

MINUTES

Regular Meeting of Shelby City Council
Don Gibson Theatre

August 5, 2024
Monday, 6:00 p.m.

Present: Mayor O. Stanhope Anthony, III, presiding; Council Members Andrew L. Hopper, Sr., David Causby, David White, Charles Webber, and Emilie Bullock; City Manager Rick Howell, MPA, ICMA-CM, Assistant City Manager Ben Yarboro, Assistant City Manager Justin Longino, MBA, City Attorney Jason Lunsford, City Clerk Carol Williams, Deputy City Clerk Breanna Jones, Director of Finance Elizabeth (Beth) Beam, CPA, Chief of Police Brad Fraser, Director of Water Resources Brian Wilson, Director of Planning and Development Services Brian Burgess, Public Information and Communications Officer Chip Nuhrah, Economic Developer Brandon Ruppe, Electric Department Operations Manager Ronnie Davis, Utility Project Coordinator Cameron Howell, and Jennipher H. Harrill, Social Media Manager, Blue Eyes Media Connections

Absent: Councilmember Violet Arth

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:

Mayor Anthony requested the addition of a Special Presentation to recognize Scott Edwin Ledford on his retirement from employment with the City of Shelby.

1) Motion to adopt the proposed agenda as amended.

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

Special Presentation: Mayor Anthony recognized and congratulated Scott Edwin Ledford on the occasion of his retirement from employment with the City of Shelby and read aloud the prepared resolution.

B. 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 15, 2024
- 2) Approval of a resolution directing the City Clerk to determine sufficiency of a voluntary annexation petition from Wayne and Iris Beam: Resolution No. 51-2024 (Borders Road and East Marion Street)
- 3) Adoption of a budget ordinance amendment for the City of Shelby's First Broad Outfall Sewer Improvement Project: Ordinance No. 50-2024
- 4) Management Reports:
 - a) Monthly Financial Summary – June 2024

END OF CONSENT AGENDA

C. Unfinished Business:

- 1) Approval of a resolution awarding the contract for the City of Shelby's S. Morgan Street and Market Street Water and Sewer Rehabilitation Project to Father and Son Enterprises, LLC: Resolution No. 52-2024

Presentation – Rick Howell, City Manager:

- This resolution will award the contract for the project described in the amount of \$871,310.00
- ARP funding was previously approved by Council for this project to rehabilitate water and sewer lines along Morgan Street and Market Street
- A good amount of this work needs to be done in advance of both the Depot Park work and the Rail Trail work in that area
- Staff followed City policy and North Carolina General Statutes when bidding the project and the recommendation from staff is to award the contract to Father and Son Enterprises, LLC
- The contract is for 130 days

ACTION TAKEN: Upon a motion made by Mrs. Bullock, City Council voted unanimously to approve Resolution No. 52-2024 entitled, "A RESOLUTION AWARDING THE CONTRACT FOR THE CITY OF SHELBY'S S. MORGAN STREET AND MARKET STREET WATER AND SEWER REHABILITATION PROJECT TO FATHER AND SON ENTERPRISES, LLC."

D. New Business:

1) Approval of a resolution authorizing selection of HDR Engineering, Inc. of the Carolinas for professional engineering services for the feasibility study with preliminary engineering report to extend utilities to the US-74 Bypass interchanges: Resolution No. 53-2024

Presentation – Cameron Howell, Utility Project Coordinator

- **NCDOT US-74 Bypass Project began in July 2013.**
 - **Started East of Mooresboro and will be finished West of Stoney Point Rd at US-74 Business.**
 - **East of Mooresboro to Polkville Rd (NC-226) has been opened.**
 - **Plans to have US-74 Bypass to NC-180/NC-150 opened by the end of 2024.**

- **The US-74 Bypass supports and promotes economic development around Shelby.**
 - **Walmart Distribution Center, Clearwater Paper, and Greenheck Fan Corporation to name a few.**
 - **More development is expected in the future as other sections are completed.**
 - **With this economic development growth new potential subdivisions could be brought to the area.**

- **Currently the City of Shelby lacks the utility coverage to meet these demands at the US-74 Bypass Interchanges and beyond.**

- **City staff decided a feasibility study and an engineering report was needed to determine how to extend the utilities to the US-74 Bypass Interchange areas and show what services were necessary to provide utility services to these areas.**

- **The areas that the study includes are Washburn Switch Road, Polkville Road, Fallston Road and Highway 150/180, if needed, the study can be expanded.**

- **The following is an example of what the feasibility study report would include:**

City of Shelby Water:

- **Details of existing system in the area:**
 - ❖ **Size**
 - ❖ **Material**

- ❖ Age/condition
- Water Modeling:
 - ❖ Available Flows
 - ❖ Available Pressure
 - ❖ Available Capacity
 - ❖ Is looping feasible?
- System extension layout and cost estimate

And then repeat the process shown above for all of the other City utilities: sewer, electric and natural gas.

