

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) Honoring S. Todd McMurry on the occasion of his retirement from employment with the City of Shelby: Resolution No. 43-2020 1
- 2) A Proclamation declaring October 24, 2020 as World Polio Day in Shelby, North Carolina 4

C. Public Comment: 6

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

D. Consent Agenda:

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

- 1) Approval of the Minutes of the Regular Meeting of October 5, 2020 7

E. Unfinished Business:

- 1) Consideration of a resolution authorizing selection of McGill Associates based on qualifications for professional civil engineering services related to the site development of Parcels 32196 and 61941 on Farmville Road in Shelby, North Carolina: Resolution No. 46-2020 16
- 2) Consideration of a resolution approving the Bobby Bell mural contract between the City of Shelby and The Mural Shop: Resolution No. 47-2020 30

F. New Business: None 36

G. City Manager's Report 36

H. Council Announcements and Remarks 36

I. 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 36

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Don Gibson Theater

B. Special Presentation:

Agenda Item B-1:

- 1) Honoring S. Todd McMurry on the occasion of his retirement from employment with the City of Shelby: Resolution No. 43-2020

(Presenting, Mayor Stan Anthony)

Summary of Available Information:

- Memorandum dated September 23, 2020 from William Hunt, Fire Chief to Rick Howell, City Manager
- Resolution No. 43-2020

City Manager's Recommendation / Comments

This time is scheduled on your agenda to recognize Fire Division Chief Todd McMurry on the occasion of his retirement from employment. In keeping with policy City Council previously adopted Resolution No. 43-2020 to recognize him for having served the City faithfully for the past 32 years with the Shelby Fire and Rescue Department. He is to be congratulated!

Todd never met a stranger and always represented the City well in everything he did. He genuinely cares about the people he serves. His knowledge and experienced will not be easily replaced.

Todd is a dedicated employee who has provided veteran leadership over the past several years in the performance of his duties. He has been a vital part of the team at the Shelby Fire Department. He will be missed both personally and professionally.

As is in keeping with current policy Todd McMurry will be presented with a framed resolution, a city lapel pin and a key to the City. It is customary and appropriate to recognize Todd for his many years of service to the City.

Please join me in wishing him a healthy and happy retirement.



September 23, 2020

Memorandum:

To: Rick Howell, City Manager
From: William Hunt, Fire Chief

Subject: City Council recognition of S. Todd McMurry on the occasion of his retirement from the City of Shelby.

Background

It is customary practice that longstanding city employees receive a resolution and official recognition by the Mayor and City Council on the occasion of their retirement from the City of Shelby.

Discussion

Fire Division Chief S. Todd McMurry announced his retirement from the Fire & Rescue Department after thirty years of dedicated service to the city and its residents having served from October 1, 2000 to June 26, 2020. He concluded his active service with the city on June 26th, however a recognition by the city council was delayed due to the council meetings being held remotely during the COVID-19 pandemic.

Action

With this memorandum, it is my recommendations that a resolution honoring Todd McMurry for his longstanding service to the City of Shelby to be approved; and that an appropriate time be reserved on a City Council agenda to publicly recognize and thank him for his dedicated contributions to the City of Shelby.

Enclosures

cc: Bernadette Parduski

RESOLUTION NO. 43-2020

**A RESOLUTION HONORING S. TODD McMURRY
ON THE OCCASION OF HIS RETIREMENT
FROM EMPLOYMENT WITH THE CITY OF SHELBY**

WHEREAS, on the occasion of his retirement from employment on June 26, 2020, it is fitting and proper for the City Council to express its sincere appreciation to Mr. S. Todd McMurry for his loyal, dedicated, and committed service to the City of Shelby from October 1, 1988 to June 26, 2020; and.

WHEREAS, Mr. McMurry has been a loyal team member in the continuing development and improvement in the delivery of public-safety fire protection and prevention services in the City of Shelby for the benefit of all its citizens; and,

WHEREAS, during his tenure of service, Mr. McMurry has been a loyal employee for the City of Shelby, beginning as a reserve Firefighter in October 1988, receiving a promotion to full-time Firefighter in June 1990, receiving a promotion to Fire Inspector in February 4, 1996, receiving a promotion to Captain in June 2006, receiving a promotion to Assistant Fire Chief in January 2015, retitled to Fire Division Chief in 2018, and finishing his career as a Fire Division Chief in the Fire and Rescue Department, and has been an outstanding example of the quality of employee necessary to the development of the good of the City; and,

WHEREAS, Mr. McMurry's commitment, leadership, laudatory work effort, and devotion to duty has helped create a winning attitude within the Fire and Rescue Department in the City of Shelby; and,

WHEREAS, the City of Shelby is most grateful for the devoted community and personal contributions Mr. McMurry has given to all the citizens, organizations, and businesses within the greater Shelby community; and,

WHEREAS, the City Council of the City of Shelby wishes to acknowledge and express its appreciation to Mr. McMurry for his 32 years of dedicated and devoted duty to its citizens in providing public safety services with the Fire & Rescue Department; noting that Mr. McMurry will be missed both professionally and as a fellow co-worker.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council publicly express their sincere appreciation to Mr. McMurry for his performance of duty to the City of Shelby during the past 32 years and extend the very best wishes for a successful retirement.

BE IT FURTHER RESOLVED that this Resolution be entered upon the permanent Minutes of the City Council.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Shelby to be affixed this the 5th day of October 2020.

O. Stanhope Anthony III
Mayor

ATTEST:

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

City of Shelby
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Don Gibson Theater

Agenda Item B-2:

2) A Proclamation declaring October 24, 2020 as World Polio Day in Shelby, North Carolina

(Presenting, Mayor Stan Anthony)

Summary of Available Information:

➤ Copy of Proclamation

City Manager's Recommendation / Comments

This time is scheduled on your agenda to recognize World Polio Day. As all of you know polio is a virus that has wreaked havoc on the world over many decades. While largely eradicated in the developed world it has remained present in some parts of the world. Rotary International and our local Rotary Clubs have worked tirelessly to eradicate this deadly virus worldwide. Mayor Anthony will take a moment to read his proclamation at this time.

