Welcome and Call to Order by Mayor O. Stanhope Anthony III

~ Invocation ~

~ Pledge of Allegiance ~

A. Approval of agenda:

Discussion and revision of the proposed agenda, including consent agenda; adoption of an agenda

1) Motion to adopt the agenda as proposed or amended

B. Public Comment:

1

In accordance with City Council's policy, public comment is only taken at the second regular meeting each month. Any citizen who wishes to address Council must register with the City Clerk prior to 6:00 p.m. on the meeting night. The Mayor will call upon each individual during this portion of the meeting and will allow three (3) minutes to speak.

C. Public Hearings:

 Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina: Ordinance No. 38-2018

2

2) Consideration of a resolution and order permanently closing a section of County Home Road: Resolution No. 31-2018

14

3) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina: Ordinance No. 39-2018

29

4) Consideration of a resolution granting a Special Use Permit to Katherine Inc. and Cleveland Contractors Inc. for 500-506 West Dixon Boulevard and 718 Eastview Drive: Resolution No. 32-2018

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D. Consent Agenda:

Prior to approval and adoption of the agenda, a Council Member may move an item from the Consent Agenda to the regular agenda. Items remaining on the Consent Agenda will be considered collectively through a single motion and vote.

1)	Approval of the Minutes of the Special Meeting of May 29, 2018	61
2)	Approval of the Minutes of the Regular Meeting of June 18, 2018	71
3)	Approval of Special Event Permit Applications:	83
	a. Tucker's Run and Ride, requested date: September 8, 2018	85
	b. 9 th Annual Rhythm & Roots Run & Walk 5K & 10K, requested date: October 13, 2018	93
	c. The Official Liver Mush Festival of North Carolina locally known as the Mush, Music & Mutts Festival, requested dates: October 19 – 20, 2018	100
4)	Approval of a resolution accepting the infrastructure constructed within the right-of-way for the extension of T. R. Harris Drive into the City of Shelby Street System: Resolution No. 33-2018	107
5)	Approval of a resolution of intent to de-obligate funds for Building Reuse Community Development Block Grant: Resolution No. 34-2018	112
6)	Approval of a resolution awarding the contract for the interior renovations to the Utilities Operations Center Project: Resolution No. 35-2018	115
7)	Adoption of an ordinance authorizing demolition of a dwelling (301 Willow Lane): Ordinance No. 40-2018	123
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	9)	Adoption of an ordinance authorizing demolition of a dwelling (807 Tenda Place): Ordinance No. 42-2018	136
	10)	Adoption of an ordinance authorizing demolition of a dwelling (619 Lineberger Street): Ordinance No. 43-2018	143
	11)	Approval of a Notice of Cancellation in the Regular Meeting Schedule of Shelby City Council	150
Ε.	Un	finished Business:	
	1)	Consideration of appointments to City advisory boards and commissions:	152
		a. Zoning Board of Adjustment	153
	2)	Discussion of City Council action closing Royster Memorial Golf Course at City Park no later than November 1, 2018	155
F.	Ne	ew Business:	
	1)	Consideration of a resolution naming a new park facility in honor of the Hanna Family: Resolution No. 36-2018	156
	2)	Consideration of a resolution authorizing disbursement of travel and tourism funding for Fiscal Year 2018-2019: Resolution No. 37-2018	158
	3)	Consideration of a resolution authorizing disbursement of travel and tourism funding to the Cleveland County Arts Council for Fiscal Year 2018-2019: Resolution No. 38-2018	161
G.	Cit	ty Manager's Report	164
Н.	Со	ouncil Announcements and Remarks	164
I.	Ad	ljournment:	
		adjourn a meeting of City Council, a majority of the Council embers must vote for a motion to adjourn.	
	1)	Motion to adjourn	164

City of Shelby Agenda Item Summary July 16, 2018 City Hall Council Chamber

B. Public Comment:

In accordance with City Council's policy, public comment is only taken at the second regular meeting each month. Any citizen who wishes to address Council must register with the City Clerk prior to 6:00 p.m. on the meeting night. The Mayor will call upon each individual during this portion of the meeting and will allow three (3) minutes to speak.

City of Shelby Agenda Item Summary July 16, 2018 City Hall Council Chamber

C. Public Hearings

Agenda Item: C-1

1) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina: Ordinance No. 38-2018

(Presenting: Walter Scharer, Planning Director)

Summary of Available Information:

- ➤ Memorandum dated July 6, 2018 from Walter Scharer, Planning Director to Rick Howell, City Manager
- > General Application
- > Staff Report
- > Location Map
- > Zoning Map
- Planning and Zoning Board Minutes
- > Certified Recommendation
- > Notice of Public Hearing
- ➤ Ordinance No. 38-2018

City Manager's Recommendation / Comments

This time is scheduled on the agenda for City Council to conduct the required public hearing in accordance with the NC General Statutes. Following the conclusion of the hearing the Council may act on the item under consideration. After a careful review of the proposed rezoning application it appears to be prudent and reasonable for Council to approve the recommendations from staff and the Planning and Zoning Board. I would call attention to Mr. Scharer's memorandum noting that the zoning map amendment is in conformance with the City's current land use plan.

The following excerpt from the NC General Statutes is provided as a reminder as to the statutory guidance provided to Council when considering changes in zoning and development regulations.

§ 160A-383. Purposes in view.

Zoning regulations shall be made in accordance with a comprehensive plan. When adopting or rejecting any zoning amendment, the governing board shall also approve a statement describing whether its action is consistent with an adopted comprehensive plan and any other officially adopted plan that is applicable, and briefly explaining why the board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review.

After the conclusion of the public hearing City Council may act upon Ordinance No. 38-2018



Memorandum

To: Rick Howell - City Manager

From: Walter Scharer – Planning Director

Date: July 6, 2018

Subject: Requested zoning map amendment from R20 to NB at 919 Earl Road

Executive Summary of Issue - Background

This small parcel has a single family structure. Land uses in the area include multi-family, single family, and business.

Review and Comments

The Comprehensive Land Use Plan (2009) designates this area as Mixed Use and Corridor Revitalization.

Recommendation

This proposed zoning map amendment is consistent with the Comprehensive Land Use Plan. The Planning and Zoning Board recommends this proposed zoning amendment.

Please schedule a public hearing for this proposed zoning amendment at the next City Council meeting on July 16, 2018.

Attachments: Application, Staff Report, Zoning Map, Notice of Public Hearing, Planning and Zoning Board June 21, 2018 minutes, Certified P&Z Recommendation, and Ordinance



City of Shelby
Planning and Development Services Department

General Application

Address of Subject Property: 919 E	Arl Rd.
	2 32@ Yahoo.cor-
Relationship to Property: Owner Developer	r, Contractor, etc. Other:
Request for (Check all that apply): Annexation (Contiguous & Satellite) Change in Tenant/Building Use Site Plan Review & Zoning Permit Street Name Change Street/ROW Closing Conditional Use Permit or Special Use Permit UDO Text Amendment Zoning Map Amendment Conditional Use Map Amendment Zoning Permit or Home Occupation Permit	Project Information (Fill in applicable information): Parcel Number:
Oath: By signing, I hereby certify that all information to complete to the best of my knowledge. I understand the grounds for denial of my request or may result in future a Signature of Applicant	hat I have provided in this application is correct and nat providing false or incomplete information may be
Dan Hamman Réceived by:	5/10/2018 Date

Staff Report

To: Shelby Planning & Zoning Board Date: June 6, 2018 From: Walter Scharer Meeting: June 21, 2018

Planning Director File: #1090

OWNER/APPLICANT: Robert Crawford LOCATION: 919 Earl Road PARCEL ID #: 26682

PRESENT ZONING: R20 REQUESTED ZONING: Neighborhood Business (NB)

SURROUNDING ZONING: North: GB South: R20 East: GB West: R20

UTILITIES: Water: Yes Sewer: No Floodplain: No Watershed: No

ANALYSIS: This .68 Acre property is located at 919 Earl Road. Currently a single family dwelling is located on the property. Land uses in the area include single family dwellings, multi-family dwellings, and various commercial uses.

The R20 Residential District is primarily intended to accommodate very low density single-family detached dwellings, modular homes, two-family dwellings, and manufactured homes on individual lots in areas that generally do not have access to public water supplies and are dependent upon septic tanks for sewage disposal. Maximum densities within the R20 District are approximately 2 dwelling units per gross acre for single-family and two-family dwellings. Manufactured home parks are permitted within the R20 District by conditional use permit.

The NB Neighborhood Business District is established as a district in which to allow small, limited retail service land uses that provide goods and services primarily to surrounding residential neighborhoods. Permitted residential uses include single-family detached dwellings, modular homes, apartments, townhomes, and condominiums. Residential uses are permitted at the same density and according to the same dimensional requirements as the R6 Residential District. The major objectives of this district are to encourage the location of convenience retail establishments, professional services, and professional offices so as to be as compatible as possible with surrounding residential uses; discourage intensive land uses which require large amounts of land area; and limit the location of large vehicular traffic-generating uses to major streets.

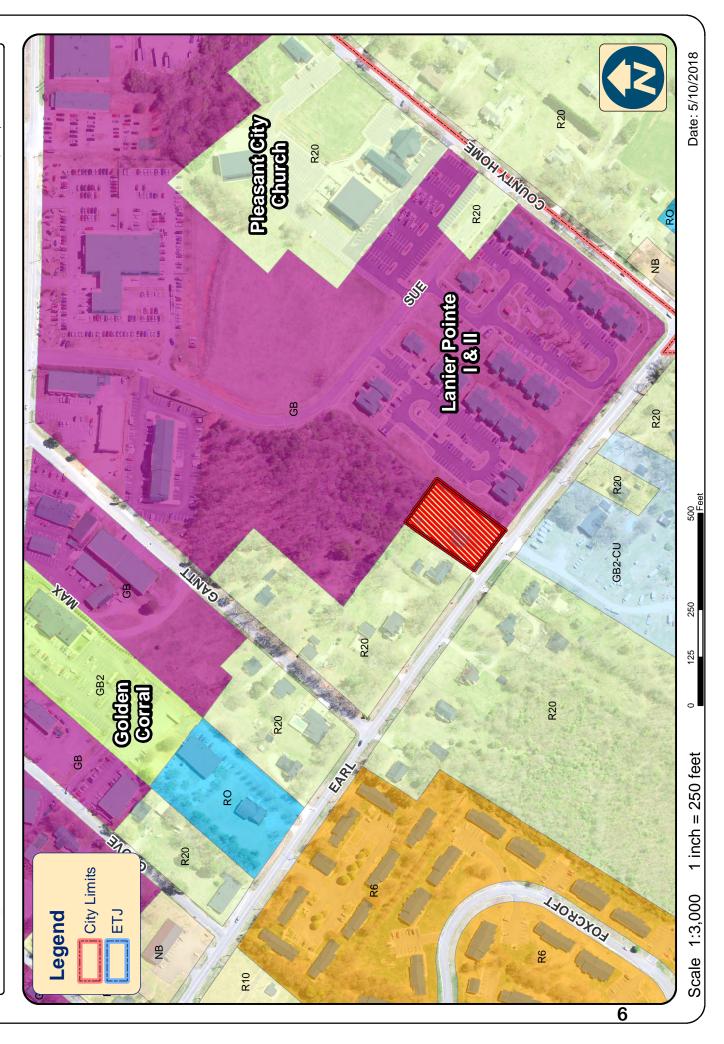
STAFF COMMENTS: The Comprehensive Land Use Plan for this area designates the site as Corridor Revitalization and Mixed Use. A mixed use area is intended to concentrate a mix if commercial uses and higher density residential uses. Corridor revitalization areas are portions of heavily traveled corridors that either, have a large presence of automobile oriented retail uses or declining uses that leave these areas as blighted or under-utilized. Land uses in such areas could include a mix of retail, office and residential with higher intensity uses close to the intersection of major roads.

The proposed zoning map amendment is consistent with the Comprehensive Land Use Plan.

Shelby

Zoning Map 919 Earl Rd

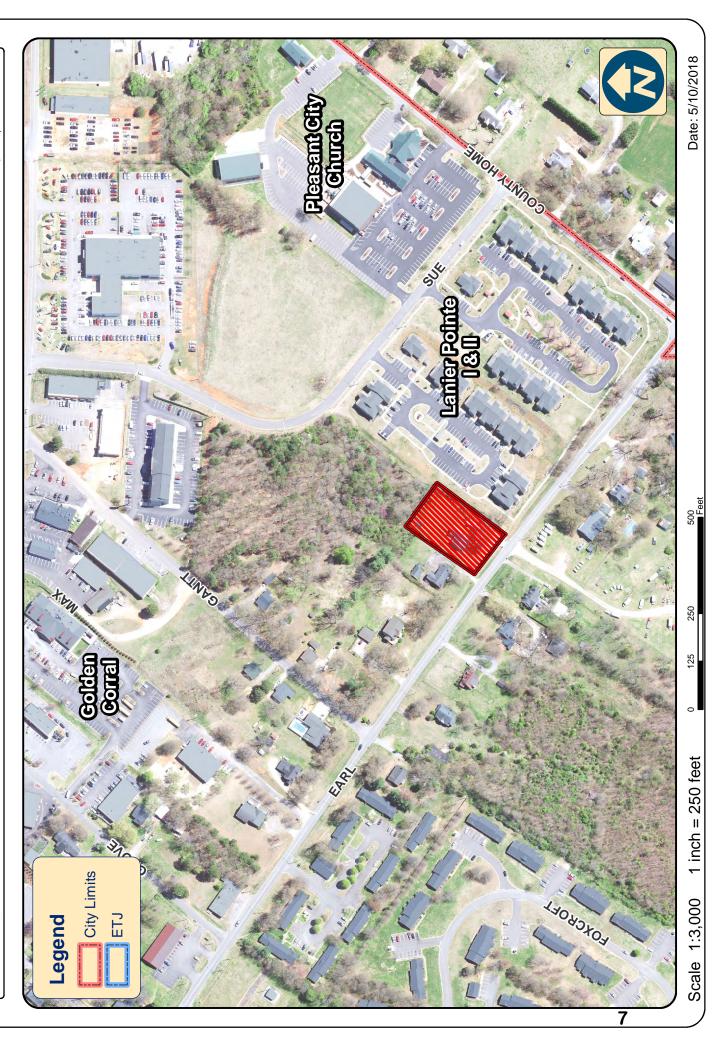
Map Information:
Datum: NAD 1983
Coordinate: State Plane
North Carolina (Netsr)
Projection: Lambert Conformal Conic
US National Grid
Grid Zone Designation (GZD): 175
100,000m Square ID: WV/MU





Location Map 919 Earl Rd

Coordinate: State Plane
North Carolina (Meeta)
Projection: Lambert Conformal Conic
US National Grid Cone Designation (GZD): 17S
100 n0tm Square ID: MV/MI)





CITY OF SHELBY PLANNING AND ZONING BOARD MINUTES June 21, 2018

City of Shelby Utilities Operations Center Utilities Operations Break Room 824 W. Grover St., Shelby, NC

Item 1. Call to Order/Roll Call

Chairman Peeler called the meeting to order at 12:15 PM and noted that a quorum was present.

Board Present: Rick Washburn, Charles Hamrick, Marlene Peeler, Mike Royster, Emanual Hunt, Jim Martin, Jeff Aderholt, Mark Carter, and Scott Bankhead.

Staff Present: Walt Scharer (Planning Director) and Darin Hallman (Planner)

Item 2. Approval of the Minutes for the May 17, 2018 meeting

Chairman Peeler asked if there were any questions or comments about the May 17, 2018 minutes. The minutes were approved as submitted.

Item 3. Proposed Zoning Map Amendment 500-506 West Dixon Boulevard

Mr. Scharer presented this proposed zoning map amendment. These properties are adjacent to Huxley Village, a retail and service center. Land uses in the area include Single Family Dwellings, Commercial Uses and Churches. The subject property has been zoned NB since zoning was first enacted in Shelby in the early 1950s. This property was likely zoned NB due to its direct proximity with single family dwellings.

The Comprehensive Land Use Plan currently has this area depicted as a commercial corridor revitalization area. Corridor revitalization areas are portions of heavily traveled corridors that either, have a large presence or automobile oriented retail uses or declining uses that leave these areas as blighted or under-utilized. Land uses in such areas could include a mix of retail, office, and residential with higher intensity uses close to the intersection of major roads. The development for in these areas should respond to the surrounding conditions and land uses. A corridor going through an urban setting could be redeveloped as an urban arterial with buildings fronting the street, sidewalks and possibly on-street parking.

The NB Neighborhood Business District is designed to allow small, limited retail service land uses that provide goods and services primarily to surrounding residential neighborhoods. Permitted residential uses include single-family detached dwellings and multifamily dwellings with the same density requirements found in the R6 Zoning District. The major objectives of this district are to encourage the location of convenience retail establishments, professional services, and professional offices so as to be as compatible as possible with surrounding lower density residential uses; discourage intensive land uses which require large amounts of land area; and limit the location of large vehicular traffic-generating uses to major streets.

The GB Business District is established as a district in which to accommodate a wide range of retail; business, professional, and personal services; office; and limited wholesale and warehousing uses. Areas zoned as GB are generally located on the fringe of the central business district and along major highway corridors.

This proposed zoning map amendment is for GB-CU. This proposed zoning map amendment is consistent with the Comprehensive Land Use Plan. The applicant proposes all the permitted uses in the Neighborhood Business Zoning District and Automobile Rentals as the conditional uses.

Motion: Mr. Carter made the motion to recommend to City Council approval of this proposed zoning map amendment

from LI to R6.

Second: Mr. Royster.

Action: This motion passed unanimously.

Item 4. Proposed Zoning Map Amendment 919 Earl Road

Mr. Scharer presented this proposed zoning map amendment. This .68 Acre property is located at 919 Earl Road. Currently a single family dwelling is located on the property. Land uses in the area include single family dwellings, multifamily dwellings, and various commercial uses.

The R20 Residential District is primarily intended to accommodate very low density single-family detached dwellings, modular homes, two-family dwellings, and manufactured homes on individual lots in areas that generally do not have access to public water supplies and are dependent upon septic tanks for sewage disposal. Maximum densities within the R20 District are approximately 2 dwelling units per gross acre for single-family and two-family dwellings. Manufactured home parks are permitted within the R20 District by conditional use permit.

The NB Neighborhood Business District is established as a district in which to allow small, limited retail service land uses that provide goods and services primarily to surrounding residential neighborhoods. Permitted residential uses include single-family detached dwellings, modular homes, apartments, townhomes, and condominiums. Residential uses are permitted at the same density and according to the same dimensional requirements as the R6 Residential District. The major objectives of this district are to encourage the location of convenience retail establishments, professional services, and professional offices so as to be as compatible as possible with surrounding residential uses; discourage intensive land uses which require large amounts of land area; and limit the location of large vehicular traffic-generating uses to major streets.

Mr. Scharer noted the Comprehensive Land Use Plan for this area designates the site as Corridor Revitalization and Mixed Use. A mixed use area is intended to concentrate a mix if commercial uses and higher density residential uses. Corridor revitalization areas are portions of heavily traveled corridors that either, have a large presence of automobile oriented retail uses or declining uses that leave these areas as blighted or under-utilized. Land uses in such areas could include a mix of retail, office and residential with higher intensity uses close to the intersection of major roads.

The proposed zoning map amendment is consistent with the Comprehensive Land Use Plan.

Motion: Mr. Royster made the motion to recommend to City Council approval of this proposed zoning map amendment from R20 to Neighborhood Business (NB).

Second: Mr. Martin.

Action: This motion passed unanimously.

<u>Item 5.</u> <u>Bicycle/Pedestrian Plan Steering Committee Representative</u>

Mr. Scharer stated there is a need to have a Planning and Zoning Board member on the City's upcoming Bicycle/Pedestrian Plan effort. Discussion Followed. Mark Carter volunteered. There were no objections.

Item 6. Motion to adjourn.

Being no other business, Chairman Peeler adjourned the meeting at 12:37 pm.



Certified Recommendation City of Shelby Planning & Zoning Board

Case File: 1090

Amendment: A Zoning Map Amendment for property located at 919 Earl Road with PIN #: 26682

from R20 zoning district to Neighborhood Business (NB).

Recommendation: The Planning and Zoning Board recommends approval of the proposed

zoning map amendment for property located at 919 Earl Road with PIN #:

26682 from R20 zoning district to Neighborhood Business (NB).

Findings &

Reasons: 1. The proposed zoning map amendment is consistent with the Comprehensive Land Use

Plan.

Motion: Mr. Carter made the motion to recommend to City Council approval of this proposed zoning

map amendment from R20 zoning district to Neighborhood Business (NB).

Second: Mr. Royster.

Action: This motion passed unanimously.

Walter Salvare

Signatures: Walter Scharer Marlene Peeler

Planning and Development Director Planning and Zoning Board Chair

D + (100/0010

Date: 6/22/2018 Date: 6/22/2018

NOTICE OF PUBLIC HEARING APPLICATION #: 1089-2018 ZONING MAP AMENDMENT

The City Council of Shelby, North Carolina will conduct a public hearing during its regular meeting at 6:00 p.m., Monday, July 16, 2018 in the City Council Chambers, City Hall located at 300 South Washington Street, Shelby, North Carolina. City Council will consider a proposed zoning map amendment from R20 Zoning District to Neighborhood Business (NB) Zoning District for property located at 919 Earl Road with the Cleveland County Parcel Number 26682.

