

**MINUTES**

**Regular Meeting  
Don Gibson Theatre**

**August 2, 2021  
Monday, 6:00 p.m.**

**Present: Mayor O. Stanhope Anthony III, presiding; Council Members David Causby, Violet Arth, Charles Webber, and Andrew Hopper, Sr.; City Manager Rick Howell, MPA, ICMA-CM, Assistant City Manager Justin S. Merritt, MPA, City Attorney Andrea Leslie-Fite, City Clerk Bernadette A. Parduski, Public Information and Communications Officer Chip Nuhrah, Director of Finance Elizabeth B. (Beth) Beam, CPA, Director of Human Resources Deborah C. (Deb) Jolly, Director of Water Resources David W. Hux, Police Chief Jeffrey H. (Jeff) Ledford, Fire Chief William P. Hunt, MPA, EFO, Director of Parks and Recreation Charlie Holtzclaw, Director of Planning and Development Services Walter (Walt) Scharer, AICP, Stan Lowery, Executive Director, Don Gibson Theatre, and Jennipher H. Harrill, Social Media Manager, Blue Eyes Social Media Connections**

**Absent: Council Members Eric B. Hendrick and David W. White**

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

**Mr. Webber led the Pledge of Allegiance.**

**A. Approval of agenda:**

**1) Motion to adopt the proposed agenda**

**Miss Arth requested Item F-1 under New Business be postponed to the next meeting of August 16, 2021 due to her recusal from voting causing the lack of a quorum.**

**ACTION TAKEN: Upon a motion made by Miss Arth, City Council voted unanimously to approve the agenda as 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**

**Mayor Anthony called upon Tommy Forney. Mr. Forney recognized his wife, Karen, in attendance. The Mayor formally read and presented framed Resolution No. 24-2021 to Mr. Forney. He then presented a shadow box, which displays the key to the City and various keepsakes, and a City lapel pin to him in honor of and with heartfelt appreciation for his 30 and a half years of**

dedicated service within the Parks and Recreation Department of the City of Shelby.

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

**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**

**Mr. Howell stated time is scheduled for City Council to hold the required public hearing under the North Carolina Local Government Bond Act. The purpose of the hearing is to receive public comment and respond to questions on the validity of the proposed Bond Order and/or the advisability of issuing bonds for the stated purpose. The Bond Order was published as part of the hearing informing the public of the City's intent to issue \$10,000,000 in Street and Sidewalk Improvement Bonds subject to voter approval. The comments from the public will be entered into the record and should be appropriately considered by Council as it discusses and deliberates subsequent actions on this matter found under Unfinished Business.**

**Mayor Anthony opened the public hearing at 6:12 p.m. and invited comments from the public.**

**The public offered no comments.**

**Mayor Anthony closed the public hearing at 6:13 p.m.**

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

**Mr. Howell stated time is scheduled for City Council to hold the required public hearing in accordance with North Carolina General Statute 158-7.1(c). After the hearing, a draft resolution and agreement will be prepared for City Council's consideration at the next regular meeting to be held on August 16, 2021.**

**Mr. Howell further stated 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 three (3) years.**

**Mr. Howell added the City agrees to make three (3) annual incentive payments, upon request, in an amount equaling 20 percent 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 three (3) years or a total of \$62,721.

Mayor Anthony opened the public hearing at 6:16 p.m. and invited comments from the public.

The public offered no comments.

Mayor Anthony closed the public hearing at 6:17 p.m.

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

Mr. Howell stated time is scheduled for City Council to hold the required public hearing in accordance with North Carolina General Statute 158-7.1(c). After the hearing, a draft resolution and agreement will be prepared for City Council's consideration at the next regular meeting to be held on August 16, 2021.

Mr. Howell further stated the City proposes to convey 9.018 acres 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 jobs within the City limits. The proposed sale price has been determined to be \$321,942, which is the assessed valuation on file with the Cleveland County Tax Administration Department.

