

Welcome and Call to Order by Mayor Pro tempore Eric B. Hendrick

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) 2021 Tar Heel Leagues Girls Softball State Tournaments –
Charlie Holtzclaw, Director of Shelby Parks and Recreation 1

C. Public Comment: 3

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.

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B. Special Presentations:

Agenda Item B-1

- 1) 2021 Tar Heel Leagues Girls Softball State Tournaments –Charlie Holtzclaw,
Director of Shelby Parks and Recreation

Presenting: (Charlie Holtzclaw, Director of Shelby Parks and Recreation)

- Memorandum dated July 6, 2021 from Charlie Holtzclaw, Director Parks and
Recreation to Rick Howell, City Manager

City Manager's Recommendation / Comments

Mr. Holtzclaw has requested this time on the agenda to provide Council with information on a rather large softball tournament to be held in Shelby this summer. I wish to commend our Parks and Recreation staff for their hard work in securing this tournament. These are important events as they bring hundreds of young players, parents, grandparents and others to town for four days (July 22-25). I think all of you know that they stay in local hotels, eat at local restaurants and shop in local stores. These type of events are a piece of the puzzle for the improved economic health of our community. The impression we make on them while they are here is important to securing future tournaments and on the image of Shelby they take back to their own communities. Your support is vitally important to the success of this event as well. Thanks for your willingness to allow us to host this event.



Memorandum

To: Rick Howell, City Manager
Cc: Bernadette Parduski, City Clerk
From: Charlie Holtzclaw, Director Parks and Recreation
Date: July 6, 2021
Subject: Tar Heel Leagues State Softball Tournaments

Executive Summary of issue – Background

Shelby City Park will host Tar Heel Leagues Girl's Softball State Tournaments July 22nd through 25th. These 4 tournaments will feature 3 Shelby host teams and combine to have a total of approximately 30 girl's softball teams with over 400 players and coaches participating in the 4-day events.

Several hundred spectators are expected to be on hand daily until the Sunday championship games. There will be a total of 45 games played at both the Recreation and Sports Complex #1 and Sports Complex #2.

Opening ceremonies for all teams will be held on Thursday, July 22nd at 1:00pm at the Recreation and Sports Complex #1.

The vast majority of these teams and families will be staying in our local motels. The teams will come from all across the state from the coast to the mountains and also will patronize our restaurants and businesses.

I am requesting this time to briefly talk about the upcoming State Tournaments and invite Mayor and Council members to attend opening ceremonies.

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C. Public Comment:

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City of Shelby
Agenda Item Summary
July 19, 2021
Don Gibson Theatre

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 June 21, 2021

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 June 21, 2021

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

June 21, 2021
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, 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 Water Resources David Hux, 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

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

Mr. Causby 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) Recognition of Fire Chief William Hunt as 2021 Career Fire Chief of the Year by the North Carolina Association of Fire Chiefs (NCAFC)

Mayor Anthony called upon Fire Chief William Hunt and formally presented the plaque designating him as the 2021 Career Fire Chief of the Year by the North Carolina Association of Fire Chiefs (NCAFC). As background, the selection criteria emphasize leadership, innovation, professional development, integrity, service to the public, and contributions to fire service. A nominee's entire fire service activities and accomplishments are considered by the NCAFC Fire Chief of the Year Committee.

Chief Hunt recognized the Shelby Fire and Rescue team as well as those in attendance: Division Chief David Vanhoy, Battalion Chief Clint Beam, and Fire Marshal Phillip Lane.

- 2) **Recognition of Director of Finance, Beth B. Beam, and the City of Shelby's Finance Department as recipients of the Certificate of Achievement for Excellence in Financial Reporting awarded by the Government Finance Officers Association for Fiscal Year ended June 30, 2020**

Acknowledging a long legacy, Mayor Anthony was pleased to announce that the Government Finance Officers Association awarded the Certificate of Achievement for Excellence in Financial Reporting to the City of Shelby for its Comprehensive Annual Financial Report (CAFR) yet again. When a Certificate of Achievement is awarded to a government, an Award of Financial Reporting Achievement (AFRA) is also presented to the department designated by the government as primarily responsible for its having earned the Certificate. The Mayor noted it is a testament to the commitment of past and present management and finance directors, whose work is often taken for granted, as to full public disclosure and communication of the financial condition of the City of Shelby.

Noting this is the 24th year the award has been received by the City of Shelby, Mayor Anthony recognized and congratulated Finance Director Beth Beam as she accepted the Certificate of Achievement on behalf of the City of Shelby and the Award of Financial Reporting Achievement on behalf of the Finance Department.

C. Public Comment: None

D. Public Hearings:

- 1) **Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina (1855 East Dixon Boulevard): Ordinance No. 21-2021**

Mr. Scharer introduced a zoning map amendment for property located at 1855 East Dixon Boulevard and west of Cleveland Mall, from Residential 10 (R10) zoning district to General Business (GB) zoning district. He stated the site is currently vacant and undeveloped. The property is currently split zoned R10 and GB. The applicant, Jolu, Inc., is seeking to eliminate the split zoning on this property and requesting the entire property be zoned GB.

Mr. Scharer concluded by stating staff recommended approval of this proposed zoning map amendment, which is reasonable and consistent with the Shelby Comprehensive Land Use Plan. The Planning and Zoning Board also recommended approval of the proposed zoning map amendment.

Mayor Anthony opened the public hearing at 6:08 p.m. and invited comments from the public.

The public offered no comments.

Mayor Anthony closed the public hearing at 6:09 p.m.

ACTION TAKEN: Upon a motion made by Mr. Causby, City Council voted unanimously to approve and adopt Ordinance No. 21-2021 entitled, “A PROPOSED ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF SHELBY, NORTH CAROLINA”.

- 2) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina (1100 Buffalo Street and 706 Julius Street): Ordinance No. 22-2021

Mr. Scharer introduced the proposed conditional zoning map amendment from Residential Office (RO), Residential 6 (R6), and Neighborhood Business (NB) zoning districts to Residential Office-Conditional Zoning at 1100 Buffalo Street and 706 Julius Street. The applicant, Western Carolina Rescue Ministries, Inc., is proposing a zoning change to these properties in order for the men’s shelter and women’s shelter to be in close proximity of each other.

Mr. Scharer stated the former men’s shelter is now the women’s and children’s shelter at 1100 Buffalo Street. The new men’s shelter, a former warehouse, will be located at 706 Julius Street. The amendment would allow these two shelters to be within 300 feet of each other. Both are operated by the Cleveland County Rescue Mission.

Mr. Scharer explained the conditional zoning districts are established to allow the City Council to consider proposed uses and tailor the zoning to accommodate those uses and promote innovative design while addressing anticipated problems that may arise from the establishment of the proposed uses. The conditional zoning district approval process allows the City Council to approve a proposal for a specific use with reasonable conditions to assure the compatibility of the use with surrounding properties. This is a voluntary procedure intended for firm development proposals. Uses that may be proposed and considered for a conditional zoning district shall be restricted to those uses permitted in the underlying general zoning district.

Mr. Scharer added this proposed conditional zoning map amendment proposes all the same development standards for homeless shelters in Article 11 aside from the use separation requirements. This proposal does not remove the use separation requirement for all homeless shelters; however, this proposal does allow the properties at 706 Julius Street and 1100 Buffalo Street to operate within the previously required use separation.

The applicant is proposing and consents to the following conditions:

1. The use must be operated by a resident owner or manager.
2. The use shall be owned and managed by a charitable or benevolent operation qualifying for tax exemption under Section 501 of the Internal Revenue Code as amended.
3. There shall be no compensation required for occupancy in the shelter.
4. There shall be a minimum of fifty square feet of sleeping space per person.
5. The special use permit authorizing such use shall be renewed annually (every 12 months) by the Board of Adjustment. Failure to apply for renewal within the specified time period shall render the special use permit null and void. The special use permit may be revoked by Board of Adjustment at any time upon a finding that the use has caused a habitual nuisance to adjacent properties.
6. There may be one unlighted sign erected, not to exceed three feet in height and three feet in sign area.

Mayor Anthony opened the public hearing at 6:13 p.m. and invited comments from the public.

The public offered no comments.

Mayor Anthony closed the public hearing at 6:14 p.m.

ACTION TAKEN: Upon a motion made by Mr. Hendrick, City Council voted unanimously to approve and adopt Ordinance No. 22-2021 entitled, "A PROPOSED ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF SHELBY, NORTH CAROLINA".

3) Proposed Fiscal Year (FY) 2021-2022 Annual Operating Budget for the City of Shelby

As a reminder, Mayor Anthony stated Mr. Howell had previously presented the proposed Fiscal Year (FY) 2021-2022 Annual Operating Budget for the City of Shelby to Council at their regularly scheduled meetings of May 17, 2021 and June 7, 2021. The Mayor added the City of Shelby General Fund Budget Presentation, Fiscal Year (FY) 2021-2022; the City of Shelby Utility (Enterprise) Funds Budget Presentation, Fiscal Year (FY) 2021-2022; Mr. Howell's Budget Message; the Proposed Budget Ordinance; and the Proposed Supplemental Budget Ordinance, were posted to the City's website for public access and review as well as made available for public inspection at City Hall. Lastly, the public hearing notice has been advertised as required.

Mayor Anthony opened the public hearing at 6:15 p.m. and invited comments from the public.

The public offered no comments.

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

- a. Consideration of Fiscal Year (FY) 2021-2022 Budget Ordinance: Ordinance No. 23-2021

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to approve and adopt Ordinance No. 23-2021 entitled, "FISCAL YEAR (FY) 2021-2022 BUDGET ORDINANCE".

- b. Consideration of Fiscal Year (FY) 2021-2022 Supplemental Budget Ordinance: Ordinance No. 24-2021

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to approve and adopt Ordinance No. 24-2021 entitled, "FISCAL YEAR (FY) 2021-2022 SUPPLEMENTAL BUDGET ORDINANCE".

E. Consent Agenda:

Mayor Anthony presented the consent agenda. Mrs. Arth Dukes moved to approve the consent agenda and the following items were unanimously adopted:

- 1) Approval of the Minutes of the Regular Meeting of June 7, 2021
- 2) Approval of a resolution authorizing receipt of a donation towards Phase I of Depot Park and execution of an Irrevocable Charitable Pledge Agreement: Resolution No. 38-2021
- 3) Approval of a resolution authorizing the execution of a Building Inspection Services Mutual Aid Agreement: Resolution No. 39-2021
- 4) Approval of a resolution adopting the financial and budgetary policies of the City of Shelby: Resolution No. 40-2021
- 5) Approval of a resolution making certain findings and determinations, authorizing the filing of an application with the Local Government Commission and appointing bond counsel and financial advisor in connection with the proposed issuance of street and sidewalk improvement bonds by the City: Resolution No. 41-2021

- 6) Adoption of Fiscal Year (FY) 2020-2021 Budget Ordinance Amendment No. 11: Ordinance No. 25-2021
- 7) Adoption of Fiscal Year (FY) 2020-2021 Budget Ordinance Amendment No. 12: Ordinance No. 26-2021
- 8) Approval of a Notice of Cancellation in the Regular Meeting Schedule of Shelby City Council

F. Unfinished Business: None

Council Member Charles Webber arrived at 6:20 p.m.

G. New Business:

- 1) Consideration of a resolution authorizing selection of Kimley-Horn based on qualifications for the 24-inch water transmission line to the South tank and Forest Hill Drive: Resolution No. 42-2021

Mr. Howell introduced Resolution No. 42-2021 for Council's consideration. As background information and as an overview of the project, he stated since 2009, the City of Shelby identified low water pressure and low flow issues in the eastern portions of the City's water distribution system. The system was able to meet normal consumption needs and fire protection; however, the system struggled with increased demand times associated with commercial and institutional demand, fire hydrant flushing and fire suppression. Most of these pressure and flow issues stem from lack of an adequately sized distribution lines from the Water Treatment Plant (WTP) to the eastern portions of the system and the lack of water storage around the Cleveland Community College area. Engineering reviews recommended a phased approach including the construction of an elevated storage tank in the East and installation of a major distribution waterline from the City's WTP to the elevated storage tanks in the North and South and eventually a new East tank.

Mr. Howell further stated the City began planning and construction of several large projects to help alleviate the issues in the eastern sections of the City. Some additional key steps of improvements along the way have included:

- 2015-2017 – Design and construction of the East tank at Kemper Road and Marion Street
- 2015-2018 – Design and construction of Grover-Morgan 24-inch waterline from WTP to Marion Street and Morgan Street intersection
- 2016 – Water Model Evaluation of the City's Water System - Included proposed system improvement projects and waterline sizing verification

- **2016 Waterline Planning Document providing routes and estimates for construction of 24-inch waterline to South and East tanks. This document included the phasing of these projects.**

Mr. Howell added the completion of the East tank and main distribution waterline to the Uptown area have helped to improve the water situation in the East; however, the City must continue to construct a 24-inch waterline across Shelby to help provide adequate water for future economic development and fire protection. Since the problem was identified, the City has seen increased development in the East with Cleveland Community College, residential, and commercial growth. With this growth, the additional capacities in the east are further reduced because of the hydraulic limitations of smaller distribution lines.

Mr. Howell stated with these activities/projects completed, the next phase is the design and construction a 24-inch water line extending service from the Marion Street and Morgan Street intersection to the South tank. This new line would be installed along Market and Morgan Streets paralleling the old Norfolk Southern Railroad (Rail Trail Corridor), turning east on McDowell Street and then onto South Lafayette Street to the South Tank. There will be several interconnections to the existing distribution system along the route. From the intersection of Graham Street and Morgan Street, a 24-inch line would extend east to Beaumonde Avenue and then to Forest Hill Drive. There will be several interconnections to the existing system along the route. A major connection would be made at the intersection of Dekalb and Graham Streets to the 12-inch line that feeds the City's North tank.

As part of the project, altitude valves will be installed at the North and South tanks. These altitude valves will allow the City to force additional water flow to the eastern portion of the system towards the East tank. This will help to continue to enhance water distribution to the East tank area until the City can complete the additional phases needed to extend the main 24-inch distribution line to the East tank.

Mr. Howell concluded by stating the City follows a request for qualifications (RFQ) process. After scoring the RFQs, staff recommended the approval of the resolution selecting Kimley-Horn and Associates, Inc. of Charlotte, North Carolina to perform the engineering services for the 24-inch Water Transmission Line Extension to the South Tank and Forest Hill Drive Project. The resolution also authorizes the City Manager to then negotiate and execute an agreement establishing the scope of work and fees associated with the required engineering services. It was noted the City has contracted with Kimley-Horn in the past for the design of the 24-inch water transmission loop line from the Water Treatment Plant on Grover Street to Washburn Switch Road as part of the Clearwater Paper Corporation expansion.

ACTION TAKEN: Upon a motion made by Mr. Hopper, City Council voted unanimously to approve and adopt Resolution No. 42-2021 entitled, “A RESOLUTION AUTHORIZING SELECTION OF KIMLEY-HORN BASED ON QUALIFICATIONS FOR THE 24-INCH WATER TRANSMISSION LINE TO THE SOUTH TANK AND FOREST HILL DRIVE”.

- 2) Consideration of a resolution authorizing selection of WithersRavenel based on qualifications for the Hickory Creek Sewer Outfall Replacement: Resolution No. 43-2021

Mr. Howell introduced Resolution No. 43-2021 for Council’s consideration. As background information and as an overview of the project, he stated the gravity sections of Hickory Creek Outfall from south of Highway 74 to Windsor Drive was initially installed in the 1950s and were constructed utilizing vitrified clay pipe (VCP). Some of these sections were relocated during the late 1990s and constructed with ductile iron pipe (DIP). Staff identified this area as a high priority area of the sanitary sewer system because of the number of sanitary sewer overflows over the past 10 plus years. In 2015, the City contracted an engineering firm to complete an evaluation of the Hickory Creek Sewer Outfall utilizing flow monitoring and surveying of the outfall. The engineering evaluation determined that the outfall had several sections that are laid at either reverse or flat grade, thereby reducing the system flow capacity during dry weather flows and wet weather events. The reduction of the system flows during rain events created hydraulic problems resulting in large sanitary sewer overflows.

Mr. Howell further stated system improvements would include the re-laying of sewer line from Highway 74 to Windsor Drive to provide adequate hydraulic capacity by installing the sewer line at proper grades, thus reducing the number of sanitary sewer overflows in the Windsor Drive and Kings Road area.

Mr. Howell concluded by stating the City follows a request for qualifications (RFQ) process. After scoring the RFQs, staff recommended the approval of the resolution selecting WithersRavenel of Asheville, North Carolina to perform the engineering services for the Hickory Creek Sewer Outfall Replacement Project. The resolution also authorizes the City Manager to then negotiate and execute an agreement establishing the scope of work and fees associated with the required engineering services. It was noted the City has contracted with WithersRavenel in the past for the completion of a water and sewer rate study and the update of the Transportation Asset Management Plan.

ACTION TAKEN: Upon a motion made by Mr. Webber, City Council voted unanimously to approve and adopt Resolution No. 43-2021 entitled, “A RESOLUTION AUTHORIZING SELECTION OF WITHERSRAVENEL BASED ON

QUALIFICATIONS FOR THE HICKORY CREEK SEWER OUTFALL REPLACEMENT”.

H. City Manager’s Report:

- 1) 2009 City of Shelby Comprehensive Land Use Plan – Mr. Howell said staff will be sharing recommendations regarding the process involved for the update of this plan.**
- 2) Shelby Rail Trail Project – Mr. Howell recalled Council’s previous approval for the design and engineering services related to Phase I of this project which should be ready to bid in December 2021. He also stated the US Department of Transportation (DOT) is accepting applications for \$1 billion in Fiscal Year (FY) 2021 discretionary grant funding through the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grants, formerly known as BUILD and TIGER. The City of Shelby is submitting its second application in the hopes of receiving a \$25 million grant which would allow the City to build not only the City portion but the entire proposed Rail Trail, including improvements to crossing roads and access sidewalks along the trail. He mentioned the City has garnered the support of US Representative Virginia Foxx, US Senator Richard Burr, and US Senator Thom Tillis for its pending grant application.**
- 3) Depot Park – Mr. Howell acknowledged the private donation and pledge agreement for \$1 million gifted to the City of Shelby for the Shelby Rail Trail Depot Park. A public announcement may be made if and when appropriate.**
- 4) 1641 Farmville Road – Mr. Howell reminded Council the City in partnership with the Cleveland County Economic Development Partnership (CCEDP) and Cleveland County have worked toward completing due diligence to prepare City/County jointly owned sites for consideration by economic development clients. The civil engineering services related to the site development of 1641 Farmville Road are almost complete and a presentation of the project to City Council and the County Commissioners will be scheduled. He mentioned the fees associated with the professional services were paid by grant funding provided by Duke Energy and secured by CCEDP.**
- 5) Shelby-Cleveland County Regional Airport T-Hangar Taxilane – Phase 2 Project – Mr. Howell mentioned the bid opening is scheduled for June 22, 2021.**
- 6) Mr. Howell stated he continues to negotiate an agreement with WHN Architects as the firm to perform the architectural and civil engineering services for the design of the industrial site and Job Ready Shell Building**

No. 4 on the Randolph Road property. He hopes to have the project under construction by late 2021 or early 2022.

- 7) Mr. Howell mentioned he will present the disbursements of the travel and tourism funding for Fiscal Year (FY) 2021-2022 to Council for consideration at the meeting of July 19, 2021.
- 8) Cleveland Community College Campus Security Contract – Mr. Howell informed Council he received a request from the College to provide an additional Shelby police officer on campus.
- 9) First Broad River Trail – Mr. Howell reported a significant portion of the trail has been rebuilt and is partially opened south of the suspension bridge towards the Ingles’ parking lot. Repairs to the suspension bridge are ongoing while the bridge and the trail north remain closed.
- 10) Mr. Merritt provided an update regarding the Community Development Block Grant (CDBG) funds for the NC CDBG Coronavirus (CDBG-CV) Program released to the City in the amount of \$900,000. Initially, he stated the City based its award on public service subsistence payments to prevent utility disconnections. Additionally, the City was exploring ways to assist those who have no or limited access to broadband. The priority in this category is broadband services and enhancing internet access that supports increased connectivity to schools, jobs, and healthcare. The City is working with its team partners, United Way of Cleveland County and Cleveland County Development Corporation, to administer the funds under the correct conditions to be clarified and confirmed by the Grant Program Manager. Once written confirmation, which is preferred, is received, a public notice soliciting applications will be published and the funds can be administered into the community.

