

**Welcome and Call to Order by Mayor O. Stanhope Anthony III**

*Invocation*

*Pledge of Allegiance*

**A. Approval of Agenda**

*Discussion and revision of the proposed agenda, including consent agenda; adoption of an agenda.*

- 1) Motion to adopt the agenda as proposed or amended

**B. Special Presentation:**

- 1) Recognition of Thomas J. (Tommy) Forney, Jr. on the occasion of his retirement from employment with the City of Shelby 1

**C. Public Hearings:**

- 1) Consideration of the validity of the Bond Order introduced at the July 19, 2021 City Council meeting and the advisability of issuing \$10 million of General Obligation Street and Sidewalk Improvement Bonds 4
- 2) Consideration of the proposed intent of the City of Shelby to offer an economic development incentives contract to Project Laser 7
- 3) Consideration of the proposal to convey land owned by the City of Shelby to Project Laser for an economic development project 9

**D. Consent Agenda:**

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

- 1) Approval of the Minutes of the Special Meeting of July 19, 2021 11

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| 2) Approval of a resolution authorizing disbursement of travel and tourism funding for Fiscal Year (FY) 2021-2022: Resolution No. 48-2021   | 21 |
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City of Shelby  
Agenda Item Summary  
August 2, 2021  
Don Gibson Theater

**B. Special Presentation:**

**Agenda Item B-1**

- 1) Recognition of Thomas J. (Tommy) Forney, Jr. on the occasion of his retirement from employment with the City of Shelby

**Presenting: (Mayor Stan Anthony, Charlie Holtzclaw, Director Parks and Recreation)**

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- Memorandum dated July 20, 2021 from Charlie Holtzclaw, Director Parks and Recreation to Rick Howell, City Manager
- Resolution No. 24-2021

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City Manager's Recommendation / Comments

This time is scheduled on your agenda to recognize Tommy Forney, Jr. on the occasion of his retirement from employment. In keeping with policy City Council previously adopted Resolution No. 24-2021 to recognize him for having served the City faithfully for the past 30.5 years with the Shelby Parks and Recreation Department. He is to be congratulated!

Tommy is a dedicated employee who has provided veteran leadership over the past several years in the performance of his duties. He has been a vital part of the team at the Shelby City Park, particularly at the Rotary Train and the Carrousel. His work on the restoration of the Carrousel over the years is of particular note. He will be missed both personally and professionally.

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

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



## Memorandum

To: Rick Howell, City Manager  
Cc: Bernadette Parduski, City Clerk  
From: Charlie Holtzclaw, Director Parks and Recreation  
Date: July 20, 2021  
Subject: Tommy Forney Retirement Recognition

### Executive Summary of issue – Background

Tommy Forney retired on April 30, 2021 with 30 ½ years of service with the City of Shelby. Tommy was a very knowledgeable, loyal, and dedicated employee at City Park since he began his career at Shelby Parks and Recreation in September 1990. He will be sorely missed for his loyalty and professionalism, and particularly for his close relationships with the citizens of Shelby and the many volunteers he worked with over the years to ensure the vitality of the carousel and train amusement rides.

### Recommendation

It is my recommendation that Tommy Forney be honored by a City Council Resolution and appropriate recognition for 30 ½ year retirees by the Mayor and Council at its regular meeting August 2<sup>nd</sup>, 2021

**RESOLUTION NO. 24-2021**

**A RESOLUTION HONORING THOMAS J. (TOMMY) FORNEY, JR.  
ON THE OCCASION OF HIS RETIREMENT  
FROM EMPLOYMENT WITH THE CITY OF SHELBY**

**WHEREAS**, on the occasion of his retirement from employment on April 30, 2021, it is fitting and proper for the City Council to express its sincere appreciation to Thomas J. Forney, Jr. for his loyal, dedicated and committed service to the City of Shelby from September 5, 1990 until April 30, 2021; and,

**WHEREAS**, Mr. Forney began his employment with the Parks and Recreation Department part time in 1986 as Carrousel Restoration Worker with the specific responsibility to plan and oversee revival of the 1920's Carrousel or Merry-Go-Round, and in September 1990 was promoted to full time Parks Maintenance Laborer, and in August 1999 was promoted to Maintenance Laborer II, and in September 1999 was promoted to Amusement Equipment Operator, and in May 2008 was promoted to Amusement Supervisor; and,

**WHEREAS**, Mr. Forney worked with park staff, other city departments, and volunteers restoring figures, raising funds and awareness, and obtaining materials and equipment to refurbish the carrousel mechanism ultimately being housed in the beautiful Anne Dover Bailey Carrousel Pavilion; and,

**WHEREAS**, during Mr. Forney's career he supervised several other workers and many volunteers helped to form the Shelby City Park Carrousel Friends non-profit organization to connect with members of the community who contributed expertise, and specialized skills and who provided private support in partnership with the City; and,

**WHEREAS**, after completion of the restoration and grand reopening in October 1998 as project manager, Mr. Forney became responsible for day-to-day operations of the Carrousel as well as the Rotary Train in 2002 which together have provided over 20 years of unique recreation and tourism opportunities for young and old; and,

**WHEREAS**, Mr. Forney served many years as a member of the National Carrousel Association (NCA), including serving as the Conservation Chairman and member of the Identification Group, and wrote articles for the NCA quarterly publication the Merry-Go-Roundup; and served as Keep Shelby Beautiful Coordinator from 2003 through 2008; and,

**WHEREAS**, during his tenure of service, Mr. Forney has been a loyal employee for the City of Shelby, and has been an outstanding example of the quality and dedication of an employee necessary to the development of the good of the City; and, helped create a winning attitude within the City of Shelby Parks and Recreation Department; and,

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

**WHEREAS**, the City Council of the City of Shelby wishes to acknowledge and express its appreciation to Mr. Forney for his 30½ years of dedicated and devoted duty in Parks and Recreation, noting that Mr. Forney will be missed both professionally and as a fellow co-worker.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and City Council publicly express their sincere appreciation to Thomas J. Forney, Jr. for his performance of duty to the City of Shelby during the past 30½ years and extend the very best wishes for a successful retirement.

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

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the City of Shelby to be affixed this 3<sup>rd</sup> day of May 2021.

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O. Stanhope Anthony III  
Mayor

ATTEST:

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

City of Shelby  
Agenda Item Summary  
August 2, 2021  
Don Gibson Theater

C. Public Hearings:

Agenda Item: C-1

- 1) Consideration of the validity of the Bond Order introduced at the July 19, 2021 City Council meeting and the advisability of issuing \$10 million of General Obligation Street and Sidewalk Improvement Bonds

**Presenting: (Rick Howell, City Manager, Beth Beam, Director of Finance)**

Summary of Available Information:

- Memorandum dated July 27, 2021 from Beth Beam, Director of Finance to Rick Howell, City Manager
- Notice of Public Hearing

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City Manager's Recommendation / Comments

This time is scheduled on the agenda for City Council to hold a required public hearing under the NC Local Government Bond Act. The purpose of the hearing is to receive public comment /questions on the validity of the proposed bond order and/or the advisability of issuing bonds for the stated purpose. This hearing has been duly advertised as required by law. The bond order was published as part of that hearing informing the public of the City's intent to issue \$10,000,000 in Street and Sidewalk Improvement Bonds subject to voter approval. Public comment will be entered into the record and should be appropriately considered by City Council as it discusses and deliberates subsequent action on this matter found the "Unfinished Business" section of the adopted agenda.

No action is required of City Council immediately following the public hearing.



## MEMORANDUM

**To:** Rick Howell, City Manager

**From:** Beth Beam, Director of Finance

**RE:** Street and Sidewalk Improvement General Obligation Bonds Public Hearing

**Date:** July 27, 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, Council has taken the first action on the Bond Order and now it is time for the Public Hearing on the Bond Order.

The Public Hearing is the opportunity for City Council to hear public comment on questions of the validity of said order or the advisability of issuing said bonds.

### **Staff Recommendation:**

Staff recommends that City Council invite the public to make comment on the Bond Order, so that we may move forward with the next steps in the GO Bond process.

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, at the Don Gibson Theatre located at 318 South Washington Street in Shelby, North Carolina.

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



City of Shelby  
Agenda Item Summary  
August 2, 2021  
Don Gibson Theater

Agenda Item: C-2

- 2) Consideration of the proposed intent of the City of Shelby to offer an economic development incentives contract to Project Laser

**Presenting: (Rick Howell, City Manager)**

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Summary of Available Information:

- Notice of Public Hearing

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City Manager's Recommendation / Comments

This time is scheduled on the agenda for City Council to conduct the required public hearing in accordance with the NC General Statutes. This hearing has been duly advertised as required by law. Subsequent to the hearing a draft resolution and agreement for City Council will be prepared for consideration at the regular meeting to be held Monday, August 16, 2021. That resolution will generally propose the following.

1. "Project Laser" agrees to invest no less than \$20,200,000. within the city limits creating approximately 100 new jobs with an average annual compensation of \$47,923. over the next 3 years.
2. The City agrees to make 3 annual incentive grant payments in an amount equaling 20% of the City's tax levy on the actual net new assessed investment made by "Project Laser". This is estimated to be an annual payment of \$20,907. for 3 years. A total of \$62,721.

**No action is required by City Council at this time.**

## NOTICE OF PUBLIC HEARING

The City of Shelby proposes to appropriate and expend City funds for the following economic development project pursuant to North Carolina General Statute 158-7.1. The Shelby City Council intends to consider entering into an economic incentives contract with Project Laser. Under the contract, the City will make three (3) annual cash incentive grants to Project Laser, pursuant to the City of Shelby's Industrial Incentive Program, beginning in the fiscal year in which Project Laser contemplates construction of a manufacturing facility costing no less than Twenty Million Two Hundred Thousand Dollars on Cleveland County Parcel 64587. Pursuant to the City of Shelby's Industrial Incentive Program, the amount of each year's grant will be twenty percent of the City's tax levy then in effect on Project Laser's net new investment as calculated by the Cleveland County Tax Assessor. The City of Shelby estimates this amount will be approximately Twenty Thousand Nine Hundred Seven Dollars (\$20,907.00) annually. The City will fund the payments with available revenues in the City's General Fund. The Shelby City Council believes this project will stimulate and stabilize the local economy and result in the creation of a substantial number of new, permanent jobs in the City of Shelby.

The Shelby City Council will hold a public hearing on the City's proposed appropriation and expenditure of funds for this project at 6:00 p.m. on Monday, August 2, 2021 at the Don Gibson Theater located at 318 South Washington Street in the City of Shelby. The Shelby City Council invites all interested persons to attend and present their views.