A more detailed description and map of this property are available for public inspection in the Planning and Development Services Department located at 315 South Lafayette Street, Shelby, North Carolina, during regular business hours, 8:00 AM until 5:00 PM. Also, you can call (704) 484-6829 for more information.

The City Council may change the existing zoning classification of the entire area covered by the petition or any part thereof, without the withdrawal or modification of the petition or further publication of notice.

Persons interested in being heard on this matter are invited to comment on the proposed rezoning at the hearing, whether for or against. Comments may be presented orally at the hearing, in writing prior to the hearing, or both.

Members of the public with special needs wishing to attend this meeting should call the City Clerk (704 484-6800) at least 24 hours prior to the meeting to request assistance.

Bernadette A. Parduski, NC-CMC, IMC-MMC City Clerk

The Shelby Star:

Please publish this notice as a legal line ad on TUESDAY, July 3, 2018 and repeat the same ad on TUESDAY, July 10, 2018.

Mail invoices with affidavits to Walter Scharer, City of Shelby, PO Box 207, Shelby, NC 28151. Thank you.

ORDINANCE NO. 38-2018

A PROPOSED ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF SHELBY, NORTH CAROLINA

WHEREAS, the City of Shelby has received an application requesting the rezoning of property located within the City or its Area of Extraterritorial Jurisdiction; and,

WHEREAS, the Shelby Planning and Zoning Board has reviewed said application for a zoning change and has made its findings and recommendations to City Council; and,

WHEREAS, the Shelby Planning and Zoning Board found that the zoning change is inconsistent with the Comprehensive Land Use Plan; and,

WHEREAS, in accordance with GS 160A-364, a public hearing on this proposed rezoning was held by City Council on July 16, 2018 after due publication of said hearing as required by law; and,

WHEREAS, after hearing all who wished to be heard on this matter and upon review of the findings and recommendations of the Planning and Zoning Board, City Council now desires to act on this matter:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHELBY, NORTH CAROLINA:

Section 1. This zoning change is consistent with the City of Shelby Comprehensive Land Use Plan.

Section 2. In accordance with Chapter 160A, Article 19 of the North Carolina General Statutes, as amended, the Shelby Unified Development Ordinance and Shelby Zoning Map (Appendix A of the Shelby City Code), 919 Earl Road is hereby amended from R20 zoning district to Neighborhood Business Zoning District. Said area of zoning is more fully described as the parcels listed by the Cleveland County Tax Office as Parcel Identification Number 26682.

Section 3. The City Clerk of the City of Shelby is hereby authorized and directed to cause the provisions of Section 2 of this ordinance to be properly codified, and the City Clerk is further authorized and directed to cause her official records and the Official Zoning Map of the City of Shelby to be properly amended to reflect the approved zoning changes.

July 16, 2018 Page 2	
Section 4. This ordinance shall become effective u	pon its adoption and approval.
ADOPTED AND APPROVED this the 16th day	of July, 2018.
	O. Stanhope Anthony III Mayor
ATTEST:	
Bernadette A. Parduski, NC-CMC, IIMC-MMC City Clerk	
APPROVED AS TO FORM:	
	_

Ordinance No. 38-2018

Robert W Yelton City Attorney

City of Shelby Agenda Item Summary July 16, 2018 City Hall Council Chamber

Agenda Item: C-2

2) Consideration of a resolution and order permanently closing a section of County Home Road: Resolution No. 31-2018

(Presenting: Walter Scharer, Planning Director)

Summary of Available Information:

- ➤ Memorandum dated July 9, 2018 from Walter Scharer, Planning Director to Rick Howell, City Manager
- General Application
- ➤ Letter from owners of property
- ➤ Copy of Resolution No. 29-2018
- ➤ Notice of Public Hearing
- Location Map
- Survey of property
- > Easement Deed
- Resolution No. 31-2018

City Manager's Recommendation / Comments

This item is placed on City Council agenda to allow City Council to hear public comment on a petition for road closure from property owners on both sides of a section of County Home Road located between the frontage road of US Hwy 74 and Kings Road (see map). The public was previously notified via public notice appearing for 4 consecutive weeks in the Star that it is the City's intent to consider permanent closure of this road section based upon the petition submitted by property owners.

I would note that the City does have a waterline located within this NCDOT street right of way and that the petitioning owners have agreed to grant the City an easement so that it can remain in place. The easement will be required of the landowner. If this waterline must be relocated for any reason in the future that cost would fall upon the property owner and/or developer unless otherwise authorized by City Council. The City does intend to reserve an easement for said waterline as authorized by statute. As noted previously NC General Statute 160A-299 provides that a City Council must conduct this public hearing process and subsequently adopt the resolution before it can proceed to the NC Department of Transportation Board.

Staff has reviewed this request. In 2017 the City in consultation with the NCDOT conducted a Traffic Impact Analysis. A copy is included in your agenda packet.

After the conclusion of the public hearing City Council may act upon Resolution No. 31-2018



Memorandum

To: Rick Howell - City Manager

From: Walter Scharer – Planning Director

Date: July 9, 2018

Subject: Request to close a section of County Home Road North of US 74 Bypass

Executive Summary of issue – Background

The owners of the property adjacent to County Home Road have petitioned the City of Shelby to permanently close the right of way and the road. A location map and surveyor's plat showing this site is attached.

Review and Comments

On June 18, 2018 City Council approved Resolution No. 29-2018, declaring the intent to close this section of County Home Road and establish a public hearing for this right of way closing on July 16, 2018. The resolution of intent was published once a week for 4 weeks in the Shelby Star and the abutting property owners were notified of this right-of-way closing by certified mail and the notice of public hearing was posted in two places in the affected area.

Although City Council may pass this resolution recommending closing this section of County Home Road, this is a North Carolina State Road. Therefore, the final closing authority rests with the North Carolina Board of Transportation.

Recommendation

Please schedule a public hearing for this right of way and road closing on the July 16, 2018 Council agenda.

Attachments: Application, Petition, Resolution of Intent to Close a section of County Home Road, Public Hearing Notice, Location Map, Resolution Order to Close a section of County Home Road, Plat, and Utility Easement Document.



City of ShelbyPlanning and Development Services Department

General Application

Address of Subject Property:	County Home Road between Highway 74 and Kings Road					
Applicant(s) Name: SHELBY HOSPITALITY GROUP LLC						
Address: 217 EAST TREMONT AVE						
CHARLOTTE						
Email: DBARKER@	CATELLUSGROU	P.COM				
Phone: 704.332.7052	2					
SHELBY HOSDI	TALITY ODOLID I	10				
Owner(s) Name: SHELBY HOSPI						
Email: DBARKER@CA	TELLUSGROUP.	JOIN .				
Phone: 704.332.7052						
Relationship to Property: Owne	er Developer,	Contractor, etc. Other: Adjacent Property Owner				
Request for (Check all that apply):		Project Information (Fill in applicable information):				
Annexation (Contiguous & Satell	ite)	Parcel Number:				
Change in Tenant/Building Use Site Plan Review & Zoning Perm	.14	Proposed Zoning:				
Street Name Change	ι	Proposed Land Use:				
Street/ROW Closing		Approx. Building Sq. Ft.:				
Conditional Use Permit or Special UDO Text Amendment	al Use Permit	Approx. Project Acreage:				
Zoning Map Amendment		Business Name:				
Conditional Use Map Amendmer						
Zoning Permit or Home Occupat	ion Permit					
Provide a detailed description of the	proposed project.	Attach additional pages or documentation if necessary				
Oath: By signing I bereby sedific	hat all information	that I have previded in this - I'm				
complete to the best of my knowled	lge. I understand t	that I have provided in this application is correct and that providing false or incomplete information may be				
grounds for denial of my request o	r may result in futu	ure action by the City Council to revoke the permit.				
Shid		4/3/18				
Signature of Applicant		Date				
D 1 11						
Received by:		Date				

February 28, 2018

Mr. Walter Scharer
P.O. Box 207
Shelby, North Carolina 28151

RE: County Home Road Closure

Dear Mr. Scharer,

Pursuant to North Carolina General Statute 160A-299, we, the owners of property adjacent to County Home Road, as shown on the attached plat, do hereby petition the City of Shelby to permanently close that section of the street.

If you have any questions, please contact me at 704-332-7052.

Thanks!

Sincerely,

Chris Dischinger, Manager Shelby Hospitality Group LLC CD Shelby, LLC, Manager Member

RESOLUTION NO. 29-2018

A RESOLUTION DECLARING THE INTENT OF THE CITY COUNCIL OF THE CITY OF SHELBY TO CONSIDER THE PERMANENT CLOSURE OF A SECTION OF COUNTY HOME ROAD

WHEREAS, North Carolina General Statute 160A-299 authorizes the City Council of the City of Shelby to permanently close public streets and alleys within its jurisdiction; and,

WHEREAS, the City has received a request and petition from abutting property owners to permanently close a section of County Home Road; and,

WHEREAS, the City Council considers it advisable to conduct a public hearing for the purpose of giving consideration to this proposal.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHELBY, NORTH CAROLINA:

Section 1. That a public hearing on the matter will be held at 6:00 PM, on the 16th day of July, 2018 in the Council Chamber at the City Hall in Shelby, North Carolina to consider an order to close a section of County Home Road.

Section 2. The City Clerk is hereby directed to publish this Resolution of Intent once a week for four (4) successive weeks prior to the public hearing in *The Shelby Star*.

Section 3. The City Clerk is further directed to transmit by certified mail, return receipt requested, to each owner of property abutting on said street a copy of this Resolution of Intent and shall cause a notice of the Public Hearing to be prominently posted in at least two places along the subject street.

Section 4. This Resolution of Intent shall become effective upon its adoption and approval.

Adopted and approved this the 18th day of June 2018.

Stanhope Anthony III

Mayor

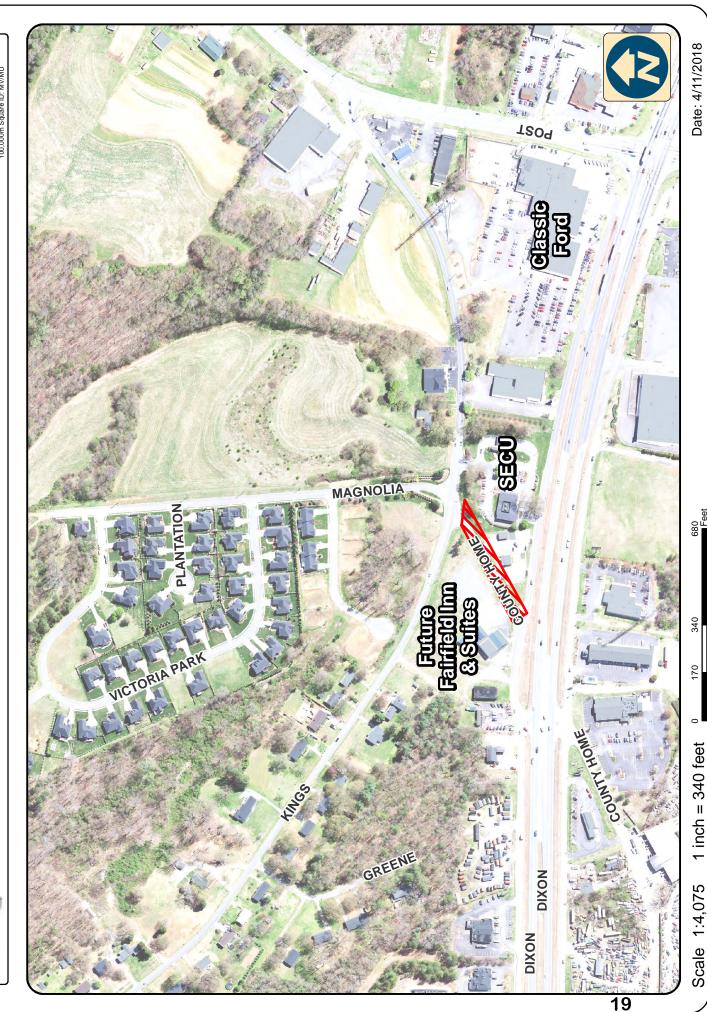
ATTEST:

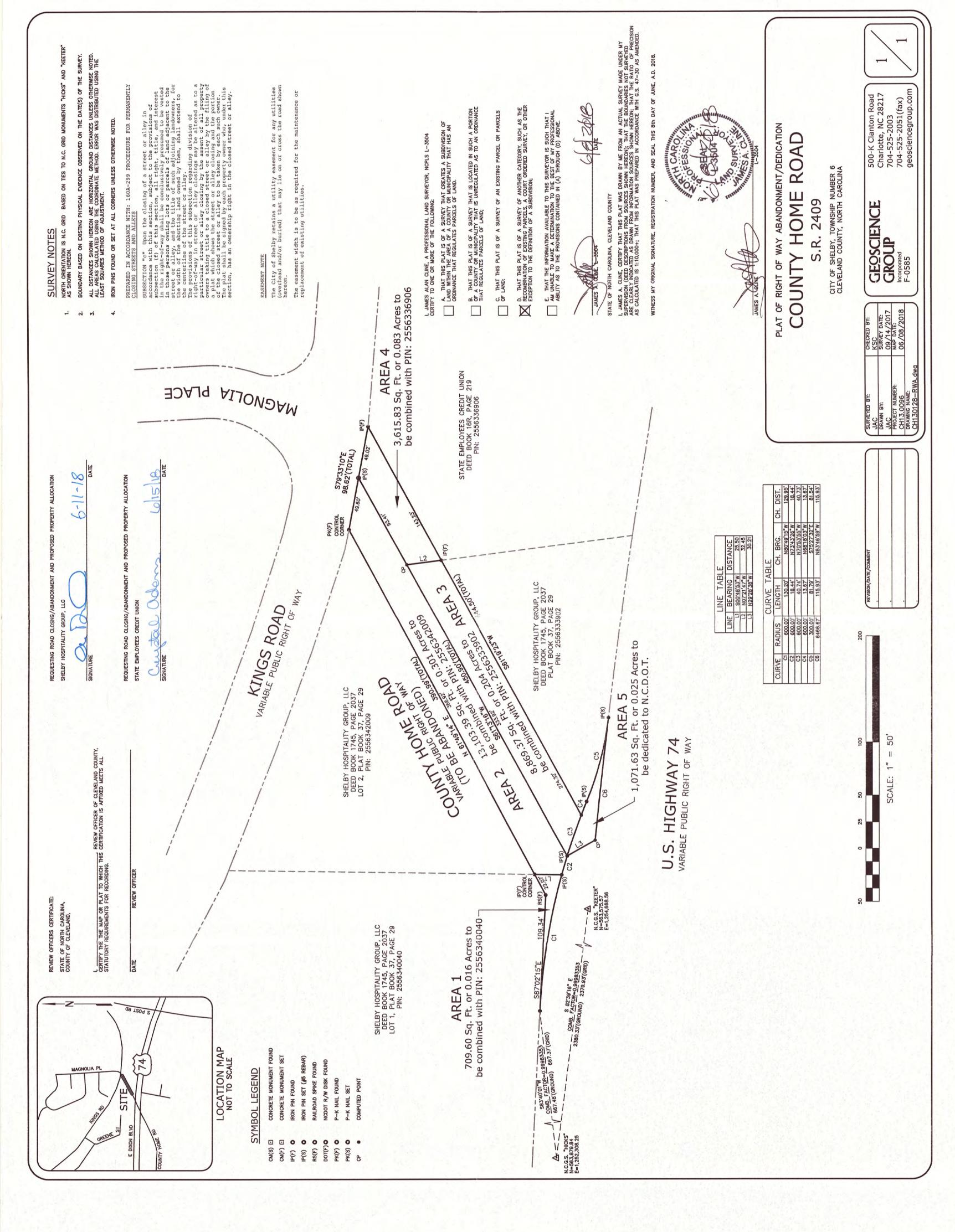
Bernadette A. Parduski, NC-CMC, IIMC-MMC

City Clerk



Location Map County Home Road





NO	DTH	CA	DOL	INIA

EASEMENT FOR UTILITIES

CLEVELAND COUNTY

THIS DEED OF EASEMENT made this	15t	day of	March	2018,	By and between
Shelby Hospitality	Group LLC	GRA	NTOR(S)	Hereafter co	ollectively, "OWNER(S)" and
The City of Shelby, North Carolina,	GRANTE	E, hereaf	ter "GRANTE		onescivery, Ovviterior and

WITNESSETH:

Owner(s) certifies they are all of the owners of certain real estate, hereafter referred to as "easement premises" described on Exhibit A to this instrument; and the Parties have agreed it is in their best interests for Owner to grant and Grantee to accept a permanent easement in the easement premises for the purposes stated herein below;

THEREFORE, in consideration of the foregoing, the mutual covenants contained herein, the parties agree as follows:

- 1. Grant. Owner hereby grants and conveys to Grantee a permanent easement in and upon the easement premises in the area described on Exhibit A to this instrument and attached hereto. Such area is hereafter referred to as the "easement area". The following rights are also granted: the right, but not the obligation, to clear the easement area and keep it cleared of all trees, undergrowth, or other obstructions; the right, but not the obligation, to trim and cut and keep trimmed and cut all dead, weak, leaning, or dangerous trees or limbs outside the easement area which might interfere with or fall upon the lines or systems of the Grantee; and the right to relocate said facilities, systems of communications or related services on said lands to conform to any future highway relocation, widening, or improvements.
- 2. Purpose. The Grantee and its assignees, if any, are hereby further granted the right within the easement area to construct, operate, maintain, improve, modify, replace, or abandon in place any equipment necessary or convenient to the operation of the following utilities services or related activities (only those services or activities indicated by an "X" shall apply):

X	Water	***************************************	Electrical		Natural Gas		Sanitary Sewer
	Communications Other	***************************************	Sidewalk			-	,

together with rights of ingress and egress across all adjoining lands of Owner as may be necessary to the reasonable exercise of the rights herein granted:

- **3. Construction Easement.** Owner further grants to Grantee a **temporary construction easement** over the easement premises and outside of the actual or "approximate" location of the easement area for the purpose of installing, constructing, replacing or removing, as necessary from time to time, the equipment required or desired for the uses and purposes specified above.
- 4. Owners Rights Reserved. Owner reserves the right to use the easement area in any manner which will not damage, impair, prevent or interfere with Grantee's equipment or its exercise of the rights granted hereunder. Owners will not build or place any structure upon or substantially alter the easement area without the advance consent of the Grantee.
- **5. Assignment.** Grantee may fully or partially transfer this easement without consent of or compensation to Owners. In the event of transfer, Owner's interests shall be protected to the same extent as hereunder.
- **6.** Appearance. After completion of installation, construction, repair or removal of any equipment or device, the Grantee at its sole expense will restore the appearance of the easement area as nearly as reasonably possible to that which existed immediately prior to such activity.
- 7. Release. Owner hereby releases Grantee from all claims or rights of action now or hereafter accrued or acquired by them, due to injuries to any part of the easement premises or improvements thereon, resulting from Grantee's lawful activities carried out pursuant to this Agreement.
- 8. Binding Effect. All rights, title and privileges and all benefits and burdens herein granted or imposed shall run with the land (the easement premises) and shall be binding upon and inure to the benefit of the named parties, their respective heirs, personal representatives, successors and assigns.
- 9. Attachments. Exhibits "A" & "B" to this instrument, if attached, are incorporated herein by this reference as fully as if set out in the body of the text.
- 10. Other Terms. This writing contains all the terms of agreement.

TO HAVE AND HOLD the above described real property interest to the Grantee in perpetuity for the uses and purposes herein described. Owner covenants with Grantee that Owner is seized of the premises in fee simple, has the right to convey the Easement rights contained herein and will warrant and defend this conveyance against the lawful claims of all persons whomsoever, except for the following **EXCEPTIONS** to which Owners' title is subject: **NONE**.

IN WITNESS WHEREOF, the Owner(s) have set their hands the date above written.