I. Council Announcements and Remarks:

- 1) Mrs. Arth Dukes announced the City of Shelby’s Housing Department (704 484-6830) is hosting a blood drive on Wednesday, June 23, 2021, from 10:00 a.m. to 4:00 p.m. at 801 Logan Street in Shelby.

J. Closed Session:

- 1) To discuss matters relating to the location or expansion of industries or other businesses in the area served by City Council, including an agreement on a tentative list of economic development incentives that may be offered pursuant to North Carolina General Statute 143-318.11(a) (4)

ACTION TAKEN: Mr. White made a motion to enter a closed session pursuant to the appropriate North Carolina General Statute as cited. Mayor Anthony consulted with Mrs. Fite who advised the topic met the statutory requirements for a closed session. The Mayor invited all Council members present along with Mr. Howell, Mr. Merritt, Mrs. Fite, and Mrs. Parduski to attend. The motion passed unanimously, and Council moved into closed session at 6:43 p.m.

Council returned to the regular session at 7:03 p.m.

K. Adjournment:

1) Motion to adjourn

ACTION TAKEN: Upon a motion made by Mrs. Arth Dukes, City Council voted unanimously to adjourn the meeting at 7:05 p.m.

Respectfully submitted,

Bernadette A. Parduski, NCCMC, MMC
City Clerk

O. Stanhope Anthony III
Mayor

Minutes of June 21, 2021

City of Shelby
Agenda Item Summary
July 19, 2021
Don Gibson Theatre

Agenda Item: D-2

2) Approval of Special Event Permit Applications:

- a. 7th Inning Stretch Road to Hope 5K, requested date: August 7, 2021
- b. Host City Welcome, requested date: August 11, 2021

Consent Agenda Item: (Bernadette Parduski, City Clerk)

Summary of Available Information:

- Memorandum dated July 12, 2021 from Bernadette A. Parduski, City Clerk to Rick Howell, City Manager
- Memorandums dated June 22, 2021 from Bernadette A. Parduski, City Clerk to Police Chief Jeff Ledford, Fire Chief William Hunt, Fire Marshal Philip Lane, Parks and Recreation Director Charlie Holtzclaw, Public Works Director Danny Darst, Assistant Director or Public Works Scott Black, Planning and Development Services Director Walt Scharer, Director of Engineering Services Ben Yarboro, Director or Energy Services Julie McMurry
- Special Event Applications

City Manager's Recommendation / Comments

These events are in keeping with special event practices of the City. It is my recommendation that this item be approved by City Council at this time via the Consent Agenda.

Memo

To: Rick Howell, City Manager

From: Bernadette A. Parduski, City Clerk

Date: July 12, 2021

Re: Special Event Permit Applications

BACKGROUND:

Special Event Permit Applications have been submitted for the following:

- ✓ 7th Inning Stretch Road to Hope 5K, requested date: August 7, 2021
- ✓ Host City Welcome, requested date: August 11, 2021

REVIEW:

All responding City departments have received, reviewed, and approved the referenced applications.

RECOMMENDATION:

Please place the attached Special Event Permit Applications on the Consent Agenda of July 19, 2021 for Council's review and approval.

ATTACHMENTS:

- A. Special Event Permit Application packets received June 11, 2021

Memo

To: Police Chief Jeff Ledford, Fire Chief William Hunt, Fire Marshal Phil Lane, Public Works Director Danny Darst, Assistant Director of Public Works Scott Black, Parks & Recreation Director Charlie Holtzclaw, Planning and Development Services Director Walt Scharer, Director of Energy Resources Julie McMurry, and Director of Engineering Services Ben Yarboro

From: Bernadette A. Parduski, City Clerk

CC: Rick Howell, City Manager

Date: June 22, 2021

Re: Special Event Permit Application

All:

Attached you will find a Special Event Permit Application submitted by Kim Davis of Dragonfly Marketing on behalf of the American Legion World Series, as follows:

- ✓ 7th Inning Stretch Road to Hope 5K, requested date: August 7, 2021

Please carefully review the details of this application as it pertains to your department, and let me know of any anticipated problems/objections that you would like to bring to the attention of the City Council. If there are none, please let me know that as well. The event will be considered by City Council at the July 19, 2021 meeting and recommended for approval unless you advise otherwise. If I do not hear from you by July 9, 2021, it will be assumed that you agree with the application as presented.

As always, thanks for your attention and consideration.

Attachment

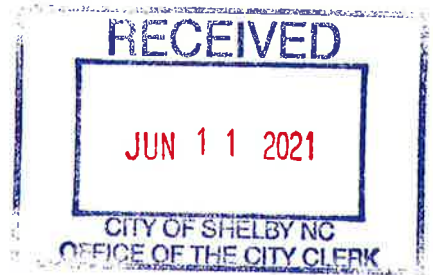
**CITY OF SHELBY
SPECIAL EVENT PERMIT APPLICATION**

Each question must be legible and answered clearly and completely. Applications must be filed with the City Clerk not less than three (3) weeks before the date on which the event is to take place. A fee of \$20.00 will be due upon submission of the application form.

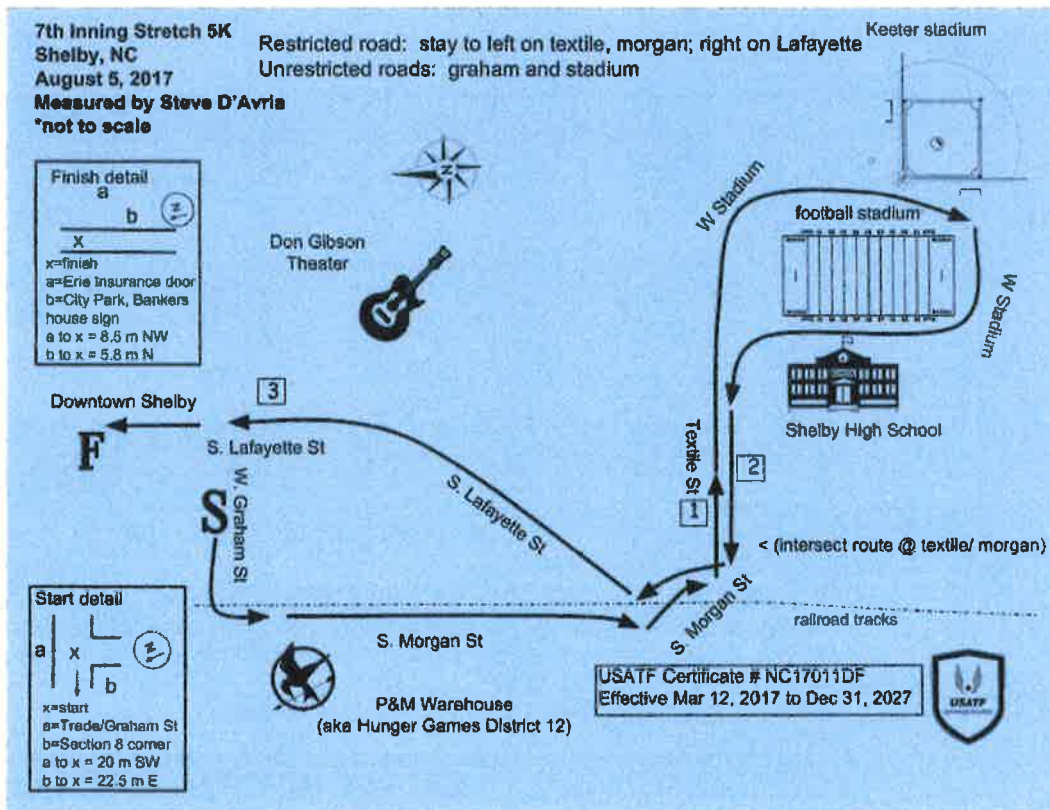
1. **EVENT NAME:** 7th Inning Stretch Road to Hope 5K

2. **PURPOSE AND BRIEF DESCRIPTION OF EVENT:**

To raise funds and awareness of Road to Hope Shelby



3. **LOCATION OF EVENT (ATTACH MAP):**



4. **PLEASE INDICATE:**

Approximately how many people will attend the event: 250 to 300

Approximately how many vehicles will be present: No vehicles will be permitted (unless on display for the event) on the streets closed for the festival.

Approximately how many animals will be present: only those brought in by attendees

If the event is a parade, please indicate the amount of street that will be needed:

Single lane _____
All lanes in travel direction _____
Whole street _____

5. PLEASE LIST THE FOLLOWING PARTY (IES) RESPONSIBLE FOR THE EVENT:

Name: Dragonfly Marketing (Kim Davis)
Address: 201 S. Washington, Suite 200, Shelby NC 28150
Phones: 704-600-6599 (Daytime) 704-473-8248(Evening)
Email Address: kim@dragonflymarketing.cc

Name: ALWS
Address: 117-A W. Warren St., Shelby NC 28150
Phones: 704-466-3103 (Daytime)
Email Address: Robby@bcgroupinc.com

6. PLEASE LIST THE FOLLOWING:

Requested day(s) and date(s): August 7, 2021
Alternate day(s) and date(s): _____
Requested hours of operation, from 7:00 AM to 10:30 am

Need Road Closure at 5:00 am.

7. SANITATION: Below states the "Plan for Clean-Up." Please check Application Instruction sheet for details.

Use the permanent trash cans in the area. Request an additional 3 trash cans to be delivered the day before the event. These will be placed at the start and finish of the course. Request city sanitation department to pick up trash cans at 11:00 am (we will move the cans to the sidewalk beside stationary cans)

8. AVAILABILITY OF FOOD, BEVERAGES, AND/OR ENTERTAINMENT;

If there will be music, sound amplification, or any other noise impact, please describe on attached sheet, including the intended hours of the music, sound, or noise.

Road to Hope 5K with sound from 7:00am – 11:00 am
Megaphone to start the race and for awards ceremony

Will alcoholic beverages be served? No

If yes, attach to the application a copy of your permit from the Cleveland County Alcoholic beverage Control Board. Alcohol may not be served without a permit!!!

Will food and/or non-alcoholic beverages be served? We will have water , fruit and snack bar at the conclusion of the race for runners.

If yes, attach to the application a copy of your permit from the Cleveland County Department of Health Services.

9. SECURITY AND SAFETY PROCEDURES:

Attach to this application a copy of your building permit(s) if you are installing any electrical wiring on a temporary or permanent basis and/or if you are building any temporary or permanent structures such as bleachers, scaffolding, a grandstand, viewing stands, stages, or platforms. Attach a copy of your Shelby Fire Department Permit or permits to this application if you will use parade floats; an open flame; fireworks; or pyrotechnics; vehicle fuel; cooking facilities; enclosures (and tables within those enclosures); tents; air supported structures; and/or any fabric shelter.

Give name, address, and phone numbers of the agency or agencies, which will provide first aid staff and equipment. Attach additional sheets if necessary.

Dragonfly Marketing will meet with Cleveland County EMS and they will have assigned responders to come in around the festival areas to ensure quick access for services and if needed set up a command center within the festival area to provide on-site first responder services.

Name: Cleveland County EMS
Address: 1333 Fallston Road, Shelby, NC 28150
Phones: 704-484-4984

Indicate medical services that will be provided for the event.

AMBULANCE: _____

DOCTOR (S): _____

PARAMEDICS: _____

10. CITY SERVICES/EQUIPMENT REQUESTED FOR THIS

EVENT: Police Department (security) & Street Department

I am working with the Shelby Police Department and their Community Police Division to determine base use of barricades and security.

11. ANY ADDITIONAL COMMENTS: ALWS, Dragonfly Marketing, and volunteers will be on site during the entire event, and it will be our responsibility to contact all of the department representatives prior to each event. The committee will contract for adequate portable restroom facilities..

Dragonfly Marketing team will personally advise all uptown Shelby businesses in the festival area of the event.

Dragonfly Marketing has met and will continue to meet with Chief Jeff Ledford and designated officer to discuss Law Enforcement Support for the event. The Chief and Community Police division also are determining the need for road support for the 5K.

Dragonfly Marketing will meet with Scott Black – City of Shelby Street Supervisor. Mr. Black supports the street closures requested and times. Mr. Black will provide the necessary set up and blockage of streets as needed. Dragonfly Marketing will continue to meet with City of Shelby Departments to ensure knowledge of all items associated with the 5K.

Dragonfly Marketing will provide road closure information to all Emergency Response Centers that serve the 5K area. Additionally, the information will be provided to local media and on social media sites prior to the event.

THE CITY OF SHELBY IS NOT A COSPONSOR OF THE EVENT.

It is understood and agreed that any permit issued pursuant to this application is issued on the condition that the answers herein given are true and correct to the best of the knowledge, information, and belief of the applicant.

Kimberly S. Davis _____


(SIGNATURE)

ALWS _____
(APPLICANT)

704-600-6599 _____
(PHONE)

201 S. Washington St., Suite 200, Shelby, NC 28150 _____
(ADDRESS)

06-11-2021 _____
(DATE)

Memo

To: Police Chief Jeff Ledford, Fire Chief William Hunt, Fire Marshal Phil Lane, Public Works Director Danny Darst, Assistant Director of Public Works Scott Black, Parks & Recreation Director Charlie Holtzclaw, Planning and Development Services Director Walt Scharer, Director of Energy Resources Julie McMurry, and Director of Engineering Services Ben Yarboro

From: Bernadette A. Parduski, City Clerk

CC: Rick Howell, City Manager

Date: June 22, 2021

Re: Special Event Permit Application

All:

Attached you will find a Special Event Permit Application submitted by Kim Davis of Dragonfly Marketing on behalf of the American Legion World Series, as follows:

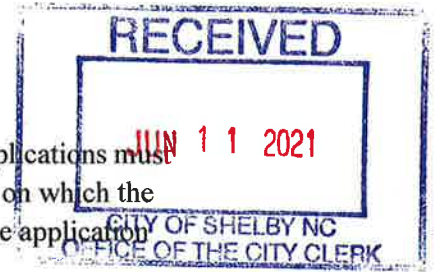
- ✓ Host City Welcome, requested date: August 11, 2021

Please carefully review the details of this application as it pertains to your department, and let me know of any anticipated problems/objections that you would like to bring to the attention of the City Council. If there are none, please let me know that as well. The event will be considered by City Council at the July 19, 2021 meeting and recommended for approval unless you advise otherwise. If I do not hear from you by July 9, 2021, it will be assumed that you agree with the application as presented.

As always, thanks for your attention and consideration.

Attachment

**CITY OF SHELBY
SPECIAL EVENT PERMIT APPLICATION**



Each question must be legible and answered clearly and completely. Applications must be filed with the City Clerk not less than three (3) weeks before the date on which the event is to take place. A fee of \$20.00 will be due upon submission of the application form.

1. **EVENT NAME:** Host City Welcome

2. PURPOSE AND BRIEF DESCRIPTION OF EVENT:

The event is to welcome all the teams to Cleveland County. The event is no charge and open to the public. The players will eat, be presented medallions by the city see a concert

3. **LOCATION OF EVENT (ATTACH MAP):** City Pavilion, Parking Lot beside pavilion and Marion St from Morgan to Lafayette St. See attached map for specific road closures.

4. PLEASE INDICATE:

Approximately how many people will attend the event: 2500

Approximately how many vehicles will be present: No vehicles will be permitted (unless on display for the event) on the streets closed for the event

Approximately how many animals will be present: only those brought in by attendees

If the event is a parade, please indicate the amount of street that will be needed:

Single lane _____

All lanes in travel direction ___ All lanes in the travel direction _____

Whole street _____

5. PLEASE LIST THE FOLLOWING PARTY (IES) RESPONSIBLE FOR THE EVENT:

Name: Dragonfly Marketing (Kim Davis)

Address: 5 E. Marion St. Suite 2, Shelby NC 28150

Phones: 704-600-6599 (Daytime) 704-473-8248 (Evening)

Email Address: Kim@dragonflymarketing.cc

Name: ALWS

Address: 117-A W. Warren St., Shelby NC 28150

Phones: 704-466-3103 (Daytime)

Email Address: Robby@bcgroupinc.com

6. PLEASE LIST THE FOLLOWING:

Requested day(s) and date(s): August 11th for event

Alternate day(s) and date(s): _____

Requested hours of operation, from 5:00 pm to 9:00 PM

Parking lot will be closed beginning on 8-10-2021 at 8:00 am to set up tent and seating in the pavilion

Roads in the event area will be closed at 12:01 am on 8-11-21 to allow for stage and vendor set up. The Pavilion and parking lot will be cleared by 8:00 am on the 12th . Marion St from Trade St to Morgan St will reopen as soon as the stage is removed.

7. SANITATION: Below states the “Plan for Clean-Up.” Please check Application Instruction sheet for details.

Use the permanent trash cans in the event area. Request additional trash cans to be delivered the day before the event. Event staff will do final cleanup of area.

8. AVAILABILITY OF FOOD, BEVERAGES, AND/OR ENTERTAINMENT;

If there will be music, sound amplification, or any other noise impact, please describe on attached sheet, including the intended hours of the music, sound, or noise.

Music from 5:00 pm to 9:00 pm

Will alcoholic beverages be served? No

If yes, attach to the application a copy of your permit from the Cleveland County Alcoholic beverage Control Board. Alcohol may not be served without a permit!!!

Will food and/or non-alcoholic beverages be served? Yes, all food vendors will supply their health department permits.

If yes, attach to the application a copy of your permit from the Cleveland County Department of Health Services.

9. SECURITY AND SAFETY PROCEDURES:

Attach to this application a copy of your building permit(s) if you are installing any electrical wiring on a temporary or permanent basis and/or if you are building any temporary or permanent structures such as bleachers, scaffolding, a grandstand, viewing stands, stages, or platforms. Attach a copy of your Shelby Fire Department Permit or permits to this application if you will use parade floats; an open flame; fireworks; or pyrotechnics; vehicle fuel; cooking facilities; enclosures (and tables within those enclosures); tents; air supported structures; and/or any fabric shelter.

Give name, address, and phone numbers of the agency or agencies, which will provide first aid staff and equipment. Attach additional sheets if necessary.

Dragonfly Marketing will meet with Cleveland County EMS and they will have assigned responders to come in from around the areas to ensure quick access for services and if needed set up a command center within the area to provide on-site first responder services.

Name: Cleveland County EMS
Address: 100 Justice Place, Shelby, NC 28150
Phones: 704-484-4984

Indicate medical services that will be provided for the event.

AMBULANCE: _____

DOCTOR (S): _____

PARAMEDICS: _____

10. CITY SERVICES/EQUIPMENT REQUESTED FOR THIS EVENT: Police Department (security) & Electrical Department (electricity to be turned at the pavilion by City Utilities Department) Street Department for street closures and additional trash receptacles.

11. ANY ADDITIONAL COMMENTS:

Dragonfly Marketing has met and will continue meet with Chief Jeff Ledford and designated officer to discuss Law Enforcement for the event.

Dragonfly Marketing will meet with Scott Black – City of Shelby Street Supervisor. Mr. Black will provide the necessary set up and blockage of streets as needed. Dragonfly Marketing will continue to meet with City of Shelby Departments to ensure knowledge of all events the day of Host City Welcome.

Dragonfly Marketing will provide road closure information to all Emergency Response Centers that serve the event area. Additionally, the information will be provided to local media and on social media sites prior to the event.

THE CITY OF SHELBY IS NOT A COSPONSOR OF THE EVENT.

It is understood and agreed that any permit issued pursuant to this application is issued on the condition that the answers herein given are true and correct to the best of the knowledge, information, and belief of the applicant.

