

MINUTES

Regular Meeting
City Hall Council Chamber

May 1, 2023
Monday, 6:00 p.m.

Present: Mayor O. Stanhope Anthony, III, presiding; Council Members Andrew L. Hopper, Sr., David Causby, Violet Arth, David White, Charles Webber, and Emilie Bullock.; City Manager Rick Howell, MPA, ICMA-CM, Assistant City Manager Benjamin (Ben) Yarboro, Interim City Attorney John Kubis, City Clerk Carol Williams, Deputy City Clerk Breanna Jones, Public Information and Communications Officer Chip Nuhrah, Director of Human Resources Deborah (Deb) Jolly, Director of Finance Elizabeth (Beth) Beam, Interim Police Chief Brad Fraser, Fire Chief William Hunt, EFO, Public Works Director Scott Black, Civil Engineer Justin Wright, Stormwater/Engineer Coordinator Tyler Brooks, Water Resources Operations Manager Brian Wilson, and Jennipher H. Harrill, Social Media Manager, Blue Eyes Media Connections

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

Mr. Hopper led the Pledge of Allegiance.

A. Approval of agenda:

- 1) Motion to adopt the agenda as presented

ACTION TAKEN: Upon a motion by Mr. White, City Council voted unanimously to approve the agenda as amended.

B. Special Presentation:

- 1) City of Shelby 2023 Stormwater Phase II Annual Report Update – Tyler Brooks, Stormwater/Engineer Coordinator

Mr. Brooks presented the Stormwater Phase II Annual Report update which focused on Illicit Discharge Detection and Elimination. After a brief history of the Stormwater program, Mr. Brooks explained illicit discharge, which is anything other than rainwater dumped or discharged into the storm drain system, water of the state, or upon the land in a manner and amount that the substance is likely to reach the stormwater system or water of the state. Mr. Brooks continued by stating there are several allowable discharges which include:

- Residential and Charity car washing

- Fire Hydrant flushing
- Water from fire fighting activity
- Groundwater
- Lawn watering
- Dechlorinated Pool Water

Mr. Brooks gave examples and provided photos of illicit discharges:

- Cooking oil or grease
- Paint from someone either dumping paint or cleaning a paintbrush into the storm drain system
- Sewer
- Soap suds from a commercial car washing business
- Oily sheen

Mr. Brooks concluded his presentation by providing a phone number (704-484-6866) and email address (stormwater@cityofshelby.com) for anyone that suspects illicit discharge; the stormwater staff will investigate all reported issues.

C. Consent Agenda:

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

- 1) Approval of the Minutes of the Regular Meeting of April 17, 2023
- 2) Approval of a resolution to accept an offer to purchase property by upset bid process: Resolution No. 25-2023
- 3) Approval of a resolution awarding the construction contract for the City of Shelby Sumter Street Aerial Sewer Replacement Project: Resolution No. 26-2023
- 4) Approval of a resolution awarding the contract for the City of Shelby Concrete ADA Ramp and Sidewalk Construction Project for Transportation Asset Management Plan Phase II: Resolution No. 27-2023
- 5) City of Shelby's U5775 Highway 150 and Highway 74 Water and Sewer Utility Relocation Project:
 - a) Adoption of a budget ordinance amendment for the City of Shelby's U5775 Highway 150 and Highway 74 Water and Sewer Utility Relocation Project: Ordinance No. 19-2023

- b) Approval of a resolution accepting and approving a utility construction agreement between the City of Shelby and the North Carolina Department of Transportation for relocation of water lines in conflict with the realignment of Highway 150 and US 74 Business intersection: Resolution No. 28-2023

6) City of Shelby Asset Management And Modeling Grant Project:

- a) Approval of a resolution approving an agreement for a Water Treatment Plant Asset Management And Modeling Grant between the City of Shelby and North Carolina Infrastructure unit of the North Carolina Department Of Environmental Quality (NCDEQ): Resolution No. 29-2023
- b) Approval of a resolution approving an agreement for a Major Outfall Survey and Modeling/Wastewater Treatment Plant Asset Management Grant between the City of Shelby and North Carolina Infrastructure unit of the North Carolina Department of Environmental Quality (NCDEQ): Resolution No. 30-2023

7) Management Reports:

- a) Financial Summary – March 2023
- a) Public Housing Assessment System Score Report

END OF CONSENT AGENDA

D. Unfinished Business:

- 1) Approval of a resolution awarding the construction contract for the City of Shelby Transportation Asset Management Plan Phase II Resurfacing Project: Resolution No. 31-2023

Mr. Howell presented Resolution No. 31-2023 for Council's consideration which if approved would award the bid and contract for the second phase of street resurfacing to Asphalt Paving of Shelby, Inc. in the amount of \$2.63 million, being paid for with funding from the voter approved 2021 Bond proceeds. Mr. Howell continued by stating this phase will resurface 15.25 miles of city streets.

