

Welcome and Call to Order by Mayor O. Stanhope Anthony III

~ Invocation ~

~ Pledge of Allegiance ~

A. Approval of agenda:

Discussion and revision of the proposed agenda, including consent agenda; adoption of an agenda

- 1) Motion to adopt the agenda as proposed or amended

B. Special Presentations:

- 1) Recognition of the Shelby Natural Gas Department as a recipient of the American Public Gas Association's System Operational Achievement Recognition (SOAR) Award – Bronze Level: Resolution No. 64-2019 1
- 2) Uptown Shelby Association (USA) update – Audrey Whetten, Executive Director 5
- 3) Don Gibson Theatre update – Stan Lowery, Executive Director 6
- 4) 2019 City Park Sports Tournaments Report – Charlie Holtzclaw, Shelby Parks and Recreation Director 7
- 5) Outage Management System (OMS) demonstration – Sam Clark, Shelby Customer Services Manager, and Julie McMurry, Shelby Energy Services Director 10

C. Public Comment: 13

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 October 7, 2019	14
2) Approval of a resolution accepting property from Bishwa Jung Thapa: Resolution No. 66-2019	22
3) Approval of a resolution approving the Shelby-Cleveland County Regional Airport T-Hangar Space Lease Agreement: Resolution No. 67-2019	29
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E. Unfinished Business: None	55
F. New Business: None	55
City Manager's Report	56
G. Council Announcements and Remarks	56
H. Adjournment:	
<i>To adjourn a meeting of City Council, a majority of the Council members must vote for a motion to adjourn.</i>	
1) Motion to adjourn	56

City of Shelby
Agenda Item Summary
October 21, 2019
City Hall Council Chamber

Agenda Item: B-1

Special Presentations

- 1) Recognition of the Shelby Natural Gas Department as a recipient of the American Public Gas Association's System Operational Achievement Recognition (SOAR) Award – Bronze Level: Resolution No. 64-2019

(Comments: Stan Anthony, Mayor)

Summary of Available Information:

- Memorandum dated September 30, 2019 from Julie McMurry, Energy Services Director to Rick Howell, City Manager and Justin Merritt, Assistant City Manager
- Resolution No. 64-2019

City Manager's Recommendation / Comments

This time is scheduled to allow Mayor and Council to recognize the Natural Gas Department for this achievement. Council previously adopted Resolution No. 64-2019 recognizing the achievements of the City Natural Gas department for the Bronze award received from the American Public Gas Association (APGA) SOAR program. As noted in Ms. McMurry's memo the System Operational Achievement Program evaluates 1) System Integrity, 2) System Improvement, 3) Employee safety and 4) Workforce Development and assigns a score based upon objective criteria. Our staff has worked extremely hard to improve our overall system with an emphasis on safety and operational efficiency. All of these areas are important as we continue to deliver a high level of safe and efficient service to our customers. Please join me in congratulating Ms. McMurry and the entire natural gas department for this achievement.



Memorandum

To: Rick Howell, City Manager

Cc: Justin Merritt, Assistant City Manager

From: Julie McMurry, Energy Services Director *JRM*

RE: **APGA SOAR recipient**

Date: September 30, 2019

Executive Summary of Issue – Background

APGA member systems take great pride in their ability to deliver natural gas safely and efficiently to over 5 million customers in 37 states. APGA began the System Operational Achievement Recognition (SOAR) program in 2016 to honor those public natural gas systems that have achieved excellence in the operation of their natural gas utility.

SOAR honors natural gas distribution utilities that demonstrate commitment to excellence in four areas:

- System integrity
- System improvement
- Employee safety
- Workforce development

Applications are reviewed by a team of experts from the APGA Operations & Safety Committee and awarded a rating based on a total cumulative score of points achieved from the program criteria in each of the four areas. Utilities can receive one of three SOAR recognition levels:

- Bronze (80-89% of possible points)
- Silver (90-96% of possible points)
- Gold (97-100% of possible points).

SOAR continues for three years, at which point the utility may apply again to maintain recognition.

Review and comments

On July 28, 2019 at the 2019, APGA Annual Conference, the Natural Gas Department recognized along with 17 other SOAR recipients. We received a score of 174 (86%) earning the Bronze level award. This is our 2nd time participating. We are looking at areas to improve and hope to earn Silver or Gold next time around.

Recommendation

City Staff would like to recognize the employees in the gas department and supporting staff for the great job they do on a daily basis maintaining our system integrity, implementing system improvements, continued develop in the natural gas industry and working safely.

RESOLUTION NO. 64-2019

A RESOLUTION RECOGNIZING THE SHELBY NATURAL GAS DEPARTMENT
AS A RECIPIENT OF THE AMERICAN PUBLIC GAS ASSOCIATION'S SYSTEM
OPERATIONAL ACHIEVEMENT RECOGNITION (SOAR) AWARD – BRONZE LEVEL

WHEREAS, the American Public Gas Association (APGA) recognized the City of Shelby Natural Gas Department at its 2019 Annual Conference in Stowe, Vermont on July 28, 2019, for excellence in operating its natural gas utility; and,

WHEREAS, the City of Shelby Natural Gas Department was highly rated in all four areas that are required for SOAR (System Operational Achievement Recognition), System integrity, system improvement, employee safety and workforce development; and,

WHEREAS, APGA has over 750 members and the City of Shelby Natural Gas Department was one of eighteen (18) SOAR recipients recognized this year, joining the previous 35 SOAR award recipients; and,

WHEREAS, it is the desire of the Shelby City Council to recognize the City of Shelby Natural Gas Department for receiving the prestigious APGA System Operational Achievement Recognition (SOAR).

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

Section 1. This resolution shall become effective upon its adoption and approval.

Adopted and approved this the 7th day of October 2019.

O. Stanhope Anthony III
Mayor

ATTEST:

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

City of Shelby
Agenda Item Summary
October 21, 2019
City Hall Council Chamber

Agenda Item: B-2

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

(Comments: Stan Anthony, Mayor)

Summary of Available Information:

- No documentation needed

City Manager's Recommendation / Comments

This time is scheduled on your agenda to allow Audrey Whetten, Executive Director of Uptown Shelby Association, to update the City Council. I've asked Ms. Whetten to update us on a quarterly basis.

City of Shelby
Agenda Item Summary
October 21, 2019
City Hall Council Chamber

Agenda Item: B-3

3) Don Gibson Theatre update – Stan Lowery, Executive Director

(Comments: Stan Anthony, Mayor)

Summary of Available Information:

- No documentation needed

City Manager's Recommendation / Comments

This time is scheduled on your agenda to allow Stan Lowery, Executive Director of Don Gibson Theater, to update the City Council.

City of Shelby
Agenda Item Summary
October 21, 2019
City Hall Council Chamber

Agenda Item: B-4

- 4) 2019 City Park Sports Tournaments Report – Charlie Holtzclaw, Director, Shelby Parks and Recreation Department

(Comments: Stan Anthony, Mayor)

Summary of Available Information:

- Memorandum dated October 11, 2019 from Charlie Holtzclaw, Director Parks and Recreation to Rick Howell, City Manager
- Listing of Youth/Adult Tournaments in 2019

City Manager's Recommendation / Comments

This time is scheduled on your agenda to allow Charlie Holtzclaw, Director, Shelby Parks and Recreation Department, to update City Council on the many events that the City has hosted this year.