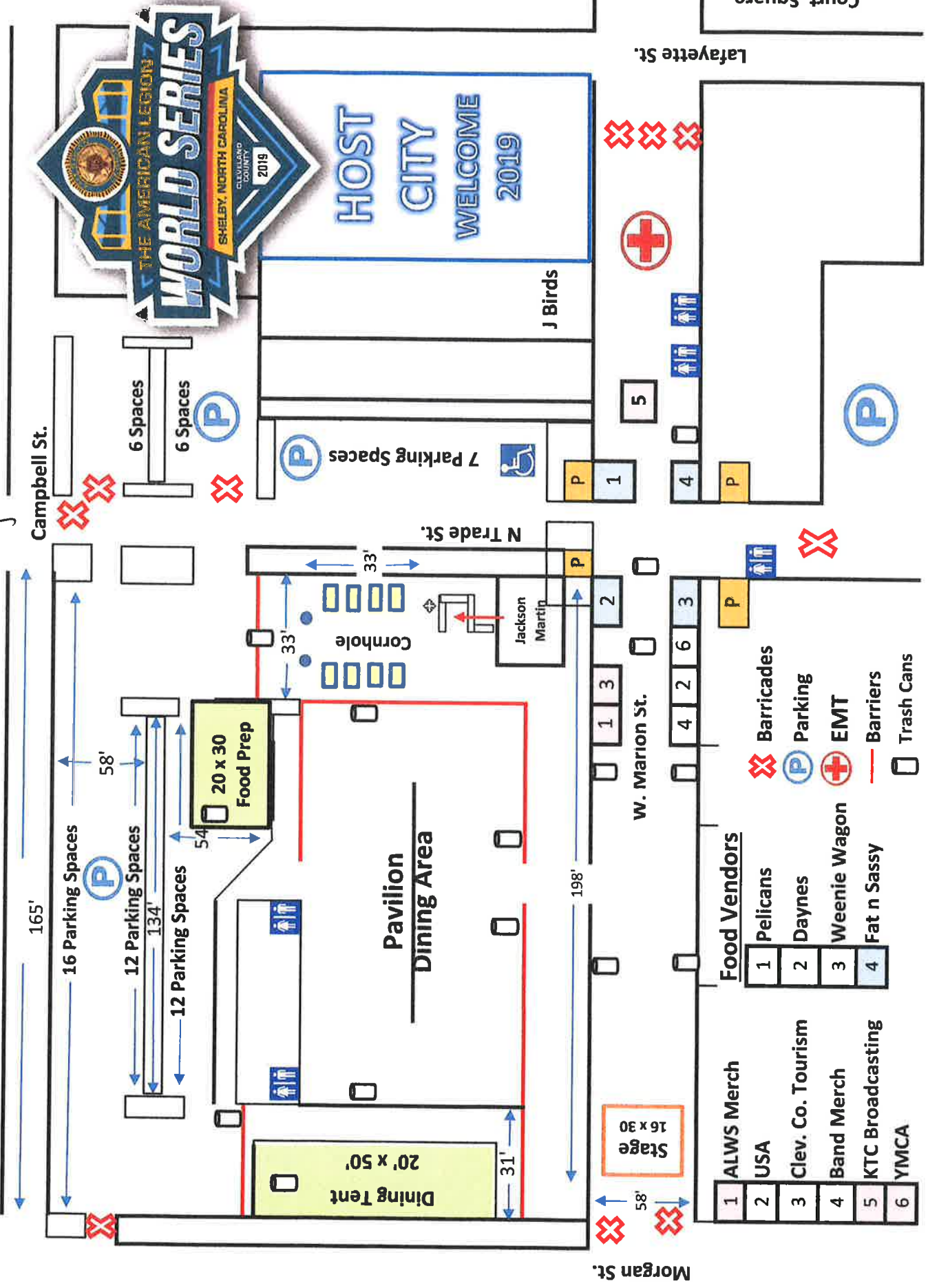
Kimberly S. Davis 
(SIGNATURE)

ALWS 704-600-6599
(APPLICANT) (PHONE)

201 S. Washington St, Suite 200, Shelby, NC 28150
(ADDRESS)
06-11-2021 (DATE)

Host City 2021 will use the same

area as 2019 - will provide new layout by 4.20.2021



HOST CITY WELCOME 2019

J Birds

- | | |
|---|-------------------|
| 1 | ALWS Merch |
| 2 | USA |
| 3 | Clev. Co. Tourism |
| 4 | Band Merch |
| 5 | KTC Broadcasting |
| 6 | YMCA |
-
- | | |
|---|--------------|
| 1 | Pelicans |
| 2 | Daynes |
| 3 | Weenie Wagon |
| 4 | Fat n Sassy |

- ⊗ Barricades
- Ⓟ Parking
- ⊕ EMT
- Barriers
- 🗑️ Trash Cans

Court Square

Lafayette St.

Campbell St.

N Trade St.

W. Marion St.

Morgan St.

City of Shelby
Agenda Item Summary
July 19, 2021
Don Gibson Theatre

Agenda Item: D-3

- 3) Adoption of Fiscal Year (FY) 2020-2021 Budget Ordinance Amendment
No. 13: Ordinance No. 27-2021

Consent Agenda Item: (Justin S. Merritt, Assistant City Manager)

Summary of Available Information:

- Memorandum dated July 12, 2021 from Justin S. Merritt, Assistant City Manager to Rick Howell, City Manager
- Ordinance No. 27-2021

City Manager's Recommendation / Comments

Ordinance No. 27-2021 is presented for City Council consideration via the Consent Agenda. If approved this ordinance would authorize a budgetary adjustment due to natural gas purchase for resale increasing as a result of increased sales of natural gas. You will recall that the commodity price of gas is passed through directly to customers based upon a weighted average cost of gas or WACOG. This amendment truly reflects an increase in natural gas purchases necessary to meet customer demand over what was initially budgeted. This amendment is necessary to comply with the NC Local Government Budget and Fiscal Control Act (NCGS 159-8) requiring that the budget be balanced throughout the fiscal year.

It is recommended that Ordinance No. 27-2021 be adopted and approved via the Consent Agenda.



MEMORANDUM

To: Rick Howell, City Manager
From: Justin S. Merritt, Assistant City Manager
RE: Budget Amendment 13 – Final Adjustment
Date: July 12, 2021

As we close the fiscal year, we have begun several procedures to ensure that the City remains within budget as of June 30, 2021. One of these procedures is reviewing departmental budgets to identify potential overages and identify funds that can help offset these overages. Generally, overages can occur due to unexpected repairs/equipment breakdowns, changes in mandated procedures or other unforeseen events that occur throughout the year. This year, there is only one budgetary adjustment requiring Council action and is due to natural gas purchase for resale increasing as a result of increased sales of natural gas.

Let me know if you would like additional information.

Recommended Action:

Seek Council approval of the attached amendment

ORDINANCE NO. 27-2021

CITY OF SHELBY
FISCAL YEAR (FY) 2020-2021 BUDGET ORDINANCE AMENDMENT

WHEREAS, in accordance with applicable provisions of the North Carolina Budget and Fiscal Control Act, the City of Shelby finds it advisable and necessary to revise and amend its annual budget for FY 2020-2021; and,

WHEREAS, the City Manager (Budget Officer) has recommended certain amendments to the budget which the governing body finds acceptable; and,

WHEREAS, City Council now desires to act on the recommended budget amendments and approve same for implementation and compliance with the Fiscal Control Act;

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

Section 1. Ordinance No. 22-2020, the City’s FY 2020-2021 Budget Ordinance, is hereby amended as follows to provide for Budget Amendment No. 13 for the year:

(A) The City of Shelby has identified a need to adjust the Natural Gas Fund budget due to an increase in sales during FY 2021. Accordingly, the following budget modifications are approved in accordance with the chart of accounts heretofore established for the City of Shelby.

(1) The following Natural Gas Fund line items are amended:

(a) Increase 64006000-36740 Natural Gas Charges	\$1,250,000
(b) Increase 640742-45202 Natural Gas Purchase for Resale	\$1,250,000

Section 2. That the revenues, expenditures, and amendments set forth in Section 1 of this ordinance are hereby summarized as follows:

	<u>Current Budget</u>	<u>Amendment No. 13</u>
General Fund	\$ 26,798,927	\$ 26,798,927
Emergency Telephone System Fund	107,000	107,000
Powell Bill Fund	645,000	645,000
Economic Dev. Fund	2,070,985	2,070,985
Housing Fund	2,206,180	2,206,180
Cemetery Fund	30,000	30,000
Utilities-Water Fund	6,473,888	6,473,888
Utilities-Sewer Fund	6,091,589	6,091,589
Utilities-Electric Fund	22,942,619	22,942,619
Utilities-Gas Fund	16,958,171	18,208,171
Utilities – Stormwater Fund	868,220	868,220
FY 2020-2021 Budget Total:	<u>\$ 85,192,579</u>	<u>\$ 86,442,579</u>

Section 3. Copies of this Budget Ordinance Amendment shall be furnished to the City Manager as Budget Officer and to the Finance Director to be kept on file by them for their direction in the collection and disbursement of funds. Said officials are hereby authorized to receive and expend funds as herein set forth in accordance with the Shelby City Code, the General Statutes of North Carolina, and the provisions of the original budget ordinance; inclusive of GS 159-28 governing budgetary accounting of appropriations.

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

Ordinance No. 27-2021
July 19, 2021
Page 2

Adopted and approved this the 19th day of July 2021.

O. Stanhope Anthony III
Mayor

ATTEST:

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

APPROVED AS TO FORM:

Andrea Leslie-Fite
City Attorney

City of Shelby
Agenda Item Summary
July 19, 2021
Don Gibson Theatre

Agenda Item: D-4

- 4) Adoption of an ordinance amending the City of Shelby's Schedule of Fees:
Ordinance No. 28-2021

Consent Agenda Item: (Beth B. Beam, Director of Finance)

Summary of Available Information:

- Memorandum dated July 2, 2021 from Beth B. Beam, Director of Finance to Rick Howell, City Manager
- Schedule RESCTY
- Ordinance No. 28-2021

City Manager's Recommendation / Comments

Ordinance No. 28-2021 is presented for City Council consideration via the Consent Agenda. If approved this ordinance would correct the fee for residential water service inside the City from \$13.25 per consumption unit to \$14.25. This was incorrectly listed in the Fee Schedule that was approved on June 21, 2021. Staff identified the error shortly after the budget was adopted and this amendment would correct it.

It is recommended that Ordinance No. 28-2021 be adopted and approved via the Consent Agenda.



To: Rick Howell, City Manager
From: Beth B. Beam, Director of Finance
Date: July 2, 2021
Subject: FY22 Fee Schedule revision for one water service rate

Background:

Recently, WithersRavenel completed a Water and Sewer Rate Study for the City of Shelby which resulted in recommendations for the water and sewer rates for the next few years. Council has previously adopted the Fee Schedule in the Supplemental Budget Ordinance on June 21st, 2021 which included the recommendations for the water and sewer rates for year one as provided by WithersRavenel.

Review:

Upon entry of the new rates into the billing software, it was determined that one of the rates, specifically the rate for the Customer Charge per consumption unit for residential water service inside the City, was incorrectly listed in the Fee Schedule as \$13.25 per consumption unit instead of the recommended \$14.25 rate per consumption unit.

Recommendation:

It is recommended that the City Council adopt the Ordinance to amend the Fee Schedule for Residential Water Service inside the City - Customer Charge per consumption unit to properly reflect the recommendation from WithersRavenel.



Schedule RESCTY
Effective July 19, 2021
Replaces schedule effective 7/1/2021

RESIDENTIAL WATER SERVICE (CITY)

AVAILABILITY

Metered water service will be provided to consumers within the City limits of Shelby for residential use, where access to existing facilities is feasible.

RATE

Customer Charge Per Consumption Unit \$14.25 per billing period

Volume Charge (per 1,000 gallons used per billing period) \$2.45

The minimum bill is the Customer Charge.

CONDITIONS

New service generally requires a separate water meter to serve each dwelling, townhome, duplex, apartment complex, or other such residential consumption unit.

In existing service where one meter serves more than one consumption unit, each unit will be considered to carry one customer charge per billing period, regardless of individual or aggregate consumption.

ORDINANCE NO. 28-2021

AN ORDINANCE AMENDING THE CITY OF SHELBY'S SCHEDULE OF FEES

WHEREAS, the City of Shelby has adopted a Fee Schedule for the purpose of establishing uniform fees for services charged to its citizens; and

WHEREAS, the City of Shelby has established Water Fund fees, including a fee structure for Residential Water Service inside the City; and,

WHEREAS, the City of Shelby now desires to revise its Fee Schedule, specifically the fees for Residential Water Service inside the City, to reflect the proper rate proposed in the Fiscal Year (FY) 2021 Water and Sewer rate study performed by WithersRavenel.

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

Section 1. The City of Shelby Fee Schedule is amended to revise current Residential Water Service inside the City with the fees set forth below, which may, from time to time, be modified by City Council:

Customer Charge Per Consumption Unit \$14.25 per billing period

Section 2. This ordinance shall be come effective upon its adoption and approval.

Adopted and approved this the 19th day of July 2021.

O. Stanhope Anthony III
Mayor

ATTEST:

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

APPROVED AS TO FORM:

Andrea Leslie-Fite
City Attorney

City of Shelby
Agenda Item Summary
July 19, 2021
Don Gibson Theatre

Agenda Item: D-5

- 5) Approval of a resolution for the City of Shelby's application for United States Department of Transportation Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Program: Resolution No. 44-2021

Consent Agenda Item: (Justin S. Merritt, Assistant City Manager)

Summary of Available Information:

- Memorandum dated July 12, 2021 from Justin S. Merritt, Assistant City Manager to Rick Howell, City Manager
- Resolution No. 44-2021

City Manager's Recommendation / Comments

Resolution No. 44-2021 is presented for City Council via the Consent Agenda. If approved this resolution will authorize the City Manager and Assistant City Manager to execute all documents needed to apply for this grant and receive the funds if they are awarded. The RAISE grant will help provide funding for the multi-use rail trail.

As a reminder this grant request is for \$25 million and would fund the rail trail from Grover Street all the way to the SC State line. Award notifications are expected by November 12, 2021.

It is recommended that Resolution No. 44-2021 be adopted and approved via the Consent Agenda.



To: Rick Howell, City Manager
From: Justin Merritt, Assistant City Manager
Date: July 12, 2021
Subject: US Department of Transportation RAISE Grant Application

Background:

The City intends to apply for a USDOT Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant to provide funding for a multi-use rail trail on the previously purchased Norfolk Southern rail corridor.

The Shelby Regional Access Improvement Line (Shelby R.A.I.L.) project envisions a safe off-street 9.95 mile bicycle and pedestrian corridor and 3.9 miles of connecting spurs for cyclists and pedestrians of all socio-economic backgrounds to utilize for equitable alternative rural transportation from Shelby to the North Carolina-South Carolina state line and return. The R.A.I.L. will complement ongoing and future community and economic development efforts throughout Cleveland County, and will create much needed physical and economic connections between Shelby (regional central business district and county seat), Patterson Springs, and Earl (both bedroom communities with limited commerce), for low-and-moderate income (LMI) neighborhoods whose residents may not own vehicles. The R.A.I.L. facilitates safe non-vehicular access to employment opportunities, parks, commercial and retail centers, cultural and educational resources, medical facilities, and residential districts near the corridor. The City is seeking funding in whole for all three sections, or in part for the Shelby Section with independent utility.

The attached resolution will authorize the City Manager and Assistant City Manager to execute all documents needed to apply for the grant and receive the grant funds, should an award be made.

Recommendation:

The recommendation from staff is to approve the attached resolution.

RESOLUTION NO. 44-2021

THE CITY OF SHELBY'S APPLICATION FOR UNITED STATES DEPARTMENT OF
TRANSPORTATION REBUILDING AMERICAN INFRASTRUCTURE WITH
SUSTAINABILITY AND EQUITY (RAISE) GRANT PROGRAM

WHEREAS, the City of Shelby's City Council has previously indicated its desire to assist in economic development and tourism efforts within the City; and,

WHEREAS, the City Council wishes the City to pursue a formal application for RAISE funding to assist with the construction of a multi-use rail trail on the previously purchased Norfolk Southern railway corridor, and,

WHEREAS, the City Council certifies that the City of Shelby will administer this grant in accordance with the rules and regulations of the US Department of Transportation.

WHEREAS, The City Council certifies that the City of Shelby will administer this grant through the City of Shelby Finance Office.

WHEREAS, the grant will be monitored quarterly to assure compliance with this proposal and the US Department of Transportation regulations.

WHEREAS, the amount of the grant application will be approximately \$24,989,088.

AND, that Rick Howell, City Manager, and Justin S. Merritt, Assistant City Manager, the Authorized Officials, and successors so titled, are hereby authorized to execute and file applications on behalf of the City of Shelby for funding to aid in the construction of the project described above.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Shelby that the City is authorized to submit a formal application for approval of grant funds to assist with the construction of a multi-use rail trail on the previously purchased Norfolk Southern railway corridor.

Adopted and approved this the 19th day of July 2021.

O. Stanhope Anthony III
Mayor

ATTEST:

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

APPROVED AS TO FORM:

Andrea Leslie-Fite
City Attorney

City of Shelby
Agenda Item Summary
July 19, 2021
Don Gibson Theatre

E. Unfinished Business

Agenda Item: E-1

- 1) Consideration of appointments to City advisory boards and commissions:
 - a. Shelby Planning and Zoning Board

Unfinished Business Item: (Bernadette Parduski, City Clerk)

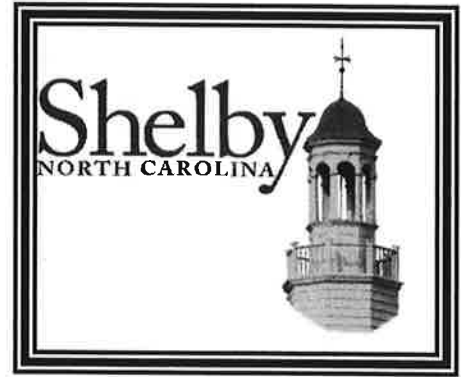
Summary of Available Information:

- Memorandum dated July 12, 2021 from Bernadette A. Parduski, City Clerk to Rick Howell, City Manager
- Shelby Planning and Zoning Board 2021 Roster
- Application from Richard Nelson Francis

City Manager's Recommendation / Comments

Volunteers are an essential part of the work the City performs each year. As always this is just a reminder that we all should work to recruit qualified and quality people to serve whenever possible. Solicitation of both qualified and interested citizens to serve on these important advisory boards remains a priority for 2021. I would challenge each of you to recruit viable candidates that possess the knowledge and willingness to serve during the coming months.

I cannot emphasize enough the importance of appointing quality people to these very important citizen boards and commissions. It is incumbent upon Council as the appointing authority to ensure members are responsible members of the community who will make decisions that reflect the established and recognized values of the City. These appointees after all reflect upon Council as the appointing authority as well as the City as they conduct business month to month.



Memo

To: Rick Howell, City Manager
From: Bernadette A. Parduski, City Clerk
Date: July 12, 2021
Re: Appointments to City Advisory Boards

BOARD REVIEW:

SHELBY PLANNING AND ZONING BOARD –

The terms of five incumbents, Marlene Peeler, Rick Washburn, Mark Carter, Bob Cabaniss, and Emanuel Hunt Jr., concluded June 2021. All the incumbents wish to continue their service.

There is one application provided by the Cleveland County Clerk's Office on file:

- Richard Nelson Francis

POSSIBLE ACTION:

SHELBY PLANNING AND ZONING BOARD –

Council can begin the nominating process or take appointive action for five new terms concluding June 2024.

