing by an officer of Carolina Tractor & Equipment Company at its corporate office.
- 14. Delivery dates listed above are only estimates based on current delivery times from the manufacturers, they are subject to change at any time. Firm delivery dates can only be obtained after equipment has been released for production by the manufacturer. Release for production occurs after submittals have been approved in writing by the customer or the customer's representative.

CONDITIONS OF SALE

1. **DEFINITIONS.** For purposes hereof, unless otherwise provided herein (i) "Company" means Carolina Tractor & Equipment Company, a North Carolina corporation; (ii) "Conditions of Sale" means the following conditions of sale which are hereby incorporated by reference in, and made a part of, the Sales Order Agreement to which these Conditions of Sale are affixed or attached; (iii) "Customer" means the individual or entity whose name appears on the face of the Sales Order Agreement; (iv) "Equipment" means the equipment and products described on the face of the Sales Order Agreement; (v) "Invoice" means any invoice sent by Company to Customer pursuant to a Sales Order Agreement; and (vi) "Sales Order Agreement" means Company's Sales Order Agreement, which is an agreement between Company and Customer.
2. **PAYMENT TERMS.** Customer shall pay to Company the amount listed on the face of the Sales Order Agreement or Invoice in the manner and in accordance with the terms provided on the face of the Sales Order Agreement or Invoice. If Customer fails to pay the amount listed on the Sales Order Agreement or Invoice as required, Company may, in its sole discretion, without prejudice to any other remedy, do any one or more of the following: (i) postpone shipments, (ii) alter payment terms, (iii) terminate shipments, and (iv) charge interest on all overdue amounts at the rate of 1.5% per month compounded monthly (or such lesser rate as is required by applicable law). Any and all taxes imposed by federal, state or other governmental authorities on the sale of the Equipment shall be paid by Customer in addition to the prices listed (and whether or not itemized) on the Sales Order Agreement or Invoice. Customer may not hold back, delay or set-off any amounts owed to Company in satisfaction of any claims asserted by Customer against Company.
3. **DELIVERY TERMS.** Unless otherwise stated on the face of the Sales Order Agreement, all delivery terms shall be Free on Board (F.O.B.) at the facility where the Equipment is manufactured, pursuant to which the risk of loss passes to Customer when the Equipment is put into the possession of a carrier. Company will use reasonable diligence to meet the scheduled delivery dates provided herein, which are estimates and not guarantees of when the Equipment will actually be delivered. Customer's acceptance of delivery shall constitute a waiver of any claim of damage for delay. All references to delivery and shipment terms are with reference to the applicable provisions of the Uniform Commercial Code in effect from time to time in the State of North Carolina.
4. **INSTALLATION.** Unless otherwise set forth on the face of the Sales Order Agreement, Company shall not provide (i) any offloading or installation services with respect to the Equipment, (ii) any equipment, consumables or other hardware required for the installation of the Equipment, including, without limitation, concrete pads, conduit, wiring, lugs, fuel or fuel piping or (iii) any relay or system coordination study.
5. **SECURITY INTEREST.** To secure the payment of the purchase price of the Equipment and all other amounts due to Company from Customer, Customer hereby grants to Company a purchase money security interest in the Equipment and in all equipment and goods hereafter sold by Company to Customer, all accounts resulting from the sale or other disposition thereof by Customer and in all instruments, documents, general intangibles, attachments and accessions related thereto and all proceeds of the foregoing, as such terms are defined in the Uniform Commercial Code in effect from time to time in the State of North Carolina. Customer hereby authorizes Company to file with the appropriate filing offices such UCC-1 financing statements and other instruments and documents as Company deems necessary to evidence and perfect the above-described security interest.
6. **TITLE.** Upon delivery of the Equipment to Customer's job site, the Equipment shall become the property of Customer, subject to a reservation of a security interest herein granted to Company, and any losses or damage thereto shall be borne by Customer. Customer shall obtain appropriate risk insurance for fire, theft and extended coverage including vandalism, which recognizes Company's interest.
7. **WARRANTY.** WARRANTIES WITH RESPECT TO ANY EQUIPMENT ARE MADE BY THE MANUFACTURER OF SUCH EQUIPMENT, AND, UPON REQUEST, COMPANY WILL PROVIDE A COPY OF THE APPLICABLE MANUFACTURER'S WARRANTY. COMPANY DOES NOT MAKE ANY EXPRESS OR IMPLIED WARRANTIES AS TO ANY MATTER WHATSOEVER, INCLUDING WITHOUT LIMITATION THE CONDITION OF ANY EQUIPMENT, ITS MERCHANTABILITY OR ITS FITNESS FOR ANY PARTICULAR PURPOSE, ALL OF WHICH ARE HEREBY EXPRESSLY DISCLAIMED.
8. **REMEDIES UPON BREACH.** If Customer breaches this contract, Company shall be entitled, in addition to any other remedy at law or equity, to recover all costs and expenses incurred by Company in connection herewith. Such costs and expenses shall include, without limitation, Company's reasonable attorney's fees, costs of labor applied to this contract, overhead, costs of any materials applied to or ordered for this contract, and any charges imposed on Company by its suppliers or subcontractors. If Company breaches this contract, Customer's exclusive remedy shall be to terminate this contract, after written notice to Company of the breach and reasonable time to cure, by written notice thereof to Company, and to receive a refund of the Sales Order Agreement amount, if previously paid, for any Equipment that have not been shipped or otherwise identified to this contract as of the date of such termination.
9. **CANCELLATIONS.** Cancellation of this contract must be in writing signed by Customer and Company. Such cancellation will be deemed to occur on the date that both parties sign the notice of cancellation. Upon such cancellation, Customer agrees to pay Company the greater of (i) thirty percent (30%) of the amount listed on the face of the Sales Order Agreement or Invoice or (ii) all costs and expenses incurred by Company in connection with this contract, including, without limitation, Company's reasonable attorney's fees, costs of labor applied to this contract, overhead, costs of any materials applied to or ordered for this contract, and any charges imposed upon Company by its suppliers or subcontractors.
10. **COSTS.** Customer shall pay all of Company's costs and expenses, including reasonable attorney's fees, of collecting any amount not paid when due hereunder and of otherwise enforcing the terms and conditions of this contract.

