

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

Invocation

Pledge of Allegiance

A. Approval of Agenda

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

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

B. Special Presentation:

- 1) Shelby Bicycle + Pedestrian Plan – Walt Scharer, Director of Planning and Development Services 1

C. Consent Agenda:

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

- 1) Approval of the Minutes of the Regular Meeting of April 20, 2020 27
- 2) Adoption of an ordinance authorizing demolition of a dwelling (715 Congress Street): Ordinance No. 18-2020 38
- 3) Adoption of an ordinance authorizing demolition of a dwelling (319 Grice Street): Ordinance No. 19-2020 47

D. Unfinished Business: None 55

E. New Business:

- 1) Consideration of a resolution supporting the City of Shelby's application for trail construction funds for the Carolina Thread Trail: Resolution No. 16-2020 56

Shelby City Council Agenda
May 4, 2020
Page 2

2) Consideration of a resolution of tentative award for the Brookwood Drive sewer asphalt repairs to Two Brothers Utilities, LLC: Resolution No. 17-2020	59
F. City Manager's Report	69
G. Council Announcements and Remarks	69
H. Adjournment:	
<i>To adjourn a meeting of City Council, a majority of the Council Members must vote for a motion to adjourn.</i>	
1) Motion to adjourn	69

City of Shelby
Agenda Item Summary
May 4, 2020
(via electronic meeting)

Agenda Item: B-1

Special Presentations:

- 1) Shelby Bicycle and Pedestrian Plan – Walt Scharer, Director of Planning and Development Services

(Comments: Walt Scharer, Planning Director)

Summary of Available Information:

- Memorandum dated April 28, 2020 from Walter Scharer, Planning Director to Rick Howell, City Manager
- PowerPoint slides for presentation

Manager's Recommendation / Comments

This time is scheduled on City Council agenda to allow for a presentation by Mr. Scharer of the final draft Bicycle and Pedestrian Plan prepared by the consulting firm Toole Design. Toole Design is not present and due to the social distancing requirements during the "Stay at Home" executive order by Governor Cooper it was decided that Mr. Sharer would make this presentation.

As background:

Council will recall that Resolution No. 47-2018 was approved on September 7, 2018 authorizing the City to make application to NCDOT for State Planning and Research (SPR) funding for the purpose of creating a city-wide Bicycle and Pedestrian Plan. This was to essentially be an update of the 2007 pedestrian plan which did not include a bicycle component. The City was awarded a \$72,000 grant with a required \$8,000 local match.

The City in accordance with NCGS 143-64.31 (RFQ's) requests for qualifications for design services were solicited and reviewed by a panel of city staff. A recommendation to award a professional services design contract to Toole Design was made to City Council on July 15, 2019. Council subsequently approved the contract via adoption of Resolution No. 47-2019.

No formal action is required of City Council at this time. At some point City Council will be asked to adopt this plan. This is significant in that in order to qualify for bicycle and pedestrian project points in the NCDOT STIP process the plan must be formally adopted by the governing board. After a reasonable amount of time for Council to digest the plan it will then be placed on Council agenda for action.



Memorandum:

To: Rick Howell – City Manager
From: Walter Scharer – Planning Director
Date: April 28, 2020
Subject: Comprehensive Bicycle/Pedestrian Plan 2020

Executive Summary of issue – Background

In 2019, NCDOT awarded the City of Shelby SPR planning funds to produce a Comprehensive Bicycle/Pedestrian Plan. City Council approved and accepted the funds in September of 2019 and the planning process began shortly thereafter. The grant amount was \$72,000 with a City match of \$8,000 for a total project cost of \$80,000. The City's consultant on this project, Toole Design Group, has completed the plan.

Review and Comments

I will submit the plan for distribution to City Council and place it on the City's website.

The plan not only talks about building new infrastructure but also maintaining and repairing or repurposed existing infrastructure. I am prepared to give a summary presentation of the plan at the next City Council meeting.

Please schedule a special presentation, concerning the Bicycle/Pedestrian Plan, at the May 4th City Council meeting.

Attachments: Presentation



SHELBY

BICYCLE + PEDESTRIAN

PLAN

City Council Presentation

May 4, 2020

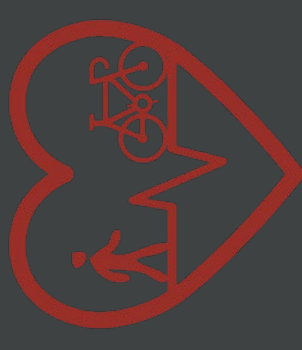
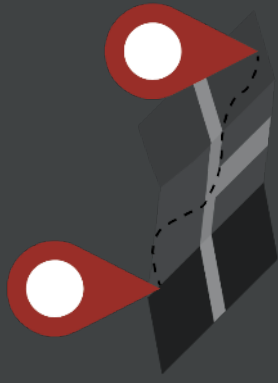
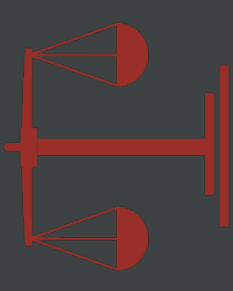
Plan Contents



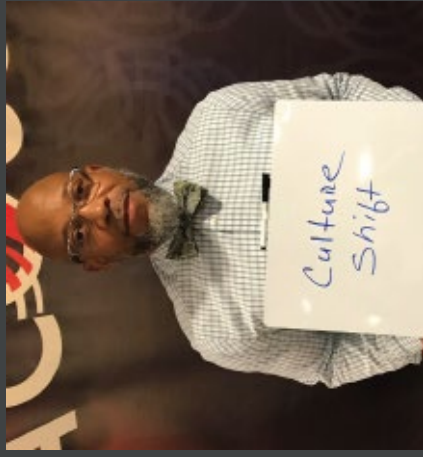
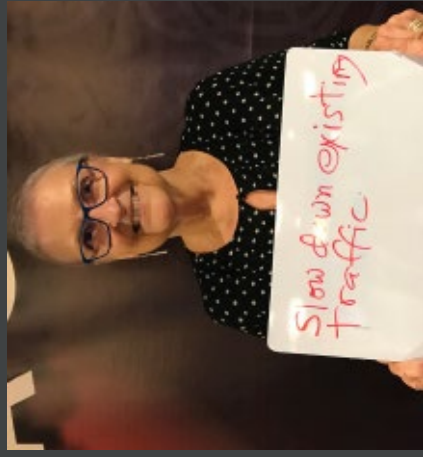
- This plan seeks to leverage past and current work and includes:
 - Plan Goals
 - Existing Conditions
 - Community Analyses
 - Summary of Public Outreach
 - Recommended Network
 - Project Prioritization
 - Recommended Policies and Programs
 - Catalyst Projects

Reasons for Bicycling and Walking

- Promote Equity and Inclusivity
- Encourage Economic Growth
- Increase Quality of Life and Build Connections
- Create Safer Streets
- Improve Health and Encourage Active Lifestyle

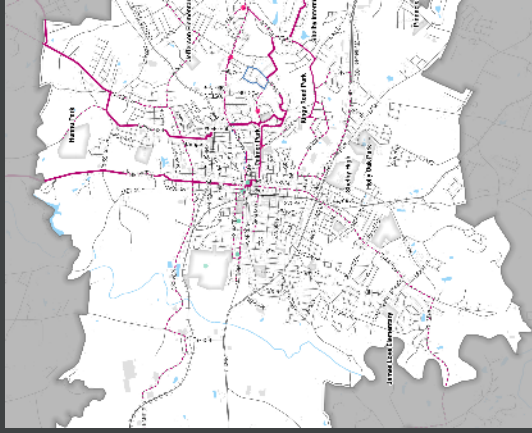


Public Input

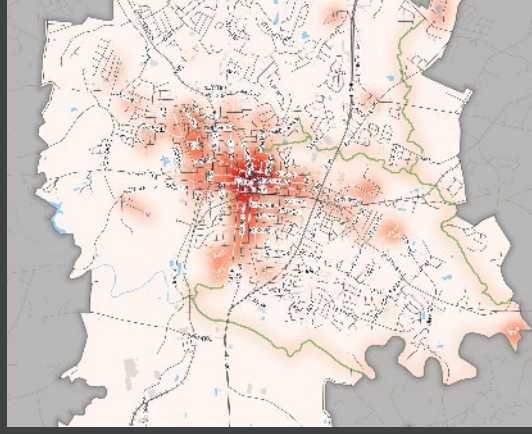


- Key Takeaways for Bicycling and Walking:
 - Mobility choices are valued
 - Lack of infrastructure
 - Safety is a concern
 - Connecting to the Rail Trail is critical
 - Prioritize filling gaps