Memorandum

To: Rick Howell, City Manager
Cc: Bernadette Parduski, City Clerk
From: Charlie Holtzclaw, Director Parks & Recreation
Date: October 11, 2019
Subject: 2019 City Park Sports Tournaments

Executive Summary of issue – Background

When the new Sports & Recreation Complex was opened in 2012 at City Park there were two primary goals. One was to create quality fields to serve the youth in our community that play baseball or softball, and the other was to create championship caliber fields to draw state and regional sports tournaments to Shelby, and bring tourism to our motels and restaurants.

Review and comments

In 8 years of operation, the Complex has enabled us to host several youth Tar Heel Leagues State Championship Tournaments both for boy's baseball and girls' softball bringing in approximately 40 teams and 600 players to a tournament. However, and what many may not know, City Park has also played host to dozens of other youth and adult tournaments bringing several thousands of visitors that otherwise would not have come to Shelby.

By the end of October, we will have had 22 tournaments in 2019 consisting of 352 teams, over 5,000 players and 13,000 spectators amounting to over 18,000 visitors.

A great example will occur October 25, 26 and 27 when some 40 adult men's softball teams will hold the World Softball League National Championships at Shelby City Park. These teams will come from Florida, Georgia, Louisiana, South Carolina, North Carolina, Virginia & Tennessee.

Recommendation

I would like to request time to give a short presentation to City Council on October 21st to show them how, in terms of number of visitors to Shelby, the City Park Sports Complex has made a huge impact on our community. In addition to touch on the potential for similar results at Hanna Park in the future.

2019 Shelby City Park Sports Tournaments

Date	Tournament	Teams	Players	Spectators
3/23/2019	USSSA Mens Open	15	195	325
4/13/2019	Top Gun Baseball	24	360	960
4/20/2019	USSSA Mens Open	11	165	375
5/11/2019	USSSA Mens Open	15	240	475
5/25/2019	USSSA Mens Open	15	225	600
6/1/2019	USSSA Mens Open	12	180	420
6/15/2019	USSSA Mens Open	9	135	225
6/22/2019	NSA Girls	14	210	560
7/6/2019	NSA Girls	26	390	1260
7/20/2019	USSSA Mens Open	9	135	225
7/27/2019	Top Gun Girls	28	420	1300
8/17/2019	Top Gun Girls	21	315	1100
8/24/25/2019	Top Gun Girls	31	465	1395
9/7/2019	Top Gun Girls	28	420	1260
9/14/2019	WSL Mens Open	9	135	250
9/21/2019	USSSA Girls Fast Pitch	15	225	725
10/12/2019	WSL Men's Open	12	180	300
10/19&20/2019	WSL D National	16	240	400
10/25,26 & 27/2019	WSL Fall National	42	630	1200
11/2/2019	WSL			
11/9/2019	NSA Girls Fastpitch			
11/16/2019	NSA Girls Fastpitch			

352 5,265 13,355

Total 18,620

City of Shelby
Agenda Item Summary
October 21, 2019
City Hall Council Chamber

Agenda Item: B-5

- 5) Outage Management System (OMS) demonstration – Sam Clark, Shelby Customer Services Manager, and Julie McMurry, Shelby Energy Services Director

(Comments: Sam Clark, Customer Services Manager and Julie McMurry, Energy Services Director)

Summary of Available Information:

- Memorandum dated October 16, 2019 from Sam Clark, Customer Services Manager and Julie McMurry, Energy Services Director to Rick Howell, City Manager and Justin Merritt, Assistant City Manager

City Manager's Recommendation / Comments

This time is scheduled on your agenda to allow Sam Clark, Customer Services Manager and Julie McMurry, Energy Services Director, to demonstrate to the City Council the new Outage Management System (OMS).



Post Office Box 207 · Shelby, NC 28151-0207

Memorandum

To: Rick Howell, City Manager

Cc: Justin Merritt, Assistant City Manager

From: Sam Clark, Customer Services Manager
Julie McMurry, Energy Services Director

RE: **Outage Management System**

Date: October 16, 2019

Executive Summary – Background

We have recently implemented our new Outage Management System (OMS) with Data Voice International effective on September 26, 2019. The new OMS allows us to track electric service interruptions from one platform. The OMS easily integrates with our CIS, GIS and SCADA systems.

The OMS will allow our linemen to handle electrical outages in a more efficient manner, while giving our customers more convenient and faster ways to communicate outages to us. It offers field crews the real-time information they need to get the job done as quickly and efficiently as possible. With the OMS we can now easily assign and manage outages, work and service orders and push work queue updates to other linemen in the field.

Data Voice's OMS also offers us a new Interactive Voice Response (IVR) phone system. The IVR system works with the OMS to provide customers with account information, payment options, ability to report an electrical or street light outages or any other utility issue. With the IVR system it provides customers more options for them to complete themselves, if they do not want to wait on hold. As always, our Customer Service staff is readily available if the customer chooses the option to speak with someone.

Another feature with the OMS is the Lineman Application. This mobile-ready application allows our linemen to have real-time outage data to serve customers in a timely fashion. With geospatial location technology, vehicle tracking integration and messaging features, the Lineman App provides the crew with up-to-the minute job updates and facilitates communication between dispatchers, linemen and customers.

Review and comments

The OMS is new and we will be doing a promotional push of bill inserts, bill messages, posting a 'Report an Outage' link on the website and adding information to Customer Connect to inform customers of the new OMS and how they can now report an outage.

Recommendation

We would like to request a short demonstration of an outage to be presented for council to view the OMS and its capabilities.

City of Shelby
Agenda Item Summary
October 21, 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
October 21, 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 October 7, 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 October 7, 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

October 7, 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, Director of Engineering Services Benjamin (Ben) Yarboro, Police Chief Jeffrey H. (Jeff) Ledford, Fire Chief William P. Hunt, MPA, EFO, and Director of Planning and Development Services Walter (Walt) Scharer, AICP

Absent: Council Member Eric B. Hendrick

Mayor Anthony called the meeting to order at 6:00 p.m. and welcomed all who were in attendance. The Mayor gave the invocation and Mr. 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. White, City Council voted unanimously to approve the agenda as presented.

B. Special Presentations:

- 1) Recognition of Melvin David Durham on the occasion of his retirement from employment with the City of Shelby

Mayor Anthony called upon Melvin David Durham. Mr. Durham recognized his wife, Diane, in attendance. The Mayor formally read and presented framed Resolution No. 61-2019 to Mr. Durham. He then presented a shadow box, which displays the key to the City and various keepsakes, and a City lapel pin to him in honor of and with heartfelt appreciation for his 30 years of dedicated service in the City of Shelby Natural Gas and Geographic Information System (GIS) Departments.

Humbled by the recognition, Mr. Durham expressed his appreciation to all.

