

MINUTES

Regular Meeting
City Hall Council Chamber

August 19, 2019
Monday, 6:00 p.m.

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

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

A. Approval of agenda:

- 1) Motion to adopt the proposed agenda

Mayor Anthony requested the removal of Item B-1 under Special Presentation due to a scheduling conflict.

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

B. Special Presentation:

- 1) **REMOVED; TO BE RESCHEDULED**

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

C. Public Comment:

- 1) Phillip Wingender who resides at 1138 Bridges Street in Shelby, North Carolina stated that currently the City's sewer rates are reflected on

water usage. After meeting with Mr. Merritt, Mr. Wingender proposed a policy change by taking an average of water usage over several winter months such as December through February or October through March that better reflect household water usage, noting that homeowners use more water during the peak summer months. Sewer rates would then be based on that average. He believes this rate adjustment makes it fair to the City and fair to the resident.

Mayor Anthony stated City staff will review Mr. Wingender's proposal and follow-up with him.

- 2) Chris Davis who owns the building at 924 East Dixon Boulevard in Shelby, North Carolina summarized a series of discussions and meetings with City staff regarding the replacement of an existing parking lot at the subject property. Mr. Davis stated he has been frustrated by the City's review and permitting process for the parking lot plans submitted and resubmitted by his engineer, which have not been officially approved to date. Mr. Davis was advised to appeal the matter to the City's Zoning Board of Adjustment, however, he is of the opinion his resubmitted plans were verbally approved.

Mr. Davis provided his prepared comments in support of his position with regard to the parking lot at 924 East Dixon Boulevard.

Mayor Anthony suggested Mr. Davis schedule an appointment with him and Mr. Howell to discuss his options.

D. 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 August 5, 2019
- 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
- 3) Adoption of an ordinance authorizing demolition of a dwelling (235 Thrift Road): Ordinance No. 57-2019
- 4) Adoption of a budget ordinance amendment for the City of Shelby's Water Treatment Plant Upgrade Project: Ordinance No. 58-2019

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

END CONSENT AGENDA

E. Unfinished Business:

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

a. Zoning Board of Adjustment

Mrs. Parduski reported 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. Amaya nominated Burel Harris, Mike Philbeck, and Tom Martin for reappointment and Mr. Earle for appointment to a vacant position as an alternate.

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

G. 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

Mr. Howell introduced Resolution No. 56-2019 for Council's consideration. If approved, City Council accepts the endorsement of the selection committee and allows negotiations with Destination by Design for the purpose of entering a Professional Services Agreement to perform Shelby's 10-year Comprehensive Parks and Recreation Master Plan and to complete the Parks and Recreation Trust Fund (PARTF) grant application for the 2020 grant cycle.

Mr. Howell explained the City followed a Request for Qualifications process. A selection committee was formed and included City staff: Assistant City Manager/Finance Director Justin Merritt, Planning Director Walt Scharer, Engineering Services Director Ben Yarboro, and Parks and Recreation

Director Charlie Holtzclaw. The Requests for Qualifications (RFQ) were sent to eight planning firms and four submitted proposals. All submitting firms were scheduled for interviews and presentations. Afterwards, the committee members met and discussed the proposals on several occasions and ranked the firms based on the criteria given in the RFQ process. Lastly, the committee members voted to recommend Destination by Design of Boone, North Carolina as the most qualified firm.

Next, Mr. Holtzclaw provided his perspective on the RFQ process, stating the four submitting firms were all well qualified and had great credentials. However, Destination by Design was exceptional and offered a focus stressing community involvement and public input.

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to approve and adopt Resolution No. 56-2019 entitled, “A RESOLUTION AUTHORIZING SELECTION OF DESTINATION BY DESIGN BASED ON QUALIFICATIONS FOR THE PARKS AND RECREATION MASTER PLAN AND PART F GRANT APPLICATION”.

- 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

Mr. Howell introduced Resolution No. 57-2019 for Council’s consideration. If approved, this resolution would authorize the negotiation of a contract with the recommended firm, Rummel, Klepper, Kahl, LLP (RK&K), to undertake an assessment of the natural gas system and the development of an asset management plan. Mr. Howell stated 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.

