

MINUTES

**Regular Meeting
Don Gibson Theatre**

**May 3, 2021
Monday, 6:00 p.m.**

Present: Mayor O. Stanhope Anthony III, presiding; Council Members Eric B. Hendrick, 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, Director of Finance Elizabeth B. (Beth) Beam, CPA, Director of Human Resources Deborah C. (Deb) Jolly, Director of Engineering Services Benjamin (Ben) Yarboro, Police Chief Jeffrey H. (Jeff) Ledford, Fire Chief William P. Hunt, MPA, EFO, Director of Planning and Development Services Walter (Walt) Scharer, AICP, Stan Lowery, Executive Director, Don Gibson Theatre; and Jennipher H. Harrill, Social Media Manager, Blue Eyes Social Media Connections

Absent: Council Member David W. White

Mayor Anthony called the meeting to order at 6:00 p.m. and delivered the invocation.

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. Hendrick, City Council voted unanimously to approve the agenda as presented.

B. Special Presentation:

1) The City of Shelby Business Starter Guide – Rachel Taylor, Senior Analyst, NC Growth, Kenan-Flagler Business School, University of North Carolina at Chapel Hill

Mr. Merritt introduced the subject matter of the presentation namely “The City of Shelby Business Starter Guide” and the representatives of the NCGrowth Economic Development team, Jess Wilkinson, Economic Development Manager, and Rachel Taylor, Senior Analyst. He recalled the idea for the project began when Mr. Howell found a document online designed to assist individuals wishing to start a business in Whiteville, North Carolina. Mr. Merritt contacted the City of Whiteville and then the NCGrowth team about an opportunity to work with him and Mr. Scharer and Shelby Holmes to produce the City’s Business Starter Guide.

Next, Miss Wilkinson stated that since 2012 NCGrowth has been an Economic Development University Center housed at the Kenan Institute of Private Enterprise and affiliated with the Kenan Business School at the University of North Carolina at Chapel Hill. She stated NCGrowth has assisted almost 80 communities through research, technical assistance, and consulting services to achieve their business goals. Miss Wilkinson introduced Rachel Taylor who continued the presentation.

Miss Taylor began with a discussion of what to expect from the report:

- **Part 1: Project Goals**
 1. **Design a Business Starter Guide – learn the planning and permitting steps necessary to open a business in Shelby**
 2. **Analyze the process – identify strengths, opportunities for growth, and strategies to address challenges**
 3. **Develop recommendations – recommend steps to distribute the guide, enhance services, and streamline processes**

Miss Taylor stated her research utilized the combined best practices approach by conducting interviews, analyzing the planning and permitting process, and researching case studies and demographic data.

- **Part 2: Guide Walk-through**
 1. **Step-by-step process:**
 - **Check zoning and land use**
 - **Make sure building is up to code**
 - **Obtain permits for construction, alteration, movement, and more**
 - **Sign lease**
 - **Get the building inspected**
 - **Establish utility accounts**

For clarification purposes, Miss Taylor explained the typical zoning districts for small businesses, the occupancy classification groups (be aware of the occupancy classification to determine code ordinances to follow) and determine whether the proposed business location has a backflow prevention device very early in the permitting process.

- **Part 3: Recommendation Report**
 2. **Helpful resources for supporting businesses**
 3. **Economic Incentive Programs**
 4. **Directory of contact information**

- **Distribute the Guide**
 1. Digital media via City’s website, social media
 2. Local via news and partner organizations
 3. Ongoing distribution and review via educational forums; revise for updates and edited links
- **Lessons from Case Studies**
 1. Casa Grande, AZ – Promote public service positivity
 2. Memphis, TN – Help minority and women-owned businesses thrive
 3. Big Stone Gap, VA – Support entrepreneurs
- **Streamline the Process**
 1. Facilitate form submission – Update forms to fillable formats
 2. Increase transparency – Adjust website design to be more user-friendly; create flow charts to illustrate the internal workflow; set clear expectations of process timelines
 3. Plan for the Long-term – Conduct an information audit; invest in an online planning and permitting system
- **Foster Minority Business Ownership**
 1. Strategically advertise
 2. Support prospective entrepreneurs
- **Retain Quality Employees**
 1. Retain employees through engagement
 2. Collect data and measure success
 3. Offer opportunities to develop
 4. Start with Leadership

The presentation concluded with a brief discussion. Upon questioning, Miss Wilkinson responded that the City of Whiteville is pleased with the results of their Business Starter Packet. She added that the NCGrowth team does follow-up with their clients every six months. Mrs. Arth Dukes suggested adding a page of applicable City fees to the Business Starter Guide.

The City of Shelby Business Starter Guide and the presentation were well-received by Council for informational purposes. No action was taken by Council.