OWNER(S)

Shelby Hospitality Group LLC A North Carolina Limited Liability Company

Chris Dischinger, Manager Shelby Hospitality Group LLC CD Shelby, LLC, Manager Member

Attested:_____

STATE OF NORTH CAROLINA

COUNTY OF CLEVELAND

1, Jill Jones	, a Notary Public of the County of Cleveland and State
of North Carolina, do hereby certify that	hris Dischunger
personally appeared before me this day and a	acknowledged the due execution of the foregoing Deed of Easeme
together with attached Exhibits.	
WITNESS my hand and official seal this	18 day of March 2018.
Notary Public	(SEAL)
)	JONES TONES
	PUBLIC OF ARY ID TO TARRY ID TO TARRE IN THE TARRET IN
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My Commission Expires: 6-27-18

CLEVELAND COUNTY

EXHIBIT "A" TO EASEMENT FOR UTILITIES DATED 3/1, 20 18

	EXHIBIT "A" TO EASEMENT FOR UTILITIES by and between					
Shelby	Hospitality Group, Ll	LC AND	ID City of Shelby, North Carolina			
	Dated:	3/1/	2018			

Legal Description

Being a portion of Lots 1 & 2 as shown in Plat Book 38, Page 29 located in the City of Shelby, Township Number 6, Cleveland County, North Carolina and being more particularly described as follows:

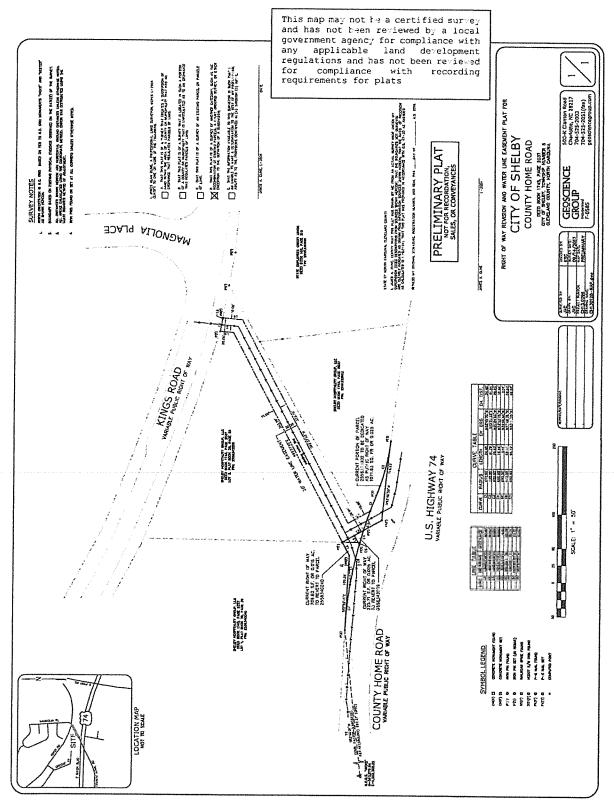
BEGINNING at an existing iron pin, the southerly end of the dividing line between Lots 1 & 2, as shown in Plat Book 38, Page 29, said iron pin also being located N61°49′14″E, 22.07 feet from a railroad spike in the pavement, a control corner on the aforementioned plat; thence N 62°37′ 02" E, 343.59 feet to a point; thence N 5°22' 51 E, 19.89 feet to an existing iron pin located on the southerly margin of Kings Road; thence with the southerly margin of Kings Road, S78°47'08"E, 18.60 feet to an existing p-k nail in the pavement; thence, continuing with the southerly margin of Kings Road, \$79°33'10"E, 1.51 feet to a point; thence, leaving the southerly margin of Kings Road, S5°22'51"W, 28.78 feet to a point; thence S62°37'02"W, 333.75 feet to a point; thence, S29°28'38"E, 36.74 feet to a point; thence with the arc of a circular curve to the left, said curve having a radius of 600 feet, an arc length of 29.93 feet and being subtended by a chord with a bearing of N71°24'52"W and a distance of 29.93 feet to a point; thence N29°28'38"W, 15.21 feet to a point; thence S62°37'02"W, 15.47 feet to a point; thence with the arc of a circular curve to the left, said curve having a radius of 600 feet, an arc length of 59.83 feet and being subtended by a chord with a bearing of N77°48'36"E and a distance of 59.80 feet to the point; thence S88°00'36"E, 42.92 feet to an existing railroad spike in the pavement; thence N61°49'14"E, 22.07 feet to an existing iron pin, the point and place of BEGINNING containing 8,633.81 square feet or 0.198 acres more or less.

NORTH CAROLINA

CLEVELAND COUNTY

EXHIBIT "B" TO EASEMENT FOR UTILITIES DATED 31 20

Reference showing easement premises as shown on Utility Easement drawing dated, September 14, 2017 by Geoscience Group Inc.



NOTICE OF PUBLIC HEARING TO CLOSE THE A SECTION OF COUNTY HOME ROAD

The City Council of Shelby, North Carolina will conduct a public hearing during its regular meeting at 6:00 p.m., Monday, July 16, 2018 in the City Council Chambers, City Hall located at 300 South Washington Street, Shelby, North Carolina to discuss the closure of a section of County Home Road.

Additional information regarding this proposed right-of-way closure is on file and available for inspection at the City of Shelby Planning & Development Services office, 315 South Lafayette Street, Shelby, North Carolina.

Members of the public with special needs wishing to attend this meeting should call the City Clerk (704 484-6800) at least 24 hours prior to the meeting to request assistance.

North Carolina General Statute 160A-299 requires that a copy of the City's resolution of intent to permanently close a street or alley be published once a week for four (4) successive weeks prior to the hearing. A copy of Resolution No. 29-2018 adopted by City Council on June 18, 2018 follows:

RESOLUTION NO. 29 – 2018

A RESOLUTION DECLARING THE INTENT OF THE CITY COUNCIL OF THE CITY OF SHELBY TO CONSIDER THE PERMANENT CLOSURE OF A SECTION OF COUNTY HOME ROAD

WHEREAS, North Carolina General Statute 160A-299 authorizes the City Council of the City of Shelby to permanently close public streets and alleys within its jurisdiction; and,

WHEREAS, the City has received a request and petition from abutting property owners to permanently close a section of County Home Road; and,

WHEREAS, the City Council considers it advisable to conduct a public hearing for the purpose of giving consideration to this proposal;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHELBY, NORTH CAROLINA:

Section 1. That a public hearing on the matter will be held at 6:00 PM, on the 16th day of July, 2018 in the Council Chamber at the City Hall in Shelby, North Carolina to consider an order closing a section of County Home Road.

Section 2. The City Clerk is hereby directed to publish this Resolution of Intent once a week for four (4) successive weeks prior to the public hearing in *The Star*.

Section 3. The City Clerk is further directed to transmit by certified mail, return receipt requested, to each owner of property abutting on said street a copy of this Resolution of Intent and shall cause a notice of the Public Hearing to be prominently posted in at least two places along the subject street.

Section 4. This Resolution of Intent shall become effective upon its adoption and approval. Adopted and approved this the 18th day of June, 2018.

The Shelby Star:

Please publish this notice as a legal line ad on SATURDAY, June 23, 2018 and repeat the same ad on THURSDAY, June 28, 2018; THURSDAY, July 5, 2018; and THURSDAY, July 12, 2018.

Mail invoices with affidavits to Walt Scharer, City of Shelby, PO Box 207, Shelby, NC 28151. Thank you.

RESOLUTION NO. 31-2018

A RESOLUTION AND ORDER PERMANENTLY CLOSING A SECTION OF COUNTY HOME ROAD

WHEREAS, on June 18, 2018 the City Council of the City of Shelby directed the City Clerk to publish a Resolution of Intent of the City Council to consider closing a section of County Home Road; and,

WHEREAS, said Resolution of Intent was to be published in The Shelby Star once a week for four (4) successive weeks advising the public that a public hearing would be conducted in the Council Chambers of Shelby City Hall on July 16, 2018; and,

WHEREAS, the City Clerk was further instructed to notify all persons owning property abutting the affected portion of said street if the scheduled public hearing by copy of the Resolution of Intent, and that said notice of public hearing be posted in two places on the affected portion of County Home Road; and,

WHEREAS, the City Clerk has advised the City Council that on the date directed, she sent notice to each of said abutting property owners advising them of the date, time, and place of the public hearing by copy of the City Council's Resolution of Intent and advising said abutting property owners that the question as to the closing of said street would be acted upon, said notice having been mailed by certified mail with return receipt requester; and,

WHEREAS, after full and complete consideration of the matter and after having granted full and complete opportunity for all interested persons to appear and register any objections that they might have with respect to the closing of said street; and,

WHEREAS, it now appears to the satisfaction of the City Council the closing of said right of way is not contrary to the public interest and that no individual owning property abutting the street, will as a result of said closing, be thereby deprived of a reasonable means of ingress and egress to their property; and,

WHEREAS, it appears to the satisfaction of the City Council that the closing of said road will not be in conflict with the public interest; and,

WHEREAS, the North Carolina Board of Transportation has the final decision making authority in closing said road.

Resolution No. 31-2018 July 16, 2018 Page 2

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHELBY, NORTH CAROLINA:

Section 1. That County Home Road, north of US 74 Bypass, as displayed on the plat titled plat of Right of Way Abandonment/Dedication County Home Road, as situated within the City of Shelby is hereby recommended to be permanently closed and all rights, title, and interest that may be vested in the public to said area for street purposes is hereby released to the abutting property owners in accordance with Chapter 160A-299, as amended, of the North Carolina General Statues.

Section 2. A permanent waterline easement of twenty feet as shown on the attached easement document shall be maintained.

Section 3. The City Clerk is hereby authorized to submit this resolution to NCDOT for consideration by the North Carolina Board of Transportation.

Section 4. This Resolution shall become effective upon its adoption and approval.

Adopted and approved this the 16th day of July 2018.

	O. Stanhope Anthony, III Mayor
ATTEST:	
Bernadette A. Parduski, NC-CMC, IIMC-M	MC
City Clerk	
APPROVED AS TO FORM:	
Robert W. Yelton	
City Attorney	

City of Shelby Agenda Item Summary July 16, 2018 City Hall Council Chamber

Agenda Item: C-3

3) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina: Ordinance No. 39-2018

(Presenting: Walter Scharer, Planning Director)

Summary of Available Information:

- Memorandum dated July 9, 2018 from Walter Scharer, Planning Director to Rick Howell, City Manager
- ➤ General Application
- > Staff Report
- Location Map
- Zoning Map
- Planning and Zoning Board Minutes
- > Certified Recommendation
- Notice of Public Hearing
- Ordinance No. 39-2018

City Manager's Recommendation / Comments

This time is scheduled on the agenda for City Council to conduct the required public hearing in accordance with the NC General Statutes. Following the conclusion of the hearing the Council may act on the item under consideration. After a careful review of the proposed rezoning application it appears to be prudent and reasonable for Council to approve the recommendations from staff and the Planning and Zoning Board. I would call attention to Mr. Scharer's memorandum noting that the zoning map amendment is in conformance with the City's current land use plan.

The following excerpt from the NC General Statutes is provided as a reminder as to the statutory guidance provided to Council when considering changes in zoning and development regulations.

§ 160A-383. Purposes in view.

Zoning regulations shall be made in accordance with a comprehensive plan. When adopting or rejecting any zoning amendment, the governing board shall also approve a statement describing whether its action is consistent with an adopted comprehensive plan and any other officially adopted plan that is applicable, and briefly explaining why the board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review.

After the conclusion of the public hearing City Council may act upon Ordinance No. 39-2018



Memorandum

To: Rick Howell - City Manager

From: Walter Scharer – Planning Director

Date: July 9, 2018

Subject: Requested zoning map amendment from NB to GBCU at 500-506 West Dixon

Boulevard

Executive Summary of Issue - Background

There are two parcels in this proposed Zoning Map Amendment. One is vacant and the other has small commercial spaces.

Review and Comments

The Comprehensive Land Use Plan (2009) designates this area as Corridor Revitalization.

Recommendation

This proposed zoning map amendment is consistent with the Comprehensive Land Use Plan. The Planning and Zoning Board recommends this proposed zoning mapamendment.

Please schedule a public hearing for this proposed zoning amendment at the next City Council meeting on July 16, 2018.

Attachments: Application, Staff Report, Zoning Map, Notice of Public Hearing, Planning and Zoning Board June 21, 2018 minutes, Certified P&Z Recommendation, and Ordinance



City of Shelby
Planning and Development Services Department

General Application

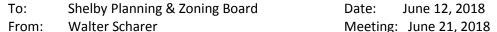
Address of Subject Property:	500 W	Dixon Bloo	l	
Applicant(s) Name: Clevelar Address: PO Bo Shelby Email: Legrue Phone: Toul 4 Owner(s) Name: Katherin Email: Phone:	x 776 NC 28 Lev 2854 8 72-2854 e Inc	151 - 0776 gmail . com		
Request for (Check all that apply): Annexation (Contiguous & Satel Change in Tenant/Building Use Site Plan Review & Zoning Perm Street Name Change Street/ROW Closing Conditional Use Permit or Speci UDO Text Amendment Zoning Map Amendment Conditional Use Map Amendme Zoning Permit or Home Occupations	lite) nit al Use Permit nt	Project Information (Fill Parcel Number:	Il in applica 9505 B - con ent la : 0.6	Sitional use
Oath: By signing, I hereby certify complete to the best of my knowled grounds for denial of my request or Signature of Applicant Received by:	that all information to	hat I have provided in this nat providing false or inco	s applicati	on is correct and formation may be

City of Shelby
Planning and Development Services Department

General Application

			1200
Address of Subject Property:	718 Eastview	502, 504, 506	west Dixon Blud
Phone: 104/4-	776 NC 2815 ev-2854 8 e 12 · 2854	51 -0776	Will Rucker
Owner(s) Name:a	s above		
Email:			
Phone:			
Relationship to Property: Wowne	r Develope	r, Contractor, etc.	Other:
Request for (Check all that apply): Annexation (Contiguous & Satelli Change in Tenant/Building Use Site Plan Review & Zoning Perm Street Name Change Street/ROW Closing Conditional Use Permit or Special UDO Text Amendment Zoning Map Amendment Conditional Use Map Amendment Zoning Permit or Home Occupations and detailed description of the	it al Use Permit nt ion Permit	Parcel Number: Proposed Zoning: Proposed Land Use: Previous Use: Approx. Building Sq. Approx. Project Acre Business Name: Construction Sq. Ft.: Valuation:	GB - conditional us fice, retail Ft.: page: 0.218
Oath: By signing, I hereby certify to complete to the best of my knowled grounds for denial of my request or a Signature of Applicant Received by:	dge. I understand t	hat providing false or	incomplete information may be

Staff Report



Planning Director File: # 1090

PROPERTY OWNER/APPLICANT: Katherine Inc. & Cleveland Contractors/ Will Rucker

LOCATION: 500-506 West Dixon Boulevard & 718 Eastview Drive PARCEL ID #: 19504 & 19505

PRESENT ZONING: Neighborhood Business (NB) REQUESTED ZONING: General Business Conditional Use

(GB-CU)

SURROUNDING ZONING: North: R6 South: R8 East: NB West: NB

UTILITIES: Water: Available Sewer: Yes ENVIRONMENTAL: Watershed: No Floodplain: No

<u>ANALYSIS</u>: These properties are adjacent to Huxley Village, a retail and service center. Land uses in the area include Single Family Dwellings, Commercial Uses and Churches. The subject property has been zoned NB since zoning was first enacted in Shelby in the early 1950s. This property was likely zoned NB due to its direct proximity with single family dwellings.

STAFF COMMENTS: The Comprehensive Land Use Plan currently has this area depicted as a commercial corridor revitalization area. Corridor revitalization areas are portions of heavily traveled corridors that either, have a large presence or automobile oriented retail uses or declining uses that leave these areas as blighted or under-utilized. Land uses in such areas could include a mix of retail, office, and residential with higher intensity uses close to the intersection of major roads. The development for in these areas should respond to the surrounding conditions and land uses. A corridor going through an urban setting could be redeveloped as a urban arterial with buildings fronting the street, sidewalks and possibly on-street parking.

The NB Neighborhood Business District is designed to allow small, limited retail service land uses that provide goods and services primarily to surrounding residential neighborhoods. Permitted residential uses include single-family detached dwellings and multifamily dwellings with the same density requirements found in the R6 Zoning District. The major objectives of this district are to encourage the location of convenience retail establishments, professional services, and professional offices so as to be as compatible as possible with surrounding lower density residential uses; discourage intensive land uses which require large amounts of land area; and limit the location of large vehicular traffic-generating uses to major streets.

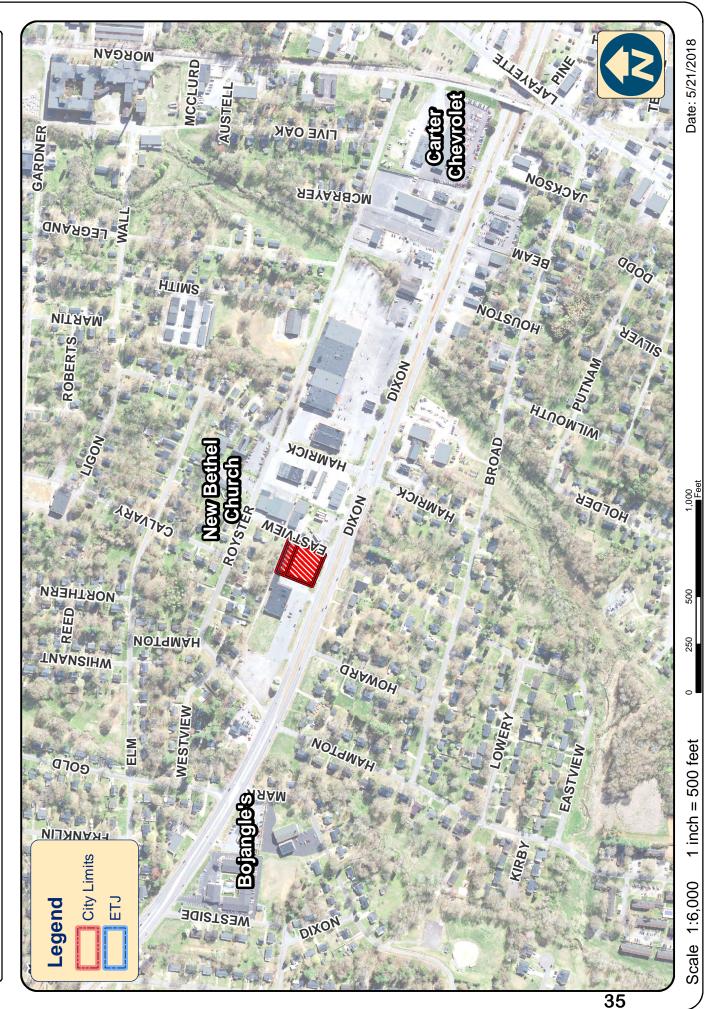
The GB Business District is established as a district in which to accommodate a wide range of retail; business, professional, and personal services; office; and limited wholesale and warehousing uses. Areas zoned as GB are generally located on the fringe of the central business district and along major highway corridors.

This proposed zoning map amendment is consistent with the Comprehensive Land Use Plan. The applicant proposes all the permitted uses in the Neighborhood Business Zoning District and Automobile Rentals as the conditional uses. A complete list is attached.

GI GB Darb microscopies Coordinate: State Plane
North Carolina (Metr)
Projection: Lambert Conformal Conic
US National Grid
Grid Zone Designation (GZD): 17S
100,000m Square ID: MV/MU Date: 5/21/2018 GB $\overline{\Omega}$ MASAOM LAFAVETTE MCCLURD <u>ত</u> **FINE OAK** GARDNER B G R6 R6 **R**6 MCBRAYER LEGRAND **R**6 718 Eastview Street BEAM OOOO R6 R6 HTIMS NOTSUOH SITNER GB ROBERTS R6 DIXON R6 RO R6 HTUOMIM **R**6 BROAD R6 HAMRICK 500 - 506 West Dixon Boulevard & **Zoning Map** Roys/Ghurch HAMRICK 88 GB DIXON HOLDER **R**6 **R**8 NORTHERN REED GB-CU 250 **TNANSIHW** 88 WESTVIEW R8 EASTVIEW 1 inch = 500 feetCOLD ₩ ₩ R8 **LKANKLIN** KIRBY R6 City Limits 88 Scale 1:6,000 ET -egend MESTSIDE **R6** R8 R8 34



718 Eastview Street య





CITY OF SHELBY PLANNING AND ZONING BOARD MINUTES June 21, 2018

City of Shelby Utilities Operations Center Utilities Operations Break Room 824 W. Grover St., Shelby, NC

Item 1. Call to Order/Roll Call

Chairman Peeler called the meeting to order at 12:15 PM and noted that a quorum was present.

Board Present: Rick Washburn, Charles Hamrick, Marlene Peeler, Mike Royster, Emanual Hunt, Jim Martin, Jeff Aderholt, Mark Carter, and Scott Bankhead.

Staff Present: Walt Scharer (Planning Director) and Darin Hallman (Planner)

Item 2. Approval of the Minutes for the May 17, 2018 meeting

Chairman Peeler asked if there were any questions or comments about the May 17, 2018 minutes. The minutes were approved as submitted.

Item 3. Proposed Zoning Map Amendment 500-506 West Dixon Boulevard

Mr. Scharer presented this proposed zoning map amendment. These properties are adjacent to Huxley Village, a retail and service center. Land uses in the area include Single Family Dwellings, Commercial Uses and Churches. The subject property has been zoned NB since zoning was first enacted in Shelby in the early 1950s. This property was likely zoned NB due to its direct proximity with single family dwellings.

The Comprehensive Land Use Plan currently has this area depicted as a commercial corridor revitalization area. Corridor revitalization areas are portions of heavily traveled corridors that either, have a large presence or automobile oriented retail uses or declining uses that leave these areas as blighted or under-utilized. Land uses in such areas could include a mix of retail, office, and residential with higher intensity uses close to the intersection of major roads. The development for in these areas should respond to the surrounding conditions and land uses. A corridor going through an urban setting could be redeveloped as an urban arterial with buildings fronting the street, sidewalks and possibly on-street parking.

