

MINUTES

Regular Meeting
City Hall Council Chamber

August 16, 2010
Monday, 6:00 p.m.

Present: Mayor W. Ted Alexander, presiding; Council Members Christopher H. (Chris) Mabry, O. Stanhope (Stan) Anthony, III, Jeanette D. Patterson, Dennis C. Bailey, Andrew L. Hopper, Sr.; City Manager Rick Howell, City Attorney Robert W. (Bob) Yelton, City Clerk Bernadette A. Parduski, MMC, Director of Human Resources Deborah (Deb) Jolly, Director of Utilities Brad R. Cornwell, PLS, EI, Police Chief Jeffrey H. (Jeff) Ledford, Fire Chief William P. Hunt, Director of Parks and Recreation Charlie Holtzclaw, Director of Development Services Brian L. Pruett, Director of Planning Services Walter (Walt) Scharer, AICP; and media representatives

Absent: Council Member Joel R. Shores, Jr.

Mayor Alexander called the meeting to order at 6:00 p.m. and welcomed all who were in attendance. Mr. Mabry gave the invocation and Allen Langley, Chair of the Parks and Recreation Advisory Board, led the *Pledge of Allegiance*.

A. Approval of agenda:

- 1) Motion to adopt the proposed agenda

ACTION TAKEN: Upon a motion by Mrs. Patterson, second by Mr. Anthony, City Council voted unanimously to approve the agenda as presented.

B. Special Presentation:

- 1) Recognition of the Mayor's Outstanding Volunteer Service Recipient for July 2010: Mabel and Morris Lacey

Mayor Alexander deemed to recognize Mabel and Morris Lacey who have been involved with the Food Ministry at Shelby Presbyterian Church for 26 years. They feed 60 to 100 individuals each Monday and each Thursday. Currently there are 15 volunteers who assist the Laceys.

The Mayor presented a framed certificate to Mr. Lacey on behalf of the City of Shelby. Mr. Lacey acknowledged and expressed his appreciation to all the past and present volunteers of the Food Ministry.

C. Public Comment: None

D. Public Hearing:

- 1) **Consideration of a proposed Incentive Agreement between the City of Shelby and Fox Distributing Co., Inc. for an economic development project**

Mr. Howell stated this public hearing was scheduled in accordance with North Carolina General Statutes by Council to consider the award of an industrial development incentive grant to Fox Distributing Co., Inc. The incentives are being offered for an anticipated net new valued investment of approximately \$750,000 over the next two years, which is to take place at 607 West Grover Street on the site of their existing facility. If approved, the agreement would provide an incentive grant valued at 40 percent of the previous year's taxes paid for up to five years. Mr. Howell concluded by stating the proposed Incentive Agreement is in keeping with the City's policy, the past practice of matching the percentage of incentive grant offered by Cleveland County, and the referenced statute.

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

Michael Chriswan, who resides at 107 Cameron Drive in Kings Mountain, North Carolina and is the President of the Cleveland County Chamber of Commerce, spoke in support of the proposed Incentive Agreement offered to Fox Distributing Co., Inc. Mr. Chrisawn stressed the importance of creating jobs and generating tax revenue for Shelby and Cleveland County. He requested Council to act favorably on the incentive grant and assist this existing industry.

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

ACTION TAKEN: Upon a motion by Mr. Hopper, second by Mr. Bailey, City Council voted unanimously to approve the Incentive Agreement, as proposed, between the City of Shelby and Fox Distributing Co., Inc.

E. Consent Agenda:

ACTION TAKEN: Mayor Alexander presented the consent agenda. Mr. Mabry made a motion to approve the consent agenda and each item as presented. After a second from Mr. Hopper, the consent agenda and following items were unanimously approved:

- 1) Approval of the Minutes of the Regular Meeting of August 2, 2010
- 2) Approval of Notice of Cancellation in the Regular Meeting Schedule of Shelby City Council
- 3) Adoption of an ordinance authorizing demolition of a dwelling located at 220 Dellinger Road: Ordinance No. 23-2010
- 4) Approval of a resolution authorizing American Legion World Series sign panels to be installed at "Welcome to Shelby City Limit" signs located on State-maintained roads: Resolution No. 59-2010
- 5) Approval of a resolution accepting and entering into an Agreement with NC Water Warn for Mutual Aid and Assistance for the City of Shelby Water and Wastewater Utilities: Resolution No. 60-2010