11. **EXCUSE FOR NON-PERFORMANCE.** Company shall not be liable for damages of any kind, caused by delays in shipment, delivery, or any other nonperformance of this contract, directly or indirectly resulting from or contributed to by any circumstances beyond Company's control, including without limitation, riots, wars, earthquakes or national emergencies, labor disputes of every kind however caused, embargoes, nondelivery by suppliers, inability to obtain supplies through normal sources of supplies, delays of carriers or postal authorities, or governmental restrictions, prohibitions or diversions. The occurrence of any such circumstance shall operate to extend Company's time of performance hereunder for a period not less than the period of such delay. In the event of any such circumstance, Company may allocate its production and deliveries among its customers as it may decide in its sole discretion.

12. **INSOLVENCY OF CUSTOMER.** Company may cancel this contract and suspend any further deliveries hereunder without any liability to Customer, and, if the Equipment has been delivered but not paid for, the price therefor shall become immediately due and payable despite any other agreement to the contrary, if: (i) any proceedings in bankruptcy, insolvency, receivership or liquidation are taken against Customer; (ii) Customer makes an assignment for the benefit of creditors or commits an act of bankruptcy or insolvency; (iii) Customer ceases, or threatens to cease, to carry on the ordinary course of its business, or transfers all or substantially all of its property; (iv) the Equipment is seized under any legal process or confiscated; or (v) Company in good faith believes that the ability of Customer to pay or perform any provision of this contract is impaired, or that the Equipment is in danger of being lost, or that any of the events mentioned above is about to occur.

13. **LIMITATION ON DAMAGES.** Company shall not be liable in tort, including liability in negligence or strict liability, and shall have no liability at all for injury to persons or property with respect to the Equipment or Company's performance hereunder. Company's contractual liability for failure to fulfill its obligations hereunder or any other liability in connection with the Equipment shall be limited to the amount of the purchase price of the Equipment. Even if Company has been advised of the possibility of the following, Company shall not be liable for any indirect, incidental, special or consequential damages, including lost profits and revenues, losses due to delay in shipment, failure to realize expected savings, any claim against customer by a third party, or any other commercial or economic losses of any kind.

14. **NOTICES.** All requests, instructions and notices from one party to the other must be in writing and may be given via mail or facsimile transmission to the address of the parties shown on the face of the Sales Order Agreement.

15. **GOVERNING LAW; VENUE.** This contract shall be governed by the laws of the state of North Carolina, without reference to its conflict of laws provisions. All disputes arising out of or in connection with this Agreement shall be brought and maintained in a state or federal court of competent jurisdiction located in Mecklenburg County, North Carolina.

16. **MISCELLANEOUS.** The terms and conditions stated herein constitute the complete and exclusive statement of the terms and conditions of the sale of the Equipment. There are no other promises, conditions, understandings, representations or warranties of any kind with respect to the subject matter hereof. This contract may be modified only by a writing referencing this contract signed by Company and Customer. The parties acknowledge and agree that any and all additional or different terms and conditions contained in any of Customer's acceptances, acknowledgments, invoices, bills or other commercial documents are hereby rejected by Company and shall not become part of the Conditions of Sale or limit, modify or otherwise affect the Sales Order Agreement. The failure of Company to enforce any right hereunder will not be construed as a waiver of its right to performance in the future. Any provision of this contract which is, or is deemed to be, unenforceable in any jurisdiction shall be severable from this contract in that jurisdiction without in any way invalidating the remaining provisions of this contract, and that unenforceability shall not make that provision unenforceable in any other jurisdiction. The rights which accrue to Company by virtue of this contract shall inure to the benefit of its successors and assigns.

