

MINUTES

Regular Meeting
City Hall Council Chamber

March 18, 2019
Monday, 6:00 p.m.

Present: Mayor O. Stanhope Anthony III, presiding; Council Members David W. White, David Causby, Charles Webber, and Dicky Amaya; City Manager Rick Howell, ICMA-CM, City Clerk Bernadette A. Parduski, NC-CMC, IIMC-MMC, City Attorney Robert W. (Bob) Yelton, Assistant City Manager/Director of Finance Justin S. Merritt, MPA, Director of Human Resources Deborah C. (Deb) Jolly, Police Chief Jeffrey H. (Jeff) Ledford, Fire Chief William P. Hunt, MPA, EFO, Director of Public Works Daniel C. (Danny) Darst, Jr., Director of Parks and Recreation Charlie Holtzclaw, Director of Planning and Development Services Walter (Walt) Scharer, AICP; and Director of Cable Programming Greg Tillman of Cleveland Community College and The Video Factory

Absent: Council Members Eric B. Hendrick and Violet Arth Dukes

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. Amaya led the *Pledge of Allegiance*.

A. Approval of agenda:

- 1) Motion to adopt the proposed agenda

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

B. Special Presentations:

- 1) Certified Entrepreneurial Community (CEC) Program update – Steve Padgett, Director, Small Business Center, Cleveland Community College

Mr. Padgett is reporting to all 15 municipalities in Cleveland County and expressing his appreciation for their support of and participation in this program. He reminded all in attendance the Certified Entrepreneurial Community Program celebrated its second anniversary in December 2018.

Mr. Padgett stated the program is alive and well and conducting a great deal of activity particularly through referrals. At the Small Business Center, these referrals come through a wide variety of sources demonstrating the program

is well known throughout Cleveland County and the community is sharing the information.

Mr. Padgett announced through a collaborative project with the Isothermal Planning and Development Commission (IPDC), Mountain BizWorks, a regional small business development organization, based in Asheville, North Carolina, will open a pop-up office in Shelby. Mountain BizWorks is a non-profit which will provide their services of coaching, educating, and financing to start-up businesses as well as existing businesses in this area. The Mountain BizWorks office will be opened from April through May 2019 to serve Cleveland County.

Next, Mr. Padgett envisions the CEC program allowing Cleveland County to develop as an entrepreneurial magnet in which small business owners and aspiring entrepreneurs have access to resources needed to make their dreams a reality. He foresees this region where collaboration, creativity, innovation, and investment generate opportunity and prosperity for all.

Mr. Padgett concluded by expressing his appreciation to City Council and to Mr. Howell for their continued support and enthusiasm for the CEC Program.

Council received the information. No action was required.

2) Beating Recycle Contamination – Danny Darst, Director of Public Works

Mr. Darst begin his presentation by sharing statistical information relating to Shelby's Curbside Rollout Recycling Program. Since the program began in January 2012 to the present, recycling tonnage has steadily increased and in 2018 to more than 1,063 tons with an annual average of 88.66 tons per month. Mr. Darst noted the program has become very successful among residents, stating residential participation is at 77 percent and commercial participation is at 40 percent.

Mr. Darst explained contamination in the recycling industry has become a major problem worldwide. The first signs of trouble came in January 2018 when China banned the importation of several categories of recyclable waste. For decades, China had bought massive shipments of recyclable plastics, paper, cardboard, and other materials from countries around the world. China abruptly announced its intention to close its borders to this trash influx. The country banned the import of 24 categories of solid waste, including several kinds of scrap plastic and mixed paper. It also demanded that other waste materials, like cardboard and scrap metal, have only a very minimal percentage of contamination from food and other sources. Mr. Darst stated this has caused the recycle industry to restrict the product delivered to the transfer stations. These transfer stations are rejecting contaminated

loads and are asking for assistance to clean up the recycle stream. Mr. Darst further stated Recycle Shelby and Republic Services will be checking recycling carts for contamination. When carts are identified as contaminated, the newly designed City's tag and flyer to re-educate the customer, stating what can and cannot be recycled, will be attached to the cart. The contaminated materials must be removed and placed in the refuse cart.

Mr. Darst summarized several talking points and stressed that contamination is a reality but data and experience prove that the public can reduce it through consistent and sustained education and improvements in sorting technology. Education is the way to help encourage best practices and refine the public's sorting skills for the reason that recycling is still the right thing to do.

Council received the information. No action was required.

C. Public Comment: None

D. Public Hearings:

1) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina: Ordinance No. 17-2019

Mayor Anthony reported the public hearing would not be held due to the withdrawal of the application by the applicant, Spencer Borders.

2) Consideration of a resolution granting a Special Use Permit to Senior Total Life Care Inc., 101 T. R. Harris and Fallston Road and 103 T. R. Harris: Resolution No. 21-2019

Mayor Anthony reported the public hearing would not be held due to the withdrawal of the application by the applicant, Spencer Borders.