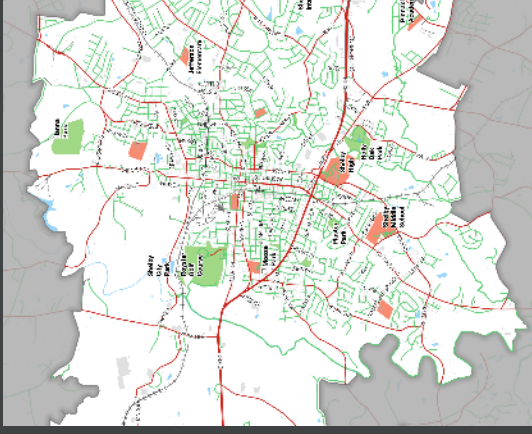
Community Analysis Overview



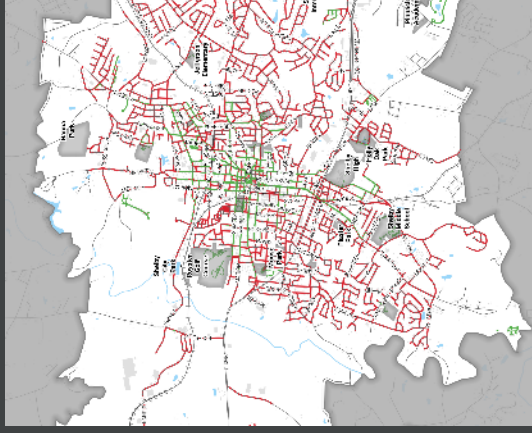
Public Involvement



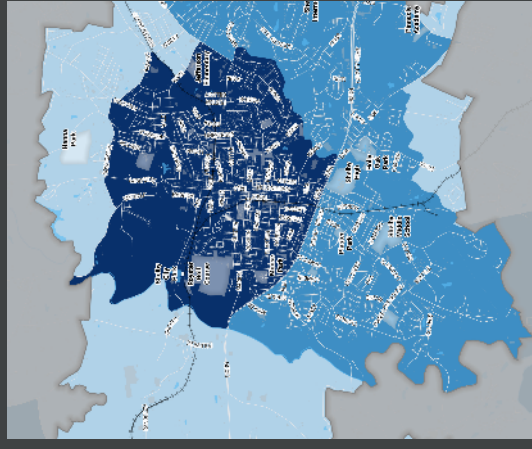
Pedestrian Hotspots



Safety, Comfort,
Access



Sidewalk Inventory

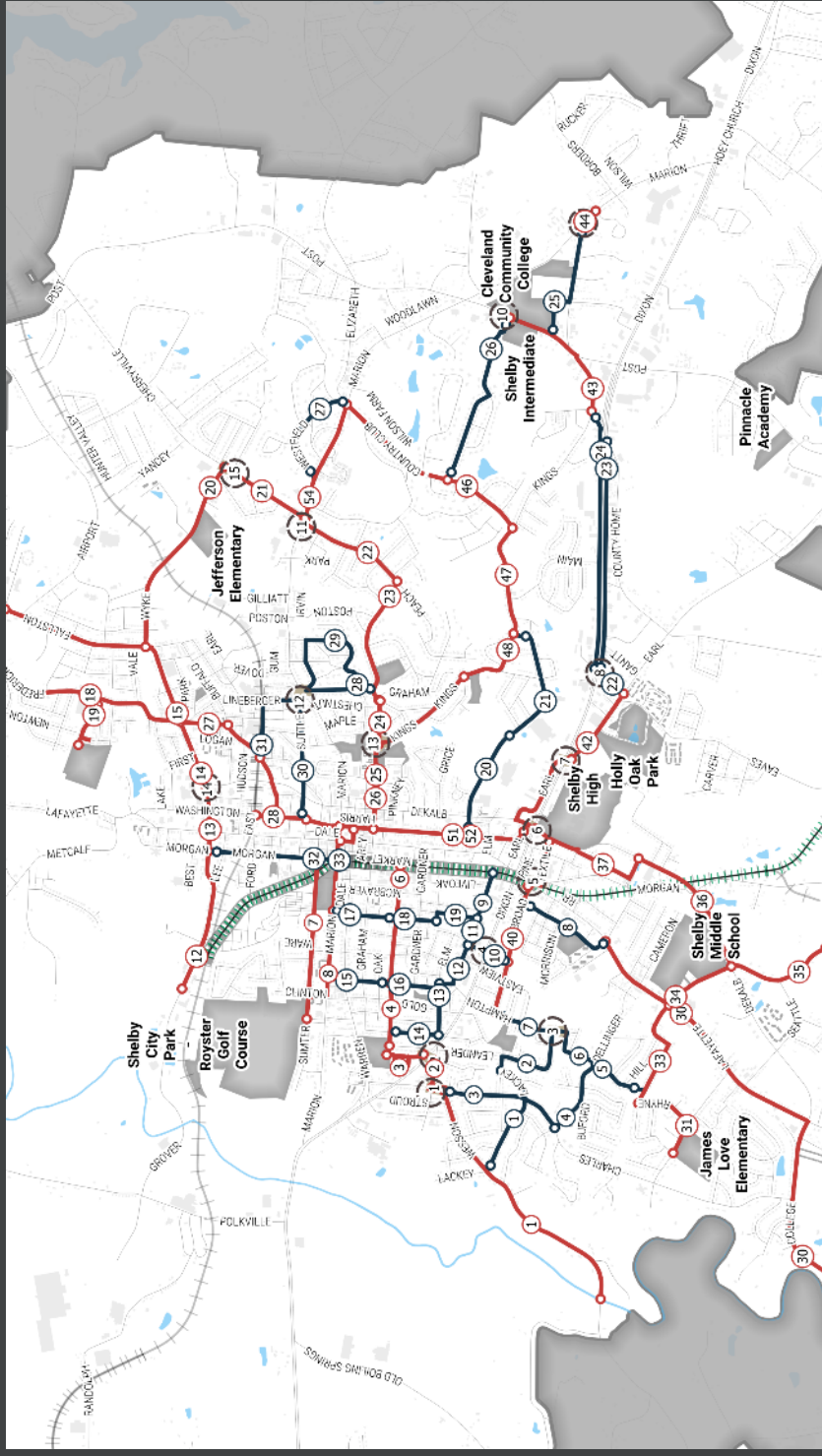


Equity Analysis

Recommended Network



- 87 Linear Projects
- Bicycle and Pedestrian facilities
- 15 Spot Projects



Bikeway Types



Primary Routes



**Secondary
Neighborhood Routes**



Spot Projects



Rail Trail

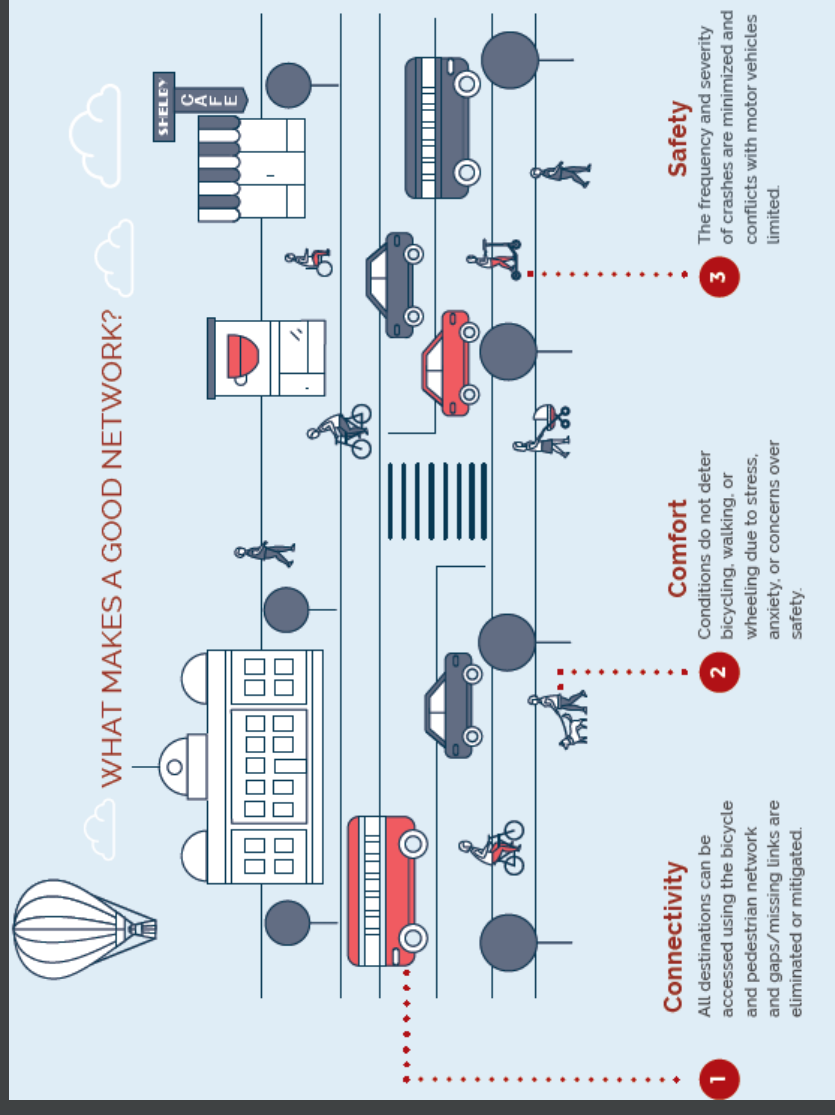
Policy Recommendations

- Policy Recommendations:
- Sidewalk Improvement Policy
- Bicycle Parking Requirements
- Bicycle and Pedestrian Advisory Committee
- Sidewalk Fee-in-Lieu
- Bikeway Development



Catalyst Projects

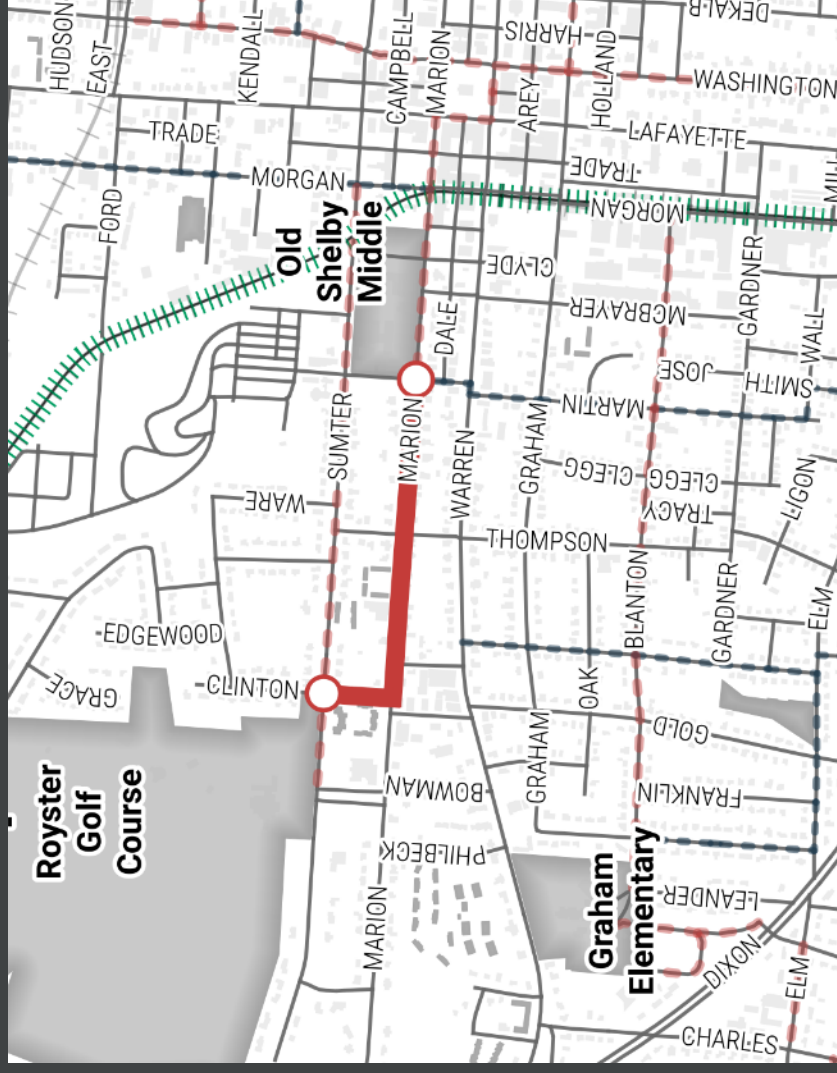
- Projects that can build momentum
- Visualizations offer an illustration of proposed recommendations
- Key elements of a successful network are identified
- 4 Catalyst Projects
 - 1 Primary Route
 - 2 Secondary Routes
 - 1 Spot Project



West Marion Street – Primary Route



- Located in the heart of Uptown Shelby, West Marion Street is a vital connector within Uptown. West Marion Street also links Uptown to the surrounding residential neighborhoods, town square and the Earl Scruggs Center.