Bernadette A. Parduski  
City Clerk  
Shelby, North Carolina

City of Shelby  
Agenda Item Summary  
August 2, 2021  
Don Gibson Theater

Agenda Item: C-3

- 3) Consideration of the proposal to convey land owned by the City of Shelby to Project Laser for an economic development project

**Presenting: (Rick Howell, City Manager)**

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Summary of Available Information:

- Notice of Public Hearing

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City Manager's Recommendation / Comments

This time is scheduled on the agenda for City Council to conduct the required public hearing in accordance with the NC General Statute 158-7.1. This hearing has been duly advertised as required by law. Subsequent to the hearing a draft resolution and agreement for City Council will be prepared for consideration at the regular meeting to be held Monday, August 16, 2021. That resolution will generally propose the following.

1. The City proposes to convey 9.018 acres (parcel #64588 located at 630 Plato Lee Road) for an economic development project which it believes will stimulate and stabilize the local economy resulting in the creation of new and permanent good paying jobs within the city limits. The proposed sale price has been determined to be \$321,942.
2. "Project Laser" proposes to purchase said parcel paying the full cost at closing for the purpose of expansion of its manufacturing operation.

**No action is required by City Council at this time.**

## **NOTICE OF PUBLIC HEARING**

The City of Shelby proposes to convey land, owned by the City of Shelby, for an economic development project pursuant to North Carolina General Statute 158-7.1. The Shelby City Council intends, subject to public comment at the public hearing for which notice is hereby given, to approve conveyance of a fee simple interest in a 9.018 +/- acre tract of land at the industrial park. This tract is identified as Cleveland County Parcel Number 64588 and otherwise known as 630 Plato Lee Road. The conveyance will be made to Project Laser, which will utilize it for expansion of its operations. The Shelby City Council has determined the value of the tract is Three Hundred Twenty-One Thousand Nine Hundred Forty-Two Dollars and 00/100 (\$321,942.00). The purchaser of the tract intends to pay the City of Shelby the full value of the tract at closing. The Shelby City Council believes this project will stimulate and stabilize the local economy and result in the creation of a substantial number of new, permanent jobs in the City of Shelby and Cleveland County.

The Shelby City Council will hold a public hearing on the City's proposed conveyance of this tract of land for this project at 6:00 p.m. on Monday, August 2, 2021 at the Don Gibson Theater located at 318 South Washington Street in the City of Shelby. The Shelby City Council invites all interested persons to attend and present their views.

Bernadette A. Parduski  
City Clerk  
Shelby, North Carolina

City of Shelby  
Agenda Item Summary  
August 2, 2021  
Don Gibson Theater

D. Consent Agenda:

Agenda Item: D-1

- 1) Approval of the Minutes of the Regular Meeting of July 19, 2021

**Consent Agenda Item: (Bernadette Parduski, City Clerk)**

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Summary of Available Information:

Please read and offer changes as you deem necessary.

- Minutes of the Regular Meeting of July 19, 2021

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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

July 19, 2021  
Monday, 6:00 p.m.

**Present:** Mayor Pro Tempore Eric B. Hendrick, presiding; Council Members David W. White, David Causby, Violet Arth Dukes, and Charles Webber; 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, Police Chief Jeffrey H. (Jeff) Ledford, Fire Chief William P. Hunt, MPA, EFO, Director of Parks and Recreation Charlie Holtzclaw, and Stan Lowery, Executive Director, Don Gibson Theatre

**Absent:** Mayor O. Stanhope Anthony III and Council Member Andrew Hopper, Sr.

Mr. Hendrick called the meeting to order at 6:00 p.m.

Mr. Webber delivered the invocation and Mr. White 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) 2021 Tar Heel Leagues Girls Softball State Tournaments – Charlie Holtzclaw, Director of Shelby Parks and Recreation

Mr. Holtzclaw was pleased to announce Shelby City Park will host the 2021 Tar Heel Leagues Girls Softball Tournaments beginning July 22 and running through July 25, 2021. These four tournaments (Age groups: 8 and under, 10 and under, 12 and under, and 15 and under) will feature three Shelby host teams and combine for a total of 30 girls' softball teams with over 400 players and coaches participating in the four-day events.

In terms of economic development and travel tourism, Mr. Holtzclaw stated several hundred spectators are expected daily until the Sunday championship games. There will be a total of nearly 45 games played at both the Recreation and Sports Complex 1 and Sports Complex 2. The vast majority of these teams and families will be staying in the local hotels. The

teams will come from across the state, from the coast to the mountains, and will also patronize Shelby's restaurants and businesses.

Mr. Holtzclaw extended his personal invitation to attend the opening ceremonies for all teams on Thursday, July 22, 2021, at 1:00 p.m. at the City Park Recreation and Sports Complex 1.

Mr. Holtzclaw concluded by stating this tournament would not be possible without the recreational facilities at City Park including the multiple fields at the Recreation and Sports Complexes.

Lastly, Mr. Holtzclaw mentioned Holly Oak Park is planning to celebrate its 62<sup>nd</sup> anniversary on Saturday, July 24, 2021, at the park.

Council received the information. No action was required.

- 2) Mr. Hendrick recognized Senator Ted Alexander in attendance to make a presentation. Senator Alexander formally read and presented a Certificate of Congratulations from the Senate of the North Carolina General Assembly to Fire Chief William Hunt in honor of his being named 2021 Career Fire Chief of the Year.

Chief Hunt expressed his appreciation to many including his Fire and Rescue Department staff, the entire City staff, the elected officials, and City Manager Rick Howell.

C. Public Comment: None

D. Consent Agenda:

Mr. Hendrick 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 21, 2021
- 2) Approval of Special Event Permit Applications:
  - a. 7<sup>th</sup> Inning Stretch Road to Hope 5K, requested date: August 7, 2021
  - b. Host City Welcome, requested date: August 11, 2021
- 3) Adoption of Fiscal Year (FY) 2020-2021 Budget Ordinance Amendment No. 13: Ordinance No. 27-2021

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

**E. Unfinished Business:**

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

Mrs. Parduski reported the terms of five incumbents, Marlene Peeler, Rick Washburn, Mark Carter, Bob Cabiness, 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

Mr. White nominated Marlene Peeler, Rick Washburn, Mark Carter, Bob Cabiness, and Emanuel Hunt Jr. for reappointment.

**ACTION TAKEN:** Upon a motion made by Mr. White, City Council voted unanimously to close the nominations and accept the nominees for reappointment by acclamation.

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

Mr. Howell stated that previously, as directed by Council, City staff has submitted the required General Obligation Bond application to the North Carolina Local Government Commission. He introduced the 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 on November 2, 2021. All documents have been prepared by the City's bond attorney, Paul Billow, of Womble Bond Dickinson LLP.



Mr. Howell explained 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 General Obligation Bond process. A staff presentation regarding the proposed use of the bonds and a public hearing on this matter will be scheduled for Monday, August 2, 2021, if the Order is approved by Council.

Mr. Howell reviewed the specifics of the Statement of Debt and the Statement of Total Estimated Interest to be filed under the Local Government Bond Act showing the appraised value of the City of Shelby to be \$2,584,164,424 and the net debt, including the proposed bonds, to be \$10,000,000. The percentage which the net debt bears to the assessed value is .387 percent.

The Finance Director has also filed a statement estimating the total amount of interest that will be paid on the bonds over the expected term of the bonds, if issued, which is \$4,200,000. The estimate is preliminary and is for general informational purposes only and may differ from the actual interest paid on the bonds. No tax rate increase is expected to be necessary to pay debt service on the proposed debt.

Mr. Howell explained 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. The bonds will bear interest payable semiannually at an average interest rate of 4 percent per annum. Such interest rate is a conservative rate as compared to current market rates and is being used by the City of Shelby for planning purposes.

Mr. Howell concluded by recapping the following documents furnished in support of the City of Shelby's Application for Approval of the Issuance of General Obligation Bonds to the Local Government Commission:

- Certified copy of resolution of Council making necessary findings related 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
- Selected Fiscal Information as certified by Finance Officer
- Capital budget and related information
- Preliminary copy of sworn statement of debt
- Statement of estimated interest including assumptions

**ACTION TAKEN:** Mr. Causby moved to approve an Order authorizing \$10,000,000 Street and Sidewalk Improvement Bonds. The vote was unanimous.

**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**

Mr. Howell introduced Ordinance No. 29-2021 for Council's consideration. If approved, this ordinance would appropriate funding for the construction of T-Hangar Building No. 4 at the Shelby-Cleveland County Regional Airport in the amount of \$1,363,100. Ninety percent of this funding (\$1,226,790) will come from the City's annual Non-primary Entitlement (NPE) funding received from the NC Division of Aviation each year. The remaining 10 percent (\$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 1950s, the County has for the last 15 years contributed half of the usual 10 percent local match required to receive the NPE funding.

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

**ACTION TAKEN:** Upon a motion made by Mr. White, City Council vote unanimously to approve and adopt Ordinance No. 29-2021 entitled, "A BUDGET ORDINANCE AMENDMENT FOR THE CITY OF SHELBY'S AIRPORT T-HANGAR NO. 4 PROJECT".

- 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**

Mr. Howell introduced Resolution No. 45-2021 for Council's consideration. If approved, this resolution would award the T-Hangar and Taxilane construction contract to Quinn Sales, Inc. of Gastonia, North Carolina in the amount of \$1,363,072.18. He concluded by stating it is anticipated the project will be complete by the first quarter of 2022.

**ACTION TAKEN:** Upon a motion made by Mr. White, City Council voted unanimously to approve and adopt Resolution No. 45-2021 entitled, "A RESOLUTION OF AWARD FOR THE T-HANGAR AND TAXILANE – PHASE II PROJECT AT THE SHELBY-CLEVELAND COUNTY REGIONAL AIRPORT TO QUINN SALES, INC.".

**F. New Business:**

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

Mr. Howell introduced Resolution No. 46-2021 for Council's consideration. If approved, this resolution would simply authorize acceptance of funding allocated to the City from the Coronavirus State and Local Fiscal Recovery Funds (CSLRF) of the HR (House of Representatives) 1319 American Rescue Plan Act of 2021. There are some specifics 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.

Mr. Howell stated the City has focused its efforts on Water and Sewer infrastructure investments which are expressly permitted by both the US Treasury and the North Carolina State Treasurer guidance. He anticipates placing this matter on a future Council agenda for discussion soon.

**ACTION TAKEN:** Upon a motion made by Mrs. Arth Dukes, City Council voted unanimously to approve and adopt Resolution No. 46-2021 entitled, "A RESOLUTION FOR THE CITY OF SHELBY'S ACCEPTANCE OF AMERICAN RESCUE PLAN FUNDING".

**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

Mr. Howell introduced Ordinance No. 30-2021 for Council's consideration. 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 Windsor Drive and Montrose Drive. He added this project is included as part of the Natural Gas Distribution System Assessment approved by Council in 2020.

**ACTION TAKEN:** Upon a motion made by Mr. Webber, City Council voted unanimously to approve and adopt Ordinance No. 30-2021 entitled, “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”.

b. Consideration of a resolution awarding the bid for replacement of natural gas lines on Windsor Drive and Montrose Drive: Resolution No. 47-2021

Mr. Howell introduced Resolution No. 47-2021 for Council’s consideration. If approved, this resolution would award the bid for the described construction project to Appling Boring Company of Forest City, North Carolina in the amount of \$304,960.