ACCEPTED BY: _____

P.O. #: _____

COMPANY: _____

DATE: _____

Darin Wilson

Senior Sales Engineer

Carolina Cat | Power Systems Division

704-731-7373 (direct)

704-618-0492 (mobile)

dwilson@carolinacat.com | www.carolinacat.com

ORDINANCE NO. 58-2019

A BUDGET ORDINANCE AMENDMENT FOR THE CITY OF SHELBY'S
WATER TREATMENT PLANT UPGRADE PROJECT

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

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

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

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

Section 1. Ordinance No. 14-2017, the City's Water Treatment Plant Upgrade Project, is hereby amended as follows to provide for Budget Amendment No. 3 for said project

Appropriating Fund Balance:

Fund Balance Appropriated	63006000-39900	\$ 357,000
Transfer to Water Capital Projects	630731-49611	\$ 357,000

Water Treatment Plant Upgrade Project

(1) The following Water Fund Cap. Project Revenues are amended by the City:

Transferred from Electric Fund	61106000-39630-61836	\$ 357,000
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(2) The following Water Fund Cap. Project Expenditures are amended by the City:

Construction	611716-53000-61836	\$ 357,000
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Section 2. That the revenues, expenditures and amendments set forth in Section 1 of this ordinance are hereby summarized as follows:

Water Treatment Plant Upgrade Project

	<u>Current Budget</u>	<u>Amendment No. 3</u>
Revenues		
Transferred from Water Fund	\$ 497,557	\$ 497,557
Transferred from Electric Fund	\$ -0-	\$ 357,000
Proceeds from Financing	\$16,427,850	\$16,427,850
Expenditures		
Financial Management	\$ 328,557	\$ 328,557
Engineering	\$ 1,321,850	\$ 1,321,850
Land	\$ 169,000	\$ 169,000
Construction	\$15,106,000	\$15,463,000

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

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

Adopted and approved this the 19th 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 19, 2019
City Hall Council Chamber

Agenda Item: D-5

- 5) Approval of Notice of Cancellation in the Regular Meeting Schedule of Shelby City Council

Consent Agenda Item: (Walter Scharer, Planning Director)

Summary of Available Information:

- Notice of Cancellation in the Regular Meeting Schedule of Shelby City Council

City Manager's Recommendation / Comments

After reviewing with staff the upcoming agenda schedule and any upcoming items requiring action by City Council it is my recommendation that the regular meeting slated for Monday, September 2, 2019 be cancelled via the Consent Agenda. As a matter of practice agenda items are scheduled and planned weeks in advance for most items to allow the appropriate review process to occur. I would note that in the event an issue arises that would require immediate action by City Council a special meeting could be called in accordance with the NC General Statutes. If approved by City Council your next regularly scheduled meeting would be held on Monday, September 16, 2019.



Post Office Box 207 • Shelby, NC 28151-0207

Office of the Mayor

**Notice of Cancellation
in the
Regular Meeting Schedule
of
Shelby City Council**

This notice is to inform the general public and the media, and is conducted in accordance with the mandates of North Carolina General Statutes 160A-71 and 143-318.12 (a), that the regularly scheduled Shelby City Council meeting of September 2, 2019 has been cancelled in observance of the City's Labor Day holiday.

The regular meeting schedule, as adopted by the Council, remains in place for all other regular meetings of the Council and will resume:

**Monday, September 16, 2019, at 6:00 p.m.
City Hall Council Chamber
300 South Washington Street
Shelby, North Carolina**

Dated: August 19, 2019

**O. Stanhope Anthony III
Mayor**

City of Shelby
Agenda Item Summary
August 19, 2019
City Hall Council Chamber

Agenda Item: E-1

Unfinished Business

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

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

Summary of Available Information:

- Memorandum dated August 9, 2019 from Bernadette A. Parduski, City Clerk to Rick Howell, City Manager
- Zoning Board of Adjustment Roster 2019
- Application from 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.

**OFFICE OF THE
CITY CLERK**



Memo

To: Rick Howell, City Manager
From: Bernadette A. Parduski, City Clerk
Date: August 9, 2019
Re: Appointments to City Advisory Boards and Commissions

BOARD REVIEW:

ZONING BOARD OF ADJUSTMENT

The terms of three incumbents, Burel Harris, Mike Philbeck, and Tom Martin, concluded July 2019. All three incumbents are seeking reappointment to this board.

There is one application on file in the Clerk's Office:

- Henry Earle – Mr. Earle is eligible for the vacancy as an alternate within the City limits.

POSSIBLE ACTION:

Council can begin the nominating process or take appointive action for three new terms concluding July 2022 and one vacancy.