West Marion Street – Existing

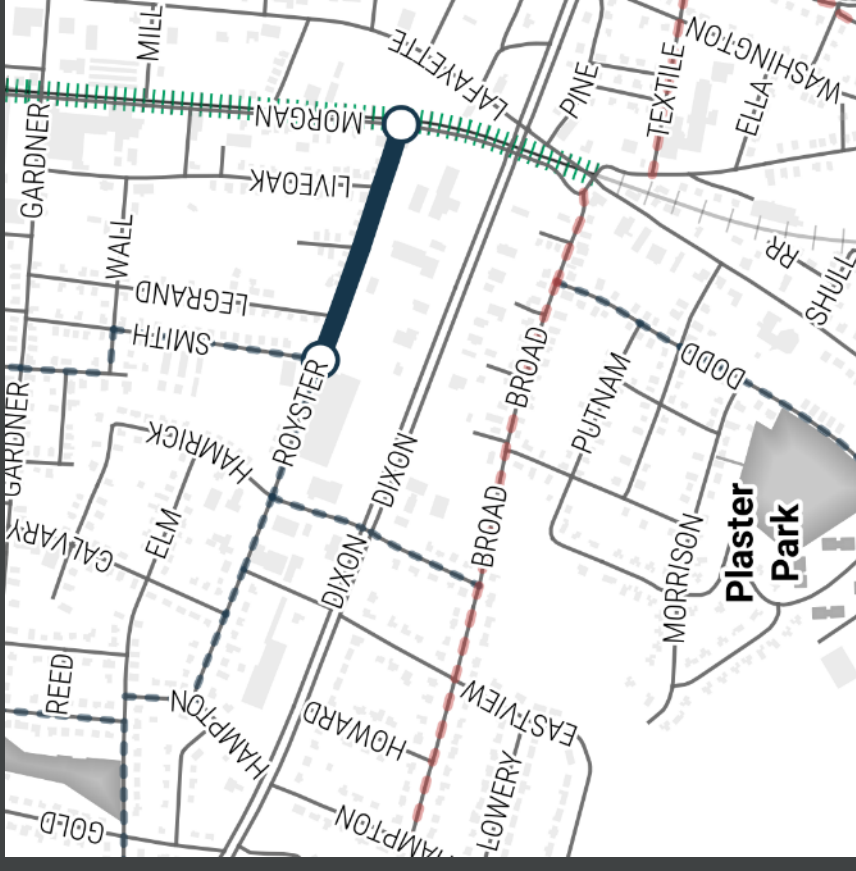


West Marion Street – Proposed



Royster Avenue – Secondary Route

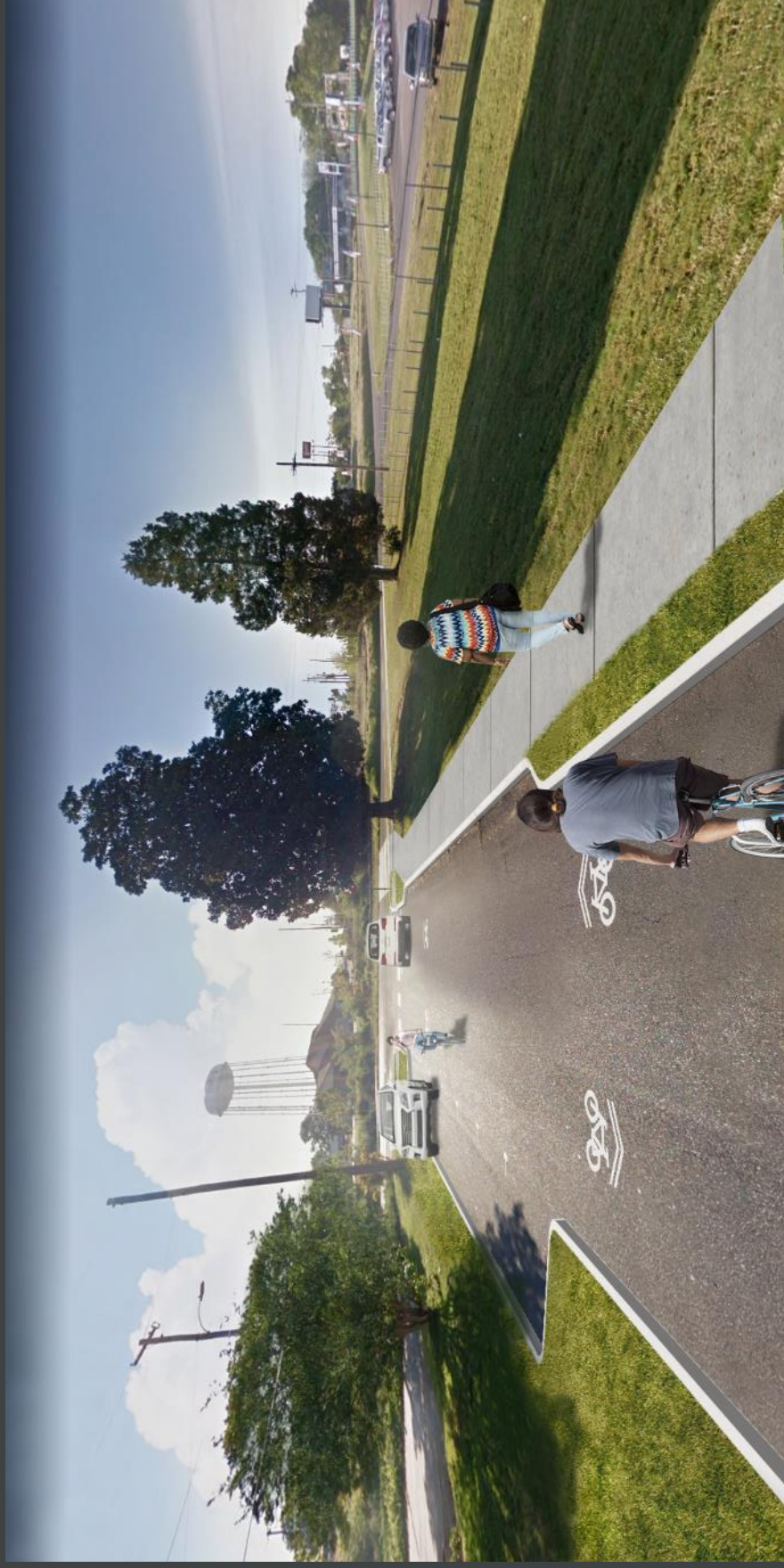
- Royster Avenue is envisioned to be a neighborhood greenway, intended to encourage bicycling and walking to and from Uptown Shelby and the Rail Trail.



Royster Avenue – Existing

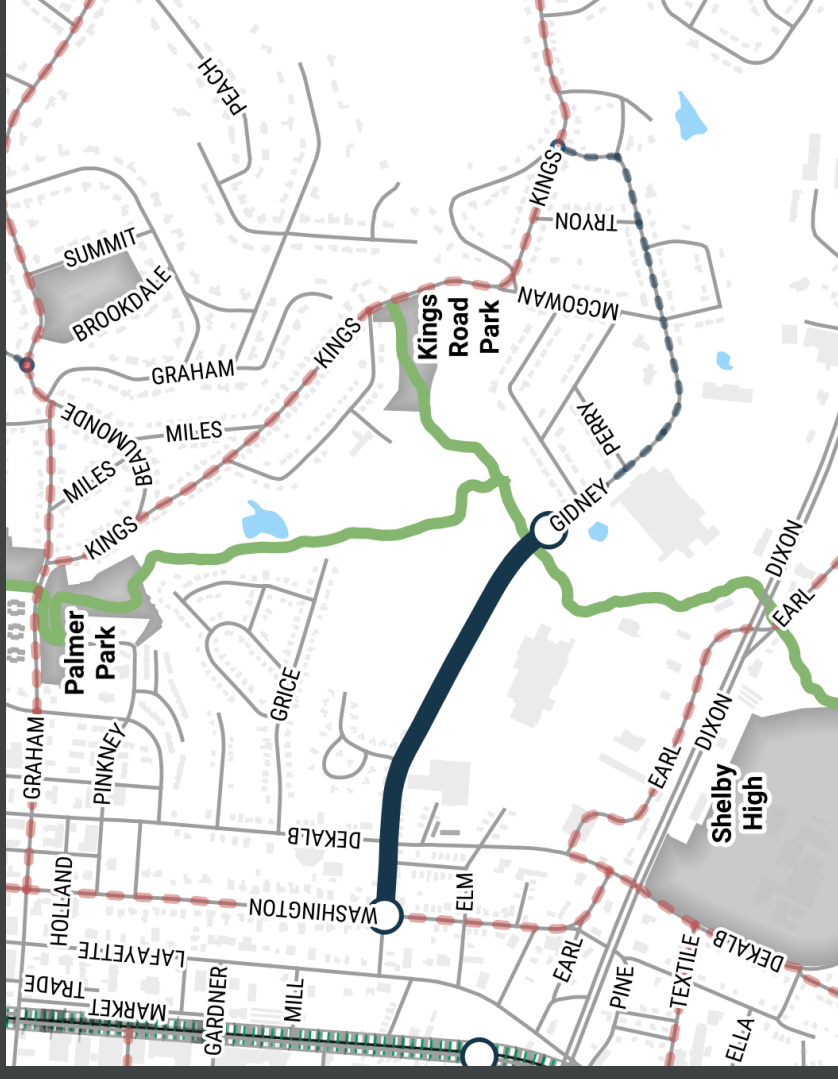


Royster Avenue – Proposed



Gidney Street – Secondary Route

- Gidney Street links South Dekalb Street to numerous residential properties and the rear access to commercial retail that is along E. Dixon (i.e., Lowe’s Home Improvement, Aldi, Walmart Supercenter, etc.). In addition, Gidney Street will connect directly to the planned Hickory Creek Greenway.



Gidney Street – Existing

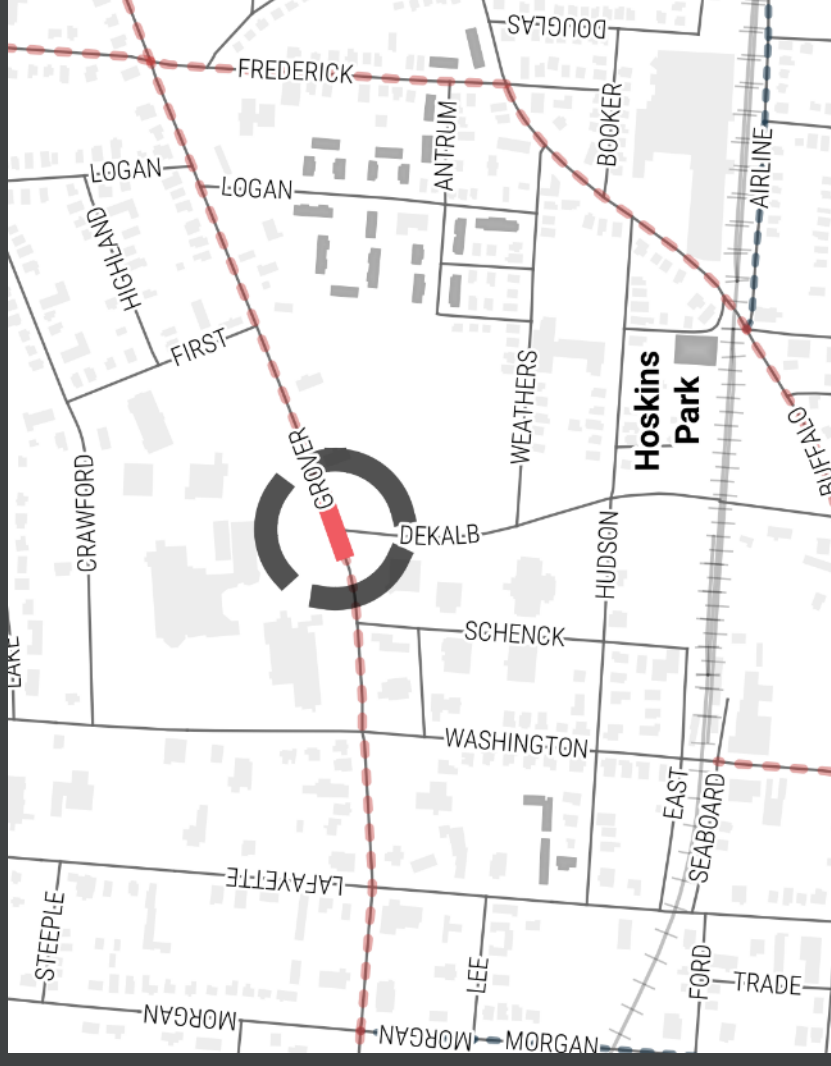


Gidney Street – Proposed



East Grover/North Dekalb – Spot Project

- East Grover Street at North Dekalb Street is a highly trafficked and geometrically wide intersection. This intersection is adjacent to the Atrium Health Cleveland hospital, along with several high-volume pharmacies. Long street crossings, high speeds, incomplete sidewalks, and poor sight distances make this intersection a barrier for people bicycling and walking.