A PROCLAMATION

DECLARING OCTOBER 24, 2020 AS WORLD POLIO DAY IN SHELBY, NORTH CAROLINA

WHEREAS, Rotary is a global network of neighbors, friends, leaders, and problem-solvers who unite and take action to create lasting change in communities across the globe; and,

WHEREAS, the Rotary motto, Service Above Self, inspires members to provide humanitarian service, follow high ethical standards, and promote goodwill and peace in the world; and,

WHEREAS, Rotary in 1985 launched PolioPlus and in 1988 helped establish the Global Polio Eradication Initiative, which today includes the World Health Organization, U.S. Centers for Disease Control and Prevention, UNICEF, and the Bill & Melinda Gates Foundation, and Gavi, the Vaccine Alliance, to immunize the children of the world against polio; and,

WHEREAS, polio cases have dropped by 99.9 percent since 1988 and the world stands on the threshold of eradicating the disease; and,

WHEREAS, to date, Rotary has contributed more than US\$2.1 billion and countless volunteer hours to protecting more than 2.5 billion children in 122 countries; and,

WHEREAS, Rotary is working to raise an additional \$50 million per year, which would be leveraged for maximum impact by an additional \$100 million annually from the Bill & Melinda Gates Foundation; and,

WHEREAS, these efforts are providing much-needed operational support, medical staff, laboratory equipment, and educational materials for health workers and parents; and,

WHEREAS, in addition, Rotary has played a major role in decisions by donor governments to contribute more than \$10 billion to the effort; and,

WHEREAS, there are over 1.2 million Rotary members in more than 35,000 clubs throughout the world that sponsor service projects to address such critical issues as poverty, disease, hunger, illiteracy, and the environment in their local communities and abroad.

THEREFORE, I, O. Stanhope Anthony III, Mayor of the City of Shelby, North Carolina, do hereby proclaim October 24, 2020 World Polio Day in Shelby, North Carolina and encourage all citizens to join me and Rotary International in the fight for a polio-free world.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the City of Shelby, North Carolina to be fixed this 19th day of October 2020.

O. Stanhope Anthony III
Mayor

ATTEST:

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

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C. Public Comment:

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

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D. Consent Agenda

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

Agenda Item: D-1

- 1) Approval of the Minutes of the Regular Meeting of October 5, 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 October 5, 2020

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
Don Gibson Theatre

October 5, 2020
Monday, 6:00 p.m.

Present: Mayor O. Stanhope Anthony III, presiding; Council Members Eric B. Hendrick, Violet Arth Dukes, Charles Webber, and Andrew Hopper, Sr.; City Manager Rick Howell, MPA, ICMA-CM, Assistant City Manager Justin S. Merritt, MPA, City Attorney Andrea Leslie-Fite, City Clerk Bernadette A. Parduski, Director of Planning and Development Services Walter (Walt) Scharer, AICP, Jennifer H. Harrill, Social Media Manager, Blue Eyes Social Media Connections, and Stan Lowery, Executive Director, Don Gibson Theatre

Absent: Council Members David W. White and David Causby

Mayor Anthony called the meeting to order at 6:00 p.m. and certified a quorum was present. It was noted a location for public access to the meeting was established at the Don Gibson Theatre. A maximum of 25 persons would be allowed to attend, following the current Executive Orders of Governor Cooper and the North Carolina Department of Health and Human Services COVID-19 guidelines.

The Mayor delivered the invocation and Mr. Hopper led the Pledge of Allegiance.

A. Approval of agenda:

- 1) Motion to adopt the proposed agenda

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

B. Assumption of Office:

- 1) Oath of Office administered to City Attorney Andrea Leslie-Fite

Mayor Anthony administered the Oath of Office to Mrs. Leslie-Fite who was assisted by her husband, Rev. Dr. Jerret Fite, her children, Aaron and Maya Fite, and her parents, Marshall and Pam Leslie.

C. Special Presentation:

- 1) Honoring Michael Robert Mull on the occasion of his retirement from employment with the City of Shelby: Resolution No. 3-2020

Mayor Anthony called upon Michael Robert Mull. Mr. Mull recognized his

wife, Summer, and daughter, Madison, in attendance. The Mayor formally read and presented framed Resolution No. 3-2020 to Mr. Mull. He then presented a plaque, along with the key to the City and a City lapel pin to him in honor of and with heartfelt appreciation for his 27.5 years of dedicated service at the Water Treatment Plant with the City of Shelby Water Resources Department.

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

D. Public Hearings:

- 1) Consideration of a resolution for the City of Shelby's application for Community Development Block Grant Coronavirus (CDBG-CV) funding: Resolution No. 39-2020**

Mayor Anthony opened the public hearing at 6:12 p.m. and invited comments from the public:

Mr. Merritt introduced Resolution No. 39-2020 for Council's consideration. He stated the North Carolina CDBG-CV Program is designed to help a non-entitlement municipality or county to prepare, prevent, or respond to the health and economic impacts of COVID-19. The eligible activities, which include, public service, public facilities, and economic development, must be most critical to their locality and primarily for their low- and moderate-income residents. The North Carolina Commerce's Rural Economic Development Division will award CDBG-CV funds on a first-come, first-served basis with a focus on local needs identified by the community in collaboration with state and local health officials.

Mr. Merritt added, as has been the case with so many COVID-19 response efforts, this program has evolved quickly, and some guidance is still being developed. It is known that \$27.5 million is available under this program and a maximum grant award will be capped at \$900,000.

Mr. Merritt stated the City is required to hold two public hearings in order to comply with the CDBG-CV public input requirements. An initial public hearing was held by City staff on September 15, 2020, which was to notify the public and receive proposals that may qualify for CDBG-CV funding. The City received no comments and no proposals.

This second public hearing is required by the CDBG-CV program and has the purpose of identifying the specific use of the requested CDBG funding which in this case is public service subsistence payments and broadband and communications support. Additionally, it allows the public a time to provide comments on these proposed uses.

Mr. Merritt further stated the City proposes to focus its grant application on public service subsistence payments, which can be used to make emergency utility payments. Additionally, the City is exploring ways to assist those who have no or limited access to broadband, which has become an issue due to remote learning. These programs must benefit at least 51 percent low to moderate income residents for the subsistence program and at least 70 percent low to moderate income residents for broadband access. He concluded by stating the City plans to partner with United Way of Cleveland County and Cleveland County Development Corporation to distribute the funds. A draft memorandum of understanding with each entity is under review.