The NB Neighborhood Business District is designed to allow small, limited retail service land uses that provide goods and services primarily to surrounding residential neighborhoods. Permitted residential uses include single-family detached dwellings and multifamily dwellings with the same density requirements found in the R6 Zoning District. The major objectives of this district are to encourage the location of convenience retail establishments, professional services, and professional offices so as to be as compatible as possible with surrounding lower density residential uses; discourage intensive land uses which require large amounts of land area; and limit the location of large vehicular traffic-generating uses to major streets.

The GB Business District is established as a district in which to accommodate a wide range of retail; business, professional, and personal services; office; and limited wholesale and warehousing uses. Areas zoned as GB are generally located on the fringe of the central business district and along major highway corridors.

This proposed zoning map amendment is for GB-CU. This proposed zoning map amendment is consistent with the Comprehensive Land Use Plan. The applicant proposes all the permitted uses in the Neighborhood Business Zoning District and Automobile Rentals as the conditional uses.

Motion: Mr. Carter made the motion to recommend to City Council approval of this proposed zoning map amendment

from LI to R6.

Second: Mr. Royster.

Action: This motion passed unanimously.

36

Item 4. Proposed Zoning Map Amendment 919 Earl Road

Mr. Scharer presented this proposed zoning map amendment. This .68 Acre property is located at 919 Earl Road. Currently a single family dwelling is located on the property. Land uses in the area include single family dwellings, multifamily dwellings, and various commercial uses.

The R20 Residential District is primarily intended to accommodate very low density single-family detached dwellings, modular homes, two-family dwellings, and manufactured homes on individual lots in areas that generally do not have access to public water supplies and are dependent upon septic tanks for sewage disposal. Maximum densities within the R20 District are approximately 2 dwelling units per gross acre for single-family and two-family dwellings. Manufactured home parks are permitted within the R20 District by conditional use permit.

The NB Neighborhood Business District is established as a district in which to allow small, limited retail service land uses that provide goods and services primarily to surrounding residential neighborhoods. Permitted residential uses include single-family detached dwellings, modular homes, apartments, townhomes, and condominiums. Residential uses are permitted at the same density and according to the same dimensional requirements as the R6 Residential District. The major objectives of this district are to encourage the location of convenience retail establishments, professional services, and professional offices so as to be as compatible as possible with surrounding residential uses; discourage intensive land uses which require large amounts of land area; and limit the location of large vehicular traffic-generating uses to major streets.

Mr. Scharer noted the Comprehensive Land Use Plan for this area designates the site as Corridor Revitalization and Mixed Use. A mixed use area is intended to concentrate a mix if commercial uses and higher density residential uses. Corridor revitalization areas are portions of heavily traveled corridors that either, have a large presence of automobile oriented retail uses or declining uses that leave these areas as blighted or under-utilized. Land uses in such areas could include a mix of retail, office and residential with higher intensity uses close to the intersection of major roads.

The proposed zoning map amendment is consistent with the Comprehensive Land Use Plan.

Motion: Mr. Royster made the motion to recommend to City Council approval of this proposed zoning map amendment from R20 to Neighborhood Business (NB).

Second: Mr. Martin.

Action: This motion passed unanimously.

Item 5. Bicycle/Pedestrian Plan Steering Committee Representative

Mr. Scharer stated there is a need to have a Planning and Zoning Board member on the City's upcoming Bicycle/Pedestrian Plan effort. Discussion Followed. Mark Carter volunteered. There were no objections.

Item 6. Motion to adjourn.

Being no other business, Chairman Peeler adjourned the meeting at 12:37 pm.



Certified Recommendation City of Shelby Planning & Zoning Board

Case File: 1090

Amendment: A Zoning Map Amendment for property located at 500-506 West Dixon Boulevard and

718 Eastview Drive PIN #'s: 19504 & 19505 from Neighborhood Business (NB) zoning

district to General Business-Conditional Use zoning district (GBCU).

Recommendation: The Planning and Zoning Board recommends approval of the proposed

zoning map amendment for property located at 500-506 West Dixon Boulevard and 718 Eastview Drive PIN #'s: 19504 & 19505 from Neighborhood Business (NB) zoning district to General Business-

Conditional Use zoning district (GBCU).

Findings &

Reasons: 1. The proposed zoning map amendment is consistent with the Comprehensive Land Use

Plan.

Motion: Mr. Carter made the motion to recommend to City Council approval of this proposed zoning

map amendment Neighborhood Business (NB) zoning district to General Business-

Conditional Use zoning district (GBCU).

Second: Mr. Royster.

Action: This motion passed unanimously.

Walter Soline

Signatures: Walter Scharer Marlene Peeler

Planning and Development Director Planning and Zoning Board Chair

Date: 6/22/2018 Date: 6/22/2018

NOTICE OF PUBLIC HEARING APPLICATION #: 1090-2018 ZONING MAP AMENDMENT

The City Council of Shelby, North Carolina will conduct a quasi-judicial public hearing during its regular meeting at 6:00 p.m., Monday, July 16, 2018 in the City Council Chambers, City Hall located at 300 South Washington Street, Shelby, North Carolina. City Council will consider a proposed zoning map amendment from Neighborhood Business (NB) Zoning District to General Business Conditional Use (GBCU) Zoning District for property located at 500-506 West Dixon Boulevard and 718 Eastview Drive with the Cleveland County Parcel Numbers 19504 and 19505.

A more detailed description and map of this property are available for public inspection in the Planning and Development Services Department located at 315 South Lafayette Street, Shelby, North Carolina, during regular business hours, 8:00 AM until 5:00 PM. Also, you can call (704) 484-6829 for more information.

The City Council may change the existing zoning classification of the entire area covered by the petition or any part thereof, without the withdrawal or modification of the petition or further publication of notice.

Persons interested in being heard on this matter are invited to comment on the proposed rezoning at the hearing, whether for or against. Comments may be presented orally at the hearing, in writing prior to the hearing, or both.

Members of the public with special needs wishing to attend this meeting should call the City Clerk (704 484-6800) at least 24 hours prior to the meeting to request assistance.

Bernadette A. Parduski, NC-CMC, IMC-MMC City Clerk

The Shelby Star:

Please publish this notice as a legal line ad on TUESDAY, July 5, 2018 and repeat the same ad on TUESDAY, July 12, 2018.

Mail invoices with affidavits to Walter Scharer, City of Shelby, PO Box 207, Shelby, NC 28151. Thank you.

ORDINANCE NO. 39-2018

A PROPOSED ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF SHELBY, NORTH CAROLINA

WHEREAS, the City of Shelby has received an application requesting the rezoning of property located within the City or its Area of Extraterritorial Jurisdiction; and,

WHEREAS, the Shelby Planning and Zoning Board has reviewed said application for a zoning change and has made its findings and recommendations to City Council; and,

WHEREAS, the Shelby Planning and Zoning Board found that the zoning change is consistent with the Comprehensive Land Use Plan; and,

WHEREAS, in accordance with GS 160A-364, a public hearing on this proposed rezoning was held by City Council on July 16, 2018 after due publication of said hearing as required by law; and,

WHEREAS, after hearing all who wished to be heard on this matter and upon review of the findings and recommendations of the Planning and Zoning Board, City Council now desires to act on this matter:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHELBY, NORTH CAROLINA:

Section 1. This zoning change is consistent with the City of Shelby Comprehensive Land Use Plan.

Section 2. In accordance with Chapter 160A, Article 19 of the North Carolina General Statutes, as amended, the Shelby Unified Development Ordinance and Shelby Zoning Map (Appendix A of the Shelby City Code), 500-506 West Dixon Boulevard and 718 Eastview Drive is hereby amended from the Neighborhood Business (NB) District to the General Business-Conditional Use (GB-CU) District. Said area of zoning is more fully described as the parcel listed by the Cleveland County Tax Office as Parcel Identification Numbers 19504 and 19505.

Section 3. The City Clerk of the City of Shelby is hereby authorized and directed to cause the provisions of Section 2 of this ordinance to be properly codified, and the City Clerk is further authorized and directed to cause her official records and the Official Zoning Map of the City of Shelby to be properly amended to reflect the approved zoning changes.

Section 4. This ordinance shall become effective upon its adoption and approval.

ADOPTED AND APPROVED this the 16th day of July, 2018.

Ordinance No. 39-2018 July 16, 2018 Page 2	
	O. Stanhope Anthony III Mayor
ATTEST:	
Bernadette A. Parduski, NC-CMC, IIMC-MMC City Clerk	_
APPROVED AS TO FORM:	

Robert W. Yelton City Attorney

City of Shelby Agenda Item Summary July 16, 2018 City Hall Council Chamber

Agenda Item: C-4 (QUASI-JUDICIAL HEARING)

4) Consideration of a resolution granting a Special Use Permit to Katherine Inc. and Cleveland Contractors Inc. for 500-506 West Dixon Boulevard and 718 Eastview Drive: Resolution No. 32-2018

(Presenting: Walter Scharer, Planning Director)

Summary of Available Information:

- ➤ Memorandum dated July 9, 2018 from Walter Scharer, Planning Director to Rick Howell, City Manager
- > General Application
- Staff Report
- Location Map
- Zoning Map
- Notice of Public Hearing
- Planning and Zoning Board Minutes
- ➤ City of Shelby Special Use Permit Approval Process
- Resolution No. 32-2018

City Manager's Recommendation / Comments

This hearing must be conducted in a quasi-judicial fashion by the Mayor and Council. By nature decisions conducted as such involve two key elements 1) there must be a written finding of facts regarding the specific proposal and 2) the exercise of judgment and discretion must apply existing policies to the situation.

As a reminder these hearings must be evidentiary in nature and the decision of Council must be based upon that evidence. The purpose of the hearing is to establish facts, not to gather opinions about the desirability or popularity of the proposed development. Any person offering testimony must do so under oath and cross examination must be allowed. The gathering of evidence outside the hearing by individual members is not permitted and as noted previously a written finding of facts is required.

Information provided by Mr. Scharer within the agenda packet is to be considered evidence to be factored in as part of your decision making policy. It should be noted that your decision may only be appealed to NC Superior Court within the prescribed time frame in the statute.

After the conclusion of the public hearing City Council may act upon Resolution No. 32-2018



Memorandum

To: Rick Howell - City Manager

From: Walter Scharer – Planning Director

Date: July 9, 2018

Subject: Special Use Zoning Permit - 500-506 West Dixon Boulevard

Executive Summary of Issue - Background

There are two parcels in this proposed Special Use Permit. One is vacant and the other has small commercial spaces.

Review and Comments

The Comprehensive Land Use Plan (2009) designates this area as Corridor Revitalization.

Recommendation

This proposed special use permit is consistent with the Comprehensive Land Use Plan. However, if the proposed zoning map amendment for this area does not pass this proposed Special Use Permit cannot be approved by City Council.

More information can be found in the Staff Report attached.

Also attached is a white paper describing the SUP approval process here in Shelby as amended in November 2015. This proposal does require a quasi-judicial public hearing because of the Special Use Permit. The rules of procedure for a quasi-judicial public hearing should be followed.

Please schedule a quasi-judicial public hearing for this proposed special use permit at the next City Council meeting on July 16, 2018.

Attachments: Application, Staff Report, Zoning Map, Notice of Public Hearing, Planning and Zoning Board June 21, 2018 minutes, and Resolution



City of Shelby
Planning and Development Services Department

General Application

Address of Subject Property: 500	W Dixon Blod
Address: PO Box 110 Shelby Nc Email: wgrucker 265 Phone: Toy 472-285 Owner(s) Name: Katherine In Email: Phone:	28151 - 0776 54 8 gmail . com 54
Request for (Check all that apply): Annexation (Contiguous & Satellite) Change in Tenant/Building Use Site Plan Review & Zoning Permit Street Name Change Street/ROW Closing Conditional Use Permit or Special Use Perm UDO Text Amendment Zoning Map Amendment Conditional Use Map Amendment Zoning Permit or Home Occupation Permit	Project Information (Fill in applicable information): Parcel Number:
Oath: By signing, I hereby certify that all inforcomplete to the best of my knowledge. I under	rmation that I have provided in this application is correct and erstand that providing false or incomplete information may be a future action by the City Council to revoke the permit. Solution

City of Shelby
Planning and Development Services Department

	G	eneral Application
Address of Subject Property:	718 Eastview	1 502,504,506 West Dixon Blud
Address: PO Ba	NC 281 NC 281 kev-2854 B 72.2854 as above	gmail. com
Request for (Check all that apply): Annexation (Contiguous & Sate Change in Tenant/Building Use Site Plan Review & Zoning Per Street Name Change Street/ROW Closing Conditional Use Permit or Specupo UDO Text Amendment Zoning Map Amendment Conditional Use Map Amendm Zoning Permit or Home Occup	ellite) e mit cial Use Permit ent ation Permit	Project Information (Fill in applicable information): Parcel Number:
Oath: By signing, I hereby certify complete to the best of my know	y that all information	a that I have provided in this application is correct and that providing false or incomplete information may be action by the City Council to revoke the permit. Date Date

500-506 West Dixon Boulevard Proposed Uses

- Automobile Rental or Leasing
- Family Care Home
- Modular Home
- Multi Family Dwellings
- Single Family Dwellings
- Athletic Fields
- Billiard Parlor
- Civic, Social and Fraternal Associations
- Coin Operated Amusement, except Adult Arcade
- Dance School, Music Instruction
- Physical Fitness Center
- Private Club or Recreation Facility, Other
- Public Park or Recreational Facility, Other
- Skating Rink
- Sports and Recreation Club, Indoor
- Swim and Tennis Club
- Cemetery, Columbarium or Mausoleum on Same Property as Church
- Church Or Other Place of Worship
- Day Care Center, Adult and Child, 5 or Less Clients
- Day Care Center, Adult and Child, 6 or More Clients
- Elementary or Secondary School
- Fire Station/Emergency Medical Service
- Government Office
- Library
- Police Station
- Post Office
- Accounting, Auditing or Bookkeeping
- Administrative or Management Services
- Bank, Savings and Loan, or Credit Union
- Barber Shop
- Beauty Shop
- Car Wash
- Cleaning and Restoration Contractor
- Clothing Alteration or Repair
- Computer Maintenance and Repair
- Computer Services
- Employment Agency, Personnel Agency
- Engineering, Architect or Survey Service

- Finance or Loan Office
- Funeral Home
- Insurance Agency
- Laundromat, Coin-Operated
- Laundry or Dry Cleaning, Retail Facility
- Law Office
- Locksmiths and Gunsmiths
- Medical, Dental or Related Office
- Photocopying and Duplicating Services
- Photography, Commercial Studio
- Real Estate Office
- Shoe Repair or Shoeshine Shop
- Television, Radio or Electronics Repair
- Antique Store
- Arts and Crafts
- Bakery
- Bar, Night Club, Tavern
- Bookstore, except Adult Bookstore
- Computer Sales
- Convenience Store
- Drugstore
- Florist
- Food Store
- Gift, Novelty and Souvenir Shop
- Hardware Store
- Musical Instrument Sales
- Newsstand
- Optical Goods Sales
- Paint and Wallpaper Sales
- Pet Store
- Record and Tape Store
- Restaurant (with drive-thru)
- Restaurant (without drive-thru)
- Service Station, Gasoline Sales
- Sporting Goods Store, Bicycle Shop
- Video Tape Rental and Sales
- Taxi Terminal
- Printing and Publishing

Staff Report



Planning Director File: # 1090

PROPERTY OWNER/APPLICANT: Katherine Inc. & Cleveland Contractors/ Will Rucker

LOCATION: 500-506 West Dixon Boulevard & 718 Eastview Drive PARCEL ID #: 19504 & 19505

PRESENT ZONING: Neighborhood Business (NB) REQUESTED ZONING: General Business Conditional Use

(GB-CU)

SURROUNDING ZONING: North: R6 South: R8 East: NB West: NB

UTILITIES: Water: Available Sewer: Yes ENVIRONMENTAL: Watershed: No Floodplain: No

<u>ANALYSIS:</u> These properties are adjacent to Huxley Village, a retail and service center. Land uses in the area include Single Family Dwellings, Commercial Uses and Churches. The subject property has been zoned NB since zoning was first enacted in Shelby in the early 1950s. This property was likely zoned NB due to its direct proximity with single family dwellings.

STAFF COMMENTS: The Comprehensive Land Use Plan currently has this area depicted as a commercial corridor revitalization area. Corridor revitalization areas are portions of heavily traveled corridors that either, have a large presence or automobile oriented retail uses or declining uses that leave these areas as blighted or under-utilized. Land uses in such areas could include a mix of retail, office, and residential with higher intensity uses close to the intersection of major roads. The development for in these areas should respond to the surrounding conditions and land uses. A corridor going through an urban setting could be redeveloped as a urban arterial with buildings fronting the street, sidewalks and possibly on-street parking.

The NB Neighborhood Business District is designed to allow small, limited retail service land uses that provide goods and services primarily to surrounding residential neighborhoods. Permitted residential uses include single-family detached dwellings and multifamily dwellings with the same density requirements found in the R6 Zoning District. The major objectives of this district are to encourage the location of convenience retail establishments, professional services, and professional offices so as to be as compatible as possible with surrounding lower density residential uses; discourage intensive land uses which require large amounts of land area; and limit the location of large vehicular traffic-generating uses to major streets.

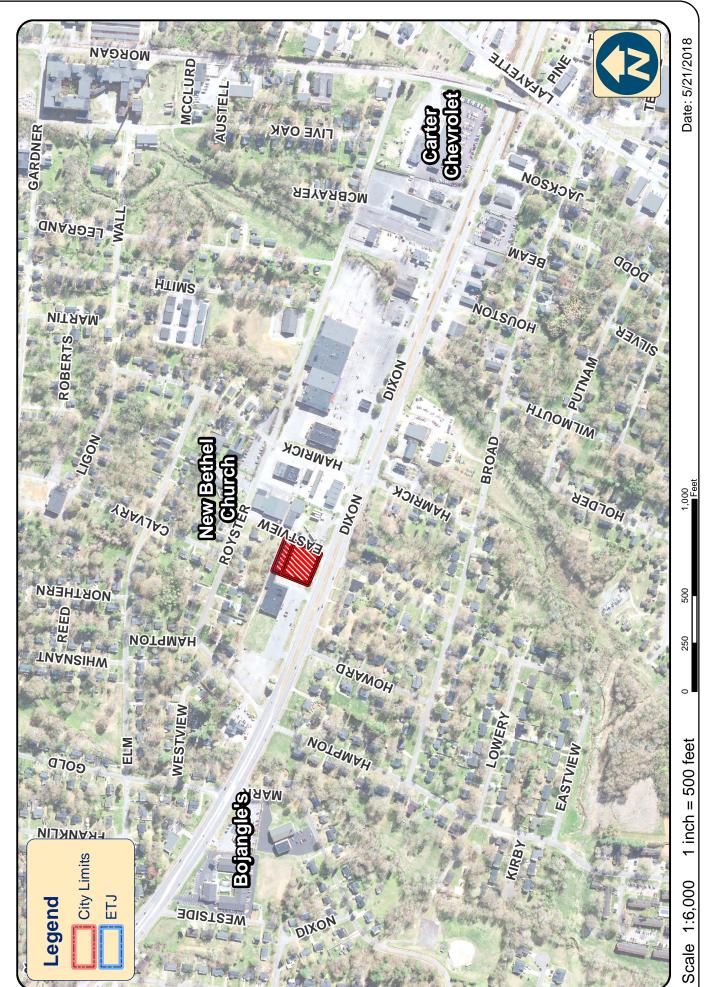
The GB Business District is established as a district in which to accommodate a wide range of retail; business, professional, and personal services; office; and limited wholesale and warehousing uses. Areas zoned as GB are generally located on the fringe of the central business district and along major highway corridors.

This proposed zoning map amendment is consistent with the Comprehensive Land Use Plan. The applicant proposes all the permitted uses in the Neighborhood Business Zoning District and Automobile Rentals as the conditional uses. A complete list is attached.

GI GB Darb microscopies Coordinate: State Plane
North Carolina (Metr)
Projection: Lambert Conformal Conic
US National Grid
Grid Zone Designation (GZD): 17S
100,000m Square ID: MV/MU Date: 5/21/2018 GB $\overline{\Omega}$ MASAOM LAFAVETTE MCCLURD <u>ত</u> **FINE OAK** GARDNER B G R6 R6 **R**6 MCBRAYER LEGRAND **R**6 718 Eastview Street BEAM OOOO R6 R6 HTIMS NOTSUOH SITNER GB ROBERTS R6 DIXON R6 RO R6 HTUOMIM **R**6 BROAD R6 HAMRICK 500 - 506 West Dixon Boulevard & **Zoning Map** Roys/Ghurch HAMRICK 88 GB DIXON HOLDER **R**6 R8 NORTHERN REED GB-CU 250 **TNANSIHW** 88 WESTVIEW R8 EASTVIEW 1 inch = 500 feetCOLD ₩ ₩ R8 **LKANKLIN** KIRBY R6 City Limits 88 Scale 1:6,000 ET -egend MESTSIDE **R6** R8 R8 48



Coordinate: State Plane
North Carolina (Next Carolina (Next Conformation Projection: Lambert Conformational Conformation







CITY OF SHELBY PLANNING AND ZONING BOARD MINUTES June 21, 2018

City of Shelby Utilities Operations Center Utilities Operations Break Room 824 W. Grover St., Shelby, NC

<u>Item 1.</u> <u>Call to Order/Roll Call</u>

Chairman Peeler called the meeting to order at 12:15 PM and noted that a quorum was present.