ACTION TAKEN: Upon a motion made by Mr. Causby, City Council voted unanimously to approve Resolution No. 31-2023 entitled,

“A RESOLUTION AWARDING THE CONSTRUCTION CONTRACT FOR THE CITY OF SHELBY TRANSPORTATION ASSET MANAGEMENT PLAN PHASE II RESURFACING PROJECT.”

2) City of Shelby Hickory Creek Sewer Outfall Replacement Project:

- a) Adoption of an Ordinance amendment for the City of Shelby’s Hickory Creek Sewer Outfall Replacement Project: Ordinance No. 20-2023**
- a) Approval of a resolution awarding the construction contract for the City of Shelby Hickory Creek Sewer Outfall Replacement Project: Resolution No. 32-2023**

Mr. Howell presented Ordinance No. 20-2023 and Resolution No. 32-2023 which will fund this project and award the contract to Dellinger Inc. of Monroe, North Carolina in the amount of \$4,019,580.00. Mr. Howell stated the total cost for this project would be authorized at \$4,627,000 which will be appropriated with grant funding for engineering, construction, and related contingencies.

ACTION TAKEN: Upon a motion made by Mr. Hopper, City Council voted unanimously to approve Ordinance No. 20-2023 entitled, “AN ORDINANCE AMENDMENT FOR THE CITY OF SHELBY’S HICKORY CREEK SEWER OUTFALL REPLACEMENT PROJECT” and Resolution No. 32-2023 entitled, “A RESOLUTION AWARDING THE CONSTRUCTION CONTRACT FOR THE CITY OF SHELBY HICKORY CREEK SEWER OUTFALL REPLACEMENT PROJECT.”

3) Consideration of appointments to City advisory boards and commissions:

- a) Alcoholic Beverage Control Board**

Mayor Anthony reported the terms of two incumbents, Sallie Craig and Gerald Weathers concluded April 2023. Both incumbents wish to continue their service.

There are nine applications on file in the Clerk’s Office:

- Page Morgan**
- Devin McCullough**
- Donald Eslick**
- Phil Reid**
- Montana Judd**
- Patrick Lavender**
- Mary Carlson**
- Phyllis Williams**
- Mark Turner**

Mr. Causby nominated Page Morgan and Gerald Weathers.
Mr. White nominated Mary Carlson.
Mr. Hopper nominated Sallie Craig.

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to approve to close the nominations.

Mayor Anthony stated the vote will be done by ballot for clarity in voting. Mayor Anthony explained this is not a secret ballot; it's easier with a ballot to count the votes when there are several nominees instead of asking for a show of hands. Mayor Anthony further stated the ballots will be available to the public at the conclusion of the meeting and will be a part of the minutes of this meeting.

Mayor Anthony reported the votes and Mrs. Williams tallied the results; showing the two nominees with the most votes were Sallie Craig and Mary Carlson.

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to appoint Ms. Craig and Ms. Carlson by acclamation.

E. New Business

None

F. City Manager's Report

Mr. Howell updated Council on the following projects:

- **Carolina Harmony Trail (Rail Trail)**
 - Phase IA of the Carolina Harmony Trail is under construction with the grading approximately 60% complete and the stormwater is 75% complete. The scheduled completion date is now mid July 2023.
- **Shell Building #4**
 - Hickory Construction has completed the building. The paving of the parking areas and adding the second layer of asphalt to the truck access and truck court has been completed. Completion is expected by May 12, 2023. A joint ribbon cutting with Cleveland County will be scheduled within the next 30 days.
- **Depot Park**

Destination by Design has begun work on the engineering and

architectural design for the renovation of the old depot and construction of Depot Park. Design is expected to be complete by the end of 2023. Construction is expected to begin in March/April 2024 with an 18 month timeframe expected.

- **Aquatics Center**

Construction on this project began the week of September 7th. Sossamon Construction (sub - Paddock Pools) is the contractor on this project. 90% of the pool deck is complete. Plastering of the pool interior will begin next week. Diving towers will likely be delivered May 15th. It is expected that this project will be complete prior to the traditional Memorial Day opening.

- **TAMP**

- Phase I of the implementation of the Transportation Asset Management Plan is nearing completion. Approximately \$2.8 million of the \$10 million street improvement bonds passed by voters last November are to be used in this phase of street resurfacing. Approximately 17 miles of streets will be resurfaced prior to the end of the summer. Approximately 13 miles have been completed thus far.
- Planning for Phase II is in process as staff continues plans for viable utility improvements prior to the start of resurfacing in Summer 2023.

- **County Home Road Replacement**

TGS Engineers was selected to design the project and work is underway. Construction on the project is anticipated for summer 2023. This time frame is in sync with the completion of the new SECU and demolition of the old structure in June.

