

**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) A Proclamation declaring November 16-24, 2019 as Hunger and Homelessness Awareness Week in Shelby, North Carolina – Bre Griffin, Housing Specialist, Partners Behavioral Health Management, Gaston, Lincoln, Cleveland Continuum of Care 1
- 2) Recognition of Shelby Parks and Recreation Advisory Board as the 2019 Distinguished Recreation Board by the North Carolina Recreation and Park Association (NCRPA) 3
- 3) Findings of the City of Shelby Public Protection Classification Summary Report prepared by North Carolina Department of Insurance/Office of State Fire Marshal 6

**C. Consent Agenda:**

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

- 1) Approval of the Minutes of the Regular Meeting of October 21, 2019 35
- 2) Adoption of an ordinance authorizing demolition of a dwelling: Ordinance No. 75-2019 45
- 3) Adoption of Fiscal Year 2019-2020 Budget Ordinance Amendment No. 9: Ordinance No. 76-2019 52

**D. Unfinished Business:**

- 1) City of Shelby Rail Trail Corridor Project: 57**
  - a. Consideration of a resolution approving a financing agreement authorized by North Carolina General Statute 160A-20: Resolution No. 68-2019 64**
  - b. Consideration of a budget ordinance amendment for the City of Shelby's Rail Trail Corridor Project: Ordinance No. 77-2019 66**

**E. New Business: None 68**

**F. City Manager's Report 68**

**G. Council Announcements and Remarks 68**

**H. Adjournment:**

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

- 1) Motion to adjourn 68**

City of Shelby  
Agenda Item Summary  
October 7, 2019  
City Hall Council Chamber

**Agenda Item: B-1**

*Special Presentations*

- 1) A Proclamation declaring November 16-24, 2019 as Hunger and Homelessness Awareness Week in Shelby, North Carolina –Bre Griffin, Housing Specialist, Partners Behavioral Health Management, Gaston, Lincoln, Cleveland Continuum of Care

**(Comments: Mayor Anthony)**

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Summary of Available Information:

- Proclamation

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City Manager's Recommendation / Comments

This time on City Council agenda is scheduled to allow Mayor Anthony to present a proclamation declaring the week of November 16-24, 2019 as Hunger and Homelessness Awareness Week in Shelby. A representative of Partners Behavioral Health Management will be present to receive the proclamation. Partners is an agency serving our community with behavioral health services. It is important to note that many of our homeless population are affected by a variety of mental and behavioral health issues. The intent of this proclamation is to bring community awareness this important matter.

# A PROCLAMATION

## DECLARING NOVEMBER 16 – 24, 2019 AS HUNGER AND HOMELESSNESS AWARENESS WEEK IN SHELBY, NORTH CAROLINA

**WHEREAS**, for over 25 years the National Coalition for the Homeless and National Student Campaign Against Hunger and Homelessness have sponsored National Hunger and Homelessness Awareness Week and the Gaston Lincoln Cleveland Continuum of Care has been actively working to end hunger and homelessness in Shelby; and,

**WHEREAS**, the purpose of the proclamation is to educate the public about the many reasons people are hungry and homeless including the shortage of affordable housing in Shelby for very low income residents; and to encourage support for homeless assistance service providers as well as community service opportunities for citizens, students and school service organizations; and,

**WHEREAS**, there are many organizations committed to sheltering, providing supportive services as well as meals and food supplies to people experiencing homelessness including, Cleveland County Rescue Mission and many more community partners; and,

**WHEREAS**, the Shelby City Council recognizes that hunger and homelessness continues to be a fundamental problem for many individuals and families in Shelby; and,

**WHEREAS**, the intent of National Hunger and Homelessness Awareness Week is consistent with the activities of the Gaston Lincoln Cleveland Continuum of Care.

**NOW THEREFORE BE IT RESOLVED** that the Shelby City Council hereby proclaims November 16-24, 2019 as Hunger and Homelessness Awareness Week.

**BE IT FURTHER RESOLVED** that the Shelby City Council encourages all citizens to recognize that many people do not have housing and need support from citizens, and private/public nonprofit service entities.

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O. Stanhope Anthony III  
Mayor

ATTEST:

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

City of Shelby  
Agenda Item Summary  
October 7, 2019  
City Hall Council Chamber

**Agenda Item: B-2**

- 2) Recognition of Shelby Parks and Recreation Advisory Board as the 2019 Distinguished Recreation Board by the North Carolina Recreation and Park Association (NCRPA)

**(Comments: Stan Anthony, Mayor and Charlie Holtzclaw, Director Parks and Recreation)**

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Summary of Available Information:

- Memorandum dated October 24, 2019 from Charlie Holtzclaw, Director Parks and Recreation to Rick Howell, City Manager
- Past NCRPA Award Recipients

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City Manager's Recommendation / Comments

This time on City Council agenda is scheduled to allow the Executive Director, Michelle Wells, and President, Keith Jenkins of the NC Recreation and Parks Association to make a formal presentation to the City of Shelby Parks and Recreation Advisory Board. In September the Advisory Board was recognized with the 2019 Distinguished Recreation Board.



## Memorandum

To: Rick Howell, City Manager  
Cc: Bernadette Parduski, City Clerk  
From: Charlie Holtzclaw, Director Parks & Recreation  
Date: October 24, 2019  
Subject: Distinguished Recreation Board Award

### Executive Summary of issue – Background

On September 18<sup>th</sup> the City of Shelby Parks & Recreation Advisory Board was recognized at the North Carolina Recreation & Parks Association (NCRPA) annual conference as the 2019 *Distinguished Recreation Board* in recognition of “fostering and promoting parks and recreation in our community”. It can also be noted the Board won the same award in 2003 demonstrating a long and successful commitment to Parks and Recreation by the City of Shelby.

### Review and comments

The Parks and Recreation Advisory Board serves the Parks Director, City Manager and the City Council in an advisory capacity and may suggest and recommend the hours of operation of city recreational facilities, and such other duties that may be requested. Most recently, the Board recommended the renaming of the Holly Oak Center to Clarence M. Palmer Center. In addition, the Board members serve as advocates and promote Parks and Recreation programs and events in our community such as the Merry Go Round Festival.

Board members consist of Chair Allen Langley, Vice-Chair David Lynn, Marie Hendrick, Shonda Hoskins, Craig Ferree, Robert Coleman, Bill Young, Shaun Collins, and Juan Cherry.

### Recommendation

It is my request to you that time be allowed on the November 4<sup>th</sup> City Council agenda for Michelle Wells, Executive Director NC Recreation & Park Association, and Keith Jenkins, NCRPA President to make a formal presentation of the award.

**PAST NCRPA AWARDS RECIPIENTS**

<b>DISTINGUISHED RECREATION BOARD</b>			
1987	2001	2018	
Wake County Park & Recreation Commission	Surry County Recreation Advisory Bd	Holden Beach Parks & Recreation Advisory Bd	
1990	2002		
Greensboro Parks & Recreation Commission	Greensboro Parks & Recreation Commission		
1992	2003		
Burlington Parks & Recreation Commission	Shelby Park & Recreation Advisory Bd		
1993	2004		
Brunswick County Parks & Recreation Commission	Hickory Parks & Recreation Commission		
1994	2005		
Onslow County Parks & Recreation Advisory Bd	Jacksonville Recreation & Parks Commission		
1995	2006		
Carrboro Parks & Recreation Commission	Durham Parks & Recreation Commission		
1996	2007		
Guilford County Parks & Recreation Commission	Wake Forest Parks & Recreation Advisory Bd		
1997	2008		
Asheville Parks & Recreation Commission	Oak Island Recreation Advisory Board		
1998	2009		
Gaston County Parks & Recreation Commission	Mount Holly Parks & Recreation Advisory Bd		
1999	2010		
Mecklenburg County Park & Recreation Commission	Greensboro Parks & Recreation Commission		
2000	2015		
High Point Parks & Recreation Commission	Holden Beach Parks & Recreation Advisory Bd		

City of Shelby  
Agenda Item Summary  
October 7, 2019  
City Hall Council Chamber

Agenda Item: B-3

- 3) Findings of the City of Shelby Public Protection Classification Summary Report prepared by North Carolina Department of Insurance/Office of State Fire Marshal

**(Comments: Stan Anthony, Mayor and Fire Chief, William Hunt)**

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Summary of Available Information:

- Memorandum dated October 25, 2019 from William Hunt, Fire Chief to Rick Howell, City Manager
- Letter dated October 3, 2018 from OSFM to Rick Howell
- Public Protection Classification Summary Report

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City Manager's Recommendation / Comments

This time is scheduled on City Council agenda to allow Chief Hunt to formally present the findings of the Office of State Fire Marshal's Public Protection Classification summary report for the City of Shelby. In January of this year a representative of the OSFM conducted a review of the City's fire insurance rating. As you all know by now the City rating improved from a Class 4 to a Class 2. The City has just recently received formal notification of the rating improvement.

Chief Hunt and the entire staff at Shelby Fire and Rescue are to be commended for their efforts. I should also note that improvements to the City water system also contributed significantly to this rating upgrade. The bottom line is that this ISO rating will serve to provide some homeowner's insurance cost for our citizens but also reaffirms that the City Fire and Rescue Department is well equipped to deliver an efficient and high quality service to our community.



October 25, 2019

**Memorandum:**

To: Rick Howell, City Manager  
From: William Hunt, Fire Chief  
Subject: Summary of findings from the Office of State Fire Marshal's (OSFM) Public Protection Classification Report for the City of Shelby.

Background

The *Insurance Services Office (ISO)* provides advisory services to insurance companies for underwriting risk and establishing insurance rates. Through the *Public Protection Classification (PPC™) program*, the ISO rates municipal fire-protection efforts in communities throughout the United States. In each community, the ISO individually evaluates the fire suppression force (50%), the water delivery system (40%), and the 911 communications (10%) using the *Fire Suppression Rating Schedule (FSRS)*, and then assigns an overall public protection classification from one (1) to ten (10) based on the compiled data. Class 1 generally represents superior property fire protection, and Class 10 indicates that the area's fire-suppression program doesn't meet ISO's minimum criteria. In North Carolina, the *Office of the State Fire Marshal (OSFM)* administers the program on behalf of the ISO as the *North Carolina Response Rating System* in communities with less than 100,000 population.

Review

On October 3, 2018 the City Manager and the Fire Chief were notified by the Supervisor of the Ratings and Inspections Division of OSFM that a *Public Protection Classification* inspection of the City of Shelby was scheduled for January 14-15, 2019 and assigned to Ratings Inspector Jeremy Hunt. Upon receipt of the notification, Fire Division Chief Todd McMurry was tasked with leading the project and the Fire & Rescue Department began compiling the necessary data and exhibits to facilitate the site visit. It is important to note that the preparation for and the actual rating-inspection site visit came at the same time the department was gearing-up for its accreditation site visit, and represented a significant commitment of time, expertise, and coordination in order to successfully manage both projects. On January 14, 2019, Mr. Hunt conducted his site visit of Shelby and completed reviews of the emergency communications, the firefighting force, and the water supply system. On April 25, 2019 the *OSFM* provided notification of its findings awarding the City of Shelby an ISO-Class 2 fire district rating to take effect on August 1, 2019. The city previously held an ISO-Class 4 district rating.

Action

Please place on the Shelby City Council's agenda for November 4, 2019 a presentation of the findings of the OSFM's Public Protection Classification Summary Report for the City of Shelby.

Enclosures

cc: Bernadette Parduski



## RATINGS AND INSPECTIONS

Tel 919.647.0000 Fax 919.715.0063

MIKE CAUSEY, INSURANCE COMMISSIONER & STATE FIRE MARSHAL  
BRIAN TAYLOR, CHIEF STATE FIRE MARSHAL

October 3, 2018

Rick Howell  
City Manager  
P.O. Box 207  
Shelby, NC 28151

Dear Rick Howell:

The Shelby Fire Department has been scheduled for a protection survey to be conducted by the NC Department of Insurance/Office of State Fire Marshal we would like to schedule a visit on 01/14/2019. The anticipated fieldwork required for the survey should take approximately one to two (1-2) days to complete.

To facilitate data collection for the survey, Jeremy Hunt has been assigned to assist your department. Please complete the survey forms prior to the inspector arrival by visiting our website at: [http://www.ncdoi.com/OSFM/Ratings\\_and\\_Inspections/Default.aspx?field1=Forms](http://www.ncdoi.com/OSFM/Ratings_and_Inspections/Default.aspx?field1=Forms)

The purpose of the site visit is to gather information needed to determine a fire insurance classification for use in the calculation of property insurance premiums. Please note that the information gathered is not for property loss prevention or life safety purposes and no life safety or property loss prevention recommendations will be made.

The public protection classification determined by the OSFM survey is only one of several factors used in the calculation of property insurance premiums. Individual insurance premium calculations also depend upon specific property construction, occupancy, private protection and exposure from adjacent buildings.