E. 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 Special Meeting of February 2, 2019

2) Approval of the Minutes of the Regular Meeting of February 18, 2019

- 3) Approval of a resolution approving the 2019 Local Government Agencies General Records Retention and Disposition Schedule recommended by the North Carolina Department of Natural and Cultural Resources: Resolution No. 22-2019
- 4) Approval of a resolution revising and amending the Safety Policies of the City of Shelby to provide for an updated Safety Policy and Safety Manual: Resolution No. 23-2019
- 5) Adoption of an ordinance amending the Code of Ordinances, City of Shelby, North Carolina, Chapter 32. Parks and Recreation, Article I. Section 32-1. Hours of Operation: Ordinance No. 18-2019
- 6) Adoption of an ordinance amending the Code of Ordinances, City of Shelby, North Carolina, Chapter 32. Parks and Recreation, Article II. Parks and Recreation Commission: Ordinance No. 19-2019
- 7) Adoption of an ordinance authorizing demolition of a dwelling (1206 Patterson Street): Ordinance No. 20-2019
- 8) Adoption of an ordinance authorizing demolition of a dwelling (714 Congress Street): Ordinance No. 21-2019
- 9) Adoption of an ordinance establishing a capital project ordinance and budgets for the City of Shelby Circuit 10-4 Reconductoring Project: Ordinance No. 22-2019
- 10) Adoption of a budget ordinance amendment for the City of Shelby's Airport T-Hangar Project: Ordinance No. 23-2019
- 11) Adoption of a budget ordinance amendment for the City of Shelby's Uptown Streetscape and Pedestrian Improvements Project: Ordinance No. 24-2019

END CONSENT AGENDA

F. Unfinished Business:

- 1) City of Shelby's W-5712A NC 180 and SR 2202 Water and Sewer Utility Relocation Project

Mr. Howell introduced Ordinance No. 25-2019 for Council's consideration. If approved, this ordinance would appropriate funding for the relocation of the City owned water distribution and sewer collection lines in and around the intersection of Joe's Lake Road and South Post Road in the southeastern

section of the City. The North Carolina Department of Transportation (NCDOT) has funded and is building a roundabout at this intersection. As such, the City is being required by NCDOT to relocate all of its utility infrastructure to accommodate the road work. This ordinance only affects the water and sewer systems. The work is estimated to cost \$232,711 and the City's share is \$90,052.75. The City will agree to allow NCDOT to include approved work within their construction contract. NCDOT will pay these costs up front and the City will reimburse its portion of the total cost once billed by NCDOT. The City's share is appropriated from the Water Fund and Sewer Fund capital reserves, respectively. Mr. Howell noted \$42,500.00 represents sewer location costs for a private force main sewer owned by Ingles Market. The City will seek reimbursement of those costs, however, no prior agreement exists between the City and Ingles.

Next, Mr. Howell introduced Resolution No 24-2019 for Council's consideration. The resolution authorizes the City to enter into a Utility Construction Agreement associated with Project W-5712A.

- a. Consideration of an ordinance establishing a capital project ordinance and budgets for the City of Shelby's W-5712-A NC 180 and SR 2202 Water and Sewer Utility Relocation Project: Ordinance No. 25-2019

ACTION TAKEN: Upon a motion made by Mr. Amaya, City Council voted unanimously to approve and adopt Ordinance No. 25-2019 entitled, "AN ORDINANCE ESTABLISHING A CAPITAL PROJECT ORDINANCE AND BUDGETS FOR THE CITY OF SHELBY'S W-5712A NC 180 AND SR 2202 WATER AND SEWER UTILITY RELOCATION PROJECT".

- b. Consideration of a resolution accepting and approving a utility relocation agreement for water and sewer between the City of Shelby and the North Carolina Department of Transportation for relocation of utilities in conflict with the interchange improvements at NC 180 and SR 2202 intersection: Resolution No. 24-2019

ACTION TAKEN: Upon a motion made by Mr. Amaya, City Council voted unanimously to approve and adopt Resolution No. 24-2019 entitled, "A RESOLUTION ACCEPTING AND APPROVING A UTILITY RELOCATION AGREEMENT FOR WATER AND SEWER BETWEEN THE CITY OF SHELBY AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR RELOCATION OF UTILITIES IN CONFLICT WITH THE INTERCHANGE IMPROVEMENTS AT NC 180 AND SR 2202 INTERSECTION".