East Grover/North Dekalb – Existing



East Grover/North Dekalb – Proposed



Funding and Cost Estimates

- Plan includes a variety of funding resources
- Detailed Cost Estimates by project type are included for current and future planning and design

Table 12. Shared Use Pave Trail (Constrained) - Linear Foot Cost

ITEM	DESCRIPTION	Measurement	Cost/Units	Quantity	Cost/Foot
10	SAWCUT & REMOVAL	WIDTH	\$1.00	2.0	\$2.00
20	CURB & GUTTER	ROWS	\$25.00	3.0	\$75.00
30	PAVEMENT	WIDTH	\$7.00	1.0	\$7.00
40	STRIPING - LINEAR	ROWS	\$2.00	4.0	\$8.00
41	STRIPING - ARROW/SYMBOL/LEGEND	ROWS	\$1.25	2.0	\$2.50
42	CROSSWALK	ROWS	\$6.00	2.0	\$12.00
43	DRIVEWAY STRIPING	ROWS	\$3.00	1.0	\$3.00
50	SIDEWALK / SIDEPATH / PAVED TRAIL	WIDTH	\$8.00	12.0	\$96.00
60	RAISED SEPARATED BIKE LANE BUFFER	ROWS	\$5.00	1.0	\$5.00
70	DRAINAGE	ROWS	\$70.00	1.0	\$70.00
90	SOD/LANDSCAPE	WIDTH	\$0.60	4.0	\$2.40
100	TREES	ROWS	\$5.00	1.0	\$5.00
110	IRRIGATION	WIDTH	\$2.00	4.0	\$8.00
151	SIGNAGE	ROWS	\$1.75	2.0	\$3.50
152	TRAFFIC SIGNALS	ROWS	\$20.00	1.0	\$20.00
170	CLEARING & GRUBBING & GRADING	ROWS	\$10.00	1.0	\$10.00
180	EROSION CONTROL	ROWS	\$12.00	1.0	\$12.00
	CONTINGENCY		25%		\$977.2
	TRAFFIC CONTROL		3%		\$10.54
	MOBILIZATION		8%		\$88.96
	ENGINEERING		12%		\$58.63
COST PER LINEAR FOOT OF STREET					\$548

Table 15. Two-Way Separated Bike Lane - Linear Foot Cost

ITEM	DESCRIPTION	Measurement	Cost/Units	Quantity	Cost/Foot
10	SAWCUT & REMOVAL	WIDTH	\$1.00	2.0	\$2.00
20	CURB & GUTTER	ROWS	\$25.00	3.0	\$75.00
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	MOBILIZATION		8%		\$88.96
	ENGINEERING		12%		\$58.63
COST PER LINEAR FOOT OF STREET					\$548

PAGE A-109

PAGE A-112

SHELBY BICYCLE AND PEDESTRIAN PLAN

Design Guidance – Pedestrian and Bicycle

PEDESTRIAN REFUGE ISLANDS

Pedestrian refuge islands, also called crossing islands, are raised islands that provide a pedestrian refuge and allow multi-stage crossings of wide streets. They can be located along the centerline of a street, as roundabout splitter islands, or as "pork chop" islands where right-turn slip lanes are present. Crossing islands should be considered where crossing distances are greater than 50 feet to allow multi-stage crossings, which in turn allow shorter signal phases.

There are two primary types of crossing islands. The first provides a cut-through of the island, keeping pedestrians at street-grade. The second ramps pedestrians up above street grade and may present challenges to constructing accessible curb ramps unless they are more than 17 feet wide.

GUIDANCE

- Minimum width: 6 feet
- Preferred width: 8 feet (to accommodate bicyclists and wheelchair users)
- Curb ramps with truncated dome detectable warnings and 5 feet by 5 feet landing areas are required.
- A "nose" that extends past the crosswalk is not required but is recommended to protect people waiting on the crossing island and to slow turning drivers.
- Vegetation and other aesthetic treatments may be incorporated but must not obscure visibility.
- Cut-through widths should equal the width of the crosswalk. Cut-throughs may be wider to allow the clearing of debris, but they should not encourage motor vehicles to use the space for U-turns.
- At mid-block crossings, where width is available, islands should be designed with a stagger, or in a "Z" pattern, encouraging pedestrians to face oncoming traffic before crossing the other side of the street.

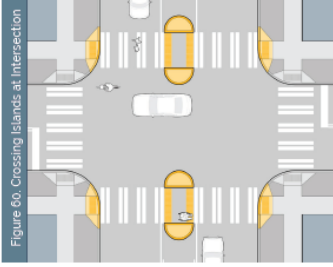


Figure 60. Crossing Islands at Intersection

KEEP IN MIND

- ◊ ROW constraints
- ◊ Accessibility
- ◊ Topography/grade
- ◊ Maintenance
- ◊ Visibility

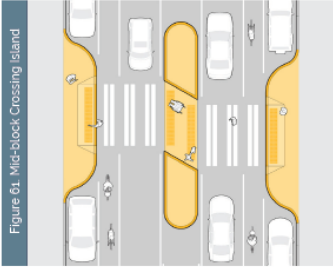


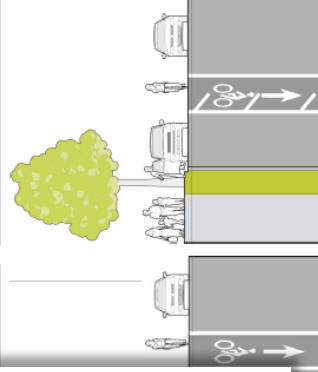
Figure 61. Mid-block Crossing Island

Zone	Minimum Width	Preferred Width	Total Minimum Width
Forecourt Zone	6' (2 m)	8' (2.4 m)	22' (7 m)
Pedestrian Zone	6' (2 m)	8' (2.4 m)	20' (6 m)
Landscaping/Purpose Zone	6' (2 m)	8' (2.4 m)	20' (6 m)
			32' (10 m)
			12' (4 m)
			20' (6 m)
			24' (7 m)
			32' (10 m)

Figure 68. Sidewalk Zones

GUIDANCE
The minimum width of a bike lane is 5 feet, a desirable width is 6 feet. The width of the bike lane must be exclusive of the gutter. High frequency parking turnover may inhibit bike lane implementation or require additional width to add a door zone, marked with Parking T's or hatch marks to protect and inform bicyclists. It can be used on one-way or two-way streets. Stopping, standing, and parking in bike lanes may be problematic in areas of high parking demand and deliveries, especially in commercial areas. Wider bike lanes or buffered bike lanes are preferable at locations with high parking turnover.

Figure 50. Bike Lane with Door Zone



SHELBY BICYCLE AND PEDESTRIAN PLAN

VEHICLE AND PEDESTRIAN COLLISION SPEED AND SURVIVAL PERCENTAGE

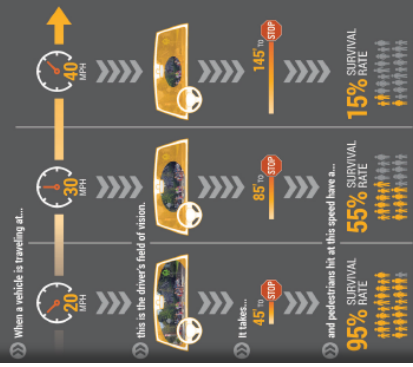


Figure 44. Vehicle Speed and Pedestrian Safety

Questions



City of Shelby
Agenda Item Summary
May 4, 2020
(via electronic meeting)

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 April 20, 2020

Consent Agenda Item: (Bernadette Parduski, City Clerk)

Summary of Available Information:

Please read and offer changes as you deem necessary.

- Minutes of the Regular Meeting of April 20, 2020

City Manager's Recommendation / Comments

The City Clerk has in my opinion fairly and accurately captured the information presented and the actions taken by City Council at this meeting. **Unless the Mayor or members of Council have amendments I recommend approval of the minutes as presented.**

MINUTES

Regular Meeting – Electronic Meeting, Conference call-in
City Hall and Don Gibson Theatre

April 20, 2020
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 Andrew Hopper, Sr.; City Manager Rick Howell, MPA, ICMA-CM, City Clerk Bernadette A. Parduski, Assistant City Manager/Director of Finance Justin S. Merritt, MPA, Director of Parks and Recreation Charlie Holtzclaw, and Director of Planning and Development Services Walter (Walt) Scharer, AICP; Stan Lowery, Executive Director, Don Gibson Theatre

Mayor Anthony called the meeting to order at 6:17 p.m. and certified a quorum was present. It was noted a conference call location for public access to the meeting was established at the Don Gibson Theatre and monitored by Mr. Lowery. A maximum of 10 persons would be allowed to attend.

The Mayor called for a moment of silence to reflect on all those in our community, our country, and around the world who are dealing with the COVID-19 pandemic including, the first responders, the medical community, essential personnel, and our own local staff.

A. Approval of agenda:

- 1) Motion to adopt the proposed agenda

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

B. Special Presentations:

- 1) Shelby on the Move Recreation Master Plan and Shelby Depot Park Master Plan – Tim Johnson, Senior Planner, Destination by Design (DbD)

Mr. Howell introduced the subject matter of both presentations and the City's consultant, Tim Johnson, as the Senior Planner with Destination by Design (DbD). He stated Mr. Johnson's review of the master plans and the City's process in developing them fulfills a requirement of the North Carolina Parks and Recreation Trust Fund (PARTF) Grant Program.

Next, Mr. Holtzclaw further stated after several months of committee meetings and public meetings, the consulting firm of Destination by Design (DbD) has completed its final recommendations for the Shelby Parks and

Recreation Comprehensive Master Plan and the Depot Park Site Master Plan. Following Mr. Johnson’s presentations, he requested and recommended Council’s favorable consideration regarding the adoption of resolutions for the 2020 Shelby on the Move Recreation Master Plan, the 2020 Shelby Depot Park Master Plan, and the PARTF grant application.

Mr. Johnson shared the recommendations prepared by the consultant team, emphasizing the City of Shelby Parks and Recreation Comprehensive Master Plan serves as a road map for public recreation and recreational infrastructure development in the City. He explained the scope of their work which included:

- **A citywide Recreation Master Plan**
- **A site-specific Master Plan**
- **Meeting PARTF planning standards in both plans**
- **Assistance with the PARTF grant application**

In addition, Mr. Johnson explained the 2020 Shelby on the Move Comprehensive Parks and Recreation Master Plan serves as a guide for park and recreation facility development and ensures grant competitiveness by adhering to planning guidelines set forth by the NC PARTF. The plan considers past planning efforts, existing recreational assets, community recreation preferences, and public input to guide recommendations for future facility enhancements and development. Plan recommendations focus on capital infrastructure development and connectivity between existing and new parks.