Our inspector will be collecting data from various sources to complete our overall evaluation of the Shelby Fire Department. Data will be collected concerning; (1) your water supply and distribution system, and/or water shuttle operations, including actual hydrant flow tests, (2) your fire department including manning, equipment and training, and (3) your means of receiving/handling of fire alarms.

Jeremy Hunt will contact you prior to 01/14/2019 to establish a definite date for our visit. In the meantime, review materials via OSFM's website and call our office if you have questions concerning the forms and call our office if you have questions concerning survey visit. Your cooperation and timely completion of the requested materials will be greatly appreciated.

Sincerely,

Davie Summey  
Supervisor of Inspections

DS/mw

Cc: William Hunt, Fire Chief

# **Public Protection Classification Summary Report**

**Shelby**

**NORTH CAROLINA**

**Prepared by**

**North Carolina Department of Insurance  
Office of State Fire Marshal  
1202 Mail Service Center  
Raleigh, NC 27699-1202  
(919) 647-0000**

**April 25, 2019**

## Background Information

### Introduction

Office of State Fire Marshal (OSFM) collects and evaluates information from communities in North Carolina on their structure fire suppression capabilities. The data is analyzed using our Fire Suppression Rating Schedule (FSRS) and then a Public Protection Classification (PPC™) grade is assigned to the community. The surveys are conducted whenever it appears that there is a possibility of a PPC change. As such, the PPC program provides important, up-to-date information about fire protection services throughout the country.

The FSRS recognizes fire protection features only as they relate to suppression of first alarm structure fires. In many communities, fire suppression may be only a small part of the fire department's overall responsibility. OSFM recognizes the dynamic and comprehensive duties of a community's fire service, and understands the complex decisions a community must make in planning and delivering emergency services. However, in developing a community's PPC grade, only features related to reducing property losses from structural fires are evaluated. Multiple alarms, simultaneous incidents and life safety are not considered in this evaluation. The PPC program evaluates the fire protection for small to average size buildings. Specific properties with a Needed Fire Flow more than 3,500 gpm are evaluated separately and assigned an individual PPC grade.

A community's investment in fire mitigation is a proven and reliable predictor of future fire losses. Statistical data on insurance losses bears out the relationship between excellent fire protection – as measured by the PPC program – and low fire losses. So, insurance companies use PPC information for marketing, underwriting, and to help establish fair premiums for homeowners and commercial fire insurance. In general, the price of fire insurance in a community with a good PPC grade is substantially lower than in a community with a poor PPC grade, assuming all other factors are equal.

OSFM's expert staff collects information about the fire suppression efforts in communities throughout North Carolina. In each of those communities, OSFM analyzes the relevant data and assigns a PPC grade – a number from 1 to 10. Class 1 represents an exemplary fire suppression program, and Class 10 indicates that the area's fire suppression program does not meet OSFM's minimum criteria.

OSFM's PPC program evaluates communities per a uniform set of criteria, incorporating nationally recognized standards developed by the National Fire Protection Association and the American Water Works Association. A community's PPC grade depends on:

- **Needed Fire Flows**, which are representative building locations used to determine the theoretical amount of water necessary for fire suppression purposes.
- **Emergency Communications**, including emergency reporting, Telecommunicators, and dispatching systems.
- **Fire Department**, including equipment, staffing, training, geographic distribution of fire companies, operational considerations, and community risk reduction.
- **Water Supply**, including inspection and flow testing of hydrants, alternative water supply operations, and a careful evaluation of the amount of available water compared with the amount needed to suppress fires up to 3,500 gpm.
- **Community Risk Reduction**, community efforts to reduce the risk of fire, including fire prevention codes and enforcement, public fire safety education, and fire investigation programs.

## Data Collection and Analysis

OSFM has evaluated and classified over 1,200 fire district across North Carolina using the FSRS. A combination of meetings between trained OSFM field representatives and the dispatch center coordinator, community fire official, and water superintendent is used in conjunction with a comprehensive questionnaire to collect the data necessary to determine the PPC grade. For a community to obtain a grade better than a Class 9, three elements of fire suppression features are reviewed. These three elements are Emergency Communications, Fire Department, and Water Supply.

A review of the **Emergency Communications** accounts for 10% of the total classification. This section is weighted at **10 points**, as follows:

- Emergency Reporting 3 points
- Telecommunicators 4 points
- Dispatch Circuits 3 points

A review of the **Fire Department** accounts for 50% of the total classification. OSFM focuses on a fire department's first alarm response and initial attack to minimize potential loss. The fire department section is weighted at **50 points**, as follows:

- Engine Companies 6 points
- Reserve Pumpers 0.5 points
- Pump Capacity 3 points
- Ladder/Service Companies 4 points
- Reserve Ladder/Service Trucks 0.5 points
- Deployment Analysis 10 points
- Company Personnel 15 points
- Training 9 points
- Operational considerations 2 points
- Community Risk Reduction 5.5 points (in addition to the 50 points above)

A review of the **Water Supply** system accounts for 40% of the total classification. OSFM reviews the water supply a community uses to determine the adequacy for fire suppression purposes. The water supply system is weighted at **40 points**, as follows:

- Credit for Supply System 30 points
- Hydrant Size, Type & Installation 3 points
- Inspection & Flow Testing of Hydrants 7 points

There is one additional factor considered in calculating the final score – **Divergence**.

Even the best fire department will be less than fully effective if it has an inadequate water supply. Similarly, even a superior water supply will be less than fully effective if the fire department lacks the equipment or personnel to use the water. The FSRS score is subject to modification by a divergence factor, which recognizes disparity between the effectiveness of the fire department and the water supply. The Divergence factor mathematically reduces the score based upon the relative difference between the fire department and water supply scores. The factor is introduced in the final equation.

## PPC Grade

The PPC grade assigned to the community will depend on the community's score on a 100-point scale:

PPC	Points
1	90.00 or more
2	80.00 to 89.99
3	70.00 to 79.99
4	60.00 to 69.99
5	50.00 to 59.99
6	40.00 to 49.99
7	30.00 to 39.99
8	20.00 to 29.99
9	10.00 to 19.99
10	0.00 to 9.99

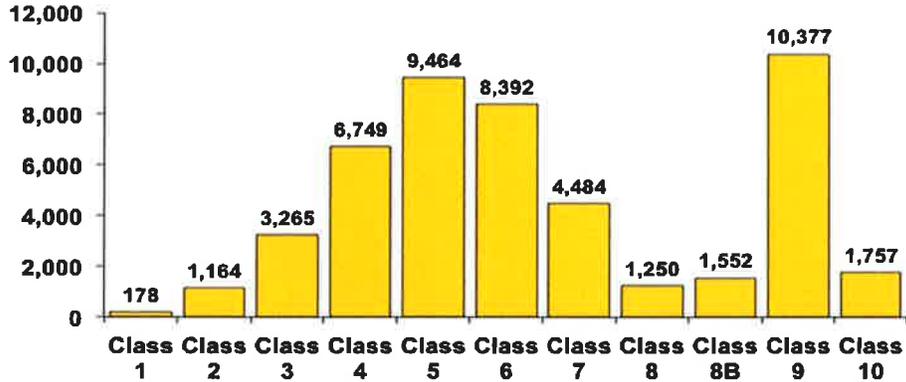
The classification numbers are interpreted as follows:

- Class 1 through (and including) Class 8 represents a fire suppression system that includes an FSRS creditable dispatch center, fire department, and water supply.
- Class 8B is a special classification that recognizes a superior level of fire protection in otherwise Class 9 areas. It is designed to represent a fire protection delivery system that is superior except for a lack of a water supply system capable of the minimum FSRS fire flow criteria of 250 gpm for 2 hours.
- Class 9 is a fire suppression system that includes a creditable dispatch center, fire department but no FSRS creditable water supply.
- Class 10 does not meet minimum OSFM criteria for recognition, including areas that are beyond five road miles of a recognized fire station.

## Distribution of PPC Grades

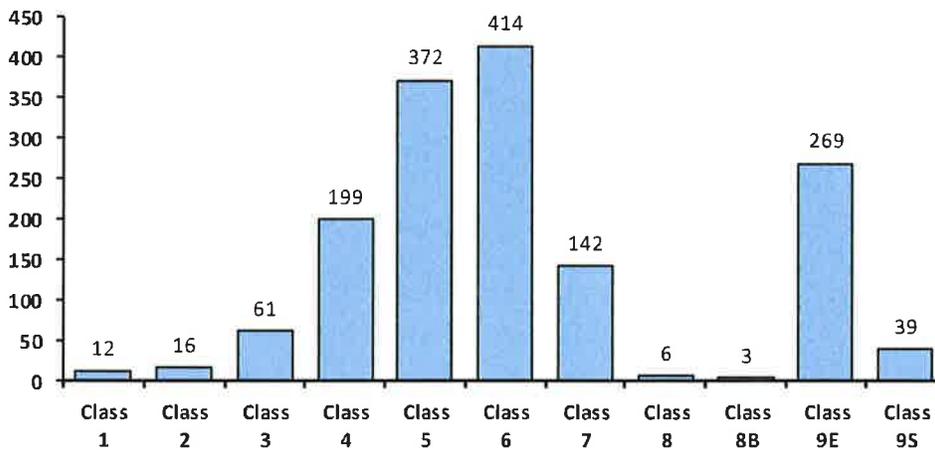
The 2015 published countrywide distribution of communities by the PPC grade is as follows:

### Countrywide



The rating of the 1532 Fire Districts in North Carolina is as follow:

### North Carolina Fire District Ratings 10/31/2016



## Assistance

OSFM offers help to communities, fire departments, and other public officials as they plan for, budget, and justify improvements. OSFM is also available to assist in the understanding of the details of this evaluation.

## PPC Review

OSFM concluded its review of the fire suppression features being provided for Shelby. The resulting community classification is **Class 02**.

If the classification is a single class, the classification applies to properties with a Needed Fire Flow of 3,500 gpm or less in the community. If the classification is a split class (e.g., 6/9S):

- The first class (e.g., "6" in a 6/9S) applies to properties within 5 road miles of a recognized fire station and within 1,000 feet of a fire hydrant or alternate water supply.
- The second class (9S) applies to properties beyond 1,000 feet of a fire hydrant but within 5 road miles of a recognized fire station.
- Alternative Water Supply: The first class (e.g., "6" in a 6/10) applies to properties within 5 road miles of a recognized fire station with no hydrant distance requirement. There is an exception if the district has a 6-mile district then the properties between 5 and 6 miles will receive the rating of 9E
- Class 10 applies to properties over 5 or 6 road miles of a recognized fire station depending on if the district has an approved 6-mile district.
- Specific properties with a Needed Fire Flow more than 3,500 gpm are evaluated separately and assigned an individual classification.

<b>FSRS Feature</b>	<b>Earned Credit</b>	<b>Credit Available</b>
<b>Emergency Communications</b>		
414. Credit for Emergency Reporting	<b>3.00</b>	<b>3</b>
422. Credit for Telecommunicators	<b>3.68</b>	<b>4</b>
432. Credit for Dispatch Circuits	<b>1.70</b>	<b>3</b>
<b>440. Credit for Emergency Communications</b>	<b>8.38</b>	<b>10</b>
<b>Fire Department</b>		
513. Credit for Engine Companies	<b>6.00</b>	<b>6</b>
523. Credit for Reserve Pumpers	<b>0.50</b>	<b>0.50</b>
532. Credit for Pump Capacity	<b>3.00</b>	<b>3</b>
549. Credit for Ladder Service	<b>4.00</b>	<b>4</b>
553. Credit for Reserve Ladder and Service Trucks	<b>0.50</b>	<b>0.50</b>
561. Credit for Deployment Analysis	<b>5.62</b>	<b>10</b>
571. Credit for Company Personnel	<b>8.78</b>	<b>15</b>
581. Credit for Training	<b>8.42</b>	<b>9</b>
730. Credit for Operational Considerations	<b>2.00</b>	<b>2</b>
<b>590. Credit for Fire Department</b>	<b>38.82</b>	<b>50</b>
<b>Water Supply</b>		
616. Credit for Supply System	<b>28.07</b>	<b>30</b>
621. Credit for Hydrants	<b>2.25</b>	<b>3</b>
631. Credit for Inspection and Flow Testing	<b>7.00</b>	<b>7</b>
<b>640. Credit for Water Supply</b>	<b>37.32</b>	<b>40</b>
<b>Divergence</b>	<b>-3.13</b>	<b>--</b>
<b>1050. Community Risk Reduction</b>	<b>4.39</b>	<b>5.50</b>
<b>Total Credit</b>	<b>85.78</b>	<b>105.50</b>

### Emergency Communications

Ten percent of a community's overall score is based on how well the communications center receives and dispatches fire alarms. Our field representative evaluated:

- Communications facilities provided for the general public to report structure fires
- Enhanced 9-1-1 Telephone Service including wireless
- Computer-aided dispatch (CAD) facilities
- Alarm receipt and processing at the communication center
- Training and certification of Telecommunicators
- Facilities used to dispatch fire department companies to reported structure fires

	<b>Earned Credit</b>	<b>Credit Available</b>
414. Credit Emergency Reporting	<b>3.00</b>	<b>3</b>
422. Credit for Telecommunicators	<b>3.68</b>	<b>4</b>
432. Credit for Dispatch Circuits	<b>1.70</b>	<b>3</b>
<b>Item 440. Credit for Emergency Communications:</b>	<b>8.38</b>	<b>10</b>

**Item 414 - Credit for Emergency Reporting (3 points)**

The first item reviewed is Item 414 "Credit for Emergency Reporting (CER)". This item reviews the emergency communication center facilities provided for the public to report fires including 911 systems (Basic or Enhanced), Wireless Phase I and Phase II, Voice over Internet Protocol, Computer Aided Dispatch and Geographic Information Systems for automatic vehicle location. OSFM uses National Fire Protection Association (NFPA) 1221, *Standard for the Installation, Maintenance and Use of Emergency Services Communications Systems* as the reference for this section.

