

## MINUTES

Regular Meeting  
City Hall Council Chamber

March 5, 2018  
Monday, 6:00 p.m.

**Present:** Mayor O. Stanhope Anthony III, presiding; Council Members Eric B. Hendrick, David W. White, David Causby, Violet Arth Dukes, and Dicky Amaya; City Manager Rick Howell, City Attorney Robert W. (Bob) Yelton, City Clerk Bernadette A. Parduski, Director of Finance Justin S. Merritt, MPA, Director of Human Resources Deborah C. (Deb) Jolly, Director of Energy Services Julie R. McMurry, Director of Water Resources David W. Hux, Director of Engineering Services Benjamin (Ben) Yarboro, Police Chief Jeffrey H. (Jeff) Ledford, Fire Chief William P. Hunt, MPA, EFO, Assistant Fire Chief – Logistics and Enforcement Services Todd McMurry, and Director of Planning and Development Services Department Walter (Walt) Scharer, AICP

**Absent:** Council Member Ben Kittrell, Jr.

Mayor Anthony called the meeting to order at 6:00 p.m. and welcomed all who were in attendance. The Mayor gave the invocation and Mr. Hendrick led the *Pledge of Allegiance*.

**A. Approval of agenda:**

1) Motion to adopt the proposed agenda

At the request of Mr. Howell, Mayor Anthony announced the addition of a Closed Session pursuant to North Carolina General Statute 143-318.11 (a) (3) to consult with the City Attorney in order to preserve the attorney-client privilege.

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

**B. Special Presentation:**

1) Uptown Shelby Association (USA) update – Audrey Whetten, Executive Director

First, Miss Whetten recognized USA board member and past president, Fred Blackley, in attendance, for his support of the USA organization and for his dedication to the community.

Referring to her handout, Miss Whetten reported her quarterly update included highlights of ongoing projects, recent and upcoming events, business news, and property news.

With regard to ongoing projects, Miss Whetten mentioned the construction activities related to the Uptown Shelby improvements and the replacement of the City's utilities and infrastructure. She commended City staff for conveying timely information and minimizing the disruptions to all Uptown Shelby stakeholders. USA worked closely with City staff to develop a tool kit covering all aspects of the construction phases to be utilized as a resource by many in Uptown Shelby. Miss Whetten said by monitoring project updates and keeping the public informed of progress on the project timeline may be the contributing factors to not receiving any complaints to date. Miss Whetten stated USA selected a videographer to produce a promotional video about Uptown Shelby to be utilized as a universal marketing tool. She anticipates the video will be finished by the start of the American Legion World Series in August 2018. The video will then be posted to the USA website and various social media outlets. The public art project is in progress and proposed to be located on Washington Street near the Cleveland County Arts Council building. Miss Whetten added an opportunity may exist for an art corridor in the area between the Arts Council and the Don Gibson Theatre. She stated USA has placed an emphasis on business retention efforts, working with existing businesses to grow and thrive. She also continues to recruit new businesses for Uptown Shelby, anticipating two new openings in the very near future.

With regard to upcoming events, Miss Whetten mentioned two clean-up projects in Uptown Shelby in partnership with the Keep Shelby Beautiful Commission are scheduled for March 10 and April 7, 2018. She added the Second Saturday events begin on April 14, 2018 and the Shelby Alive concert series runs May through August 2018.

With regard to business and property news, Miss Whetten highlighted the grand openings of two new businesses within the Campbell Building on North Lafayette Street, the Greenbrook Design Center and Uptown Indigo, an event space.

Miss Whetten concluded her presentation by stating since July 1, 2017, there has been \$1.2 million in private acquisitions and more than \$780,000 in privately-funded renovations. She further stated this exceeds last year's total private investment and does not yet include 10 renovation projects underway totaling almost \$4 million in additional investment.

Council received the information. No action was required.

**C. Consent Agenda:**

**ACTION TAKEN:** Mayor Anthony presented the consent agenda. Mr. White made a motion to approve the consent agenda. The consent agenda and following items were unanimously approved:

- 1) Approval of the Minutes of the Regular Meeting of February 19, 2018
- 2) Approval of a resolution approving the contract for the performance of the City of Shelby's Annual Audit and preparation of financial statements for the Fiscal Year ended June 30, 2018: Resolution No. 11-2018
- 3) Approval of a resolution supporting the City of Shelby's application for the North Carolina Urban Forest Council Legacy Tree Fund Grant: Resolution No. 12-2018
- 4) Adoption of a budget ordinance amendment for the City of Shelby's Carolina Thread Trail Project: Ordinance No. 11-2018
- 5) Adoption of an ordinance authorizing demolition of a dwelling: Ordinance No. 12-2018
- 6) Adoption of Fiscal Year (FY) 2017-2018 Budget Ordinance Amendment No. 12: Ordinance No. 13-2018

**END CONSENT AGENDA**

**D. Unfinished Business:**

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

Mrs. Parduski reported the terms of three incumbents, Angenette Homsley, Brenda Marable, and Michael Shawn Collins, are concluding March 2018. Mrs. Homsley does not wish to continue her service. Both Mrs. Marable and Mr. Collins are seeking reappointment.