Board Present: Rick Washburn, Charles Hamrick, Marlene Peeler, Mike Royster, Emanual Hunt, Jim Martin, Jeff Aderholt, Mark Carter, and Scott Bankhead.

Staff Present: Walt Scharer (Planning Director) and Darin Hallman (Planner)

Item 2. Approval of the Minutes for the May 17, 2018 meeting

Chairman Peeler asked if there were any questions or comments about the May 17, 2018 minutes. The minutes were approved as submitted.

Item 3. Proposed Zoning Map Amendment 500-506 West Dixon Boulevard

Mr. Scharer presented this proposed zoning map amendment. These properties are adjacent to Huxley Village, a retail and service center. Land uses in the area include Single Family Dwellings, Commercial Uses and Churches. The subject property has been zoned NB since zoning was first enacted in Shelby in the early 1950s. This property was likely zoned NB due to its direct proximity with single family dwellings.

The Comprehensive Land Use Plan currently has this area depicted as a commercial corridor revitalization area. Corridor revitalization areas are portions of heavily traveled corridors that either, have a large presence or automobile oriented retail uses or declining uses that leave these areas as blighted or under-utilized. Land uses in such areas could include a mix of retail, office, and residential with higher intensity uses close to the intersection of major roads. The development for in these areas should respond to the surrounding conditions and land uses. A corridor going through an urban setting could be redeveloped as an urban arterial with buildings fronting the street, sidewalks and possibly on-street parking.

The NB Neighborhood Business District is designed to allow small, limited retail service land uses that provide goods and services primarily to surrounding residential neighborhoods. Permitted residential uses include single-family detached dwellings and multifamily dwellings with the same density requirements found in the R6 Zoning District. The major objectives of this district are to encourage the location of convenience retail establishments, professional services, and professional offices so as to be as compatible as possible with surrounding lower density residential uses; discourage intensive land uses which require large amounts of land area; and limit the location of large vehicular traffic-generating uses to major streets.

The GB Business District is established as a district in which to accommodate a wide range of retail; business, professional, and personal services; office; and limited wholesale and warehousing uses. Areas zoned as GB are generally located on the fringe of the central business district and along major highway corridors.

This proposed zoning map amendment is for GB-CU. This proposed zoning map amendment is consistent with the Comprehensive Land Use Plan. The applicant proposes all the permitted uses in the Neighborhood Business Zoning District and Automobile Rentals as the conditional uses.

Motion: Mr. Carter made the motion to recommend to City Council approval of this proposed zoning map amendment

from LI to R6.

Second: Mr. Royster.

Action: This motion passed unanimously.

Item 4. Proposed Zoning Map Amendment 919 Earl Road

Mr. Scharer presented this proposed zoning map amendment. This .68 Acre property is located at 919 Earl Road. Currently a single family dwelling is located on the property. Land uses in the area include single family dwellings, multifamily dwellings, and various commercial uses.

The R20 Residential District is primarily intended to accommodate very low density single-family detached dwellings, modular homes, two-family dwellings, and manufactured homes on individual lots in areas that generally do not have access to public water supplies and are dependent upon septic tanks for sewage disposal. Maximum densities within the R20 District are approximately 2 dwelling units per gross acre for single-family and two-family dwellings. Manufactured home parks are permitted within the R20 District by conditional use permit.

The NB Neighborhood Business District is established as a district in which to allow small, limited retail service land uses that provide goods and services primarily to surrounding residential neighborhoods. Permitted residential uses include single-family detached dwellings, modular homes, apartments, townhomes, and condominiums. Residential uses are permitted at the same density and according to the same dimensional requirements as the R6 Residential District. The major objectives of this district are to encourage the location of convenience retail establishments, professional services, and professional offices so as to be as compatible as possible with surrounding residential uses; discourage intensive land uses which require large amounts of land area; and limit the location of large vehicular traffic-generating uses to major streets.

Mr. Scharer noted the Comprehensive Land Use Plan for this area designates the site as Corridor Revitalization and Mixed Use. A mixed use area is intended to concentrate a mix if commercial uses and higher density residential uses. Corridor revitalization areas are portions of heavily traveled corridors that either, have a large presence of automobile oriented retail uses or declining uses that leave these areas as blighted or under-utilized. Land uses in such areas could include a mix of retail, office and residential with higher intensity uses close to the intersection of major roads.

The proposed zoning map amendment is consistent with the Comprehensive Land Use Plan.

Motion: Mr. Royster made the motion to recommend to City Council approval of this proposed zoning map amendment from R20 to Neighborhood Business (NB).

Second: Mr. Martin.

Action: This motion passed unanimously.

Item 5. Bicycle/Pedestrian Plan Steering Committee Representative

Mr. Scharer stated there is a need to have a Planning and Zoning Board member on the City's upcoming Bicycle/Pedestrian Plan effort. Discussion Followed. Mark Carter volunteered. There were no objections.

Item 6. Motion to adjourn.

Being no other business, Chairman Peeler adjourned the meeting at 12:37 pm.

City of Shelby Special Use Permit Approval Process

A Special Use Permit application may be submitted to the City Council by filing a copy of the application with the Planning Department. Applications may be taken no later than 25 days prior to the City Council meeting at which the request will be reviewed. The review process for a Special Use Permit includes:

- Planning Department review and recommendation.
- Public hearing held by the City Council; and
- City Council review and action.

Recommendations on Special Use Permit Applications

- When presented to the City Council, the Special Use Permit application will be accompanied by a report setting forth the Planning & Development Department's proposed findings concerning the application's compliance to the City's UDO, as well as any staff recommendations for additional requirements to be imposed by the City Council.
- If the staff report proposes a finding or conclusion that the application fails to comply with any
 requirement of the Ordinance, the report will identify the requirement in question and specifically
 state supporting reasons for the proposed findings or conclusions.
- The City Council may, on a case-by-case basis, refer applications to the Planning and Zoning Board to obtain its recommendations.

Public Hearing Requirements and Procedures

- A public hearing is required in order for City Council to approve a Special Use Permit.
- The Planning Department will mail written notice of the public hearing to the owners of all
 properties involved in the permit request as well as the owners of all properties any portion of
 which is within 100 feet of the property involved in the permit request.
- The Planning Department will also post Zoning Hearing signs in the vicinity of the property involved in the permit request and take any other action deemed necessary to be useful or appropriate to give notice of the public hearing.
- At the conclusion of the public hearing, the City Council may proceed to vote on the permit request, refer it to a committee for further study, or take any other action consistent with its usual rules of procedure.
- City Council is not required to take final action on a permit request within any specific period of time, but it should proceed as expeditiously as practicable on permit requests since inordinate delays can result in the applicant incurring unnecessary costs.
- The City Council should approve the requested permit unless it concludes, based upon the information submitted at the hearing, that:
 - (1) The requested permit is not within its jurisdiction according to the Table of Permissible Uses; or
 - (2) The application is incomplete; or

- (3) If completed as proposed in the application, the development will not comply with one or more requirements of this Ordinance; or
- (4) Will not materially endanger the public health or safety; and
- (5) Will not substantially injure the value of adjoining or abutting property; and
- (6) Will be in harmony with the area in which it is to be located; and
- (7) Will be in general conformity with the Comprehensive Land Use Plan or other plans officially adopted by the City Council.
- The burden of persuasion on the issue of whether the development, if completed as proposed, will comply with the requirements seven standards listed above remains at all times on the applicant.
- Even if City Council finds that the application complies with all other provisions of this Ordinance, it
 may still deny the permit if it concludes, based upon the information submitted at the hearing, the
 development, more probably than not:
 - (1) Will materially endanger the public health or safety; or
 - (2) Will substantially injure the value of adjoining or abutting property; or
 - (3) Will not be in harmony with the area in which it is to be located; or
 - (4) Will not be in general conformity with the Comprehensive Land Use Plan or other plans officially adopted by the City Council.
- The burden of persuasion on the issue of whether the application should be turned down for any of the reasons above rests on the party or parties urging that the requested permit should be denied.

City Council Voting Procedure on Special Use Permits

- Upon receipt of a recommendation from the Planning Department, City Council will review the Special Use Permit application and will hold a public hearing.
- Following the public hearing, the City Council may proceed to vote on the permit request, refer it to committee for further study.
- In considering whether to approve Special Use Permit application, City Council should proceed according to the following format:
 - (1) The City Council shall consider whether the application is complete. If no member moves that the application be found incomplete then this shall be taken as an affirmative finding by the City Council that the application is complete.
 - (2) The City Council shall consider whether the application complies with all of the applicable standards of the UDO. If a motion to approve fails or is not made then a motion should be made that the application be found not in compliance with one or more of the standards of the UDO. A motion to disapprove should specify the particular standard the application fails to meet. Separate votes may be taken with respect to each standard not met by the application.

(3) If the City Council concludes that the application fails to comply with one or more standards of the UDO, the application shall be denied. If the City Council concludes that all such standards are met, it shall issue the permit unless it adopts a motion to deny the application. Such a motion shall propose specific findings, based upon the competent evidence submitted, justifying such a conclusion.

NOTICE OF PUBLIC HEARING APPLICATION #: 1090-2018 ZONING MAP AMENDMENT

The City Council of Shelby, North Carolina will conduct a quasi-judicial public hearing during its regular meeting at 6:00 p.m., Monday, July 16, 2018 in the City Council Chambers, City Hall located at 300 South Washington Street, Shelby, North Carolina. City Council will consider a proposed zoning map amendment from Neighborhood Business (NB) Zoning District to General Business Conditional Use (GBCU) Zoning District for property located at 500-506 West Dixon Boulevard and 718 Eastview Drive with the Cleveland County Parcel Numbers 19504 and 19505.

A more detailed description and map of this property are available for public inspection in the Planning and Development Services Department located at 315 South Lafayette Street, Shelby, North Carolina, during regular business hours, 8:00 AM until 5:00 PM. Also, you can call (704) 484-6829 for more information.

The City Council may change the existing zoning classification of the entire area covered by the petition or any part thereof, without the withdrawal or modification of the petition or further publication of notice.

Persons interested in being heard on this matter are invited to comment on the proposed rezoning at the hearing, whether for or against. Comments may be presented orally at the hearing, in writing prior to the hearing, or both.

Members of the public with special needs wishing to attend this meeting should call the City Clerk (704 484-6800) at least 24 hours prior to the meeting to request assistance.

Bernadette A. Parduski, NC-CMC, IMC-MMC City Clerk

The Shelby Star:

Please publish this notice as a legal line ad on TUESDAY, July 5, 2018 and repeat the same ad on TUESDAY, July 12, 2018.

Mail invoices with affidavits to Walter Scharer, City of Shelby, PO Box 207, Shelby, NC 28151. Thank you.

RESOLUTION NO. 32-2018

A RESOLUTION GRANTING A SPECIAL USE PERMIT KATHERINE, INC. AND CLEVELAND CONTRACTORS, INC. 500-506 WEST DIXON BOULEVARD AND 718 EASTVIEW DRIVE

WHEREAS, the City of Shelby has received an application requesting a Special Use Permit for property located within the City or its area of Extraterritorial Jurisdiction; and,

WHEREAS, the Staff has reviewed said application for a special use zoning permit and has made its findings and recommendations to City Council; and

WHEREAS, Section 4-7.2 of the City of Shelby Unified Development Ordinance authorizes the establishment of "special use permit" as a means by which special conditions can be imposed on the use of property to assure compliance with the Unified Development Ordinance, promote the welfare of adjacent property owners and the protection of the general public interest; and

WHEREAS, in accordance with GS 160A-364, the City Council has considered a special use permit request by Katherine, Inc. and Cleveland Contractors, Inc. in a public hearing on this date following quasi-judicial hearing procedures as outlined in Section 4-7.2 of the City of Shelby Unified Development Ordinance; and

WHEREAS, after hearing all who wished to present testimony on this special use permit request and consideration of the facts presented in this cause, the Council made the Findings of Fact and Conclusions of Law which are stated on Attachment "A" which is incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHELBY, NORTH CAROLINA:

Section 1. In accordance with Chapter 160A, Article 19 of the North Carolina General Statutes, as amended, the City of Shelby may approve a Special Use Zoning Permit according to the requirements of the Unified Development Ordinance (Appendix A of the Shelby City Code) at 500-506 West Dixon Boulevard & 718 Eastview Drive and lying within the City of Shelby in the General Business-Conditional Use District (GB-CU). Said area is more fully described as follows: PIN #'s 19504 & 19505.

Section 2. In accordance with Section 4-7.7 of the City of Shelby Unified Development Ordinance, a Special Use Zoning Permit is hereby granted to Katherine, Inc. and Cleveland Contractors, Inc. for the use of Automobile Leasing and all permitted uses in the NB zoning district at the aforementioned location. The terms and conditions of such permit are stated in Attachment, "A" which is attached hereto and incorporated herein by this reference.

Section 3. The City Clerk of the City of Shelby is hereby authorized and directed to cause resolution and recording of this Special Use Zoning Permit with the Cleveland County Register of Deeds.

Section 4. This Special Use Zoning Permit shall become effective upon its adoption and approval.

ADOPTED AND APPROVED this the 16th day of July 2018.

	O. Stanhope Anthony III
	Mayor
ATTEST:	
Bernadette A. Parduski, NC-CMC, IIMC-MMC	_
City Clerk	
APPROVED AS TO FORM:	
Robert W. Yelton	-
City Attorney	

ATTACHMENT "A"

Prepared by and return to the City of Shelby, PO Box 207 Shelby, North Carolina 28151

NORTH CAROLINA

FILE #: 1090

CLEVELAND COUNTY

THE CITY OF SHELBY, NORTH CAROLINA SPECIAL USE ZONING PERMIT

On the date(s) listed below, the City Council of the City of Shelby met and held a public hearing to consider the following application:

Record Owner(s): _	K	<u> Catherine, Inc. a</u>	nd Cleve	eland Contrac	tors, Inc.	
Property Location:	5	00-506 West D	ixon Bou	alevard and 7	18 Eastview Dr	rive
Tax Map, Block, an	nd Lot#: P	'IN#'s 19504 &	19505			
Deed Reference:	Воок	81 , PAGE_	496	_Acreage <u>:</u> _	0.624 acres	
Deed Reference:	Воок	<u>16J</u> , PAGE_	757	_Acreage:_	0.219 acres	
Type and Intensity	· · · · · · · · · · · · · · · · · · ·	Automobile Leas District	sing and	All Permitted	Uses in the N	B Zoning
Meeting Date(s):	July 16,	2018				
Approval Date:	July 16,	2018				

SECTION 1. FINDINGS: Having heard all of the evidence and arguments presented at the hearing, the City Council, at its regular meeting, finds and determines that the application is complete, and subject to the conditions imposed below, the following findings are made:

- 1. Katherine, Inc. and Cleveland Contractors, Inc.submitted the required application for a special use permit; and
- 2. According to Article 9-3-1, Automobile Leasing and all the uses in the NB Zoning District are permitted uses in the General Business District (GB); and
- 3. The subject parcel lies within the City of Shelby fronting at 500-506 West Dixon Boulevard and 718 Eastview Drive in the General Business District (GB); and
- 4. Land Uses in the surrounding area is a mixture of commercial and residential uses; and
- 5. The Comprehensive Land Use Plan designates this area as a Corridor Revitalization Area; and
- 6. The petitioner has declared that the intended use of the property is Automobile Leasing or any use in the NB zoning district; and
- 7. Other than what is required by the UDO, no other changes to the site are planned; and

Page 2 ?-2018 Attachment "A" July 16, 2018

- 8. To the best of staff's knowledge, no non-conformities currently exist on the property and none will be created by the requested special use permit; and
- 9. The use will not materially endanger the public health or safety if located where proposed and developed according to the plan; and
- 10. The use will not substantially injure the value of adjoining or abutting property; and
- 11. The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Comprehensive Land Use Plan.

SECTION 2. CONDITIONS: Now, therefore, the application to make use of the above-described property for the purpose indicated is hereby approved and granted, subject to all applicable provisions of the Unified Development Ordinance, Sections 3 and 4 of this permit, and the following special condition(s), which the City Council finds to be in the public interest:

1. The development of the tract shall proceed in conformity to all plans and design features submitted as part of the special use permit application and kept on file by the City of Shelby Planning Services Department; and

SECTION 3. VESTED RIGHTS. Approval of this permit confers upon the property the right to develop with the type and intensity of use as herein described and as shown on the approved site plan in accordance with section 4-15 of the Unified Development Ordinance.

SECTION 4. SEVERABILITY AND RECORDATION. Invalidation of any one or more of the conditions set forth herein shall not adversely affect the balance of said conditions, which shall remain in full force and effect. This permit shall become null and void if not recorded in the office of the Register of Deeds, Cleveland County, North Carolina, on or before July 16, 2019.

	O. Stanhope Anthony III Mayor	_
ATTEST:		
Bernadette A. Parduski, NC-CMC, IIMC-MMC City Clerk		

CERTIFICATE

I, Bernadette A. Parduski, the duly appointed, qualified, and City Clerk of the City of Shelby do hereby certify that the attached Extract from the Minutes of the Regular Meeting of the City Council of said City held on July 16, 2018 at 6:00 PM, is a true and correct copy of the original minutes of said meeting on file and of record in my office insofar as said original minutes relate to the matters in said attached extract. I further certify that the copy of the special use zoning permit appearing in said attached Extract is a true and correct copy of said permit adopted at said meeting and on file and of record in my office.

IN WITNESS THEREOF I have hereunto set my hand and official seal of the City of Shelby on this the 16th day of July 2018.

	Bernadette A. Parduski, NC-CMC, IIMC-MMC City Clerk
(City Seal)	
annoi	nted agent of the subject property, do hereby
acknowledge receipt of this special use further acknowledge that no work may	zoning permit and agree to the conditions stated within. I be done pursuant to this permit except in accordance with ad that this restriction shall be binding upon me and my
ATTEST:	
KATHERINE, INC.	
CLEVELAND CONTRACTORS, INC	

City of Shelby Agenda Item Summary July 16, 2018 City Hall Council Chamber

D. Consent Agenda:

Prior to approval and adoption of the agenda, a Council Member may move an item from the Consent Agenda to the regular agenda. Items remaining on the Consent Agenda will be considered collectively through a single motion, second, and vote.

Agenda Item: D-1

1) Approval of the Minutes of the Special Meeting of May 29, 2018

Consent Agenda Item: (Bernadette Parduski, City Clerk)

Summary of Available Information:

Please read and offer changes as you deem necessary.

➤ Minutes of the Special Meeting of May 29, 2018.

City Manager's Recommendation / Comments

Approve the minutes as presented or as amended by the Mayor and City Council via the Consent Agenda.

MINUTES

Special Meeting
The LeGrand Center

May 29, 2018 Tuesday, 4:30 p.m.

Present: Mayor O. Stanhope Anthony III, presiding; Council Members David

W. White, David Causby, Violet Arth Dukes, Dicky Amaya; City Manager Rick Howell, City Clerk Bernadette A. Parduski, NCCMC,

MMC, and City Attorney Robert W. (Bob) Yelton

Absent: Council Members Eric B. Hendrick and Ben Kittrell, Jr.

Cleveland County Board of Commissioners: Chairman Eddie Holbrook, Vice-Chair Susan K. Allen, Johnny Hutchins, Ronnie Whetstine, Doug Bridges; Cleveland County Manager Brian Epley,

and Cleveland County Clerk to the Board Phyllis Nowlen

Reporter Casey White of *The Star*

1. Call to Order and Determination of a Quorum

Mr. Holbrook convened the meeting of the Cleveland County Board of Commissioners to conduct a joint session with Shelby City Council.

Mayor Anthony convened the meeting of the Shelby City Council to conduct a joint session with the Cleveland County Board of Commissioners.

2. Pledge of Allegiance

Mr. Holbrook led the *Pledge of Allegiance*.

3. Invocation

Mayor Anthony gave the invocation.

4. Rail Trail Implementation Master Plan Presentation – John Cock, Vice President, Southeast Region, Alta Planning + Design

Mr. Howell introduced the subject matter of the presentation by stating the City of Shelby took the initial steps to prepare a master plan for the proposed rail trail project along the Norfolk Southern rail corridor that runs through the City, partnering with Cleveland County, and the Towns of Patterson Springs and Earl. He stated the Rail Trail Implementation Master Plan envisions a rail trail for future transportation and recreation from Shelby to the North Carolina-South Carolina state line in the hopes of strengthening physical and economic

connections among Cleveland County, Shelby, Patterson Springs, and Earl. Mr. Howell added the Alta team worked to develop a plan implementation strategy, potential funding strategies and mechanisms, and cost estimates for the three main trail sections.

Next, Mr. Cock began his presentation with the project background, focusing on a 10.2-mile unused railroad corridor that stretches from near Sunset Cemetery in Uptown Shelby to the North Carolina-South Carolina state line south of the Town of Earl. He stated as a potential rail trail, this corridor can connect to an existing rail trail in the City of Shelby at Grover Street and can also continue southward along the existing rail line towards Blacksburg, South Carolina. This corridor can also connect the City of Shelby to the Towns of Patterson Springs and Earl as well as numerous neighborhoods, schools, commercial districts, and other destinations within Cleveland County.