<b>Item 410. Emergency Reporting (CER)</b>	<b>Earned Credit</b>	<b>Credit Available</b>
<p><b>A/B. Basic 9-1-1, Enhanced 9-1-1 or No 9-1-1</b></p> <p>For maximum credit, there should be an Enhanced 9-1-1 system, Basic 9-1-1 and No 9-1-1 will receive partial credit.</p>	<b>20.00</b>	<b>20</b>
<p><b>1. E9-1-1 Wireless</b></p> <p>Wireless Phase I using Static ALI (automatic location identification) Functionality (10 points); Wireless Phase II using Dynamic ALI Functionality (15 points); Both available will be 25 points</p>	<b>25.00</b>	<b>25</b>
<p><b>2. E9-1-1 Voice over Internet Protocol (VoIP)</b></p> <p>Static VoIP using Static ALI Functionality (10 points); Nomadic VoIP using Dynamic ALI Functionality (15 points); Both available will be 25 points</p>	<b>25.00</b>	<b>25</b>
<p><b>3. Computer Aided Dispatch</b></p> <p>Basic CAD (5 points); CAD with Management Information System (5 points); CAD with Interoperability (5 points)</p>	<b>15.00</b>	<b>15</b>
<p><b>4. Geographic Information System (GIS/AVL)</b></p> <p><u>The PSAP uses</u> a fully integrated CAD/GIS management system with automatic vehicle location (AVL) integrated with a CAD system providing dispatch assignments.</p> <p>The individual fire departments being dispatched <u>do not</u> need GIS/AVL capability to obtain this credit.</p>	<b>15.00</b>	<b>15</b>
<p><b>Review of Emergency Reporting total:</b></p>	<b>100.00</b>	<b>100</b>

**Item 422- Credit for Telecommunicators (4 points)**

The second item reviewed is Item 422 “Credit for Telecommunicators (TC)”. This item reviews the number of Telecommunicators on duty at the center to handle fire calls and other emergencies. All emergency calls including those calls that do not require fire department action are reviewed to determine the proper staffing to answer emergency calls and dispatch the appropriate emergency response. NFPA 1221, *Standard for the Installation, Maintenance and Use of Emergency Services Communications Systems*, recommends that ninety-five percent of emergency calls shall be answered within 15 seconds and ninety-nine percent of emergency calls shall be answered within 40 seconds. In addition, NFPA recommends that ninety percent of emergency alarm processing shall be completed within 60 seconds and ninety-nine percent of alarm processing shall be completed within 90 seconds of answering the call.

To receive full credit for operators on duty, OSFM must review documentation to show that the communication center meets NFPA 1221 call answering and dispatch time performance measurement standards. This documentation may be in the form of performance statistics or other performance measurements compiled by the 9-1-1 software or other software programs that are currently in use such as Computer Aided Dispatch (CAD) or Management Information System (MIS).

Item 420. Telecommunicators (CTC)	Earned Credit	Credit Available
<p><b>A1. Alarm Receipt (AR)</b> Receipt of alarms shall meet the requirements in accordance with the criteria of NFPA 1221</p>	20.00	20
<p><b>A2. Alarm Processing (AP)</b> Processing of alarms shall meet the requirements in accordance with the criteria of NFPA 1221</p>	11.90	20
<p><b>B. Emergency Dispatch Protocols (EDP)</b> Telecommunicators have emergency dispatch protocols (EDP) containing questions and a decision-support process to facilitate correct call categorization and prioritization.</p>	20.00	20
<p><b>C. Telecommunicator Training and Certification (TTC)</b> Telecommunicators meet the qualification requirements referenced in NFPA 1061, <i>Standard for Professional Qualifications for Public Safety Telecommunicator</i>, and/or the Association of Public-Safety Communications Officials - International (APCO) <i>Project 33</i>. Telecommunicators are certified in the knowledge, skills, and abilities corresponding to their job functions.</p>	20.00	20
<p><b>D. Telecommunicator Continuing Education and Quality Assurance (TQA)</b> Telecommunicators participate in continuing education and/or in-service training and quality-assurance programs as appropriate for their positions</p>	20.00	20
<p><b>Review of Telecommunicators total:</b></p>	91.90	100

**Item 432 - Credit for Dispatch Circuits (3 points)**

The third item reviewed is Item 432 "Credit for Dispatch Circuits (CDC)". This item reviews the dispatch circuit facilities used to transmit alarms to fire department members. A "Dispatch Circuit" is defined in NFPA 1221 as "A circuit over which an alarm is transmitted from the communications center to an emergency response facility (ERF) or emergency response units (ERUs) to notify ERUs to respond to an emergency". All fire departments (except single fire station departments with full-time firefighter personnel receiving alarms directly at the fire station) need adequate means of notifying all firefighter personnel of the location of reported structure fires. The dispatch circuit facilities should be in accordance with the general criteria of NFPA 1221. "Alarms" are defined in this Standard as "A signal or message from a person or device indicating the existence of an emergency or other situation that requires action by an emergency response agency".

There are two different levels of dispatch circuit facilities provided for in the Standard – a primary dispatch circuit and a secondary dispatch circuit. In jurisdictions that receive 730 alarms or more per year (average of two alarms per 24-hour period), two separate and dedicated dispatch circuits, a primary and a secondary, are needed. In jurisdictions receiving fewer than 730 alarms per year, a second dedicated dispatch circuit is not needed. Dispatch circuit facilities installed but not used or tested (in accordance with the NFPA Standard) receive no credit.

The score for Credit for Dispatch Circuits (CDC) is influenced by monitoring for integrity of the primary dispatch circuit. There are up to 0.90 points available for this Item. Monitoring for integrity involves installing automatic systems that will detect faults and failures and send visual and audible indications to appropriate communications center (or dispatch center) personnel. OSFM uses NFPA 1221 to guide the evaluation of this item. OSFM's evaluation also includes a review of the communication system's emergency power supplies.

**Item 432 "Credit for Dispatch Circuits (CDC)" = 1.70 points**

## Fire Department

Fifty percent of a community's overall score is based upon the fire department's structure fire suppression system. OSFM's field representative evaluated:

- Engine and ladder/service vehicles including reserve apparatus
- Equipment carried
- Response to reported structure fires
- Deployment analysis of companies
- Available and/or responding firefighters
- Training

	<b>Earned Credit</b>	<b>Credit Available</b>
513. Credit for Engine Companies	<b>6.00</b>	6
523. Credit for Reserve Pumpers	<b>0.50</b>	0.5
532. Credit for Pumper Capacity	<b>3.00</b>	3
549. Credit for Ladder Service	<b>4.00</b>	4
553. Credit for Reserve Ladder and Service Trucks	<b>0.50</b>	0.5
561. Credit for Deployment Analysis	<b>5.62</b>	10
571. Credit for Company Personnel	<b>8.78</b>	15
581. Credit for Training	<b>8.42</b>	9
730. Credit for Operational Considerations	<b>2.00</b>	2
<b>Item 590. Credit for Fire Department:</b>	<b>38.82</b>	<b>50</b>

## **Basic Fire Flow**

The Basic Fire Flow for the community is determined by the review of the Needed Fire Flows for selected buildings in the community. The fifth largest Needed Fire Flow is determined to be the Basic Fire Flow. The Basic Fire Flow has been determined to be 3500 gpm.

### Item 513 - Credit for Engine Companies (6 points)

The first item reviewed is Item 513 "Credit for Engine Companies (CEC)". This item reviews the number of engine companies, their pump capacity, hose testing, pump testing and the equipment carried on the in-service pumpers. To be recognized, pumper apparatus must meet the general criteria of NFPA 1901, *Standard for Automotive Fire Apparatus* which include a minimum 250 gpm pump, an emergency warning system, a 300-gallon water tank, and hose. At least 1 apparatus must have a permanently mounted pump rated at 750 gpm or more at 150 psi.

The review of the number of needed pumpers considers the response distance to built-upon areas; the Basic Fire Flow; and the method of operation. Multiple alarms, simultaneous incidents, and life safety are not considered.

The greatest value of A, B, or C below is needed in the fire district to suppress fires in structures with a Needed Fire Flow of 3,500 gpm or less: **3 engine companies**

- a) **3 engine companies** to provide fire suppression services to areas to meet NFPA 1710 criteria or within 1½ miles.
- b) **3 engine companies** to support a Basic Fire Flow of 3500 gpm.
- c) **3 engine companies** based upon the fire department's method of operation to provide a minimum two engine response to all first alarm structure fires.

The FSRS recognizes that there are **3 engine companies** in service.

The FSRS also reviews Automatic Aid. Automatic Aid is considered in the review as assistance dispatched automatically by contractual agreement between two communities or fire districts. That differs from mutual aid or assistance arranged case by case. OSFM will recognize an Automatic Aid plan under the following conditions:

- It must be prearranged for first alarm response according to a definite plan. It is preferable to have a written agreement, but OSFM may recognize demonstrated performance.
- The aid must be dispatched to all reported structure fires on the initial alarm.
- The aid must be provided 24 hours a day, 365 days a year.

FSRS Item 512.D "Automatic Aid Engine Companies" responding on first alarm and meeting the needs of the city for basic fire flow and/or distribution of companies are factored based upon the value of the Automatic Aid plan (up to 1.00 can be used as the factor). The Automatic Aid factor is determined by a review of the Automatic Aid provider's communication facilities, how they receive alarms from the graded area, inter-department training between fire departments, and the fire ground communications capability between departments.

For each engine company, the credited Pump Capacity (PC), the Hose Carried (HC), the Equipment Carried (EC) all contribute to the calculation for the percent of credit the FSRS provides to that engine company.

**Item 513 "Credit for Engine Companies (CEC)" = 6.00 points**

**Item 523 - Credit for Reserve Pumpers (0.50 points)**

The item is Item 523 "Credit for Reserve Pumpers (CRP)". This item reviews the number and adequacy of the pumpers and their equipment. The number of needed reserve pumpers is 1 for each 8 needed engine companies determined in Item 513, or any fraction thereof.

**Item 523 "Credit for Reserve Pumpers (CRP)" = 0.50 points**

**Item 532 – Credit for Pumper Capacity (3 points)**

The next item reviewed is Item 532 "Credit for Pumper Capacity (CPC)". The total pump capacity available should be sufficient for the Basic Fire Flow of 3500 gpm. The maximum needed pump capacity credited is the Basic Fire Flow of the community.

**Item 532 "Credit for Pumper Capacity (CPC)" = 3.00 points**

**Item 549 – Credit for Ladder Service (4 points)**

The next item reviewed is Item 549 "Credit for Ladder Service (CLS)". This item reviews the number of response areas within the city with 5 buildings that are 3 or more stories or 35 feet or more in height, or with 5 buildings that have a Needed Fire Flow greater than 3,500 gpm, or any combination of these criteria. The height of all buildings in the city, including those protected by automatic sprinklers, is considered when determining the number of needed ladder companies. Response areas not needing a ladder company should have a service company. Ladders, tools and equipment normally carried on ladder trucks are needed not only for ladder operations but also for forcible entry, ventilation, salvage, overhaul, lighting and utility control.

The number of ladder or service companies, the height of the aerial ladder, aerial ladder testing and the equipment carried on the in-service ladder trucks and service trucks is compared with the number of needed ladder trucks and service trucks and an FSRS equipment list. Ladder trucks must meet the general criteria of NFPA 1901, *Standard for Automotive Fire Apparatus* to be recognized.

The number of needed ladder-service trucks is dependent upon the number of buildings 3 stories or 35 feet or more in height, buildings with a Needed Fire Flow greater than 3,500 gpm, and the method of operation.