Mr. Johnson stated extensive public engagement efforts were made throughout the planning process. An engaged and informed steering committee, social media promotion, public outreach video, project website, digital survey, and multiple neighborhood workshops helped ensure the public’s voice was heard.

The consultant team conducted two meetings with a project steering committee comprised of a diverse group of stakeholders. The steering committee provided the consultant team and staff with initial plan direction and then provided a thoughtful critique of preliminary design concepts prior to public workshops.

Focus group meetings were held with three stakeholder groups: Shelby Parks and Recreation Department staff members, City of Shelby Department Directors, and the Shelby Parks and Recreation Advisory Board.

Focus group meetings obtained the following key takeaways:

- Renovation of existing aquatic facilities and addition of a splash pad should be high priority.
- Renovation and addition of picnic shelters and bathrooms is needed at all parks.
- Parking should be expanded at parks with existing recreational facilities.
- Sidewalk connectivity within parks and greenway connectivity between parks is a priority.

The consultant team conducted three neighborhood workshops in November 2019 at Shelby City Park, Holly Oak Park, and Marion Elementary School. The workshops were advertised in the local newspaper, online, and through flyers posted throughout the City.

Some of the top amenities that were requested included:

- Splash pad
- Shade structures at playgrounds
- Pickleball courts
- Dog park
- Picnic shelters
- Restrooms
- Playgrounds
- Greenways and trails

More than 100 citizens attended the public meeting on February 25, 2020 to learn about and provide comments on recommended facility renovations, improvements, and new facilities at five specific parks including Holly Oak, Optimist, Palmer, Depot, and City Park.

The meeting provided an opportunity for citizens to vote on their top priorities at each park and architectural style preferences for the shelters, playground, and splash pad planned for Depot Park.

Based on extensive public engagement and input from local leaders, the Shelby on the Move Project Steering Committee developed the following vision statement for the Shelby Recreation Master Plan:

Parks and recreation development efforts will focus primarily on the improvement and connectivity of existing facilities, capitalizing on decades of investment in recreation infrastructure and park land.

The user experience will be elevated through strategic park improvements, upgraded facilities, and new amenities within the existing parks system.

Utilizing the new Shelby Rail Trail as its “spine”, a multi-use greenway system will provide connectivity among city parks, neighborhoods, schools, and commercial centers.

Mr. Johnson stated Depot Park is proposed in Uptown Shelby at the site of the old railroad depot property located within the Rail Trail corridor between West Graham Street and Gardner Street. Within the Phase 1 implementation area is the old Norfolk Southern train depot, which is comprised of approximately four acres. This park will ultimately serve as a hub for trail users and catalyst for further downtown revitalization. Depot Park includes 13 key recommendations that focus on new park facilities. Community preferences include a classic Shelby architectural style, nature-inspired splash pad, and adventure playground. The purpose of this master plan effort is to present a compelling, citizen-driven vision for Shelby Depot Park.

2) 2020 North Carolina Parks and Recreation Trust Fund (PARTF) Grant Application – Tim Johnson, Senior Planner, Destination by Design (DbD)

Mr. Johnson reviewed the description and justification for the Shelby Rail Trail Depot Park Segment - Phase 1 as the project submitted to the North Carolina PARTF Grant Program, highlighting the following.

He stated the project will focus on development of the Depot Park segment of the Shelby Rail Trail, located on an approximately 4.5-acre parcel within the rail trail corridor in Uptown Shelby. Phase 1 development includes a 1/4 mile 14-foot-wide concrete rail trail, open lawn with trellis or live vegetative shade structure, event stage, six stall restroom facility, large shelter, splash pad, and adventure playground.

An intensive planning process has effectively engaged citizens and garnered enthusiastic support for the Shelby Rail Trail and more specifically the Depot Park segment. Planning began in 2018 with the preliminary Cleveland County Rail Trail Implementation Master Plan. Over 80 individuals participated in a public planning workshop, providing ideas and suggestions on maps, responding to a project questionnaire, and sharing feedback with consultants. Due to this support, the City received \$4.16 million from North Carolina Department of Transportation to assist with purchase of the railroad corridor. An additional \$2 million has been committed by the City to complete acquisition and begin development of the rail trail. Planning continued in 2020 as part of the City of Shelby’s Comprehensive Parks and Recreation Master Plan and Depot Park Master Plan processes. A project steering committee, community survey, multiple community meetings, and public input workshop allowed citizens to share their vision for the new rail trail and ideas for how to improve parks and recreation facilities throughout the City. Citizens attended community meetings and the public input workshop to offer input. The survey, which featured questions pertaining to

general recreation needs and specifically the rail trail. Nearly 75 percent of respondents considered the rail trail as “important” or “very important” when compared to other city recreation projects. The City of Shelby has begun the process of fully engineering the northern 1.2 miles of rail trail located within the City limits. This section is a priority for implementation due to the major recreation, economic, transportation, and health implications it presents for significant portions of the City’s population. The Depot Park segment offers the opportunity to create much more than just a trail. It provides an opportunity to establish recreational amenities and green infrastructure within the core of the City. The rail trail also provides an opportunity for renewal and revitalization of Uptown Shelby, particularly as former rail-oriented industrial areas give way to new commercial and residential infill development opportunities. The Shelby Rail Trail will not only expand recreational opportunities in the area, it will strengthen community connections and spur economic growth by creating a significant recreation, community, and tourism asset that attracts residents and visitors to Shelby and the region.

Mr. Johnson concluded by stating the total PARTF grant request by the City of Shelby is \$420,000.

C. Public Comment: None

D. Public Hearings:

- 1) **Consideration of an ordinance to extend the corporate limits of the City of Shelby, North Carolina: Ordinance No. 17-2020**

Mr. Scharer introduced Ordinance No. 17-2020 for Council’s consideration. He stated the property is known as Site 2 (S2) of Clearwater Paper Corporation’s operations. The annexation parcel fronts Washburn Switch Road. Its official location is 105 Customer First Drive, which was the site of the former Smurfit Stone building. Mr. Scharer further stated the property meets the statutory requirements for annexation and is contiguous with the primary corporate limits of the City of Shelby. Staff recommended this proposed annexation.

Mayor Anthony opened the public hearing at 6:45 p.m. and invited comments from the public. The public offered no comments.

Mayor Anthony closed the public hearing at 6:46 p.m.

ACTION TAKEN: Upon a motion made by Mr. Webber, City Council voted unanimously to approve and adopt Ordinance No. 17-2020 entitled, “AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF SHELBY, NORTH CAROLINA”.

2) Consideration of the creation and funding of a Small Business Emergency Loan Program in accordance with North Carolina General Statute 158-7.1

Mr. Howell explained the public hearing is scheduled at this time in accordance with North Carolina General Statute 158-7.1. Although City Council authorized the Small Business Emergency Loan Program under the Emergency Management Act on April 9, 2020, it is important for City Council to take a further step to solicit public comment and to consider authorizing this program under the economic development statute in order to expend these funds in the manner described for “economic development purposes”.

Mayor Anthony opened the public hearing at 6:48 p.m. and invited comments from the public. The public offered no comments.

Mayor Anthony closed the public hearing at 6:49 p.m.

3) Consideration of a grant application to the North Carolina Parks and Recreation Trust Fund (PARTF) for funding to develop recreational facilities on the Shelby Rail Trail Depot Park Segment – Phase 1

Mayor Anthony noted the purpose of this hearing is to receive public input relating to the proposed City of Shelby grant application to the North Carolina PARTF Grant Program. The City of Shelby intends to apply for funding for the development of the Shelby Rail Trail Depot Park Segment – Phase 1. Phase 1 development includes a ¼ mile 14-foot-wide concrete rail trail, open lawn with trellis or live vegetative shade structure, event stage, six stall restroom facility, large shelter, splash pad, and adventure playground.

Mayor Anthony opened the public hearing at 6:51 p.m. and invited comments from the public.

Mrs. Parduski read the names of the following organizations in support of the Shelby Rail Trail Depot Park Segment – Phase 1:

- Shelby Rotary Club**
- Shelby Breakfast Rotary Club**
- Shelby Civitan Club**
- Uptown Shelby Association**
- Parks and Recreation Advisory Board**

Mrs. Parduski then read the names of individuals who provided electronic mail messages in support of the Shelby Rail Trail Depot Park Segment – Phase 1, incorporated by referenced and made a part of these Minutes:

- Will Mabry
- Jim and Page Morgan
- Roger L. Holland, AIA
- Joe L. Suttle IV, Commercial Loan Officer, Fidelity Bank
- Juan L. Cherry, Pastor, New Creation Christian Center
- Craig Ferree
- Marie Hendrick
- Allen Langley

Mayor Anthony closed the public hearing at 6:52 p.m.

E. Consent Agenda:

Mayor Anthony presented the consent agenda. Mr. Hopper moved to approve the consent agenda and following items were unanimously adopted:

- 1) Approval of the Minutes of the Regular Meeting of March 16, 2020
- 2) Approval of the Minutes of the Special Meeting of April 9, 2020
- 3) Acceptance of the Certificate of Sufficiency regarding Petition for Annexation of applicant, Clearwater Paper Corporation
- 4) Approval of a resolution adopting a Small Business Emergency Loan Program in accordance with North Carolina General Statute 158-7.1: Resolution No. 15-2020

F. Unfinished Business: None

G. New Business:

- 1) Consideration of a resolution adopting the 2020 Parks and Recreation Comprehensive Master Plan: Resolution No. 12-2020

ACTION TAKEN: Upon a motion made by Mrs. Arth Dukes, City Council voted unanimously to approve and adopt Resolution No. 12-2020 entitled, “A RESOLUTION ADOPTING THE 2020 PARKS AND RECREATION COMPREHENSIVE MASTER PLAN”.

- 2) Consideration of a resolution adopting the 2020 Parks and Recreation Depot Park Site Specific Master Plan: Resolution No. 13-2020

ACTION TAKEN: Upon a motion made by Mr. Hendrick, City Council voted unanimously to approve and adopt Resolution No. 13-2020 entitled, “A

RESOLUTION ADOPTING THE 2020 PARKS AND RECREATION DEPOT PARK SITE SPECIFIC MASTER PLAN”.

- 3) **Consideration of a resolution authorizing submittal of an application for a North Carolina Parks and Recreation Trust Fund Grant: Resolution No. 14-2020**

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to approve and adopt Resolution No. 14-2020 entitled, “A RESOLUTION AUTHORIZING SUBMITTAL OF AN APPLICATION FOR A NORTH CAROLINA PARKS AND RECREATION TRUST FUND GRANT”.