A final report of the feasibility study will show:

- Utility Planning
 - Line extensions and new/upgraded facility requirements for each utility.
 - Review of existing and proposed flows in the service area.
 - Review general operating conditions of current infrastructure and conduct tests as appropriate to determine capacities.
 - Right-of-Way acquisitions.
 - Utility Easements.
- Recommend long-term and short-term improvements to existing facilities.
- Preliminary layouts and cost estimates for each utility.
- Determine all necessary applications needed to secure required permits and approvals for construction by NCDEQ, NCDOT, and any other necessary permitting agency.

UTILIZATION OF FINAL PLAN will be helpful in these situations:

- As developers inquire about projects at interchanges, we will be able to use this study for:
 - Prioritization of Projects
 - Budget Planning
 - Schedule Projects
 - Apply for Funding

RECOMMENDATION OF ENGINEER SELECTION PROCESS:

- Staff advertised Request for Qualification on May 28, 2024
- Three (3) Statement of Qualifications received on June 27, 2024
- Unanimous recommendation by staff review committee for selection of HDR Engineering, Inc. of the Carolinas to perform the Professional Engineering Services for this project
 - Subconsultants include:
 - Progressive Engineering Consultants, Inc. (Electrical)

- Joel E. Wood & Associates (Geotechnical)
- Bankhead Surveying, PA (Surveying)
- Avioimage Mapping Services, Inc. (Aerial Survey)
- City Staff prepared a resolution selecting HDR Engineering, Inc. of the Carolina for Council's consideration.

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to approve Resolution No. 53-2024 entitled, "A RESOLUTION AUTHORIZING SELECTION OF HDR ENGINEERING, INC. OF THE CAROLINAS FOR PROFESSIONAL ENGINEERING SERVICES FOR THE FEASIBILITY STUDY WITH PRELIMINARY ENGINEERING REPORT TO EXTEND UTILITIES TO THE US-74 BYPASS INTERCHANGES."

2) Approval of a resolution authorizing disbursement of Travel and Tourism funding for Fiscal Year 2024-2025: Resolution No. 54-2024

Presentation – Rick Howell, City Manager:

- This resolution shows how the travel and tourism funding is distributed this year
- The funding levels for each organization were kept the same as they received last year, but included the Chamber of Commerce for visitor support
- There was a slight decline from the previous year in our receipts of funding
- The City expects to have additional accommodation facilities in the next couple years which will increase the amount received
- The City also included some occupancy money in the construction of the Rail Trail this year

ACTION TAKEN: Upon a motion made by Mr. Hopper, City Council voted unanimously to approve Resolution No. 54-2024 entitled, "A RESOLUTION AUTHORIZING DISBURSEMENT OF TRAVEL AND TOURISM FUNDING FOR FISCAL YEAR 2024-2025."

E. City Manager's Report

- Mr. Howell will have an in-depth update at our next meeting, but nothing to report at this time.

F. Council Announcements and Remarks

Mayor Anthony reminded Council of the upcoming events:

- **American Legion World Series starts Thursday, August 15**
- **Host City Welcome at the LeGrand Center - Wednesday, August 14**
- **American Legion World Series Festival – Saturday, August 10**
- **City of Shelby Staff Softball Tournament – Saturday, September 14**

G. Closed Session:

- 1) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body regarding the case of Nicholas and Michelle Taylor vs City of Shelby and LGI Homes, which privilege is hereby acknowledged pursuant to North Carolina General Statute § 143-318.11(a)(3).**
- 2) 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: Mr. White made a motion to enter a closed session pursuant to the appropriate North Carolina General Statutes as cited. Mayor Anthony invited all Council members present, along with Mr. Howell, Mr. Lunsford, Mr. Longino, Mr. Yarboro, Mr. Ruppe, Mrs. Williams and Mrs. Jones to attend. The motion passed unanimously, and Council moved into closed session at 6:23 p.m.

At the conclusion of the Closed Session item, Mr. White made a motion for City Council to return to the regular session at 6:49 p.m. and seal the minutes.

H. Adjournment:

- 1) Motion to adjourn**

ACTION TAKEN: Upon a motion made by Mrs. Bullock, City Council voted unanimously to adjourn the meeting at 6:50 p.m.

Respectfully submitted,

**Carol Williams
City Clerk**

**O. Stanhope Anthony, III
Mayor**

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