There is one application on file in the Clerk's Office as follows:

- Darrell Gerald

Mr. Hendrick nominated Darrell Gerald for appointment.

Mrs. Arth Dukes nominated the incumbents, Brenda Marable and Michael Shawn Collins, for reappointment.

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

- 2) Consideration of an ordinance establishing a capital project ordinance and budgets for the City of Shelby's Electric System Supervisory Control and Data Acquisition (SCADA) System Upgrade Project: Ordinance No. 14-2018

Mr. Howell introduced Ordinance No. 14-2018 for Council's consideration. If approved, this ordinance would appropriate \$96,000 from the Electric Fund Net Retained Earnings to be used for the purchase of new hardware for the Electric System Supervisory Control and Data Acquisition System Upgrade Project.

Mr. Howell explained the Energy Services and Water Resources Departments have a Supervisory Control and Data Acquisition System (SCADA) that has been in service since 2004. This SCADA system monitors and controls the entire electric distribution system as well as parts of the natural gas, water, and wastewater systems. The SCADA Master is responsible for collecting the data from each remote terminal unit (RTU) on the system, dispersing that information to SCADA workstations and notifying City personnel of key events or alarms on the system, as well as keeping historical data used for reports and analysis. The recent Electrical Distribution System Planning Study identified that this system's hardware is nearing end of life, with replacement parts becoming difficult to obtain. It was recommended that the current system be upgraded. In addition, the City received notice from its current maintenance provider, QEI LLC, that the hardware currently in use will not be supported effective July 31, 2018. Mr. Howell further stated after receiving this notice, the City needs to move forward at a quicker pace. He added these estimates do not include implementation costs. Once a vendor is selected for the purchase of equipment and it is determined what areas within Water Resources and the Natural Gas System need to be included in the new system, an estimate will be provided for transitioning and the implementation of all areas.

**ACTION TAKEN:** Upon a motion by Mr. Amaya, City Council voted unanimously to approve and adopt Ordinance No. 14-2018 entitled, "AN ORDINANCE ESTABLISHING A CAPITAL PROJECT ORDINANCE AND BUDGETS FOR THE CITY OF SHELBY'S ELECTRIC SYSTEM SUPERVISORY

**CONTROL AND DATA ACQUISITION (SCADA) SYSTEM UPGRADE PROJECT”.**

**3) Farmville Road Waterline Project:**

- a. **Consideration of a resolution of tentative award for the Farmville Road Waterline Project – Waterline and Booster Pump Station to Hall Contracting Corporation: Resolution No. 13-2018**
- b. **Consideration of a resolution of tentative award for the Farmville Road Waterline Project – Elevated Storage Tank to Phoenix Fabricators & Erectors, Inc.: Resolution No. 14-2018**

**Mr. Howell introduced both Resolution No. 13-2018 and Resolution No. 14-21018 for Council’s consideration. If approved, these resolutions would award contracts for two portions of the Farmville Road Waterline Improvements Project, both in support of Clearwater Paper Corporation’s expansion.**

**Mr. Howell stated the City received bids for the Farmville Road Loop 24-inch Waterline and Booster Station in February 2018. Kimley-Horn Associates, Inc. assisted with bid advertisement and has completed the canvassing of the six bids received. The lowest bid was submitted by Hall Contracting Corporation of Charlotte, North Carolina in the amount of \$8,444,560.00. Mr. Howell requested Council authorize the tentative award of the construction contract to Hall Contracting Corporation, contingent upon U S Department of Commerce’s Economic Development Administration (EDA) approval.**

**Next, Mr. Howell stated the City received bids for the Farmville Road elevated storage tank in February 2018. Kimley-Horn Associates, Inc. assisted with bid advertisement and has completed the canvassing of the three bids received. The lowest bid was submitted by Phoenix Fabricators & Erectors, LLC of Avon, Indiana in the amount of \$2,055,858.00. Mr. Howell requested Council authorize the tentative award of the construction contract to Phoenix Fabricators & Erectors, contingent upon U S Department of Commerce’s Economic Development Administration (EDA) approval.**