Attachments:

- A. Shelby Planning and Zoning Board Roster
- B. Application of Richard Nelson Francis

PLANNING AND ZONING BOARD 2021

MEMBERS	ADDRESS	TERM EXPIRATION	PHONE NUMBER
Marlene Peeler (I) Chair marlene@prushelby.com	H: 217 Windsor Drive W: 410 N. Lafayette Street Shelby, NC 28150	June 2021	704 484-3003
Rick Washburn (I) Vice Chair rick.washburn@rightbyyoumortgage.com	1622 Spangler Drive Shelby, NC 28150	June 2021	W: 704 470-0435
Mark Carter (I) mcarter@carterchev.com	1335 East Marion Street Shelby, NC 28150	June 2021	704 484-4341
Bob Cabaniss (ETJ) bcabanis46@yahoo.com	371 Magness Road Shelby, NC 28150	June 2021	704 484-3484
Emanuel Hunt Jr. (ETJ) ehuntjr46@outlook.com	810 B Pleasant Drive Shelby, NC 28152	June 2021	H: 704 487-5280 W: 404 780-5224
Jeff Aderholdt (ETJ) jaderholdt1@yahoo.com	113 Shadowgate Drive Shelby, NC 28152	June 2023	W: 864 492-2401 C: 704 284-1244
Charles Hamrick (I) mrcharles911@gmail.com	PO Box 1356 Shelby, NC 28152-1356	June 2023	704 996-3114
Greg Taylor (I) greg@greatsouthernrec.com	2605 Pebble Creek Drive Shelby, NC 28152	June 2023	H: 704 477-6457 W: 864 498-9950
Michael R. (Mike) Royster (I) mroyster@roysteroil.com	915 West Marion Street Shelby, NC 28150	June 2022	H: 704 484-1933 W: 704 487-6344
Jim Martin 150jmartin@gmail.com	162 Columns Circle Shelby, NC 28150	June 2022	H: 704 482-5265 C: 704 473-7391
Scott Bankhead (I) banksurv@bellsouth.net	H: 1907 Three Lakes Drive W: 1203 East Marion Street Shelby, NC 28150	June 2022	H: 704 482-0562 W: 704 481-1040

Meetings are held on the third Thursday of each month at noon

Three (3) year appointments: (I) Inside Members – 8; (ETJ) Extraterritorial Jurisdiction Members – 3

City Council Liaison: David White – Ward 2
1717 Arbor Way Drive
Shelby, NC 28150
C: 704 472-1456
E-mail: dwalt50@carolina.rr.com

Staffed by Planning and Development Services Department (704 484-6829): Walt Scharer, Director

Richard Nelson Francis

Cleveland County | Generated 6/30/2021 @ 11:28 am by OnBoard2 - Powered by ClerkBase

Status

Name Richard Nelson Francis
Application Date 12/11/2020
Expiration Date 12/11/2022
Status 

Board	Vacancies	Status
City of Shelby Planning and Zoning Board	7	

Basic Information

Name
Richard Nelson Francis

Why do you want to serve on this board? What are your qualifications and why would you be an asset to this board?

I feel my knowledge and background will be of help serving on Planning and Zoning Board.
I have served on the Kings Mountain Planning and Zoning Board.
I want the City of Shelby to prosper with the right kind of Zoning.

Have you taken the opportunity to attend any previous board meetings prior to the notice of this vacancy? Describe extent and meetings attended.

I have not, however I plan to study and find out of what importance that have come before the Board in the these meetings.

Please list any Boards/Commissions/Committees on which you have served or are currently serving on. (List county/municipalities and dates)

Kings Mountain Planning and Zoning Board from 2007-2010 before a move to Shelby.

Are you related by blood or marriage to any person currently employed by Cleveland County Government? If yes, please indicate employee name and relationship.

I am not related to anyone employed by Cleveland County Government.

Have you ever been convicted of a crime (felony or misdemeanor) other than a minor traffic violation?

None

Contact Information

Address
844 West Marion St
Shelby, NC 28150

Resident
Yes

Ward/District
Ward 4

Phone
704-477-2338

Cell Phone
704-477-2338

Email
ricfrancis@att.net

Occupation

Employer
Carolinas Commercial Realty

Occupation
Owner/Broker

Professional Licenses
Real Estate License.NAR License,
Life, Health and Property and
Casualty

City of Shelby
Agenda Item Summary
July 19, 2021
Don Gibson Theatre

Agenda Item: E-2

- 2) Proposed issuance of Street and Sidewalk Improvement General Obligation Bonds:
 - a. Consideration of approval of an Order authorizing \$10,000,000 Street and Sidewalk Improvement Bonds

Unfinished Business Item: (Rick Howell, City Manager and Beth B. Beam, Finance Director)

Summary of Available Information:

- Memorandum dated July 12, 2021 from Beth B. Beam, Finance Director to Rick Howell, City Manager
- Bond Order documents

City Manager's Recommendation / Comments

Council has before it for consideration an "Order Authorizing \$10,000,000 for Street and Sidewalk Improvement Bonds." If approved this document is the next step toward getting this matter before the voters for consideration in November. All documents have been prepared by our Bond Counsel, Paul Billow, with the law firm Womble Bond Dickinson LLP.

The Bond Order is the document that authorizes the sale and issuance of Street and Sidewalk Improvement Bonds, **subject to voter approval**. Approving this Bond Order will allow the City to move forward with the next steps in the GO Bond process. A public hearing on this matter is scheduled for Monday, August 2, 2021 if the order is approved by City Council. I will review the specifics of the order and the other documents included in the agenda packet on Monday evening.



MEMORANDUM

To: Rick Howell, City Manager
From: Beth Beam, Director of Finance
RE: Street and Sidewalk Improvement General Obligation Bonds
Date: July 12, 2021

Background

As you are aware, the City, through Resolution 41-2021, approved the filing of an application with the NC Local Government Commission (LGC) for the proposed issuance of Street and Sidewalk Improvement General Obligation Bonds. The application has been filed with the LGC and it is now time to request Council action on the Bond Order (both attached).

The Bond Order is the document that authorizes the sale and issuance of Street and Sidewalk Improvement Bonds, subject to voter approval.

Staff Recommendation:

I am recommending that City Council approve the Bond Order, so that we may move forward with the next steps in the GO Bond process.

**CITY OF SHELBY, NORTH CAROLINA
 SWORN STATEMENT OF DEBT MADE PURSUANT TO THE
 LOCAL GOVERNMENT BOND ACT, AS AMENDED**

I, Beth Beam, Finance Director of the City of Shelby, North Carolina, having been designated by the City Council of said City to make and file with the City Clerk a statement of the debt of said City pursuant to The Local Government Bond Act, as amended, DO HEREBY CERTIFY that the following is a true statement as shown by the books in my office, not taking into consideration any debt incurred or to be incurred in anticipation of the collection of taxes or other revenues or in anticipation of the sale of bonds other than funding and refunding bonds:

(a) GROSS DEBT

a(1)	Outstanding debt evidenced by bonds:	\$ <u> </u>	-0-
a(2)	Bonds authorized by orders introduced, but not yet adopted:		
	Street and Sidewalk Improvement Bonds	\$ <u>10,000,000</u>	
a(3)	Unissued bonds authorized by adopted orders:	\$ <u> </u>	-0-
a(4)	Outstanding debt, not evidenced by bonds:	\$ <u> </u>	-0-
(a)	GROSS DEBT, being the sum of a(1), a(2), a(3) and a(4):	\$ <u>10,000,000</u>	

(b) DEDUCTIONS

b(1)	Funding and refunding bonds authorized by orders introduced but not yet adopted:	\$ <u> </u>	-0-
b(2)	Funding and refunding bonds authorized but not yet issued:	\$ <u> </u>	-0-
b(3)	The amount of money held in sinking funds or otherwise for the payment of any part of the principal of gross debt other than debt incurred for water, gas, electric light or power purposes or sanitary sewer purposes (to the extent that the bonds are deductible under G.S. 159-55(b)):	\$ <u> </u>	-0-
b(4)	Bonded debt included in gross debt and incurred, or to be incurred, for water, gas, electric light or power purposes:	\$ <u> </u>	-0-
b(5)	Bonded debt included in gross debt and incurred, or to be incurred, for sanitary sewer system purposes (to the extent that said debt is made deductible by G.S. 159-55(b)):	\$ <u> </u>	-0-

b(6) Uncollected special assessments heretofore levied for local improvements for which any part of the gross debt (that is not otherwise deducted) was or is to be incurred to the extent that such assessments will be applied, when collected, to the payment of any part of the gross debt: \$ -0-

b(7) The amount, as estimated by the Finance Director of special assessments to be levied for local improvements for which any part of the gross debt (that is not otherwise deducted) was or is to be incurred, to the extent that the special assessments, when collected, will be applied to the payment of any part of the gross debt: \$ -0-

(b) DEDUCTIONS, being the sum of b(1), b(2), b(3), b(4), b(5), b(6) and b(7): \$ -0-

(c) NET DEBT

(c) NET DEBT, being the difference between the GROSS DEBT (a) and the DEDUCTIONS (b): \$10,000,000

(d) ASSESSED VALUE

(d) ASSESSED VALUE of property subject to taxation by the City, as revealed by the City tax records and certified to the City by the assessor: \$2,584,164,424

(e) PERCENTAGE

(e) Percentage which the NET DEBT (c) bears to the ASSESSED VALUE (d): 0.387%

The foregoing statement is true.

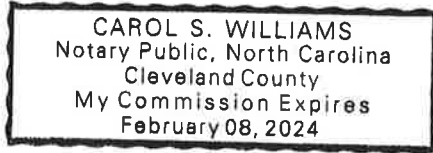


Finance Director

STATE OF NORTH CAROLINA)
)
COUNTY OF CLEVELAND) ss.:

Subscribed and sworn to before me this 12th day of July, 2021.

[SEAL]



Carol S Williams
Notary Public

Printed Name: Carol S. Williams

My Commission expires 02/08/2024.

* * * * *

I, Bernadette A. Parduski, City Clerk of the City of Shelby, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of a statement which was filed with me at a meeting of the City Council of said City held on July 19, 2021, after the introduction and before the public hearing on an order authorizing bonds of said City, and that said statement is open to public inspection in my office.

WITNESS my hand and official seal of said City this 19th day of July, 2021.

[SEAL]

City Clerk

**CITY OF SHELBY, NORTH CAROLINA
STATEMENT OF TOTAL ESTIMATED INTEREST PURSUANT TO THE
LOCAL GOVERNMENT BOND ACT, AS AMENDED**

I, Beth Beam, Finance Director of the City of Shelby, North Carolina (the "City"), having been designated by the City Council of the City (the "City Council") to make and file with the City Clerk a statement of total estimated interest pursuant to The Local Government Bond Act, as amended, DO HEREBY CERTIFY as follows:

1. On July 19, 2021, the City Council introduced a bond order authorizing the issuance by the City of \$10,000,000 Street and Sidewalk Improvement Bonds (the "Bonds").

2. If the Bonds are duly authorized and issued, I have estimated that the total amount of interest to be paid by the City over the expected term of the Bonds to be \$4,200,000. Such estimate is based on the following assumptions:

(a) The Bonds will be issued in the aggregate principal amount of \$10,000,000 in three separate series of \$5,000,000, \$3,000,000 and \$2,000,000 each.

(b) The first series of Bonds will mature or be payable in twenty (20) annual principal installments of \$250,000 per year, the first principal payment which will come due on the first anniversary date of issuance of such series of Bonds. The second series of Bonds will mature or be payable in twenty (20) annual principal installments of \$150,000 per year, the first principal payment which will come due on the first anniversary date of issuance of such series of Bonds. The third series of Bonds will mature or be payable in twenty (20) annual principal installments of \$100,000 per year, the first principal payment which will come due on the first anniversary date of issuance of such series of Bonds.

(c) The Bonds will bear interest payable semiannually at an average interest rate of 4.00% per annum. Such interest rate is a conservative rate as compared to current market rates and is being used by the City for planning purposes.

The total estimated amount of interest on the Bonds over the expected terms of the Bonds is preliminary and for general purposes only. The City makes no assurances that the assumptions upon which such estimate is based will occur, and the occurrence of certain of such assumption is beyond the control of the City. Differences between the actual circumstances at the time the Bonds are issued and the assumptions set forth above could result in significant differences between the total amount of estimated interest and the total amount of actual interest to be paid on the Bonds if and when issued. The validity of the Bonds is not subject to challenge on the grounds that the actual interest to be paid on the Bonds when issued is different than the total amount of estimated interest on the Bonds set forth above.

Signed this 19th day of July, 2021.



Finance Director

* * * * *

I, Bernadette A. Parduski, City Clerk of the City of Shelby, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of a statement of total estimated interest which was filed with me at a meeting of the City Council of said City held on July 19, 2021, after the introduction and before the public hearing on an order authorizing bonds of said City, and that said statement is open to public inspection in my office.

WITNESS my hand and official seal of said City this 19th day of July, 2021.

City Clerk

[SEAL]

TO THE PUBLISHER OF THE SHELBY STAR:

Please publish the following once in The Shelby Star on Friday, July 23, 2021:

**ORDER AUTHORIZING
\$10,000,000 STREET AND SIDEWALK IMPROVEMENT BONDS**

BE IT ORDERED by the City Council of the City of Shelby, North Carolina:

1. That, pursuant to The Local Government Bond Act, as amended, the City of Shelby, North Carolina is hereby authorized to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Street and Sidewalk Improvement Bonds in an aggregate principal amount not exceeding \$10,000,000 for the purpose of providing funds, together with any other available funds, to construct, extend, widen, resurface and improve streets, sidewalks, greenways and multi-use paths for said City, including, without limitation, any related land, easements, rights of way and streetscape, traffic signal and utility improvements.

2. That taxes shall be levied in an amount sufficient to pay the principal of and the interest on said bonds.

3. That a sworn statement of the debt of said City has been filed with the City Clerk and is open to public inspection.

4. That this order shall take effect when approved by the voters of said City at a referendum as provided in said Act.

The foregoing order has been introduced and a sworn statement of debt has been filed under the Local Government Bond Act showing the appraised value of the City of Shelby, North Carolina to be \$2,584,164,424 and the net debt thereof, including the proposed bonds, to be \$10,000,000. The Finance Director of said City has filed a statement estimating that the total amount of interest that will be paid on the proposed bonds over the expected term of the bonds, if issued, is \$4,200,000. The estimate is preliminary, is for general informational purposes only, and may differ from the actual interest paid on such bonds. Such statement of estimated interest includes certain assumptions upon which such estimate is based, and there is no assurance that the circumstances included in such assumptions will occur. The validity of the proposed bonds is not subject to challenge on the grounds that the actual interest cost on the bonds when issued is different than the estimated interest amount set forth above.

A tax will be levied to pay the principal of and interest on the bonds if they are issued. Anyone who wishes to be heard on the questions of the validity of the bond order and the advisability of issuing the bonds may appear at a public hearing or an adjournment thereof to be held at 6:00 p.m. on August 2, 2021, in the Council Chambers of the City Hall located at 300 S. Washington Street in Shelby, North Carolina.

Bernadette A. Parduski
City Clerk
City of Shelby, North Carolina

**STATE OF NORTH CAROLINA
DEPARTMENT OF STATE TREASURER**

**STATE AND LOCAL GOVERNMENT FINANCE DIVISION
AND THE LOCAL GOVERNMENT COMMISSION**

**Mailing Address: 3200 Atlantic Avenue, Longleaf Building
Raleigh, North Carolina 27604**

**Federal Express & Courier: 3200 Atlantic Avenue, Longleaf Building
Raleigh, North Carolina 27604**

**Telephone: (919) 814-4308
Fax: (919) 855-5812**

**INFORMATION FOR THE APPROVAL
OF GENERAL OBLIGATION BONDS**

APPLICATION DUE DATE

The Local Government Commission (the "LGC") meets the first Tuesday of each month, unless otherwise announced, to conduct its business, including the approval of applications of units of government to incur debt. Generally, to allow adequate review of applications, the staff of the LGC (the "staff") requires that applications be received no later than twenty-five days prior to the date of the LGC meeting at which the unit wants its application to be considered. However, in more complex transactions the staff may require earlier submission.

Although this application form is available to interested parties by internet access; the project and the related proposed financing should be discussed with the staff prior to submission of an application. Before the application is accepted for submission to the LGC a preliminary conference may be required (G.S. 159-149).

LEGISLATIVE REPORTING REQUIREMENT

State law G.S. 120 - 157.1 – 157.4 adopted and effective on June 24, 2011 (Session Law 2011-291), requires that certain capital projects to be financed with debt in an amount exceeding \$1,000,000 be reported to the Joint Legislative Committee on Local Government and to the Fiscal Research Division of the North Carolina General Assembly at least 45 days before the application for debt is to be considered for approval by the Local Government Commission. The law applies to all capital projects to be financed by issuing debt over \$1,000,000 with the exception of schools, jails, courthouses and administrative buildings. Copies of the reporting should also be sent to our office at the time of the filing.

This reporting duty is the responsibility of each local government unit. Each unit should consult its attorney or bond counsel for legal advice on complying with the reporting requirements of this statute.

STATEMENT OF ESTIMATED INTEREST ON THE BONDS

State law G.S. 159-55 rewritten, adopted and effective September 1, 2013 (Session Law 2013-200. s. 1), requires that at the time the bond order is introduced, the finance officer (or some other officer designated by the governing board for this purpose) shall file with the clerk a statement of the finance officer estimating the total amount of interest that will be paid on the bonds over the expected term of the bonds, if issued, and a summary of the assumptions upon which the estimate is based. The statement shall include a statement to the effect that the amount estimated is preliminary and is for general informational purposes only, that there is no assurance that the assumptions upon which the estimate is based will occur, that the occurrence of certain of the assumptions is beyond the control of the unit, and that differences between the actual circumstances at the time the bonds are issued from the assumptions included in the estimate could result in significant differences between the estimated interest and the actual interest on the bonds. The statement may include other qualifications as the finance officer deems appropriate. The validity of the bonds authorized by the order is not subject to challenge on the grounds that the actual interest cost of the bonds when issued is different than the amount set forth in the statement. The statement shall be filed with the Local Government Commission and maintained by the clerk.

This requirement is the responsibility of each local government unit. Each unit should consult its attorney or bond counsel for legal advice on complying with the requirements of this new statute.

**DEPARTMENT OF THE TREASURER
LOCAL GOVERNMENT COMMISSION
3200 Atlantic Avenue, Longleaf Building
Raleigh, North Carolina 27604**

Telephone (919) 814-4308

**GENERAL INSTRUCTIONS FOR FILING APPLICATION
FOR APPROVAL OF ISSUANCE OF GENERAL OBLIGATION BONDS**

ENCLOSURES

- LGC-107 List of Documents to be filed with the Local Government Commission
- LGC-108 Application for Approval of Issuance of General Obligation Bonds
- LGC-108A Selected Fiscal Information as Certified by the Finance Officer
- LGC-108B Capital Budget and Related Information
- LGC-108C Projection of Water and Sewer Net Revenues (included only if proposed bonds are for water or sewer purposes).
- LGC-108D Projection of Enterprise Net Revenue (included only if proposed bonds are for enterprises other than water and sewer).
- LGC-109 Preliminary Statement of Debt

GENERAL

The Local Government Bond Act (Article 4 of Chapter 159 of the General Statutes) states those purposes for which general obligation bonds may be issued and sets forth procedures to be followed in authorizing and issuing bonds. Employment of bond counsel is necessary so that bonds or bond anticipation notes can be marketed. Bond counsel will provide drafts of the various notices, bond order, and other proceedings, and furnish a calendar to be followed throughout all the proceedings. The list of documents (LGC-107) to be filed with the Local Government Commission sets forth the principal steps to be taken in authorizing and issuing bonds and can be used in developing a calendar in conjunction with bond counsel.

BUSINESS ETHICS

To maintain and broaden public confidence, public officials should actively avoid the appearance of, or the fact, of conflicting interests. Public officials should not receive personal gains from their positions, either directly or indirectly, other than normal agreed upon compensation for services rendered in their capacity as public officials. No official should receive or accept any material gifts, services, favors, travel accommodations or other items of personal benefit from engineers, architects, underwriters, attorneys, financial advisors, or other consultants concerned with this financing and the related projects.

PRE-FILING OR PRELIMINARY CONFERENCE

The Secretary of the Commission may require the governing body or its representative to attend a preliminary conference to consider the proposed bond issue before any of the proceedings are begun or the application filed. This is not necessary in all cases; however, a determination should be made as to whether a conference is required. A conference is useful both to the unit of government and to the Commission to resolve questions that might arise at a later date and could delay or prevent the authorization or sale of the bonds.