Mayor Anthony closed the public hearing at 6:16 p.m.

ACTION TAKEN: Upon a motion made by Mrs. Arth Dukes, City Council voted unanimously to approve and adopt Resolution No. 39-2020 entitled, "A RESOLUTION FOR THE CITY OF SHELBY'S APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT CORONAVIRUS (CDBG-CV) FUNDING".

- 2) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina for property located on Randolph Road: Ordinance No. 27-2020**

Mr. Scharer presented the proposed zoning map amendment. The subject property is currently zoned Light Industrial (LI) zoning district. The applicant, Albert Tinsley, has requested the Residential 20 (R20) zoning district in order to renovate the existing mill houses on the properties. Mr. Scharer stated other land uses in the area include single-family dwellings and industrial uses. The single-family dwellings on these properties are currently non-conforming and cannot be redeveloped as zoned. He added the Shelby Comprehensive Land Use Plan for this area designates the site as an Employment Area. He further stated the proposed zoning map amendment is inconsistent with the Shelby Comprehensive Land Use Plan.

Mr. Scharer concluded by stating the Planning and Zoning Board recommended this proposed zoning amendment due to the characteristics of the property.

Mayor Anthony opened the public hearing at 6:19 p.m. and invited comments from the public. The public offered no comments.

Mayor Anthony closed the public hearing at 6:20 p.m.

ACTION TAKEN: Upon a motion made by Mr. Hendrick, City Council voted unanimously to approve and adopt Ordinance No. 27-2020 entitled, "A PROPOSED ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF

SHELBY, NORTH CAROLINA FOR PROPERTY LOCATED ON RANDOLPH ROAD”.

- 3) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina for property located on Railroad Avenue: Ordinance No. 28-2020**

Mr. Scharer presented the proposed zoning map amendment. He stated the properties are currently zoned Residential 8 (R8), Residential 6 (R6), and Light Industrial (LI) zoning districts. The applicant, Alex Taylor of Tube Enterprises, Inc., has requested Light Industrial-Conditional Use (LI-CU) zoning district. Mr. Taylor is proposing this zoning change on the property in order to expand his operations and add parking facilities for his employees. Mr. Scharer explained if this zoning map amendment is approved by City Council, a quasi-judicial public hearing will be required for the proposed Special Use Permit for this proposed conditional use zoning district. Approval of the zoning map amendment does not approve the proposed use associated with the conditional use. The quasi-judicial public hearing will be scheduled for a subsequent Council meeting.

Mr. Scharer further stated the Shelby Comprehensive Land Use Plan for this area designates the site as Neighborhood Revitalization Area. He added the proposed zoning map amendment is inconsistent with the Land Use Plan. Mr. Scharer concluded by stating the Planning and Zoning Board recommended this proposed zoning amendment due to the characteristics of the applicant’s site plan.

Mayor Anthony opened the public hearing at 6:21 p.m. and invited comments from the public:

Alex Taylor who owns the property and business at 1028 Railroad Avenue in Shelby, North Carolina spoke in support of his application requesting a zoning map amendment. Mr. Taylor stated Tube Enterprises, Inc. has been in business for a total of 14 years with 6 years at this location in Shelby. He is seeking to combine four parcels as Light Industrial-Conditional Use (LI-CU) zoning district to improve the business, the area, and the surroundings, allowing for business expansion and parking facilities. As the owner and applicant, Mr. Taylor plans to follow the recommendations proposed by the City of Shelby’s Planning and Development Services Department.

Mayor Anthony closed the public hearing at 6:24 p.m.

ACTION TAKEN: Upon a motion made by Mr. Hopper, City Council voted unanimously to approve and adopt Ordinance No. 28-2020 entitled, “A PROPOSED ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF

SHELBY, NORTH CAROLINA FOR PROPERTY LOCATED ON RAILROAD AVENUE”.

E. Consent Agenda:

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

- 1) Approval of the Minutes of the Regular Meeting of September 21, 2020**
- 2) Approval of a resolution honoring Roderick Wood on the occasion of his retirement from employment with the City of Shelby: Resolution No. 42-2020**
- 3) Approval of a resolution honoring S. Todd McMurry on the occasion of his retirement from employment with the City of Shelby: Resolution No. 43-2020**
- 4) Approval of a resolution accepting property from Daniel Taylor: Resolution No. 44-2020**
- 5) West Marion Street Streetscape Project:**
 - a. Adoption of Fiscal Year (FY) 2020-2021 Budget Ordinance Amendment No. 1: Ordinance No. 30-2020**
 - b. Approval of a resolution awarding the contract for the West Marion Street Streetscape Project: Resolution No. 45-2020**

E. Unfinished Business: None

F. New Business: None

G. City Manager’s Report:

- 1) Mr. Howell mentioned the number of recent retirements the City is experiencing which presents both challenges within the organization as well as opportunities for individuals seeking employment. Admittedly, the City is losing talented and experienced leaders. Mr. Howell encouraged Council to be mindful of those in the community they know who might be interested in public service jobs with the City of Shelby.**
- 2) Mr. Howell said the new digital payment kiosk at City Hall is now operational and functioning, allowing customers to pay their bills 24 hours a day, 365 days a year.**