Attachments:

- A. Zoning Board of Adjustment Roster 2019
- B. Application of Henry Earle

ZONING BOARD OF ADJUSTMENT ROSTER 2019

BOARD MEMBER	ADDRESS	TERM EXPIRATION	PHONE NUMBER
Morris Hudson mhudson503@yahoo.com	503 W. Marion Street Shelby, NC 28150	July 2021	704 482-9252
David Beam david@insulateamerica.com	437 Country Club Court Shelby, NC 28150	July 2020	704 484-2326 C: 704 473-1750
Martha (Mot) Davis motdavis@gmail.com	504 W. Warren Street Apt. A-1 Shelby, NC 28150	July 2020	C: 704 692-8345
Burel Harris, Chair	223 Country Club Road Shelby, NC 28150	July 2019	704 477-6863
Mike Philbeck mdphilbeck@carolina.rr.com	1805 Arbor Way Drive Shelby, NC 28150	July 2019	C: 704 692-2494 W: 704 481-2992
Thomas Martin Jr. tom@flowersmartin.com	200 Belvedere Avenue 212 S. Dekalb Street	July 2019	H: 704 484-3250 W: 704 482-4441 Ext 21
Bill McCarter, Alternate mccarter61@gmail.com	107 Plantation Court Shelby, NC 28150	July 2020	C: 704 472-9134 W: 704 484-4947
VACANT – Alternate		July 2020	

ETJ MEMBERS	ADDRESS	TERM EXPIRATION	PHONE NUMBER
VACANT – Alternate		July 2021	
Noel MacArthur noelmacarthur@hotmail.com	1414 Hubbard Terrace Shelby, NC 28152	July 2021	H: 704 484-3457 W: 704 692-4911
Roger Holland roger@h-harchitects.com	208 Deerchase Road Shelby, NC 28150	July 2021	704 487-4147

Meetings are held on the first Thursday of each month. Lunch: 11:45 a.m.; Meeting: 12:15 p.m.

Three (3) year appointments

City Council Liaison: Charles Webber – Ward 5
1018 Mark Drive
Shelby, NC 28152
H: 704 487-8070; C: 704 466-4708
E-mail: cwebber1@bellsouth.com

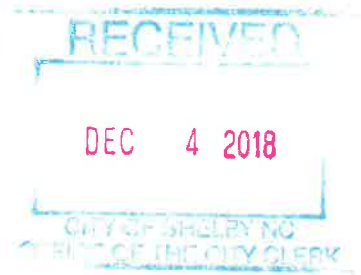
Staffed by Planning and Development Services Department (704 484-6829): Walt Scharer, Director



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 19, 2019
City Hall Council Chamber

Agenda Item: F-1

New Business

- 1) Consideration of a resolution authorizing selection of Destination by Design based on qualifications for the Parks and Recreation Master Plan and PARTF grant application: Resolution No. 56-2019

New Business Item: (Rick Howell, City Manager, Charlie Holtzclaw, Director Parks and Recreation)

Summary of Available Information:

- Memorandum dated August 7, 2019 from Charlie Holtzclaw, Director Parks and Recreation to Rick Howell, City Manager
- Master Plan Scoring Sheet
- Resolution No. 56-2019

City Manager's Recommendation / Comments

Resolution No. 56-2019 is presented for City Council consideration at this time. The selection committee voted to recommend Destination by Design as the most qualified firm to perform the new Parks and Recreation Master Plan and a NCPARTF grant application. As noted previously the current plan adopted in 2007 must be updated in order for the City to be eligible for a NCPARTF grant. The maximum grant from this program is still \$500,000 with an equal local match required. As is my routine and in accordance with the NC General Statutes, the City follows a "Request for Qualifications" process. Submitting firms are vetted by a staff committee using an established scoring system. The field is narrowed and an interview process occurs. The staff committee then reviews their findings and recommendation with me. Please keep in mind that the statute requires us to select the most qualified firm and then and only then may we negotiate pricing. If we cannot agree to a price with the most qualified firm we can then negotiate with the next firm on the list. Since this will be a full blown master planning process which will also include the cost of preparing a NCPARTF grant I anticipate that pricing will likely come in between \$80,000-\$100,000. This project will be funded from the proceeds of the sale of property at Hanna Park to NCDOT for the new US Highway 74 Bypass.

It is my recommendation Resolution No. 56-2019 be adopted and approved by City Council at this time.



Memorandum

To: Rick Howell, City Manager
Cc: Bernadette Parduski, City Clerk
From: Charlie Holtzclaw, Director Parks and Recreation
Date: August 7, 2019
Subject: Parks & Recreation Master Plan and PARTF Grant Application

Executive Summary of issue – Background

In 2008 the City of Shelby adopted a comprehensive Parks and Recreation Master Plan. A number of the recommendations from the plan have greatly enhanced the quality of life for our citizens, as well as creating economic impacts through sports tourism.

Eleven years have passed since the current Mater Plan was implemented. During this time, citizens have expressed a desire to continue building on Shelby's incredible parks and recreation tradition with new and different activities.