**ACTION TAKEN:** Upon a motion made by Mr. Webber, City Council voted unanimously to approve and adopt Resolution No. 47-2021 entitled, “A RESOLUTION AWARDED THE BID FOR REPLACEMENT OF NATURAL GAS LINES ON WINDSOR DRIVE AND MONTROSE DRIVE”.

**G. City Manager’s Report:**

- 1) Rail Trail Project – With regard to the US Department of Transportation Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant, Mr. Howell reported the City’s application was submitted on July 12, 2021. He acknowledged the assistance of Representative Virginia Foxx, Senator Thom Tillis, and Senator Richard Burr’s staffs, the City’s Grant Consultant Alice Briggs of WithersRavenel, and Assistant City Manager Justin Merritt with the City’s second submission, seeking funding in whole for all three sections or in part for the Shelby section, should an award be made. Regarding the engineering and design, the engineering and design of the Shelby section from Grover Street to South Dekalb Street is underway. It is expected the segment design from Marion Street to Grover Street will be completed to allow bidding in the fall. Completion of the entire design is expected by the end of the year. Regarding the North Carolina Parks and Recreation Trust Fund (NCPARTF) Grant, the grant application was submitted in April 2021. Award notifications for both RAISE and NCPARTF grants is anticipated in November 2021.
- 2) American Rescue Plan Funding (Total \$6,382,235.01) – Mr. Howell reported the City has recently received half of this funding (\$3,191,117.50) through the Office of the State Controller. Allowed uses of this funding are limited by official guidance from the US Treasury Department. There

is guidance from the State Treasurer that also applies. He is carefully reviewing this guidance and developing recommendations with staff. The matter will be brought to Council for discussion soon so that there is a supported plan moving forward. The focus has been on water and sewer infrastructure investments which are expressly permitted by both US Treasury and NC State Treasurer guidance.

- 3) **Planning and Development Monthly Report** – Mr. Howell informed Council that this report will be produced monthly and will be routinely included as a consent agenda item for Council’s consideration.
- 4) **Airport Layout Plan (ALP)** – Mr. Howell stated the draft ALP is being reviewed by staff and will be shared with Council once complete. He anticipates a formal presentation to Council and subsequent consideration by Council for adoption. This plan is required by the NC Division of Aviation as well as the Federal Aviation Administration to qualify for future funding opportunities.

Mr. Howell added he is drafting a Memorandum of Understanding (MOU) with Cleveland County that will lay out the terms of the City’s agreement with Cleveland County to share the annual 10 percent match for Non-primary Entitlement (NPE) grants received through the NC Division of Aviation. To date, this has been an informal understanding and it has been agreed it needs to be more formal going forward.

- 5) **State Employees Credit Union (SECU)** – Mr. Howell was made aware by the Regional Manager of the State Employees Credit Union that since the closing of County Home Road by City Council in December 2019 that SECU has experienced a significant amount of cut through traffic in the SECU parking lot and the adjoining vacant (formerly Honda Motorsports) lot. City staff has verified that up to 1,500 cars a day have used the vacant lot to cut through from US Highway 74 Frontage Road to Kings Road. The SECU also informed him that they will block the US 74 Frontage Road entrances to these two lots, effective July 27, 2021. All construction projects by SECU were put on hold due to the pandemic and there is no definite timetable as to when the new branch will be constructed. Mr. Howell mentioned a new connector road was negotiated with SECU and would be part of their new project.
- 6) **City Park Aquatic Center** – Mr. Howell will be bringing a recommendation forward to Council for consideration, proposing a recommended funding solution for the rebuild of the City Park Aquatic Center facility.
- 7) **Regulation of golf carts on streets, roads, and highways** – Mr. Howell informed Council he has received inquiries from citizens regarding allowing golf cars on public streets in the City of Shelby. Previously, he

provided a copy of the North Carolina General Statute to Council which regulates golf carts on public streets for their review.

- 8) Mr. Howell stated the American Legion World Series Host City Welcome event was approved; however, an amendment to the application to close a portion of South Washington Street may be pending.

**H. Council Announcements and Remarks:**

- 1) Council members collectively praised Mr. Hendrick for the excellent job in carrying out his duties as Mayor Pro Tempore.
- 2) Council members collectively congratulated Fire Chief William Hunt being recognized as 2021 Career Fire Chief of the Year with a Certificate of Congratulations from the Senate of the North Carolina General Assembly.

**I. Adjournment:**

- 1) Motion to adjourn

**ACTION TAKEN:** Upon a motion made by Mr. White, City Council voted unanimously to adjourn the meeting at 6:48 p.m.

Respectfully submitted,

Bernadette A. Parduski, NCCMC, MMC  
City Clerk

Eric B. Hendrick  
Mayor Pro Tempore

Minutes of July 19, 2021

City of Shelby  
Agenda Item Summary  
August 2, 2021  
Don Gibson Theater

Agenda Item: D-2

- 2) Approval of a resolution authorizing disbursement of travel and tourism funding for Fiscal Year (FY) 2021-2022: Resolution No. 48-2021

**Consent Agenda Item: (Rick Howell, City Manager)**

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- Resolution No. 48-2021

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City Manager's Recommendation / Comments

I have reviewed the applications submitted by the eligible organizations for travel and tourism grant funding. Each year past grant recipients and other organizations that have expressed an interest are eligible to submit grant applications for these funds generated through the 3% room occupancy tax levied by City Council. Each is reviewed to determine if the purpose for use of funds is eligible under the statutes and city policy, the economic impact of the event(s), past use of funds, success of past events, financial participation by the entity, as well as other relevant criteria. The City is essentially contracting with these organizations to promote travel and tourism on its behalf as provided for in the General Statutes. Resolution No. 48-2021 is presented for consideration at this time.

As you all know these funds are limited and the competition is significant. I have tried to balance requests for funding within the provisions of adopted City policy to ensure the greatest benefit is realized as set forth within the applicable NC General Statute. This revenue is expected to stabilize to pre-pandemic levels. Annual occupancy (hotel room) tax receipts are expected to be approximately \$250,000 for the fiscal year ending June 30, 2022.

**It is my recommendation that Resolution No. 48-2021 be adopted and approved by City Council via the Consent Agenda at this time.**

RESOLUTION NO. 48-2021

A RESOLUTION AUTHORIZING DISBURSEMENT OF  
TRAVEL AND TOURISM FUNDING FOR FISCAL YEAR 2021-2022

WHEREAS, the City of Shelby through the adoption of the 2005 Strategic Growth Plan recognizes the need to promote economic development efforts throughout the City; and

WHEREAS, City of Shelby currently levies a 3% occupancy tax in accordance with Resolution 69-97 and NC Session Law 1997-361 for the purpose of generating revenue for the promotion of travel and tourism within the City; and

WHEREAS, said occupancy tax proceeds are restricted for use by the noted resolution and session law for travel and tourism promotion and tourism related expenditures; and

WHEREAS, the City Manager has determined that sufficient funding has been appropriated by Council for the fiscal year beginning July 1, 2021; and

WHEREAS, the following organizations have submitted applications and requests to the City Manager and it is his determination that each is eligible under the city policy and the applicable general statute and therefore recommends that the following amounts be awarded:

- |  |            |
|--|------------|
| 1. Earl Scruggs Center<br>Marketing and Exhibit / Event Support                            | \$30,000.  |
| 2. Don Gibson Theatre<br>Marketing and Concert Sponsorship                                 | \$30,000.  |
| 3. Cleveland County Travel and Tourism<br>Visitor Marketing / Livermush Festival Marketing | \$15,000.  |
| 4. Sharks Aquatics Club<br>Swim Meet Event Equipment / Facility Rental                     | \$ 8,900.  |
| 5. Uptown Shelby Association<br>Travel/Tourism Promotion/Printed Marketing                 | \$ 11,000. |



Resolution No. 48-2021  
August 2, 2021  
Page 2

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF SHELBY, NORTH CAROLINA as follows:

- 1) City Council authorizes disbursement of local occupancy tax funds for the preceding organizations at the discretion of the Finance Director in consultation with the City Manager.
- 2) Authorizes the City Manager to obtain activity reports from each funded organization detailing the use of said funds. The same shall be reported to City Council following the close of the fiscal year ending June 30, 2022.

This Resolution shall become effective upon its adoption and approval.

Adopted and approved this the 2nd day of August 2021.

---

O. Stanhope Anthony III  
Mayor

ATTEST:

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

City of Shelby  
Agenda Item Summary  
August 2, 2021  
Don Gibson Theater

Agenda Item: D-3

- 3) Approval of a resolution stating the intent of the City of Shelby to annex satellite property owned by the City of Shelby: Resolution No. 50-2021

**Consent Agenda Item: (Walter Scharer, Planning Director)**

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- Memorandum dated July 26, 2021 from Walter Scharer, Planning Director to Rick Howell, City Manager
- Location Map
- Annexation Surveys of property
- Resolution No. 50-2021

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City Manager's Recommendation / Comments

Resolution No. 50-2021 is presented for City Council consideration at this time. If approved this resolution simply puts Council on record stating the intent to annex city owned property that is not contiguous to the primary corporate limits and schedules the required statutory public hearing for Monday, August 16, 2021. These particular parcels contain approximately 6.5 acres adjacent to the southwest boundary of the Shelby/CC Regional Airport. As a reminder these properties were purchased using grant funding from the NC Division of Aviation (90%) and a required (10%) local match.

**It is my recommendation that Resolution No. 50-2021 be adopted and approved by City Council via the Consent Agenda at this time.**



## **Memorandum**

To: Rick Howell - City Manager  
From: Walter Scharer – Planning Director  
Date: July 26, 2021  
Subject: Annexation – Airport Out Parcels

### **Executive Summary of issue – Background**

The City of Shelby has been acquiring out parcels around the airport for some time now. It is the intent to annex these parcels into the City of Shelby as a satellite annexation.

### **Review and Comments**

Currently, the City is completing an Airport Layout Plan.

Even though the city is the owner, the property must meet the same annexation standards as privately owned property. But instead of presenting a petition to its self, the city council initiates the annexation process by adopting a resolution of intent. This resolution must state the city's intent to annex the property, describe it, and set a date for a public hearing. In addition, if the city is proceeding under the satellite annexation statute, the resolution must affirm the five statutory standards for satellite annexation. Once the city council adopts the resolution of intent, it follows the same procedure for annexing city-owned property as it does for privately owned property.

The five standards a satellite annexation must meet are set out in G.S. 160A-58.1(b) as follows:

1. Some part of the annexation area must be within three miles of the annexing City's corporate limits.
2. No point in the annexation area may be closer to the primary corporate limits of another city than to the primary corporate limits of the annexing city.
3. The annexing city must be able to provide the same services to the annexation area that it provides to areas within its primary corporate limits.
4. If the area is a subdivision, the entire subdivision must be annexed.
5. The total area of a city's satellites may not exceed 10 percent of the area within its primary corporate limits.