Mr. Howell added Project Laser proposed to purchase said Parcel No. 64588, paying the full cost at closing for the purpose of expansion of its manufacturing operation.

Mayor Anthony opened the public hearing at 6:18 p.m. and invited comments from the public.

The public offered no comments.

Mayor Anthony closed the public hearing at 6:19 p.m.

**D. Consent Agenda:**

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

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

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

**E. Unfinished Business:**

- 1) Proposed issuance of Street and Sidewalk Improvement General Obligation Bonds:

Mrs. Beam reviewed for Council that it took the first action on the Bond Order at its meeting of July 19, 2021, it has offered a public hearing on the Bond Order, and now it is time to read the Bond Order for a second time prior to final adoption.

She explained the purposes of the Bond Order as follows:

- It is the authorization for the City of Shelby to contract a debt to issue Street and Sidewalk Improvement Bonds in an aggregate principal amount not exceeding \$10,000,000 – to construct, extend, widen, resurface, and improve streets, sidewalks, greenways, and multi-use paths for the City of Shelby.
- It states that taxes shall be levied in an amount sufficient to pay the principal of and the interest on those bonds.
- It signifies that a sworn statement of debt of the City of Shelby has been filed with the City Clerk and is open to public inspection.
- It states that the order shall take effect when approved by the voters of the City of Shelby at a referendum as provided in the Local Government Bond Act.
- It designates the Finance Director to make and file with the City Clerk the sworn statement of debt and the statement of total estimated interest which are both required by the Local Government Bond Act.
- It fixed this meeting, August 2, 2021, as the public hearing for the order.

Mrs. Beam stated Council's final approval of the Bond Order will allow the City to move forward with the next steps in the General Obligation (GO) Bond process.

Next, Mrs. Beam reviewed Resolution No. 51-2021 for Council's consideration. The resolution calls for a Bond Referendum and has the following purposes:

- It calls for a bond referendum to be held on Tuesday, November 2, 2021.
- It states that the Cleveland County Board of Elections is requested to conduct said referendum in the City of Shelby and to take all necessary steps to that end.
- It directs that a Notice of Bond Referendum be published in the Shelby Star on both August 6 and 13, 2021.
- It directs the form of the ballot question which is limited by statutory requirements.
- It directs the City of Shelby to deliver a certified copy of the approved resolution to the Cleveland County Board of Elections by August 5, 2021.

Mrs. Beam stated the approval of Resolution No. 51-2021 will allow the City to move forward with the next steps in the General Obligation (GO) Bond process.

Lastly, Mrs. Beam added Bond Counsel, Paul Billow with the law firm of Womble, Bond, Dickinson has prepared the documents including the Notice of Proceedings, the Resolution calling for a Bond Referendum, the Publication Notice for the Order Authorizing \$10,000,000 Street and Sidewalk Improvement Bonds, the Publication Notice of Bond Referendum in the City of Shelby, North Carolina, and the Bond Referendum Form of Ballot Question.

- a. Final adoption of an Order authorizing \$10,000,000 Street and Sidewalk Improvement Bonds

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

- b. Approval of a resolution calling for a bond referendum: Resolution No. 51-2021

**ACTION TAKEN:** Upon a motion made by Mr. Hopper, City Council voted unanimously to approve and adopt Resolution No. 51 entitled, "A

**RESOLUTION CALLING FOR A BOND REFERENDUM”.**

- 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**

**Mr. Howell introduced Ordinance No. 31-2021 for Council’s consideration. 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 North Carolina Water Infrastructure Authority through the North Carolina Department of Commerce Industrial Development Fund Utility Account with the required local match of 25 percent. The City is appropriating sewer fund balance and Cleveland County has agreed to share the cost equally.**

**Mr. Howell added the Randolph Road Industrial Park is the site of the proposed Shell Building No. 4 which is currently under design by WHN Architects and McGill Associates.**