Going through the process, and having a comprehensive Master Plan is key to get public input and new strategic planning for the future. Also, it is essential to have an up to date Master Plan in securing grants from the Parks and Recreation Trust Fund (PARTF) and other agencies.

Review and comments

On June 17th, 2019 City Council passed Resolution 45-2019 authorizing the City Manager to proceed with the development of the Parks and Recreation Comprehensive Master Plan.

The City Manager then formed a selection committee consisting of City Staff (Justin Merritt, Assistant City Manager/Finance Director; Walt Scharer, Director Planning Services; Ben Yarbro, Engineering Services Director; Charlie Holtzclaw, Director Parks & Recreation.)

Requests for Qualifications were sent to 8 planning firms with 4 submitting proposals. All submitting firms were then scheduled for interviews and presentations on August 1st. Afterwards, the committee met and discussed the proposals on three different occasions and ranked the firms based on the criteria given in the RFQ process.

At the final meeting on August 5th, the committee voted to recommend Destination by Design as the most qualified firm to perform the new Parks & Recreation Master Plan and PARTF grant application.

Tie in to current policy and/or adopted planning documents

A new Master Plan ties to the following City adopted plans:

- Shelby Strategic Growth Plan – park additions and improvements
- Comprehensive Pedestrian Plan – providing trail and greenway opportunities
- Neighborhood Action Plan – improving recreational/leisure activity facilities in City neighborhoods
- Center City Master Plan – strengthening recreation/leisure activities in the Center City

Recommendation

Based on the strong recommendation of the Parks & Recreation Master Plan Selection Committee, it is my recommendation and request to you that consideration be given to accepting the endorsement of the Committee, and to begin negotiations with Destination by Design for the purpose of entering a Professional Services Agreement to perform the City's 10-year Comprehensive Parks & Recreation Master Plan and PARTF grant application for the 2020 grant cycle.

City of Shelby Parks & Recreation Master Plan Scoring Sheet
Cumulative Scoring by 4 Committee Members

Criteria	Max Pts.	Benesch	DbD	W/R	Woolpert
1 Understanding of project objectives	40	23	37	35	37
2 Recommended approach to the project (Public engagement, creativity, and schedule)	100	59	96	73	75
3 Ability to provide single source point of contact responsible for overall planning and presentation to City of Shelby	40	36	37	24	37
4 Experience with developing approved and successful P&R Master Plans for other North Carolina Parks and Recreation departments.	60	53	50	55	59
5 Qualifications and experience of key personnel that will be involved in the Master Plan	40	30	30	35	37
6 Experience and proven track record performing Professional Services for PARTF Grants	60	48	48	52	56
7 Presentation	60	27	59	42	42
Total Points	400	276	357	316	343

Submitted By: Four Member Selection Committee

Date: August 5, 2019

RESOLUTION NO. 56-2019

**A RESOLUTION AUTHORIZING SELECTION OF DESTINATION BY DESIGN
BASED ON QUALIFICATIONS FOR THE
PARKS AND RECREATION MASTER PLAN AND PART FUND GRANT APPLICATION**

WHEREAS, Shelby City Council appropriated funding in the Fiscal Year 2020 budget for the specific purpose of developing a new Comprehensive Parks and Recreation Master Plan, and Parks and Recreation Trust Fund Grant Application; and,

WHEREAS, Shelby City Council passed Resolution No. 45-2019 authorizing the City Manager to proceed with development of a Parks and Recreation Master Plan; and

WHEREAS, City staff issued a Request for Qualifications to professional planning firms interested in providing Master Planning Professional Services and grant applications; and

WHEREAS, four proposals were received from planning firms interested in performing the work associated with this project in accordance with North Carolina General Statute 143-64.31; and,

WHEREAS, City staff has reviewed the proposals and determined that Destination by Design is the most qualified to perform and provide the services as outlined in the Request for Qualifications.

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 authorizes the City Manager to enter into negotiations and a contract for professional services with Destination by Design in accordance with North Carolina General Statute 143-64.31 for the above referenced project.

Section 2. If a fair and reasonable fee cannot be negotiated with the best qualified firm, negotiations will be terminated and initiated with the next best qualified firm.

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

Adopted and approved this the 19th 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 19, 2019
City Hall Council Chamber

Agenda Item: F-2

- 2) Consideration of a resolution authorizing selection of Rummel, Klepper, Kahl, LLC (RK&K) based on qualifications for assessment of the Natural Gas System:
Resolution No. 57-2019

New Business Item: (Rick Howell, City Manager, Julie McMurry, Energy Services Director)

Summary of Available Information:

- Memorandum dated August 6, 2019 from Julie McMurry, Energy Services Director to Rick Howell, City Manager
- Request for Qualifications
- Resolution No. 57-2019

City Manager's Recommendation / Comments

Resolution No. 57-2019 is presented for City Council consideration at this time. If approved this resolution would authorize the negotiation of a contract with the recommended firm RKK to undertake an assessment of the natural gas system and the development of an asset management plan. This is very similar to the assessment and asset management plan developed for the Electric System in 2017. This assessment and the plan development will allow the City a detailed picture of the current condition of the system while identifying areas of focus for future capital spending. It will set priorities based upon the needs of the customer as well as overall safety.