RESOLUTION OF GOVERNING BODY

The governing body should adopt a resolution making necessary findings relating to proposed bonds, authorizing filing of the application with the Commission and designating authorized representative. The resolution is not required by the Local Government Bond Act and such resolution draft will not be furnished by the unit's bond counsel. While not required by the Local Government Bond Act, the Commission feels that filing of the application should take place as a result of deliberation and action of the governing body. The resolution will supplement the application in making findings

relating to the proposed bonds and in designating the unit's representative to file the application and to be the Commission's contact throughout authorization and sale procedures.

APPLICATION

The "Application for Approval of the Issuance of General Obligation Bonds" must be filed with and accepted for submission to the Local Government Commission prior to or at the same time the bond order is introduced by the governing body. If voter approval of the bonds is required, ten days must elapse after publication of the Notice of Intent before the Commission may acknowledge the filing of the application. In evidence of the publication of Notice of Intent, a publisher's affidavit with clipping is required. Only one copy of the application and its attachments is required to be filed with the Commission.

The resolution should:

1. Describe the project for which bonds are proposed.
2. State facts as to why the project is necessary and expedient.
3. State facts as to why the amount of bonds proposed is adequate and not excessive for the proposed purpose.
4. State facts supporting a conclusion that debt management policies have been carried out in strict compliance with the law or reasonable assurances have been given that debt management policies will henceforth be carried out.
5. State facts supporting a conclusion that budgetary and fiscal management policies have been carried out in compliance with the law or reasonable assurances that compliance with the law will henceforth be carried out.
6. State the estimated increase in property tax rate necessary to raise the estimated increase in debt service requirements and state that such increase is not excessive.
7. State the estimated increase in consumer rates needed to raise the estimated increase in debt service requirements if the proposed bonds are for utility or other enterprise purposes and state that such increase is not excessive.
8. Designate a representative of the unit to file the application for approval of bonds with the Local Government Commission.
9. Authorize the representative or the unit's attorney to employ bond counsel to represent the unit in the authorization and issuance of bonds.

AUTHORIZED REPRESENTATIVE

The authorized representative of the unit should be the person charged with the responsibility of filing the application for approval of the bonds on behalf of the governing body and whom the Local Government Commission will contact with regard to any problems arising during authorization and sale of the bonds. The acknowledgment of filing of the application and approval or disapproval of the application by the Commission will be addressed to the authorized representative and upon whose authority the Commission will rely in initiating sale of bonds or bond anticipation notes after the bonds are authorized. The authorized representative need not be the unit's attorney. Should the attorney and the authorized representative be different individuals, a coordination of activities should be established between the two to assure timely action on necessary proceedings.

SWORN STATEMENT OF DEBT AND STATEMENT OF ESTIMATED INTEREST

A Sworn Statement of Debt by the Finance Officer or other designated officer is required after introduction of the bond order and before the public hearing, along with a statement of the Finance Officer estimating the total amount of interest that will be paid on the bonds over the term of the bonds. The attached Form LGC-109 may be used for the Sworn Statement of Debt. Presently LGC has no form for the Statement of Estimated Interest. If bond counsel provides its own forms for the Preliminary and Sworn Statements of Debt those forms should be used in lieu of LGC-109. A copy of the Preliminary Sworn Statement of Debt and the Statement of Estimated Interest should be filed with the application. The Sworn Statement of Debt should be dated and filed after the introduction of the bond order and before the public hearing.

RESOURCE PERSONS

1. Legal questions: Unit's attorney and/or bond counsel. Routine questions relating to administrative or procedural questions may in some instances be answered by the Local Government Commission staff.
2. Bond Authorization and feasibility questions until the bonds are fully authorized — Tim Romocki, Director, Debt Management.
3. Bond and Note Sales and Deliveries after the bonds are fully authorized — Bob Newman, Assistant Director.

Greg C. Gaskins
Secretary of the
Local Government Commission

Dale R. Folwell, CPA
Chairman of the
Local Government Commission

**DEPARTMENT OF THE TREASURER
LOCAL GOVERNMENT COMMISSION
3200 Atlantic Avenue, Longleaf Building, Raleigh, North Carolina 27604
Telephone (919) 814-4308**

**APPLICATION FOR APPROVAL OF THE ISSUANCE
OF GENERAL OBLIGATION BONDS
(Article 4, General Statutes Chapter 159)**

Unit: City of Shelby, NC _____ Population: 20,026 _____

Note: Application must be filed and accepted prior to introduction of bond order. If voter approval is required, publisher's affidavit of Notice of Intent must be filed before application may be acknowledged.

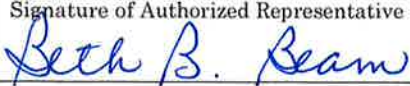
1. List below the purpose and amount of bonds. Complete Budget and Related Information for each purpose. (LGC 108B)

a. Street & Sidewalk improvements _____	\$10,000,000 _____
b. _____	_____
c. _____	_____
d. _____	_____
e. _____	_____
Total.....	<u>\$10,000,000</u>

2. The following are furnished in support of this application:

- Certified copy of petition of local boards of education to the Board of County Commissioners to issue bonds (for School bonds only).
- Certified copy of resolution of governing body making necessary findings relating to proposed bonds, authorizing filing of application and designating authorized representative.
- Letter setting forth fee arrangement with bond counsel.
- Publisher's Affidavit of Notice of Intent if voter approval required (copy not acceptable).
- Selected Fiscal Information as certified by finance officer (LGC-108A)
- Capital budget and related information (LGC-108B for each purpose listed in item 1.)
- Projection of water and sewer net revenues, (LGC-108C); To be filed only if proposed bonds are for water and/or sewer purposes.
- Projection of enterprise net revenues (other than water or sewer) LGC-108D; To be filed only if proposed bonds are for electric, gas, parking or other purposes.
- Preliminary copy of sworn statement of debt (LGC-109).
- Statement of estimated interest including assumptions.
- "Engineer's/Architect's engagement letter (fee arrangement) and a copy of proposed contract."
- Other. Specify _____

Complete page 2 of this application and the attachments before signing certification

CERTIFICATION	Signature of Authorized Representative	Date
This application and attachments are true and correct to the best of my knowledge.		7/12/2021
	Title Director of Finance	Telephone 704-669-6612

3. Attorney: Andrea Leslie Fite _____
Address: PO Box 207, Shelby, NC _____ Telephone: (704) 484-6838 _____
4. Bond Counsel: Paul Billow – Womble Bond Dickinson (US) LLP, 555 Fayetteville Street, Suite 1100, Raleigh, NC 27601
Attach copy of fee arrangement with bond counsel as part of application.
5. If the proposed bonds require voter approval, give tentative date of referendum: Nov. 2, 2021
6. If the proposed bonds do not require voter approval, furnish the following information (except for bonds not subject to the 2/3rds limit): N/A
- | | |
|---|----------|
| a. Outstanding debt at 6-30 _____ (beginning of previous fiscal year) | \$ _____ |
| b. Outstanding debt at 6-30 _____ (end of previous fiscal year)..... | _____ |
| c. Prior year's reduction of debt (line a less line b)..... | _____ |
| d. (2/3 of line c) | _____ |
| e. Less: new debt incurred during current fiscal year..... | _____ |
| f. Maximum non-voted bonds (line d less e) | _____ |
7. Has any formal opposition to proposed bonds been asserted? No__ (Yes; No). If yes, furnish details of opposition. _____

8. Does unit propose bonds (other than in this application) for any purpose in the next 12 months? No__ (Yes; No). If yes, furnish details. _____

9. Current audited financial statements have been received by Fiscal Management. **Audit Reports are due October 31 each year.** For units with a calendar year or fiscal year not ending on June 30, audited financial statements should be received within four months of year-end. Yes X No

**STATE OF NORTH CAROLINA
DEPARTMENT OF STATE TREASURER**

*State and Local Government Finance Division
and the Local Government Commission
3200 Atlantic Avenue, Longleaf Building, Raleigh, North Carolina 27604*

SELECTED FISCAL INFORMATION AS CERTIFIED BY FINANCE OFFICER

Unit: City of Shelby, NC

1. Ad Valorem Tax (current fiscal year):

Appraised Value	\$2,584,164,424	Tax Rate — General Fund	\$.5175
Total Levy	\$13,373,050	— Other funds	_____
Uncollected at July 6, 2021	\$13,373,050	— Total	\$.5175
Percentage Collected	0%		

2. For the past 5 fiscal years, has there been a delay in payment or non-payment of matured bonds and coupons when presented to the unit's fiscal agent? No ___ (Yes; No). If yes, explain circumstances on separate statement.

3. Information relating to compliance with Local Government Budget and Fiscal Control Act: **(If answer to any question in this item is No, furnish explanation.)**

A. Purchasing and Contracts

- (1) Are purchase orders issued for all commitments over a minimum amount? Yes
- (2) Do all purchase orders include a preaudit certificate signed by the finance officer (or properly appointed deputy)? Yes
- (3) Are all purchase orders posted to appropriate expenditure accounts as encumbrances? Yes

B. Other:

- (1) Do checks or drafts on an official depository bear on their face a preaudit certificate, of sufficient unencumbered appropriation signed by the finance officer (or properly appointed deputy)? Yes
- (2) Are the finance officer, tax collector, and other employees (as required) properly bonded according to G.S. 159-29? Yes
- (3) Did the budget provide for all deficits, if any, as shown in the audit report for the prior year? Yes

C. Please include a description of any material instance of misfeasance or malfeasance (within the last three years) which might affected the credit of the unit. None were noted N/A

I certify the above is correct to the Best of my knowledge	Finance Officer's Signature <i>Beth B. Beam</i>	Date 7/12/2021
--	--	-------------------

D. Additional Loan and Grant procedures for Capital Project Ordinances

(1) Loans

Pursuant to G.S. 159-26(b)(6), a capital project fund is required to account for all debt instrument proceeds used to finance capital projects. To facilitate budgetary and accounting control, it is required that a capital project ordinance, pursuant to G.S. 159-13.2, be adopted by the governing board authorizing all appropriations necessary for the completion of the project. Will the unit prepare and adopt a balanced capital project ordinance covering the life of the project? X YES NO

(2) Grants

To facilitate budgetary and accounting control, it is required that a grant project ordinance, pursuant to G.S. 159-13.2, with a corresponding capital project fund, be adopted by the governing board authorizing all appropriations necessary for the completion of the project. Will the unit prepare and adopt a balanced capital project ordinance covering the life of the project? X YES NO

**DEPARTMENT OF THE TREASURER
LOCAL GOVERNMENT COMMISSION
3200 Atlantic Avenue, Longleaf Building, Raleigh, North Carolina 27604**

CAPITAL BUDGET AND RELATED INFORMATION

Unit: City of Shelby, NC Date: July 6, 2021

Note: A separate Form LGC-108B is required for each bond purpose listed on application.

1. Bond purpose: Street & Sidewalk improvements Amount: \$10,000,000
2. Project: (Describe in general terms nature of capital outlay) Capital outlay will be made for improvements to streets and sidewalks as outlined in the 2021 Transportation Asset Management Plan update.
3. Necessity: (Describe in general terms why improvements are needed; Include copy of preliminary engineering report or other documents upon which applicant is relying.) Improvements are needed to City streets and sidewalks because of the increasing states of disrepair and decreasing amount of funding from Powell Bill sources. We are currently finalizing an update to the City's Transportation Asset Management Plan which indicates the areas of disrepair and the level of that disrepair.
4. Consulting Engineer or Architect: WithersRavenel
Is it anticipated that engineer/architect fees for the project(s) will be paid prior to receiving construction bids and/or prior to the issuance of bonds? Yes
If so, from what source will the fees be paid? General Operating revenue
5. If costs were not the result of consultant's study, give basis of estimates. N/A
6. Capital budget — based on estimates determined as of July 6, 2021
Include copy of engineering report and/or documentation for cost estimates.

<u>Estimated Cost</u>		<u>Funding Sources</u>	
Construction Cost.....	<u>\$9,920,000</u>	Bonds	<u>\$10,000,000</u>
Eng. or Arch. Fees.....	<u> </u>	Grants (indicate source)	<u> </u>
Land and Rt.-of-way	<u> </u>	<u> </u>
Bond Counsel Legal Fees.....	<u>\$45,000</u>	<u> </u>
Other Legal and Fiscal	<u>\$35,000</u>	<u> </u>
Administrative	<u> </u>	<u> </u>
Capitalized Interest	<u> </u>	<u> </u>
Contingency	<u> </u>	Available Cash	<u> </u>
.....	<u> </u>	Other.....	<u> </u>
Total.....	<u>\$10,000,000</u>	Total	<u>\$10,000,000</u>

7. Give explanation of any other legal and fiscal fees in item 6 of this schedule. Financial Advisors:

First Tryon Advisors

8. If proposed bonds are greater or less than the amount of bonds reflected in item 6 of this schedule, give explanation

N/A

9. Furnish documentation indicating status of grants listed in item 6. N/A

10. Has a Federal loan been applied for or committed? No_____ (Yes; No). If yes, give amount; N/A - Agency _____ . Furnish documentation indicating status of commitment.

11. Does project require approval of either Federal or State regulatory agency? No_____ (Yes; No). If yes, give name of agency and furnish documentation indicating status of approval. N/A

12. Indicate estimated date project will be acquired or contract let: May 2022___ or if more than one project, indicate project, estimated cost and date for each.

13. Estimated increase in tax rate by reason of proposed bonds \$0. If no increase is anticipated, explain. The City intends to use the increase in Property Tax revenue generated by the FY22 revaluation.

14. Estimated increase in annual operating cost, for other than enterprise, by reason of proposed capital improvements. \$0. Indicate how increase in operating cost will be paid.

N/A

**STATE OF NORTH CAROLINA
DEPARTMENT OF STATE TREASURER**

*State and Local Government Finance Division
and the Local Government Commission
3200 Atlantic Avenue, Longleaf Building, Raleigh, North Carolina 27604*

REPAYMENT PLAN FOR NON-ENTERPRISE PROJECTS

Complete if the proposed financing is for non-enterprise purposes. List below the available sources of repayment and the amounts available to service debt over a three-year period. Explain **in detail** and attach supporting schedules.

AVAILABLE AMOUNT

<u>Available Sources</u>	Fiscal Year 23	Fiscal Year 24	Fiscal Year 25
Property Tax Revenue	\$455,000	\$455,000	\$455,000
_____	\$ _____	\$ _____	\$ _____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Total Amount Available	\$455,000	\$455,000	\$455,000
Debt Service Amount	\$400,000	\$392,500	\$385,000
	\$ _____	\$ _____	\$ _____

The City Council of the City of Shelby, North Carolina met in a regular meeting in the Council Chambers of the City Hall located at 300 S. Washington Street in Shelby, North Carolina, the regular place of meeting, at 6:00 p.m. on July 19, 2021.

Present: Mayor O. Stanhope Anthony III, presiding, and Council Members

Absent: Council Members

Also Present: _____

* * * * *

_____ introduced the following order authorizing bonds the title of which was read and a copy of which had been distributed to each Council Member:

**ORDER AUTHORIZING
\$10,000,000 STREET AND SIDEWALK IMPROVEMENT BONDS**

BE IT ORDERED by the City Council of the City of Shelby, North Carolina:

1. That, pursuant to The Local Government Bond Act, as amended, the City of Shelby, North Carolina is hereby authorized to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Street and Sidewalk Improvement Bonds in an aggregate principal amount not exceeding \$10,000,000 for the purpose of providing funds, together with any other available funds, to construct, extend, widen, resurface and improve streets, sidewalks, greenways and multi-use paths for said City, including, without limitation, any related land, easements, rights of way and streetscape, traffic signal and utility improvements.

2. That taxes shall be levied in an amount sufficient to pay the principal of and the interest on said bonds.

3. That a sworn statement of the debt of said City has been filed with the City Clerk and is open to public inspection.

4. That this order shall take effect when approved by the voters of said City at a referendum as provided in said Act.

Thereupon, upon motion of _____ and seconded by _____, the order entitled "ORDER AUTHORIZING \$10,000,000 STREET AND SIDEWALK IMPROVEMENT BONDS" was adopted upon introduction by the following vote:

Ayes: _____

Noes: _____

The City Council thereupon designated the Finance Director to make and file with the City Clerk, the sworn statement of debt of said City which is required by The Local Government Bond Act, as amended, to be filed after the bond order has been introduced and before the public hearing thereon. The City Council also designated the Finance Director to file with the City Clerk the statement of total estimated interest which is required by The Local Government Bond Act, as amended, to be filed with the City Clerk at the time the bond order is introduced and further directed the City Clerk to file a copy of such statement with the Local Government Commission.

Thereupon, the City Clerk presented the sworn statement of debt and the statement of total estimated interest previously delivered to the City Clerk by the Finance Director as so required.

On motion duly made, seconded and carried, the City Council of said City fixed 6:00 p.m. on August 2, 2021, in the Council Chambers of the City Hall located at 300 S. Washington Street in Shelby, North Carolina, as the hour, day and place for the public hearing upon the foregoing order and directed the City Clerk to publish said order, as required by The Local Government Bond Act, as amended, once in the Shelby Star not later than the sixth day before said date.

* * * * *

I, Bernadette A. Parduski, City Clerk of the City of Shelby, North Carolina, DO HEREBY CERTIFY that the foregoing the foregoing is a true copy of so much of the proceedings of the City Council of said City at a regular meeting held on July 19, 2021, as it relates in any way to the introduction and adoption on introduction of an order authorizing bonds of said City and the calling of a public hearing upon such order and that said proceedings are to be recorded in the minutes of said City Council.

I DO HEREBY FURTHER CERTIFY that proper notice of such meeting was given as required by North Carolina law.

WITNESS my hand and the official seal of said City this 19th day of July, 2021.

City Clerk

[SEAL]

City of Shelby
Agenda Item Summary
July 19, 2021
Don Gibson Theatre

Agenda Item: E-3

3) Shelby-Cleveland County Regional Airport T-Hangar and Taxilane Phase II Project:

- a. Consideration of a budget ordinance amendment for the City of Shelby's Airport T-Hangar No. 4 Project: Ordinance No. 29-2021
- b. Consideration of a resolution of award for the T-Hangar and Taxilane – Phase II Project at the Shelby-Cleveland County Regional Airport to Quinn Sales, Inc.: Resolution No. 45-2021

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

Summary of Available Information:

- Memorandum dated July 13, 2021 from Ben Yarboro, Director of Engineering Services to Rick Howell, City Manager and Justin Merritt, Assistant City Manager
- Copy of Ordinance No. 10-2021
- Drawings showing the Grading, Drainage and Erosion Control Plan and the Marking Plan for Phase II
- Bid Tabulation Sheet and letter from WK Dickson with a review of the bidders
- Ordinance No. 29-2021
- Resolution No. 45-2021

City Manager's Recommendation / Comments

- a) Ordinance No. 29-2021 is presented for City Council consideration at this time. If approved this ordinance would appropriate funding for the construction of T Hangar Building #4 at the Shelby Airport in the amount of \$1,363,100. 90% of this funding (\$1,226,790) will come from our annual NPE (Non primary entitlement) funding received from the NC Division of Aviation each year. The remaining 10% (\$136,310) will be split equally between the City and Cleveland County. Although the airport has been a city owned and operated property since the late 1950's the County has for the last 15 or so years contributed ½ of the usual 10% local match required to receive the NPE funding.

As noted in Mr. Yarboro's memo the City currently has a waiting list of 26 aircraft wishing to lease space in the hangar. Only 10 units are available with each renting for \$250-\$275 per month and generating approximately \$30,000 per year for airport operations. Council will recall that it is a City goal to make the airport self sustaining financially. The construction of the first three (3) T Hangars and now a fourth move us closer to meeting that goal.

- b) Resolution No. 45-2021 is presented for City Council consideration. If approved this resolution would award the T Hangar and Taxilane construction contract to Quinn Sales, Inc. in the amount of \$1,363,072.18. It is anticipated the project will be complete in first quarter 2022.

It is recommended that Ordinance No. 29-2021 and Resolution No. 45-2021 be adopted and approved at this time.