C. Consent Agenda:

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

- 1) Approval of the Minutes of the Regular Meeting of April 19, 2021
- 2) Approval of a resolution honoring Thomas J. (Tommy) Forney, Jr. on the occasion of his retirement from employment with the City of Shelby: Resolution No. 24-2021
- 3) Approval of a resolution amending Resolution No. 6-2020: A resolution approving the conveyance of property to another unit of government in North Carolina pursuant to North Carolina General Statute 160A-274: Resolution No. 25-2021

D. Unfinished Business:

- 1) Consideration of appointments to City advisory boards and commissions:

- a. Alcoholic Beverage Control (ABC) Board

Mayor Anthony reminded Council that appointments to this board were made last month in April and it is currently at full-board membership. The Mayor stated Council has the authority to elect a Chair of this board.

Mr. Causby nominated Page Morgan.

Mr. Hopper nominated Sallie M. Craig.

ACTION TAKEN: Upon a motion made by Mr. Hendrick, City Council voted unanimously to close the nominations for Chair of the ABC Board.

Council cast the following votes:

Page Morgan received two votes (Causby and Arth Dukes).

Sallie M. Craig received three votes (Hendrick, Webber, and Hopper).

Mayor Anthony declared Sallie M. Craig as Chair of the ABC Board.

- 2) Consideration of a resolution opposing the passage of State Bill 349/House Bill 401 Increase Housing Opportunities in the General Assembly of North Carolina: Resolution No. 26-2021

Mr. Howell introduced Resolution No. 26-2021 for Council's consideration. If approved, this resolution would formalize Council's opposition to Senate Bill 349/House Bill 401 titled "Increase Housing Opportunities". As previously discussed, this bill would eliminate statewide a local governing body's ability to limit any zoning district to single family housing only. House Bill 401 and its

companion Senate Bill 349 make key changes to zoning enabling statutes. It prohibits local governments from excluding duplexes, triplexes, and quadplexes from any residential zoning district where single family dwellings are allowed. It would also require local governments to allow “accessory dwelling units” in all residential zoning districts. Mr. Howell concluded by stating this bill represents a one-size-fits-all approach to zoning and land use in the guise of increasing affordable housing. However, it would usurp local control, undermine the rights of existing property owners, and damage existing home values. The legislation would do so by eliminating single-family zoning statewide and wipe out other aspects of local zoning, further eroding the rights of local property owners and the decisions of their locally elected officials to determine how development should occur in their communities and neighborhoods.

ACTION TAKEN: Upon a motion made by Mrs. Arth Dukes, City Council voted unanimously to approve and adopt Resolution No. 26-2021 entitled, “A RESOLUTION OPPOSING THE PASSAGE OF STATE BILL 349/HOUSE BILL 401 INCREASE HOUSING OPPORTUNITIES IN THE GENERAL ASSEMBLY OF NORTH CAROLINA”.

E. New Business:

- 1) Consideration of a resolution awarding the contract for the City of Shelby Fiscal Year 2020-2021 Street Resurfacing Program: Resolution No. 27-2021

Mr. Howell introduced Resolution No. 27-2021 for Council’s consideration. The adoption of the resolution would award the bid and contract for this annual project. The list submitted by Mr. Yarboro is based upon field observations by staff and inspection data from the 2013 Street Condition Survey conducted by McGill Engineers. This study was later incorporated as part of the Transportation Asset Management Plan and provides an objective decision-making basis and contains an analysis and prioritization of City streets in need of repair and resurfacing.

Mr. Howell noted of the 121 miles of City streets, staff is only able to resurface 1.5 to 2.0 miles each year. Based on the criteria and a project cost estimate, staff identified 3.37 miles of City maintained street system for resurfacing. The scope of work will include milling the existing asphalt as required to reclaim curb and guttering and overlaying with 1.5 inches of asphalt. The asphalt milling that occurs with the annual resurfacing project is completed to maintain stormwater control. For that reason, funding for this construction contract is available via the Powell Bill and the Stormwater Utility fee revenue.

Mr. Howell concluded by stating the City's street maintenance program is funded by Powell Bill revenue that is generated by a portion of the state gas tax and distributed to qualifying cities and towns based upon total eligible street mileage and population. The funding does not allow an adequate timetable for resurfacing all the City's streets. To date, staff has done a good job year in and year out developing the program with the goal of addressing the most significant needs.

ACTION TAKEN: Upon a motion made by Mr. Webber, City Council voted unanimously to approve and adopt Resolution No. 27-2021 entitled, "A RESOLUTION AWARDDING THE CONTRACT FOR THE CITY OF SHELBY FISCAL YEAR 2020-2021 STREET RESURFACING PROGRAM".

