

MINUTES

**Regular Meeting
Don Gibson Theatre**

**October 19, 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, Assistant City Manager Justin S. Merritt, MPA, City Attorney Andrea Leslie-Fite, City Clerk Bernadette A. Parduski, Public Information and Communications Officer Chip Nuhrah, Police Chief Jeffrey H. (Jeff) Ledford, Fire Chief William P. Hunt, MPA, EFO, Stan Lowery, Executive Director, Don Gibson Theatre; and Jennipher H. Harrill, Social Media Manager, Blue Eyes Social Media Connections

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 Mrs. Arth Dukes led the Pledge of Allegiance.

A. Approval of agenda:

- 1) Motion to adopt the proposed agenda**

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

B. Special Presentations:

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

Mayor Anthony called upon Todd McMurry. Mr. McMurry recognized his parents, Mr. and Mrs. McMurry; his wife, Julie; his grandchildren, Oliver and Ruby; his daughters, Chelsey and Brittany with finance, Cole; and Chief Hunt and members of his Fire and Rescue Department family, in attendance. The Mayor formally read and presented framed Resolution No. 43-2020 to Mr. McMurry. He then presented a shadow box, which displays the key to the City and various keepsakes, and a City lapel pin to him in honor of and with heartfelt appreciation for his 32 years of dedicated service within the Fire and Rescue Department of the City of Shelby.

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

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

Mayor Anthony called upon Jamey Davis, President of the Rotary Club of Shelby. The Mayor formally read and presented the Proclamation to Mr. Davis. As a member of the Rotary Club, the Mayor recognized Rotary International and the local Rotary Clubs that have worked tirelessly to eradicate the deadly polio virus worldwide. This Proclamation is meant to raise awareness of Rotary's efforts in the fight for a polio-free world by declaring October 24, 2020 as World Polio Day in the City of Shelby.

C. Public Comment:

- 1) Rev. Robert Devoe addressed City Council with his request to honor the life and memory of the late Rev. Dr. Martin Luther King, Jr. with a road designation of a City street. Rev. Devoe elaborated on the life, legacy, and teachings of Rev. Dr. King, stating he dedicated his life to the nonviolent struggle for racial equality in the United States. For these reasons, Rev. Devoe reiterated his request for a road designation in Shelby paying tribute to Rev. Dr. Martin Luther King, Jr.**

D. 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 October 5, 2020**

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**

Mr. Howell introduced Resolution No. 46-2020 for Council's consideration. To promote economic development and growth in the region, the City in partnership with the Cleveland County Economic Development Partnership (CCEDP) and Cleveland County is working toward completing further due diligence to prepare City/County jointly owned sites for consideration by economic development clients. Mr. Howell stated the site at 1641 Farmville Road, which includes Parcels 32196 and 61941, is accessed by a narrow North Carolina Department of Transportation (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.

Mr. Howell further stated the City utilizes a Qualification Based Selection (QBS) process without consideration of fee proposals to initially select an engineering, architectural, or surveying firm. The City then advertised a Request for Qualifications (RFQ) statement for professional civil engineering services related to the site development of 1641 Farmville Road, consisting of approximately 105 acres currently owned by Cleveland County, in which staff 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

City staff received three Statements of Qualifications from the following firms: McGill Associates, TGS Engineers, and Withers Ravenel. A selection committee formed consisting of four City staff members who individually reviewed and rated the Statements in accordance to the evaluation criteria outlined in the RFQ advertisement. The City's selection committee unanimously recommended the Professional Engineering Services contract related to the site development of 1641 Farmville Road be awarded to McGill Associates.

Mr. Howell concluded by stating if approved, the resolution would authorize the selection of McGill Associates and authorize him as 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. He added the site development project is expected to cost approximately \$45,000, which is being paid for by grant funding provided by Duke Energy and secured by CCEDP.