- 3) **Mr. Howell informed Council notices have been mailed to the tenants leasing property from the City on the former depot property. These notices simply make the lessees, JB Ellis Locksmith and Shelby Farm and Garden, aware that their current lease will terminate on June 30, 2021 and use of the property will be month-to-month afterwards. These leases are part of the transfer of the property from Norfolk Southern to the City.**
- 4) **Regarding the Transportation Alternatives Program (TAP) Grant from the North Carolina Department of Transportation (Rail Corridor Acquisition), Mr. Howell continues to work with Speaker Moore's office to secure a portion of the payment from NCDOT of this \$4,160,000 grant prior to November 2020, when the City's first debt service payment is due. Council was reminded that in order to acquire the rail corridor the City initially financed \$5.5 million over 10 years with the knowledge and expectation that the grant, even though those funds have been delayed due to DOT's financial woes and revenue shortfalls, would pay down that debt and the remaining principal balance would be refinanced for a shorter term.**
- 5) **Mr. Howell mentioned the City's Lead for North Carolina Fellow, Shelby Holmes, who is being mentored by Assistant City Manager Justin Merritt, has been given a work plan for the coming year. The main components of the work plan include development of a framework and policy for a Public Art Plan, a Housing Economic Development Policy, and development of draft Human Resource policies to assist with recruitment to increase diversity and attract recent college graduates to professional positions in the area.**
- 6) **Mr. Howell previously reported to Council the need to undergo a Cost of Service Study for the Water and Sewer Systems. The City has a variety of rates in both utilities and the intent of the study is to determine if the City's rates will over the long-term meet the expected cost of operations and capital. It would also set forth a detailed cost analysis and review rate classifications for fairness. The intent is to make informed decisions and help the City better manage both short- and long-term rate structures.**
- 7) **Regarding the Wastewater Treatment Plant Biosolids Facility Project, Mr. Howell stated this project is in the final stages. It is fully operational, and the old compost facility has been shut down. The only major component of the project is the demolition of the old compost facility which will begin soon. The remaining work includes some final electrical and punch list items. Paving and final seeding were completed recently. A ribbon cutting ceremony will also be scheduled in the near future.**
- 8) **Mr. Howell informed Council work in the Brookwood area for water, sewer, and road improvements is largely complete. The only remaining**

item is the repair of shoddy asphalt patching by a subcontractor. The City is awaiting confirmation from the contractor as to when this work will be scheduled and repaired.

- 9) Regarding the West Elevated Water Storage Tank on Plato Lee Road, Mr. Howell informed Council the interior of this tank requires maintenance that includes interior sand blasting and reapplication of a protective coating. The City can now undertake this project with the completion of the newer West Water Storage Tank on Farmville Road. Previously, the Plato Lee Road Tank could not be drained and properly inspected because of the significant flow to surrounding industry. This 750,000-gallon tank was “turning over” two to three times per day. It was completed and put into service in early 2010. The project will be budgeted over a three-year period, but work will likely take place this fiscal year. Mr. Howell stated a final cost and timing of the work is yet to be determined for consideration.
- 10) Regarding the First Broad River Trail, Mr. Howell reported the parking lot for the trail will be reopened soon. Although the suspension bridge has not yet been reconstructed, there are still people accessing the trail. They are currently parking along Grover Street and it will be much safer to allow them access to the parking lot. People can still utilize the trail from the parking lot that heads up hill and behind the Utility Operations Center to Grover Street.
- 11) Mr. Howell announced October 4 through 10, 2020 is Public Power Week for both electric and natural gas utilities, and the City of Shelby has reason to celebrate the benefits of living in a public power community, including:
 - Low rates
 - High reliability
 - Customer responsiveness
 - Community focus
 - Economic development
 - Local control
- 12) Regarding the Uptown Shelby Streetscaping Project, Mr. Howell reported only a few items remain to be completed such as the thermoplastic markings, traffic signals, landscaping, sealing of pavers, the removal of old poles, and the stamped asphalt crosswalk near Arey Street.

H. Council Announcements and Remarks:

- 1) Mr. Webber supported the City Manager in maintaining an effective workforce by investing in people through certifications and education.

Council needs to support, invest, and improve policies and compensation programs for their employees.

Mayor Anthony and Mr. Hopper supported Mr. Webber's statement and echoed Mr. Howell's comments regarding current employees and potential employees.

- 2) The Mayor suggested a re-dedication ceremony upon the completion of the Uptown Shelby Streetscaping Project to be tentatively scheduled for November 2, 2020 at 5:00 p.m.

Also, a ribbon cutting ceremony for the Water Treatment Plant Improvements Project was discussed for a date later in November 2020.

- 3) Mayor Anthony initiated a discussion concerning the City's noise ordinance and outdoor church services during the COVID-19 pandemic. Mr. Howell responded he will research the issue and provide the information to Mayor and Council.

- 4) Mayor Anthony and Council members gave their new City Attorney, Andrea Leslie-Fite, a warm welcome.

I. Adjournment:

- 1) Motion to adjourn

ACTION TAKEN: Upon a motion made by Mr. Hendrick, City Council voted unanimously to adjourn the meeting at 6:46 p.m.

Respectfully submitted,

Bernadette A. Parduski, NCCMC, MMC
City Clerk

O. Stanhope Anthony III
Mayor

Minutes of October 5, 2020

City of Shelby
Agenda Item Summary
October 19, 2020
Don Gibson Theater

E. Unfinished Business

Unfinished Business Item E-1

- 1) Consideration of a resolution authorizing selection of McGill Associates based on qualifications for professional civil engineering services related to the site development of Parcels 32196 and 61941 on Farmville Road in Shelby, North Carolina: Resolution No. 46-2020

Unfinished Business Item: (Rick Howell, City Manager and Ben Yarboro, Engineering Services Director)

Summary of Available Information:

- Memorandum dated October 13, 2020 from Ben Yarboro, Engineering Services Director to Rick Howell, City Manager and Justin Merritt, Assistant City Manager
- 1641 Farmville Road Site Development, Firm Ranking, Letter from McGill Associates, Copy of Request for Qualifications
- Resolution No. 46-2020

City Manager's Recommendation / Comments

Resolution No. 46-2020 is presented for City Council consideration at this time. If approved this resolution would authorize the selection of McGill Associates to perform the stated scope of engineering work. This scope of work consists broadly of development of a conceptual grading plan, preliminary design and layouts of roadway improvements working in conjunction with NCDOT, a traffic impact analysis and finally a preliminary layout for an on site sanitary sewer lift station and force main. This project is expected to cost approximately \$45,000 and is being paid for by grant funding secured by the CCEDP.

As background the City in partnership with the CCEDP and the county is working toward completing further due diligence to prepare City/County owned sites for consideration by economic development clients. No one site is perfect. Each has its own strengths and weaknesses. In the case of the 107 +/- acre site on Farmville Road there are some areas that need to be addressed to get it closer to being "shovel ready". The site is accessed by a narrow NCDOT secondary road with a difficult intersection for large trucks. The site also does not have direct access to a gravity sewer main and will need an on site sewer lift station. Finally the site is large and does not have any sort of conceptual grading plan that can give potential industrial clients certainty that their project will fit on the site.