2) City of Shelby's Job Ready Shell Building No. 4 Project

- a. Consideration of an ordinance establishing a capital project ordinance and budgets for the City of Shelby's Job Ready Shell Building No. 4 Project: Ordinance No. 18-2021

Mr. Howell introduced Ordinance No. 18-2021 for Council's consideration. In an effort to continue to promote economic development within the City of Shelby, the City desires to complete the design of an industrial site and a job ready shell building on property owned by the City on Randolph Road. If approved, the ordinance would appropriate funding in the amount of \$354,000 from fund balance and the economic development fund for this project as well as the Cleveland County's one-half share of the cost for engineering, architectural, and design costs associated with the site preparation and building design for Shell Building No. 4 to be constructed at 2215 Randolph Road. Mr. Howell stated this is a City owned parcel purchased in 2015. As a reminder, this entire project is funded 50/50 between the City and County. The City is acting as the developer of the project and will collect a developer's fee to offset City staff time and some overhead cost.

ACTION TAKEN: Upon a motion made by Mr. Causby, City Council voted unanimously to approve and adopt Ordinance No. 18-2021 entitled, "AN ORDINANCE ESTABLISHING A CAPITAL PROJECT ORDINANCE AND BUDGETS FOR THE CITY OF SHELBY'S JOB READY SHELL BUILDING NO. 4 PROJECT".

- b. Consideration of a resolution authorizing selection of WHN Architects based on qualifications for professional architectural and civil engineering services for the design of an industrial site and a "Job Ready" Shell Building on Randolph Road in Shelby, North Carolina: Resolution No. 28-2021

Mr. Howell introduced Resolution No. 28-2021 for Council's consideration. The selection committee voted to recommend WHN Architects as the most qualified firm to perform architectural and engineering design services for Shell Building No. 4. In accordance with the NC General Statute 143-31, the City follows a "Request for Qualifications" process. Submitting firms are vetted by a staff committee using an established scoring system. The field is narrowed, and an interview process occurs. The staff committee then reviews their findings and recommendation with me. The City has contracted with McGill Associates in the past for site design on Shell Buildings No. 1 and No. 2 as well as the pre-graded sites within Foothills Commerce Center. All costs per our agreement will be shared equally by the City and Cleveland County.

ACTION TAKEN: Upon a motion made by Mr. Hopper, City Council voted unanimously to approve and adopt Resolution No. 28-2021 entitled, "A RESOLUTION AUTHORIZING SELECTION OF WHN ARCHITECTS BASED ON QUALIFICATIONS FOR PROFESSIONAL ARCHITECTURAL AND CIVIL ENGINEERING SERVICES FOR THE DESIGN OF AN INDUSTRIAL SITE AND A "JOB READY" SHELL BUILDING ON RANDOLPH ROAD IN SHELBY, NORTH CAROLINA".

F. City Manager's Report:

- 1) Mr. Howell discussed the following which were previously reported to Mayor and Council through his electronic communications:
 - Review of the City's Monthly Financial Summary for March 2021
 - The City's health care plan through Medcost Benefit Services included the Monthly Paid Claims Summary for January through March 2021
 - National Day of Prayer to be observed on Thursday, May 6, 2021; City Hall Council Chamber will be open for prayer at 12 Noon through 1:00 p.m.
 - The Bobby Bell Mural has been completed by the artist, Scott Nurkin
 - Recyclops is a completely independent recycling company that utilizes an Uber-like model and contracts directly with residents offering a subscription service for an average pricing of \$12/month for bi-monthly pick-ups; location activation can begin after 100 sign-ups.

G. Council Announcements and Remarks:

- 1) Mayor Anthony made the following announcements:
 - Happy Star Wars Day – May 4
 - Happy birthday, Council Member Violet Arth Dukes – May 4

- Happy International Firefighters Day – May 4
 - Teacher Appreciation Week to honor educators – May 2 through May 8
 - National Day of Prayer – May 6
- 2) Mayor Anthony requested Council’s consensus so he and Mr. Hopper can continue to further plan Bobby Bell’s recognition event for a mutually convenient date with the Bell family.
 - 3) Mr. Causby requested clarification as to funding the American Legion World Series this year since the event and the funding were missed last year due to the COVID-19 pandemic.

Mr. Howell responded each year past grant recipients and other organizations that have expressed an interest are eligible to submit grant applications for the funds generated through the 3 percent room occupancy tax levied by City Council. Each is reviewed to determine if the purpose for use of funds is eligible under the statutes and City policy, the economic impact of the event(s) and/or promotion, past use of funds, success of past events to attract overnight visitors, financial participation by the entity, as well as other relevant criteria. He reminded Council that the American Legion World Series did not submit a grant application last year. Mr. Howell said that once the City’s budget is adopted or concurrently with the adoption of the budget, all grant applicants will be given full consideration and the funding will be distributed.

H. Adjournment:

- 1) Motion to adjourn

ACTION TAKEN: Upon a motion made by Mr. Hendrick, City Council voted unanimously to adjourn the meeting at 6:56 p.m.

Respectfully submitted,

Bernadette A. Parduski, NCCMC, MMC
City Clerk

O. Stanhope Anthony III
Mayor

Minutes of May 3, 2021