

MINUTES

**Regular Meeting
Don Gibson Theatre**

**August 16, 2021
Monday, 6:00 p.m.**

Present: Mayor O. Stanhope Anthony III, presiding; Council Members David W. White, David Causby, Violet Arth, Charles Webber, Andrew L. 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, 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, Jennipher H. Harrill, Social Media Manager, Blue Eyes Social Media Connections, and Stan Lowery, Executive Director, Don Gibson Theatre

Absent: Council Member Eric B. Hendrick

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

Miss Arth led the Pledge of Allegiance.

A. Approval of agenda:

1) Motion to adopt the proposed agenda

Mayor Anthony announced that Resolution No. 49-2021 was re-titled and revised by Mr. Howell to include the American Legion World Series under New Business, Item F-1 as follows:

- Consideration of a resolution authorizing disbursement of travel and tourism funding to the Cleveland County Arts Council and the American Legion World Series for Fiscal Year (FY) 2021-2022: Resolution No.49-2021**

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

B. Public Comment: None

C. Public Hearings:

1) Consideration of the proposed intent of the City of Shelby to offer an economic development incentives contract to Steffes, LLC: Resolution No. 52-2021

Mr. Howell introduced Resolution No. 52-2021 for Council's consideration. He stated the public hearing was re-advertised to meet the statutory requirement for publication at least ten (10) days before the public hearing is held. Mr. Howell further stated the economic development announcement was held on August 3, 2021 and named Project Laser as Steffes LLC.

Mr. Howell added the incentive agreement between the City of Shelby and Steffes LLC has been prepared for Council's consideration as well and generally proposes the following:

- Steffes LLC agrees to invest no less than \$20,907,000 within the City limits creating approximately 100 new jobs with an average annual compensation of \$47,923 over the next three (3) years.**
- The City agrees to make three (3) annual incentive grant payments in an amount equaling 20 percent of the City's tax levy on the actual net new assessed investment made by Steffes LLC. 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 6:05 p.m. and invited comments from the public.

The public offered no comments.

Mayor Anthony closed the public hearing at 6:06 p.m.

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to approve and adopt Resolution No. 52-2021 entitled, "A RESOLUTION AUTHORIZING INCENTIVES CONTRACT WITH STEFFES LLC".

2) Consideration of the proposal to convey land owned by the City of Shelby to Steffes, LLC for an economic development project: Resolution No. 53-2021

Mr. Howell introduced Resolution No. 53-2021 for Council's consideration. He stated the public hearing was re-advertised to meet the statutory requirement for publication at least ten (10) days before the public hearing is held. Mr. Howell further stated the economic development announcement was held on August 3, 2021 and named Project Laser as Steffes LLC.

Mr. Howell added the real estate purchase agreement between the City of Shelby and Steffes LLC has been prepared for Council's consideration as well and generally proposes the following:

- The City proposes to convey 9.018 acres (Parcel No. 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.
- Steffes LLC proposes to purchase said parcel paying the full cost at closing for the purpose of expansion of its manufacturing operation.

Mayor Anthony opened the public hearing at 6:07 p.m. and invited comments from the public.

The public offered no comments.

Mayor Anthony closed the public hearing at 6:08 p.m.

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to approve and adopt Resolution No. 53-2021 entitled, "A RESOLUTION AUTHORIZING INCENTIVES CONTRACT WITH STEFFES LLC".

3) Consideration of an ordinance to extend the corporate limits of the City of Shelby, North Carolina: Ordinance No. 32-2021

Mr. Scharer introduced Ordinance No. 32-2021 for Council's consideration. He stated the public hearing is being held in accordance with North Carolina General Statute 160A-58.2 which states that a municipality may annex its own property provided those properties meet the same criteria as any other satellite annexation. Mr. Scharer stated the City has been acquiring parcels around the Shelby-Cleveland County Regional Airport for several years using federal funding through the NC Department of Transportation, Division of Aviation and as part of the Airport Layout Plan. Mr. Scharer concluded by stating all these parcels are contiguous to the airport.

Mayor Anthony opened the public hearing at 6:09 p.m. and invited comments from the public.

The public offered no comments.

Mayor Anthony closed the public hearing at 6:10 p.m.

ACTION TAKEN: Upon a motion made by Mr. Causby, City Council voted unanimously to approve and adopt Ordinance No. 32-2021 entitled, "AN

ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF SHELBY, NORTH CAROLINA”.