This item is ready to be presented to City Council at the August 2, 2021 City Council meeting.

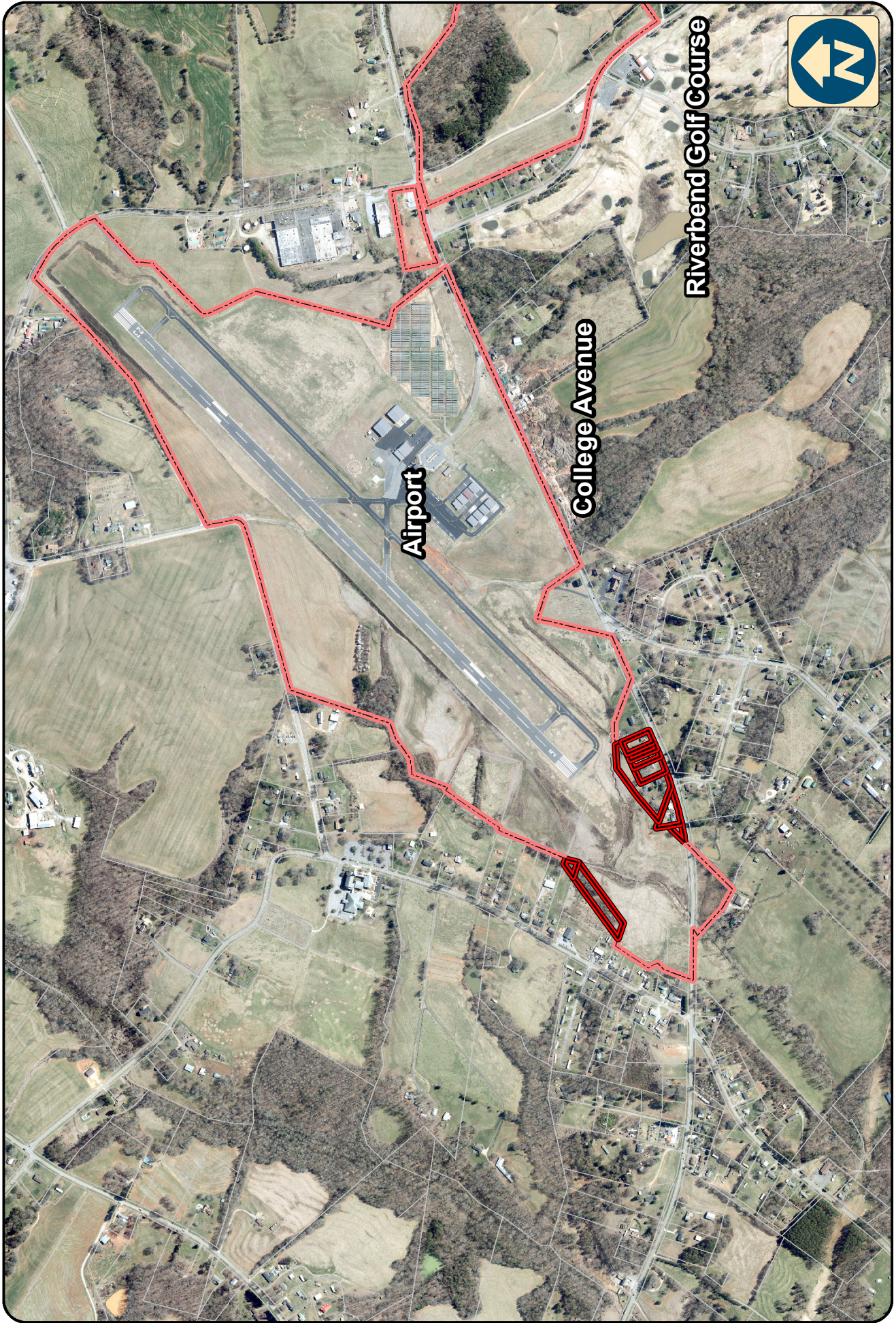
**Attachments: Location Map, Resolution of Intent, and Plats**



# Location Map

## Airport Annexations

Map Information:  
Datum: NAD 1983  
Coordinate: State Plane  
North Carolina (Meier)  
Projection: Lambert Conformal Conic  
US National Grid  
Grid Zone Designation (GZD): 17S  
100,000m Square ID: MV/MU



Scale 1:12,000 1 inch = 1,000 feet



Date: 7/12/2021

STATE OF NORTH CAROLINA  
COUNTY OF CLEVELAND

REVIEW OFFICER OF  
CLEVELAND COUNTY CERTIFY THAT THIS MAP OR  
PLAT TO WHICH THIS CERTIFICATION IS AFFIXED  
MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

DATE \_\_\_\_\_ REVIEW OFFICER \_\_\_\_\_

**GENERAL NOTES**

- AREA CALCULATED BY COORDINATE COMPUTATION
- THE PROPERTY SHOWN HEREON MAY BE SUBJECT TO EASEMENTS OF RECORD OR UNRECORDED EASEMENTS
- BANKHEAD SURVEYING WAS NOT PROVIDED WITH ANY TITLE EXCEPTIONS
- ROAD R/W'S ARE APPROXIMATE UNLESS OTHERWISE NOTED
- UNDERGROUND UTILITIES HAVE NOT BEEN LOCATED
- NO FEATURES (BUILDING, UTILITIES, etc) LOCATED EXCEPT THOSE SHOWN HEREON
- ALL DISTANCES SHOWN HEREON ARE HORIZONTAL DISTANCES

**LEGEND**

- EXISTING IRON
- IRON SET
- UNMARKED POINT IN CENTERLINE
- ▲ EXISTING RAILROAD SPIKE
- △ NC&S MONUMENT
- UTILITY POLE
- SUBJECT PROPERTY LINE
- SUBJECT PROPERTY LINE
- OVERHEAD UTILITY LINE
- LINE PLOTTED PER DEED (UNLESS SHOWN WITH BEARING AND DISTANCE)

THIS IS TO CERTIFY THAT THIS SURVEY IS OF ANOTHER CATEGORY AND IS AN EXCEPTION TO THE DEFINITION OF SUBDIVISION.

T. SCOTT BANKHEAD (PLS)

CITY OF SHELBY  
DEED(S) 7A-407,485,595; 7.n-334; 1240-1463  
REFERENCE: PLAT BOOK 25 PAGE 69

CITY OF SHELBY  
DB 1770 PG 438  
TAX MAP 3298-1-98  
GIS PARCEL H2724

CITY OF SHELBY  
DB 1770 PG 441  
TAX MAP 3298-1-98  
GIS PARCEL H2722

5.073 Acres

CITY OF SHELBY  
DEED(S) 7A-407,485,595; 7.n-334; 1240-1463  
REFERENCE: PLAT BOOK 25 PAGE 69  
GIS PARCEL H2687

CITY OF SHELBY  
DB 1770 PG 444  
TAX MAP 3298-1-97  
GIS PARCEL H2721

CITY OF SHELBY  
DB 1763 PG 109  
TAX MAP 3298-1-96  
GIS PARCEL H2720

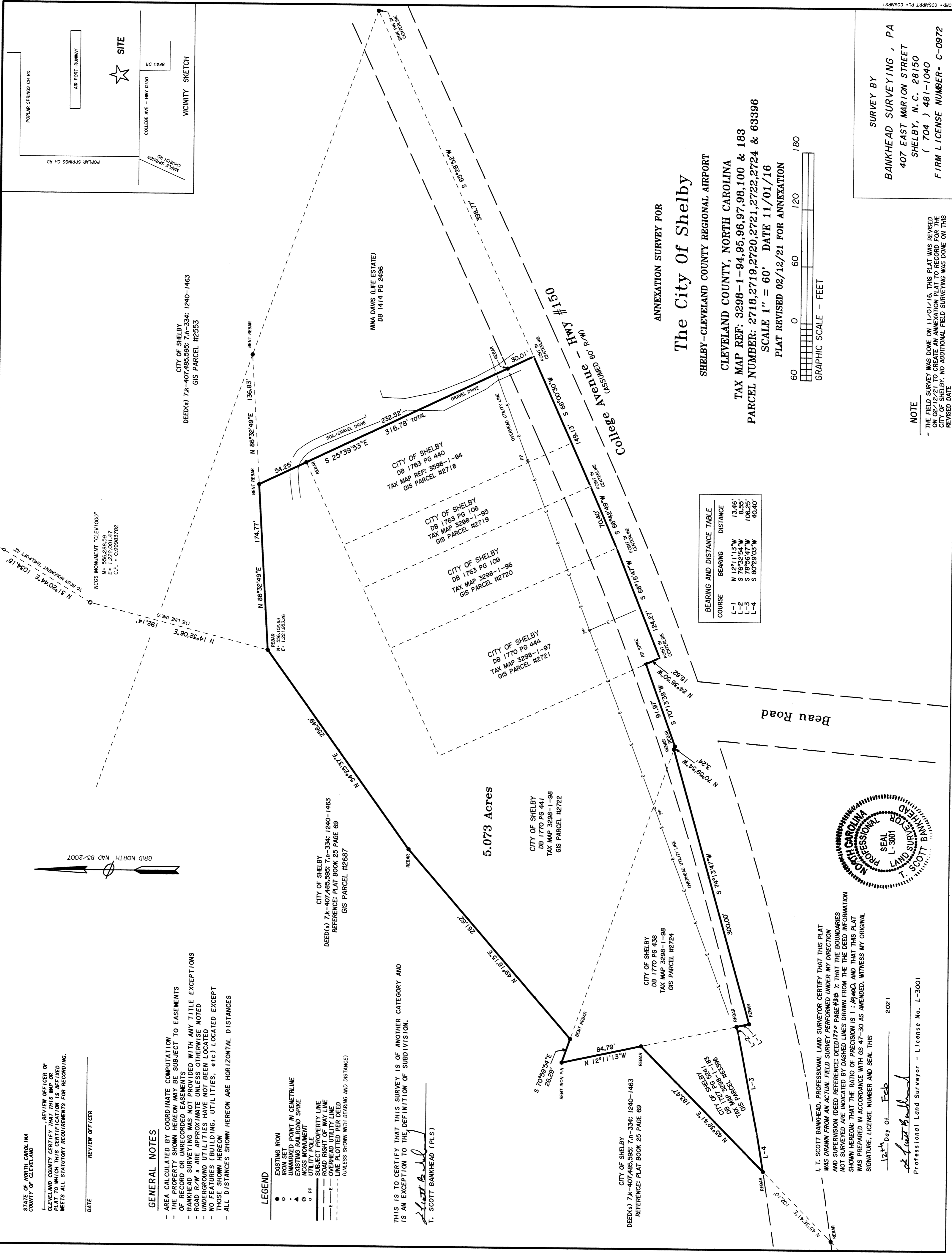
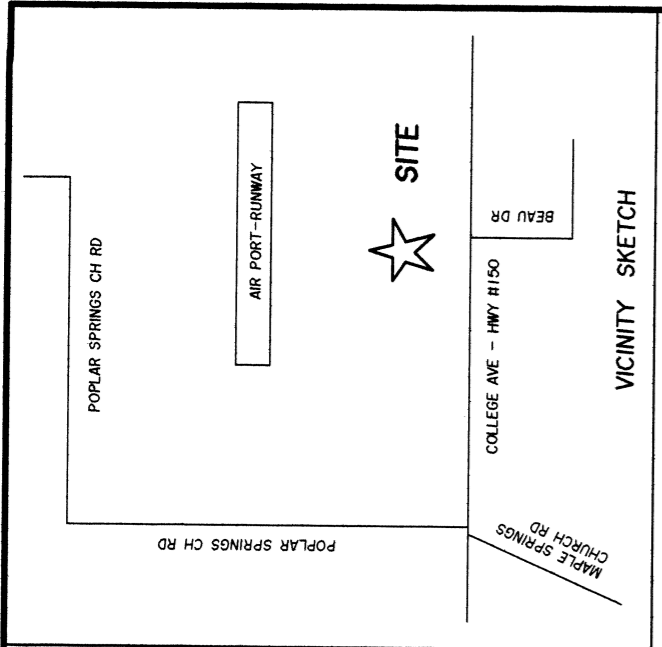
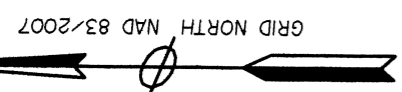
CITY OF SHELBY  
DB 1763 PG 106  
TAX MAP 3298-1-95  
GIS PARCEL H2719