The FSRS recognizes that there are **1 ladder companies** in service. These companies are needed to provide fire suppression services to areas to meet NFPA 1710 criteria or within 2½ miles and the number of buildings with a Needed Fire Flow over 3,500 gpm or 3 stories or more in height, or the method of operation.

The FSRS recognizes that there are **0 service companies** in service.

**Item 549 "Credit for Ladder Service (CLS)" = 4.00 points**

**Item 553 – Credit for Reserve Ladder and Service Trucks (0.50 points)**

The next item reviewed is Item 553 "Credit for Reserve Ladder and Service Trucks (CRLS)". This item considers the adequacy of ladder and service apparatus when one (or more in larger communities) of these apparatus are out of service. The number of needed reserve ladder and service trucks is 1 for each 8 needed ladder and service companies that were determined to be needed in Item 540, or any fraction thereof.

**Item 553 "Credit for Reserve Ladder and Service Trucks (CRLS)" = 0.50 points**

**Item 561 – Deployment Analysis (10 points)**

Next, Item 561 “Deployment Analysis (DA)” is reviewed. This Item examines the number and adequacy of existing engine and ladder-service companies to cover built-upon areas of the city.

To determine the Credit for Distribution, first the Existing Engine Company (EC) points and the Existing Engine Companies (EE) determined in Item 513 are considered along with Ladder Company Equipment (LCE) points, Service Company Equipment (SCE) points, Engine-Ladder Company Equipment (ELCE) points, and Engine-Service Company Equipment (ESCE) points determined in Item 549.

Secondly, as an alternative to determining the number of needed engine and ladder/service companies through the road-mile analysis, a fire protection area may use the results of a systematic performance evaluation. This type of evaluation analyzes computer-aided dispatch (CAD) history to demonstrate that, with its current deployment of companies, the fire department meets the time constraints for initial arriving engine and initial full alarm assignment in accordance with the general criteria of in NFPA 1710, *Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments*.

A determination is made of the percentage of built upon area within 1½ miles of a first-due engine company and within 2½ miles of a first-due ladder-service company.

**Item 561 “Credit Deployment Analysis (DA)” = 5.62 points**

**Item 571 – Credit for Company Personnel (15 points)**

Item 571 “Credit for Company Personnel (CCP)” reviews the average number of existing firefighters and company officers available to respond to reported first alarm structure fires in the city.

The on-duty strength is determined by the yearly average of total firefighters and company officers on-duty considering vacations, sick leave, holidays, “Kelley” days and other absences. When a fire department operates under a minimum staffing policy, this may be used in lieu of determining the yearly average of on-duty company personnel.

Firefighters on apparatus not credited under Items 513 and 549 that regularly respond to reported first alarms to aid engine, ladder, and service companies are included in this item as increasing the total company strength.

Firefighters staffing ambulances or other units serving the general public are credited if they participate in fire-fighting operations, the number depending upon the extent to which they are available and are used for response to first alarms of fire.

On-Call members are credited based on the average number staffing apparatus on first alarms. Off-shift career firefighters and company officers responding on first alarms are considered on the same basis as on-call personnel. For personnel, not normally at the fire station, the number of responding firefighters and company officers is divided by 3 to reflect the time needed to assemble at the fire scene and the reduced ability to act as a team due to the various arrival times at the fire location when compared to the personnel on-duty at the fire station during the receipt of an alarm.

The number of Public Safety Officers who are positioned in emergency vehicles within the jurisdiction boundaries may be credited based on availability to respond to first alarm structure fires. In recognition of this increased response capability the number of responding Public Safety Officers is divided by 2.

The average number of firefighters and company officers responding with those companies credited as Automatic Aid under Items 513 and 549 are considered for either on-duty or on-call company personnel as is appropriate. The actual number is calculated as the average number of company personnel responding multiplied by the value of AA Plan determined in Item 512.D.

The maximum creditable response of on-duty and on-call firefighters is 12, including company officers, for each existing engine and ladder company and 6 for each existing service company.

Chief Officers are not creditable except when more than one chief officer responds to alarms; then extra chief officers may be credited as firefighters if they perform company duties.

The FSRS recognizes **14.00 on-duty personnel** and an average of **0.00 on-call personnel** responding on first alarm structure fires.

**Item 571 “Credit for Company Personnel (CCP)” = 8.78 points**

**Item 581 – Credit for Training (9 points)**

<b>Training</b>	<b>Earned Credit</b>	<b>Credit Available</b>
<p><b>A. Facilities, and Use</b> For maximum credit, each firefighter should receive 18 hours per year in structure fire related subjects as outlined in NFPA 1001.</p>	<b>30.81</b>	<b>35</b>
<p><b>B. Company Training</b> For maximum credit, each firefighter should receive 16 hours per month in structure fire related subjects as outlined in NFPA 1001.</p>	<b>23.38</b>	<b>25</b>
<p><b>C. Classes for Officers</b> For maximum credit, each officer should be certified in accordance with the general criteria of NFPA 1021. Additionally, each officer should receive 12 hours of continuing education on or off site.</p>	<b>11.88</b>	<b>12</b>
<p><b>D. New Driver and Operator Training</b> For maximum credit, each new driver and operator should receive 60 hours of driver/operator training per year in accordance with NFPA 1002 and NFPA 1451.</p>	<b>5.00</b>	<b>5</b>
<p><b>E. Existing Driver and Operator Training</b> For maximum credit, each existing driver and operator should receive 12 hours of driver/operator training per year in accordance with NFPA 1002 and NFPA 1451.</p>	<b>4.93</b>	<b>5</b>
<p><b>F. Training on Hazardous Materials</b> For maximum credit, each firefighter should receive 6 hours of training for incidents involving hazardous materials in accordance with NFPA 472.</p>	<b>0.58</b>	<b>1</b>
<p><b>G. Recruit Training</b> For maximum credit, each firefighter should receive 240 hours of structure fire related training in accordance with NFPA 1001 within the first year of employment or tenure.</p>	<b>5.00</b>	<b>5</b>
<p><b>H. Pre-Fire Planning Inspections</b> For maximum credit, pre-fire planning inspections of each commercial, industrial, institutional, and other similar type building (all buildings except 1-4 family dwellings) should be made annually by company members. Records of inspections should include up-to date notes and sketches.</p>	<b>12.01</b>	<b>12</b>

**Item 580 “Credit for Training (CT)” = 8.42 points**

**Item 730 – Operational Considerations (2 points)**

Item 730 “Credit for Operational Considerations (COC)” evaluates fire department standard operating procedures and incident management systems for emergency operations involving structure fires.

<b>Operational Considerations</b>	<b>Earned Credit</b>	<b>Credit Available</b>
<b>Standard Operating Procedures</b> The department should have established SOPs for fire department general emergency operations	<b>50</b>	<b>50</b>
<b>Incident Management Systems</b> The department should use an established incident management system (IMS)	<b>50</b>	<b>50</b>
<b>Operational Considerations total:</b>	<b>100</b>	<b>100</b>

**Item 730 “Credit for Operational Considerations (COC)” = 2.00 points**

**Water Supply**

Forty percent of a community's overall score is based on the adequacy of the water supply system. The OSFM field representative evaluated:

- the capability of the water distribution system to meet the Needed Fire Flows at selected locations up to 3,500 gpm.
- size, type and installation of fire hydrants.
- inspection and flow testing of fire hydrants.

	<b>Earned Credit</b>	<b>Credit Available</b>
616. Credit for Supply System	<b>28.07</b>	<b>30</b>
621. Credit for Hydrants	<b>2.25</b>	<b>3</b>
631. Credit for Inspection and Flow Testing	<b>7.00</b>	<b>7</b>
<b>Item 640. Credit for Water Supply:</b>	<b>37.32</b>	<b>40</b>

### **Item 616 – Credit for Supply System (30 points)**

The first item reviewed is Item 616 “Credit for Supply System (CSS)”. This item reviews the rate of flow that can be credited at each of the Needed Fire Flow test locations considering the supply works capacity, the main capacity and the hydrant distribution. The lowest flow rate of these items is credited for each representative location. A water system capable of delivering 250 gpm or more for a period of two hours plus consumption at the maximum daily rate at the fire location is considered minimum in the OSFM review.

Where there are 2 or more systems or services distributing water at the same location, credit is given based on the joint protection provided by all systems and services available.

The supply works capacity is calculated for each representative Needed Fire Flow test location, considering a variety of water supply sources. These include public water supplies, emergency supplies (usually accessed from neighboring water systems), suction supplies (usually evidenced by dry hydrant installations near a river, lake or other body of water), and supplies developed by a fire department using large diameter hose or vehicles to shuttle water from a source of supply to a fire site. The result is expressed in gallons per minute (gpm).

The normal ability of the distribution system to deliver Needed Fire Flows at the selected building locations is reviewed. The results of a flow test at a representative test location will indicate the ability of the water mains (or fire department in the case of fire department supplies) to carry water to that location.

The hydrant distribution is reviewed within 1,000 feet of representative test locations measured as hose can be laid by apparatus.

For maximum credit, the Needed Fire Flows should be available at each location in the district. Needed Fire Flows of 2,500 gpm or less should be available for 2 hours; and Needed Fire Flows of 3,000 and 3,500 gpm should be obtainable for 3 hours.

**Item 616 “Credit for Supply System (CSS)” = 28.07 points**

**Item 621 – Credit for Hydrants (3 points)**

The second item reviewed is Item 621 “Credit for Hydrants (CH)”. This item reviews the number of fire hydrants of each type compared with the total number of hydrants.

There are a total of 1465 hydrants in the graded area.

<b>620. Hydrants, - Size, Type and Installation</b>	<b>Number of Hydrants</b>
<b>A. With a 6-inch or larger branch and a pumper outlet with or without 2½-inch outlets</b>	<b>8</b>
<b>B. With a 6-inch or larger branch and no pumper outlet but two or more 2½-inch outlets, or with a small foot valve, or with a small barrel</b>	<b>1457</b>
<b>C./D. With only a 2½-inch outlet or with less than a 6-inch branch</b>	<b>0</b>
<b>E./F. Flush Type, Cistern, or Suction Point</b>	<b>0</b>

**Item 621 “Credit for Hydrants (CH)” = 2.25 points**

**Item 630 – Credit for Inspection and Flow Testing (7 points)**

The third item reviewed is Item 630 “Credit for Inspection and Flow Testing (CIT)”. This item reviews the fire hydrant inspection frequency, and the completeness of the inspections. Inspection of hydrants should be in accordance with AWWA M-17, *Installation, Field Testing and Maintenance of Fire Hydrants*.

**Frequency of Inspection (FI):** Average interval between the 3 most recent inspections.

<b>Frequency</b>	<b>Points</b>
1 year	30
2 years	20
3 years	10
4 years	5
5 years or more	No Credit

**Note:** The points for inspection frequency are reduced by 10 points if the inspections are incomplete or do not include a flushing program. An additional reduction of 10 points are made if hydrants are not subjected to full system pressure during inspections. If the inspection of cisterns or suction points does not include actual drafting with a pumper, or back-flushing for dry hydrants, 20 points are deducted.

**Total points for Inspections = 4.00 points**

**Frequency of Fire Flow Testing (FF):** Average interval between the 3 most recent inspections.

<b>Frequency</b>	<b>Points</b>
5 years	40
6 years	30
7 years	20
8 years	10
9 years	5
10 years or more	No Credit

**Total points for Fire Flow Testing = 3.00 points**

**Item 631 "Credit for Inspection and Fire Flow Testing (CIT)" = 7.00 points**

**Divergence = -3.13**

The Divergence factor mathematically reduces the score based upon the relative difference between the fire department and water supply scores. The factor is introduced in the final equation.