Memorandum

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

From: Ben Yarboro, Director of Engineering Services *BY*

RE: Shelby-Cleveland County Regional Airport
T-Hangar and Taxilane - Phase II
Construction Contract Award

Date: July 13, 2021

Background

As the Shelby-Cleveland County Regional Airport has grown in recent years, the demand for hangar space for based aircraft has dramatically increased. In November of 2019, the City completed a construction project that resulted in the construction of three 10-unit T-Hangars (30 total hangar units) and provided grading for an additional 10-unit hangar. All three of the constructed hangars were leased immediately upon completion and there at 26 aircraft on the current waiting list to base at the airport.

The Shelby City Council approved Ordinance No. 10-2021 (attached for reference) allowing for our airport consultant, W.K. Dickson, to design a project that resulted in construction plans for an additional 10-unit T-Hangar building. This project consists of an asphalt taxilane and one 10-unit T-Hangar building on the pre-graded site. The site plan is attached to this memo for reference.

In May 2021 this project was advertised and bids were solicited. A public bid opening was conducted on June 22, 2021, with 3 bids received. A summary of the bids received are as follows:

<i>Contractor</i>	<i>Bid Amount</i>
Quinn Sales, Inc.	\$1,363,072.18
Keary Builders, Inc.	\$1,447,182.53
J.D. Goodrum	\$1,463,526.92

W.K. Dickson reviewed the bids and provided a certified bid tabulation (attached for reference) establishing Quinn Sales, Inc. as the low bidder. The bid by Quinn Sales, Inc. is as follows:

- Hangar site development: \$485,685.42
- Hangar Building (One 10-unit hangar): \$831,276.76
 - Add insulation per bid: \$6,620.00
 - Add gutters and down spouts: \$39,490.00
- Total construction contract: \$1,363,072.18

Following the execution of a contract and being issued a written Notice to Proceed, the contractor will have 120 calendar days to complete the project in addition to the procurement time for the hangar (which based on recent conversations is anticipated to be between 4-5 months).

Our annual Non-primary Entitlement (NPE) Funding (\$166,667 per year) will be utilized to reimburse the expenses associated with this project. With the current Grant funds available and the future NPE funding, it is anticipated that this project will be fully reimbursed in less than 6 years. As a reminder, these grants have a 10% local match that is split equally with Cleveland County.

Recommendations

W.K. Dickson has reviewed the bid documents and qualifications of the bidder and recommends award of the construction contract for the T-Hangar and Taxilane Development Project to Quinn Sales, Inc. in the amount of \$1,363,072.18. City staff concurs with this recommendation and has prepared a resolution for the award of this construction contract for City Council consideration.

Please let me know if more information is required.

Attachments:

- Ordinance No. 10-2021
- T-Hangar #4 Site Plan
- Bid Tabulation by W.K. Dickson
- Recommendation of Award by W.K. Dickson

ORDINANCE NO. 10-2021

AN ORDINANCE ESTABLISHING A CAPITAL PROJECT ORDINANCE AND BUDGET FOR
THE CITY OF SHELBY'S AIRPORT GRANT T-HANGAR NO. 4 PROJECT

WHEREAS, in accordance with applicable provisions of the North Carolina Budget and Fiscal Control Act the City of Shelby finds it advisable and necessary to establish a capital project ordinance and budget for the City of Shelby's Airport T-Hangar #4 Project

WHEREAS, it is necessary for the City to establish a budget for this capital project and appropriate applicable funds needed for this project in order to comply with applicable provisions of the North Carolina Local Government Budget and Fiscal Control Act; and,

WHEREAS, G.S. 159-13.2 provides that a City may undertake projects such as the Airport T-Hangar construction project by way of a capital project ordinance providing the necessary balance budget and funding for the life of the project;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHELBY, NORTH CAROLINA: The City of Shelby's Airport has received grants for construction of a T-Hangar. The proceeds and disbursements of this grant are required to be appropriated.

Section 1. It is estimated that the following revenues will be available for the Airport T-Hangar #4 Project:

11105000-34501-APTH4	State Grants	\$130,000
----------------------	--------------	-----------

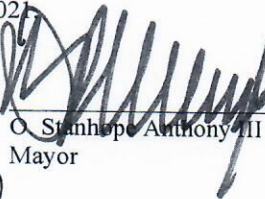
Section 2. The following amounts are hereby appropriated for the Airport T-Hangar #4 Project:

111453-42004-APTH4	Engineering	\$130,000
--------------------	-------------	-----------

Section 3. The provisions of this capital project ordinance shall be entered in the minutes of the Shelby City Council and copies filed with the City Manager as Budget Officer, the Finance Director, and the City Clerk for their direction and guidance in receiving revenues and expending the monies due thereunder.

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

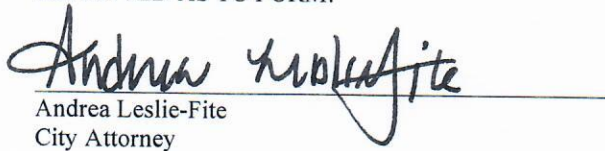
Adopted and Approved this the 15th day of March 2021


O. Stanhope Anthony III
Mayor

ATTEST:

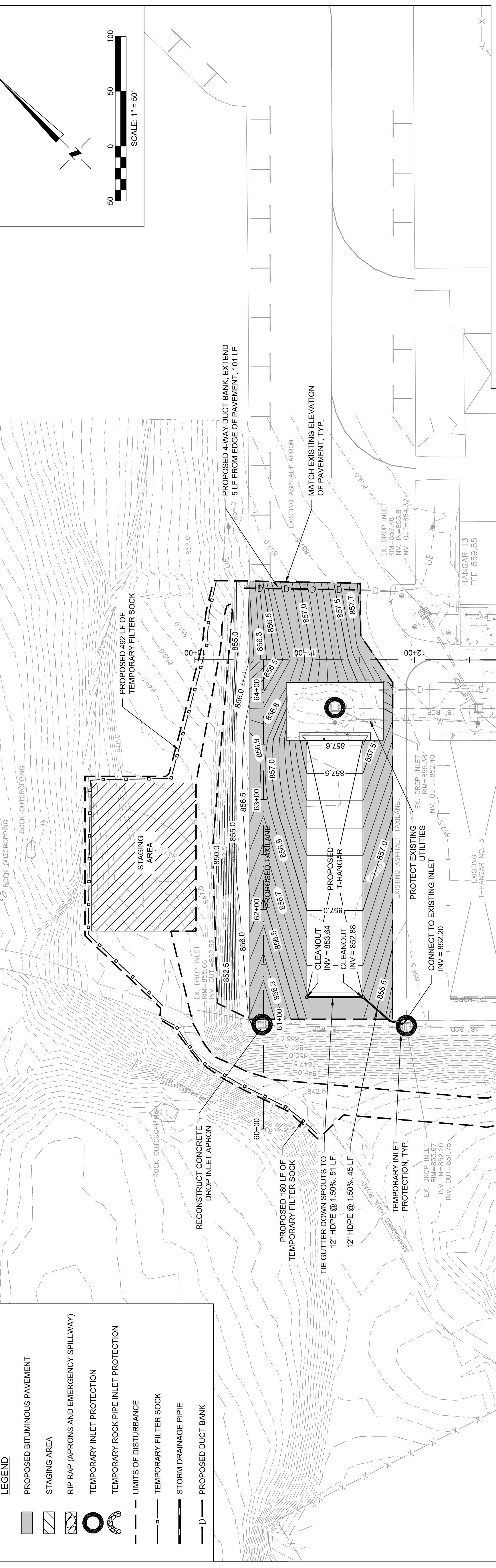

Bernadette A. Parduski, NC-CMC, IIMC-MMC
City Clerk

APPROVED AS TO FORM:


Andrea Leslie-Fite
City Attorney



- LEGEND**
- PROPOSED BITUMINOUS PAVEMENT
 - STAGING AREA
 - RIP RAP (APRONS AND EMERGENCY SPILLWAY)
 - TEMPORARY INLET PROTECTION
 - TEMPORARY ROCK PIPE INLET PROTECTION
 - LIMITS OF DISTURBANCE
 - TEMPORARY FILTER SOCK
 - STORM DRAINAGE PIPE
 - PROPOSED DUCT BANK



WK DICKSON
community infrastructure consultants

1213 W. MOREHEAD ST., SUITE 300
CHARLOTTE, NC 28208
(770) 334-5348
(770) 334-6076
WWW.WKDICKSON.COM
NC LICENSE NO. F-0374

PROFESSIONAL SEAL

REVISION RECORD

NO.	DATE	DESCRIPTION	BY

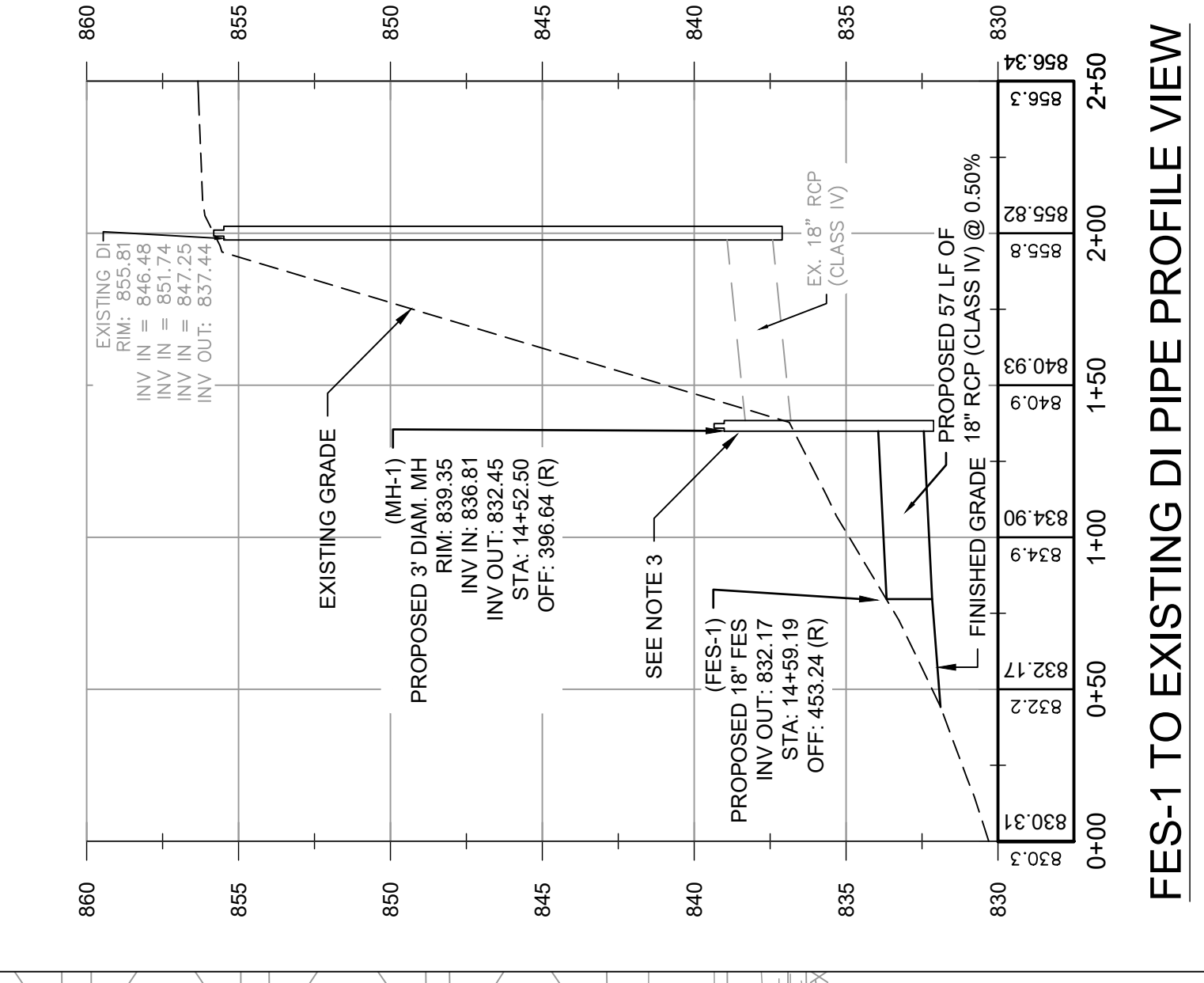
PROJECT NAME: T-HANGAR AND TAXILANE - PHASE 2
FOR THE SHELBY-CLEVELAND COUNTY REGIONAL AIRPORT (EHO)
SHELBY, NORTH CAROLINA

DRAWING TITLE: GRADING, DRAINAGE AND EROSION CONTROL PLAN

PROJ. MGR.: GIMK
DESIGN BY: TJC
DRAWN BY: TJC
PROJ. DATE: MAY 2021
DRAWING NUMBER: 5 OF 12
WKD PROJ. NO.: 20210257.00 CL

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BID DOCUMENTS - DO NOT USE FOR CONSTRUCTION



FES-1 TO EXISTING DI PIPE PROFILE VIEW
SCALE: HOR 1"=50'; VERT 1"=5'

- NOTES:**
- SEEDING OF DISTURBED AREAS SHALL BE ACCOMPLISHED BY METHOD OF HYDRO-SEEDING. LAYING STRAW OR HAY WILL NOT BE AN ACCEPTABLE FORM OF MULCHING DUE TO POTENTIAL JET BLASTS ALONG THE RUNWAY AND TAXIWAY EDGES.
 - PAYMENT FOR ROOF CLEANOUTS AND CONNECTION TO THE EXISTING DROP INLET SHALL BE INCIDENTAL TO THE "12" HDPE" ITEM OF WORK.
 - CONTRACTOR SHALL PLACE MINIMUM 2' OF EMBANKMENT/COVER AROUND PROPOSED MANHOLE (MH-1).
 - ALL STATIONS AND OFFSETS REFERENCE THE CONSTRUCTION BASELINE. SEE SHEET 3.
- EROSION CONTROL SEQUENCE:**
- CONTRACTOR SHALL NOTIFY THE INSPECTOR FROM NCDOT PRIOR TO INITIAL GROUND DISTURBANCE.
 - INSTALL CONSTRUCTION ENTRANCE, SEDIMENT BASIN, DIVERSION DITCHES, FILTER SOCK, AND INLET PROTECTION AS SHOWN ON THE PLANS PRIOR TO ANY OTHER GROUND DISTURBANCE.
 - ONCE ALL OF THE EROSION CONTROL MEASURES ARE IN PLACE AND ACCEPTED, THE CONTRACTOR MAY PROCEED WITH GRADING AS SHOWN ON PLANS. DISTURBED AREAS BROUGHT TO FINAL GRADE SHALL BE STABILIZED AS SOON AS POSSIBLE.
 - ONCE THE DISTURBED AREAS ARE STABILIZED, THE CONTRACTOR SHALL NOTIFY THE INSPECTOR FROM NCDOT.
 - UPON APPROVAL FROM THE NCDOT INSPECTOR AND THE ENGINEER, REMOVE TEMPORARY EROSION CONTROL MEASURES AND STABILIZE ANY EXPOSED BARE EARTH.

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W.K. DICKSON
community infrastructure consultants

1213 W. MOREHEAD ST., SUITE 300
CHARLOTTE, NC 28208
(704) 384-5348
(704) 384-6076
WWW.WKDICKSON.COM
NC LICENSE NO. F-0374

PROFESSIONAL SEAL

NO.	DATE	DESCRIPTION	BY

MARKING PLAN

PROJECT NAME: T-HANGAR AND TAXILANE - PHASE 2
FOR THE SHELBY-CLEVELAND COUNTY REGIONAL AIRPORT (EHO)
SHELBY, NORTH CAROLINA

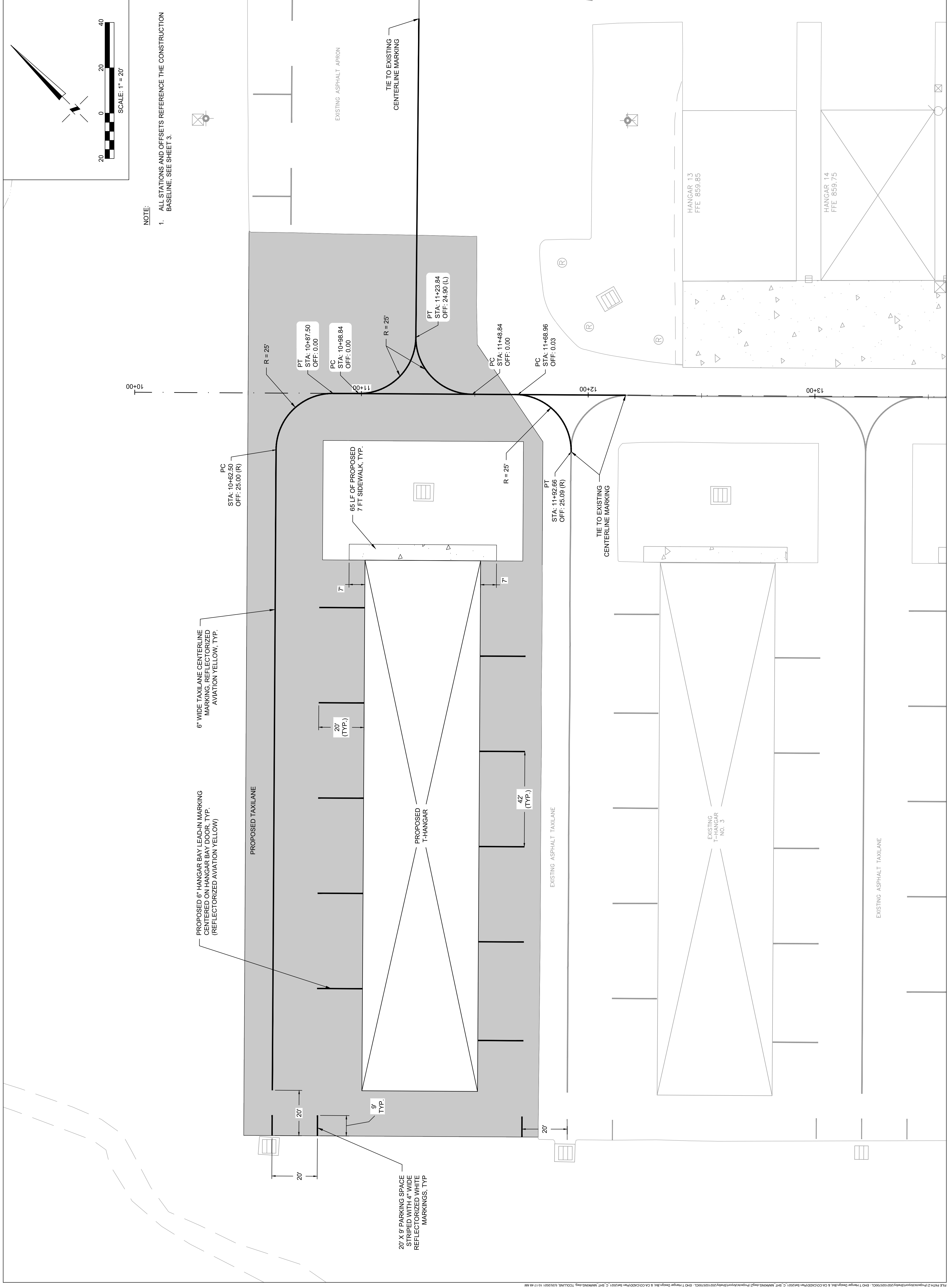
DRAWING TITLE:

PROJ. MGR.: GMK
DESIGN BY: TJC
DRAWN BY: TJC
PROJ. DATE: MAY 2021
DRAWING NUMBER:

7 OF 12

WKD PROJ. NO.: 20210257.00 CL

BID DOCUMENTS - DO NOT USE FOR CONSTRUCTION



NOTE:
1. ALL STATIONS AND OFFSETS REFERENCE THE CONSTRUCTION BASELINE, SEE SHEET 3.



BID TABULATION SHEET

OWNER: Shelby-Cleveland County Airport
PROJECT: T-Hangar and Taxilane - Phase 2
LOCATION: Airport Terminal Building, 830 College Ave, Hwy 150, Shelby, NC 28152
DATE: Tuesday, June 22, 2021 at 2:00 PM

W.K. Dickson & Co., Inc. - Charlotte, NC
 NC License No. F-0374

I certify that this is a true and corrected record of bids received.