**ACTION TAKEN: Upon a motion made by Mr. Causby, City Council voted unanimously to approve and adopt Ordinance No. 31-2021 entitled, “AN ORDINANCE ESTABLISHING A CAPITAL PROJECT ORDINANCE AND BUDGETS FOR THE CITY OF SHELBY’S RANDOLPH ROAD INDUSTRIAL PARK SEWER EXTENSION PROJECT”.**

**F. New Business:**

- 1) **POSTPONED TO THE MEETING OF AUGUST 16, 2021:**

**Consideration 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**

**G. City Manager’s Report:**

- 1) **Mr. Howell announced that the Shelby Police Department was recently awarded both Communications and Law Enforcement Reaccreditations from CALEA (Commission on Accreditation for Law Enforcement Agencies).**
- 2) **Mr. Howell reminded Council of the economic development announcement by Governor Cooper’s office regarding Project Laser, which is scheduled for Tuesday, August 3, 2021, at 2:00 p.m., LeGrand Conference Center.**
- 3) **Mr. Howell informed Council staff continues to pursue and secure the Transportation Alternatives Program (TAP) Grant from the Federal**

Highway Administration (FHA) and the NC Department of Transportation awarded to the City for the Rail Trail Corridor purchase, anticipating a final determination from the FHA soon.

- 4) Mr. Howell announced he is seeking election to the Board of Directors of ElectriCities of North Carolina.
- 5) Mr. Howell mentioned Ben Yarboro, Director of Engineering Services, will make a presentation at Council's next meeting on August 16, 2021 of the Transportation Asset Management Plan to review the results of the evaluation of the City's streets, sidewalks, and storm drain facilities.
- 6) Mr. Howell stated a work session would be added to a regular Council meeting in the future to discuss the planning and equitable approach to the use of funding from the Coronavirus State and Local Fiscal Recovery Funds (CSLRF) of the American Rescue Plan (ARP) Act 2021. The City has received its first disbursement for 2021 in the amount of \$3,191,117.51.
- 7) Mr. Howell mentioned the Ames Copper Natural Gas System Improvements Project is on schedule.
- 8) Mr. Howell also mentioned the project to replace natural gas lines and services on Montrose Drive and Windsor Drive is moving forward.
- 9) Regarding Shelby-Cleveland County Regional Airport T-Hangar No. 4 Project, Mr. Howell stated that site work will begin in September 2021 and the delivery of the building will follow. It is anticipated completion of the project will be either be the end of 2021 or early 2022.
- 10) Mr. Howell stated the City will be issuing a Request for Qualifications for firms to submit their qualifications to be considered for the City Park Aquatic Center Renovations Project. The matter will then be considered by Council in awarding the bid.

#### H. Council Announcements and Remarks:

- 1) Miss Arth requested an update regarding the NC Department of Transportation realignment project of the intersection at East Marion Street and Cherryville Road.

Mayor Anthony responded as a Board member of the Gaston-Cleveland-Lincoln Metropolitan Planning Organization (GCL-MPO), the project has been delayed from 2021 to 2022.

- 2) Mayor Anthony made the following announcements:

- National Night Out – August 3, 2021, 6:00 p.m. – 8:00 p.m., City Pavilion
- American Legion World Series Host City Welcome – August 11, 2021 at 6:30 p.m., along Washington Street in Uptown Shelby
- Bobby Bell Day in Shelby – August 28, 2021 at 11:00 a.m., City Pavilion

3) Council members collectively expressed their congratulations to the Shelby Police Department – the officers, the civilians, the telecommunicators, and Chief Ledford – on another round of CALEA accreditations.

I. Adjournment:

1) Motion to adjourn

**ACTION TAKEN:** Upon a motion made by Miss Arth, City Council voted unanimously to adjourn the meeting at 6:40 p.m.

Respectfully submitted,

Bernadette A. Parduski, NCCMC, MMC  
City Clerk

O. Stanhope Anthony III  
Mayor

Minutes of August 2, 2021