H. City Manager’s Report:

- 1) **Mr. Howell stated the Shelby1Fund Small Business Loan Program, which was approved by Council on April 9, 2020, was set up to provide a rapid source of assistance for City of Shelby-based businesses that have been impacted by COVID-19. Mountain BizWorks of Asheville, North Carolina is the administrator for the emergency loans program. The Shelby1Fund was launched and applications opened on April 15, 2020. He reported 13 applications have been submitted to date. The first 8 applications totaled \$69,500, averaging \$8,700 per applicant. Mr. Howell added the Shelby1Fund was well publicized through print and social media outlets as well as through targeted electronic mail announcements.**
- 2) **Regarding the Uptown Shelby Streetscaping Project, Mr. Howell provided an update on the construction at the Lafayette Street and Marion Street intersection, which included curbing, pedestrian signal base installation, and paver installation. Next, demolition will proceed at Lafayette Street and Warren Street and with the construction of mid-crossings at Dale Street. Progress continues and the overall completion of the project is anticipated by August 1, 2020.**
- 3) **Mr. Howell reminded Council the construction contract for the Shelby Job Ready Shell Building No. 3 was awarded to Hickory Construction Company pending funding approval from Cleveland County. Cleveland County has secured the financing for a construction loan and the project will move forward.**
- 4) **Mr. Howell provided background information regarding the Town of Kingstown and the City of Shelby’s relationship and agreement to operate and treat Kingstown’s sewer system which began in 2005. He stated in the 2011-2012 timeframe Kingstown developed difficulties in paying their bill for a variety of reasons. The Town made good faith efforts to pay their bill. However, over time, the Town built up a deficit of \$190,000 to**

\$200,000 and will likely not be able to reduce this balance. The City is working with the Local Government Commission and several other partners who may be able to assist with renegotiating the City's agreement with Kingstown. Mr. Howell then explained the difference in services between Kingstown and Fallston. Fallston pays only the sewer service governmental rate while Kingstown pays the sewer service governmental rate plus an operational management fee, which involves the direct cost of the work to manage and maintain the sewer system. The City has had discussions with the Town but there has not been any progress in collection. Mr. Howell said he would like to renegotiate the agreement with Kingstown and have the Town take responsibility for operating their own system, but he is not yet ready to make that recommendation to Council. The options would include providing notice to Kingstown to terminate the existing agreement, allowing the Town to develop a plan to manage and maintain their sewer system with a certified operator, and then the City would only bill for flow under the sewer service governmental rate similar to the Town of Fallston.

Discussion followed and Mr. Howell will provide his recommendations in the near future.

- 5) Regarding the City's current budget and upcoming budget preparation, Mr. Howell stated he and staff are very aware and paying attention to how much will be uncertain and unknown about lost revenues, especially sales tax and property tax collections, as a result of the COVID-19 pandemic. To date, he has frozen some positions and held back on spending. Mr. Howell is in the process of outlining his budget recommendations to share with Council and will prepare his budget presentation for the May 4, 2020 meeting. He mentioned the malware attack of March 18, 2020 has made the budgeting process very difficult since the City's financial software has not yet been fully restored. Considering the changing circumstances of the current pandemic, Mr. Howell will submit a plan for the City moving forward and it will include some difficult choices.

I. Council Announcements and Remarks:

Mayor Anthony provided Council with background and an update on the Bobby Bell commemoration, currently set for September 5, 2020, that he and Council Member Andrew Hopper are working on. The Mayor stated Bobby Bell is the most talented and successful athlete who grew up in Shelby. His story is truly remarkable and one to be celebrated and honored in an extraordinary way. In February 2020, Mayor Anthony created an ad hoc committee of individuals from the community to provide input and guidance. In addition to Mr. Hopper and the Mayor, the members include: Ron Harrill,

Haywood Homsley, Jean Mitchell, Alan Ford, David Allen, and Charlie Holtzclaw.

This committee has come up with several great ideas, but Council will need to endorse and ultimately decide what will be done. The idea that has the most interest is to rename Dekalb Street to “Bobby Bell Boulevard”. This will require approval from the North Carolina Department of Transportation and the General Assembly but based on conversations Mr. Howell and I have both had with state officials, changing street names has been done successfully in other communities. It will require a local bill filed through our legislative delegation and in speaking with NC House of Representatives Speaker Tim Moore’s office, Mr. Moore is willing to assist. Changing a street will generate questions and concerns and for that reason, it is extremely important these be addressed in an open, transparent way.

The second idea is placing Bobby Bell’s name on a prominent facility in Uptown Shelby which is used by many, specifically, City Pavilion. The signage is easily added or changed, and wall space is available for artwork.

Mr. Hopper added the Kansas City Chiefs organization, through its Public Relations Department, have been contacted and will be involved in the Bobby Bell event.

At this point, Mayor Anthony requested Council to be open to allowing staff to proceed with the necessary due diligence and provide a report back.

J. Adjournment:

1) Motion to adjourn

ACTION TAKEN: Upon a motion made by Mrs. Arth Dukes, City Council voted unanimously to adjourn the meeting at 7:43 p.m.

Respectfully submitted,

Bernadette A. Parduski, NCCMC, MMC
City Clerk

O. Stanhope Anthony III
Mayor

Minutes of April 20, 2020

City of Shelby
Agenda Item Summary
May 4, 2020
(via electronic meeting)

Agenda Item: C-2

- 2) Adoption of an ordinance authorizing demolition of a dwelling (715 Congress Street): Ordinance No. 18-2020

Consent Agenda Item: (Walter Scharer, Planning Director)

Summary of Available Information:

- Memorandum dated April 22, 2020 from Walter Scharer, Planning Director to Rick Howell, City Manager
- Photo of Property (715 Congress Street)
- Location Map
- Tax Card for Year 2020
- Ordinance No. 18-2020

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 (160A-441) and City Code (Chapter 24 Article II). 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. 18-2020 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: April 22, 2020
Subject: Demolition of Structure at **715 Congress 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 **May 4, 2020**. Staff recommends this minimum housing action.

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





LOCATION MAP - 715 CONGRESS STREET



OLD K-MART

715 CONGRESS ST.

HOLLY OAK PARK

FOR YEAR 2020

HUNT FLORENCE PARCEL ID.. 20882 PIN... S52 5 5
LOCATION... 715 CONGRESS ST SHELBY
DEED YEAR/BOOK/PAGE.. 1973 14Y 210 ASSESSMENT RECY
715 CONGRESS ST PLAT BOOK/PAGE.. OWNER ID.. 1014362
OF SHELBY LEGAL DESC:715 CONGRESS ST DISTRICT.. 6 CITY

TOWNSHIP... 6 SHELBY
SHELBY NC 28150- NBRHOOD... 212 S52
06

DESCRIPTION RESIDENTIAL

MAINTAINED.. 4/04/2019 BY MAYES VALUED.. 4/10/2019 BY MAYES
VISITED..... 5/01/1998 BY ROUTING#..
PARCEL STATUS... ACTIVE CATEGORY.. GROUP 100

SALES HISTORY

Table with columns: DEED BK/PAGE, SALE DATE, SALES INSTRUMENT, DISQUALIFIED, SALE AMOUNT, STAMP AMOUNT, DEED NAME. Row 1: 14Y 210 1/01/1973 SALE QUALIFIED 9.00

LAND SEGMENTS

Table with columns: LND TOT #, ZONE, STRAT CURRENT FMV, CODE, TYPE/CODE, LAND QTY, LAND RATE, DPT%, SHP%, LOC%, SIZ%, OTH%, TOP%. Includes rows for land area and totals.

IMPROVEMENT # 1 MAJOR IMPR-M

MAIN FIN AREA.. 944.00 ACT/EFF YR/AGE.. 1952 1980 36 VISITED..
BY
STRAT..... 02 DESCRIPT.... SINGLE FAMILY DWELLING-WF MAINTAINED..
4/04/2019 BY MAYES
MAIN PERIM..... 140.00 MAIN GROUND SF.... 944.000
LOCATION #..... CONGRESS ST 715

Table with columns: COMPONENT COST, TYPE/CODE/DESC, PCT, UNITS, RATE, STR#, STR%, SIZ%, HGT%, PER%, CDS%. Lists various components like CARPORT, PORCH, DWELLING, BRICK, FOOTING, FURNACE, PLUMB.

66,229 RCN... PCT COMPLETE 100 x
 56,294 QUAL.. QG D3 D+- 85.00 x
 33,213 T DEPR.. D6 36 YEARS OLD 59.00 - 33,213

--FMV...
 23,081
 DATE 2/11/20 CLEVELAND COUNTY
 PAGE 2
 TIME 8:16:25 PROPERTY CARD
 PROG# AS2006 FOR YEAR 2020
 USER MATTCAPPS

HUNT FLORENCE PARCEL ID.. 20882 PIN... S52 5 5

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

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1         :         2
6         :         0
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+---16---+         :
:         4---14---+
:         :         :
2         :         :
4         :         :
:         :         :
C         :         :
+-----30-----+
4         B
+---16---4

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----- AC 05 CARPORT ----- TRAVERSE -----

M R 30.00 M U 40.00 D R 14.00 D D 20.00 D L 14.00
 D U 20.00

----- AC 06 COVERED PORCH ----- TRAVERSE -----

M R 30.00 D D 4.00 D L 16.00 D U 4.00 D R 16.00

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

D U 24.00 D R 16.00 D U 16.00 D R 14.00 D D 40.00
 D L 30.00

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

MAIN FIN AREA.. ACT/EFF YR/AGE.. 1984 1998 18 VISITED..
 BY STRAT..... 02 DESCRIPT.... CB MAINTAINED..
 4/04/2019 BY MAYES
 LOCATION #..... CONGRESS ST 715

COMPONENT COST	TYPE/CODE/DESC	PCT	UNITS	RATE	STR#	STR%	SIZ%	HGT%	PER%	CDS%
MS 29	STORAGE BUILDING		1.00							

0 QUAL.. QG 100 MISC IMPR QUALITY 10 100.00 x
 0 T DEPR.. 40 *INVALID .00 - 0
 300 --FMV... PCT COMPLETE 100

TOTAL PARCEL VALUES----	LAND /	OVR	IMPROVEMENTS /	OVR	TOTAL LAND/IMPROVE
2019 VALUE					
31,329	FMV.....	7,948	23,381		31,329
31,329	APV.....	7,948	23,381		31,329

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

ORDINANCE NO. 18-2020

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 **715 Congress 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, **Florence Hunt**, 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 **715 Congress Street**, Shelby, and described in the Cleveland County records as **Tax Parcel No. 20882** 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 4th day of May 2020.

O. Stanhope Anthony III
Mayor

ATTEST:

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

APPROVED AS TO FORM:

Robert W. Yelton
City Attorney

City of Shelby
Agenda Item Summary
May 4, 2020
(via electronic meeting)

Agenda Item: C-3

- 3) Adoption of an ordinance authorizing demolition of a dwelling (319 Grice Street): Ordinance No. 19-2020

Consent Agenda Item: (Walter Scharer, Planning Director)

Summary of Available Information:

- Memorandum dated April 22, 2020 from Walter Scharer, Planning Director to Rick Howell, City Manager
- Photo of Property (319 Grice Street)
- Location Map
- Tax Card for Year 2020
- Ordinance No. 19-2020

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 (160A-441) and City Code (Chapter 24 Article II). 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. 19-2020 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: April 22, 2020
Subject: Demolition of Structure at **319 Grice 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.