- 2) Recognition of the Shelby Fire and Rescue Department on its Award of Accredited Agency status by the Commission on Fire Accreditation

International (CFAI) through the Center for Public Safety Excellence (CPSE) – Deputy Chief Cynthia Bonham, Charlotte Fire Department

Chief Hunt introduced Cynthia Bonham as the Deputy Chief of Business Administration with the Charlotte Fire Department. Chief Bonham has been with the department for 26 years. She has been extensively involved with fire accreditation serving both the Charlotte Fire Department as the Assistant Accreditation Manager from 2000 to 2005 and the Accreditation Manager from 2005 to 2010. She is a team leader, technical advisor, and technical reviewer for the CPSE and has been involved with the Center since 1999.

Deputy Chief Bonham stated the Shelby Fire and Rescue Department has proven it can embrace the model of continuous improvement and they are to be commended for that as she formally read and presented the plaque designating the Accredited Agency Award to the Shelby Fire and Rescue Department as granted by the Commission on Fire Accreditation International through the Center for Public Safety Excellence to Mayor Anthony and Chief Hunt.

Next, Chief Hunt presented the City of Shelby Fire and Rescue Accreditation Report Summary. He began by naming the Program Team as follows:

- William Hunt, Accreditation Manager**

- Todd McMurry, Division Chief – Logistics and Enforcement Services**
- Phillip Lane, Fire Marshal**
- Jimmy Wellmon, Battalion Chief**

- David Vanhoy, Division Chief – Personnel and Emergency Services**
- Quentin Cash, Battalion Chief**
- Matt Williams, Battalion Chief**
- Clinton Beam, Battalion Chief**

Chief Hunt reviewed the time line of the Shelby Fire and Rescue Department's initial accreditation on August 14, 2014 through its accredited agency status for 2019 through 2024 on August 7, 2019. The Fire and Rescue Department filed its fourth accredited agency annual compliance report on July 15, 2018, and subsequently submitted application for a second term as an accredited agency. The department was designated candidate status on February 4, 2019 after submission of its agency self-assessment documents. The CFAI formed a peer team consisting of four fire service professionals under the leadership of Chief Steven Locke of Burlington, Vermont to perform an assessment of the Fire and Rescue Department to determine eligibility. After a preliminary evaluation, a site visit was scheduled for April 28 through May 1, 2019 to allow the peer team to verify and validate the findings in the department's self-assessment documents. During the site

visit, peer team members reviewed documents and exhibits, toured critical public safety infrastructure, and conducted interviews of fire department staff, city officials and representatives from partnering agencies.

At the conclusion of the site visit, the peer team found the Fire and Rescue Department to be credible in all areas and recommended it for accredited status. On August 7, 2019, representatives from the department attended the CFAI commission hearings in Atlanta, Georgia and based upon review of the peer team accreditation report and testimony given by those in attendance, the Commission gave unanimous approval for accredited agency status for the term 2019 through 2024 to the City of Shelby Fire and Rescue Department.

C. Consent Agenda:

ACTION TAKEN: Mayor Anthony presented the consent agenda. Mr. Causby 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 September 16, 2019
- 2) Approval of Special Event Permit Applications:
 - a. Cleveland County Scholarship Foundation Halloween Party, requested date: October 31, 2019
 - b. Cleveland County Veterans Day Parade, requested date: November 11, 2019
- 3) Approval of a resolution honoring William Craig Earwood on the occasion of his retirement from employment with the City of Shelby: Resolution No. 63-2019
- 4) Adoption of Fiscal Year (FY) 2019-2020 Budget Ordinance Amendment No. 6: Ordinance No. 66-2019
- 5) Adoption of Fiscal Year (FY) 2019-2020 Budget Ordinance Amendment No. 7: Ordinance No. 67-2019
- 6) Adoption of Fiscal Year (FY) 2019-2020 Budget Ordinance Amendment No. 8: Ordinance No. 68-2019
- 7) Adoption of a budget ordinance amendment for the City of Shelby's Hanna Property Multi-purpose Recreation Complex Project: Ordinance No. 69-2019

- 8) Adoption of a budget ordinance amendment for the City of Shelby's Job Ready Shell Building No. 3 Project: Ordinance No. 70-2019
- 9) Adoption of an ordinance authorizing demolition of a dwelling (800 Gardner Street): Ordinance No. 71-2019
- 10) Adoption of an ordinance authorizing demolition of a dwelling (308 East Sumter Street): Ordinance No. 72-2019
- 11) Approval of a resolution recognizing the Shelby Natural Gas Department as a recipient of the American Public Gas Association's System Operational Achievement Recognition (SOAR) Award – Bronze Level: Resolution No. 64-2019

END CONSENT AGENDA

D. Unfinished Business: None

E. New Business:

- 1) Consideration of a resolution authorizing selection of TGS Engineers based on qualifications for engineering design services for the City of Shelby portion of the Rail Trail: Resolution No. 65-2019

Mr. Howell introduced Resolution No. 65-2019 for Council's consideration. If approved, the resolution would authorize the selection of TGS Engineers of Shelby, North Carolina as the consultant for engineering and design services for the Phase I and Phase II of the Rail Trail Project. As per the North Carolina General Statutes and City policy, the City of Shelby advertised a Request for Qualifications for the professional, technical, and advisory services for the design of these two phases of the Rail Trail. The City received five responses to this advertisement and the responses were received from the following firms:

- Kimley-Horn of Charlotte, North Carolina
- Land Design of Charlotte, North Carolina
- McGill Associates of Asheville, North Carolina
- TGS Engineers of Shelby, North Carolina
- Toole Design of Raleigh, North Carolina

A review committee led by Engineering Services Director Ben Yarboro and five City staff was established and determined that TGS Engineers was the most qualified firm to perform the engineering design services for the portion of the Rail Trail located within the Shelby city limits.

Mr. Howell added that TGS Engineers proposes to utilize the following professional firms as sub-contractors on this project:

- **The Dodd Studio for streetscape and landscape design**
- **Destination by Design for branding, wayfinding, and public involvement**
- **WithersRavenel for landscape design support and funding support**

Mr. Howell recommended approval of the resolution selecting TGS Engineers as the firm to perform the engineering design services for the City of Shelby Rail Trail from Grover Street to Dekalb Street and authorizing him to negotiate and execute an agreement that establishes the scope of work and fees associated with the professional services that are to be completed.

ACTION TAKEN: Upon a motion made by Mr. Amaya, City Council voted unanimously to approve and adopt Resolution No. 65-2019 entitled, “A RESOLUTION AUTHORIZING SELECTION OF TGS ENGINEERS BASED ON QUALIFICATIONS FOR ENGINEERING DESIGN SERVICES FOR THE CITY OF SHELBY PORTION OF THE RAIL TRAIL”.

F. City Manager’s Report:

- 1) Mr. Howell anticipates a status report on several projects including the T-Hangar Project at the Shelby-Cleveland County Regional Airport, the Water Treatment Plant Upgrades Project, the Uptown Shelby Streetscape Project, and the Wastewater Treatment Plant Bio-solids Improvement Project at the next Council meeting of October 21, 2019.**
- 2) Mr. Howell reminded Council the approval of the budget ordinance amendment for Job Ready Shell Building No. 3 Project appropriates funding for the site preparation and building design. WHN Architects will be the building designer and McGill Associates is the site preparation engineer. Construction is anticipated to begin in March 2020.**
- 3) Mr. Howell reminded Council 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.**
- 4) Mr. Howell expressed his appreciation to all those who arranged and who attended the City’s Volunteer Recognition Event on October 3, 2019.**

G. Council Announcements and Remarks:

- 1) Mayor Anthony echoed Mr. Howell's comments regarding the City's Volunteer Recognition Event which was well attended and well received.
- 2) Richard Hooker, Executive Director of the Cleveland County Business Development Center, announced that Minority Enterprise Development (MED) Week, October 13 through 19, 2019, will be observed and celebrated in Shelby and Cleveland County.
- 3) Mr. Amaya announced the City of Shelby Primary Election is tomorrow, October 8, 2019, encouraging voters to vote.
- 4) Mr. Webber expressed his appreciation to City staff, noting tonight's presentations of the 30-year retirement and the accreditation of the Fire and Rescue Department exemplifies the caliber of employees working for the City of Shelby.