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 August 2, 2021
- 2) Approval of a reimbursement resolution with regard to installment financings for Fiscal Year (FY) 2021-2022: Resolution No. 54-2021
- 3) Approval of Notice of Cancellation in the Regular Meeting Schedule of Shelby City Council

E. Unfinished Business:

- 1) Consideration of appointments to City advisory boards and commissions:
 - a. Shelby Public Art Advisory Board

Mrs. Parduski introduced the structure of the newly created Shelby Public Art Advisory Board. The board will consist of seven (7) Council-appointed board members, including at least one (1) representative from the Cleveland County Arts Council, one (1) representative from the Keep Shelby Beautiful Commission, and one (1) youth representative, defined as someone attending 9th through 12th grade. At least two (2) of the seven (7) board members must be arts professionals.

The applications on file in the Clerk’s Office include:

General seats – Four (4) members, total

- Stevie Brooks
- Celeste Burkhardt
- Bryon Gragg
- David Royster IV

Including art professionals – Two (2) members

- Zachary Dressel
- Maria Padgett
- Beverly Putnam

- Casey Quinn

Applicant for the Cleveland County Arts Council seat (1):

- Shearra Miller

Applicant for the Keep Shelby Beautiful Commission seat (1):

- Patrick McMurry

Applicant for the youth seat (1):

- Kayla DiBruno

Miss Arth nominated Celeste Burkhardt and David Royster IV; Beverly Putnam and Casey Quinn; and Shearra Miller, Patrick McMurry, and Kayla DiBruno, respectively.

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

F. New Business:

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

Miss Arth requested to be recused from voting on this matter because she is an employee of the Cleveland County Arts Council and as such wishes to avoid any conflict of interest, whether real or perceived.

ACTION TAKEN: Upon a motion made by Mr. Hopper, City Council voted unanimously to recuse Miss Arth from voting on Resolution No. 49-2021.

Mr. Howell introduced Resolution No. 49-2021 for Council's consideration. 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 percent room occupancy tax levied by City Council. Each is reviewed to determine if the purpose for use of funds is eligible under the statutes and City policy, the economic impact of the event(s) and/or promotion, past use of funds, success of past events to attract overnight visitors, financial participation by the entity, as well as other relevant criteria.

Specifically, the Cleveland County Arts Council will be awarded \$15,000 for

marketing and event support of the Art of Sound Festival and the American Legion World Series will be awarded \$50,000 for marketing and event support.

ACTION TAKEN: Upon a motion made by Mr. Causby, City Council (White, Causby, Webber, and Hopper) voted to approve and adopt Resolution No. 49-2021 entitled, “A RESOLUTION AUTHORIZING DISBURSEMENT OF TRAVEL AND TOURISM FUNDING TO THE CLEVELAND COUNTY ARTS COUNCIL AND THE AMERICAN LEGION WORLD SERIES FOR FISCAL YEAR (FY) 2021-2022”.

2) Consideration of an ordinance amending the City of Shelby’s Schedule of Fees: Ordinance No. 33-2021

Mrs. Beam introduced Ordinance No. 33-2021 for Council’s consideration. If approved, the ordinance would implement a recommendation from staff which essentially amends the current Schedule of Fees and Charges and eliminates the verbiage “Meter Tampering Fee” to comply with the North Carolina Statutes that provide for a criminal or civil action against persons causing damage to a City meter. The amendment also creates a fee to be titled “Unauthorized Meter Access/Unsafe Meter Use” that specifically details costs to be paid that are directly attributable to investigating, correcting, and repairing damage to a meter.

Mrs. Fite clarified per North Carolina General Statute 14-151, criminal or civil action, including felony may be filed. It is the intent of the City of Shelby that whoever is found in a civil action to have violated the provision of the law is liable to the electric, gas, or water supplier, the City, in triple the amount of losses and damages sustained or \$5,000.00, whichever is greater.

Mrs. Beam concluded by recommending City Council adopt the proposed ordinance to amend the Customer Services Fee Schedule to recognize the correction of the former “Meter Tampering Fee”.

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to approve and adopt Ordinance No. 33-2021 entitled, “AN ORDINANCE AMENDING THE CITY OF SHELBY’S SCHEDULE OF FEES”.

3) Consideration of a resolution authorizing selection of CHA Consulting, Inc. based on qualifications for the Shelby Aquatics Center Renovation Project: Resolution No. 56-2021

Mr. Howell introduced Resolution No. 56-2021 for Council’s consideration. If approved, the resolution would authorize selection of CHA Consulting, Inc. of Raleigh, North Carolina and further authorize him to negotiate the terms of

the contract including pricing and the specific scope of services as outlined in the Request for Qualifications (RFQ) dated July 22, 2021.