It is my recommendation Resolution No. 57-2019 be adopted and approved by City Council at this time.



Post Office Box 207 · Shelby, NC 28151-0207

Memorandum

To: Rick Howell, City Manager

Cc: Justin Merritt, Assistant City Manager

From: Julie McMurry, Energy Services Director *JEM*

RE: **Natural Gas System Assessment
Engineering firm selection**

Date: August 6, 2019

Executive Summary of Issue – Background

The City of Shelby Energy Services Department plans to have an assessment of the natural gas system. The assessment will include a thorough review of the natural gas system assets, including but not limited to regulator stations, telemetry, pressure recording devices, lines, leak and cathodic protection records.

Pursuant to North Carolina General Statute 143-64.31, the City of Shelby utilizes a Qualification Based Selection process without consideration of fee proposals to initially select an engineering, architectural or surveying firm when contracts will exceed \$50,000. The selection criteria were as follows:

- Firms staff assigned to this project possesses the ability to evaluate all aspects of a natural gas system - 35%
- Experiences in natural gas systems of similar size or greater in public sector - 25%
- Experience with performing natural gas system assessment and evaluation - 40%

Review and comments

On May 9, 2019, the City of Shelby advertised a Request for Qualifications (attached for reference) for the assessment of our natural gas system. The City received four (4) responses to this advertisement prior to the June 28, 2019 deadline. Responses were received from the following firms (listed in alphabetical order):

- Heath and Associates, Inc. – Shelby, NC
- Keck & Wood, Inc – Duluth, GA
- Magnolia River – Charlotte, NC
- Rummel, Kelpner & Kahl, LLP (RK&K) – Charlotte, NC

A review committee consisting of 5 city staff was established to complete independent reviews and scoring of the 4 responses that were received. After scoring was completed, the review committee met and agreed that Rummel, Kelpner & Kahl, LLP (RK&K) was the most qualified firm to perform the natural gas assessment.

Tie in to current policy and/or adopted planning documents

The results of this assessment will provide a planning document for implementing the recommendations found.

Recommendation

City staff recommends that the Shelby City Council approve the resolution selecting Rummel, Kelpner & Kahl, LLP (RK&K) as the firm to perform the natural gas system assessment. This resolution will authorize the City Manager to negotiate and execute an agreement that establish the scope of work and fees associated with the professional services that are to be completed.

Please advise if you have any questions or need additional information



**REQUEST FOR QUALIFICATIONS
PROFESSIONAL ENGINEERING SERVICES for
CITY OF SHELBY, NORTH CAROLINA**

Natural Gas System Assessment

Issued: May 9, 2019

By:

Julie McMurry, Director of Energy Services
City of Shelby Energy Services
PO Box 207
Shelby, NC 28151

Project Location

City of Shelby Natural Gas System
City of Shelby and Cleveland County, North Carolina

**Shelby Natural Gas System Assessment
Proposal #: NG001-2019**

Sealed Proposals from qualified firms to provide a system evaluation of the City of Shelby Natural Gas System Shelby, North Carolina are subject to all the conditions, and provisions set forth herein and attached. Proposals will be received in the offices of the City of Shelby Energy Services Department at the George W. Clay, Jr. Utility Operations Center, 824 West Grover Street, Shelby, NC 28150 by the Director of Energy Services

Proposals shall be submitted by 3:00 PM, Friday, June 28, 2019.

The above **Proposal number** shall be shown on front of the envelope in which this proposal is submitted. The City of Shelby assumes no responsibility for unmarked envelopes being considered for award. Facsimiles are not acceptable.

INSTRUCTIONS

1. **Submit one (1) signed original and four (4) signed copies of the proposal.**
2. Proposal amendments thereto or withdrawal requests received after the time advertised for proposal opening will be void regardless of when they were mailed or postmarked.
3. Clearly address and mark the proposal as indicated in the notice.

CONDITIONS

1. The City of Shelby (City) reserves the right to accept or reject any or all proposals, and to waive all technicalities.
2. The right is reserved to make award as considered to be the most advantageous to the City.

PROPOSAL

In compliance with the request for proposal, and subject to all conditions thereof, the undersigned offers and agrees to furnish any or all items proposed.

Date

Authorized Signature

Company Name

Print or Type Name Above

Company Address

Company Fax

City, State, Zip

NC Sales Tax Number (Only If out of State)

Company Telephone Number

Federal ID#

Email Address

REQUEST FOR QUALIFICATIONS

Description of Project

Responses to this RFQ will be used to determine the relative qualifications of various firms to perform the scope of work and the tasks specified. The City is seeking a firm with demonstrated expertise in design engineering and project management consulting with specific expertise in quality assurance/value engineering, construction feasibility review, cost estimating and scheduling. The City wants a thorough review of its system assets, including but not limited to regulator stations, telemetry, pressure recording devices, lines, leak and cathodic protection records. The City expects reporting with recommendations of upgrades and improvements, cost estimates and prioritization/implementation plan of the recommendations.