The Alta team conducted a site visit to visually assess existing conditions along the rail trail which traverses a diverse range of environments, including arterial roadway crossings, small town commercial districts, three railroad trestle bridges, and scenic countryside.

Throughout the master planning process, the Alta team worked closely with the Project Advisory Committee. This collaboration included multiple meetings and various forms of communication in order to identify the project goals for the rail trail as follows:

- Leverage the rail trail to improve public health and quality of life in Cleveland County
- Utilize the rail trail as a platform for economic development, with a special focus in Uptown Shelby and the core areas of Patterson Springs and Earl
- Provide opportunities for active recreation and an alternative transportation corridor for Cleveland County residents

The Alta team conducted several planning workshops in September 2017 to gather input from the public and develop a framework for the rail trail plan. Mr. Cock presented the recommendations which reflect the primary goals of the project and the public and stakeholder input to create a safe rail trail through Cleveland County to encourage and promote bicycling, walking, and trail usage as recreation, transportation, and economic development. Due to the nature of the varied conditions along the rail trail, there will be a range of design solutions to accommodate safe bicycle and pedestrian facilities that fit within the existing context and utilize resources to the fullest potential. Mr. Cock discussed the details of the proposed improvements which will utilize the following facility types:

- Bridges
- Intersections
- Spur connections
- Trailheads with amenities
- Adaptive reuses

With regard to design guidelines, Mr. Cock provided general guidance and a vast number of renderings and suggestions for consideration. There are existing guidelines at the state and national levels that apply to shared-use paths, and pedestrian and bicycle facilities. He said while these documents are not absolute standards, many public agencies require projects to meet the guidelines as a minimum condition for key dimensions including slope, horizontal and vertical clearances, and surface condition, signage, and pavement markings. In addition, all applicable local design and construction standards will need to be followed.

Utilizing trail branding examples, Mr. Cock defined branding as a widely used term to describe the perception of a product or service in a target audience's mind:

- Brand perceived emotional corporate image as a whole
- Identity visual aspects that form part of the overall brand
- Logo identifies a business in its simplest form via the use of a mark or icon

A rail trail is more than a physical facility; it is a place, a destination that people engage, enjoy, and share with their family, friends, and social media followers. Therefore, it is important for a trail to have an identity that includes all of the elements of a strong brand, including a memorable name. A brand for the rail trail should be crafted to provide a name and graphic identity that will foster successful implementation. Branding should remain consistent throughout all materials, messaging, and representation of the trail. Over the coming years, a brand will lay the foundation for identifying funding partners, marketing strategies, target markets, and tactics that will attract investment to the communities along the trail and create a personality that will attract visitors. The trail and the brand will also be critical for tourism promotion in the county. The brand can also provide a cohesive, professional appearance for materials and public messaging that will enable trail supporters to secure implementation funding. It was noted that a professional marketing/branding firm will need to be utilized to develop the trail brand and collateral materials further as public consensus on a brand is solidified.

The Alta team generated cost estimates for the three primary sections of the rail trail alignment: Shelby, Patterson Springs, and Earl.

- The cost for the 2.6-mile Shelby section is estimated at \$1.75 million. This
 section includes an up-fit of the old rail bridge over US 74 as well as nine
 road crossing improvements and three trailheads.
- The cost for the 3.8-mile Patterson Springs Section is estimated at an amount \$5.5 million. This section includes three bridges (which accounts for nearly half of its estimated construction cost) as well as five road crossing improvements and two trailheads.
- The cost for the 3.7-mile Earl section is estimated at an amount of \$1.9 million. This section includes twelve road crossing improvements and three trailheads.

The total estimated project cost for the entire 10.2-mile rail trail is estimated at a cost of \$9.15 million.

Costs are in 2017 dollars and reflect typical design and construction costs from other similar projects.

Mr. Cock concluded with a brief economic impact analysis of the proposed rail trail in Cleveland County, North Carolina. The analysis estimates the number of bicycle and pedestrian trips that take place near the trail alignment, approximates the corresponding reduction in vehicle trips and vehicle-miles travelled (VMT), and assesses the potential health-, environmental-, and transportation-related benefits that might accrue if the proposed rail trail was constructed. In total, it is estimated that the proposed rail trail could generate \$17 million in annual trail-related spending from non-local users and \$20,770,000 in annual health, environmental, and transportation benefits.

To understand the potential demand for the proposed rail trail, count data at four similar trails in North Carolina and South Carolina were analyzed. The average number of daily bicyclists per mile of trail at the three trails with available count data one year after construction (Swamp Rabbit Trail, Brevard Greenway, and American Tobacco Trail) was 219, and the average number of pedestrians per mile was 78. The proposed rail trail, including existing segments, would total approximately 18.6 miles in length. If the proposed rail trail experienced in its first year the same number of bicyclists per mile as the average of the three examined trails with one-year post-construction data, there would be an estimated 4,000 bicyclists per day (rounded to nearest thousand). If the proposed rail trail experienced in its first year the same number of pedestrians per mile as the average of the three examined trials with one-year post-construction data, there would be an estimated 1,000 pedestrians per day (rounded to nearest thousand).

Discussion followed and included:

- Negotiations with Norfolk Southern for the purchase of the rail corridor
- City extended an offer and awaiting a response; cautiously optimistic about the acquisition
- Consulting role of the Conservation Fund in the rail banking process

The information was received by both boards. No action was taken.

The Rail Trail Implementation Master Plan Presentation and the Rail Trail Master Plan are hereby incorporated by reference and made a part of these Minutes.

5. Shelby Cleveland County Regional Airport Project Update – City Manager Rick Howell

Mr. Howell began his presentation of the subject matter with a brief history of the airport which began operation in 1959. After an interim period, the City ultimately retained airport operations as a City function and became the Fixed Base Operator (FBO) in 2007. In order to provide for the future development of the Shelby-Cleveland County Regional Airport, the City of Shelby directed the preparation of an Airport Layout Plan Update in 2007. The study is designed to examine the existing conditions of the airport, forecast airport growth, and determine the facilities required to satisfy that growth for 20 years, analyzing alternative ways of satisfying the projected needs, selecting an implementation plan, and developing an approach to provide the necessary funding. The NC Division of Aviation administers and issues annual federal grant funding at a 90 percent rate for qualifying projects. A 10 percent local participation supplements the remaining project funds. As evidenced today, the Airport Layout Plan Update is an important tool in defining the future role of the airport. Over many years there have been significant improvements in the airport's infrastructure as well as a movement to identify Shelby as a regionally located airport. Projects such as the Runway Overlay Project and the T-Hangar Construction Project along with others such as security fencing and land acquisitions and easements will improve the self-sustainability of the airport by increasing tax base, increased fuel sales, and monthly revenue from rental fees. Mr. Howell acknowledged that the Cleveland County government has contributed financially over the past several years to the capital projects at the airport.

Next, Mr. Howell summarized the Runway Overlay Project by stating the current 5,002 foot runway exhibits significant cracking along joints within the asphalt and has extremely faded pavement markings. Based on these field observations and recent asphalt evaluations by the NC Division of Aviation, it was determined by the NC Division of Aviation and the City's engineering consultant, W. K. Dickson, that an asphalt overlay project on the existing asphalt runway was the best solution to address the existing issues with the runway. Following this bid opening, a negotiation process occurred with the low bidder to reach a final

construction cost. Funding for this final construction cost is available in the State grant that was previously awarded. The total grant amount including the related professional services is \$2,520,715.75 with a 10 percent local match of \$252,071.75.

Mr. Howell provided the scope of the Runway Overlay Project as follows:

- Repairing existing cracks in asphalt via routing, filling, etc.
- Completing a 2-inch asphalt overlay on the runway and connectors between the runway and parallel taxiway.
- Reflective pavement markings will be installed in accordance with current Federal Aviation Administration (FAA) standards. This increased visibility directly improves the safety of all approaching aircraft.
- Increasing the weight rating of the runway in an effort to prevent asphalt damage from heavier aircraft.
- The new asphalt surface will greatly reduce the occurrence of aggregate breaking loose from the cracks in the existing asphalt. This reduces the major concern of foreign object debris (FOD) striking aircraft.
- It is anticipated that this project will add approximately 15 years to the life expectancy of the pavement.

Mr. Howell concluded by stating the construction on this project is anticipated to begin in early August 2018, which will result in a 21-day runway closure. He stated work should be substantially completed and the runway re-opened by September 1, 2018.

Secondly, Mr. Howell summarized the T-Hangar Construction Project by stating the purpose of this project is to complete the site preparation, taxi-lanes, and construction associated with two T-hangar buildings at the Shelby-Cleveland County Regional Airport. This single project will allow the airport's capacity for based aircraft to increase from 45 to 65 and further promote the self-sustainability of the airport, while also fulfilling the increased demands on aviation in this region of the state.

This project was bid in 2013 and the cost estimate was updated by the City's engineering consultant in 2018. The preliminary cost estimate for the grading and site preparation is \$1.9 million. The estimate for the construction of two 10-unit hangar buildings is \$1 million. The City and County are prepared to provide funding for the local match associated with state and/or federal aviation grants related to this project.

Discussion followed and included:

- Anticipated length of time for full capacity and rental of the new Thangars; utilizing a wait list and requesting deposits
- Possibility of housing corporate jets in box hangars
- Ability to accommodate aircraft from events held at the Tryon International Equestrian Center

The information was received by both boards. No action was taken.

6. Doran Mill Abatement and Demolition Project and Feasibility and Yield Study – County Manager Brian Epley

Mr. Epley provided background information regarding the site remediation and clean-up of the Doran property also known as the Doran Textile Mill. The area encompasses a total of 74 acres located on both sides of Polkville Road (NC 226). As a strategic location, he described the property as within miles of the Shelby Central Business District and the Washburn Switch Industrial Corridor. It also has a connection to walking trails and proximity to the future Highway 74 Bypass. Currently, this is a very active area with significant impact, including approximately 1,600 jobs at the Foothills Commerce Center and a daily traffic count of 13,000 vehicles per day.

Mr. Epley stated in 2017 the process began with due diligence and the development of a request for proposal (RFP) and engineering estimates for the project. Following, contractor site visits and the assembly of bid packets occurred. In January 2018, County staff was able to formally release the bid packet which was very complex and contained Department of Transportation (DOT) diversion plans, embankment plans, a mandatory site visit, and a multitude of aspects a contractor would have to consider for a thorough cleanup bid. Mr. Epley further detailed and discussed the complexity of the project as follows:

- Large, aged asbestos-contaminated structures on project site
- Required hazardous chemicals and material disposal
- DOT traffic diversion plans
- Permitting

Mr. Epley stated through the due diligence process completed by staff from February through May 2018, he is confident all potential concerns and issues have been considered and addressed. The low responsive, responsible bidder was SafeCo Environmental, Inc. of Dilliner, Pennsylvania. The County Commissioners ultimately awarded the contract to SafeCo for asbestos abatement, demolition, and disposal of the Doran Mill facility and retained a

qualified third party, ECS Carolinas of Charlotte, North Carolina, to conduct environmental monitoring and contractor oversight for the duration of the project. Simultaneously, Cleveland County, in collaboration with the City of Shelby, was interested in conducting a feasibility and yield study to support development of a long term strategic plan for the old Doran Mill site. Included as part of the overall project, Cleveland County hired planning firm, Cole Jenest & Stone of Charlotte, North Carolina, to complete an analysis of possible future uses for the property. The study will look at reasonable, probable, and legal uses of land that results in the highest return on investment. The contribution to the community and development goals as well as benefits of that use to local property owners will be taken into account.

Mr. Epley added removal of the water tank located on the property was not included as part of the demolition project. Cole Jenest & Stone will determine if the water tank is structurally safe and how it could potentially be used in the future use of the property.

The information was received by both boards. No action was taken.

The Doran Mill Abatement and Demolition Project and Feasibility and Yield Study presentation is hereby incorporated by reference and made a part of these Minutes.

7. Consideration of a resolution authorizing an agreement between the City of Shelby and Cleveland County for the funding, design, and construction of Job Ready Shell Building No. 3 at the Foothills Commerce Center

Mr. Howell introduced the proposed resolution for consideration. He expressed his appreciation to both boards, reiterating the Foothills Commerce Center and the two shell buildings previously built and sold have been true partnerships between the City and the County.

Mr. Howell provided a brief history proving the partnership between the City and the County when the cost of the original purchase of 152 acres for the Foothills Commerce Center was equally shared and again when both divided the costs as utilities and roads were developed. He reviewed the economic development success of the two previous shell buildings, the first constructed in 2010 and sold to Schletter, Inc. and the second completed in 2014 and sold to Ivar's Display. The goal of constructing a third 100,000 square foot shell building is to produce the opportunity for a private company to bring jobs and payroll into the local economy.

Mr. Howell stated this resolution, as presented, is a symbolic document between the City and the County authorizing both staffs to work with their respective attorneys to draw up a binding agreement to develop the next shell building within the Foothills Commerce Center.

ACTION TAKEN: Upon a motion made by Mr. Amaya, City Council voted unanimously to approve and adopt Resolution No. 24-2018 entitled, "A RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF SHELBY AND CLEVELAND COUNTY FOR THE FUNDING, DESIGN, AND CONSTRUCTION OF JOB READY SHELL BUILDING NO. 3 AT THE FOOTHILLS COMMERCE CENTER".

Mr. Epley added the data shows the majority of corporate clients who have shown interest in Cleveland County have expressed a desire for buildings in the 100,000 square foot range. There will be a joint effort to get the process moving soon so the new building will be ready for potential business.

ACTION TAKEN: Upon a motion made by Mr. Hutchins, seconded by Mr. Whetstine, the County Commissioners voted unanimously to approve, "A RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF SHELBY AND CLEVELAND COUNTY FOR THE FUNDING, DESIGN, AND CONSTRUCTION OF JOB READY SHELL BUILDING NO. 3 AT THE FOOTHILLS COMMERCE CENTER".

8. Adjournment

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to adjourn their meeting at 5:28 p.m.

Respectfully submitted,

Bernadette A. Parduski, NCCMC, MMC City Clerk

O. Stanhope Anthony III Mayor

Minutes of May 29, 2018

City of Shelby Agenda Item Summary July 16, 2018 City Hall Council Chamber

Agenda Item: D-2

2) Approval of the Minutes of the Regular Meeting of June 18, 2018

Consent Agenda Item: (Bernadette Parduski, City Clerk)

Summary of Available Information:

Please read and offer changes as you deem necessary.

> Minutes of the Regular Meeting of June 18, 2018.

City Manager's Recommendation / Comments

Approve the minutes as presented or as amended by the Mayor and City Council via the Consent Agenda.

MINUTES

Regular Meeting
City Hall Council Chamber

June 18, 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, Ben Kittrell, Jr., and Dicky Amaya; City Manager Rick Howell, ICMA-CM, City Clerk Bernadette A. Parduski, NCCMC, MMC, City Attorney Robert W. (Bob) Yelton, Director of Finance Justin S. Merritt, MPA, Director of Human Resources Deborah C. (Deb) Jolly, 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, Director of Parks and Recreation Charlie Holtzclaw, Director of Planning and Development Services Walter (Walt) Scharer, AICP; and Bill Harrelson of Cleveland Community College and C19TV

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

As a point of clarification, Mayor Anthony explained as its first order of business at each meeting, the Council reviews the draft agenda, makes whatever revisions it deems appropriate, and adopts a formal agenda for the meeting. During the adoption process, the Council may add or subtract agenda items by majority vote of the members present and voting. The Mayor further stated the Council may designate an agenda item for discussion and possible action. The designation signifies that the Council intends to discuss the item and may, if it so chooses, take action on the item at a future meeting. Mayor Anthony reminded the public and Council members the procedure of the City Council is governed by the <u>Suggested Rules of Procedure for a City Council</u>, Fourth Edition, 2017 by Professor Trey Allen at the School of Government, University of North Carolina at Chapel Hill.

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

B. Special Presentations:

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

First, Miss Whetten recognized USA board members, Spencer Borders and David Royster, in attendance, for their support of the organization.

Referring to her handout, Miss Whetten reported her quarterly update included topics of interest, highlights of ongoing projects, and events, both recent and upcoming.

Miss Whetten announced that Uptown Shelby Association has been accredited by the national Main Street America organization once again and has been for several years. She stated this prestigious designation is awarded yearly to organizations that demonstrate they are adhering to a rigorous list of best practices. Accreditation recognizes exemplary commitment to preservation-based economic development and community revitalization through the Main Street approach.

Miss Whetten also provided the USA Board's newly adopted Plan of Work for 2018-2019. The information includes an overview and details of highlighted projects.

Miss Whetten mentioned she attended the recent Rail Trail Implementation Master Plan presentation and gained valuable, useful information from reading the Rail Trail Master Plan. She commented that the possibility of such a large, substantial rail trail in this community would create great opportunities for outdoor recreation as well as become a huge economic development driver in the region.

With regard to recent events, Miss Whetten said USA hosted its first business owner appreciation event and received positive feedback. These gatherings not only allow business owners to connect with information, resources, and each other but allow USA to provide its support and assistance.

With regard to the construction activities related to the Uptown Shelby improvements and the replacement of the City's utilities and infrastructure, Miss Whetten said a poster has been distributed throughout the district providing a timeline for the duration of the various projects.

With regard to upcoming events, she stated the Second Saturday events and the Shelby Alive concert series continue to run through July and August 2018.

Council received the information. No action was required.

2) Tar Heel Leagues State Youth Softball Tournaments – Charlie Holtzclaw, Director of Parks and Recreation

Mr. Holtzclaw was pleased to announce Shelby City Park will host the 2018 Tar Heel Leagues Girls Fast Pitch Softball Tournaments beginning July 19 and running through July 22, 2018. These tournaments will feature four Shelby host teams and combine for a total of 48 girls' softball teams with over 800 players and coaches participating in the four-day event. The tournaments will consist of eight teams in the Tar Heel 15 and Under, eight teams in the Tar Heel 12 and Under, eight teams in Tar Heel 10 and Under, twelve teams in the Tar Heel 8 and Under Coach Pitch, and twelve teams in the Tar Heel 8 and Under Machine Pitch division.

In terms of economic development and travel tourism, Mr. Holtzclaw stated several hundred spectators are expected daily until the Sunday championship games. There will be a total of nearly 90 games played at both the Ball Field Complex and the Recreation and Sports Complex. The vast majority of these teams and families will be staying in the local motels. The teams will come from all across the state, from the coast to the mountains, and will also patronize Shelby's restaurants and businesses.

Mr. Holtzclaw extended his personal invitation to attend the opening ceremonies for all teams on July 19, 2018 at 2:00 p.m. at the City Park Recreation and Sports Complex.

Mr. Holtzclaw concluded by stating this tournament would not be possible without the seven City Park fields at the Recreation and Sports Complex and Ball Field Complex, which has delivered the City five State tournaments in the last six years.

Council received the information. No action was required.

C. Public Comment:

Mayor Anthony reviewed the City Council Public Comment Policy adopted in 2005. The Mayor noted comments are limited to three minutes per speaker. There is a maximum of three participants on the same subject. The time allotted for public comment is 15 minutes. He instructed Council if they choose to extend the time for public comment an additional 15 minutes for a maximum time limit of 30 minutes, it must be by a majority vote.

ACTION TAKEN: Upon a motion made by Mrs. Arth Dukes, City Council voted unanimously to extend the public comment period to 30 minutes at this meeting of June 18, 2018.

Mayor Anthony began the public comment period at 6:20 p.m.

Mark Addington who resides at 108 North Thompson Street in Shelby, North Carolina spoke in support of an alternative use at Shelby City Park, suggesting a skateboard park, which can also hold events. Mr. Addington stated currently skateboarders are limited to street skating. This can cause safety issues and does not allow skaters to gain experience and advance to a professional level.

The Mayor recognized a group of local skateboarders in attendance.

Howard Liss who resides at 804 West Sumter Street in Shelby, North Carolina spoke in support of alternative uses at Shelby City Park, suggesting a mountain bike park along with other new elements. Mr. Liss stated he and his partner, Johnson Kelly, are the owners of Bicycles of Shelby, who encourage recreational cycling as a means to a healthy lifestyle and organize community rides. He said currently there are no mountain biking trails in Shelby such as those located at the US National Whitewater Center. Mr. Liss believes the closing of the Royster Memorial Golf Course would allow for many opportunities at Shelby City Park which can become economic drivers for the region.

The Mayor recognized a group of local cyclists in attendance.

Jeff Hamilton who resides at 810 Brittain Drive in Shelby, North Carolina spoke in support of alternative uses at Shelby City Park. Mr. Hamilton stated he is a golfer and it is his preferred recreational activity; however, where he plays golf is an option. Mr. Hamilton further stated he is a believer in repurposing and urged Council to seek a great deal of input as to the proposed new elements. He reiterated Mr. Liss' comments, adding there are so many opportunities to serve the public good as a park and to benefit a larger mass of citizens.