H. Closed Session:

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

ACTION TAKEN: Mr. White made a motion to enter into a closed session pursuant to the appropriate North Carolina General Statutes as cited. Mayor Anthony consulted with Mr. Yelton who advised the topic met the statutory requirements for a closed session. The Mayor invited all Council members present along with Mr. Howell and Mr. Yelton to attend. The motion passed unanimously and Council moved into closed session at 6:43 p.m.

Council returned to the regular session at 6:58 p.m.

I. Adjournment:

- 1) Motion to adjourn

ACTION TAKEN: Upon a motion made by Mr. Amaya, City Council voted unanimously to adjourn the meeting at 6:59 p.m.

Respectfully submitted,

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

**O. Stanhope Anthony III
Mayor**

Minutes of October 7, 2019

DRAFT

City of Shelby
Agenda Item Summary
October 21, 2019
City Hall Council Chamber

Agenda Item: D-2

- 2) Approval of a resolution accepting property from Bishwa Jung Thapa: Resolution No. 66-2019

Consent Agenda Item: (Walter Scharer, Planning Services Director)

Summary of Available Information:

- Memorandum dated October 14, 2019 from Walter Scharer, Planning Director to Rick Howell, City Manager
- Donation letter from Bishwa J. Thapa
- Location Map of 800 Gardner Street
- Tax Card for 2019
- Resolution No. 66-2019

City Manager's Recommendation / Comments

Past City practices and protocol require the formal acceptance by City Council upon the offering and receipt of real property. This applies to property that is acquired through donation and purchase. Obviously the intent of the process is to ensure knowledge and acceptance of properties by the City Council who are representatives of the citizenry in order to allow for proper due diligence that the property is necessary for the provision of an authorized and funded public purpose. In keeping with past practices and the Neighborhood Action Plan the City routinely confers with property owners who have expressed interest in donating properties in specific neighborhood where blight and deterioration is present. Oftentimes these properties are located in areas where crime is a significant issue and the property owner either cannot or will not spend financial resources to repair the home.

It is recommended that Resolution No. 66-2019 be adopted and approved via the Consent Agenda.



Memorandum

To: Rick Howell - City Manager
From: Walter Scharer – Planning Director
Date: October 14, 2019
Subject: Property Acceptance

Executive Summary of Issue – Background

The City has been offered a property at 800 Gardner Street. This property, owned by BISHWA JUNG THAPA, has a vacant single-family dwelling. The structure is currently in the process of being demolished as a result of a Minimum Housing action. This part of Shelby has been identified by City Council as a distressed neighborhood as defined in the Neighborhood Action Plan. The City of Shelby Housing Authority is close to this property. There are no outstanding nuisance liens or taxes on these properties.

Review and Comments

This property offers an excellent opportunity to continue land banking for future redevelopment. Land banking this property is supported by the Comprehensive Land Use Plan 2009, the City Center Master Plan 2007 and the Neighborhood Action Plan 2006.

Recommendation

Please place this item on the consent agenda for the October 21, 2019 City Council Meeting.

Attachments: Donation letter, Location Map, Title Opinion, and Resolution

9/17/2019

City of Shelby
315 S. Lafayette Street
Shelby, NC 28151

- TO WHOM IT MAY CONCERN -

My name is Bishwa J. Thapa and I would like to donate my property located at 800 Gardner street parcel # 19455 and parcel # 22751 to City of Shelby.

Sincerely

Bishwa J. Thapa



Location Map

800 Gardner Street

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



Date: 9/24/2019



Scale 1:3,000 1 inch = 250 feet

6,970
 DATE 7/25/19
 TIME 11:12:45
 USER MAYES

--FMV... MA 232 232 MARKET ADJ
 CLEVELAND COUNTY
 PROPERTY CARD
 FOR YEAR 2019

70.00 x

PAGE 2
 PROG# AS2006

THAPA BISHWA JUNG

PARCEL ID.. 19455

PIN... S24 5 26

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

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4 :
8 :
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+4: :
1 C :
0 B :
+4+-----24-----+
  
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----- AC 06 COVERED PORCH ----- TRAVERSE -----
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M U 48.00 M R 16.00 D U 4.00 D L 4.00 D D 4.00 D R 4.00
 4.00

----- AC 20 MASONRY STOOP ----- TRAVERSE -----
 --

D U 10.00 D L 4.00 D D 10.00 D R 4.00

----- MA 37W SINGLE FAMILY DWELLI FLOOR: 1.00 ----- TRAVERSE -----
 --

D U 48.00 D R 18.00 D D 15.00 D R 6.00 D D 33.00 D L 24.00

TOTAL PARCEL VALUES----	LAND /	OVR	IMPROVEMENTS /	OVR	TOTAL LAND/IMPROVE	2018
VALUE	FMV.....	2,317	6,970	9,287		
9,287	APV.....	2,317	6,970	9,287		
9,287						

RESOLUTION NO. 66-2019

A RESOLUTION ACCEPTING PROPERTY FROM BISHWA JUNG THAPA

WHEREAS, the City Council of the City of Shelby, North Carolina, desires to accept the conveyance of property from BISHWA JUNG THAPA; and,

WHEREAS, the City Council of the City of Shelby, North Carolina, desires to promote the Neighborhood Action Plan; and,

WHEREAS, the City of Shelby acknowledges receipt of Tax Parcel No. 20612 situated in the City of Shelby, Cleveland County, North Carolina, and known as 800 Gardner Street.

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

Section 1. The City of Shelby properly acknowledges the land conveyance of BISHWA JUNG THAPA and accepts conveyance of Tax Parcel No. 19455 (800 Gardner Street, Shelby, North Carolina).

Section 2. This Resolution shall become effective upon its adoption and approval.

Adopted and approved this the 21st day of October 2019.

O. Stanhope Anthony III
Mayor

ATTEST:

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

City of Shelby
Agenda Item Summary
October 21, 2019
City Hall Council Chamber

Agenda Item: D-3

- 3) Approval of a resolution approving the Shelby-Cleveland County Regional Airport T-Hangar Space Lease Agreement: Resolution No. 67-2019

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

Summary of Available Information:

- Memorandum dated October 15, 2019 from Ben Yarboro, Engineering Services Director to Rick Howell, City Manager and Justin Merritt, Asst. City Manager/Finance Director
- Shelby-Cleveland County Regional Airport T-Hangar Space Lease Agreement
- Resolution No. 67-2019

City Manager's Recommendation / Comments

Resolution No. 67-2019 is presented to City Council via the Consent Agenda. If approved this resolution would authorize the use of the attached lease agreement for all 30 new T-Hangars. Following the completion of the T-Hangar construction project approved by City Council, the City of Shelby will lease the thirty (30) T-Hangar spaces for the primary purpose of storing individual aircraft. In preparation for rental of these units, City staff was asked to prepare the T-Hangar Space Lease Agreement. The City Attorney has reviewed and approved the agreement as to form for this purpose. Leases are month to month so they can by City policy and state law be executed by my office once Council has approved the basic form of the lease agreement.