**Community Risk Reduction**

	<b>Earned Credit</b>	<b>Credit Available</b>
1025. Credit for Fire Prevention and Code Enforcement (CPCE)	<b>2.00</b>	2.2
1033. Credit for Public Fire Safety Education (CFSE)	<b>1.62</b>	2.2
1044. Credit for Fire Investigation Programs (CIP)	<b>0.77</b>	1.1
<b>Item 1050. Credit for Community Risk Reduction</b>	<b>4.39</b>	<b>5.50</b>

<b>Item 1025 – Credit for Fire Prevention Code Adoption and Enforcement (2.2 points)</b>	<b>Earned Credit</b>	<b>Credit Available</b>
<b>Fire Prevention Code Regulations (PCR)</b> Evaluation of fire prevention code regulations in effect.	<b>10.00</b>	<b>10</b>
<b>Fire Prevention Staffing (PS)</b> Evaluation of staffing for fire prevention activities.	<b>7.41</b>	<b>8</b>
<b>Fire Prevention Certification and Training (PCT)</b> Evaluation of the certification and training of fire prevention code enforcement personnel.	<b>3.75</b>	<b>6</b>
<b>Fire Prevention Programs (PCP)</b> Evaluation of fire prevention programs.	<b>15.13</b>	<b>16</b>
<b>Review of Fire Prevention Code and Enforcement (CPCE) subtotal:</b>	<b>36.29</b>	<b>40</b>

<b>Item 1033 – Credit for Public Fire Safety Education (2.2 points)</b>	<b>Earned Credit</b>	<b>Credit Available</b>
<b>Public Fire Safety Educators Qualifications and Training (FSQT)</b> Evaluation of public fire safety education personnel training and qualification as specified by the authority having jurisdiction.	<b>5.00</b>	<b>10</b>
<b>Public Fire Safety Education Programs (FSP)</b> Evaluation of programs for public fire safety education.	<b>24.50</b>	<b>30</b>
<b>Review of Public Safety Education Programs (CFSE) subtotal:</b>	<b>29.50</b>	<b>40</b>

<b>Item 1044 – Credit for Fire Investigation Programs (1.1 points)</b>	<b>Earned Credit</b>	<b>Credit Available</b>
<b>Fire Investigation Organization and Staffing (IOS)</b> Evaluation of organization and staffing for fire investigations.	<b>8.00</b>	<b>8</b>
<b>Fire Investigator Certification and Training (IQT)</b> Evaluation of fire investigator certification and training.	<b>0.00</b>	<b>6</b>
<b>Use of National Fire Incident Reporting System (IRS)</b> Evaluation of the use of the National Fire Incident Reporting System (NFIRS) for the 3 years before the evaluation.	<b>6.00</b>	<b>6</b>
<b>Review of Fire Investigation Programs (CIP) subtotal:</b>	<b>14.00</b>	<b>20</b>

**Summary of PPC Review**

**for**

**Shelby**

<b>FSRS Item</b>	<b>Earned Credit</b>	<b>Credit Available</b>
<b>Emergency Communications</b>		
414. Credit for Emergency Reporting	<b>3.00</b>	<b>3</b>
422. Credit for Telecommunicators	<b>3.68</b>	<b>4</b>
432. Credit for Dispatch Circuits	<b>1.70</b>	<b>3</b>
<b>440. Credit for Emergency Communications</b>	<b>8.38</b>	<b>10</b>
<b>Fire Department</b>		
513. Credit for Engine Companies	<b>6.00</b>	<b>6</b>
523. Credit for Reserve Pumpers	<b>0.50</b>	<b>0.5</b>
532. Credit for Pumper Capacity	<b>3.00</b>	<b>3</b>
549. Credit for Ladder Service	<b>4.00</b>	<b>4</b>
553. Credit for Reserve Ladder and Service Trucks	<b>0.50</b>	<b>0.5</b>
561. Credit for Deployment Analysis	<b>5.62</b>	<b>10</b>
571. Credit for Company Personnel	<b>8.78</b>	<b>15</b>
581. Credit for Training	<b>8.42</b>	<b>9</b>
730. Credit for Operational Considerations	<b>2.00</b>	<b>2</b>
<b>590. Credit for Fire Department</b>	<b>38.82</b>	<b>50</b>
<b>Water Supply</b>		
616. Credit for Supply System	<b>28.07</b>	<b>30</b>
621. Credit for Hydrants	<b>2.25</b>	<b>3</b>
631. Credit for Inspection and Flow Testing	<b>7.00</b>	<b>7</b>
<b>640. Credit for Water Supply</b>	<b>37.32</b>	<b>40</b>
<b>Divergence</b>	<b>-3.13</b>	<b>-</b>
<b>1050. Community Risk Reduction</b>	<b>4.39</b>	<b>5.50</b>
<b>Total Credit</b>	<b>85.78</b>	<b>105.5</b>

**Final Community Classification = 02**



## RATINGS AND INSPECTIONS

Tel 919.647.0000 Fax 919.715.0063

MIKE CAUSEY, INSURANCE COMMISSIONER & STATE FIRE MARSHAL  
BRIAN TAYLOR, CHIEF STATE FIRE MARSHAL

October 3, 2018

Rick Howell  
City Manager  
P.O. Box 207  
Shelby, NC 28151

Dear Rick Howell:

The Shelby Fire Department has been scheduled for a protection survey to be conducted by the NC Department of Insurance/Office of State Fire Marshal we would like to schedule a visit on 01/14/2019. The anticipated fieldwork required for the survey should take approximately one to two (1-2) days to complete.

To facilitate data collection for the survey, Jeremy Hunt has been assigned to assist your department. Please complete the survey forms prior to the inspector arrival by visiting our website at: [http://www.ncdoi.com/OSFM/Ratings\\_and\\_Inspections/Default.aspx?field1=Forms](http://www.ncdoi.com/OSFM/Ratings_and_Inspections/Default.aspx?field1=Forms)

The purpose of the site visit is to gather information needed to determine a fire insurance classification for use in the calculation of property insurance premiums. Please note that the information gathered is not for property loss prevention or life safety purposes and no life safety or property loss prevention recommendations will be made.

The public protection classification determined by the OSFM survey is only one of several factors used in the calculation of property insurance premiums. Individual insurance premium calculations also depend upon specific property construction, occupancy, private protection and exposure from adjacent buildings.

Our inspector will be collecting data from various sources to complete our overall evaluation of the Shelby Fire Department. Data will be collected concerning; (1) your water supply and distribution system, and/or water shuttle operations, including actual hydrant flow tests, (2) your fire department including manning, equipment and training, and (3) your means of receiving/handling of fire alarms.

Jeremy Hunt will contact you prior to 01/14/2019 to establish a definite date for our visit. In the meantime, review materials via OSFM's website and call our office if you have questions concerning the forms and call our office if you have questions concerning survey visit. Your cooperation and timely completion of the requested materials will be greatly appreciated.

Sincerely,

Davie Summey  
Supervisor of Inspections

DS/mw

Cc: William Hunt, Fire Chief

North Carolina Office of State Fire Marshal  
**HYDRANT FLOW DATA SUMMARY**

City Shelby      State NORTH CAROLINA (32)      Witnessed by: North Carolina Office of State Fire Marshal      Date: Feb 7, 2019  
 County North Carolina(Cleveland),

TEST NO.	TYPE DIST.*	TEST LOCATION	SERVICE	FLOW - GPM $Q=(29.83(C(d^2)p^{0.5}))$		PRESSURE PSI		FLOW -AT 20 PSI		REMARKS***	MODEL TYPE
				INDIVIDUAL HYDRANTS	TOTAL	STATIC	RESID.	NEEDED **	AVAIL.		
1.0		Morgan St.	City of Shelby, Main Service	0	4100	0	0	6000	4100		CNMP
10.0		514 W. Grover	Cleveland County Water, Airport Road	0	4200	0	0	3000	4200		CNMP
11.0		Sumpter @ Harley	City of Shelby, Main Service	0	3550	0	0	2000	3550	(A)-(1500.0 gpm)	CNMP
12.0		500 Melody lane	City of Shelby, Main Service	0	3950	86	0	2000	3950		CNMP
13.0		Dixon Blvd.	Cleveland County Water, Airport Road	0	3000	146	0	1750	3000	(A)-(1500.0 gpm)	CNMP
14.0		699 N Washington St.	City of Shelby, Main Service	0	3350	102	0	1750	3350		CNMP
15.0		TR Harris Rd.	City of Shelby, Main Service	0	1900	52	0	1750	1900		CTR
16.0		E Dixon BLVD	Cleveland County Water, Airport Road	0	3800	104	0	1500	3800		CNMP
17.0		1800 E Marion St.	City of Shelby, Main Service	0	2150	60	0	1500	2150		CNMP
18.0		Polkville Rd.	Cleveland County Water, Airport Road	0	4400	105	0	1000	4400		CNMP
19.0		Delta Park	City of Shelby, Main Service	0	2550	82	0	1000	2550		CNMP
1A		Morgan St.	City of Shelby, Main Service	0	4100	0	0	6000	4100		CNMP
1B		Morgan St.	City of Shelby, Main Service	0	4100	0	0	2000	4100		CNMP
2.0		Blanton St.	City of Shelby, Main Service	0	2650	0	0	4500	2650		CNMP
20.0		Hoey Church Rd.	Cleveland County Water, Airport Road	0	3250	83	0	750	3250		CNMP
21.0		E Marion @ County	City of Shelby, Main Service	0	2250	62	0	750	2250		CNMP

THE ABOVE LISTED NEEDED FIRE FLOWS ARE FOR PROPERTY INSURANCE PREMIUM CALCULATIONS ONLY AND ARE NOT INTENDED TO PREDICT THE MAXIMUM AMOUNT OF WATER REQUIRED FOR A LARGE SCALE FIRE CONDITION.

THE AVAILABLE FLOWS ONLY INDICATE THE CONDITIONS THAT EXISTED AT THE TIME AND AT THE LOCATION WHERE TESTS WERE WITNESSED.

\*Comm = Commercial; Res = Residential.

\*\*Needed is the rate of flow for a specific duration for a full credit condition. Needed Fire Flows greater than 3,500 gpm are not considered in determining the classification of the city when using the Fire Suppression Rating Schedule.

\*\*\* (A)-Limited by available hydrants to gpm shown. Available facilities limit flow to gpm shown plus consumption for the needed duration of (B)-2 hours, (C)-3 hours or (D)-4 hours.

North Carolina Office of State Fire Marshal  
**HYDRANT FLOW DATA SUMMARY**

City Shelby      State NORTH CAROLINA      Witnessed by: North Carolina Office of State Fire Marshal      Date: Feb 7, 2019  
 County North Carolina(Cleveland)      State (32)

TEST NO.	TYPE DIST.*	TEST LOCATION	SERVICE	FLOW - GPM		PRESSURE PSI		FLOW -AT 20 PSI		REMARKS***	MODEL TYPE
				INDIVIDUAL HYDRANTS	TOTAL	STATIC	RESID.	NEEDED **	AVAIL.		
22.0		West Grover St.	City of Shelby, Main Service	0	0	88	0	500	3300		CNMP
23.0		Moon Shadow	City of Shelby, Main Service	0	0	56	0	500	1000		CNMP
24.0		1305 Fredrick St.	City of Shelby, Main Service	0	0	114	0	2250	5250		CNMP
2A		Blanton St.	City of Shelby, Main Service	0	0	0	0	3500	2650		CNMP
3.0		East Dixon Blvd	City of Shelby, Main Service	0	0	0	0	4500	6000		CNMP
3A		East Dixon Blvd	City of Shelby, Main Service	0	0	0	0	4500	4300	(A)-(3000.0 gpm)	CNMP
4.0		308 Westside Drive	City of Shelby, Main Service	0	0	0	0	3500	2600	(A)-(3000.0 gpm)	CNMP
4A		308 Westside Drive	City of Shelby, Main Service	0	0	0	0	2000	2600		CNMP
5.0		E Dixon Blvd	City of Shelby, Main Service	0	0	0	0	2250	2550		CTR
6.0		Morgan At Morton St.	City of Shelby, Main Service	0	0	0	0	3000	4500		CNMP
7.0		Frontage Rd.	City of Shelby, Main Service	0	0	0	0	5000	1550	(A)-(1500.0 gpm)	CNMP
8.0		208 College Ave.	City of Shelby, Main Service	0	0	0	0	3000	4750		CNMP
9.0		212 Elizabeth Church Rd.	City of Shelby, Main Service	0	0	0	0	3000	2650		CNMP

THE ABOVE LISTED NEEDED FIRE FLOWS ARE FOR PROPERTY INSURANCE PREMIUM CALCULATIONS ONLY AND ARE NOT INTENDED TO PREDICT THE MAXIMUM AMOUNT OF WATER REQUIRED FOR A LARGE SCALE FIRE CONDITION.  
 THE AVAILABLE FLOWS ONLY INDICATE THE CONDITIONS THAT EXISTED AT THE TIME AND AT THE LOCATION WHERE TESTS WERE WITNESSED.  
 \*Comm = Commercial; Res = Residential.  
 \*\*Needed is the rate of flow for a specific duration for a full credit condition. Needed Fire Flows greater than 3,500 gpm are not considered in determining the classification of the city when using the Fire Suppression Rating Schedule.  
 \*\*\* (A)-L limited by available hydrants to gpm shown. Available facilities limit flow to gpm shown plus consumption for the needed duration of (B)-2 hours, (C)-3 hours or (D)-4 hours.



## RATINGS AND INSPECTIONS

Tel 919.647.0000 Fax 919.715.0063

MIKE CAUSEY, INSURANCE COMMISSIONER & STATE FIRE MARSHAL  
BRIAN TAYLOR, CHIEF STATE FIRE MARSHAL

April 25, 2019

Rick Howell  
City Manager  
P.O. Box 207  
Shelby, NC 28151

Re: Shelby Fire District

Dear Rick Howell:

We wish to thank you, Chief Hunt, and others for the cooperation given to our representative during our recent survey. We have completed our evaluation of the fire insurance classification for Shelby Fire District and advise that the protection class is a 2.