David Royster who resides at 212 Fairway Drive in Shelby, North Carolina spoke against the closing of Royster Memorial Golf Course. Mr. Royster was very disappointed in the City Council process used to close the golf course. He mentioned several items of concern: The City spent \$200,000 for several improvements two years ago and should have funded the remaining improvements to maintain the golf course at its optimum best; the Parks and Recreation Master Plan will be reconsidered by Council in 2019; two motions were made by Council: One defeated, one made to close the golf course without public notice and not with all Council members present; the City claims \$166,000 in annual savings when the golf course closes and yet no real idea of future costs due to lack of income from future uses; other

benefits include all City employees play without fees, it is the home course of Shelby Middle School and the Junior Golf Program, night golf and more tournaments, and the golf course is the fundraising mechanism for the Friends of the Parks. Mr. Royster said Council's decision comes into question as it seals the fate of many adults and children who cannot access or afford to play golf elsewhere. He requested Council reconsider its decision regarding the closure of Royster Memorial Golf Course.

Joshua Propst who resides at 232 Landry Drive in Kings Mountain, North Carolina spoke in support of alternative uses at Shelby City Park. He is the Executive Director of the Boys and Girls Clubs of Cleveland County and expressed his appreciation to the City of Shelby's Parks and Recreation Department for providing recreational opportunities for children. He encouraged City Council to continue to provide those recreational opportunities for those who are disadvantaged and/or with limited resources who need those outlets to stay active and healthy. Mr. Propst is very interested in mountain biking since the Boys and Girls Clubs are in the process of preparing a grant proposal for same, suggesting the possibility of connecting trails. He also mentioned an interest in a skateboard park and the continuation of golfing opportunities for youth.

Dale Guffey who resides at 807 Brittain Drive in Shelby, North Carolina spoke and questioned City Council's actions with regard to the motions to close the Royster Memorial Golf Course at their meetings of May 14, 2018 (with Public Comment) and June 4, 2018 (without Public Comment). Miss Guffey stated City Council's procedure may have been within the bounds of the letter of the law; however, the procedure completely violated the spirit of open transparency in municipal affairs. She said City Council might consider closing the carrousel or the airport, adding profit is not the purpose of government and government is not a business. Miss Guffey further stated City Council is expected to be good stewards of tax dollars. It is charged with being stewards of the public good, public safety, and public welfare. She urged City Council to listen to citizens and to conduct its business in the sunlight and not in dark rooms.

Jennipher Harrill who resides at 13 Heritage Lane in Shelby, North Carolina spoke in support of a specific alternative use at Shelby City Park, suggesting a dog park. As an avid animal lover and Shelby pet business owner, Mrs. Harrill stated she was pleased to review the proposed Alternative Use Master Plan which includes the possibility of a dog park. Both she and her husband have been interested in building and opening a dog park for nearly nine years. There is community support among fellow dog lovers and animal enthusiasts in both the City and Cleveland County for this new element to be added at City Park if the golf course is closed.

Bill McCarter who resides at 107 Plantation Court in Shelby, North Carolina spoke in support of the Alternative Use Study and Master Plan. Mr. McCarter expressed his appreciation to Council for their action in previous meetings and their efforts to create alternative uses for City Park. He stated there are a great deal of opportunities that exist and the variety of uses listed on the Conceptual Master Plan would be great assets to the City. Mr. McCarter encouraged Council to continue their endeavors and offered his assistance.

Cutler Ferchaud who resides at 902 Elizabeth Road in Shelby, North Carolina spoke in support of alternative uses at Shelby City Park. After being in the outdoor business for more than 40 years and living, traveling, and working all over the US, Europe, and the world, Mr. Ferchaud has returned to Shelby and has been impressed with its evolution. He stated in cities all over the US and the world, trail networks have been and continue to be developed for the purpose of accessibility in and around these cities. Mr. Ferchaud further stated that hiking and biking paths as well as rail trails are just as widespread in the world as evidenced by Google Maps. He mentioned the benefits of this connectivity are a resource for real estate, business, and reducing health care costs.

Chuck Bryson who resides at 143 Appian Way in Shelby, North Carolina spoke in support of alternative uses at Shelby City Park. Mr. Bryson reiterated the previous comments related to the new elements proposed on the conceptual master plan. He added the plan offers many different opportunities and he was interested in the addition of an outdoor amphitheater for events; walking, running, and fitness areas; and picnic and family areas. Mr. Bryson agreed with the speakers who expressed this is the direction the City needs to take.

Mayor Anthony concluded the public comment period at 6:45 p.m.

D. Public Hearing:

1) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina: Ordinance No. 34-2018

Mr. Scharer introduced this proposed zoning map amendment for the property located at 502 Booker Street from Light Industrial (LI) District to Residential 6 (R6) District as submitted by the applicant, Don Kramer. Utilizing both location and zoning maps, he pointed to the subject property adjacent to a former textile mill. He stated the former mill is currently used for a variety of warehousing. Other land uses in the area include single-family dwellings, neighborhood commercial uses, and institutional uses.

Mr. Scharer further stated this house has been vacant since the previous owner passed away approximately six years ago. The current owner has possessed the property since December 2014. Single-family dwellings are not a permitted use in the LI Zoning District. The dwelling has previously been a non-conforming use; however, when a non-conforming use is vacant for more than 365 days the non-conforming use cannot be used again. Therefore, the owner has petitioned the City to rezone the property to R6 in order to renovate the structure.

Mr. Scharer added the Shelby Comprehensive Land Use Plan for this area designates the site as Mixed Use. A Mixed Use area is intended to concentrate a mix of commercial uses and higher density residential uses. He stated the proposed zoning map amendment is consistent with the Comprehensive Land Use Plan. The Planning and Zoning Board recommended approval of the proposed zoning map amendment for property located at 502 Booker Street.

Discussion followed about the possibility of Council's direction to consider rezoning the four remaining residential properties in the area.

Mayor Anthony opened the public hearing at 6:58 p.m. and invited comments from the public.

The public offered no comments and Mayor Anthony closed the public hearing at 6:59 p.m.

ACTION TAKEN: Upon a motion made by Mr. Amaya, City Council voted unanimously to approve and adopt Ordinance No. 34-2018 entitled, "A PROPOSED ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF SHELBY, NORTH CAROLINA".

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 Regular Meeting of June 4, 2018
- 2) Approval of Special Event Permit Applications:
 - a. Mt. Calvary Baptist Church Community Explosion, requested date: July 21, 2018

- b. Veterans Awareness Walk, requested date: August 15, 2018
- 3) Approval of a resolution approving for acceptance, maintenance, and ownership of the sewer extension improvements for James Love School Road (Owner: Jack Kennedy) sewer extension: Resolution No. 30-2018
- 4) Adoption of a budget ordinance amendment for the City of Shelby's Farmville Road Waterline Project and Westside Sewer Improvements Project and Influent Preliminary Treatment Upgrade Project and Farmville Road Gas Loop Upgrade Project: Ordinance No. 35-2018
- 5) Adoption of a budget ordinance amendment for the City of Shelby's Uptown Streetscape and Pedestrian Improvements Project: Ordinance No. 36-2018
- 6) Adoption of a budget ordinance amendment for the City of Shelby's Shelby-Cleveland County Regional Airport Land Acquisition and Easements Project: Ordinance No. 37-2018
- 7) Approval of a Notice of Cancellation in the Regular Meeting Schedule of Shelby City Council

END CONSENT AGENDA

F. Unfinished Business:

- 1) Consideration of appointments to City advisory boards and commissions:
 - a. Planning and Zoning Board

Mrs. Parduski reported the terms of five incumbents, Marlene Peeler, Rick Washburn, Mark Carter, and Extraterritorial Jurisdiction (ETJ) members, Bob Cabaniss and Emanuel Hunt, Jr. will conclude June 2018.

There is one application on file in the Clerk's Office: Juan Cherry.

There was discussion regarding the City Council's recommendations and Cleveland County Commissioners' appointment of ETJ members to this board.

Mr. Amaya nominated Marlene Peeler, Rick Washburn, Mark Carter, and Extraterritorial Jurisdiction (ETJ) members, Bob Cabaniss and Emanuel Hunt, Jr., 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.

G. New Business:

1) Consideration of a resolution declaring the intent of the City Council of the City of Shelby to consider the permanent closure of a section of County Home Road: Resolution No. 29-2018

Mr. Howell introduced Resolution No. 29-2018 for Council's consideration. This resolution makes it known to the public that the City has received petitions for a road closure from property owners on both sides of a section of County Home Road located between the frontage road of US Highway 74 Bypass and Kings Road. Further, it is the City's intent to fully consider permanent closure of this road section. The resolution also sets forth a date and time of July 16, 2018 at 6:00 p.m. for a public hearing on this matter and to advertise said hearing once a week for four consecutive weeks prior to the hearing.

Next, Mr. Scharer utilized a location map and surveyor's plat to point to the site of the proposed road closure by adjacent property owners, Shelby Hospitality Group LLC, as developers of the Fairfield Inn & Suites, and State Employees' Credit Union. He noted County Home Road is a state roadway, therefore, after the public hearing is complete and Council approves the Order to close the road, the resolution will be sent to the North Carolina Department of Transportation for further consideration by the North Carolina Board of Transportation.

Discussion followed and included the implications of the closure of County Home Road involving accessibility and traffic safety issues. It was noted a Traffic Impact Analysis Study has been completed by the City.

ACTION TAKEN: Upon a motion made by Mr. Amaya, City Council voted unanimously to approve and adopt Resolution No. 29-2018 entitled, "A RESOLUTION DECLARING THE INTENT OF THE CITY COUNCIL OF THE CITY OF SHELBY TO CONSIDER THE PERMANENT CLOSURE OF A SECTION OF COUNTY HOME ROAD".

H. City Manager's Report:

1) Mr. Howell mentioned the City of Shelby received an \$80,000 grant from Cleveland County for recreational purposes which will be used to renovate the Holly Oak Park playground as an all-inclusive facility. The construction activities are scheduled to begin this summer.

- 2) Mr. Howell announced the City received a grant from the Carolina Thread Trail Program for the widening of the existing First Broad River Trail from the US Highway 74 Bridge to the current trail terminus. This construction to widen the southern section of the trail will take place in early July 2018.
- 3) With regard to Mafic USA LLC's offer to purchase 7.59 acres within the Foothills Commerce Center, Mr. Howell reported no qualifying bid was received after the initial public notice. Therefore, Mafic's offer is accepted and City staff is authorized to execute the documents necessary to convey the property to Mafic USA LLC.
- 4) Mr. Howell reported the Uptown Water and Sewer Project is proceeding and the work on Warren Street is nearing completion. Beginning the week of July 2, 2018, Lafayette Street will be closed between Warren Street and Marion Street. Once the construction equipment is moved to this section, Warren Street will reopen to traffic.

I. Council Announcements and Remarks:

- 1) Mayor Anthony reminded Council to monitor correspondence from the North Carolina League of Municipalities as the General Assembly moves along to conclude its short session by the end of June 2018. The legislature will use this time for bill filing and lawmaking and some could be objectionable to municipalities by forcing costs without funding sources.
- 2) Mr. Hendrick was excited to move forward with the City's Alternative Use Study and Master Plan for City Park.
- 3) Mr. White suggested the Uptown Shelby business owners should meet more often on either a bi-monthly or monthly basis.
- 4) Mr. Causby made a motion to delay the closure of the Royster Golf Course from November 1, 2018 to April 30, 2019, directing the City Manager to come back with specific plans for future use and that staff be directed to bring a resolution for Council's consideration on July 16, 2018. He also requested the City Manager to bring a budget amendment to cover the cost of that six-month extension.

Mayor Anthony reiterated the matter will be re-considered by Council on July 16, 2018.

Mr. Hendrick expressed his opposition to extending the closure of the golf course due to the continued expenses.

J. Adjournment:

1) Motion to adjourn

ACTION TAKEN: Upon a motion made by Mr. Amaya, City Council voted unanimously to adjourn the meeting at 7:11 p.m.

Respectfully submitted,

Bernadette A. Parduski, NCCMC, MMC City Clerk

O. Stanhope Anthony III Mayor

Minutes of June 18, 2018

City of Shelby Agenda Item Summary July 16, 2018 City Hall Council Chamber

Agenda Item: D-3

- 3) Approval of Special Event Permit Applications:
 - a. Tucker's Run and Ride, requested date: September 8, 2018
 - b. 9th Annual Rhythm & Roots Run & Walk 5K & 10K, requested date: October 13, 2018
 - c. The Official Liver Mush Festival of North Carolina locally known as the Mush, Music & Mutts Festival, requested dates: October 19-20, 2018

Consent Agenda Item: (Staff Resource, Bernadette A. Parduski, City Clerk)

Summary of Available Information:

- ➤ Memorandum dated July 9, 2018 from Bernadette A. Parduski, City Clerk to Rick Howell, City Manager
- Memorandums from Bernadette A. Parduski, City Clerk to Police Chief Jeff Ledford, Fire Chief William Hunt, Assistant Fire Chief Todd McMurry, Parks and Recreation Director Charlie Holtzclaw, Public Works Director Danny Darst, Assistant Director Public Works Scott Black, Director of Water Resources David Hux, Planning and Development Services Director Walt Scharer, and Director of Engineering Services Ben Yarboro
- Special Event Permit Applications

City Manager's Recommendation / Comments

These events are in keeping with special event practices of the City. It is my recommendation that this item be approved by City Council at this time via the Consent Agenda.

Memo

To: Rick Howell, City Manager

From: Bernadette A. Parduski, City Clerk

Date: July 9, 2018

Re: Special Event Permit Applications

BACKGROUND:

Special Event Permit Applications have been submitted for the following:

- ✓ Tucker's Run & Ride, requested date: September 8, 2018
- √ 9th Annual Rhythm & Roots Run & Walk 5K & 10K, requested date: October 13, 2018
- ✓ The Official Liver Mush Festival of North Carolina locally known as the Mush, Music & Mutts Festival, requested dates: October 19 – 20, 2018

REVIEW:

All responding City departments have received, reviewed, and approved the referenced applications.

RECOMMENDATION:

Please place the attached Special Event Permit Applications on the Consent Agenda of July 16, 2018 for Council's review and approval.

ATTACHMENTS:

- A. Special Event Permit Application packet received June 28, 2018
- B. Special Event Permit Application packet received June 12, 2018
- C. Special Event Permit Application packet received May 21, 2018

Memo

To: Police Chief Jeff Ledford, Fire Chief William Hunt, Assistant Fire Chief Todd McMurry, Parks & Recreation Director Charlie Holtzclaw, Public Works Director Danny Darst, Assistant Director of Public Works Scott Black, Director of Engineering Services Ben Yarboro, Director of Water Resources David Hux, and Planning and Development Services Director Walt Scharer

From: Bernadette A. Parduski, City Clerk

CC: Rick Howell, City Manager

Date: June 29, 2018

Re: Special Event Permit Application

All:

Attached you will find a Special Event Permit Application submitted by Jennipher Harrill of Rollover Pets as follows:

✓ Tucker's Run & Ride, requested date: September 8, 2018

Please carefully review the details of this application as it pertains to your department, and let me know of any anticipated problems/objections that you would like to bring to the attention of the City Council. If there are none, please let me know that as well. The event will be considered by City Council at the July 16, 2018 meeting and recommended for approval unless you advise otherwise. If I do not hear from you by July 6, 2018, it will be assumed that you are in agreement with the application as presented.

As always, thanks for your attention and consideration.

Attachment



CITY OF SHELBY SPECIAL EVENT PERMIT APPLICATION

JUN 28 2018

RECEIVED

Each question must be legible and answered clearly and completely. Application should be filed with the City Clerk not less than thirty (30) days before the date on which the event is to take place. A fee of \$20.00 will be due upon submission of the application form.

Tucker's Run + Ride
Tucket'S Run T Flae

2. PURPOSE AND BRIEF DESCRIPTION OF EVENT:
This is an event forrupners walkers
CHELLET GOODS IN WELLOW
from this event will all an towards
3. LOCATION OF EVENT (ATTACH MAP): building of a dog
Rollover Pets
1015 W. Warren St.
4. PLEASE INDICATE:
Approximately how many people will attend the event?
Approximately how many vehicles will be present?
Approximately how many animals will be present?\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\
If the event is a parade, please indicate the amount of street that will be needed:
Single lane
All lanes in travel direction
Whole street Cyclist Runners + Walkers

THE EVENT:						
Name: Dennipher Harrill						
Name: <u>Jennipher Harrill</u> Address: <u>13 Heritage Ln., Shelby, NC 28150</u>						
Phones: 704-472-4946						
inhancill @ blueeyessmc.com E-mail address						
Name:						
Address:						
Phones:						
(Daytime) (Evening)						
E-mail address						
6. PLEASE LIST THE FOLLOWING:						
Requested day(s) and date(s) Solution September 8 Alternate day(s) and date(s) Requested hours of operation, from 5:00 AM/PM to 10:00 AM/PM						
7. EVENT NOTIFICATION TO RESIDENTS AND BUSINESSES: As an event planner, you are responsible for notifying the neighbors and businesses in the surrounding area of your event. The City requires notifying as many businesses and residents around the event site as possible as early as possible. Please provide your plan of notification at the time you submit your permit application.						
8. SANITATION: Please attach your "Plan for Clean-Up." Please check						

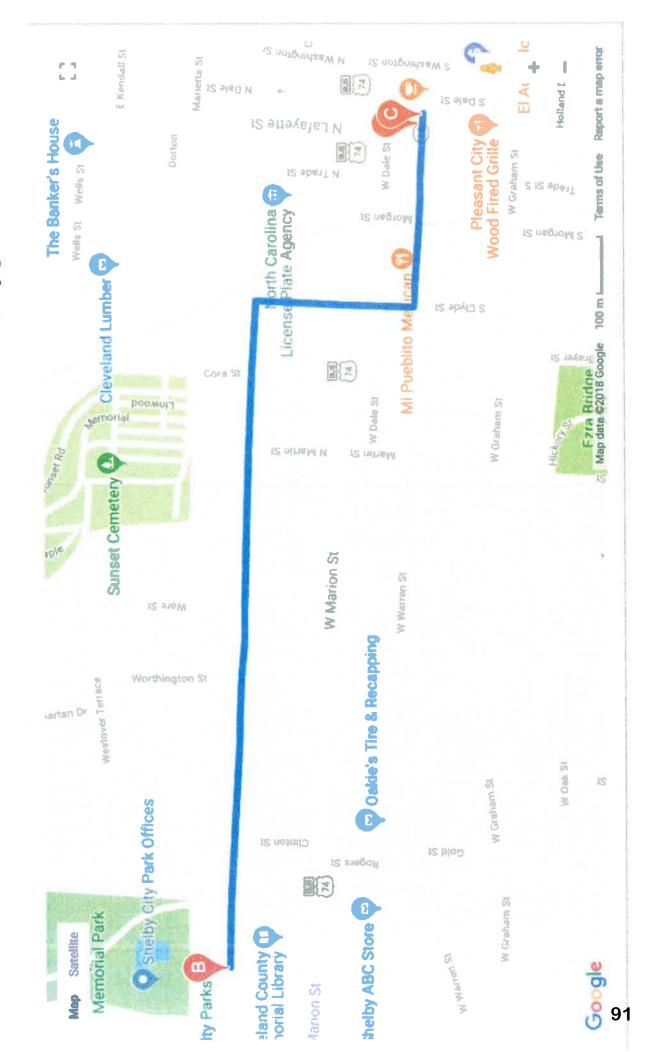
Application Instruction sheet for details.

5. PLEASE LIST THE FOLLOWING PARTY (IES) RESPONSIBLE FOR

9. AVAILABILITY OF FOOD, BEVERAGES, AND/OR ENTERTAINMENT: If there will be music, sound amplification, or any other noise impact, please describe on attached sheet, including the intended hours of the music, sound, or noise.
Will alcoholic beverages be served. If yes, attach to the application a copy of your permit from the Cleveland County Alcoholic beverage Control Board. Alcohol may not be served without a permit.
Will food and/or no-alcoholic beverages be served?
If yes, attach to the application a copy of your permit from the Cleveland County Department of Health Services.
10. SECURITY AND SAFETY PROCEDURES: Attach to this application a copy of your building permit(s) if you are installing any electrical wiring on a temporary or permanent basis and/or if you are building any temporary or permanent structures such as bleachers, scaffolding, a grandstand, viewing stands, stages, or platforms.
Attach a copy of your Shelby Fire & Rescue Department Permit or permits to this application if you will use parade floats; an open flame; fireworks; or pyrotechnics; vehicle fuel; cooking facilities; enclosures (and tables within those enclosures); tents; air-supported structures; and/or any fabric shelter.
Give name, address, and phone numbers of the agency or agencies, which will provide first aid staff and equipment. Attach additional sheets if necessary.
Name:Address:Phones:
Indicate medical services that will be provided for the event.
Indicate medical services that will be provided for the event. **AMBULANCE: Cleveland County EMS 204-484-4984 DOCTOR (S): **PARAMEDICS:
SFD: Chief Hunt & I have spoken. Will email routes

11. CITY SERVICES/EQUIPMENT REQUESTED FOR THIS EVENT:
* Have spoken w/ Chief Ledford
12. ANY ADDITIONAL COMMENTS: * Shut down Warren St. between Washing ton St. and Lateurette St. between the hour of Sp.m. + Op.m. *
THE CITY OF SHELBY IS NOT A CO-SPONSOR OF THE EVENT
It is understood and agreed that any permit issued pursuant to this application is issued on the condition that the answers herein given are true and correct to the best of the knowledge, information, and belief of the applicant.
SIGNATURE 704-472-4940
dennipher Henrill Poll Over Pots APPLICANT PHONE
PHYSICAL ADDRESS
inharrill@blueeyessmc.com E-MAIL ADDRESS
<u>6-26-18</u> DATE

Runner/Walker Route 3.1 miles



Mount Sinai loop



By scott mull Created on January 11, 2016

33.45km 287 m
Distance Elevation Gain
Road
Ride Type

21 mile quick loop out Wesson and back in South Morgan

Memo

To: Police Chief Jeff Ledford, Fire Chief William Hunt, Assistant Fire Chief Todd McMurry, Parks & Recreation Director Charlie Holtzclaw, Public Works Director Danny Darst, Assistant Director of Public Works Scott Black, Director of Engineering Services Ben Yarboro, Director of Water Resources David Hux, and Planning and Development Services Director Walt Scharer

From: Bernadette A. Parduski, City Clerk

CC: Rick Howell, City Manager

Date: June 12, 2018

Re: Special Event Permit Application

All:

Attached you will find a Special Event Permit Application submitted by Emily Epley on behalf of the Earl Scruggs Center as follows:

√ 9th Annual Rhythm & Roots Run & Walk 5K & 10K, requested date: October 13, 2018

Please carefully review the details of this application as it pertains to your department, and let me know of any anticipated problems/objections that you would like to bring to the attention of the City Council. If there are none, please let me know that as well. The event will be considered by City Council at the July 16, 2018 meeting and recommended for approval unless you advise otherwise. If I do not hear from you by July 6, 2018, it will be assumed that you are in agreement with the application as presented.