It is my recommendation Resolution No. 67-2019 be adopted and approved by City Council at this time via the Consent Agenda.



Memorandum

To: Rick Howell, City Manager
Justin Merritt, Asst. City Manager/Finance Director

From: Ben Yarboro, Engineering Services Director *BY*

RE: Shelby-Cleveland County Regional Airport
T-Hangar Space Lease Agreement

Date: October 15, 2019

Background

The City of Shelby utilized NC Division of Aviation grant funding to design the T-Hangar site development and hangar building project at the Shelby-Cleveland County Regional Airport. In November 2018, the Shelby City Council approved a resolution awarding the construction contract for the project to the lowest responsive bidder, Anson Contractors. Following award of the contract, Anson Contractors began construction on this project in March 2019 and have a contract completion date of November 29, 2019.

As a reminder, this project consisted of the following:

- Grading and earthwork
- On-site water and sewer extensions
- Asphalt taxilane
- Three (3) 10-unit hangar buildings
- Restroom facilities

Review

Following the completion of this construction project, the City of Shelby will lease the thirty (30) T-Hangar spaces for the primary purpose of storing individual aircraft. In preparation for rental of these units, City staff has prepared the enclosed "Shelby-Cleveland County Regional Airport T-Hangar Space Lease

Agreement.” This agreement includes, but is not limited to, the following information:

- identifies conditions and responsibilities of the City of Shelby and Lessee
- states the terms of the lease and established rental fee
- defines limits and expectations of lessee’s use of airport property
- specifies items approved for use and storage in T-hangar units
- specifies the City of Shelby’s liabilities relating to personal and property claims

The proposed T-Hangar lease agreement has been presented to the Airport Advisory Board and has also been reviewed and approved by the Shelby City Attorney.

As established in the current City of Shelby fee schedule, T-Hangar units with a 41’6” door opening will have a monthly fee of \$250 and T-Hangar units with a 44’6” door opening will have a monthly fee of \$275. This project results in the construction of 24 T-Hangar units with a 41’6” door opening and 6 units with a 44’6” door opening.

It is worth noting that the City currently has received deposits reserving the 30 units that are under construction, and has a waiting list of approximately 10 individuals that are interested in hangar space as it is available in the future.

Recommendation

City Staff recommends that the Shelby City Council approve the resolution adopting the “Shelby-Cleveland County Regional Airport T-Hangar Space Lease Agreement”. If approved, this agreement will be utilized for the thirty (30) T-Hangar spaces following the completion of construction.

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



**SHELBY-CLEVELAND COUNTY REGIONAL AIRPORT
T-HANGAR SPACE LEASE AGREEMENT**

This agreement, made and entered into this _____ day of _____, 20_____,
by and between _____ City of Shelby _____, herein called “Lessor” and
_____, herein called “Lessee;”

The following terms and conditions shall govern the rental by Lessor of designated T-hangar space to Lessee:

1. **TERM:** This agreement shall commence on _____ and remain in effect for a period of one month. Thereafter, this agreement shall continue in effect from month to month, being automatically renewed after each month unless 30 days written notice is given by either party that the agreement should not be renewed.
2. **RENT:** Lessee shall pay, as rent for the use of the described T-Hangar area, the amount of \$_____ per month, payable in advance on the first day of each month. Rent may be changed from time to time by Lessor upon 30 days written notice to Lessee.
3. **PREMISES:** The premises lease shall be that T-hangar space located on Lessor’s premises at the Shelby-Cleveland County Regional Airport, and designated as T-Hangar Space # _____, together with reasonably necessary rights of access across Lessor’s adjoining area for the storage, operation and preventative maintenance of the Aircraft consistent with FAA standards.
4. **LIABILITIES:** Lessor hereby disclaims any and all liability for damage to the aircraft while parked in the designated T-hangar space, except for such damage as may be caused by movement or handling of the aircraft by Lessor’s employees, unless Lessee participates in any way or gives instructions to Lessor’s representative in any way. Lessor shall not be liable for any damage or loss caused by or related to improper or inadequate securing of aircraft.

The Lessor shall not be liable for any damage to either person or property, sustained by the Lessee or by other persons due to any act or neglect of any tenant or occupant of

the building or of any other person. Lessee shall be responsible for the conduct of its invitees in and around the Leased Premises.

Lessee shall maintain adequate liability insurance on the aircraft and supply the Lessor with a valid certificate showing proof of such insurance. Lessee shall notify Lessor of any change in the insurance coverage at least 30 days prior to the effective date of the change.

The Lessee agrees to indemnify and save the Lessor, its officers, agents and employees harmless from any liability, including, but not limited to claims, judgments, fines, costs and attorney's fees, to persons or property resulting from or arising out of the Lessee's use or occupancy of the premises.

5. USE OF PREMISES:

- a. The space hereby leased is to be used for the purpose of parking one aircraft, with the tail number _____, owned by Lessee. No change shall be made without approval of the Lessor. The Lessor reserves the right to re-assign parking spaces within the T-hangar to maximize efficiency and safety based on aircraft movements.
- b. The Lessor, or its agents, will have the right to enter the hangar for the purpose of inspecting the premises and for making any repairs or improvements thereon. Lessee will be notified of any violations found during the inspection. Lessee will have fourteen (14) days from the date of notification to rectify any problems. The Lessor will not, during the course of any such inspection, unreasonably interfere with Lessee's use and enjoyment of the premises.
- c. Lessee may park their vehicles in the Leased Premises during such time that the Lessee is using the Aircraft. Vehicles not in the Leased Premises should be in a designated parking space as to not block other aircraft from accessing or taxiing to or from the airfield.
- d. Lessee shall be allowed to perform preventive maintenance of its aircraft, registered to the Lessee and described on page 3 of this agreement, of the kind and to the extent permitted by F.A.R. 43.3, Appendix A; paragraph (c) titled Preventative Maintenance. In no event shall any maintenance be conducted that involves the services of an aircraft mechanic other than an employee of Lessee performing in the course of his duties as such an employee without prior written consent by the Lessor.
- e. No open flames or smoking is allowed inside or underneath the open door of a t-hangar such as cigars, cigarettes, grills, welders, gas or propane heaters, candles, lighters etc.