Formerly class 4 applied. Rates on dwellings (including those insured under Homeowners Policies) are established by the North Carolina Rate Bureau. We are advising them of the change. The rate change will be effective on Thursday, August 1, 2019.

The purpose of our visit was to gather information needed to determine a fire insurance classification, which may be used in the calculations of property insurance premiums. This survey was not conducted for property loss prevention or life safety purposes, and no life safety or property loss prevention recommendations will be made.

Class 2 applies to properties with a fire flow of 3500 gpm or less. The private and public protection at properties with larger needed fire flows are individually evaluated, and may vary from the 2 Classification.

We are attaching a copy of our Grading Sheet and the results of the hydrant flow tests witnessed during our survey.

If you have any questions concerning the new classification, or the resulting change in fire insurance rates, please let us know.

Sincerely yours,

A handwritten signature in black ink that reads "Davie W. Summey".

Davie Summey  
Supervisor of Inspections

DS/mw

Enclosure

Cc: William Hunt, Fire Chief

City of Shelby  
Agenda Item Summary  
October 7, 2019  
City Hall Council Chamber

**C. Consent Agenda:**

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

**Agenda Item: C-1**

- 1) Approval of the Minutes of the Regular Meeting of October 21 2019

**Consent Agenda Item: (Bernadette Parduski, City Clerk)**

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Summary of Available Information:

Please read and offer changes as you deem necessary.

- Minutes of the Regular Meeting of October 21 2019

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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 21, 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, Director of Engineering Services Benjamin (Ben) Yarboro, Police Chief Jeffrey H. (Jeff) Ledford, Fire Chief William P. Hunt, MPA, EFO, Director of Public Works Daniel C. (Danny) Darst, 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. Hendrick led the *Pledge of Allegiance*.

### A. Approval of agenda:

#### 1) Motion to adopt the proposed agenda

At the request of Mr. Howell, Mayor Anthony added Item I-1 under the Closed Session as follows:

- To consult with the City Attorney in order to preserve the attorney-client privilege in the matter of Willie A. Green, Sr. versus the City of Shelby and Rick Howell pursuant to North Carolina General Statute 143-318.11 (a) (3)

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

**Mayor Anthony called upon Mrs. McMurry and the Natural Gas operations staff members. The Mayor formally read and presented the Resolution recognizing the Shelby Natural Gas Department as a recipient of the American Gas Association’s System Operational Achievement Recognition (SOAR) Award to the group. The Mayor also presented the SOAR Award – Bronze Level plaque, commending their commitment to providing natural gas safely and efficiently to Shelby’s customers.**

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

**Miss Whetten began her presentation by acknowledging USA Board President David Royster and President-elect Roger Holland in attendance.**

**She announced the completion of three major special projects:**

- The public art sculpture entitled, “Incrementum”, located in the 200 block of South Washington Street.**
- The alley lights above South Dale Street.**
- The promotional video to reach prospective tourists and former residents.**

**With regard to investment statistics for Fiscal Year 2018-2019, more than \$5.7 million was invested in Uptown Shelby, representing both the public and private sectors of completed projects. These numbers do not include over \$6.8 million currently underway in ongoing investment.**

**Miss Whetten added that she and the USA Board commend the City for its visionary leadership regarding the Rail Trail, the Streetscape Project, the Bike and Pedestrian Plan, and the Parks and Recreation Master Plan. Each project offers incredible opportunity for this community as well as the synergy created by all of these efforts happening at once.**

**With regard to on-going projects, she continues to provide construction updates to Uptown business owners, property owners, and residents.**

**With regard to recent and upcoming events, new businesses, and business expansions, Miss Whetten stated these are good indicators of activity and growth in Uptown Shelby.**

**Miss Whetten concluded with promoting Small Business Saturday on November 30, 2019, the holiday shopping season, and the importance of**

shopping locally, noting the rate of return to local communities through labor, profit, procurement, and charity.

Council received the information. No action was required.

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

Mr. Lowery began his presentation by proclaiming 2019 as the 10<sup>th</sup> anniversary of the Don Gibson Theatre, which opened on November 21, 2009. During the 2011 North Carolina Main Street Conference hosted at the Don Gibson Theatre, he noted Destination Cleveland County was recognized for the Best Public-Private Partnership for its work in creating and developing the Don Gibson Theatre with private funds as well as contributions from the public sector.

Next he gave an update highlighting the activities at the Don Gibson Theatre over the ten years of its operation. He stated there were more than 250,000 visitors to the theatre, which hosted 1,820 days of events/rentals and produced more than 300 concerts with attendance averaging 74 percent of capacity. Local hotels reported the theatre generated more than 3,000 room nights of stay.

Mr. Lowery reviewed the breakdown of the patrons who visit the theatre as follows:

- Shelby residents – 43 percent
- Travel less than 50 miles – 29 percent
- Travel more than 50 miles – 19 percent
- Out-of-state visitors – 6 percent
- Visitors from Charlotte, North Carolina include 3 percent
- Visitors from Asheville, North Carolina include 3 percent

In general, Mr. Lowery stated approximately 30 percent of the theatre's patrons travel more than 50 miles and reside outside of North Carolina. There have been visitors from 29 states and 8 countries.

Mr. Lowery reported the theatre has collected sales tax since 2015, generating tax revenue for the State and the region.

Mr. Lowery discussed noteworthy developments at the theatre including:

- The Don Gibson Singer-Songwriter Symposium began in 2014. There have been 175 entries to date performing before an accredited panel of judges each year for a grand prize. The event encourages the

development of singer songwriters and honors the Shelby native who was a member of the Nashville Songwriter Hall of Fame, the Grand Ole Opry, and the Country Music Hall of Fame.

- Mr. Lowery said the theatre maintains strong partnerships and relationships with many organizations including the Shelby Police Department, Boys and Girls Club, Uptown Shelby Association, Cleveland County Arts Council, Foothills Merry Go Round Festival, Cleveland County School System, Keep Shelby Beautiful (KSB) Commission, Atrium Health, Health Care Foundation of Cleveland County, Junior Charity League, several local churches, and the Earl Scruggs Center.
- The Don Gibson Theatre has also hosted various events including:
  - “New Harmonies: Celebrating American Roots Music”, a traveling Smithsonian Institute exhibit.
  - The Teen Summit is a non-profit established in 2007 by founder and president, Pat Houston.
  - The North Carolina Main Street Conference was held in 2011 and again in 2017.

Mr. Lowery highlighted the following promotional events:

- Mr. Lowery mentioned Governor Roy Cooper proclaimed 2019 to be “The Year of Music”. The proclamation mentioned great musicians from North Carolina including Earl Scruggs and Don Gibson. The North Carolina Arts Council suggested each town or community put on and highlight their own showcase of stars from that area. Come Hear Shelby is an initiative celebrating the music heritage past and present of Cleveland County, North Carolina. The collaboration was inspired by the Come Hear NC campaign led by the NC Arts Council and the NC Department of Cultural Resources. The Come Hear Shelby concert held on June 8, 2019 at the Don Gibson Theatre was taped and broadcast by UNC-TV Raleigh Station.
- The ncIMPACT Initiative at the UNC School of Government partnered with the Urban Institute at UNC-Charlotte and Destination Cleveland County to highlight the story of how regional partners are constructing North Carolina’s creative placemaking economy in and around Shelby. A “town hall” event on October 22, 2019 has been scheduled at the Earl Scruggs Center with a reception to follow at the Don Gibson Theatre. This event will be recorded and broadcast statewide on UNC-TV and the North Carolina Channel.

- This year WTVI PBS Charlotte filmed an episode of “Country in the Carolinas” in Shelby, featuring Don Gibson and Earl Scruggs.

To conclude, Mr. Lowery announced the Don Gibson Theatre’s annual fundraiser gala will be held on November 2, 2019 at 6:30 p.m. Tickets are still available.

Council received the information. No action was required.

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

Mr. Holtzclaw introduced his presentation entitled, “City Park Sports Visitor Impact 2019”, stating sports tourism is more than economic development. He stated the new Sports and Recreation Complex at City Park was opened in 2012 with two primary goals. The first was to create quality fields to serve the

youth in this community that play baseball or softball, and the second was to create championship caliber fields to draw state and regional sports tournaments to Shelby, bringing tourism to Shelby’s motels and restaurants.

Mr. Holtzclaw further stated in eight years of operation, the Complex has enabled City Park to host several youth Tar Heel Leagues State Championship Tournaments both for boys’ baseball and girls’ softball, bringing in approximately 40 teams and 600 players to a tournament. He added 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, City Park will have had 22 tournaments in 2019 consisting of 352 teams, with over 5,000 players and 13,000 spectators amounting to over 18,000 visitors. By the end of 2019, Mr. Holtzclaw anticipated the total number of visitors may exceed the population of the City of Shelby.

Mr. Holtzclaw mentioned another great example of hosting an event will occur the weekend of October 25 through 27, 2019 when 40 adult men’s softball teams will hold the World Softball League National Championships at Shelby City Park. These teams are traveling from Florida, Georgia, Louisiana, Maryland, South Carolina, North Carolina, Virginia, and Tennessee.

Mr. Holtzclaw concluded by stating there is huge potential for both soccer and football with similar results at Hanna Park in the future.

Council received the information. No action was required.

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

Mr. Howell introduced the subject matter of the presentation, stating the purpose of the City's new Outage Management System (OMS) with Data Voice International is to assist management, crews, staff, and customers in managing utility outages and enhancing customer service through affordable technology.

Next, Mr. Clark stated staff recently implemented the new OMS with Data Voice International effective September 26, 2019. The new OMS allows staff to track electric service interruptions from one platform. The OMS also easily integrates with the City's CIS, GIS, and SCADA systems. Mr. Clark acknowledged a team approach from the City's IT, GIS, Customer Service, and the Electric Department in the planning, preparation, and implementation process.

Mr. Clark provided background information about Data Voice International including its acquisition by the Harris Utilities Group, which already provides financial and operational software to the City of Shelby and creates a NorthStar partnership. All this software completes and integrates a suite of solutions for operations management and customer engagement.

Mr. Clark further stated Data Voice's OMS also offers the City 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 electrical or street light outages, or any other utility issue. The IVR system provides customers more options for them to complete themselves if they do not want to wait on hold. As always, Shelby's Customer Service staff is readily available if the customer chooses the option to speak with someone.

Mr. Clark added the OMS will allow our linemen to handle electrical outages in a more efficient manner while giving our customers more convenient, faster ways to communicate outages to City staff. 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.

Next, Mrs. McMurry explained another feature with the OMS which 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 Application provides the crew with up-to-the minute job updates and facilitates communication between dispatchers, linemen, and customers.

Mr. Clark summarized by stating the Data Voice OMS comes equipped with features that work together to transform field and office operations, supporting these capabilities:

- Outage location
- Remote access
- Field restoration
- Customer communication
- Geospatial connectivity
- Post-outage support

Mr. Clark concluded by stating since OMS is new, the City will utilize 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 OMS and how they can now report an outage.

Lastly, Mr. Clark pointed out staff focused on the City's electric system first and will add the water and natural gas utilities to the OMS in the future.

Council received the information. No action was required.

C. Public Comment: None

D. Consent Agenda:

**ACTION TAKEN:** Mayor Anthony presented the consent agenda. Mr. Amaya 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 October 7, 2019
- 2) Approval of a resolution accepting property from Bishwa Jung Thapa: Resolution No. 66-2019
- 3) Approval of a resolution approving the Shelby-Cleveland County Regional Airport T-Hangar Space Lease Agreement: Resolution No. 67-2019

- 4) Adoption of an ordinance authorizing demolition of a dwelling: Ordinance No. 73-2019
- 5) Adoption of Fiscal Year 2019-2020 Budget Ordinance Amendment No. 9: Ordinance No. 74-2019

#### **END CONSENT AGENDA**

**E. Unfinished Business: None**

**F. New Business: None**

**G. City Manager's Report:**

- 1) Mr. Howell anticipated the City will close on the sale of the Norfolk Southern Corporation Rail Corridor property on November 29, 2019.
- 2) Mr. Howell encouraged and invited the public to take the online survey and to participate in the Comprehensive Parks and Recreation Master Plan process.
- 3) Mr. Howell reminded Council that Greenheck Fan Corporation's economic development 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 stated that staff updates on major projects will be provided to Council at one of their future meetings, November 18, 2019 or December 2, 2019.

**H. Council Announcements and Remarks:**

- 1) Mayor Anthony encouraged Council members to attend the event at Greenheck Fan Corporation on October 23, 2019.