It is my recommendation that Resolution No. 46-2020 be adopted and approved at this time.



Memorandum

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

From: Ben Yarboro, Engineering Services Director *BY*

RE: Recommendation of Award for the selection of an Engineering Firm for the Site Development of Parcels 32196 and 61941 on Farmville Rd.

Date: October 13, 2020

Background

In an effort to promote economic development and growth in the region, the City of Shelby routinely completes the tasks necessary to encourage industrial site development. Examples of past projects where the City has completed this are the Foothills Commerce Center, Clearwater 2S Expansion, and Shell Building #3 on Plato Lee Rd. There is a 105 acre tract at 1641 Farmville Rd. (Parcels 32196 and 61941) that is currently owned by Cleveland County in which City Staff has determined the need for the following tasks:

- Develop a conceptual grading plan
- Preliminary layout of a sanitary sewer lift station and force main routing
- Complete a Traffic Impact Analysis (TIA) based on projected traffic
- Preliminary layout for necessary roadway improvements
- Develop a detailed cost estimate for all civil work

Pursuant to North Carolina General Statute 143-64.31, the City of Shelby utilizes a Qualification Based Selection (QBS) process without consideration of fee proposals to initially select an engineering, architectural or surveying firm. This QBS process is commonly referred to as the “Mini-Brooks Act.” As outlined in the Request for Qualifications (RFQ) that was advertised on September 23, 2020, the evaluation criteria for this project were:

- Technical Approach/Understanding of Project – 20%
- Relevant Experience of Proposed Personnel – 15%
- Availability of Staff and Resources – 10%
- Familiarity with Local Development Requirements and Processes – 10%
- Relevant Site Development Experience – 20%

- Relevant Utility Design Experience – 10%
- Location of the Firm Relative to the Project – 5%

Review

As detailed in the attached memo from Bryant Nodine, City of Shelby Business Manager, the City received three (3) statements of qualification for professional engineering services related to the site development of the 105 acre site located at 1641 Farmville Rd.

Responses were received from the following firms (listed in alphabetical order):

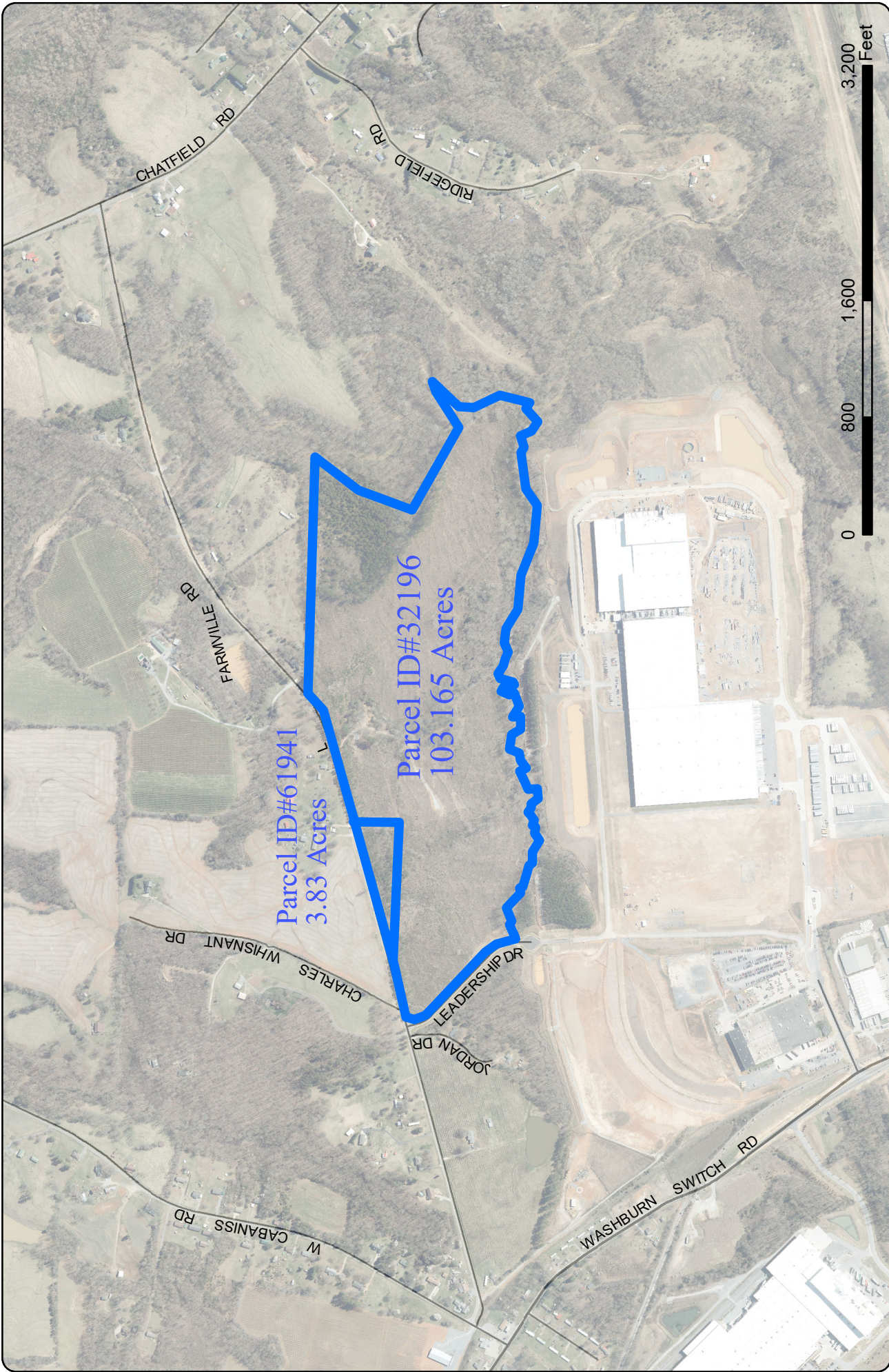
- McGill Associates, PA
- TGS Engineers
- WithersRavenel

A review committee consisting of 4 city staff was established to complete independent reviews and scoring of the 3 responses that were received. After scoring was completed, the review committee discussed the results and unanimously determined that McGill Associates was the most qualified firm to complete the Professional Engineering Services for Site Development at 1641 Farmville Rd.