- f. *Lessee specifically agrees that no commercial aviation activities will be conducted on or from this premise without express approval of the Lessor and the appropriate agreements, permits, insurance, etc. This includes but is not limited to – maintenance requiring the work of an A&P or an A&I, rental of aircraft, charter, leasing, flight instruction, aerial survey/photography work, etc.*

6. ENVIRONMENTAL:

- a. Lessee shall be responsible for the proper removal and disposal of all Hazardous and Regulated Substances, as defined herein, generated by Lessee as a result of Lessee's activities in, on and from the Hangar. Such removal and disposal shall include, but not be limited to Lessee's manifesting such regulated substances under Lessee's assigned Environmental Protection Agency (EPA) identification number and ensuring that removal of such regulated materials from the leasehold is accomplished in accordance with LESSOR'S, local, state and federal guidelines. Additionally, environmental contamination, which impacts LESSOR as a result of Lessee's improper handling, disposal, release or leakage of any regulated substances, shall be the sole responsibility of Lessee. Lessee shall also be responsible for the safe and proper removal of all regulated substance it generates in conjunction with its use and occupancy of the Hangar upon termination of this Lease. For purposes of this provision, "Hazardous and Regulated Substances" shall mean any hazardous or toxic substances, materials or wastes, pollutants or contaminants, as defined, listed or regulated now or in the future by any federal, state or local law, rule, regulation, ordinance, statute or order or by common law decision, including without limitation, petroleum products or byproducts.
- b. Lessee shall indemnify, defend and hold harmless LESSOR from and against any and all claims (including, without limitation, third party claims from bodily injury or real or personal property damage), actions, administrative proceedings (including information proceedings), judgments, damages, punitive damages, penalties, fines, taxes and assessments, liabilities (including sums paid in settlement of claims), interest, impairments, losses, fees and expenses (including attorney's fees and expenses incurred in enforcing this provision or collecting any sums due hereunder), consultant and expert fees, together with all other costs and expenses of any kind or nature, including any and all expenses or cleaning up or disposing of any such Hazardous and Regulated Substances arising from or caused by Lessee's use of the Hangar. Lessee shall have no responsibility for any Environmental Damages, which preceded Lessee's initial date of use of the Hangar. The obligations, covenants and agreements of Lessee contained in this Paragraph shall survive termination of this Lease for any reason.

7. UTILITIES:

- a. It is agreed that the rent includes payment for utilities. Items of minimal electrical consumption are allowed. Items included are engine oil warmers (prior to aircraft use), 3.5 or below cu.ft. mini refrigerators and battery maintainers.
- b. Other items such as hand tool battery chargers, air compressors and shop lights are allowed limited use only as needed when Lessee is physically present in the hangar.
- c. All other electrical items not listed above require Lessor approval.

8. GENERAL PROVISIONS:

- a. Lessee agrees to keep the property neat and orderly
- b. Lessee agrees to take good care of the premises and to return the same at the expiration of the term in as good a condition as received, ordinary wear, tear and natural decay expected. If the Leased premises or any part thereof should be damaged or destroyed without fault of the Lessee so as to make the premises unfit for the purpose of storing an aircraft, the Lessee may surrender and cancel this Lease without penalty. However, if the damage is caused by the Lessee, the Lessee shall be solely responsible for the repairs and/or replacement, to the satisfaction and acceptance of the Lessor, and the lease shall continue in effect.
- c. Lessee agrees that use of the premises shall be in accordance with all Federal, State and Local laws and Regulations, including, but not limited to those pertaining to fire and safety, as well as the "Manual of Airport Rules and Regulations and Minimum Commercial Operator Standards for the Shelby-Cleveland County Regional Airport".
- d. Requests for moving aircraft into or out of Hangar shall be made a minimum of one hour before intended use and the end of normal business hours. Any requests made or requiring assistance by Lessor outside of normal business hours will be subject to the standard Call Out fee per the adopted City of Shelby Fee Schedule.
- e. Lessee shall not paint, tape or add any type of markings, signs or advertising to walls or floors of the leased premises without prior written consent of the Lessor. Nor shall Lessee make any alterations, changes or additions to the premises without prior written consent of the Lessor.
- f. Lessee shall not store flammable fluids in unapproved containers on the premises.
- g. Lessee shall not store any material or object not directly related to the registered aircraft. This prohibits, but is not limited to the storage of furniture, trailers and all

other objects foreign to the purpose intended. All stored materials must receive specific approval from the Lessor prior to being stored in the leased premises.

- h. Lessee is responsible for maintaining its aircraft in an airworthy manner. This includes, but is not limited to the containing and properly disposing of leaking or dripping oils, fluids and batteries. Lessee shall provide and utilize absorbent rugs, mats, etc. as necessary to contain any dripping oils, fluids, etc. to prevent staining of T-hangar floor.
 - i. Installation of and/or use of space heaters, and other devices that require energy consumption or that could be potentially hazardous, is prohibited in the premises, unless specifically authorized by the Lessor.
 - j. Lessee shall not perform painting operations of any kind within the premises.
 - k. Installation of furniture or appliances that are not required under the permitted uses as specified above shall be strictly prohibited. This prohibits couches, cots, beds, hotplates, stoves or other cooking devices, unless specifically authorized by the Lessor.
 - l. Hangars are not to be used for overnight or temporary housing.
 - m. If Lessee sales or otherwise relocates his or her aircraft, Lessee has the right to continue leasing the hangar space for sixty (60) days while a replacement aircraft is being obtained. If no replacement aircraft is obtained within sixty (60) days, the lease shall be terminated.
9. SUBLEASE/ASSIGNMENT: The T-hangar space hereby leased shall not be subleased by Lessee, nor shall this lease be reassigned. Parking of aircraft not belonging to Lessee shall be construed as a sublease and unless prior approval is granted by the Lessor, this shall be grounds for termination of this lease.
10. TERMINATION: This agreement may be terminated by either party upon 30 days written notice of non-renewal as provided for in Paragraph 1 above. In addition, Lessor may terminate this agreement during the course of monthly term subject to Paragraph 1 above, upon the occurrence of any of the following which shall constitute a breach of this lease agreement by Lessee:
- Rent is not paid by the 20th of any month.
 - Lessee has failed to comply with any condition of this lease and has not reasonably corrected the deficiency upon notice by Lessor. In the event of such breach, Lessor shall notify Lessee of termination in writing.

Aircraft Make/Model _____ N# _____

Registered Owner _____

Name _____ Phone # _____

Address _____

Authorized Agent _____

LESSEE:

Signature

Date

LESSOR (City of Shelby):

Signature

Date

RESOLUTION NO. 67-2019

**A RESOLUTION APPROVING THE
SHELBY-CLEVELAND COUNTY REGIONAL AIRPORT
T-HANGAR SPACE LEASE AGREEMENT**

WHEREAS, the City of Shelby is the owner and operator of the Shelby-Cleveland County Regional Airport (KEHO); and,

WHEREAS, the City of Shelby is constructing T-Hangar facilities to be leased for aircraft storage; and,

WHEREAS, the “Shelby-Cleveland County Regional Airport T-Hangar Space Lease Agreement” has been developed by City staff and reviewed by the City attorney; and,

WHEREAS, City Council now desires to accept and approve said lease agreement for the purpose of providing for the safe, effective and responsible use of the airport’s T-Hangar facilities.

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

Section 1. The “Shelby-Cleveland County Regional Airport T-Hangar Space Lease Agreement”, is hereby accepted and approved.

Section 2. The City Manager is hereby authorized and directed to cause the provisions of this lease agreement to be implemented and enforced for the utilization of the Shelby-Cleveland County Regional Airport T-Hangar facilities.

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

Adopted and approved this the 21st day of October 2019.