**ACTION TAKEN: Upon a motion by Mr. Amaya, City Council voted unanimously to approve and adopt Resolution No. 13-2018 entitled, “A RESOLUTION OF TENTATIVE AWARD FOR THE FARMVILLE ROAD WATERLINE PROJECT – WATERLINE AND BOOSTER PUMP STATION TO HALL CONTRACTING CORPORATION”.**

**ACTION TAKEN: Upon a motion by Mr. Amaya, City Council voted unanimously to approve and adopt Resolution No. 14-2018 entitled, “A**

**RESOLUTION OF TENTATIVE AWARD FOR THE FARMVILLE ROAD WATERLINE PROJECT – ELEVATED STORAGE TANK TO PHOENIX FABRICATORS & ERECTORS, INC.”.**

**E. New Business:**

- 1) Consideration of Fiscal Year (FY) 2017-2018 Budget Ordinance Amendment No. 13: Ordinance No. 15-2018**

**Mr. Howell introduced Ordinance No. 15-2018 for Council’s consideration. If approved, this ordinance would appropriate funding from the Stormwater Fund Balance in the amount of \$164,000 to cover the costs of four emergency street culvert repairs, specifically at Crestview Drive, Briar Creek Drive, Pine Street, and Sumter Street. Three projects have been completed and the fourth, which is the culvert replacement on Sumter Street, is scheduled in the very near future. Mr. Howell explained several heavy rains over a short time period exposed problems with these culverts and in some cases partial collapses occurred creating an emergency situation.**

**ACTION TAKEN: Upon a motion by Mrs. Arth Dukes, City Council voted unanimously to approve and adopt Ordinance No. 15-2018 entitled, “FISCAL YEAR (FY) 2017-2018 BUDGET ORDINANCE AMENDMENT NO. 13”.**

**F. City Manager’s Report:**

- 1) Mr. Howell is working to provide a report to Council with regard to the City’s un-sewered neighborhoods as requested by Mr. Kittrell. He reminded Council of the current policy for the extension of sanitary sewer collector lines which provides for a special assessment procedure. He also reiterated the sewer system is supported by its sewer customers as an enterprise fund.**
- 2) Mr. Howell announced that Cleveland County has decided to appropriate recreational grant funding in the amount of \$80,000 to the City of Shelby to build an all-accessible playground. Several years ago, this same grant funding was given to the City of Kings Mountain by Cleveland County. Mr. Howell added the \$80,000 will be utilized for enhancements at the City’s Holly Oak Park playground.**

**G. Council Announcements and Remarks:**

- 1) Mayor Anthony announced the City is sponsoring two tables at the sixth annual fundraiser for the Cleveland County Rescue Mission at its Celebrate Hope Banquet, on Friday, March 16, 2018, from 6:00 p.m. to**

8:30 p.m. at the LeGrand Center. The Mayor invited Council members to attend and participate in the banquet, encouraging support of the Cleveland County Rescue Mission.

- 2) Mayor Anthony reported he participated in a webinar introducing a new initiative known as First & Main. The Mayor gave details about the First & Main Blueprint which is designed to protect federal programs that work for local communities, improve programs that must become more effective, and create new programs to provide local communities with additional resources. First & Main aims to build a non-partisan coalition of local elected officials from small and medium-sized towns, counties, and cities across the country. The coalition will work to extend prosperity to members and advocate for the needs of smaller and mid-sized communities across the country. The Mayor urged Council members and City staff to explore the opportunities for Shelby to get involved with and possibly join the First & Main initiative.
- 3) Mr. Amaya stated he brought his own traffic study forward for Council's consideration some time ago; however, his suggestions received no feedback. There were only two minor road projects near Shelby Middle School that received consideration.

Mr. Howell offered to follow-up with Mr. Amaya in order to obtain specific direction about these proposed projects.

#### H. Closed Session:

- 1) To consult with the City Attorney in order to preserve the attorney-client privilege pursuant to North Carolina General Statute 143-318.11 (a) (3)

**ACTION TAKEN:** Mr. Amaya made a motion to enter into a closed session pursuant to the appropriate North Carolina General Statutes as cited. Mayor Anthony consulted with Mr. Yelton who advised the topics met the statutory requirements for a closed session. The Mayor invited all Council members present along with Mr. Howell, Mr. Merritt, Mr. Yelton, and Mrs. Parduski to attend. The motion passed unanimously and Council moved into closed session at 6:30 p.m.

Council returned to the regular session at 6:50 p.m.

#### I. Adjournment:

- 1) Motion to adjourn

**ACTION TAKEN:** Upon a motion made by Mr. White, City Council voted unanimously to adjourn the meeting at 6:59 p.m.

Respectfully submitted,

**Bernadette A. Parduski, NCCMC, MMC**  
City Clerk

**O. Stanhope Anthony III**  
Mayor

**Minutes of March 5, 2018**