As mentioned previously, the objective of this RFQ is to solicit interest and credentials from qualified professional engineering firms licensed in the State of North Carolina. It is anticipated that an agreement for professional services will be negotiated and executed between the City and the firm who is determined to best meet the needs of the City for this project. All questions regarding this RFQ shall be presented to Julie McMurry, Director of Energy Services at julie.mcmurry@cityofshelby.com

Site visits are not required; however if your firm desires a tour of the natural gas system you may contact the Director of Energy Services by email at julie.mcmurry@cityofshelby.com to schedule a visit. All site visits must be completed by June 14, 2019.

The following deadlines apply to this Request for Qualifications:

Request for Qualification Issued	May 9, 2019
Deadline for site visits by consultants	June 14, 2019
Clarifications/Questions Deadline	June 21, 2019 at 4:00 PM
Statement of Qualification Submittal Deadline	June 28, 2019 at 3:00 PM

Background

The City owns and operates a natural gas distribution system within the City limits of Shelby and throughout a large portion of Cleveland County. The system consists of 501 miles of gas main, 234 miles of gas services lines both steel and plastic. We have two feeder lines from our supplier, Williams Transco Gas Pipelines. We have three (3) major regulator stations and 38 secondary regulator stations. The first lines and equipment of the system were installed in 1955. Some of the initial lines and equipment still exist in

RFQ –Natural Gas System Assessment

the system today, rehabilitation and upgrades have been performed in some areas and expansion in others. The City is interested in a thorough assessment of the natural gas facilities resulting in a plan for recommended upgrades, rehabilitation and/or replacements to allow us to continue to serve our customers safely and effectively for the next 64 + years.

Qualification Statement Requirements

- 1) The firm must be able to demonstrate that the staff it would assign to this project possesses the ability to evaluate all aspects of a natural gas system (including but not limited to: regulator stations, telemetry, pressure recording devices, and lines), provide a recommendation schedule for upgrades/rehabilitation/replacement that the City can use for Capital Planning over the next several years.
- 2) All proposing firms must have been professionally engaged in the engineering, design and flow modeling fields with experiences in natural gas systems of similar size or greater in public sector for a minimum of five (5) years. In addition, all proposing firms must employ qualified personnel, who are licensed and qualified in the following disciplines: civil engineering, environmental engineering, construction administration, and/or construction cost estimating/value engineering. These professionals must not only be credentialed, they must be able to demonstrate that they have related experience in the natural gas engineering and construction industry.
- 3) This RFQ contains, in general terms, the overall objectives of the City in obtaining the service of a consultant. While an attempt is made to describe the general expectations of the City and the anticipated work to perform, the City and the successful firm will need to define a more specific scope of work and fee schedule as part of a negotiation process.
- 4) If it becomes necessary to revise any part of this RFQ, written amendments will be provided to all potential firms proposing.
- 5) All costs related to the preparation of the Statement of Qualifications and any related activities are the sole responsibility of the prospective firm. The City assumes no liability for any costs incurred by perspective firms throughout the entire selection process.
- 6) The City is an Equal Opportunity Employer. Prospective firms will commit to meet the nondiscrimination and equal employment requirements of the State of North Carolina. Minority and Women Owned Businesses are encouraged to submit an RFQ proposal.
- 7) Each firm providing a proposal for consideration by the City is responsible for obtaining the information on the conditions and restrictions involved in meeting the obligations and providing the services as set forth in this RFQ. The failure or omission of a firm to obtain adequate information will in no way relieve the firm of any obligation with respect to this RFQ or to an associated contract.

Form of Proposal/Qualifications

- 1) Proposals must be submitted by the date and time outline in this RFQ. Late proposals will not be accepted. One (1) original and four (4) copies of the firm's proposal must be submitted. All proposals and supporting materials should be enclosed in a sealed envelope, properly marked, with the proposal number on the front of the envelope. All proposals must be valid for a period of one hundred (120) days after opening. Firms may be asked to interview with the City to discuss any portion of their proposal and/or their project approach before a decision is made concerning responses to this RFQ. All submitted responses will be retained as property of the City and will not be returned.
 - a) **The proposal must contain a handwritten signature of an authorized representative of the responding firm.** Responding firms will not be allowed to make any changes or corrections after proposals are submitted to the City.
- 2) General Information
 - a) Provide the firm name, address, telephone and fax numbers of the headquarters office, and, if applicable, the branch office designated for this project.
 - a) Provide a general description of the capabilities of your firm, including information related to its history, size, principals, professional staff and structure.
- 3) Experience and Personnel
 - a) Identify and describe projects your firm has completed which are similar in scope to this project within the past ten (10) years.
 - b) Describe the personnel who will be assigned to this project. Indicate their specific role in these projects and experience in similar projects. Identify the person who is expected to be the primary contact.
 - c) Provide five (5) references, including addresses and phone numbers of clients for whom your firm has completed similar projects.
- 4) Approach
 - a) Technical Approach - Based upon the information presented herein, provide a description of the overall approach the firm will take for this project, and list the specific services that will be provided. The description should delineate specific tasks to be undertaken in each phase.
 - b) Management Plan - Describe the management plan to be used, including staffing configurations. Provide assurance that the personnel needed to complete the projects in a timely manner are available.