O. Stanhope Anthony III
Mayor

ATTEST:

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

City of Shelby
Agenda Item Summary
October 21, 2019
City Hall Council Chamber

Agenda Item: D-4

- 4) Adoption of an ordinance authorizing demolition of a dwelling: Ordinance No. 73-2019

Consent Agenda Item: (Walter Scharer, Planning Services Director)

Summary of Available Information:

- Memorandum dated October 7, 2019 from Walter Scharer, Planning Director to Rick Howell, City Manager
- Photo of Property
- Location Map – 704 E. Grover Street
- Tax Card for 2019
- Ordinance No. 73-2019

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. 73-2019 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: October 7, 2019
Subject: Demolition of Structure at 704 E. Grover St.

Executive Summary of issue – Background

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

Review and Comments

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

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

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

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

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

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

Recommendation

Please place this item on the consent agenda for the next City Council meeting on October 21st, 2019. Staff recommends this minimum housing action.

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

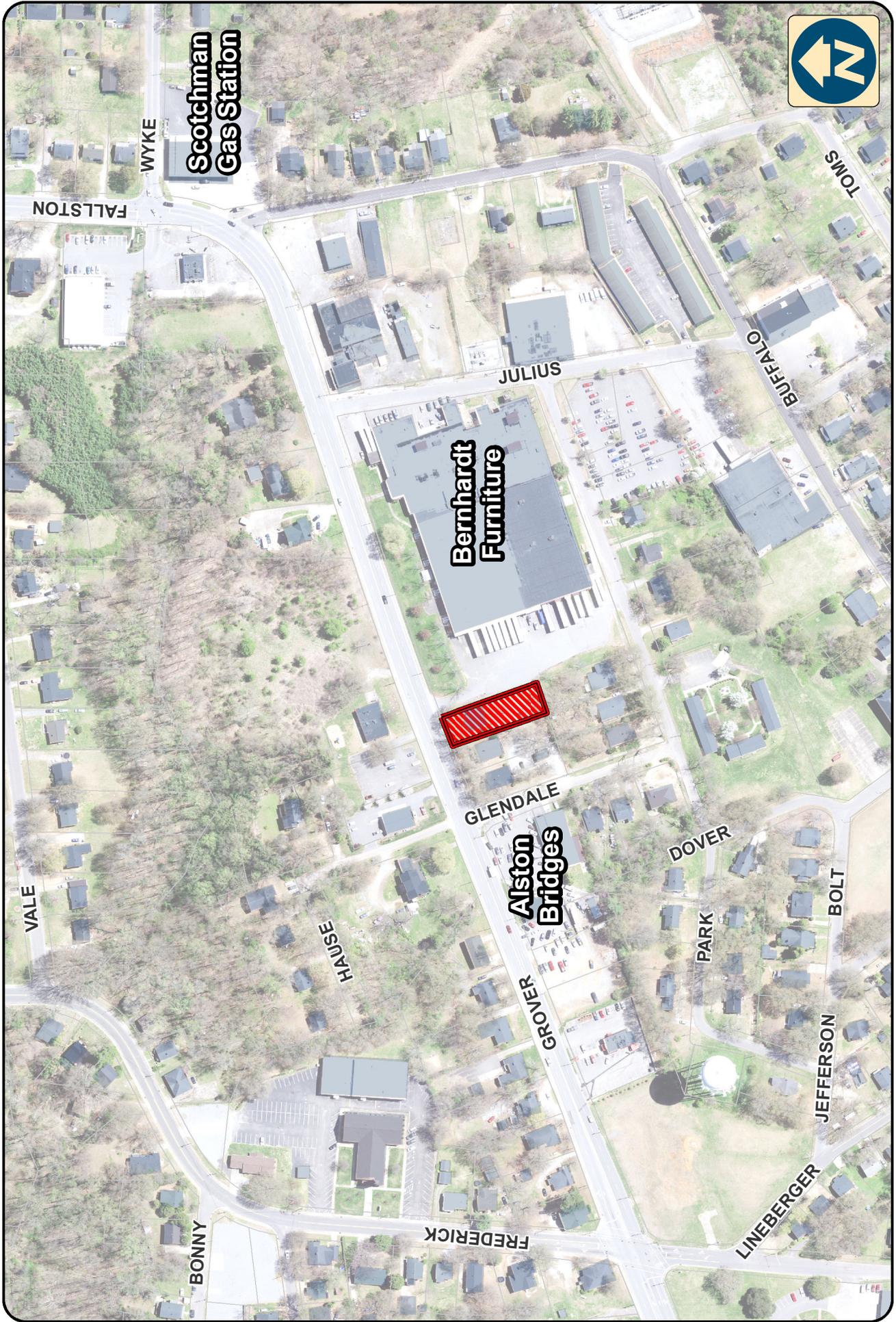




Location Map

704 East Grover Street

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



Date: 7/29/2019

500 Feet

0 125 250

Scale 1:3,000 1 inch = 250 feet

77,423	RCN...	PCT COMPLETE	100	x	
	QUAL.. QG D3	D+-	85.00	x	
65,809	DEPR.. D7	48 YEARS OLD	91.00	-	59,885
	ECON.. EOD	ECONOMIC OB DEP	35.00	-	2,073
61,958	T				

--FMV...

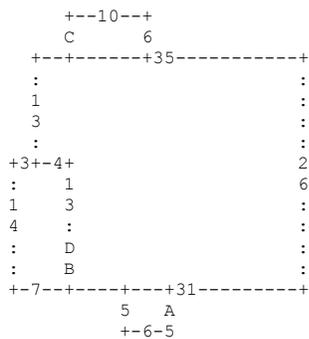
3,851
 DATE 7/29/19
 TIME 16:04:50
 USER MAYES

CLEVELAND COUNTY
 PROPERTY CARD
 FOR YEAR 2019

PAGE 2
 PROG# AS2006

JENKINS JOE CECIL PARCEL ID.. 22944 PIN... S36 3 3

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



-----	AC 06	COVERED PORCH	-----	TRAVERSE	-----
--					
M R	13.00	D D	5.00	D L	6.00
					D U
					5.00
					D R
					6.00
-----	AC 06	COVERED PORCH	-----	TRAVERSE	-----
--					
D U	13.00	D L	4.00	D U	1.00
					D L
					3.00
					D D
					14.00
					D R
7.00					
-----	AC 06	COVERED PORCH	-----	TRAVERSE	-----
--					
M R	31.00	M U	26.00	M L	30.00
					D U
					6.00
					D R
					10.00
					D D
6.00					
D L	10.00				
-----	MA 37W	SINGLE FAMILY DWELLI	FLOOR:	1.00	-----
--					TRAVERSE
D U	13.00	D L	4.00	D U	13.00
					D R
					35.00
					D D
					26.00
					D L
31.00					

TOTAL PARCEL VALUES----	LAND /	OVR	IMPROVEMENTS /	OVR	TOTAL LAND/IMPROVE	2018
VALUE						
	FMV.....	40,626	3,851		44,477	
44,477	APV.....	40,626	3,851		44,477	
44,477						

ORDINANCE NO. 73-2019

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 **704 EAST GROVER STREET**, 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, **JOE JENKINS & JANICE ZIRKLE** 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 **704 EAST GROVER STREET**, Shelby, and described in the Cleveland County records as Tax Parcel No. **22944** 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 21st day of October 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
October 21, 2019
City Hall Council Chamber