Recommendation

City Staff recommends that the Shelby City Council approve the resolution selecting McGill Associates as the firm to perform the Professional Engineering Services related to the 105 acre site development at 1641 Farmville Rd. (parcels 32196 and 61941). This resolution will authorize the City Manager to negotiate and execute an agreement that establishes the scope of work and fees associated with the professional services that are to be completed.

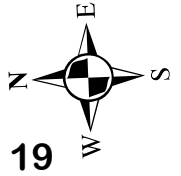
Please advise if you have any questions or need additional information.



Parcel ID#61941
3.83 Acres

Parcel ID#32196
103.165 Acres

1641 Farmville Rd Preliminary Site Development





Post Office Box 207 · Shelby, NC 28151-0207

Memorandum

To: Ben Yarboro, Engineering Services Director

From: Bryant Nodine, Business Manager **BN**

RE: **Recommendation to Award Professional Engineering Services Contract for Site Development on Farmville Rd.**

Date: October 13, 2020

Background:

On September 23, 2020, the City of Shelby advertised a Request for Qualifications statement for professional civil engineering services related to the site development of parcels 32196 and 61941 on Farmville Road in Shelby, North Carolina.

The purpose of this Request for Qualifications is to obtain expert professional, technical, and advisory services related to the site development of parcels 32196 and 61941 located at 1641 Farmville Road in Shelby, North Carolina. The project site consists of approximately 105 acres and is currently owned by Cleveland County, NC.

Review:

The City of Shelby received three (3) Statements of Qualifications from the following firms: McGill Associates, TGS Engineers, and Withers Ravenel. There was a selection committee formed consisting of four (4) City staff members that individually reviewed and rated the Statements in accordance to the Evaluation Criteria outlined in the RFQ advertisement.

The selection committee met on Monday, October 12, 2020 to discuss the Statements and make a recommendation on which firm the Professional Engineering Services contract should be awarded to.

Recommendation:

The City of Shelby selection committee unanimously recommends that the Professional Engineering Services contract related to the site development of 1641 Farmville Road be awarded to McGill Associates.

While reviewing the submitted Statements and utilizing the Evaluation Criteria as specified in the RFQ, some of the factors included in the Statement that ultimately led to McGill unanimously receiving the highest ranking are:

- Recent relevant examples of local experience
 - Foothills Commerce Center
 - Shell Building 3 Industrial Site on Plato Lee Rd.
- McGill designed the Westside Sewer Replacement Project in 2017 that this proposed site will tie into via a new lift station.

Please let me know if further information is needed.

Engineering Firm Ranking - 1641 Farmville Road Site Development



Date: October 12, 2020

	Bryant Nodine Business Manager	Todd Frashier Purchasing Manager	Justin Wright Civil Engineer	Tyler Brooks Stormwater/Engineering Coordinator
McGill Associates	1	1	1	1
TGS Engineers	3	3	3	3
Withers Ravenel	2	2	2	2

October 9, 2020

Bryant Nodine, Business Manager
City of Shelby
824 West Grover Street
Shelby, NC 28150

RE: Statement of Qualifications
Civil Engineering Services for the Site Development on Farmville Road
City of Shelby

Dear Mr. Nodine:

McGill Associates, PA (McGill) is eager to continue our relationship with the City of Shelby by offering our civil engineering services for the site development on Farmville Road, parcels 32196 and 61941. The attached Statement of Qualifications (SOQ) package demonstrates our overall team experience, as well as our previous involvement in Shelby, assisting the City with multiple industrial site projects and wastewater system improvements over the past ten plus years.

One of McGill's current large-scale signature projects is the City of Shelby's Shell Building 3 Project that is currently under construction. Prior to detailed design, McGill helped the City develop a conceptual grading plan and cost estimate to determine the feasibility of the site off Plato Lee Road.

McGill hopes you will consider our firm as a valuable partner and would love to provide the same high quality level of service and successful conceptual planning for the Farmville Road parcels as was provided for Shell Building 3. If you have any questions, please contact Mark Cathey (primary contact) at mark.cathey@mcgillassociates.com or 828.231.6845, or Scott Burwell (secondary contact) at scott.burwell@mcgillassociates.com or 828.707.6749.

Sincerely,
MCGILL ASSOCIATES, PA

A handwritten signature in blue ink that reads "Mark D. Cathey".

MARK CATHEY, PE
Principal / Asheville Office Manager

A handwritten signature in blue ink that reads "Scott Burwell".

SCOTT BURWELL, PE
Senior Project Manager

**REQUEST FOR QUALIFICATIONS STATEMENT FOR PROFESSIONAL CIVIL
ENGINEERING SERVICES RELATED TO THE SITE DEVELOPMENT OF
PARCELS 32196 AND 61941 ON FARMVILLE ROAD IN SHELBY, NORTH
CAROLINA.**

Date: September 23, 2020

The City of Shelby is requesting Statements of Qualification from interested and qualified firms to provide professional civil engineering services related to the site development of parcels 32196 and 61941 on Farmville Road in Shelby, North Carolina (see enclosed map for reference).

PURPOSE

The purpose of this Request for Qualifications is to obtain expert professional, technical, and advisory services related to the site development of parcels 32196 and 61941 located at 1641 Farmville Road in Shelby, North Carolina as herein outlined. This project site consists of approximately 106 acres total currently owned by Cleveland County, NC.

SCOPE OF WORK

- 1) Prepare and submit conceptual grading plan for the above parcels to City of Shelby for review and comment. Site will consist of 2-3 building pads and associated parking.
- 2) Prepare and submit plans for preliminary layout of a sanitary sewer lift station and associated pipe routing.
- 3) Execute a traffic impact analysis for the site and surrounding area based on traffic projections related to site development.
- 4) Prepare a preliminary layout of necessary roadway improvements for the following areas:
 - a. Farmville Road
 - b. West Cabaniss Road
 - c. Washburn Switch Road
- 5) The proposed roadway improvements shall be reviewed and commented on by the City of Shelby and NCDOT.
- 6) Preparing a detailed cost estimate for all civil work.