Note: Yellow indicates a discrepancy in calculations or written items.

Firm:		Address:		NC Contractor's License No.	
ITEM NO.	DESCRIPTION	EST QTY	UNIT	UNIT PRICE	TOTAL PRICE
Schedule I					
1	Mobilization (Max 10% of subtotal)	1	LS		
2	Contractor Quality Control Program	1	LS	\$ 40,000.00	\$ 40,000.00
3	Temporary Construction Entrance	1	EA	\$ 18,115.00	\$ 18,115.00
4	Temporary Inlet Protection	3	EA	\$ 4,858.00	\$ 4,858.00
5	Temporary Rock Pipe Inlet Protection	1	EA	\$ 400.00	\$ 400.00
6	Temporary Filter Sock	1,032	LF	\$ 103.00	\$ 103,000.00
7	Temporary Sediment Basin	1	LS	\$ 4.77	\$ 4.77
8	Temporary Seeding	2.0	AC	\$ 22,000.00	\$ 44,000.00
9	Rip Rap Outlet Protection, Class B (18" Depth)	52	SY	\$ 2,655.00	\$ 138,060.00
10	18" RCP Class IV	57	LF	\$ 71.75	\$ 4,090.25
11	12" HDPE	96	LF	\$ 49.00	\$ 4,704.00
12	Reconstruct Concrete Drop Inlet Apron (Complete)	1	EA	\$ 32.00	\$ 32.00
13	36" Diameter Manhole	1	EA	\$ 4,500.00	\$ 4,500.00
14	18" Flared End Section	1	EA	\$ 14,720.00	\$ 14,720.00
15	Unclassified Excavation	1,750	CY	\$ 2,400.00	\$ 4,200.00
16	Remove Existing Asphalt Pavement	55	SY	\$ 45.00	\$ 2,475.00
17	Remove 18" Flared End Section	1	EA	\$ 600.00	\$ 600.00
18	Remove Existing Retroreflective Marker	9	EA	\$ 166.67	\$ 1,500.03
19	Crushed Aggregate Base Course	960	CY	\$ 89.0625	\$ 85,500.00
20	Asphalt Surface Course (S-9.5B)	875	TN	\$ 135.00	\$ 118,125.00
21	Bituminous Prime Coat	1,105	GL	\$ 5.00	\$ 5,525.00
22	Bituminous Tack Coat	370	GL	\$ 2.70	\$ 999.00
23	7" Wide Concrete Sidewalk	65	LF	\$ 32.00	\$ 2,080.00
24	Remove Existing Pavement Marking	128	SF	\$ 20.00	\$ 2,560.00
25	Temporary ReflectORIZED Pavement Marking (Yellow)	455	SF	\$ 5.00	\$ 2,275.00
26	Temporary ReflectORIZED Pavement Marking (White)	9	SF	\$ 30.00	\$ 270.00
27	ReflectORIZED Pavement Marking (Yellow)	455	SF	\$ 5.00	\$ 2,275.00
28	ReflectORIZED Pavement Marking (White)	9	SF	\$ 30.00	\$ 270.00
29	4-Way Concrete Encased Underground Duct Bank	101	LF	\$ 160.00	\$ 16,160.00
30	Seeding (Mulched)	2.0	AC	\$ 5,230.00	\$ 10,460.00
31	Utility-Electrical Installation, Complete	1	LS	\$ 55,000.00	\$ 55,000.00
SCHEDULE I SUBTOTAL				\$	\$ 485,685.42
Schedule II					
1	10 Unit T-Hangar Building, Complete	1	LS	\$ 817,000.00	\$ 817,000.00
SCHEDULE II SUBTOTAL				\$	\$ 817,000.00
SCHEDULE I + SCHEDULE II				\$	\$ 1,447,182.53
Additive Bid Items - Schedule II					
1	Insulate Hangar Exterior Walls and Bi-Fold Doors, Complete Per Building	1	EA	\$ 11,800.00	\$ 11,800.00
2	Gutters with Downspouts, Complete Per Building	1	EA	\$ 56,500.00	\$ 56,500.00
TOTAL BID (SCHEDULE I + SCHEDULE II + ADDITIVE BID ITEMS)				\$	\$ 1,463,526.92



July 8, 2021

Mr. Ben Yarboro, Engineering Services Director
City of Shelby
830 College Ave, Highway 150
Shelby, NC 28152

**RE: T-Hangar and Taxilane – Phase 2
Shelby-Cleveland County Regional Airport
WKD Project No. 20210257.00.CL
Bid Tabulation and Recommendation of Award**

Dear Mr. Yarboro:

Enclosed is the Certified Bid Tabulation for the subject project. A summary of the received bids is listed below for the total bid (schedule I + schedule II) + schedule II additive bid items.

	<u>Bid Amounts</u>
1. Quinn Sales, Inc.	\$1,363,072.18
2. Keary Builders, Inc.	\$1,447,182.53
3. J.D. Goodrum	\$1,463,526.92

We have reviewed the bids and qualifications of the bidders. Quinn Sales, Inc. is on the NCDOT preapproved list and has the proper licenses in the state of North Carolina.

Based on the information we have received at this time and the available funding, we recommend that the City of Shelby award the contract (Schedule I + schedule II + schedule II additive bid items) to Quinn Sales.

NOTE: Following the contract execution, a Notice to Proceed on this project is anticipated in August of 2021.

We appreciate the opportunity to serve as the Project Engineer for the Shelby-Cleveland County Regional Airport on this project and we remain available to answer any questions you may have.

1213 W. Morehead Street
Suite 300
Charlotte, NC 28208
Tel. 704.334.5348
www.wkdickson.com

Mr. Yarboro
July 8, 2021
Page 2

Sincerely,

W.K. Dickson & Co., Inc.

A handwritten signature in blue ink, appearing to read "Greg Kershaw".

Greg Kershaw, PE
Technical Manager

Enclosures

ORDINANCE NO. 29-2021

A BUDGET ORDINANCE AMENDMENT FOR THE CITY OF SHELBY'S
AIRPORT T-HANGAR NO. 4 PROJECT

WHEREAS, in accordance with applicable provisions of the North Carolina Budget and Fiscal Control Act, the City of Shelby finds it advisable and necessary to revise and amend its capital project ordinance and budgets for the City of Shelby's City of Shelby's Airport T-Hangar No. 4 Project; and

WHEREAS, the City Manager (Budget Officer) has recommended certain amendments to the budget which the governing body finds acceptable; and,

WHEREAS, City Council now desires to act on the recommended budget amendments and approve the same for implementation and compliance with the North Carolina Local Government Budget and Fiscal Control Act;

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

Section 1. Ordinance No. 10-2021, the City of Shelby's Airport T-Hangar No. 4 Project, is hereby amended as follows to provide for Budget Amendment No. 1 for said project:

Airport T-Hangar #4 Project

(1) Appropriating General Fund Revenues:

Fund Balance Appropriated	11001000-39900	\$ 68,155
Transfer to General Cap. Projects	110495-49111	\$ 68,155

(2) The following General Fund Cap. Project Revenues are amended by the City:

11105000-34501-APTH4	State Grants	\$1,226,790
11105000-33500-APTH4	Transferred from County	68,155
11005000-39110-APTH4	Transferred from General Fund	68,155

(3) The following General Fund Cap. Project Expenditures are amended by the City:

111453-53000-APTH4	Construction	\$1,363,100
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Section 2. That the revenues, expenditures, and amendments set forth in Section 1 of this ordinance are hereby summarized as follows:

	<u>Current Budget</u>	<u>Amendment No. 1</u>
<u>Airport T-Hangar #4 Project</u>		
Revenues		
Transferred from County	\$ -0-	\$ 68,155
State Grant	\$ 130,000	\$1,356,790
Transferred from General Fund	\$ -0-	\$ 68,155
Expenditures		
Engineering	\$ 130,000	\$ 130,000
Construction	\$ -0-	\$1,363,100

Section 3. Copies of this Budget Ordinance Amendment shall be furnished to the City Manager as Budget Officer and to the Finance Director to be kept on file by them for their direction in the collection and disbursement of funds. Said officials are hereby authorized to receive and expend funds as herein set forth in accordance with the

Ordinance No. 29-2021
July 19, 2021
Page 2

Shelby City Code, the General Statutes of North Carolina, and the provisions of the original budget ordinance; inclusive of GS 159-28 governing budgetary accounting of appropriations.

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

Adopted and approved this the 19th day of July 2021.

O. Stanhope Anthony III
Mayor

ATTEST:

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

APPROVED AS TO FORM:

Andrea Leslie-Fite
City Attorney

RESOLUTION NO. 45-2021

A RESOLUTION OF AWARD FOR THE T-HANGAR AND TAXILANE – PHASE II PROJECT AT THE SHELBY-CLEVELAND COUNTY REGIONAL AIRPORT TO QUINN SALES, INC.

WHEREAS, the City of Shelby in accordance with North Carolina General Statutes related to the bidding of public construction contracts has solicited bids for qualified contractors to perform work related to construction of the T-Hangar and Taxilane – Phase II Project at the Shelby-Cleveland County Regional Airport; and

WHEREAS, a project budget ordinance has been established for the construction of the T-Hangar and Taxilane – Phase II Project; and

WHEREAS, City staff in conjunction with W.K. Dickson & Co., Inc. held a public bid opening to accept bids from qualified contractors to perform construction for the above mentioned project; and

WHEREAS, three (3) responsive bids was received and the apparent low bidder is Quinn Sales, Inc from Gastonia, NC in the amount of \$1,363,072.18; and

WHEREAS, W.K. Dickson & Co., Inc. has reviewed the bid in conjunction with City staff and City staff now recommends to the City Manager and City Council that the contract be awarded to the low bidder, Quinn Sales, Inc. in the amount of \$1,363,072.18 conditioned on the sections below.

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 Quinn Sales, Inc. for construction of the T-Hangar and Taxilane – Phase II Project at the Shelby-Cleveland County Regional Airport.

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

Section 3. The City Manager or his designee is hereby authorized to execute change orders, amendments, and other documents associated with this project.

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

Adopted and approved this the 19th day of July 2021.

O. Stanhope Anthony III
Mayor

ATTEST:

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

City of Shelby
Agenda Item Summary
July 19, 2021
Don Gibson Theatre

F. New Business

Agenda Item F-1

- 1) Consideration of a resolution for the City of Shelby's acceptance of American Rescue Plan Funding: Resolution No. 46-2021

New Business Item: (Rick Howell, City Manager and Justin S. Merritt, Assistant City Manager)

Summary of Available Information:

- Memorandum dated July 8, 2021 from Justin S. Merritt, Assistant City Manager to Rick Howell, City Manager
- Letter dated June 15, 2021 from Governor Roy Cooper to Mayor Anthony
- NEU Award Summary
- U.S. Department of Treasury documents
- Resolution No. 46-2021

City Manager's Recommendation / Comments

Resolution No. 46-2021 is presented for City Council at this time. If approved this resolution would simply authorize acceptance of funding allocated to the City from the Coronavirus Stated and Local Fiscal Recovery Funds (CSLRF) of HR 1319 the American Rescue Plan Act of 2021. Some specific things to note about these funds. The City will account for these funds in a separate accounting fund along with any accrued investment income. The City is agreeing that it must be spent for the limited purposes spelled out in US Treasury guidance and in accordance with the NC General Statutes and that appropriate reporting for accountability purposes be made as directed. These funds must all be spent or encumbered by December 31, 2024 and completely expended by December 31, 2026 or they must be paid back to the US Treasury.

The City has already received the first payment from the Office of the State Controller in the amount of \$3,191,117.50 and will receive the second half of the money not sooner than one year from now. The total amount expected is \$6,382,235.01. I anticipate placing this on a future Council agenda for discussion in the near future.

It is recommended that Resolution No. 46-2021 be adopted and approved at this time.



To: Rick Howell, City Manager
From: Justin S. Merritt, Assistant City Manager
Date: July 8, 2021
Subject: ARP Funding Acceptance Resolution

Background:

As you know, the American Rescue Plan (ARP) allocates \$1.9 trillion to COVID-19 relief and economic recovery. North Carolina will directly receive more than \$5.7 billion. The City of Shelby expects to receive approximately \$6,382,235 over two disbursements, beginning in July 2021, with the second disbursement being received approximately 12 months after the initial distribution.

One compliance requirement of these funds is for City Council to affirmatively act to receive these funds, which may be achieved through adoption of a resolution, which is attached.

Recommendation:

Seek Council approval of the attached resolution.

June 15, 2021

The Honorable Oliver Stanhope Anthony
Mayor of Shelby

Dear Mayor Anthony:

Thank you for your hard work and steady leadership through this pandemic. You have worked tirelessly to keep your communities safe, and our sustained progress in lowering COVID-19 metrics and vaccinating 4.6 million North Carolinians gives us all hope. With the American Rescue Plan (ARP), we now have a once-in-a-generation opportunity to invest in a shared and sustained recovery.

In May, I recommended that the North Carolina General Assembly match State Fiscal Recovery Funds from the ARP with your Local Fiscal Recovery Funds so that we can maximize the value and impact of these federal dollars. From water and sewer infrastructure to housing, I want to give communities that cooperate a bigger share of state funds. By matching money, we can do big things. As the General Assembly continues its budget considerations, I will be working with them and you to create the best environment for us to take this historic opportunity to tackle chronic challenges and build a North Carolina that not only recovers but thrives.

The Local Fiscal Recovery Funds you are receiving because of the ARP should be transformational to your community. As we work to build a bridge from COVID-19 response to recovery, these funds allow for communities to take more time and consideration in making investments than the federal CARES Act allowed. A December 31, 2026 deadline to spend these funds should encourage you to consider how your share of the ARP might be best leveraged with other resources and partners, such as neighboring towns, counties, or the state, to most effectively invest in transformational projects.

I look forward to our continued partnership in service to North Carolinians now and in the future. Thank you for your commitment to the people of North Carolina.

With kind regards, I am

Very truly yours,

Roy Cooper

RAC/II

NEU Award Summary 2021

[Shelby]
[2021-0420]

The Coronavirus Local Fiscal Recovery Funds provide a singular opportunity to address community recovery needs and to make significant investments for the future. In addition to municipalities, counties are also receiving significant funds.

- We encourage and are available to help with thoughtful planning and an equitable approach to the use of these funds. We encourage consultation and collaboration with your neighboring communities, and with communities facing common challenges.
- An authorized signature is required accepting the grant award terms and conditions.
- The total estimated grant amount is \$ 6,382,235.01. This will be provided in two disbursements:
 - Your first disbursement for 2021 will be in the amount of \$ 3,191,117.51
 - Your second disbursement for 2022 will be released no sooner than one year after the first disbursement, and may vary slightly depending on funds returned and other factors.
- You have until December 31, of 2024 to use or encumber these funds and if encumbered, you have until December 31, 2026 to finish any associated work.
- You have a unique grant agreement number: NC0420. Please include it in all correspondence with the United States Treasury (UST).
- You are considered by the UST to be the prime recipient of these funds and will have reporting duties for these funds. The first report is due on October 31st.
 - The UST has yet to provide directions on how to prepare and submit this report.
 - It's anticipated that this first report will be simple and denote that funds have been received and provide documents that support your topline budget number that you've provided NCPRO.
- These funds can be used only for the allowable categories outlined by the UST for pandemic recovery. These categories and other information about allowable uses can be found at: <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/state-and-local-fiscal-recovery-funds>
- A PROtalk that addresses the grant process in more depth can be found (<https://www.nc.gov/agencies/pandemic-recovery-office/news-information/presentations-videos>).

For additional questions please reach out to NCPRO! Additional resources, conferences, and technical support will be provided through joint efforts with Councils of Government, the NC League of Municipalities, the UNC School of Government and others.

OMB Approved No. 1505-0271
Expiration Date: November 30, 2021

U.S. DEPARTMENT OF THE TREASURY
CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS

Recipient name: SHELBY, CITY OF Address: 300 S WASHINGTON ST , SHELBY, NC, 28150	DUNS Number: 079053468 Taxpayer Identification Number: 566001333 Assistance Listing Number: 21.027
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Sections 602(b) and 603(b) of the Social Security Act (the Act) as added by section 9901 of the American Rescue Plan Act, Pub. L. No. 117-2 (March 11, 2021) authorize the Department of the Treasury (Treasury) to make payments to certain recipients from the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund.

Recipient hereby agrees, as a condition to receiving such payment from Treasury, to the terms attached hereto.

Recipient: **SHELBY, CITY OF**

DocuSigned by:

 568A04E2099D4B0...

Authorized Representative: **Rick Howell**

Title: **City Manager**

Date signed: 6/22/2021

U.S. Department of the Treasury:

Authorized Representative:

Title:

Date:

PAPERWORK REDUCTION ACT NOTICE

The information collected will be used for the U.S. Government to process requests for support. The estimated burden associated with this collection of information is 15 minutes per response. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Office of Privacy, Transparency and Records, Department of the Treasury, 1500 Pennsylvania Ave., N.W., Washington, D.C. 20220. DO NOT send the form to this address. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

U.S. DEPARTMENT OF THE TREASURY
CORONAVIRUS LOCAL FISCAL RECOVERY FUND
AWARD TERMS AND CONDITIONS

1. Use of Funds.
 - a. Recipient understands and agrees that the funds disbursed under this award may only be used in compliance with section 603(c) of the Social Security Act (the Act), Treasury's regulations implementing that section, and guidance issued by Treasury regarding the foregoing.
 - b. Recipient will determine prior to engaging in any project using this assistance that it has the institutional, managerial, and financial capability to ensure proper planning, management, and completion of such project.
2. Period of Performance. The period of performance for this award begins on the date hereof and ends on December 31, 2026. As set forth in Treasury's implementing regulations, Recipient may use award funds to cover eligible costs incurred during the period that begins on March 3, 2021, and ends on December 31, 2024.
3. Reporting. Recipient agrees to comply with any reporting obligations established by Treasury as they relate to this award.
4. Maintenance of and Access to Records
 - a. Recipient shall maintain records and financial documents sufficient to evidence compliance with section 603(c) of the Act, Treasury's regulations implementing that section, and guidance issued by Treasury regarding the foregoing.
 - b. The Treasury Office of Inspector General and the Government Accountability Office, or their authorized representatives, shall have the right of access to records (electronic and otherwise) of Recipient in order to conduct audits or other investigations.
 - c. Records shall be maintained by Recipient for a period of five (5) years after all funds have been expended or returned to Treasury, whichever is later.
5. Pre-award Costs. Pre-award costs, as defined in 2 C.F.R. § 200.458, may not be paid with funding from this award.
6. Administrative Costs. Recipient may use funds provided under this award to cover both direct and indirect costs.
7. Cost Sharing. Cost sharing or matching funds are not required to be provided by Recipient.
8. Conflicts of Interest. Recipient understands and agrees it must maintain a conflict of interest policy consistent with 2 C.F.R. § 200.318(c) and that such conflict of interest policy is applicable to each activity funded under this award. Recipient and subrecipients must disclose in writing to Treasury or the pass-through entity, as appropriate, any potential conflict of interest affecting the awarded funds in accordance with 2 C.F.R. § 200.112.