Agenda Item: D-5

- 5) Adoption of Fiscal Year 2019-2020 Budget Ordinance Amendment No. 9: Ordinance No. 74-2019

Consent Agenda Item: (Charlie Holtzclaw, Parks and Recreation Director and Justin Merritt, Assistant City Manager/Finance Director)

Summary of Available Information:

- Memorandum dated October 10, 2019 from Charlie Holtzclaw, Director Parks and Recreation to Rick Howell, City Manager
- G-16 Train Inventory List and photos
- Ordinance No. 74-2019

City Manager's Recommendation / Comments

Ordinance No. 74-2019 is presented for City Council consideration via the Consent Agenda. If approved this ordinance would simply appropriate \$27,500 toward the purchase of spare parts for our existing Wisconsin G-17 miniature train at City Park. A detailed listing (with some pictures) of these parts is included in your agenda packet. Staff has worked hard over the years to maintain an inventory of parts that will allow the train to continue running for many years. Parts for this train are harder and harder to find and as such the cost of these parts continues to rise. We are fortunate that the family of a now deceased gentleman contacted the City before they decided to sell them elsewhere. This purchase works well for the City which is saving money and ensuring the train will continue to operate as well as for the family which is able to dispose of these parts instead of selling them piecemeal.

It is my recommendation Ordinance No. 74-2019 be adopted and approved by City Council at this time via the Consent Agenda.

INTEROFFICE MEMORANDUM

TO: RICK HOWELL, CITY MANAGER

FROM: CHARLIE HOLTZCLAW, DIRECTOR PARKS & RECREATION

SUBJECT: G-16 TRAIN PURCHASE

DATE: OCTOBER 10, 2019

CC: JUSTIN MERRITT, ASST. CITY MANAGER/FINANCE DIRECTOR

A gentleman named Ed Taylor lived in Rutherford County and owned a train identical to the G-16 we have at City Park. Mr. Taylor passed away in 2013 and his family is now wanting sell the train and all the accessories including a large amount of track. The train is in very good condition and has been stored in a building like a G-16 museum and warehouse. Some of the accessories include 2 extra Wisconsin gasoline engines, several starters and carbonators, extra wheel trucks, a library of G-16 information and detailed drawings, and much more. (Inventory list attached)

They were originally asking \$45,000 for the entire lot and we found a G-16 without any accessories on Govdeals in 2015 that sold for just over \$40,000.

<https://www.govdeals.com/index.cfm?fa=main.item&acctid=463&itemid=806>

After negotiating, the family is willing to accept \$27,500 for everything on the inventory list.

Our current train currently is running fine and has no serious issues. However, at some point in time the need to have parts, engine or maybe an entire car will occur and it will be extremely hard, and likely impossible, to find another G16 train as they stopped being built over 50 years ago. For the past two decades we have relied on Mr. Taylor for train parts and accessories from his shop. So, this would be a long term insurance policy when the need arises.

Of course we will need to get the train, rail and all the accessories to Shelby. This will require hiring someone that is capable and has the equipment necessary to safely transport. We are currently working on this, but do not yet have a cost.

Afterwards, a storage space will be needed to house all of the parts out of the weather. We are currently looking in to options and feel very confident that will not be a problem or significant cost.

G-16 Train Inventory List:

- 1) Train engine Date built May 1954
 - Serial Number 728
 - Wisconsin Motor size 3 ¼ 4 x 3 ¼ spec # F49013
- 2) Train car #1
 - Serial Number 728
 - Model G-16
 - Truck #1 and #2
- 3) Train car #2
 - Serial Number 728
 - Model G-16
 - Trucks #3 and #4
- 4) Train car #3
 - Serial Number 728
 - Model G-16
 - Trucks #5 and #6
- 5) Spare motor #1
 - Make Wisconsin engine
 - Size 3 ¼ x 3 ¼
 - Spec # F49013
- 6) Spare motor #2
 - Model # MVE4D
 - Serial # 2207022
 - Size 3 x 3 ¼
- 7) Approx. 2,800 feet of rail track
- 8) Assorted train related signage
- 9) Library of G-16 information, instructions and documentation
- 10) Spare Truck #1 w/ one G-16 wheel
- 11) Spare Truck #2 w/two G-16 wheels and spare parts
- 12) Spare Engine truck w/ three G-16 wheels and spare parts
- 13) 1- Box and a half box of springs
- 14) 14- G-16 Wheels
- 15) 17- G-16 Wheels
- 16) 9- G-16 Wheels
- 17) 5- Train Horns
- 18) 5- Train horns
- 19) 3-Head Gaskets
- 20) 1- Journal Box, 6- Shims, 5- wheel nuts
- 21) 2- Journal boxes and 1- cover

- 22) 14- Brake Arms**
- 23) Starter Parts**
- 24) 2- Engine Blocks**
- 25) 2- Drive shafts**
- 26) Torque Convertor**
- 27) 1- Box and half box of Gasket material**
- 28) 3- Gasket kits**
- 29) Brake Parts**
- 30) 10-Spikes**
- 31) Misc Train Parts**
- 32) Misc Train parts**
- 33) Misc Train Washers**





NO BARE FEET

TRAIN FARE
Adults 3 tickets
Child 1 ticket

TRAIN RIDE
3 TICKETS
PER PERSON

SING



ORDINANCE NO. 74-2019

CITY OF SHELBY
FISCAL YEAR 2019-2020 BUDGET ORDINANCE AMENDMENT

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

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

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

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

Section 1. Ordinance No. 31-2019, the City’s FY 2019-2020 Budget Ordinance, is hereby amended as follows to provide for Budget Amendment No. 9 for the year:

(A) The City of Shelby has identified an opportunity to acquire a significant amount of spare parts for an existing Wisconsin G-17 miniature train. Accordingly, the following budget modifications are approved in accordance with the chart of accounts heretofore established for the City of Shelby.

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

- (a) Increase 11001000-39900 Fund Balance Appropriated \$ 27,500
- (b) Increase 110613-51000 Capital Equipment \$ 27,500

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

	<u>Current Budget</u>	<u>Amendment No. 9</u>
General Fund	\$ 26,317,871	\$ 26,345,371
Emergency Telephone System Fund	162,200	162,200
Powell Bill Fund	790,200	790,200
Economic Dev. Fund	813,950	813,950
Housing Fund	1,549,408	1,549,408
Cemetery Fund	30,000	30,000
Utilities-Water Fund	5,145,000	5,145,000
Utilities-Sewer Fund	5,548,800	5,548,800
Utilities-Electric Fund	22,408,955	22,408,955
Utilities-Gas Fund	16,301,600	16,301,600
Utilities – Stormwater Fund	832,160	832,160
FY 2019-2020 Budget Total:	<u>\$ 79,900,144</u>	<u>\$ 79,927,644</u>

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

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

Adopted and approved this the 21st day of October 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
October 21, 2019
City Hall Council Chamber

Agenda Item: E

Unfinished Business

None

Agenda Item: F

New Business

None

City of Shelby
Agenda Item Summary
October 21, 2019
City Hall Council Chamber

Agenda Item: G

City Manager's Report

I will update Council on various projects and issues at this time.

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