Next, Mr. Merritt stated the City of Shelby requested Statements of Qualifications from interested and qualified firms to provide engineering services for the design of pool renovations and building improvements at the Shelby City Park Aquatic Center. Two firms submitted detailed Statements of Qualifications, and a committee of department directors was formed to evaluate the submittals based on the criteria provided. He further stated the committee of three reviewed, discussed, and considered the information to make a final recommendation. The committee agreed the firm of CHA Consulting, Inc. best met the criteria for the City's project. The key evaluation components included previous related pool renovation and building improvement experience, approach and understanding of the project, and experience of proposed project personnel.

Mr. Merritt concluded by stating it was the committee's recommendation that the City of Shelby negotiate an agreement with CHA Consulting, Inc. to perform the professional services including planning, design, and construction administration for the Shelby Aquatics Center Renovation Project.

ACTION TAKEN: Upon a motion made by Miss Arth, City Council voted unanimously to approve and adopt Resolution No. 56-2021 entitled, "A RESOLUTION AUTHORIZING SELECTION OF CHA CONSULTING, INC. BASED ON QUALIFICATIONS FOR THE SHELBY AQUATICS CENTER RENOVATION PROJECT".

G. City Manager's Report:

- 1) Mr. Howell mentioned several management reports will be added to Council's consent agenda beginning in September 2021 and periodically throughout the year for informational purposes and approval.

He previewed several agenda items which will appear on the agenda of September 20, 2021: Presentation of the updated Shelby Transportation Asset Management Plan from the Engineering Department, Group Purchase Organization Procurement of a Pumper Fire Apparatus from the Fire and Rescue Department, and Rezoning cases from the Planning Department.

- 2) Mr. Howell reported the City's Ames Copper Natural Gas System Infrastructure Improvements Project includes installation of steel gas main along Highway 74 from Polkville Road to Old Boiling Springs Road and steel gas main along Old Boiling Springs Road to the Ames Copper facility and the meter set for the facility. This project is anticipated to be

completed in October 2021. He referred to Ames Copper as constructing an expansion to house a new natural gas-powered furnace used in the recycling of scrap copper material for reuse in various products.

- 3) Mr. Howell also mentioned the project to replace natural gas lines and services on Montrose Drive and Windsor Drive are in progress and moving forward.
- 4) Regarding Shelby-Cleveland County Regional Airport T-Hangar No. 4 Project, Mr. Howell stated the contracts have been executed and the contractor will be coordinating the construction schedule to begin in the Fall 2021.
- 5) Regarding the Shell Building No. 4 Project located at 2215 Randolph Road, Mr. Howell stated the contracts with WHN Architects have been executed to provide the preliminary design and site layout. Before Shell Building No. 4 goes to the bidding process for the construction phase, he will schedule a presentation of the project.
- 6) Regarding the Randolph Road Industrial Park Sewer Lift Station Project, Mr. Howell stated it supports the Shell Building No. 4 Project and will provide capacity to serve the surrounding areas as well. The City did receive a grant in the amount of \$750,000 awarded by the North Carolina Department of Commerce through the Industrial Development Fund Utility Account. However, the cost of the project has gone up to \$1.2 million. Mr. Howell will request consideration for the additional funding from the North Carolina Department of Commerce.
- 7) Now that the air conditioning unit has been replaced and is cooling the Council Chamber at City Hall efficiently, Council discussed returning to the Council Chamber for their meetings, beginning September 20, 2021 and voted: 3 (Causby, Arth, and Webber) to 2 (White and Hopper) to return.

H. Council Announcements and Remarks:

- 1) Mayor Anthony announced that Bobby Bell Day in Shelby is Saturday, August 28, 2021, at 11:00 a.m., City Pavilion. Mr. Bell and his family will arrive at the Shelby-Cleveland County Regional Airport on Friday, August 27, 2021, at 4:10 p.m. and all are invited to welcome him.
- 2) Miss Arth said she and her daughter enjoyed attending the American Legion World Series baseball games and she looks forward to welcoming Bobby Bell to Shelby.

- 3) Mr. Webber said it was great to have the American Legion World Series baseball games in Shelby and he had an opportunity to meet some of the visiting players who represented many of the regional teams.
- 4) Mr. Hopper was pleased the spotlight is on the City of Shelby as the American Legion World Series wraps up another tournament and the ceremonies honoring Bobby Bell will take place on August 27 and 28, 2021.
- 5) Mr. White added he is proud of the City of Shelby, describing Shelby as “a diamond in the rough”.

I. Adjournment:

- 1) Motion to adjourn

ACTION TAKEN: Upon a motion made by Miss Arth, City Council voted unanimously to adjourn the meeting at 6:43 p.m.

Respectfully submitted,

Bernadette A. Parduski, NCCMC, MMC
City Clerk

O. Stanhope Anthony III
Mayor

Minutes of August 16, 2021