CITY OF SHELBY  
DB 1763 PG 440  
TAX MAP REF: 3598-1-94  
GIS PARCEL H2718

NINA DAVIS (LIFE ESTATE)  
DB 1414 PG 2496

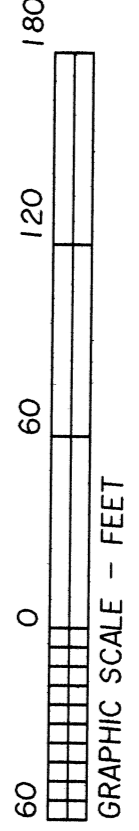
CITY OF SHELBY  
DEED(S) 7A-407,485,595; 7.n-334; 1240-1463  
GIS PARCEL H2553

NC&S MONUMENT "CLEVI 000"  
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E = 1,222,001.47  
C.P. = 039983782

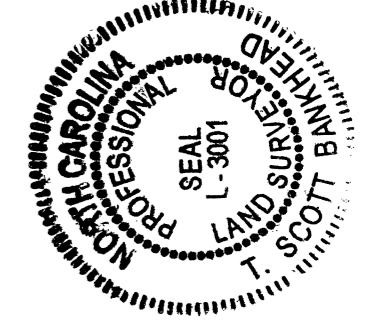


**BEARING AND DISTANCE TABLE**

| COURSE | BEARING      | DISTANCE |
|--------|--------------|----------|
| L-1    | N 12°11'13\" | 13.46'   |
| L-2    | S 76°52'54\" | 3.46'    |
| L-3    | S 78°56'47\" | 108.25'  |
| L-4    | S 80°29'03\" | 40.40'   |



ANNEXATION SURVEY FOR  
**The City of Shelby**  
SHELBY - CLEVELAND COUNTY REGIONAL AIRPORT  
CLEVELAND COUNTY, NORTH CAROLINA  
TAX MAP REF: 3298-1-94, 95, 96, 97, 98, 100 & 183  
PARCEL NUMBER: 2718, 2719, 2720, 2721, 2722, 2724 & 63396  
SCALE 1" = 60' DATE 11/01/16  
PLAT REVISED 02/12/21 FOR ANNEXATION



I, T. SCOTT BANKHEAD, PROFESSIONAL LAND SURVEYOR CERTIFY THAT THIS PLAT WAS DRAWN FROM AN ACTUAL FIELD SURVEY PERFORMED UNDER MY DIRECTION AND SUPERVISION (DEED REFERENCE: DEED1770 PAGE 438); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED BY DASHED LINES DRAWN FROM THE DEED INFORMATION SHOWN HEREON; THAT THE RATIO OF PRECISION IS 1 : 10,000; AND THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH GS 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS

12<sup>th</sup> day of Feb 2021  
T. Scott Bankhead  
Professional Land Surveyor - License No. L-3001

SURVEY BY  
BANKHEAD SURVEYING, PA  
407 EAST MARION STREET  
SHELBY, N.C. 28150  
(704) 481-1040  
FIRM LICENSE NUMBER C-0972

**NOTE**  
- THE FIELD SURVEY WAS DONE ON 11/01/16. THIS PLAT WAS REVISED 02/12/21 TO CREATE AN ANNEXATION PLAT TO RECORD FOR THE CITY OF SHELBY. NO ADDITIONAL FIELD SURVEYING WAS DONE ON THIS REVISED DATE

STATE OF NORTH CAROLINA  
 COUNTY OF CLEVELAND

DATE \_\_\_\_\_ REVIEW OFFICER \_\_\_\_\_

- GENERAL NOTES**
- IRONS AT ALL CORNERS UNLESS OTHERWISE NOTED
  - ARE CALCULATED BY COORDINATE COMPUTATION
  - THE PROPERTY SHOWN HEREON MAY BE SUBJECT TO EASEMENTS OF RECORD OR UNRECORDED EASEMENTS
  - BANKHEAD SURVEYING DID NOT PERFORM A TITLE SEARCH
  - NCOOT R/W'S ARE APPROXIMATE UNLESS OTHERWISE NOTED
  - UNDERGROUND UTILITIES HAVE NOT BEEN LOCATED
  - NO FEATURES (BUILDING, UTILITIES, etc.) LOCATED EXCEPT THOSE SHOWN HEREON
  - ALL DISTANCES SHOWN HEREON ARE HORIZONTAL DISTANCES

- LEGEND**
- EXISTING IRON
  - IRON REBAR SET
  - UNMARKED POINT
  - NCOS MONUMENT
  - SURFACE PROJECTION LINE
  - SUBJECT PROPERTY LINE
  - ROAD RIGHT OF WAY LINE
  - LINE PLOTTED PER DEED (UNLESS SHOWN WITH BEARING AND DISTANCE)

**NOTE**

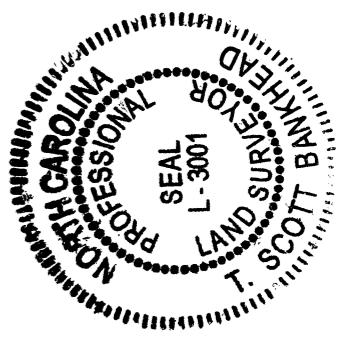
- THE FIELD SURVEY WAS DONE ON 11/01/16. THIS PLAT WAS REVISED ON 02/12/21 TO CREATE AN ANNEXATION PLAT TO RECORD FOR THE CITY OF SHELBY. NO ADDITIONAL FIELD SURVEYING WAS DONE ON THIS REVISED DATE

THIS IS TO CERTIFY THAT THIS SURVEY IS OF ANOTHER CATEGORY AND IS AN EXCEPTION TO THE DEFINITION OF SUBDIVISION.

*T. Scott Bankhead*  
 T. SCOTT BANKHEAD (PLS)

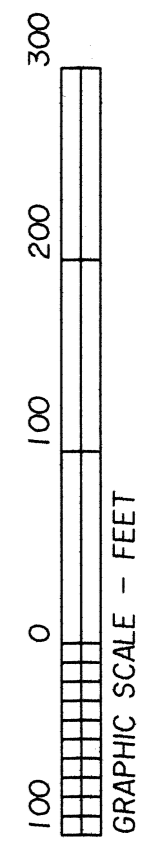
I, T. SCOTT BANKHEAD, PROFESSIONAL LAND SURVEYOR CERTIFY THAT THIS PLAT WAS DRAWN FROM AN ACTUAL FIELD SURVEY PERFORMED UNDER MY DIRECTION AND SUPERVISION (DEED REFERENCE: DEED/17 PAGE 68); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED BY DASHED LINES DRAWN FROM THE DEED INFORMATION SHOWN HEREON; THAT THE RATIO OF PRECISION IS 1 : 16,000, AND THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH GS 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS

*T. Scott Bankhead*  
 T. SCOTT BANKHEAD  
 PROFESSIONAL LAND SURVEYOR - License No. L-3001

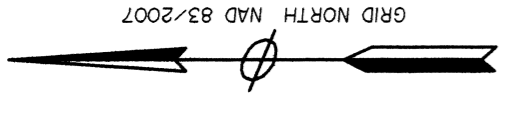
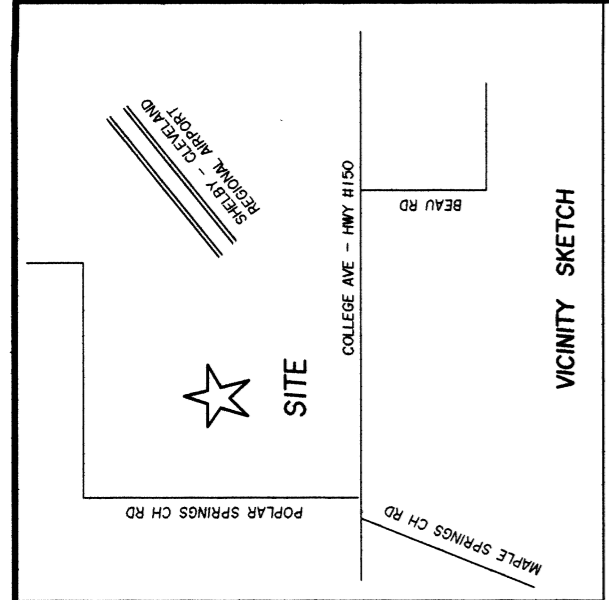


**ANNEXATION SURVEY FOR**  
**The City Of Shelby**  
 SHELBY-CLEVELAND COUNTY REGIONAL AIRPORT

CLEVELAND COUNTY, NORTH CAROLINA  
 PARCEL NUMBER: 63394 & 63395  
 TAX MAP REF: 3298-1-181 & 182  
 SCALE 1" = 100' DATE 10/10/15  
 PLAT REVISED 02/12/21 FOR ANNEXATION



