

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