REQUIREMENTS

The selected consultant will be required to enter into an agreement with the City of Shelby. The types of services and expertise required for this solicitation are described below. Consultants offering expertise in the services described below are encouraged to submit statements of qualifications.

PROPOSAL CONTENT AND EVALUATION

Five (5) copies of your proposal must be received no later than 2:00 PM, Friday, October 9, 2020. The proposals must be addressed to:

City of Shelby
Attn: Bryant Nodine, Business Manager
824 W. Grover St.
Shelby, NC 28150

Include in your proposal the following specific items, which will assist in the evaluation of all proposals:

- 1) Project Approach:
 - a. Describe your team's approach to successfully delivering the project. Provide details on how each task will be completed. Include any recommendations for maximizing effectiveness and efficiency.
- 2) Relevant Project Experience:
 - a. Provide a summary of your experience with similar projects, including location and client contact information. Specify the services provided, the office location from which the work was performed, and staff members' responsibilities.
- 3) Project Team:
 - a. Provide an organizational chart identifying all staff assigned to the project, including any sub-contractors, defining roles, responsibilities, and task assignments for the duration of the project.
- 4) Qualifications of Personnel:
 - a. Provide relevant experience and qualifications of all personnel assigned to the project.
- 5) Scope of Work:
 - a. Provide an outline for keeping the project on schedule and within budget. Include projected workloads and staff availability, as well as a projected schedule for completion of significant milestones and the draft and final plan.
- 6) References:
 - a. Provide contact information for at least three (3) references for clients familiar with similar work by your firm.

Proposals shall be limited to a maximum of fifteen (15) pages, not including a cover page or cover letter.

DO NOT INCLUDE A PRICED PROPOSAL

INQUIRIES

Questions that arise shall be submitted via email to Mr. Bryant Nodine at bryant.nodine@cityofshelby.com by 2:00 PM, October 1, 2020. Questions and answers will be provided to others receiving this request.

INCURRING COSTS

The City of Shelby is not liable for any cost incurred by the consultant in the preparation or presentation of a response to this request.

RIGHT OF AWARD OR REJECT

It is understood that all submittals will become part of the public's file on this matter, without obligation to the City. The City of Shelby reserves the right to accept and/or reject any and all submittals.

SELECTION AND EVALUATION

The City of Shelby will evaluate the submittals received. The City will review all requests, evaluate required criteria, select a consultant and enter into negotiations with the selected firm, or select a short list for interviews, then complete the process.

Each of the criteria listed in this outline will be evaluated on how fully each submittal meets the requirements, and each will be ranked. Particular emphasis will be placed on the consultant's past successful completion of similar projects shown by work summaries of the firm and individuals to do the work, and by references.

STATEMENT OF INTEREST AND QUALIFICATIONS

Each submittal from a qualified consultant received in response to this request will be judged as a demonstration of the consultant's capabilities and qualifications. Only those consultants who supply complete information as required by this request will be considered for evaluation. The factors used to determine those to be considered are:

- 1) An understanding of the requirements of this request demonstrated by the organization, clarity, and completeness of the submittal.
- 2) The past performance record and qualifications of the firm and the individuals who will do the work, verifiable through references and resumes, and
- 3) The ability of the consultant to provide a timely response.

EVALUATION CRITERIA

The contract will be awarded to a qualified consultant. Minimum standards for qualifications are:

- 1) Technical Approach/Understanding of Project (20%)
- 2) Relevant Experience of Proposed Personnel (15%)
- 3) Availability of Staff and Resources (10%)
- 4) Familiarity with Local Development Requirements and Processes (10%)
- 5) Relevant Site Development Experience (20%)
- 6) Relevant Utility Design Experience (10%)
- 7) Relevant Roadway Design Experience (10%)
- 8) Location of the Firm Relative to the Project (5%)

SELECTION

The final selection will be made following the review and ranking of the submittals and interviews, should interviews be held. After selection of a consultant, a contract will be prepared based on a negotiated Scope of Services and final fee proposal. Should the negotiations be unsuccessful with the number one ranked firm, negotiations will cease with that firm, and negotiations will begin with the number two ranked firm. This process will continue until a satisfactory contract is completed.

CONTRACT REQUIREMENTS

The final consultant will be required to complete a Service Contract, which will incorporate the submittal and work schedule as a part of the contract. In addition, it will be necessary for the successful consultant to be covered by Workman's Compensation insurance, which will extend to the work done within the State of North Carolina.

NONDISCRIMINATION

The City of Shelby complies with all civil rights provisions of federal statutes and related authorities that prohibit discrimination in programs and activities receiving federal and state financial assistance. Therefore, the City of Shelby does not discriminate on the basis of race, sex, color, age, national origin, religion or disability, in the admission, access to and treatment in the City's programs and activities.

RESOLUTION NO. 46-2020

**A RESOLUTION AUTHORIZING SELECTION OF MCGILL ASSOCIATES
BASED ON QUALIFICATIONS FOR PROFESSIONAL CIVIL ENGINEERING
SERVICES RELATED TO THE SITE DEVELOPMENT OF PARCELS 32196 AND
61941 ON FARMVILLE ROAD IN SHELBY, NORTH CAROLINA**

WHEREAS, the City of Shelby desires to obtain expert professional, technical, and advisory services related to the site development of parcels 32196 and 61941 located at 1641 Farmville Road in Shelby, North Carolina; and,

WHEREAS, this project will consist of civil engineering services, including, but not limited to, grading plans, sanitary sewer improvements, traffic impact analysis, and roadway improvements; and,

WHEREAS, the City of Shelby must contract with an engineering firm to provide the professional civil engineering services needed for the site development of parcels 32196 and 61941 on Farmville Road in Shelby; and,

WHEREAS, City staff issued a Request for Qualifications to professional engineering firms interested in providing Civil Engineering Services related to this project in accordance with North Carolina General Statute 143-64.31; and,

WHEREAS, three (3) proposals were received from civil engineering firms interested in performing the work associated with this project; and,

WHEREAS, City staff has reviewed the proposals and unanimously determined that McGill Associates is the most qualified firm to perform and provide the services as outlined in the Request for Qualifications.