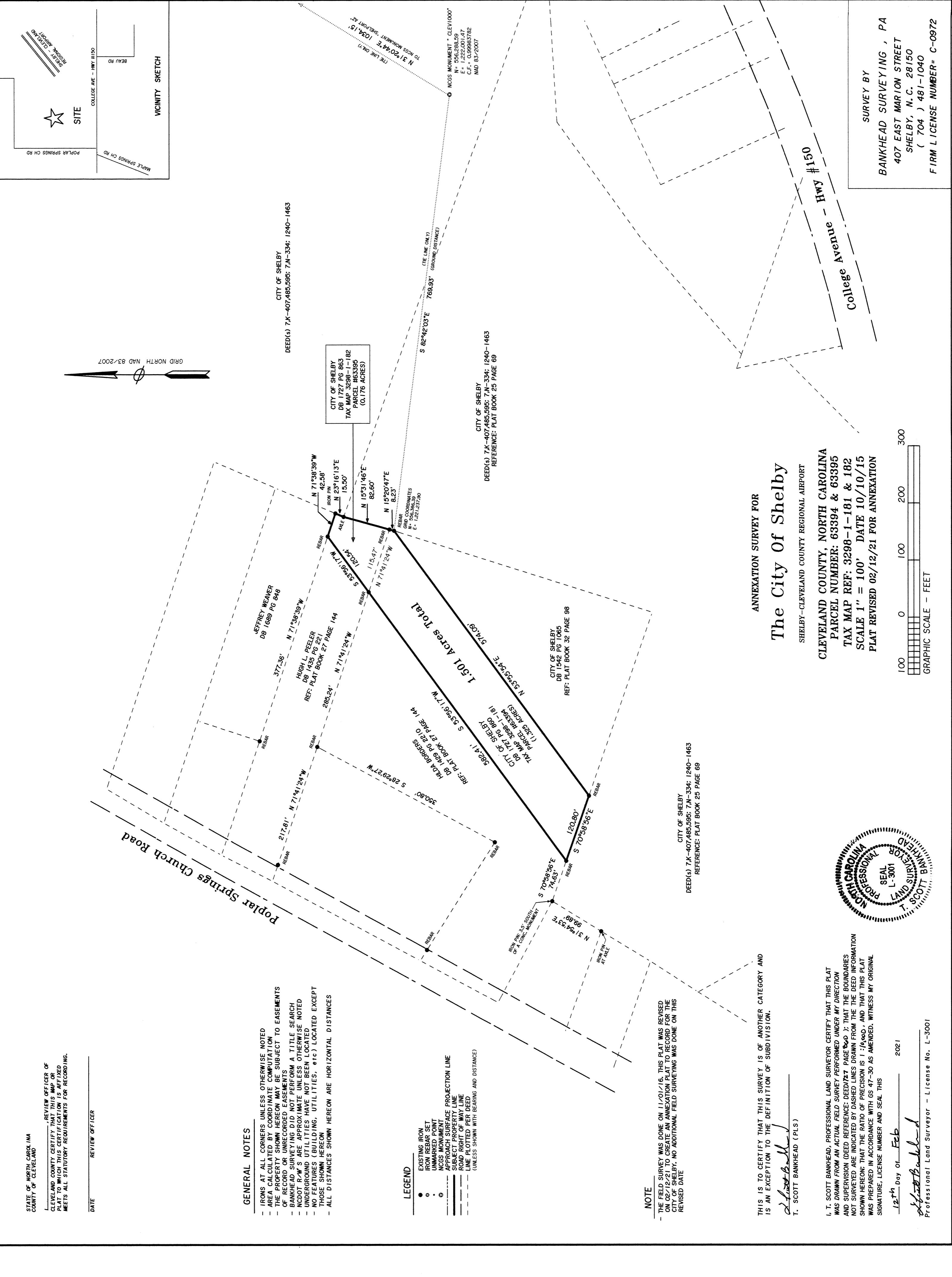
SURVEY BY  
 BANKHEAD SURVEYING, PA  
 407 EAST MARION STREET  
 SHELBY, N.C. 28150  
 (704) 481-1040  
 FIRM LICENSE NUMBER= C-0972



**Poplar Springs Church Road**

CITY OF SHELBY  
 DB 1727 PG 863  
 TAX MAP 3298-1-182  
 PARCEL 182530  
 (0.170 ACRES)

**1.501 Acres Total**



**RESOLUTION NO. 50-2021**

**A RESOLUTION STATING THE INTENT OF THE CITY OF SHELBY TO ANNEX  
SATELLITE PROPERTY OWNED BY THE CITY OF SHELBY**

**WHEREAS**, North Carolina General Statute 160A-58.1(b) authorizes the City Council of the City of Shelby to annex satellite property owned by the City of Shelby; and,

**WHEREAS**, approximately 6.2 acres of land around the existing airport on College Avenue and Poplar Springs Church Road, as shown on the attached Annexation Plat, is owned by the City of Shelby; and,

**WHEREAS**, some part of the annexation area is within three miles of the corporate limits of the City of Shelby; and,

**WHEREAS**, no point in the annexation area is closer to the primary corporate limits of another city than to the primary corporate limits of the City of Shelby; and,

**WHEREAS**, the City of Shelby is able to provide the same services to the annexation area that it provides to areas within its primary corporate limits; and,

**WHEREAS**, the area is not a subdivision; and,

**WHEREAS**, the total area of a city's satellites does not exceed 10 percent of the area within its primary corporate limits.; and

**WHEREAS**, the City wishes to provide service to this property; and,

**WHEREAS**, the City Council considers it advisable to conduct a public hearing for the purpose of giving consideration to this proposal.

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

Section 1. The City of Shelby intends to annex the approximately 6.2 acres on Poplar Springs Church Road and College Avenue, as shown on the attached plat.

Section 2. A public hearing for this proposed annexation shall be held on August 16, 2021.

Section 3. The City Clerk is further directed to transmit by Certified Mail, Return Receipt Requested, to each owner of property abutting on said street and to the North Carolina Department of Transportation a copy of this Resolution of Intent and shall cause a notice of the Public Hearing to be prominently posted in at least two places along the subject street.

Section 4. This Resolution of Intent shall become effective upon its adoption and approval.

Adopted and Approved this the 2<sup>nd</sup> day of August 2021.

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O. Stanhope Anthony III  
Mayor

ATTEST:

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

City of Shelby  
Agenda Item Summary  
August 2, 2021  
Don Gibson Theater

E. Unfinished Business

Agenda Item E-1

- 1) Proposed issuance of Street and Sidewalk Improvement General Obligation Bonds:
  - a. Final approval of an Order authorizing \$10,000,000 Street And Sidewalk Improvement Bonds
  - b. Approval of a resolution calling for a bond referendum:  
Resolution No. 51-2021

**Unfinished Business Item: (Beth Beam, Director of Finance, Rick Howell, City Manager)**

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- Memorandum dated July 27, 2021 from Beth Beam, Director of Finance to Rick Howell, City Manager
- Final Adoption documents
- Resolution No. 51-2021

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City Manager's Recommendation / Comments

- a. Council has before it for consideration final action on 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**. Final approval of this Bond Order will allow the City to move forward with the next steps in the GO Bond process. I will review the specifics of the order and the other documents included in the agenda packet on Monday evening.

- b. Resolution No. 51-2021 is presented for City Council consideration at this time. At the recommendation of bond counsel this resolution, if adopted, formally calls for a bond referendum to be held on Tuesday, November 2, 2021 between the hours of 6:30 a.m. and 7:30 p.m. at which time qualified voters of the City will consider the question in stated form of the ballot.

**It is my recommendation that the "Order Authorizing \$10,000,000 for Street and Sidewalk Improvement Bonds" and Resolution No. 51-2021 be adopted and approved by City Council at this time.**





## MEMORANDUM

**To: Rick Howell, City Manager**

**From: Beth Beam, Director of Finance**

**RE: Street and Sidewalk Improvement General Obligation Bonds**

**Date: July 27, 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, Council has taken the first action on the Bond Order, has offered a Public Hearing on the Bond Order and now it is time to read the Bond Order a second time for adoption and adopt the Resolution calling for a Bond Referendum.

The Resolution calling for the Bond Referendum is the document that sets the date of the referendum, calls upon the Cleveland County Board of Elections to conduct the referendum and sets the language of the ballot question.

### **Staff Recommendation:**

Staff recommends that City Council read and place a final adoption on the Bond Order and adopt a Resolution calling for a Bond Referendum so that we may move forward with the next steps in the GO Bond process.

The City Council of the City of Shelby, North Carolina met in a regular meeting at the Don Gibson Theatre located at 318 South Washington Street in Shelby, North Carolina at 6:00 p.m. on August 2, 2021.

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

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Absent: Council Members

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Also Present: \_\_\_\_\_

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\* \* \* \* \*

The Mayor announced that this was the hour and day fixed by the City Council for a public hearing upon the order entitled “ORDER AUTHORIZING \$10,000,000 STREET AND SIDEWALK IMPROVEMENT BONDS” and that the City Council would immediately hear anyone who might wish to be heard on the questions of the validity of said order or the advisability of issuing said bonds.

No one appeared, either in person or by attorney, to be heard on the questions of the validity of said order or the advisability of issuing said bonds and the City Clerk announced that no written statement relating to said questions had been received, except as set forth in Exhibit A attached hereto.

Thereupon, upon motion of Council Member \_\_\_\_\_, the order introduced and adopted on first reading on July 19, 2021 entitled “ORDER AUTHORIZING \$10,000,000 STREET AND SIDEWALK IMPROVEMENT BONDS” was read a second time and placed upon its final adoption. The vote upon the final adoption of said order was:

Ayes: \_\_\_\_\_

Noes: \_\_\_\_\_

The City Clerk was thereupon directed to publish said order, together with the appended statement as required by The Local Government Bond Act, as amended, once in The Shelby Star.

Thereupon, \_\_\_\_\_ introduced the following resolution the title of which was read and a copy of which had been previously distributed to each Council Member:

**RESOLUTION NO. 51-2021**

**A RESOLUTION CALLING FOR A BOND REFERENDUM**

BE IT RESOLVED by the City Council of the City of Shelby, North Carolina (the “City”) as follows:

Section 1. A bond referendum is hereby called to be held between 6:30 a.m. and 7:30 p.m., on Tuesday, November 2, 2021, at which there shall be submitted to the qualified voters of the City the question stated in the form of ballot set forth in Section 4 of this resolution.

Section 2. For said referendum, (a) the registration records for elections in the City shall be used, and the registration records shall be open for the registration of qualified persons and for public inspection in the manner, under the conditions and at the times and places provided by the Cleveland County Board of Elections, (b) the chief judges, judges and assistants appointed by the Cleveland County Board of Elections for the several precincts and voting places in the City shall be the precinct officers for such precincts and voting places and (c) the precincts and voting places shall be that fixed by the Cleveland County Board of Elections, subject to change as provided by law. The Cleveland County Board of Elections is hereby requested to conduct said referendum in the City and to take all necessary steps to that end in accordance with the provisions of this section.

Section 3. The City Clerk shall cause a notice of bond referendum to be published in The Shelby Star once at least fourteen days before October 8, 2021 (being the 25<sup>th</sup> day prior to said bond referendum), and once again not less than seven days before said day, such notice to read substantially as follows:

**NOTICE OF BOND REFERENDUM  
in the  
CITY OF SHELBY, NORTH CAROLINA**

A bond referendum will be held in the City of Shelby, North Carolina on Tuesday, November 2, 2021 regarding the approval of not to exceed \$10,000,000 STREET AND SIDEWALK IMPROVEMENT BONDS of said City. The proceeds of said street and sidewalk improvement bonds would be used 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, all as set forth in the bond order adopted by the City Council of said City on August 2, 2021. If said street and sidewalk improvement bonds are issued, taxes in an amount sufficient to pay the principal and interest thereof may be levied upon all taxable property in the City of Shelby, North Carolina.