- 2) City of Shelby's U-5775 NC 150 and US 74 Business Water and Sewer Utility Relocation Project:

Mr. Howell introduced Ordinance No. 26-2019 for Council's consideration. If approved, this ordinance would appropriate funding for the relocation of the City owned water distribution and sewer collection lines in and around the intersection of East Marion Street, Cherryville Road, and Peach Street. The North Carolina Department of Transportation (NCDOT) has funded and is realigning these intersections. As such, the City is being required by NCDOT to relocate all of its utility infrastructure to accommodate the road work. The ordinance only affects the water and sewer systems and the City's share is \$271,465.25. Under North Carolina General Statutes, the City is responsible for 25 percent of relocation costs and 100 percent of any betterment costs. With the relocation of the intersection, the City has elected to upsize the waterlines on Peach Street, Marion Street, and Cherryville Road in efforts to provide eventual looping of the distribution system in a long-term effort to increase flow distribution to East and Northeast Shelby. The City will agree to allow NCDOT to include approved work within their construction contract. NCDOT will pay these costs up front and the City will reimburse its portion of the total cost once billed by NCDOT. The City's share is appropriated from the Water Fund and Sewer Fund capital reserves, respectively. Mr. Howell noted this project was accelerated by NCDOT after the City agreed to provide \$300,000 towards construction several years ago.

Next, Mr. Howell introduced Resolution No 25-2019 for Council's consideration. The resolution authorizes the City to enter into a Utility Construction Agreement associated with Project U-5775.

- a. Consideration of an ordinance establishing a capital project ordinance and budgets for the City of Shelby's U-5775 NC 150 and US 74 Business Water and Sewer Utility Relocation Project: Ordinance No. 26-2019

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to approve and adopt Ordinance No. 26-2019 entitled, "AN ORDINANCE ESTABLISHING A CAPITAL PROJECT ORDINANCE AND BUDGETS FOR THE CITY OF SHELBY'S U-5775 NC 150 AND US 74 BUSINESS WATER AND SEWER UTILITY RELOCATION PROJECT".

- b. Consideration of a resolution accepting and approving a utility relocation agreement for water and sewer between the City of Shelby and the North Carolina Department of Transportation for relocation of utilities in conflict with the realignment of NC 150 and US 74 intersection: Resolution No. 25-2019

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to approve and adopt Resolution No. 25-2019 entitled, "A RESOLUTION ACCEPTING AND APPROVING A UTILITY RELOCATION

AGREEMENT FOR WATER AND SEWER BETWEEN THE CITY OF SHELBY AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR RELOCATION OF UTILITIES IN CONFLICT WITH THE REALIGNMENT OF NC 150 AND US 74 INTERSECTION”.

G. New Business: None

H. City Manager’s Report:

- 1) Mr. Howell informed Council the City has received approval from the North Carolina Transportation Board to add a portion of the County Home Road right-of-way to the City of Shelby Street System and Powell Bill listing for operation and maintenance.**
- 2) Mr. Howell informed Council that the Bank of the Ozarks has applied to the Cleveland County Historic Preservation Commission for designation as a local historic landmark.**
- 3) Mr. Howell mentioned the transfer of \$500,000 from the North Carolina Division of Aviation equates to \$450,000 of additional federal funds and a \$50,000 local match which will be utilized for the construction of a third 10-unit T-Hangar building at the Shelby-Cleveland County Regional Airport as approved. The City is now able to experience a significant reduction in construction costs compared to constructing this hangar as a separate project in the future. It was noted that all expenses related to this project are eligible for 90 percent Non-Primary Entitlement (NPE) grant funding via either existing grants or future annual NPE grants.**
- 4) Mr. Howell reminded Council the opening of Hanna Park and all related ceremonies and activities is set for March 30, 2019 at 10:00 a.m., 1655 McBrayer Springs Road.**
- 5) Mr. Howell made Council aware that dogs are prohibited in the City’s cemetery properties. There have been issues and concerns, which need to be addressed, with individuals who are not responsible pet owners.**

I. Council Announcements and Remarks:

- 1) Mayor Anthony made the following announcements:**
 - Shelby State of the Community Breakfast hosted by the Cleveland County Chamber on March 21, 2019 at 7:30 a.m., Don Gibson Theatre**
 - Cleveland Cup for all employees of Cleveland County, City of Shelby, and City of Kings Mountain on April 5, 2019 at 3:00 p.m.,**

Hanna Park

- 2) Mayor Anthony said he will issue a proclamation declaring March 22, 2019 as Gardner-Webb University Runnin' Bulldogs Day in Shelby, North Carolina when the team plays in the National Collegiate Athletic Association (NCAA) Division I Men's Basketball Championship Tournament.

J. Closed Session:

- 1) To approve the Minutes and General Account of the Closed Sessions of December 3, 2018, February 4, 2019, and February 18, 2019
- 2) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the City Council, including agreement on a tentative list of economic development incentives that may be offered pursuant to North Carolina General Statute 143-318.11 (a) (4)

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 topic met the statutory requirements for a closed session. The Mayor invited all Council members present along with Mr. Howell and Mrs. Parduski to attend. The motion passed unanimously and Council moved into closed session at 6:37 p.m.

Council returned to the regular session at 7:17 p.m.

K. Adjournment:

- 1) Motion to adjourn

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to adjourn the meeting at 7:18 p.m.

Respectfully submitted,

Bernadette A. Parduski, NCCMC, MMC
City Clerk

O. Stanhope Anthony III

Mayor

Minutes of March 18, 2019