- **Cross Town Water Main 24" Transmission Line Phase II (\$7,700,300.)
SRP-D-ARP-0030**

This project was advertised April 10, 2023 with a May 17, 2023 bid opening. Construction is expected to begin in January 2024. This project will extend the 24" diameter water main approximately 12,000 lf from the intersection of Marion Street/Morgan Street along S. Morgan Street to Graham Street to the South Tank on S. Lafayette Street and to the intersection with Forest Hill Drive/Beaumonde. Approximately 5,000 lf of sewer main in conflict with the line will also be replaced. This is the second of a

multiphase project to improve water supply to the south, east and north of the uptown area. It is intended to improve fire flow, water volume/pressure and water quality overall in the system. It is high priority. Statutory completion deadline is December 31, 2026.

- **Hickory Creek Sewer Outfall - Windsor Drive to Holly Oak Park (\$3,975,000)**

The City has received bids (April 13) and award of a contract on this project is on the agenda tonight. It will replace approximately 5,000 lf of existing sewer outfall with 24” diameter pipe. This project would replace an existing sewer outfall that has been plagued with Sanitary Sewer Overflows due to infiltration and inflow. Construction to begin July 2023. It is high priority. Statutory completion deadline is December 31, 2026.

- **Randolph Road Industrial Park Sewer Project (\$1,503,042.)**

This project consists of the construction of a new sewer lift station, 2,700 lf of force main and 3,000 lf of gravity sewer to serve the Randolph Road Business Park and some of the surrounding area. This project is substantially complete. This project was funded by a grant from the NC Department of Commerce Industrial Development Fund and a required local 25% match.

- **City Hall Campus Projects**

- **City Hall Roof – Work began the week of April 5th and work is well underway. Approximately 35% of the shingles have been installed. Ancillary work including installation of copper flashing, fascia board replacement and gutter work are all proceeding. The contract period is for 120 days.**
- **City Hall Annex – This project is currently under design and this phase is expected to be complete by the end of July. This project involves the relocation of personnel from the Planning and Development Services Department (Planning/Zoning, Code Enforcement and Building Inspections) and the Human Resources Department to the former SPD building.**

- **Shelby Fire and Rescue**

- **The newest addition (2023 Pierce Fire Engine) to the Fire and Rescue fleet was delivered last week. Final cost is approximately \$775,000.00. It is expected to be put into service in early May once all the equipment and tools are installed and staff training has been completed.**

Mr. Howell stated that on April 28, 2023 the City experienced heavy rains which resulted in four sanitary sewer overflows. Mr. Howell stated that no sewer overflow is ever acceptable; however, they happen for different reasons. The City is required to clear out the debris and spread lime to kill the pathogens. Mr. Howell further stated the Water Resource Department has done an excellent job in reducing the number of overflows during the last several years; in 2007-2008 the City had over 50 overflows, in 2023 so far, we've had seven including the four that happened last week.

Mayor Anthony stated that if a citizen needs to report an overflow, please call Customer Service and someone will come out to investigate the issue (704-484-6866).

G. Council Announcements and Remarks:

Mayor Anthony and several other Council members attended the NCLM Annual Conference in Concord last week and came back with good information from the seminars they attended. Mayor Anthony mentioned the importance of good communication with citizens, including social media or possibly a newsletter.

Mayor Anthony also stated he'd like to have further conversations about the composition of our Advisory Boards. Mayor Anthony said it'd be good to have criteria of what we expect in clearer terms.

Mrs. Bullock encouraged the applicants from the ABC Board to look at some of the other Advisory Boards the City offers; they may be interested in serving on another board.

Ms. Arth expanded on the NCLM Conference and how it's important to reach people in all the ways possible so nobody will feel in the dark about what is happening, including possibly implementing an email or text message system.

Mr. White thanked Charlie Holtzclaw and his team for the great job hosting the Merry Go Round festival last weekend, with over 5,000 people attending.

Mr. Webber stated he also attended NCLM Conference and was glad to see that our departments communicate with each other on their various projects, for example, the street paving project. Mr. Webber also addressed the number of applicants for Advisory Boards is great, but there could be some discussion on the process of appointing members. Mr. Webber concluded by stating he was glad to see our sewer overflow numbers were way down from the past.

Mr. Hopper stated he was on Council when the sewer overflow numbers were high and he's glad to see our system is much improved. Mr. Hopper commended the efforts of those that hosted the Merry Go Round Festival Awards Banquet. Mr. Hopper said it was well attended and former Chief Ledford was recognized.

H. Closed Session:

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

ACTION TAKEN: Mrs. Bullock made a motion to enter a closed session pursuant to the appropriate North Carolina General Statute as cited. The Mayor invited all Council members present along with Mr. Howell, Mr. Kubis, Mrs. Williams, Mrs. Jones, and Mr. Yarboro to attend. The motion passed unanimously, and Council moved into closed session at 6:39 p.m.

City Council returned to the regular session at 7:11 p.m.

I. Adjournment:

1) Motion to adjourn

ACTION TAKEN: Upon a motion made by Ms. Arth, City Council voted unanimously to adjourn the meeting at 7:12 p.m.

Respectfully submitted,

Carol Williams
City Clerk

O. Stanhope Anthony, III
Mayor