The referendum will be conducted by the Cleveland County Board of Elections. The last day for new registration of those not now registered to vote is Friday, October 8, 2021. For further information and questions regarding said referendum, voter registration, procedures for those residents who have changed residences from the date of the last election, voting by absentee ballot, one stop voting and polling places, please contact the Cleveland County Board of Elections, 215 Patton Drive, Shelby, North Carolina 28150, (704) 484-4858. The Cleveland

County Board of Elections' website is  
[https://www.clevelandcounty.com/main/departments/board\\_of\\_elections.php](https://www.clevelandcounty.com/main/departments/board_of_elections.php).

Douglas W. Sharp  
Chairman, Cleveland County Board of Elections

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

Section 4. The form of the ballot question to be used at said referendum shall be substantially as follows:

Shall the order adopted on August 2, 2021, authorizing \$10,000,000 STREET AND SIDEWALK IMPROVEMENT BONDS of the City of Shelby, North Carolina, plus interest, 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, and providing that additional taxes may be levied in an amount sufficient to pay the principal of and interest on said bonds, be approved?

YES

NO

Section 5. The City Clerk is hereby directed to mail or deliver a certified copy of this resolution to the Cleveland County Board of Elections within three days after the adoption hereof.

Section 6. This resolution shall take effect upon its adoption.

Thereupon, upon motion of Council Member \_\_\_\_\_, the foregoing resolution entitled "RESOLUTION CALLING A BOND REFERENDUM" was adopted by the following vote:

Ayes: \_\_\_\_\_

Noes: \_\_\_\_\_

\* \* \* \* \*

I, Bernadette A. Parduski, City Clerk of the City of Shelby, North Carolina, DO HEREBY CERTIFY that 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 August 2, 2021, as it relates in any way to the holding of a public hearing, the adoption of a bond order authorizing general obligation bonds of said City and the adoption of a resolution calling of a bond referendum 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 regular meeting was given as required by North Carolina law.

I DO HEREBY FURTHER CERTIFY that I will mail or deliver a certified copy of the resolution adopted on August 2, 2021 entitled “RESOLUTION CALLING A BOND REFERENDUM” to the Cleveland County Board of Elections on or before the third day following the adoption of said resolution.

WITNESS my hand and official seal of said City this 2<sup>nd</sup> day of August, 2021.

---

City Clerk

[SEAL]

## **EXHIBIT A**

[A list of any persons making comments and a summary of such comments to be attached. If no comments are made, please insert "None".]

**RESOLUTION NO. 51-2021**

**A RESOLUTION CALLING FOR A BOND REFERENDUM**

BE IT RESOLVED by the City Council of the City of Shelby, North Carolina (the “City”) as follows:

Section 1. A bond referendum is hereby called to be held between 6:30 a.m. and 7:30 p.m., on Tuesday, November 2, 2021, at which there shall be submitted to the qualified voters of the City the question stated in the form of ballot set forth in Section 4 of this resolution.

Section 2. For said referendum, (a) the registration records for elections in the City shall be used, and the registration records shall be open for the registration of qualified persons and for public inspection in the manner, under the conditions and at the times and places provided by the Cleveland County Board of Elections, (b) the chief judges, judges and assistants appointed by the Cleveland County Board of Elections for the several precincts and voting places in the City shall be the precinct officers for such precincts and voting places and (c) the precincts and voting places shall be that fixed by the Cleveland County Board of Elections, subject to change as provided by law. The Cleveland County Board of Elections is hereby requested to conduct said referendum in the City and to take all necessary steps to that end in accordance with the provisions of this section.

Section 3. The City Clerk shall cause a notice of bond referendum to be published in The Shelby Star once at least fourteen days before October 8, 2021 (being the 25<sup>th</sup> day prior to said bond referendum), and once again not less than seven days before said day, such notice to read substantially as follows:

**NOTICE OF BOND REFERENDUM  
in the  
CITY OF SHELBY, NORTH CAROLINA**

A bond referendum will be held in the City of Shelby, North Carolina on Tuesday, November 2, 2021, regarding the approval of not to exceed \$10,000,000 STREET AND



SIDEWALK IMPROVEMENT BONDS of said City. The proceeds of said street and sidewalk improvement bonds would be used 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, all as set forth in the bond order adopted by the City Council of said City on August 2, 2021. If said street and sidewalk improvement bonds are issued, taxes in an amount sufficient to pay the principal and interest thereof may be levied upon all taxable property in the City of Shelby, North Carolina.

The referendum will be conducted by the Cleveland County Board of Elections. The last day for new registration of those not now registered to vote is Friday, October 8, 2021. For further information and questions regarding said referendum, voter registration, procedures for those residents who have changed residences from the date of the last election, voting by absentee ballot, one stop voting and polling places, please contact the Cleveland County Board of Elections, 215 Patton Drive, Shelby, North Carolina 28150, (704) 484-4858. The Cleveland County Board of Elections' website is:

*[https://www.clevelandcounty.com/main/departments/board\\_of\\_elections.php](https://www.clevelandcounty.com/main/departments/board_of_elections.php)*

Douglas W. Sharp  
Chairman, Cleveland County Board of Elections

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

Section 4. The form of the ballot question to be used at said referendum shall be substantially as follows:

Shall the order adopted on August 2, 2021, authorizing \$10,000,000 STREET AND SIDEWALK IMPROVEMENT BONDS of the City of Shelby, North Carolina, plus interest, 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, and providing that additional taxes may be levied in an amount sufficient to pay the principal of and interest on said bonds, be approved?

YES

NO

Section 5. The City Clerk is hereby directed to mail or deliver a certified copy of this resolution to the Cleveland County Board of Elections within three days after the adoption hereof.

Section 6. This resolution shall take effect upon its adoption.

---

O. Stanhope Anthony III  
Mayor

ATTEST:

---

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

TO THE PUBLISHER OF THE SHELBY STAR:

*Please publish the following once in The Shelby Star on Friday, August 6, 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 was adopted on the 2<sup>nd</sup> day of August, 2021, and is hereby published this 6<sup>th</sup> day of August, 2021. Any action or proceeding questioning the validity of the order must be begun within 30 days after the date of publication of this notice. 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.

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

TO THE PUBLISHER OF THE SHELBY STAR:

*Please publish the following twice in The Shelby Star on Friday, August 6, 2021 and Friday, August 13, 2021:*

**NOTICE OF BOND REFERENDUM  
in the  
CITY OF SHELBY, NORTH CAROLINA**

A bond referendum will be held in the City of Shelby, North Carolina on Tuesday, November 2, 2021 regarding the approval of not to exceed \$10,000,000 STREET AND SIDEWALK IMPROVEMENT BONDS of said City. The proceeds of said street and sidewalk improvement bonds would be used 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, all as set forth in the bond order adopted by the City Council of said City on August 2, 2021. If said street and sidewalk improvement bonds are issued, taxes in an amount sufficient to pay the principal and interest thereof may be levied upon all taxable property in the City of Shelby, North Carolina.

The referendum will be conducted by the Cleveland County Board of Elections. The last day for new registration of those not now registered to vote is Friday, October 8, 2021. For further information and questions regarding said referendum, voter registration, procedures for those residents who have changed residences from the date of the last election, voting by absentee ballot, one stop voting and polling places, please contact the Cleveland County Board of Elections, 215 Patton Drive, Shelby, North Carolina 28150, (704) 484-4858. The Cleveland County Board of Elections' website is [https://www.clevelandcounty.com/main/departments/board\\_of\\_elections.php](https://www.clevelandcounty.com/main/departments/board_of_elections.php).

Douglas W. Sharp  
Chairman  
Cleveland County Board of Elections

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

BOND REFERENDUM  
CITY OF SHELBY, NORTH CAROLINA

November 2, 2021

Form of Ballot Question

Shall the order adopted on August 2, 2021, authorizing \$10,000,000 STREET AND SIDEWALK IMPROVEMENT BONDS of the City of Shelby, North Carolina, plus interest, 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, and providing that additional taxes may be levied in an amount sufficient to pay the principal of and interest on said bonds, be approved?

YES [ ]

NO [ ]

City of Shelby  
Agenda Item Summary  
August 2, 2021  
Don Gibson Theater

Agenda Item E-2

- 2) Consideration of an ordinance establishing a capital project ordinance and budgets for the City of Shelby's Randolph Road Industrial Park Sewer Extension Project: Ordinance No. 31-2021

**Unfinished Business Item: (David Hux, Director of Water Resources)**

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- Memorandum dated July 27, 2021 from David Hux, Director of Water Resources to Rick Howell, City Manager
- Copy of Resolution No. 32-2021
- Randolph Road Industrial Park Sewer design
- Ordinance No. 31-2021

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City Manager's Recommendation / Comments


Ordinance No. 31-2021 is presented for City Council consideration at this time. If approved this ordinance would appropriate \$192,500 for the engineering and design of a new sewer lift station on the Randolph Road Industrial Park site. Funding for this project is derived from a grant awarded by the NC Water Infrastructure Authority through the NC Department of Commerce Industrial Development Fund Utility Account and the required local match (25%). The City is appropriating sewer fund balance and the County has agreed to share the cost equally.

The Randolph Road Industrial Park is the site of the proposed Shell Building #4 which is currently under design by WHN Architects and McGill Associates.

**It is my recommendation that Ordinance No. 31-2021 be adopted and approved by City Council at this time.**

## Memorandum

**To:** Justin Merritt, Assistant City Manager

**From:** David Hux, Director of Water Resources 

**Date:** July 27, 2021

**Subject:** Randolph Road Industrial Park Sewer – Project Budget Ordinance

### Background

A few years ago, the City of Shelby acquired parcel 28375 located off Randolph Road for the development of an additional industrial/manufacturing site in hopes of luring additional economic development to the City. The City is now taking steps for the potential construction of Shell Building #4 on the site.

Water is currently at the site; however, a sewer extension is necessary to serve this site and any future development on or around this tract of land. The Randolph Road Industrial Park sewer project would consist of a sewer lift station with generator, new sewer force main, and new gravity sewer line. This new infrastructure would connect with the existing westside sewer outfall, which conveys wastewater to the Westside (Crest) Lift Station located off Crest Road. From the Westside Liftstation the wastewater is pumped directly to the First Broad WWTP for treatment.

### Review

The City has Request for Qualifications (RFQ) and selected McGill Associates for the engineering services. This selection was approved by council on May 17, 2021. Since then, the City has negotiated a contract with McGill Associates, and we are ready to move forward with design services. To do this, we need to develop the project budget ordinance (PBO) for the engineering services to cover design, bidding, construction administration and grant assistance.