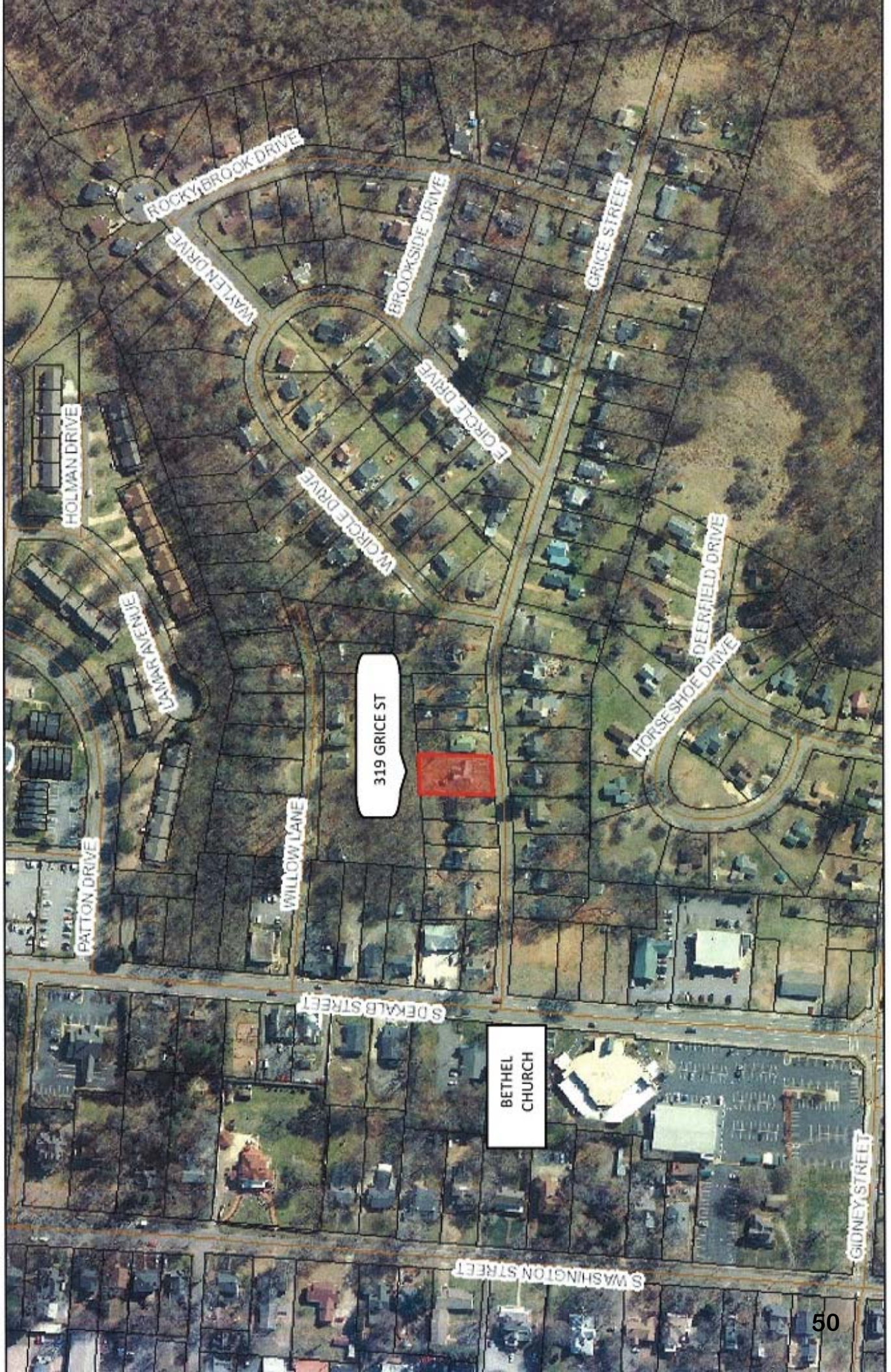
Recommendation

Please place this item on the consent agenda for the next City Council meeting on **May 4, 2020**. Staff recommends this minimum housing action.

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



LOCATION MAP - 319 GRICE STREET



- FD 04 PERIMETER FOOTING 100 932.00 .00
 0
 - HC 05 FORCED HOT AIR 100 932.00 .00
 0
 - PL R RES PLUMB-EXTRA FIXT100 5.00 717.00
 0

 63,848 RCN... PCT COMPLETE 100 x
 58,740 QUAL.. QG D1 D+10 92.00 x
 30,544 T DEPR.. D4 36 YEARS OLD 52.00 - 30,544

19,737 --FMV... MA 244 244 MARKET ADJ 70.00 x
 DATE 2/11/20 CLEVELAND COUNTY
 PAGE 2
 TIME 8:14:33 PROPERTY CARD
 PROG# AS2006 FOR YEAR 2020
 USER MATTCAPPS

TAYLOR HUGH H JR PARCEL ID.. 18425 PIN... S12 3 40

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

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  1 :
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  : : :
  6 : : 6
+-9--+ +B---14-++
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  : : 1
  : : 4
  2 :
  4 +A-----27-----++
  : 1 : 7
  : 0 :
C +-----25-----+
+---14---+
  
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----- AC 06 COVERED PORCH ----- TRAVERSE -----

 M R 14.00 M U 10.00 D R 25.00 D D 7.00 D L 25.00
 D U 7.00

----- AC 08 ENCLOSED FRAME PORCH ----- TRAVERSE -----

 M U 24.00 M R 9.00 M U 6.00 M R 7.00 M U 10.00
 M R 11.00
 M D 16.00 D R 12.00 D U 6.00 D L 12.00 D D 6.00

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

 D U 24.00 D R 9.00 D U 6.00 D R 7.00 D U 10.00
 D R 11.00
 D D 16.00 D R 14.00 D D 14.00 D L 27.00 D D 10.00
 D L 14.00

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

MAIN FIN AREA.. ACT/EFF YR/AGE.. 1984 1998 18 VISITED..
 BY STRAT..... 02 DESCRIPT.... GARAGE MAINTAINED..
 4/04/2019 BY MAYES
 LOCATION #..... 319 GRICE ST

COMPONENT COST	TYPE/DESC	CODE	DESC	PCT	UNITS	RATE	STR#	STR%	SIZ%	HGT%	PER%	CDS%
MS 10	GARAGE				1.00							
0		QUAL..	QG	100	MISC IMPR	QUALITY 10			100.00	x		
0	T	DEPR..	40		*INVALID				.00	-		0
0					PCT COMPLETE				100			
		--FMV...										

TOTAL PARCEL VALUE	FMV.....	LAND /	OVR	IMPROVEMENTS /	OVR	TOTAL LAND/IMPROVE
2019 VALUE						
24,111		4,374		19,737		24,111
24,111	APV.....	4,374		19,737		24,111

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

ORDINANCE NO. 19-2020

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 **319 Grice 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, **Hugh H Taylor Jr. Heirs**, 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 **319 Grice Street**, Shelby, and described in the Cleveland County records as **Tax Parcel No. 18425** 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 4th day of May 2020.

O. Stanhope Anthony III
Mayor

ATTEST:

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

APPROVED AS TO FORM:

Robert W. Yelton
City Attorney

City of Shelby
Agenda Item Summary
May 4, 2020
(via electronic meeting)

D. Unfinished Business

None

City of Shelby
Agenda Item Summary
May 4, 2020
(via electronic meeting)

E. New Business

Agenda Item E-1

- 1) Consideration of a resolution supporting the City of Shelby's application for trail construction funds for the Carolina Thread Trail: Resolution No. 16-2020

New Business Item: (Rick Howell, City Manager and Walter Scharer, Planning Director)

Summary of Available Information:

- Memorandum dated April 22, 2020 from Walter Scharer, Planning Director to Rick Howell, City Manager
- Resolution No. 16-2020

City Manager's Recommendation / Comments

Resolution No. 16-2020 is presented for Council consideration under new business at this time. If approved this resolution would simply authorize the submittal of a grant application to the Carolina Thread Trail organization asking for funding to assist the City with replacement of the First Broad River suspension bridge that was destroyed in early February of this year due to flooding. Initial estimates to replace the existing bridge are approximately \$150,000. Any future design does raise the bridge approximately eight (8) feet and move the structure further from the riverbank. It would also include a feature that would allow the bridge to breakaway in the event of another flood.

Please keep in mind that if awarded the grant the City would still have to solicit bids on this project and Council would have to adopt a project budget ordinance appropriating the funding before construction could begin.

It is recommended that Resolution No. 16-2020 be adopted and approved by City Council.



Memorandum:

To: Rick Howell – City Manager
From: Walter Scharer – Planning Director
Date: April 24, 2020
Subject: Carolina Thread Trail Construction Fund Grant

Executive Summary of issue – Background

The Carolina Thread Trail (CTT) provides construction funds for projects identified on the Carolina Thread Trail Master Plan. The City of Shelby has used CTT Construction Funds in the past to construct the First Broad River Trail, the Twin Trestle Trail Head, and the Carl Spangler Trail.

Review and Comments

Grant awards may be as much as \$100,000. Staff recommends applying for these funds to rebuild the suspension bridge that was damaged by the flood a couple of months ago.

CTT Construction Grant Applications are due in early June, 2020. Please place this item on the agenda for the May 4th, 2020 City Council meeting.

Attachments: Resolution

RESOLUTION NO. 16-2020

A RESOLUTION SUPPORTING THE CITY OF SHELBY'S APPLICATION FOR TRAIL CONSTRUCTION FUNDS FOR THE CAROLINA THREAD TRAIL

WHEREAS, the Carolina Thread Trail's mission is to bring resources to the 15-county region in the south-central piedmont of North Carolina and the north-central portion of South Carolina in order to create an interconnected trail system with major regional trails designated as the Carolina Thread Trail; and,

WHEREAS, the Carolina Thread Trail Master Plan for Cleveland County Communities outlines a means for long-term coordination of greenway and trail development within the county, cities and towns in Cleveland County to help promote the preservation and improvement of residents' quality of life; and,

WHEREAS, the City of Shelby has adopted the Carolina Thread Trail Master Plan for Cleveland County Communities; and

WHEREAS, the Master Plan outlined a priority route along the First Broad River that will ultimately connect City Park with the Broad River Greenway; and,

WHEREAS, the City of Shelby has acquired recreational trail easements along the First Broad River; and,

WHEREAS, funding request may be for trail construction up to \$100,000; and,

WHEREAS, the recommended local match will take the form of in-kind services; and,

WHEREAS, it is the desire of the Shelby City Council to make application for said grant and to authorize same for submittal to the Carolina Thread Trail Governing Board.

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

Section 1. The City's trail construction grant application to the Carolina Thread Trail Governing Board is hereby approved and authorized for submittal.

Section 2. The City Manager of the City of Shelby is hereby authorized and directed to execute and submit all applicable documents and make assurances as required by said grant program.

Adopted and approved this 4th day of May 2020.

O. Stanhope Anthony III
Mayor

ATTEST:

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

City of Shelby
Agenda Item Summary
May 4, 2020
(via electronic meeting)

Agenda Item E-2

- 2) Consideration of a resolution of tentative award for the Brookwood Drive sewer asphalt repairs to Two Brothers Utilities, LLC:
Resolution No. 17-2020

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

Summary of Available Information:

- Memorandum dated April 29, 2020 from David Hux, Director of Water Resources to Rick Howell, City Manager and Justin Merritt, Asst. City Manager
- Bid Tabulation Sheet
- Project Costs Estimate Sheet
- Bid Proposal Request
- Resolution No. 17-2020

City Manager's Recommendation / Comments

Resolution No. 17-2020 is presented for Council consideration under new business. If approved this resolution would award a contract to Two Brothers Utilities, LLC in an amount not to exceed \$99,425.91. This project was bid using the informal bid method which does not require the receipt of three (3) bids. It is always the City's goal to acquire three bids but many times with projects of this size it is difficult to achieve. Two Brothers Utilities, LLC has a strong track record of bringing projects in on time and within budget.