**I. Closed Session:**

- 1) To consult with the City Attorney in order to preserve the attorney-client privilege in the matter of Willie A. Green, Sr. versus the City of Shelby and Rick Howell pursuant to North Carolina General Statute 143-318.11 (a) (3)

**ACTION TAKEN:** Mr. Amaya made a motion to enter into a closed session pursuant to the appropriate North Carolina General Statutes as cited. Mayor Anthony consulted with Mr. Yelton who advised the topic met the statutory

requirements for a closed session. The Mayor invited all Council members present along with Mr. Howell, Mr. Yelton, and Mrs. Parduski to attend. The motion passed unanimously and Council moved into closed session at 7:07 p.m.

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

**J. Adjournment:**

**1) Motion to adjourn**

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

Respectfully submitted,

Bernadette A. Parduski, NCCMC, MMC  
City Clerk

O. Stanhope Anthony III  
Mayor

Minutes of October 21, 2019

City of Shelby  
Agenda Item Summary  
October 7, 2019  
City Hall Council Chamber

**Agenda Item: C-2**

- 2) Adoption of an ordinance authorizing demolition of a dwelling: Ordinance No. 75-2019

**Consent Agenda Item: (Staff Resource, Walter Scharer, Planning Director)**

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Summary of Available Information:

- Memorandum dated October 23, 2019 from Walter Scharer, Planning Director to Rick Howell, City Manager
- Photo of Property – 207 E. Elm Street
- Location Map
- 2019 Tax Card
- Ordinance No. 75-2019

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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. 75-2019 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 23, 2019  
**Subject:** **Demolition of Structure at 207 E ELM 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 NOVEMBER 4<sup>TH</sup>, 2019. Staff recommends this minimum housing action.

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

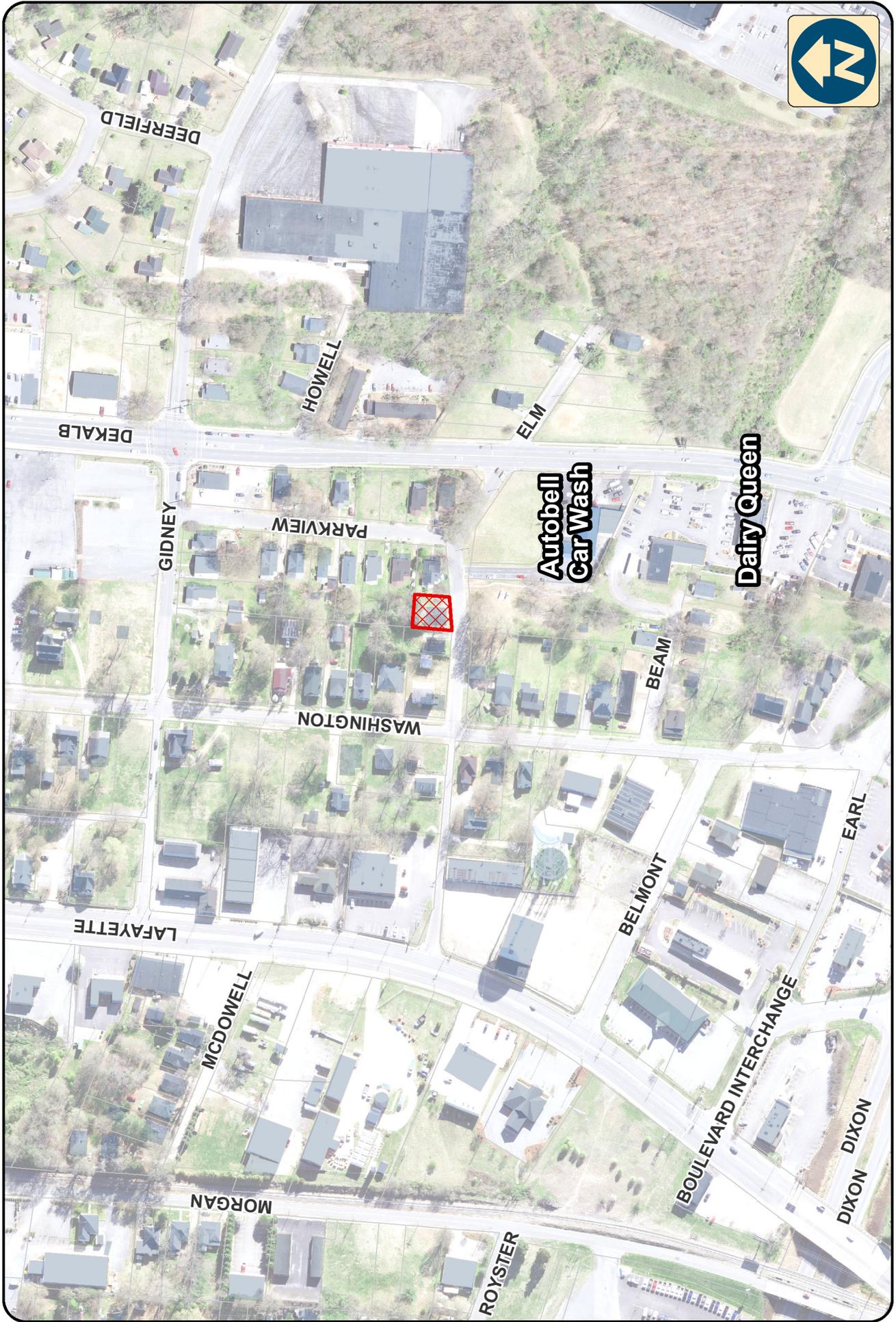




# Location Map

## 207 East Elm 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



Scale 1:3,000 1 inch = 250 feet



Date: 9/24/2019

DATE 7/29/19  
 TIME 16:09:56  
 USER MAYES

CLEVELAND COUNTY  
 PROPERTY CARD  
 FOR YEAR 2019

PAGE 1  
 PROG# AS2006

NEWKIRK TODD GARRETT      PARCEL ID.. 73736      PIN... S11 9 18  
 LOCATION... 207 E ELM ST      SHELBY  
 DEED YEAR/BOOK/PAGE.. 2011 1626 1363 ASSESSMENT NONE  
 4027 RHOADS RD      PLAT BOOK/PAGE.. PB 1 57      OWNER ID.. 1278077  
 LEGAL DESC:PT LOT#22 PB1-57      DISTRICT.. 6 CITY OF SHELBY

TOWNSHIP... 6 SHELBY  
 KEMPTON      PA 19529-      NBRHOOD... 236 S MAPS #6  
 DESCRIPTION      RESIDENTIAL

MAINTAINED.. 7/17/2018 BY MAYES      VALUED.. 7/02/2019 BY MAYES  
 VISITED..... 5/14/2018 BY PM      ROUTING#..  
 PARCEL STATUS... ACTIVE      CATEGORY.. GROUP 100

----- SALES HISTORY -----

DEED	BK/PAGE	SALE DATE	SALES INSTRUMENT	DISQUALIFIED	SALE AMOUNT	STAMP AMOUNT	DEED NAME
1626	1363	12/08/2011	DEED	QUALIFIED	4,500	9.00	NEWKIRK TODD GARRETT
1473	2176	12/29/2005	DEED	ADDITION PARCEL			BROOKSTONE INVEST GROUP
INC							
18Y	421	1/01/1985	SALE	QUALIFIED			

----- LAND SEGMENTS -----

LND	STRAT	LAND	TOT									
#	ZONE	CODE	TYPE/CODE	LAND QTY	LAND RATE	DPT%	SHP%	LOC%	SIZ%	OTH%	TOP%	ADJ
1		12	FF F	62.000	350.00	70.00	.00	100.00	.00	.00	.00	70.00
15,190			DEPTH..	71			OTHER ADJ...	.00	.00	.00	.00	
15,190			TOTAL ACRES..	.000								TOTAL LAND FMV..

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

MAIN FIN AREA.. 968.00      ACT/EFF YR/AGE.. 1922 1967 49      VISITED.. 4/10/2008 BY JP  
 STRAT..... 02      DESCRIPT.... SINGLE FAMILY DWELLING-WF      MAINTAINED.. 7/17/2018 BY MAYES  
 MAIN PERIM..... 152.00      MAIN GROUND SF.... 968.000  
 LOCATION #..... 41747 207 E ELM ST

COMPONENT	TYPE/CODE/DESC	PCT	UNITS	RATE	STR#	STR%	SIZ%	HGT%	PER%	CDS%	COST
AC 06	COVERED PORCH	100	112.00	13.19				113.00			
1,669											
AC 08	ENCLOSED FRAME PORCH	100	36.00	19.66				214.00			
1,514											
MA 37W	SINGLE FAMILY DWELLI	100	968.00	62.11	1.00		101.00			100	
60,723											
EW 06	WOOD SIDING	100	152.00	.00							
0											
- FD 04	PERIMETER FOOTING	100	968.00	.00							
0											
- HC 02	FLOOR/WALL FURNACE	100	968.00	1.03-							
997-											
- PL RB	RES BASE PLUMBING FI100		5.00	.00							
0											

-----

62,909		RCN...	PCT COMPLETE				100	x			
53,472		QUAL.. QG D3	D+-				85.00	x			
53,472 T		DEPR.. D8	49 YEARS OLD				99.00	-		52,937	
		ADDL.. APO	ADDITONAL PHY OBS				100.00	-		535	
0		--FMV... MA 236	236 MARKET ADJ				107.00	x			



**ORDINANCE NO. 75-2019**

**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 207 EAST ELM 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, TODD GARRETT NEWKIRK 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 207 EAST ELM STREET, Shelby, and described in the Cleveland County records as Tax Parcel No. 73736 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 4<sup>th</sup> day of November 2019.

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O. Stanhope Anthony III  
Mayor

ATTEST:

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

APPROVED AS TO FORM:

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Robert W. Yelton  
City Attorney

City of Shelby  
Agenda Item Summary  
October 7, 2019  
City Hall Council Chamber

**Agenda Item: C-3**

- 3) Adoption of Fiscal Year 2019-2020 Budget Ordinance Amendment No. 9: Ordinance No. 76-2019

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

Summary of Available Information:

- Memorandum dated October 28, 2019 from Justin Merritt, Assistant City Manager/ Director of Finance to Rick Howell, City Manager
- Copy of email from Bryan Howell To Justin Merritt dated October 16, 2109
- Ordinance No. 76-2019

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City Manager's Recommendation / Comments

The above referenced budget amendment provides for the recognition of a grant received by the City and the corresponding expenditures within the Housing Department. The grant (\$417,439) is an annual grant received from HUD that is primarily used for facility improvements on the 172 public housing units owned by the City. This amendment is necessary to ensure that the budget remains balanced throughout the fiscal year.

**It is my recommendation Ordinance No. 76-2019 be adopted and approved by City Council at this time via the Consent Agenda.**



To: Rick Howell, City Manager  
From: Justin S. Merritt, Assistant City Manager/Director of Finance  
Date: October 28, 2019  
Subject: BA #9 – Recognizing 2018 HUD Revenues in FY 2020

Background:

As you know, the City Housing Department receives annual Capital Facilities Funding from the Department of Housing and Urban Development (HUD). These funds are used to make various repairs and updates to our Housing facilities, as the attached e-mail describes.

Recommendation:

Seek Council approval of Budget Amendment #9 for FY 2020.

## Justin Merritt

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**From:** Bryan Howell  
**Sent:** Wednesday, October 16, 2019 9:33 AM  
**To:** Justin Merritt  
**Subject:** 2018 Capital Funds

Hi Justin,

We need a budget amendment to apply 2018 Capital Fund account in the amount of \$417,439. The expense account number should be 340530 65034. These funds will be used for office repairs, which includes reroofing the office, carpeting, painting and media upgrades as needed, security lighting improvements, apartment repairs, landscaping, HVAC installation in apartments, reroofing of apartments as needed, interior and exterior painting of units and camera installation in the apartment complexes. Kitchen appliances and restriping of the parking lots is included in this grant.

Let me know if more information is required.

Thanks,  
Bryan

ORDINANCE NO. 76-2019

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 a need to appropriate 2018 Housing Capital Facilities Funds to allow for various facility improvements in FY 2020. Accordingly, the following budget modifications are approved in accordance with the chart of accounts heretofore established for the City of Shelby.

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

(a) Increase 34006000-34826 2018 HUD Revenues	\$ 417,439
(b) Increase 340530-65033 2018 HUD Revenues	\$ 417,439

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	\$ 26,317,871
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	1,966,847
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>\$ 80,317,583</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 4<sup>th</sup> day of November 2019.