9. Compliance with Applicable Law and Regulations.

- a. Recipient agrees to comply with the requirements of section 603 of the Act, regulations adopted by Treasury pursuant to section 603(f) of the Act, and guidance issued by Treasury regarding the foregoing. Recipient also agrees to comply with all other applicable federal statutes, regulations, and executive orders, and Recipient shall provide for such compliance by other parties in any agreements it enters into with other parties relating to this award.
- b. Federal regulations applicable to this award include, without limitation, the following:
 - i. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. Part 200, other than such provisions as Treasury may determine are inapplicable to this Award and subject to such exceptions as may be otherwise provided by Treasury. Subpart F – Audit Requirements of the Uniform Guidance, implementing the Single Audit Act, shall apply to this award.
 - ii. Universal Identifier and System for Award Management (SAM), 2 C.F.R. Part 25, pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 25 is hereby incorporated by reference.
 - iii. Reporting Subaward and Executive Compensation Information, 2 C.F.R. Part 170, pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 170 is hereby incorporated by reference.
 - iv. OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement), 2 C.F.R. Part 180, including the requirement to include a term or condition in all lower tier covered transactions (contracts and subcontracts described in 2 C.F.R. Part 180, subpart B) that the award is subject to 2 C.F.R. Part 180 and Treasury's implementing regulation at 31 C.F.R. Part 19.
 - v. Recipient Integrity and Performance Matters, pursuant to which the award term set forth in 2 C.F.R. Part 200, Appendix XII to Part 200 is hereby incorporated by reference.
 - vi. Governmentwide Requirements for Drug-Free Workplace, 31 C.F.R. Part 20.
 - vii. New Restrictions on Lobbying, 31 C.F.R. Part 21.
 - viii. Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. §§ 4601-4655) and implementing regulations.
 - ix. Generally applicable federal environmental laws and regulations.
- c. Statutes and regulations prohibiting discrimination applicable to this award include, without limitation, the following:
 - i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury's implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance;

- i. The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;
 - ii. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving federal financial assistance;
 - iii. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and Treasury's implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance; and
 - iv. Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.
10. Remedial Actions. In the event of Recipient's noncompliance with section 603 of the Act, other applicable laws, Treasury's implementing regulations, guidance, or any reporting or other program requirements, Treasury may impose additional conditions on the receipt of a subsequent tranche of future award funds, if any, or take other available remedies as set forth in 2 C.F.R. § 200.339. In the case of a violation of section 603(c) of the Act regarding the use of funds, previous payments shall be subject to recoupment as provided in section 603(e) of the Act.
11. Hatch Act. Recipient agrees to comply, as applicable, with requirements of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328), which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by this federal assistance.
12. False Statements. Recipient understands that making false statements or claims in connection with this award is a violation of federal law and may result in criminal, civil, or administrative sanctions, including fines, imprisonment, civil damages and penalties, debarment from participating in federal awards or contracts, and/or any other remedy available by law.
13. Publications. Any publications produced with funds from this award must display the following language: "This project [is being] [was] supported, in whole or in part, by federal award number [enter project FAIN] awarded to [name of Recipient] by the U.S. Department of the Treasury."
14. Debts Owed the Federal Government.
 - a. Any funds paid to Recipient (1) in excess of the amount to which Recipient is finally determined to be authorized to retain under the terms of this award; (2) that are determined by the Treasury Office of Inspector General to have been misused; or (3) that are determined by Treasury to be subject to a repayment obligation pursuant to section 603(e) of the Act and have not been repaid by Recipient shall constitute a debt to the federal government.
 - b. Any debts determined to be owed the federal government must be paid promptly by

Recipient. A debt is delinquent if it has not been paid by the date specified in Treasury's initial written demand for payment, unless other satisfactory arrangements have been made or if the Recipient knowingly or improperly retains funds that are a debt as defined in paragraph 14(a). Treasury will take any actions available to it to collect such a debt.

15. Disclaimer.

- a. The United States expressly disclaims any and all responsibility or liability to Recipient or third persons for the actions of Recipient or third persons resulting in death, bodily injury, property damages, or any other losses resulting in any way from the performance of this award or any other losses resulting in any way from the performance of this award or any contract, or subcontract under this award.
- b. The acceptance of this award by Recipient does not in any way establish an agency relationship between the United States and Recipient.

16. Protections for Whistleblowers.

- a. In accordance with 41 U.S.C. § 4712, Recipient may not discharge, demote, or otherwise discriminate against an employee in reprisal for disclosing to any of the list of persons or entities provided below, information that the employee reasonably believes is evidence of gross mismanagement of a federal contract or grant, a gross waste of federal funds, an abuse of authority relating to a federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant.
- b. The list of persons and entities referenced in the paragraph above includes the following:
 - i. A member of Congress or a representative of a committee of Congress;
 - ii. An Inspector General;
 - iii. The Government Accountability Office;
 - iv. A Treasury employee responsible for contract or grant oversight or management;
 - v. An authorized official of the Department of Justice or other law enforcement agency;
 - vi. A court or grand jury; or
 - vii. A management official or other employee of Recipient, contractor, or subcontractor who has the responsibility to investigate, discover, or address misconduct.
- c. Recipient shall inform its employees in writing of the rights and remedies provided under this section, in the predominant native language of the workforce.

17. Increasing Seat Belt Use in the United States. Pursuant to Executive Order 13043, 62 FR 19217 (Apr. 18, 1997), Recipient should encourage its contractors to adopt and enforce on-the-job seat belt policies and programs for their employees when operating company-owned, rented or personally owned vehicles.

18. Reducing Text Messaging While Driving. Pursuant to Executive Order 13513, 74 FR 51225 (Oct. 6, 2009), Recipient should encourage its employees, subrecipients, and contractors to adopt and enforce policies that ban text messaging while driving, and Recipient should establish workplace safety policies to decrease accidents caused by distracted drivers.

RESOLUTION NO. 46-2021

THE CITY OF SHELBY'S ACCEPTANCE OF AMERICAN RESCUE PLAN FUNDING

WHEREAS, the City of Shelby is eligible for funding from the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (CSLRF); and

WHEREAS, the North Carolina General Assembly will provide for the distribution of funds to eligible North Carolina municipalities; and,

WHEREAS, before receiving a payment, the City Council is required to formally accept the CSLRF funds; and,

WHEREAS, revenue received under the CSLRF must only be spent for purposes authorized by the CSLRF, and applicable regulations, and by state law; and,

WHEREAS, revenue received under the CSLRF must be accounted for in a separate fund and not co-mingled with other revenue for accounting purposes; and,

WHEREAS, the City of Shelby must comply with all applicable budgeting, accounting, contracting, reporting, and other compliance requirements for CSLRF funds.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shelby that we do hereby accept and request CSLRF funding to be distributed by the State of North Carolina; and

FURTHER RESOLVED that the City of Shelby affirms that the CSLRF revenue will only be used for the purposes prescribed in the CSLRF, and in US Treasury guidance in 31 CFR, Part 35, and any applicable regulations, and in accordance with state law; and

FUTHER RESOLVED that the City of Shelby will comply with procedures created by the North Carolina General Assembly and the US Treasury Department to receive funds under the act; and

FURTHER RESOLVED that the City of Shelby will account for CSLRF in a separate fund and not co-mingle it with other revenues for accounting purposes and will comply with all applicable federal and state budgeting, accounting, contracting, reporting, and other compliance requirements for CSLRF funds; and

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Shelby designates and directs the City Manager to take all actions necessary on behalf of the City Council to receive the CSLRF funds.

Adopted this the 19th day of July 2021 in Shelby, North Carolina.

Resolution No. 46-2021
July 19, 2021
Page 2

O. Stanhope Anthony III
Mayor

ATTEST:

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

APPROVED AS TO FORM:

Andrea Leslie-Fite
City Attorney

City of Shelby
Agenda Item Summary
July 19, 2021
Don Gibson Theatre

Agenda Item F-2

- 2) City of Shelby’s Windsor Drive and Montrose Drive Natural Gas System Infrastructure Improvement Project:
- a. Consideration of an ordinance establishing a capital Project ordinance and budgets for the City of Shelby’s Windsor Drive and Montrose Drive Natural Gas System Infrastructure Improvement Project: Ordinance No. 30-2021
 - b. Consideration of a resolution awarding the bid for replacement of natural gas lines on Windsor Drive and Montrose Drive: Resolution No. 47-2021

New Business Item: (Rick Howell, City Manager and Julie R. McMurry, Director of Energy Services)

Summary of Available Information:

- Memorandum dated July 12, 2021 from Julie R. McMurry, Director of Energy Services to Rick Howell, City Manager and Justin Merritt, Assistant City Manager
- Photo showing Natural Gas Replacement lines
- Letter dated July 2, 2021 from Heath and Associates with a review of the bidders
- Ordinance No. 30-2021
- Resolution No. 47-2021

City Manager’s Recommendation / Comments

- a) Ordinance No. 30-2021 is presented for City Council consideration as new business. If approved this ordinance would establish a capital project budget ordinance and appropriate \$337,260 from the Natural Gas Fund Balance for the replacement of steel natural gas line (constructed in 1955) on Montrose Drive and Windsor Drive. This is part of the 5 year Asset Management Plan approved by Council in 2020.
- b) Resolution No. 47-2021 is presented for City Council at this time. If approved this resolution would award the bid for the described construction to Appling Boring of Forest City in the amount of \$304,960.

It is recommended that Ordinance No. 30-201 and Resolution No. 47-2021 be adopted and approved at this time.



Memorandum

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

From: Julie R. McMurry, Director of Energy Services *JRM*

RE: Natural Gas- Natural Gas System Improvements
Windsor Dr/Montrose Dr Award Request

Date: July 12, 2021

Background

The Montrose Drive and Windsor Drive area (map attached) natural gas lines are in need of replacement. During the recent system study conducted by RK&K, they identified this area as one with insufficient cover, meaning the depth of the gas pipeline is shallower than code requires. Also, we have found and repaired leaks in the area in the last few years and recently found one that will be repaired as part of this project. The gas line in the creek crossing is exposed and this steel natural gas pipe was installed in 1955.

The project is not a large project, approximately 2,800' of 2" main and 2,560' of ¾" services (replacing 16 steel services and tying in 18 plastic services) and has some difficult areas, creek and steep terrain. There is also the indication of rock in the area based on the creek bed. The time frame for completion of the project is small as well, due to street resurfacing of these streets in the last quarter of this year.

The engineering estimate was \$189,220 for the construction portion of the project. Bids were received on Friday, July 2, 2021. Seven contractors were invited to submit proposals. Three bid packages were submitted, one bid package was a no bid. The lowest bid received was \$304,960. The construction time window, gas contractor workload, trouble getting and retaining labor in the current economic environment,

and the difficulty of the creek crossing are all potential factors in the cost of this project.

The bids received were:

Appling Boring Company	\$ 304,960
Dawn Development Company, Inc	\$ 386,300

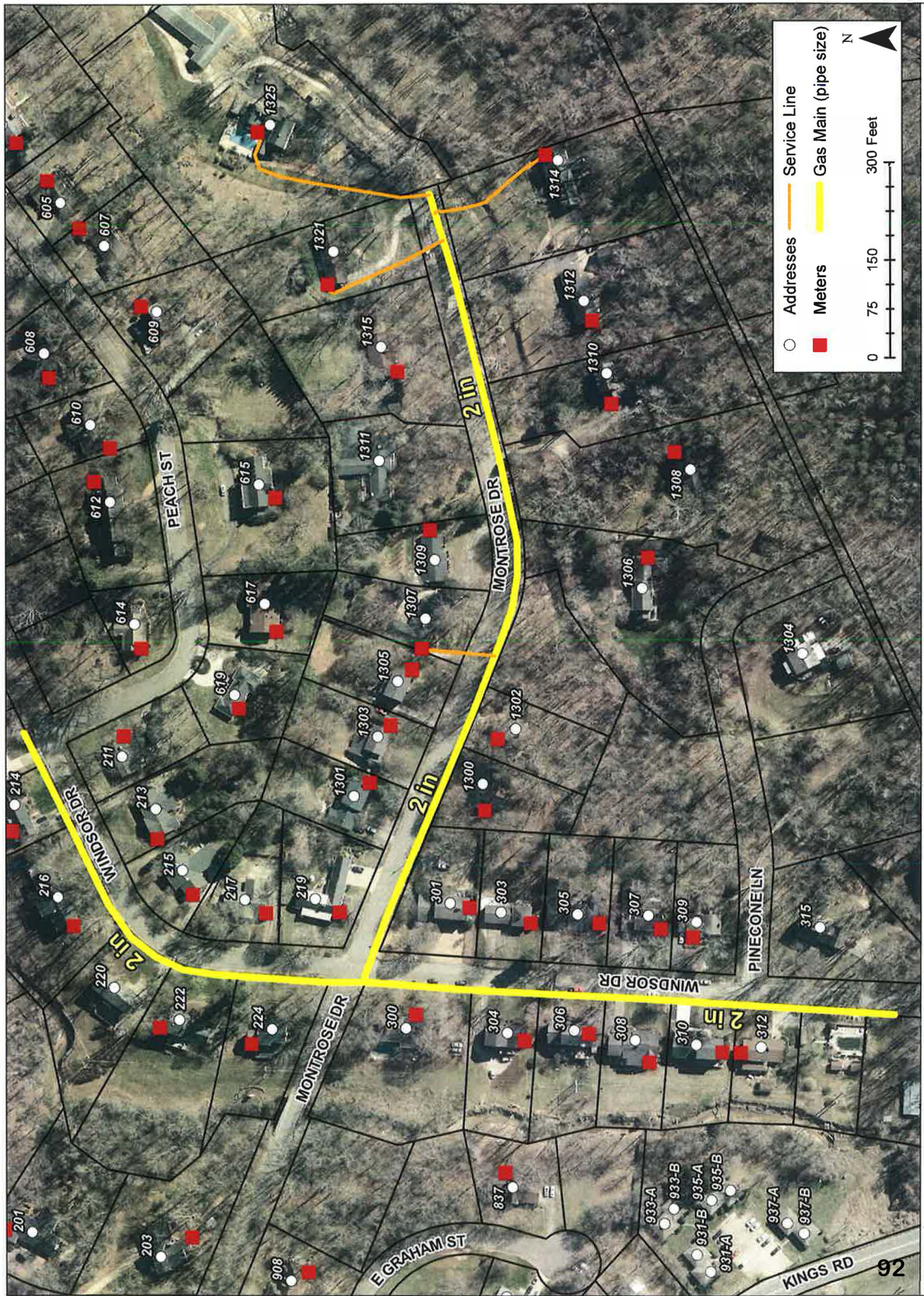
Recommendation

Bids were reviewed by Scott Heath with Heath and Associates, Inc. We have received their letter of recommendation. Given the resurfacing schedule, exposed creek crossing and leak staff recommends moving forward with this project at this time, and to research an alternate creek crossing option with the contractor. The letter of recommendation from Heath and Associates, Inc. and the bid tabulation is attached.

Please let me know if more information is required.

Attachments:

- Map of project area
- Letter of recommendation



○ Addresses — Service Line
 ■ Meters — Gas Main (pipe size)

0 75 150 300 Feet

N

Montrose Drive and Windsor Drive Natural Gas Line Replacement



HEATH AND ASSOCIATES, INC.

July 2, 2021

Mrs. Julie McMurry
Director of Energy Services
City of Shelby
824 W. Grover Street
Shelby, North Carolina 28150

**Re: City of Shelby – Montrose/Windsor Replacement
Heath and Associates, Inc. Project # 22105**

Dear Julie,

Bid proposals for the City of Shelby's Montrose/Windsor Replacement Project were received on July 2, 2021 at the City's Operations Office from contractors. Seven contractors were invited to submit proposals. There were a total of three bid packages submitted. One of the bid packages was a no bid statement.

Appling Boring submitted the lowest bid of \$304,960.00. Dawn Development has the next lowest bid at \$386,300.00. Attached is the bid tabulation from the proposals submitted. Heath and Associates' estimate for the project was \$189,220.00.

This project is small and has some very difficult areas requiring new pipelines. The requested construction time window was immediate and short in order to complete this project before the scheduled paving of these roads. Natural gas contractors are very busy and experiencing trouble getting and retaining labor in the current economic environment. Most of the contractors didn't want to look at the job because they are overcommitted with existing work, especially given their trouble with laborers. The labor crunch added with the areas requiring difficult construction produced unusually high bid prices.

The contractors that previewed the job were also concerned about the creek crossing. I think the City should investigate alternate ways to cross the creek. Given our short time requirements, we didn't think we could obtain a permit to open cut the creek. A better location to cross the creek may be available but this may require a private easement which also takes time. We may also want to investigate hanging the pipe on the bridge or an aerial crossing. None of the options are particularly attractive, but I am confident we can come up with a means to get better pricing for the crossing.

Heath and Associates recommends that the City investigate the alternate creek crossing designs and rebid the project in the spring of next year. Hopefully, the contractors will have a more stable work force and have less commitments then. We could provide a longer window for contractors to do the work so they could schedule to do the work in a more efficient way. I'm confident we can improve the pricing, probably significantly.

If you want to do the project in the planned timeframe, we believe that Appling's pricing is as good as you can get and would recommend moving forward with them. Appling Boring has a good history working with Heath and Associates and we expect will perform the work professionally and to your satisfaction if you want to do the project immediately.

If you have any questions or comments, please do not hesitate to contact us.

Sincerely,

Heath and Associates, Inc.

A handwritten signature in blue ink, appearing to read "E. Scott Heath".

E. Scott Heath, PE
President

ESH/ds
enclosure
cc: Appling Boring

ORDINANCE NO. 30-2021

AN ORDINANCE ESTABLISHING A CAPITAL PROJECT ORDINANCE AND BUDGETS FOR THE CITY OF SHELBY’S WINDSOR DRIVE AND MONTROSE DRIVE NATURAL GAS SYSTEM INFRASTRUCTURE IMPROVEMENT PROJECT

WHEREAS, in accordance with applicable provisions of the North Carolina Budget and Fiscal Control Act, the City of Shelby finds it advisable and necessary to establish a capital project ordinance and budgets for the City of Shelby’s Windsor Drive and Montrose Drive Natural Gas System Infrastructure Improvement Project; and

WHEREAS, it is necessary for the City to establish a budget for this capital project and appropriate applicable funds needed for the administration and construction of this project in order to comply with applicable provisions of the North Carolina Local Government Budget and Fiscal Control Act; and,

WHEREAS, G.S. 159-13.2 provides that a City may undertake the construction of a capital asset such as natural gas system utility infrastructure, by way of a capital project ordinance providing the necessary balanced budget and funding for the life of the project;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHELBY, NORTH CAROLINA: The City of Shelby has identified a need to construct improvements to certain natural gas system infrastructure to adequately serve its customers. Accordingly, the following budget modifications are approved in accordance with the chart of accounts heretofore established for the City of Shelby.

Section 1. Appropriating Fund Balance:

Fund Balance Appropriated	64006000-39900	\$337,260
Transfer to Gas Capital Projects	640741-49641	\$337,260

Section 2. The following revenues are available and amounts are hereby appropriated:

Revenues:		
Transferred from Gas Fund	64106000-39640-64888	\$337,260
Appropriation:		
Engineering	641746-42004-64888	\$ 22,300
Construction	641746-53000-64888	\$314,960

Section 3. The provisions of this capital project ordinance shall be entered in the minutes of the Shelby City Council and copies filed with the City Manager as Budget Officer, the Finance Director, and the City Clerk for their direction and guidance in receiving revenues and expending the monies due thereunder.

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

Adopted and approved this the 19th day of July 2021.

O. Stanhope Anthony III
Mayor

ATTEST:

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

APPROVED AS TO FORM:

Andrea Leslie-Fite
City Attorney

RESOLUTION NO. 47-2022

A RESOLUTION AWARDING THE BID FOR REPLACEMENT OF NATURAL GAS LINES ON MONTROSE DRIVE AND WINDSOR DRIVE

WHEREAS, in accordance with applicable provisions of G.S. 143-129, as amended, the City of Shelby has accepted bids for labor and equipment for the replacement of the natural gas lines and services on Montrose Drive and Windsor Drive; and,

WHEREAS, bids for the proposed work have been tabulated and project award recommendation made by City Staff for this project; and,

WHEREAS, the City Council now desires to proceed with award of project as recommended by staff and with the improvements anticipated by this action.

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 for labor and equipment for the replacement of natural gas lines and services on Montrose Drive and Windsor Drive as required in the bid specifications for this offering to Appling Boring Company, Inc. of Forest City, North Carolina for a bid price of \$304,960 as stated in their official proposal for this bidding, and in accordance with the City's official bid specifications for this project.

Section 2. The City Manager is hereby authorized and directed to execute the applicable contract as specified 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 July 2021.

O. Stanhope Anthony III
Mayor

ATTEST:

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

City of Shelby
Agenda Item Summary
July 19, 2021
Don Gibson Theatre

Agenda Item: G

City Manager's Report

I will report to Mayor and Council on a number of ongoing projects and issues. The projects and issues reported upon are intended to be for your information and do not necessarily require action by Council.

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.

- 1) Motion to adjourn