### Recommendation

City staff recommends the establishment of a PBO for the Randolph Road Industrial Park Sewer engineering services in the amount of \$192,400.

Please let me know if additional information is needed.

**RESOLUTION NO. 32-2021**

**A RESOLUTION AUTHORIZING SELECTION OF MCGILL ASSOCIATES, PA  
BASED ON QUALIFICATIONS FOR  
THE RANDOLPH ROAD INDUSTRIAL PARK SEWER PROJECT**

**WHEREAS**, the City of Shelby has plans for a future shell building and industrial park off Randolph Road; and,

**WHEREAS**, the site does not currently have sewer infrastructure for sewer service; and,

**WHEREAS**, the City of Shelby is seeking design engineering for the Randolph Road Industrial Park sewer extension; and,

**WHEREAS**, City staff issued a Request for Qualifications to professional engineering firms interested in providing design services and subsequently construction oversight contingent on the availability of funds related to this project; and,

**WHEREAS**, Four (4) Statement of Qualifications were received from engineering firms interested in performing the work associated with this project in accordance with North Carolina General Statute 143-64.31; and,

**WHEREAS**, City staff has reviewed the Statement of Qualifications and determined that McGill Associates, PA is the most qualified to perform and provide the services as outlined in the Request for Qualifications.

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

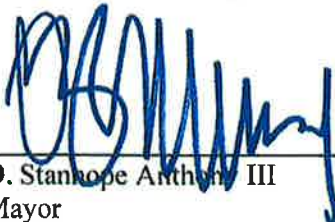
Section 1. The City Council of the City of Shelby hereby desires for the City Manager or his designee to enter negotiations with McGill Associates, PA of Hickory, North Carolina in accordance with North Carolina General Statute 143-64.31 to negotiate a contract for the above referenced project.

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

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

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

Adopted and approved this 17<sup>th</sup> day of May 2021.

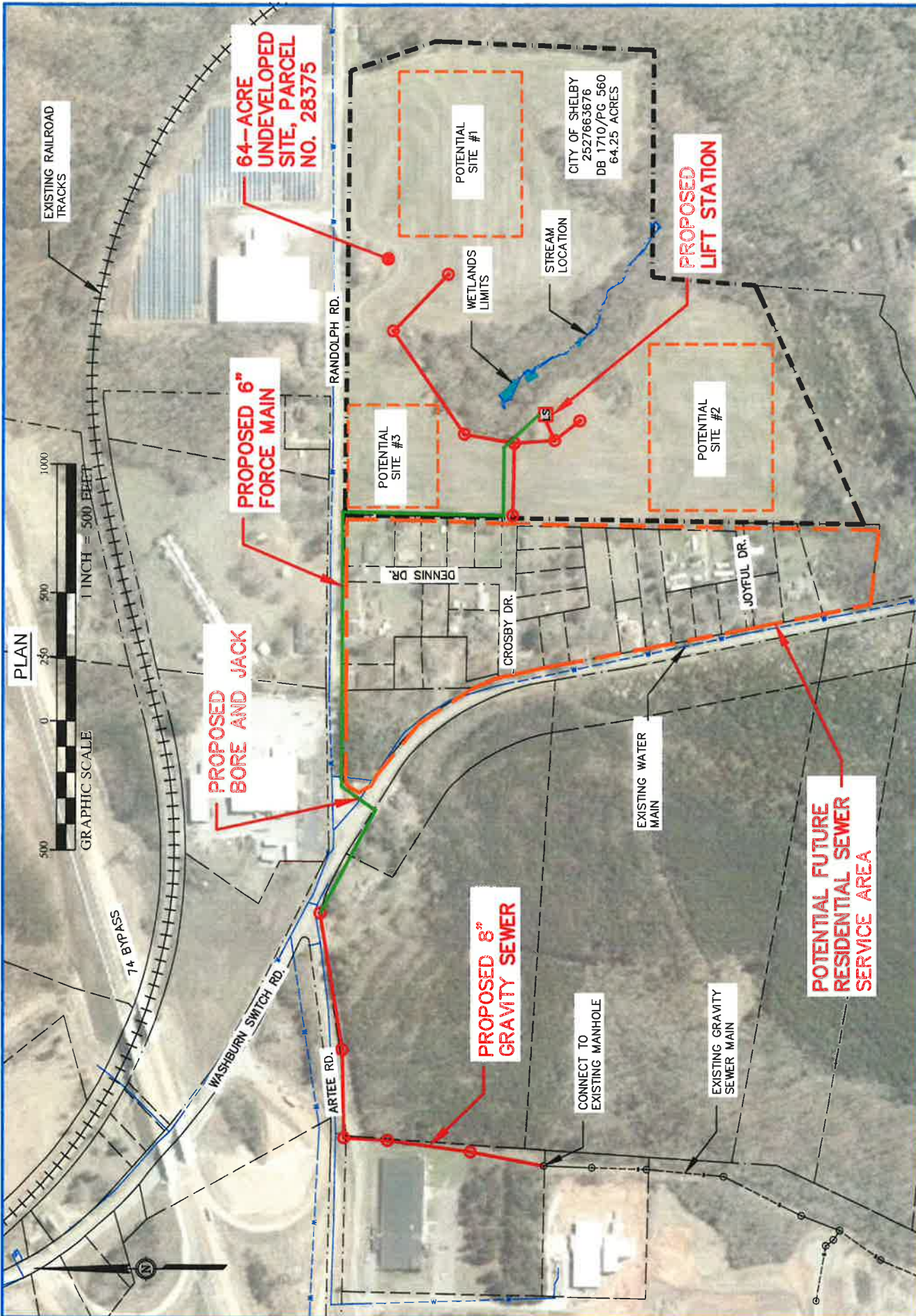
  
\_\_\_\_\_  
O. Stanhope Anthony III  
Mayor

ATTEST:

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







SHEET  
**FIG. 1-1**

PRELIMINARY PROPOSED  
SEWER EXTENSION -  
PREFERRED ALTERNATIVE

RANDOLPH ROAD INDUSTRIAL  
PARK SEWER  
**CITY OF SHELBY**  
CLEVELAND COUNTY, NORTH CAROLINA

|                 |           |
|-----------------|-----------|
| DATE            | PROJECT # |
| JUNE 2021       | 21-01117  |
| OFFICE MANAGER  | DESIGNER  |
| D. CHAPMAN      | M. JONES  |
| PROJECT MANAGER | REVIEWER  |
| R. MOZELY       | XX-XXXX   |

1240 19th Street Lane NW  
Hickory, NC 28601  
828.328.2024  
NC Firm License # C-0459  
mcgillassociates.com

ORDINANCE NO. 31-2021

AN ORDINANCE ESTABLISHING A CAPITAL PROJECT ORDINANCE AND BUDGETS FOR THE CITY OF SHELBY’S RANDOLPH ROAD INDUSTRIAL PARK SEWER EXTENSION 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 Randolph Road Industrial Park Sewer Extension 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 sewer 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 extend sewer infrastructure to parcel 28375, located on Randolph Road, for the development of an economic development industrial park. 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          | 62006000-39900 | \$24,063 |
| Transfer to Sewer Capital Projects | 620711-49611   | \$24,063 |

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

|                             |                      |           |
|-----------------------------|----------------------|-----------|
| Revenues:                   |                      |           |
| Transferred from Sewer Fund | 62106000-39620-62878 | \$24,063  |
| Transferred From County     | 62106000-33500-62878 | \$24,063  |
| State Grants                | 62106000-34501-62878 | \$144,374 |
| Appropriation:              |                      |           |
| Engineering                 | 621726-42004-62878   | \$192,500 |

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 2nd day of August 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  
August 2, 2021  
Don Gibson Theater

F. New Business

Agenda Item: F-1

- 1) Approval of a resolution authorizing disbursement of travel and tourism funding to the Cleveland County Arts Council for Fiscal Year (FY) 2021-2022:  
Resolution No. 49-2021

**New Business Item: (Rick Howell, City Manager)**

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- Resolution No. 49-2021

---

City Manager's Recommendation / Comments

Upon the advice of the City Attorney and in consultation with the School of Government Resolution No. 49-2021 is presented for City Council consideration at this time. It is presented separately from Resolution 48-2021 to remove any perception or real conflict of interest. As you all know Councilmember Violet Arth Dukes is an employee of the Cleveland County Arts Council and as such it could be perceived that she has a conflict of interest when voting on this matter given it awards her employer a grant. This could be considered or perceived by some that Councilmember Arth Dukes is receiving a prohibited "direct benefit" from the City if she were to vote. As such it is up to a member of Council to request recusal and for Council to grant that recusal.

I have reviewed the applications submitted by the eligible organizations for travel and tourism grant funding. Each year past grant recipients and other organizations that have expressed an interest are eligible to submit grant applications for these funds generated through the 3% room occupancy tax levied by City Council. Each is reviewed to determine if the purpose for use of funds is eligible under the statutes and city policy, the economic impact of the event(s), past use of funds, success of past events, financial participation by the entity, as well as other relevant criteria. Resolution No. 49-2018 is presented for consideration at this time.

**It is my recommendation that Resolution No. 49-2021 be adopted and approved by City Council via the Consent Agenda at this time.**

RESOLUTION NO. 49-2021

A RESOLUTION AUTHORIZING DISBURSEMENT OF  
TRAVEL AND TOURISM FUNDING TO THE CLEVELAND COUNTY ARTS COUNCIL  
FOR FISCAL YEAR 2021-2022

WHEREAS, the City of Shelby through the adoption of the 2005 Strategic Growth Plan recognizes the need to promote economic development efforts throughout the City; and

WHEREAS, City of Shelby currently levies a 3% occupancy tax in accordance with Resolution 69-97 and NC Session Law 1997-361 for the purpose of generating revenue for the promotion of travel and tourism within the City; and

WHEREAS, said occupancy tax proceeds are restricted for use by the noted resolution and session law for travel and tourism promotion and tourism related expenditures; and

WHEREAS, the City Manager has determined that sufficient funding has been appropriated by Council for the fiscal year beginning July 1, 2021; and

WHEREAS, the following organizations have submitted applications and requests to the City Manager and it is his determination that each is eligible under the city policy and the applicable general statute and therefore recommends that the following amounts be awarded:

1. Cleveland County Arts Council – Art of Sound Festival      \$15,000.  
Marketing and Event Support

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF SHELBY, NORTH CAROLINA as follows:

- 1) City Council authorizes disbursement of local occupancy tax funds for the preceding organization in the designated amount at the discretion of the Finance Director in consultation with the City Manager.

- 2) Authorizes the City Manager to obtain activity reports from each funded organization detailing the use of said funds. The same shall be reported to City Council following the close of the fiscal year ending June 30, 2022.

This Resolution shall become effective upon its adoption and approval.

Adopted and approved this the 2nd day of August 2021.

---

O. Stanhope Anthony, III  
Mayor

ATTEST:

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

City of Shelby  
Agenda Item Summary  
August 2, 2021  
Don Gibson Theater

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