END CONSENT AGENDA

F. Unfinished Business:

- 1) Consideration of a resolution awarding the contract for construction of the PPG Meter Station and Washburn Switch Road Regulator Station: Resolution No. 61-2010

Mr. Howell introduced Resolution No. 61-2010 for Council's consideration. If approved, it would award the contract for a project to upgrade the gas meter station serving PPG Industries as well as to provide a better regulator station for the Washburn Switch Road area to Appling Boring Company of Forest City, North Carolina. Mr. Howell stated staff, along with consultant engineer, Heath and Associates, recommended accepting the bid from Appling Boring as proposed.

Mr. Cornwell added that completion of this project will finally allow staff to have the phases of the Lattimore Natural Gas Line Project completed which began in 2007. These new natural gas facilities will serve this area identified for industrial growth for many years to come.

Mr. Cornwell also mentioned the very competitive bid opening was held on August 4, 2010 and the apparent low bidder was Appling Boring Company in the amount of \$353,758.12. Both Heath and Associates and the City of Shelby have worked with Appling Boring in the past and have been well satisfied with their work. Mr. Cornwell concluded by stating the City has received a good proposal for this project from a reputable contractor.

Upon questioning, Mr. Howell responded to the lack of unit prices on Appling Boring's bid as being inclusive in the lump sum contract award.

Upon further questioning, Mr. Cornwell responded that an updated project estimate was completed in 2009 in order for the funding of this construction to be obtained through debt proceeds.

ACTION TAKEN: Upon a motion by Mr. Anthony, second by Mrs. Patterson, City Council voted unanimously to approve and adopt Resolution No. 61-2010 entitled, "A RESOLUTION AWARDED THE CONTRACT FOR CONSTRUCTION OF THE PPG METER STATION AND WASHBURN SWITCH ROAD REGULATOR STATION".

- 2) Consideration of a resolution authorizing selection of Gavel & Dorn Engineering based on qualifications for the Chestnut Street Area Sewer Project: Resolution No. 62-2010

Mr. Howell introduced Resolution No. 63-2010 for Council's consideration. If approved, it would authorize the negotiation and execution of a contract with Gavel and Dorn Engineering for the Chestnut Street Area Sewer Community Development Block Grant (CDBG) Project. Mr. Howell explained the procurement of engineering services through a Request for Qualifications (RFQ) process, as specified in the North Carolina General Statutes, to select firms qualified to provide such services required and thereafter to negotiate a contract for those services at a fair and reasonable fee with the best qualified firm.

Mr. Cornwell reminded Council of the funding accepted from the North Carolina Division of Community Assistance for a CDBG for sewer repairs and reconstruction of the Chestnut Street Area Sewer Project. Subsequently, City staff issued RFQs to professional engineering firms interested in providing design services and subsequently construction oversight. Mr. Cornwell said two proposals were received from engineering firms interested in performing the work associated with this project in accordance with North Carolina General Statutes and CDBG guidelines. City staff reviewed the proposals and graded them on the selection criteria. It was determined that Gavel & Dorn Engineering has the most experience with cured-in-place pipe (CIPP) technology and projects of this type and nature.

Upon questioning, Mr. Cornwell explained the CIPP process which is one of several trenchless rehabilitation methods used to repair existing pipelines. It has been utilized extensively in previous City projects and is cost-effective with a lifespan of approximately 35 to 40 years.

Mr. Howell added this project is estimated to cost approximately \$850,000 with \$750,000 being CDBG funds and a \$100,000 City match to be appropriated from Sewer Fund undesignated reserves. City staff is working to leverage as much grant funding as possible to accomplish the many needed sewer line rehabilitation and replacement projects that have been identified.

ACTION TAKEN: Upon a motion by Mrs. Patterson, second by Mr. Mabry, City Council voted unanimously to approve and adopt Resolution No. 62-2010 entitled, "A RESOLUTION AUTHORIZING SELECTION OF GAVEL & DORN ENGINEERING BASED ON QUALIFICATIONS FOR THE CHESTNUT STREET AREA SEWER PROJECT".