I would note that this project is long overdue but until recently had fallen down the priority list. As mentioned in the memo from Mr. Hux this work will repair poor construction from the original installation of sewer within this neighborhood in the late 1990's. There will certainly be disruption to residents as the sewer line and sinking areas are located within the roadway. A schedule will be developed and the City will give residents appropriate notice prior to commencement of work.

It is recommended that Resolution No. 17-2020 be adopted and approved by City Council.

Memorandum

**To: Rick Howell; City Manager,
Justin Merritt; Assistant City Manager**

From: David Hux; Director of Water Resources



RE: Brookwood Drive Asphalt Repair

Date: April 29, 2020

Background

Sewer lines were installed along Brookwood Drive, Circlevue Drive, Spring Drive, and Meadowood Drive approximately 20 years ago. Over the last 5 years the City has observed settling along the sewer line that can be attributed to poor soils and/or compaction. The City has made a few repairs however other areas in this neighborhood are appearing with as much as 4 inches of settlement in places. The fix for this problem is to excavate the unsuitable material out of the trench and backfill with new suitable backfill material. The City has received numerous calls about this issue in the Brookwood area.

Review

The City of Shelby staff has reviewed the existing conditions in the area and have discussed possibilities for repair. The City of Shelby's Water Resources Department developed the bid documents and Unit Price Bids were taken for the work. Due to the unknown soil conditions, it is hard to determine the exact amounts of work that will need to be done to fix the road properly. Therefore, the City determined a worst case quantities for bidding and estimate purposes. The City received two bids and one no bid for the Unit Prices for the Brookwood Drive Asphalt Repair.

Two Brothers Utilities, LLC was the lowest bidder on the Unit Prices for the Brookwood Drive Asphalt Repair. The unit prices are as followed:

- Saw Cut Asphalt (per Linear Foot): \$10.00
- Excavate Unsuitable Material over Existing Sewer Line (Per Cubic Yard): \$38.00
- Suitable Backfill and Tamp to appropriate compaction (Per Ton): \$37.00
- City Asphalt Patch (Per Square Yard): \$65.00

Below you will see the total price for the area that needs repaired based off the Unit Prices given by Two Brothers Utilities, LLC and Measurements completed by the City staff. Measurement calculations are based on worst case scenario and can vary if we do not have to excavate all the way to the sewer line with excavation and repair.

- Brookwood Asphalt Repair: \$99,425.91

Recommendation

City Staff has reviewed the bids and recommends that the City of Shelby award the bid to Two Brothers Utilities, LLC for the Unit Prices for Brookwood Drive Asphalt Repair that will not exceed \$99,425.91 without approval by the City of Shelby. Funds are available in the sewer operation budget for FY 2019/2020

Please let us know if you need further information.

Attachment: Bid Tabulation
Asphalt Repair Estimate

City of Shelby Bid Tabulation

Bid Date: 4/14/2020

	Project 1: Brookwood Drive Waterline Replacement	Project 3A: Manhole Replacement (MH #: 03060923)	Project 3B: Manhole Replacement (MH #: 07160917)	Project 3C: Manhole Replacement (MH #: 01260914)
Two Brothers	\$ 12,700.00	\$ 6,700.00	\$ 6,300.00	\$ 10,200.00
Marvin Hoyle	\$ 20,235.00	\$ 16,600.00	\$ 16,500.00	\$ 42,000.00
Kennedy	No Bid	No Bid	No Bid	No Bid

Brookwood Drive Asphalt Repair Unit Prices

	Saw Cut Asphalt (LF)	Evccavate Unsuitable Material (CY)	Suitable Backfill and Tamp to Appropriate Compaction (Ton)	City Asphalt Patch (SY)
Two Brothers	\$ 10.00	\$ 38.00	\$ 37.00	\$ 65.00
Marvin Hoyle	\$ 8.00	\$ 150.00	\$ 150.00	\$ 100.00
Kennedy	No Bid	No Bid	No Bid	No Bid

A. Brookwood Asphalt Repair Over Sewer Line

	Qty	Unit	Unit Cost	Total
Saw Cut Asphalt	636	LF	\$ 10.00	\$ 6,360.00
Excavate Unsuitable Material	956.2	CY	\$ 38.00	\$ 36,335.74
Suitable Backfill and Tamp to Appropriate Compaction	1147.4	Tons	\$ 37.00	\$ 42,455.44
City Asphalt Patch	219.6	Sy	\$ 65.00	\$ 14,274.72
		Subtotal:		\$ 99,425.91
		Contingency (10%):		\$ 9,942.59
		A. Total Cost:		\$ 109,368.50

* All estimates are based on full excavation to pipe and replacing all unsuitable material.



Bid Proposal Request

To: Utility Contractors
From: City of Shelby Field Operations
Cc: Mark Swink, Field Operations Superintendent; Cameron Howell, Utilities Project Coordinator; Chad Hubbard, Water Supervisor; Adam Howell, Sewer Supervisor
Re: Bid Proposal Request
Date: 4/8/2020

All,

The City of Shelby would like for your company to price the following projects. Proposals for each of these projects will be due no later than **12:00 PM on Tuesday April 14, 2020.**

Project 1: Brookwood Drive Waterline Replacement

- Labor to install 40 Linear Feet of DI CL-52 Pipe
- Labor to install two (2) 6" Valves
- Labor to Install one (1) 8" Valve
- Contractor to include approximately 20 Tons of backfill material in their cost
- City of Shelby will provide the DI CL-52 Pipe and Valves

Project 1 Price: \$ 20,235.00

Project 2: Brookwood Drive Asphalt Repair (Unit Costs)

- Unit Cost for Labor and Material
 - o Saw Cut Asphalt: \$ 8.00
 - o Excavate Unsuitable Material over Existing Sewer Line where asphalt is beginning to collapse (Per CY): \$ 150.00

- Suitable Backfill and Tamp to appropriate compaction (Per Ton):
\$ 150.00
- City Asphalt Patch (Per SY): \$ 100.00

Project 3A: Manhole Replacement (MH #: 03060923)

- Located near 800 Blanton Street
- Replace 4' Diameter Manhole at 6 ft in depth
- Contractor to Furnish and Install all Material
- City Asphalt Patch

Project 3A Price: \$ 16,600.00

Project 3B Price: Manhole Replacement (MH #: 07160917)

- Located near 2922 Poplar Circle
- Replace 4' Diameter Manhole at 7.5 ft in Depth
- Contractor to Furnish & Install all Material

Project 3B Price: \$ 16,500.00

Project 3C: Manhole Replacement (MH #: 01260914)

- Located near the City of Shelby's Wastewater Treatment Facility
- Replace 5' Diameter Manhole (T-Series) at 7 ft in depth
- 24" Mainline
- Bypass pumping will be required
- Contractor to Furnish & Install all Material & Pump Around

Project 3C Price: \$ 42,000.00

If you have any questions regarding any of these projects, please let any of us in the Field Operations Department know. We thank you and hope that you have a great day.

The City of Shelby reserves the right to accept or reject any bid.

Attachments: Maps showing the location of each project

Company Name: Marvin Hoyle Const. Inc

Signature: Marvin Hoyle

Date: April 14th, 2020



Post Office Box 207 - Shelby, NC 28151-0207

Bid Proposal Request

To: Utility Contractors

From: City of Shelby Field Operations

Cc: Mark Swink, Field Operations Superintendent; Cameron Howell, Utilities Project Coordinator; Chad Hubbard, Water Supervisor; Adam Howell, Sewer Supervisor

Re: Bid Proposal Request

Date: 4/8/2020

All,

The City of Shelby would like for your company to price the following projects. Proposals for each of these projects will be due no later than **12:00 PM on Tuesday April 14, 2020.**

Project 1: Brookwood Drive Waterline Replacement

- Labor to install 40 Linear Feet of DI CL-52 Pipe
- Labor to install two (2) 6" Valves
- Labor to Install one (1) 8" Valve
- Contractor to include approximately 20 Tons of backfill material in their cost
- City of Shelby will provide the DI CL-52 Pipe and Valves

Project 1 Price: \$ 12,700.00

Project 2: Brookwood Drive Asphalt Repair (Unit Costs)

- Unit Cost for Labor and Material (Per SY)
 - o Saw Cut Asphalt: \$ 10.00
 - o Excavate Unsuitable Material over Existing Sewer Line where asphalt is beginning to collapse (Per CY): \$ 38.00

- Suitable Backfill and Tamp to appropriate compaction (Per Ton):
\$ 37.00
- City Asphalt Patch (Per SY): \$ 65.00

Project 3A: Manhole Replacement (MH #: 03060923)

- Located near 800 Blanton Street
- Replace 4' Diameter Manhole at 6 ft in depth
- Contractor to Furnish and Install all Material
- City Asphalt Patch

Project 3A Price: \$ 6,700.00

Project 3B Price: Manhole Replacement (MH #: 07160917)

- Located near 2922 Poplar Circle
- Replace 4' Diameter Manhole at 7.5 ft in Depth
- Contractor to Furnish & Install all Material

Project 3B Price: \$ 6,300.00

Project 3C: Manhole Replacement (MH #: 01260914)

- Located near the City of Shelby's Wastewater Treatment Facility
- Replace 5' Diameter Manhole (T-Series) at 7 ft in depth
- 24" Mainline
- Bypass pumping will be required
- Contractor to Furnish & Install all Material & Pump Around

Project 3C Price: \$ 10,200.00

If you have any questions regarding any of these projects, please let any of us in the Field Operations Department know. We thank you and hope that you have a great day.

The City of Shelby reserves the right to accept or reject any bid.

Attachments: Maps showing the location of each project

Company Name: Two Brothers Utilities, LLC

Signature: 

Date: 4/13/20

RESOLUTION NO. 17-2020

**A RESOLUTION OF TENTATIVE AWARD FOR
THE BROOKWOOD DRIVE SEWER ASPHALT REPAIRS
TO TWO BROTHERS UTILITIES, LLC.**

WHEREAS, the City of Shelby, North Carolina has bid a project entitled the Brookwood Drive Sewer Asphalt Repairs and has held solicited for bids consistent with the applicable North Carolina General Statutes for bidding of public construction contracts, and;

WHEREAS, the City of Shelby received bids from two (2) qualified contractors for the completion of the Brookwood Drive Asphalt Repairs, and;

WHEREAS, the City has reviewed the bids and now recommends tentative award of the construction contract for the work described to Two Brothers Utilities, LLC. in the amount of \$99,425.91.

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

Section 1. The City Council of the City of Shelby hereby awards the contract to Two Brothers Utilities, LLC. for the construction of the Brookwood Drive Sewer Asphalt Repairs.

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

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

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

Adopted and approved this the 4th day of May 2020.

O. Stanhope Anthony III
Mayor

ATTEST:

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

City of Shelby
Agenda Item Summary
May 4, 2020
(via electronic meeting)

Agenda Item: F

City Manager's Report

I will provide Council with a brief update on a number of matters and follow up with a more detailed email thereafter.

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