ACTION TAKEN: Upon a motion made by Mr. Webber, City Council voted unanimously to approve and adopt Resolution No. 46-2020 entitled, "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".

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

Mr. Howell introduced Resolution No. 47-2020 for Council's consideration. In May 2020 Council appropriated \$22,500 of travel and tourism funding to honor Shelby native and former professional football player, Bobby Bell, in three distinct ways. This included the renaming and re-signing of the City Pavilion, the honorary naming of Dekalb Street as Bobby Bell Boulevard, and the installation of a mural. Mr. Howell stated the signs are complete and ready to be installed at the Pavilion, the honorary roadway designation is in process with North Carolina Department of Transportation, and the mural project is ready to proceed with the approval of the resolution presented.

Next, Mr. Merritt reviewed and discussed the process in the development of the City of Shelby Mural Project honoring Bobby Bell which included:

- Project description
- Instructions for submittal process
- Method of award
- Selection process
- Submittal requirements and requested information
- Site – the building wall facing the parking lot behind the Chamber of Commerce in Uptown Shelby
- Description of warranty and guarantee
- Proof of insurance
- Description of current workload and availability
- Timeline and completion of the mural project

Mr. Merritt stated the City received six responses to the RFQ from artists across the State. He organized 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 in September 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 project.

Mr. Merritt further stated the recommendation from staff is to adopt the resolution, which will allow the City Manager to negotiate and execute the contract.

ACTION TAKEN: Upon a motion made by Mrs. Arth Dukes, City Council voted unanimously to approve and adopt Resolution No. 47-2020 entitled, "A RESOLUTION APPROVING THE BOBBY BELL MURAL CONTRACT BETWEEN THE CITY OF SHELBY AND THE MURAL SHOP".

F. New Business: None

G. City Manager's Report:

- 1) **Mr. Howell confirmed the scheduling of two ribbon cutting ceremonies as follows:**
 - **Uptown Streetscape Project at the corner of East Warren Street and South Washington Street – November 2, 2020 at 5:00 p.m.**
 - **Water Treatment Plant Upgrade Project at 801 West Grover Street – November 16, 2020 at 4:45 p.m.**
- 2) **Regarding City Council’s annual retreat, Mr. Howell requested Council check their calendars in order to set a date in January 2021 and prepare to discuss and formalize their expectations for the subject matter to be presented by staff.**
- 3) **Regarding the Job Ready Industrial Shell Building No. 3 Project, Mr. Howell reported the construction activities are progressing very well and with completion anticipated by December 2020. He stated there has been interest by a prospective economic development client.**
- 4) **Regarding the City’s noise ordinance and outdoor church services during the COVID-19 pandemic, Mr. Howell reported the Police Department resolved the matter of the outdoor amplified sound which caused several complaints from the surrounding neighbors. He further explained the noise ordinance allows for exemptions and applications for temporary variances but not in this instance. This 1985 ordinance is under review by Mrs. Fite.**
- 5) **Mr. Howell will provide Council with the Monthly Financial Summary for the Fiscal Year to Date at September 30, 2020 and will have comments at their next meeting of November 2, 2020.**

H. Council Announcements and Remarks:

- 1) **Mrs. Arth Dukes requested an update regarding a complaint about a sinkhole on East Marion Street. Mr. Howell stated it is a private property matter, adding US Highway 74 Business (East Marion Street) is a North Carolina Department of Transportation road. DOT advised that the sinkhole is located outside of its right-of-way. The property owner has been made aware of the issues. Mrs. Arth Dukes expressed her concerns about the safety issues and requested the City place cones around the sinkhole or cite the property owner. Mr. Howell will communicate to the property owner an offer to utilize the City’s Stormwater Assistance Program for possible off right-of-way consideration.**

Mrs. Fite reiterated Mr. Howell’s comments, adding that personal property liability is a challenge for a public entity to navigate. However, the City

can explore additional measures to utilize and provide feedback. She advised to proceed with caution.

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 19, 2020