- 3) Consideration of a resolution authorizing the award of a contract for the construction of Phase I of the City Park Improvement Project: Resolution No. 63-2010

Mr. Howell began his presentation by providing a synopsis of the implementation and funding of the Comprehensive Parks and Recreation Master Plan adopted by Council in 2008. He reminded Council that the City undertook an extensive master planning process for its parks and recreation system during 2007 and 2008. The Master Plan recommendations addressed existing and future park and recreation needs for programming and facilities, including securing dedicated sources of revenue from local, state, federal, and private money. Staff developed a strategy for phased-approach implementation of the Master Plan through the Capital Improvement Program, which incrementally funds the development of the Plan components. Grant funding was a key component to the overall strategic plan. The North Carolina Parks and Recreation Trust Fund (PARTF) grant was the first step toward implementation of the Master Plan. However, the cost of the first phase of the City Park Improvement Project, which includes three multi-purpose ball fields with fencing and dugouts, a walking trail, horseshoe courts, a playground, a small picnic shelter, parking lot entranceway, sidewalks, site preparation, landscaping, planning costs, etc., was approximately \$1.3 million. In 2009 Council adopted a project budget ordinance authorizing the funding for this construction to be appropriated from undesignated reserves for \$806,231.00 together with \$500,000.00 from the PARTF grant for a total project budget of \$1,306,231.00.

Mr. Howell stated that if approved, Resolution No. 63-2010 would award the contract for construction of Phase I of the City Park Improvement Project to J. D. Goodrum Company of Cornelius, North Carolina in the amount of \$1,149,778.00. Mr. Howell noted that at the bid opening on August 3, 2010 the apparent low bidder was Ponder & Co., Inc. However, upon review of the

contractor's licensing at the time of bid, it was determined that Ponder & Co. did not possess the required license; therefore leading to the determination they were not responsive.

Prior to his presentation, Mr. Holtzclaw distributed a copy of the Shelby City Park Phase One site plan prepared by Woolpert. He reiterated Mr. Howell's statements and said the planning of this project has been long and meticulous in order to design and build a facility that will live up to the standards of the existing facilities. With the help of City staff and the close working relationship developed with our planners, Woolpert North Carolina, Mr. Holtzclaw felt the objective in design was accomplished. This new facility will be another major attraction that will complement all of the other amenities at City Park. Mr. Holtzclaw added that the total sum of the lowest responsive bidder is within the allocated budget, which will further enhance the project. He tied the City Park Improvement Project Phase I to the City's Strategic Growth Plan and the Comprehensive Pedestrian Plan as well. Mr. Holtzclaw acknowledged the impressive turnout by the baseball community, including players, youth coaches, Advisory Board members, City employees, and others, evident at this Council meeting in support of these additional ball fields.

Upon questioning, Mr. Holtzclaw described the two alternates chosen for this project including standard fenced dugouts and top dressing and sprigging of grass due to budget constraints, which will not detract from the overall project.

Upon further questioning, Mr. Howell responded that the new facility will not be lighted, with such amenities contingent upon the support of the community in future years.

Mr. Holtzclaw addressed the matter of the old ball fields being renovated for continued use, as well as the addition of two more ball fields, planned in a future phase of the Master Plan.

ACTION TAKEN: Upon a motion by Mr. Anthony, second by Mr. Hopper, City Council voted unanimously to approve and adopt Resolution No. 63-2010 entitled, "A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR THE CONSTRUCTION OF PHASE I OF THE CITY PARK IMPROVEMENT PROJECT".

A round of applause from the supportive audience followed Council's vote.

G. New Business: None

H. City Manager's Report: None

I. Council Announcements and Remarks:

- 1) Mayor Alexander expressed his appreciation to all those who surprised him on “a significant occasion in his life”, a milestone birthday, on Friday, August 13, 2010.

J. Adjournment:

- 1) Motion to adjourn

ACTION TAKEN: Upon a motion by Mr. Hopper, second by Mrs. Patterson, City Council voted unanimously to adjourn the meeting at 6:45 p.m.

Respectfully submitted,

Bernadette A. Parduski, MMC
City Clerk

W. Ted Alexander
Mayor

Minutes of August 16, A. D. 2010