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

Section 1. The City Council of the City of Shelby hereby desires for the City Manager to enter into negotiations with McGill Associates to negotiate a contract for the above referenced project.

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

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

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

Resolution No. 46-2020
October 19, 2020
Page 2

Adopted and approved this the 19th day of October 2020.

O. Stanhope Anthony III
Mayor

ATTEST:

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

City of Shelby
Agenda Item Summary
October 19, 2020
Don Gibson Theater

Unfinished Business Item E-2

- 2) Consideration of a resolution approving the Bobby Bell mural contract between the City of Shelby and The Mural Shop: Resolution No. 47-2020

Unfinished Business Item: (Rick Howell, City Manager and Justin Merritt, Assistant City Manager)

Summary of Available Information:

- Memorandum dated October 12, 2020 from Justin Merritt, Assistant City Manager to Rick Howell, City Manager
- Bobby Bell Mural Proposal from The Mural Shop
- Resolution No. 47-2020

City Manager's Recommendation / Comments

Resolution No. 47-2020 is presented for City Council consideration at this time. If approved this resolution would authorize the City to contract with The Mural Shop to install a wall mural honoring Shelby native Bobby Bell. The mural would be installed on one of three potential locations which will be finalized once an agreement with the property owner is reached and a written agreement is signed. The three locations include (in priority order) the building wall facing the parking lot behind the Chamber of Commerce, the United Way building wall on Morgan Street and the Police Department building wall facing Morgan Street.

Council will recall that in May of this year it vote to appropriate \$22,500 of travel/tourism funding to honor Bobby Bell in three distinct ways. They included the renaming/re-signing of the City Pavilion, the honorary naming of Dekalb Street as Bobby Bell Boulevard and the installation of a mural. The signs are complete and ready to be installed at the pavilion, the honorary roadway designation is in process with NCDOT and the mural project is ready to proceed with approval of this resolution.

It is my recommendation that Resolution No. 47-2020 be adopted and approved at this time.



To: Rick Howell, City Manager
From: Justin Merritt, Assistant City Manager
Date: October 12, 2020
Subject: Bobby Bell Mural Project Contract

Background:

In early August 2020, the City of Shelby announced a Request for Qualifications from artists to produce a mural of Shelby native and NFL Hall of Fame member Mr. Bobby Bell. The City received 6 responses to the RFQ from artists across the State.

The City convened a review committee with each member individually scoring each RFQ using a uniform scorecard and each RFQ was ranked based upon the calculated score. The committee met on 09/01/2020 to review each member's rank and comments, with the goal being to form a consensus recommendation. It was unanimously decided, based upon individual scorecards and discussion that The Mural Shop appeared to be the most qualified artist for this particular project.

Recommendation:

The recommendation from staff is to adopt the attached resolution, which will allow the City Manager to negotiate and execute the contract.



**Bobby Bell Mural Proposal
City of Shelby**

10/12/20

Overview and Artist Statement

In 2004, I established **The Mural Shop** to provide a multitude of professional artistic services including illustration, fine art, graphic design, custom signage, and most of all, murals. Since the beginning, we have grown to a team of employees and created dozens of murals and hundreds of illustrations for a broad clientele. I studied art at Rhodes College in Memphis, the Lorenzo di Medici School of Art in Florence, Italy and graduated with a BFA degree in painting and drawing from the University of North Carolina at Chapel Hill. After college, I began a 5-year apprenticeship with master muralist Michael Brown at Brown Fine Art Studios in Carrboro, NC. Under the guidance of Brown, I learned how to address the complexities of illustrating and painting on a large scale. During this time, I completed numerous interior and exterior murals of varying size for both residential and commercial properties. Ultimately, I formed my own business and began creating and restoring murals full time.

Proposed Mural Design

Bobby Bell Mural

The proposed mural is of Shelby’s great football hero, College and NFL Hall of Famer, Bobby Bell. The mural will be a realistic portrait of Mr. Bell as well as potential images of him in action. Most importantly, his visage and name will be highlighted as something for every passerby to see and recognize.

Itemized Budget (ESTIMATE)

Labor	10500
Materials (paint, brushes, rollers, etc.)	600
Lift (1 week)	2800
Travel (1 week)	1000

Total	<u>14900</u>
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Timeline	(Days)
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Layout (outlined sketch of mural)	1
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Fill and detail painting	4
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Protective clear coating	1
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Total	6 (1 week)
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Maintenance

I guarantee a 10-year lifespan of the mural after proper preparation of the wall and clear coat sealing. I retain a standing contract to correct any issues that may occur to the mural (graffiti, external damage) within that lifespan which covers up to 3 independent returns for corrections.



RESOLUTION NO. 47-2020

A RESOLUTION APPROVING THE BOBBY BELL MURAL CONTRACT
BETWEEN THE CITY OF SHELBY AND THE MURAL SHOP

WHEREAS, the City of Shelby has a desire to place a mural of Shelby native and NFL Hall of Fame Member Bobby Bell on an appropriate structure within the City of Shelby; and

WHEREAS, the City of Shelby has solicited qualifications from interested mural artists and City staff have evaluated said proposals; and

WHEREAS, the staff of the City of Shelby have determined that The Mural Shop is suitably qualified to complete the requested project based upon the qualifications submitted; and

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

Section 1. The City Council of the City of Shelby hereby desires for the City Manager, in consultation with the City Attorney, to enter into negotiations and a contract for professional services with The Mural Shop for the above referenced project.

Section 2. The City Manager of the City is hereby authorized and directed to execute the contract set forth in Section 1 of this resolution.

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

Adopted and approved this the 19th day of October 2020.

O. Stanhope Anthony III
Mayor

ATTEST:

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

City of Shelby
Agenda Item Summary
October 19, 2020
Don Gibson Theater

F. New Business

None

Agenda Item: G

City Manager's Report

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

Agenda Item: H

Council Announcements and Remarks

I. Adjournment

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

Motion to adjourn