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O. Stanhope Anthony, III  
Mayor

ATTEST:

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

APPROVED AS TO FORM:

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Robert W. Yelton  
City Attorney

City of Shelby  
Agenda Item Summary  
October 7, 2019  
City Hall Council Chamber

**D. Unfinished Business**

**Agenda Item D-1**

- 1) City of Shelby Rail Trail Corridor Project:
  - a. Consideration of a resolution approving a financing agreement authorized by North Carolina General Statute 160A-20: Resolution No. 68-2019
  - b. Consideration of a budget ordinance amendment for the City of Shelby's Rail Trail Corridor Project: Ordinance No. 77-2019

**Unfinished Business Item: (Rick Howell, City Manager and Justin Merritt, Assistant City Manager/Finance Director)**

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Summary of Available Information:

- Memorandum dated October 28, 2019 from Justin Merritt, Assistant City Manager/ Director of Finance to Rick Howell, City Manager
- Finance Agreement from Fidelity Bank
- Tab Sheet for Rail Trail Financing
- Letter from NC DOT to Walter Scharer dated August 19, 2019
- Resolution No. 68 -2019
- Ordinance No. 77-2019

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City Manager's Recommendation / Comments

Resolution No. 68-2019 is presented for City Council consideration at this time. If approved this resolution would approve a financing agreement between the City of Shelby and Fidelity Bank for the borrowing of up to \$1,340,000 toward the purchase of the Norfolk Southern Railroad corridor. This borrowing term would be for 59 months at an interest rate of 1.89%. This borrowed amount is the balance of the purchase price not covered by the NCDOT TAP grant of \$4,160,000 awarded to the City this past August.

Ordinance No. 77-2019 is presented for City Council consideration at this time. If approved this ordinance would recognize this revenue as well as the NCDOT TAP grant and appropriates this funding for acquisition of the corridor.

**It is my recommendation Resolution No. 68-2019 and Ordinance No. 77-2019 be adopted and approved by City Council at this time via the Consent Agenda.**



To: Rick Howell, City Manager  
From: Justin S. Merritt, Assistant City Manager/Director of Finance  
Date: October 28, 2019  
Subject: Rail Trail Corridor Project Budget Amendment #1

Background:

The City has reached an agreement with Norfolk Southern Railway Company to acquire the rail corridor that runs from approximately Grover Street in Shelby, NC to the SC state line. The total purchase price, including required due diligence costs, is not expected to exceed \$5,500,000. The City has been fortunate to receive a NCDOT grant in the amount of \$4,160,000 to assist in this acquisition. The remaining balance of \$1,340,000 will be funded through a financing agreement with Fidelity Bank, if approved by City Council.

This budget amendment will recognize state grant funding and private financing to allow for the purchase of the rail corridor.

Recommendation:

Seek Council approval of Rail Trail Corridor Project Budget Amendment #3.



*October 23, 2019*

The City of Shelby, NC  
Attn: Justin S. Merritt, Asst. City Manager/Dir. Of Finance

Dear Justin Merritt,

Fidelity Bank (the “Bank”) is pleased to outline the proposed terms of a \$1,340,000 financing package in favor of The City of Shelby, NC (the “Borrowers”). **This proposed Term Sheet is intended for discussion purposes only and is in no way a commitment to lend on the part of the Bank or acceptance on the part of the Borrower.** Subject to the foregoing, we are prepared to continue discussions with you toward providing the necessary financing based on the following terms and conditions:

- |                       |   |
|-----------------------|---|
| <b>Borrowers:</b>     | The City of Shelby, North Carolina  |
| <b>Lender:</b>        | The Fidelity Bank   |
| <b>Loan Amount:</b>   | Loan amount not to exceed \$1,340,000.  |
| <b>Purpose:</b>       | To provide funds to acquire a 11.2-mile rail corridor from Norfolk Southern Railway Company           |
| <b>Guarantors:</b>    | N/A   |
| <b>Interest Rate:</b> | Fixed at <b>1.89% Tax Exempt Rate.</b> Interest would be calculated based on 365/360 interest method. |
| <b>Loan Terms:</b>    | 59 months with installment payments made annually in arrears.   |

**Prepayment**

**Penalty:** None. May make prepayments and/or principal curtailments at any time without penalty.

**Origination Fee:** None. (\$0) There will be no bank loan origination fee charged.

**Collateral:** Security Instrument: Deed of Trust on subject rail line.

**Additional Cost:** City may use its own attorney at its cost for the loan closing, title work, title insurance, recording, etc. There are no escrow fees or placement fees. In addition, there is no loan origination fee from the Bank.

**Confidentiality:** This letter is delivered to The City of Shelby with the understanding that neither it nor its contents shall be disclosed to any third party except those who are in confidential relationships to the City, such as your legal counsel and accountants.

Thank you for the opportunity to present this Term Sheet and I look forward to furthering discussions. The bank agrees to the contract specifications set forth in Part B of this Request for Proposal.

Sincerely,



Joseph L. Suttle IV  
Vice President  
Fidelity Bank

*Debt Schedule option next page:*

Wednesday Oct 23, 2019 11:26 AM

Loan Calculator

Calculate Payment Amount

Date Opened 11/29/2019  
 Loan Amount 1,340,000.00  
 Interest Rate 1.8900%  
 Days Per Month Exact  
 Days Per Year 360  
 Finance Charges  
     Minimum 0.00  
     Add-On 0.00  
     Prepaid 0.00

Insurance  
     Credit Life Gross Rate 0.0000%  
     Accident/Health Standard Rate 0.0000%

Payments

Type	Mode	Frequency	Date First	Payments	Payment Amount
Regular	Monthly	12	10/29/2020	5	283,166.16

Annual Percentage Rate	1.9174%	Maturity Term	59 Months
Amount Financed	1,340,000.00	Maturity Date	10/29/2024
Total Finance Charge	75,830.54	Credit Life Premium	0.00
Total of Payments	1,415,830.54	Accident/Health Premium	0.00
Final Payment Plus Interest	283,165.90		

Seq	Payment Date	Principal	Interest	Balance	Interest Paid	Interest YTD
1	10/29/20	259,598.91	23,567.25	1,080,401.09	23,567.25	23,567.25
2	10/29/21	262,462.98	20,703.18	817,938.11	44,270.43	20,703.18
3	10/29/22	267,492.42	15,673.74	550,445.69	59,944.17	15,673.74
4	10/29/23	272,618.24	10,547.92	277,827.45	70,492.09	10,547.92
5	10/29/24	277,827.45	5,338.45	0.00	75,830.54	5,338.45
The last payment will vary depending on early/late payments						283,165.90

City of Shelby  
 Evaluation of 2020 Rail Trail Financing

Amount to be financed: \$1,340,000  
 Term: 59 Months

<u><b>CRITERIA</b></u>	<b>PROPOSERS</b>			
	<b>Fidelity Bank</b>	<b>Hometrust Bank</b>	<b>Peoples Bank</b>	<b>BB&amp;T</b>
<b>Interest Rate</b>	1.8900%	2.1900%	2.8900%	2.0300%
<b>Fees</b>	None	None	\$ 1,000.00	\$ 5,900.00
<b>Annual Payment (Prin &amp; Int)</b>	\$ 283,166.16	\$ 285,765.32	Not Provided	\$ 295,202.00
<b>Total Cash Outlay (Prin &amp; Int)</b>	\$ 1,415,830.54	\$ 1,428,826.60	Not Provided	\$ 1,421,243.31
<b>Prepayment Penalty</b>	None	102% of Outstanding	None	None
<b>Total Cash Outlay, including Fees</b>	\$ 1,415,830.54	\$ 1,428,826.60	Not Provided	\$ 1,427,143.31



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

ROY COOPER  
GOVERNOR

JAMES H. TROGDON, III  
SECRETARY

August 10, 2019

Walter Scharer  
City of Shelby  
P.O. Box 207  
Shelby, 28151

RE: Rails to Trail/Rails with Trails Right of Way Program  
EB-6037A - City of Shelby Rails to Trails

Dear Mr. Scharer:

Congratulations! The Department of Transportation is pleased to announce that your rails to trails application was selected for funding by the Board of Transportation on August 8, 2019. For your information, your approved project will be listed under the board meeting archives on the NCDOT website at <https://www.ncdot.gov/about-us/board-offices/boards/board-transportation/Pages/archives.aspx>.

The Rails to Trails/Trails with Rails Program awards are dependent on the availability of federal funds. In addition, there are federal regulations that must be adhered to prior to the receipt of funds. Please find enclosed a LAP Records Review Checklist for Project Awards.

The first step in the process is the preparation and execution of the Rails to Trails agreement. **Any costs incurred prior to the execution of the agreement will not be eligible for reimbursement.** We are working diligently to execute this agreement within the next 7-10 business days. This process would normally take 30-45 days to execute an agreement.

We look forward to working with you in making your project a success. If you have any questions, please contact me by phone at (919) 707-2609 or by email at [lcaldwell7@ncdot.gov](mailto:lcaldwell7@ncdot.gov).

Sincerely,

LaToya Caldwell  
Program Coordinator

Attachments

cc:

Hanna Cockburn, Director, Bicycle & Pedestrian Transportation & Director, Public Transportation

*Mailing Address:*  
NC DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
1501 MAIL SERVICE CENTER  
RALEIGH, NC 27699-1501

*Telephone:* (919) 707-2800  
*Fax:* (919) 733-9150  
*Customer Service:* 1-877-368-4968

*Website:* [www.ncdot.gov](http://www.ncdot.gov)

*Location:*  
1 SOUTH WILMINGTON STREET  
RALEIGH, NC 27601

RESOLUTION NO. 68-2019

A RESOLUTION APPROVING A FINANCING AGREEMENT AUTHORIZED  
BY NORTH CAROLINA GENERAL STATUTE 160A-20

WHEREAS, the City of Shelby, North Carolina (the “City”) has previously determined to undertake a project for purchase of a rail corridor from Norfolk Southern Railway Company (the “Project”), and the Finance Officer has now presented a proposal for the financing of such Project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHELBY, NORTH CAROLINA, meeting in regular session on the 4<sup>th</sup> day of November 2019 makes the following findings of fact:

Section 1. The City hereby determines to finance the Project through Fidelity Bank, in accordance with the proposal dated October 23, 2019. The amount of the financing shall not exceed \$1,340,000, the annual interest rate (in the absence of default or change in tax status) shall not exceed 1.89%, and the financing term shall not exceed fifty-nine (59) months from closing.

Section 2. All financing contracts and all related documents for the closing of the financing (the “Financing Documents”) shall be consistent with the foregoing terms. All officers and employees of the City are hereby authorized and directed to execute and deliver all Financing Documents, and to take any such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement and Deed of Trust

Section 3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for delivery of the Financing Documents have been completed to such officer’s satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by City officers or employees, provided

that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Documents for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.

Section 4. The City shall not take or omit to take any action, the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purpose of the registered owners on the interest payment obligations. The City hereby designates its obligations to make principal and interest payments under the Financing Document as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3) if applicable.

Section 5. All prior actions of City officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict.

This resolution is effective upon its adoption the 4<sup>th</sup> day of November 2019.

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O. Stanhope Anthony III  
Mayor

ATTEST:

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

APPROVED AS TO FORM:

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Robert W. Yelton  
City Attorney

ORDINANCE NO. 77-2019

A BUDGET ORDINANCE AMENDMENT FOR THE CITY OF SHELBY'S  
RAIL TRAIL CORRIDOR 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 Rail Trail Corridor 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. 34-2017, the City's Rail Trail Corridor Project, is hereby amended as follows to provide for Budget Amendment No. 1 for said project:

**Rail Trail Corridor Project**

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

Proceeds from Financing	23109000-38001-RLTRL	\$1,340,000
State Grants	23109000-34501-RLTRL	\$4,160,000

(2) The following Econ. Dev. Fund Cap. Project Expenditures are amended by the City:

Land	231590-52000-RLTRL	\$5,500,000
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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:

**Rail Trail Corridor Project**

	<u>Current Budget</u>	<u>Amendment No. 1</u>
<b>Revenues</b>		
Cleveland County Grant	\$ 15,000	\$ 15,000
Trail Grant Revenue	\$ 40,000	\$ 40,000
Transfer from EDC	\$ 15,000	\$ 15,000
State Grant	\$ -0-	\$ 4,160,000
Proceeds from Financing	\$ -0-	\$ 1,340,000
<b>Expenditures</b>		
Professional Services	\$ 70,000	\$ 70,000
Land	\$ -0-	\$ 5,500,000

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

Ordinance No. 77-2019  
November 4, 2019  
Page 2

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 4th day of November 2019.

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O. Stanhope Anthony, III  
Mayor

ATTEST:

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

APPROVED AS TO FORM:

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Robert W. Yelton  
City Attorney

City of Shelby  
Agenda Item Summary  
October 7, 2019  
City Hall Council Chamber

**E. New Business**

None

**Agenda Item: F**

City Manager's Report

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

**Agenda Item: G**

Council Announcements and Remarks

**H. Adjournment:**

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

- 1) Motion to adjourn