RFQ –Natural Gas System Assessment

- c) Quality Assurance - Describe the necessary steps that will be taken by your firm's management and staff to insure and provide the best quality product to the City of Shelby Energy Services Department.
- d) Please provide a proposed schedule, including the starting and completion dates for all major services.

Summary of Proposal Contents

In summary of the minimum requirements, all proposal responses should include, but not be limited to, the following information:

- 1) A letter of introduction and interest identifying the firm.
- 2) A detailed summary of the firm's relative experience with references and contact information.
- 3) Identification of all individuals who will be assigned by the firm to work on these projects to include a detailed summary of each individual's professional credentials and relevant experience. This should also include a summary of qualifications and relevant experience of all subcontractor personnel if applicable.
- 4) A detailed discussion of the projects approach that indicates an understanding of the goals and requirements of this RFQ with specific reference as to how the firm would propose to accomplish the work items described.
- 5) Proximity of key project members to the Shelby, North Carolina area.
- 6) Other information that the proposing firm may wish to include.
- 7) Proposals and supplemental information should be limited to no more than twenty (20) pages of material, front and back included. A cover letter with the submission of your proposal does not apply towards the proposal page limit.

Selection Criteria and Process

Proposals will be evaluated and reviewed by the City for final selection. This evaluation may include discussions with all or some of the firms providing responses including the possibility of interviews if necessary.

Proposals will be considered based upon the documented qualifications and applicable experience of the firms proposing. It is anticipated that the successful firm and the City will work together to develop a more detailed scope of work with activities and issues to be addressed to include identification of specific project goals and schedule milestones.

RFQ –Natural Gas System Assessment

Listed below are some of the criteria that may be used in the selection process.

- 1) Evaluation of the firm's ability to successfully complete all requirements as specified in this Request for Qualifications.
- 2) Demonstrated experience with similar projects of similar size and organization.
- 3) Demonstrated understanding of the project and abilities of the firm to successfully complete the expected scope of work on schedule and within budget.
- 4) Examination of how the firm will propose to accomplish project objectives.
- 5) Familiarity of region and other factors determined to be relevant.
- 6) Interviews with Firms (If needed)

Certificate of Insurance

Once selected, the firm hired to provide the services referenced in this RFQ will be required to provide proof of insurance to include professional liability, workers compensation, employer's liability, general liability and auto liability on a certificate of insurance form prior to commencing work. A copy of this RFQ's title page properly signed to include the manual signature of an authorized representative of the firm and all appropriate address and contact information as listed on this form.

END OF REQUEST FOR QUALIFICATIONS

RESOLUTION NO. 57-2019

A RESOLUTION AUTHORIZING SELECTION OF RUMMEL, KLEPPER,
KAHL, LLC (RK&K) BASED ON QUALIFICATIONS FOR
ASSESSMENT OF THE NATURAL GAS SYSTEM

WHEREAS, the City of Shelby owns and operates a natural gas system and has identified the need to have a system assessment completed to identify future needs of the natural gas system; and,

WHEREAS, City staff issued a Request for Qualifications to professional engineering firms interested in providing an assessment of the City of Shelby natural gas system; and,

WHEREAS, four (4) proposals were received from engineering firms interested in performing the work associated with the project in accordance with North Carolina General Statute 143-64.31; and,

WHEREAS, City staff has reviewed the proposals and determined that Rummel, Klepper, Kahl, LLC (RK&K) is the most qualified firm to perform and provide the services as outlined in the Request for Qualifications.

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 desires for the City Manager to enter into negotiations with Rummel, Klepper, Kahl, LLP (RK&K) in accordance with North Carolina General Statute 143-64.31 to negotiate a contract for the above reference project.

Section 2. If a fair and reasonable fee cannot be negotiated with the best qualified firm, negotiations will be terminated and initiated with the next best qualified firm.

Section 3. The City Manager is hereby authorized to execute a contract with a firm after successful negotiations.

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

Adopted and approved this the 19th 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 19, 2019
City Hall Council Chamber

Agenda Item: G

City Manager's Report

I will provide a brief report to make Council aware of a number of ongoing issues and concerns.

Agenda Item: H

Council Announcements and Remarks

I. Adjournment:

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

Motion to adjourn