Mr. Howell recommended approval of the resolution selecting Rummel, Klepper, Kahl, LLP (RK&K) of Charlotte, North Carolina by the use of the qualification based selection process for the proposed assessment.

ACTION TAKEN: Upon a motion made by Mr. Causby, City Council voted unanimously to approve and adopt Resolution No. 57-2019 entitled, “A RESOLUTION AUTHORIZING SELECTION OF RUMMEL, KLEPPER, KAHL, LLC (RK&K) BASED ON QUALIFICATIONS FOR ASSESSMENT OF THE NATURAL GAS SYSTEM”.

H. City Manager’s Report:

- 1) Mr. Howell informed Council the City of Shelby was notified by the North Carolina Department of Transportation that its Rails to Trails application was selected for funding. The City was awarded \$4.16 million through the

Transportation Alternatives Program for the acquisition of the Norfolk Southern rail corridor.

- 2) With regard to the T-Hangar Project at the Shelby-Cleveland County Regional Airport, Mr. Howell reported construction is moving along very well as to grading, the pouring of concrete slabs, and water and sewer line extensions.
- 3) With regard to the Water Treatment Plant Upgrades Project, Mr. Howell reported construction at the site is moving along and remains on schedule.
- 4) With regard to the Uptown Shelby Streetscape Project, Mr. Howell mentioned stormwater work will begin on August 21, 2019 at Lafayette and Arey Streets.
- 5) Mr. Howell informed Council the site of Shell Building No. 3 will be the 47-acre parcel on Randolph Road. The construction project will be a partnership between the City of Shelby and Cleveland County with WHN Architects providing the architectural services.
- 6) Mr. Howell announced that Greenheck Fan Corporation's economic development announcement and event will be held on October 23, 2019 from 11:30 a.m. to 1:30 p.m. at the former Schletter facility located in the Foothills Commerce Center.
- 7) Mr. Howell also announced the City's Volunteer Appreciation Event is scheduled for October 3, 2019 from 6:00 p.m. through 7:30 p.m. at the City Pavilion.
- 8) Mr. Howell shared a copy of the resolution adopted by the Cleveland County Commissioners placing the one-quarter cent Local Sales and Use Tax Referendum on the November 2019 election ballot.
- 9) Mr. Howell informed Council a hearing has been scheduled in Superior Court on August 20, 2019 regarding the demolition of the Chestnut Street Apartments.
- 10) Mr. Howell congratulated Chief William Hunt and the Shelby Fire and Rescue Department for their second accredited status award by the Commission on Fire Accreditation International and the Center for Public Safety Excellence, Inc. on August 7, 2019 in Atlanta, Georgia.

I. Council Announcements and Remarks:

- 1) Both Mrs. Arth Dukes and Mr. Amaya expressed their appreciation to City staff for the successful effort and result in applying for the NCDOT's Rails to Trails Program, allowing for the funding and acquisition of the Norfolk Southern rail corridor.
- 2) Mr. Webber expressed his appreciation to City Council for the City and County's positive publicity, especially on ESPN, during the recently held American Legion World Series.

He also mentioned their thoughtfulness for remembering the anniversary of his daughter's passing.

- 3) Mayor Anthony attended a program at the Earl Scruggs Center known as "Coffee with the Curator" on August 17, 2019. This edition featured items about Holly Oak Park from the historical collection while Curator Meredith Nichter facilitated discussion about the history of the park. The Mayor was impressed by the participants who shared their memories and stories of Holly Oak Park. It is his hope that an effort be made by a local group involved with Parks and Recreation to record and preserve the rich stories and history of Holly Oak Park for future generations.

J. Adjournment:

- 1) Motion to adjourn

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to adjourn the meeting at 6:29 p.m.

Respectfully submitted,

Bernadette A. Parduski, NCCMC, MMC
City Clerk

**O. Stanhope Anthony III
Mayor**

Minutes of August 19, 2019