As always, thanks for your attention and consideration.

Attachment

b. This section shall have no application to any ordinance, which may allow criminal sanctions for its violation. All violations of this Code, which are criminal in nature, shall be subject to the maximum penalty authorized by G.S. 14-4, as amended.

CITY OF SHELBY SPECIAL EVENT PERMIT APPLICATION

Each question must be legible and answered clearly and completely. Applications must be filed with the City Clerk not less than thirty (30) days before the date on which the event is to take place. A fee of \$20.00 will be due upon submission of the application form.

1. EVENT NAME: 9^{TH} ANNUAL RHYTHM & ROOTS RUN & WALK 5K / 10K EARL SCRUGGS CENTER

2. PURPOSE AND BRIEF DESCTIPTION OF EVENT:

ANNUAL FUNDRAISING EVENT IN SUPPORT OF THE EARL SCRUGGS CENTER

3. LOCATION OF EVENT (ATTACH MAP): THE EVENT WILL BEGIN AND END AT THE DON GIBSON THEATRE

4. PLEASE INDICATE:

Approximately how many people will attend the event: APPROX. 400 Approximately how many vehicles will be present: APPROX. 200 Approximately how may animals will be present: APPROX. 10

lt	the	event	İS	a	parade,	please	indicate	the	amount	of	street	that	will
be	need	led:											
Sir	ngle !	lane			N/A								
Al	1	lanes	in		travel	directi	ion						
W	hole	street_											

5. PLEASE LIST THE FOLLOWING PARTY (IES) RESPONSIBLE FOR THE EVENT:

Name: EMILY EPLEY, EXECUTIVE DIRECTOR OF THE EARL SCRUGGS CENTER

Address: P.O.BOX 2063, SHELBY, NC

Phones: 704-487-6233

704-477-6845

(Daytime)

(Evening)

EMILY@EARLSCRUGGSCENTER.ORG (e-mail address)

Name: SCOTT FRANKLIN

Address: 125 CREEKSIDE DR., SHELBY, NC

Phones: 704-477-9960

(Daytime) (Evening)

SFRANKLIN@PPG.COM

(e -mail address)

6. PLEASE LIST THE FOLLOWING:

Requested day(s) and date(s)OCTOBER 13, 2018	
Alternate day(s) and date(s)	
Requested hours of operation, from 5 AM To 11 AM	

7. **SANITATION:** Please attach your "Plan for Clean-Up." Please check Application Instruction sheet for details.

AVAILABILITY OF FOOD, BEVERAGES, AND/OR ENTERTAINMENT;

8. If there will be music, sound amplification, or any other noise impact, please describe on attached sheet, including the intended hours of the music, sound, or noise.

Will alcoholic beverages be served? **NO**If yes, attach to the application a copy of your permit from the Cleveland County Alcoholic beverage Control Board. <u>Alcohol may not be served without a permit.</u>

Will food and/or no-alcoholic beverages be served? YES
If yes, attach to the application a copy of your permit from the
Cleveland County Department of Health Services.
WATER, GATORADE, AND FRUIT FOR THE RUNNERS. NO
ITEMS REQUIRING PREP OR COOKING.

9. **SECURITY AND SAFETY PROCEDURES:**

Attach to this application a copy of your building permit(s) if you are installing any electrical wiring on a temporary or permanent basis and/or if you are building any temporary or permanent structures such as bleachers, scaffolding, a grandstand, viewing stands, stages, or platforms.

Attach a copy of your Shelby Fire & Rescue Department Permit or permits to this application if you will use parade floats; an open flame; fireworks; or pyrotechnics; vehicle fuel; cooking facilities; enclosures (and tables within those enclosures); tents; air-supported structures; and/or any fabric shelter.

Give name, address, and phone numbers of the agency or agencies, which will provide first aid staff and equipment. Attach additional sheets if necessary.

10.

CITY SERVICES/EQUIPMENT REQUESTED FOR THIS

EVENT: POLICE/TRAFFIC CONTROL PLANNING SERVICES DEPT.

SHELBY CITY PARK

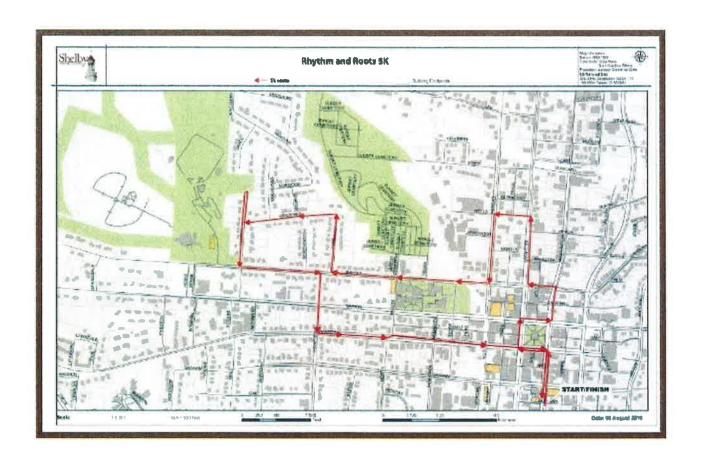
11. ANY ADDITIONAL COMMENTS:

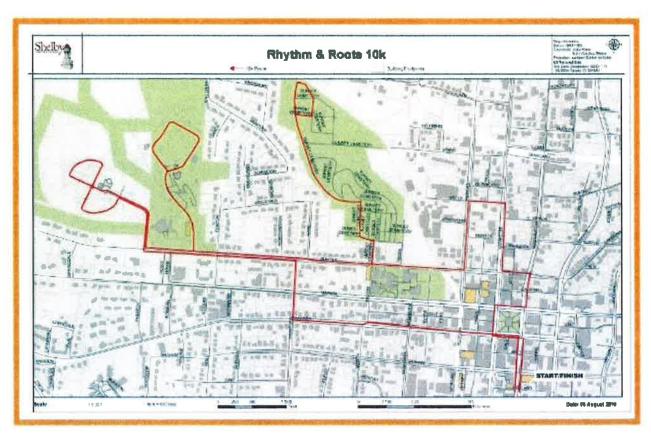
ROUTE CLOSURES:

- S. WASHINGTON FROM HOLLAND TO PINKNEY;
- HOLLAND ST. BESIDE THE DON GIBSON THEATRE;

PATROL OFFICERS REQUIRED AT THE FOLLOWING:

- WARREN/LAYFAYETTE START TO FINISH OF RACE
- WASHINGTON/WARREN
- GRAHAM/WASHINGTON
- MARION/WASHINGTON
- CLOSE HARTLEY DRIVE @ CITY PARK





Music:

There will be a Bluegrass band at:

- the start/finish (Don Gibson Theatre)
- the Boys and Girls Club
- Cleveland County Chamber

Music will be playing from 8:00am-9:30am.

There will also be a race announcer at the start/finish (Don Gibson Theatre).

This is the same music plan we have followed for previous years.

THE CITY OF SHELBY IS NOT A COSPONSOR OF THE EVENT.

It is understood and agreed that any permit issued pursuant to this application is issued on the condition that the answers herein given are true and correct to the best of the knowledge, information, and belief of the applicant.

Emly Epley (SIGNATURE)

EMILY EPLEY ON BEHALF OF EARL SCRUGGS CENTER 704-487-6233 (APPLICANT) (PHONE)

P. O. BOX 2063, SHELBY, NC (ADDRESS)

MAY 30, 2018

(DATE)

Memo

To: Police Chief Jeff Ledford, Fire Chief William Hunt, Assistant Fire Chief Todd McMurry, Parks & Recreation Director Charlie Holtzclaw, Public Works Director Danny Darst, Assistant Director of Public Works Scott Black, Director of Engineering Services Ben Yarboro, Director of Water Resources David Hux, and Planning and Development Services Director Walt Scharer

From: Bernadette A. Parduski, City Clerk

CC: Rick Howell, City Manager

Date: May 22, 2018

Re: Special Event Permit Application

All:

Attached you will find a Special Event Permit Application submitted by Jackie Sibley-Newton of Cleveland County Tourism as follows:

✓ The Official Liver Mush Festival of North Carolina locally known as the Mush, Music & Mutts Festival, requested dates: October 19-20, 2018

Please carefully review the details of this application as it pertains to your department, and let me know of any anticipated problems/objections that you would like to bring to the attention of the City Council. If there are none, please let me know that as well. The event will be considered by City Council at the July 16, 2018 meeting and recommended for approval unless you advise otherwise. If I do not hear from you by July 2, 2018, it will be assumed that you are in agreement with the application as presented.

As always, thanks for your attention and consideration.

Attachment

CITY OF SHELBY SPECIAL EVENT PERMIT APPLICATION



Each question must be legible and answered clearly and completely. Applications most here will one clearly and completely. Applications most here will one clearly and completely. Applications most here will be clearly applications of the application form.

- 1. **EVENT NAME**: Official Liver Mush Festival of North Carolina, known locally as "Mush, Music & Mutts Festival."
- 2. PURPOSE AND BRIEF DESCTIPTION OF EVENT: This event is collaboration between Cleveland County Tourism, Cleveland County Chamber, Uptown Shelby Association, Foothills Farmers Market, The Earl Scruggs Center, Shelby Breakfast Rotary Club, Uptown Shelby businesses and the Cleveland County Arts Council. Uptown Shelby Association sponsors the children's event with local sponsors doing crafts and activities with the children. Cleveland County Chamber and Cleveland County Tourism arrange the Liver Mush Expo portion of this event. It will feature locally made liver mush with samples, specials at Uptown Shelby restaurants, craft vendors, exhibits, moon bounce structures, outdoor entertainment and the Little Miss Liver Mush Pageant. Cleveland County Arts Council intends to host an art show and open their private parking lot for the beer garden to serve local wine and beer, Foothills Farmers Market provides local arts and crafts, homemade cleaning and beauty products in addition to locally grown produce, meats and flowers. Roll Over Pet Store will host the pet festival with events for pets including the costume parade and events on Warren Street. The festival begins at 8 am and ends at 6 pm on Saturday with set up beginning Friday evening. A North Carolina Brewery Tasting and Chili Cook-Off sponsored by Shelby Breakfast Rotary will take place Friday night at 6:00 (Set up begins at noon) on Washington Street
- 3. LOCATION OF EVENT (ATTACH MAP) S. Lafayette Street from the stop light in front of Bank of the Ozarks at the intersection of Warren to Sumter. Marion Street from the intersections of Dekalb to the traffic light at Morgan. Warren Street from the intersections of Dekalb to Lafayette.

 Washington Street from the Arey alley to Sumter.

4. PLEASE INDICATE:

Approximately how many people will attend the event: Friday, the maximum ticket sales will be 1,500. Last year 16,000 people attend this event on Saturday.

Approximately how many vehicles will be present: Vehicles on the festival grounds will consist only of food vendor vehicles necessary to the festival and display vehicles of exhibitors. Attendees will produce about 6,000vehicles throughout the event and park in available public parking. The committee plans to work out a shuttle service to parking more than a ¼ mile from the event.

Approximately how many animals will be present <u>Approximately 250</u> domestic animals under the control of their owners and within the laws of Uptown Shelby will be participating in the pet festival portion of this event.

If the event is a parade, please indicate the amount of street that will be needed:
Single lane
All lanes in travel direction
Whole Street: S. Lafayette Street from the stop light in front of Bank of the Ozarks at the
intersection of Warren to the intersection of Sumter. Marion Street from the intersections of Dekalb
to the traffic light at Morgan. Warren Street from the intersections of Dekalb to Lafayette.
Washington Street from the Arey alley to Sumter.

PLEASE LIST THE FOLLOWING PARTIES

RESPONSIBLE FOR THE EVENT:

Name:

Jackie Sibley, Cleveland County Tourism, Vice President

Address:

200 S. Lafayette Street, Shelby, NC 28150

Phone:

(704) 310-8522 (cell)

Email:

Jackie@ClevelandChamber.org

Name:

Bill Watson, President, Cleveland County Chamber

Address:

200 S. Lafayette Street, Shelby, NC 28150

Phone:

(704) 487-8521 (office)

Email:

Bill@ClevelandChamber.org

Name:

Adrian Hamrick, Cleveland Co. Chamber, Marketing Director

Address:

200 S. Lafayette Street, Shelby, NC 28150

Phone:

(704) 487-8521 (office)

Email:

Adrian@ClevelandChamber.org

Name:

Audrey Whetten, Executive Director, Uptown Shelby Association

Address:

211 South Trade Street, Shelby, NC 28150

Phone:

(704) 484-3100 (office) awhetten@uptownshelby.com

Email:

Name:

Fred Harrill, Owner of Roll Over, LLC

Address:

105 W. Warren Street, Shelby, NC

Phone:

(704) 406-9251 (office)

Email:

fred@rolloverpets.com

Name:

Carol Maxwell, Foothills Farmers Market

Address:

PO Box 502, Shelby, NC 28151

Phone:

(704) 482-4365 (office)

Email:

info@foothillsfarmersmarket.com

Name:

Bob Davis, Shelby Breakfast Rotary PO Box 3210, Shelby, NC 28151

Address:

Phone:

(704) 482-6705 (office)

Email:

bdavistacc@bellsouth.net

6. PLEASE LIST THE FOLLOWING:

Requested day(s) and date(s) October 19-20, 2018

Alternate day(s) and date(s)

Requested hours of operation, Friday, October 19 at 8 am to Saturday, October 21 at 8 pm (The event hours will be Fri., Oct. 19 6-9:30 pm and Sat., Oct. 2 80-4 pm. The additional hours requested are for set up and tear down. Roads will be opened as soon after the event close as possible when it is safe to do so.)

SANITATION: Please attach your "Plan for Clean-Up." Please check Application Instruction sheets for details. Additional trash receptacles and recycling collection units are requested from the city to be dropped off prior to the event and picked up following the event. The volunteers and staff of the event will place the receptacles throughout the festival grounds and put them back for pick up following the event. Trash will be picked up from the court square lawn and streets. Portable 2

bathroom facilities will be placed throughout the festival grounds. Eight units are reserved including 2 accessible units.

8. FOOD/BEVERAGES/ENTERTAINMENT: If there will be music, sound amplification, or any other noise impact, please describe on attached sheet, including the intended hours of music, sound or noise. Fri., Oct. 19 a stage will be set up for entertainment from 5:30 – 10pm on Washington Street. Sat., Oct. 20 the stage on Washington Street will have a PA system playing music for the Little Miss Liver Mush Pageant and to announce winners of awards for Liver Mush Eating and the Recipe Contest. Live Music will be played on Washington Street, Marion Street, Lafayette Street and the court square lawn.

Will alcoholic beverages be served? On Friday, October 19, NC Breweries will be set up for tastings on Washington Street and Shelby Breakfast Rotary Club will host a chili cook-off. All City of Shelby requirements will be met and permits obtained by the Cleveland County Chamber. On Saturday, breweries & wineries will be on Washington Street. Sales will be made by purchasing tickets from Tour Cleveland County where photo identification will be checked and only those over 21 will be sold an armband and drink tickets.

Will food and/or no-alcoholic beverages be served? Yes. Food vendors are required to have their own permits through the Cleveland County Health Department and supply a copy of their liability insurance policy. The necessary paperwork will be filed by the festival coordinators with the Health Department within the deadline required.

9. SECURITY AND SAFETY PROCEDURES:

Attach to this application a copy of your building permit(s) if you are installing any electrical wiring on a temporary or permanent basis and/or if you are building any temporary or permanent structures such as bleachers, scaffolding, a grandstand, viewing stands, stages, or platforms. The stage and tents used are temporary and provided by and installed by Got You Covered. They have all the required permits and work with the Fire Marshall for approval.

Attach a copy of your Shelby Fire & Rescue Department Permit or permits to this application if you will use parade floats; an open flame; fireworks; or pyrotechnics; vehicle fuel; cooking facilities; enclosures (and tables within those enclosures); tents; air-supported structures; and/or any fabric shelter. The City of Shelby Fire Marshall will be consulted on all plans and the layout prior to set up of the event. Vendors are required to obtain their own permits if applicable. The stages are provided by a professional vendor who will obtain any permits and inspections as necessary.

Give name, address, and phone numbers of the agency or agencies, which will provide first aid staff

and equipment. Attach additional sheets if necessary	ary.
Name:	
Address:	
Phone:	
Indicate medical services that will be provided for	the event.
AMBULANCE: Cleveland County EMS	
DOCTOR (S):	
PARAMEDICS: <u>Cleveland County EMS</u>	

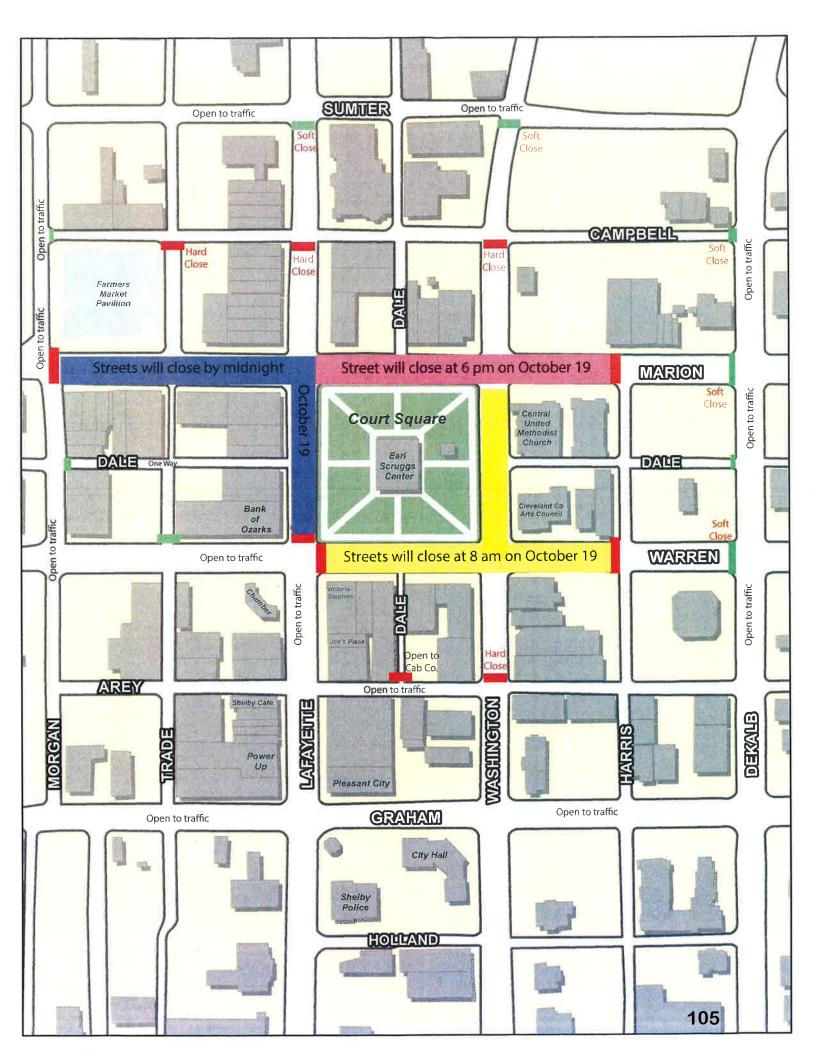
10. CITY SERVICES/EQUIPMENT REQUESTED FOR THIS EVENT: Additional trash cans, Sanitation truck on site, road closures, power on all poles around the court square and the City Pavilion. Emergency Services will be made aware of the event and on-call for emergencies. Lights and a generator are requested from the City Fire Department for Friday, October 20 on the corner of Washington and Marion Street.

11. ANY ADDITIONAL COMMENTS: Tour Cleveland County, Cleveland County Chamber, Cleveland County Arts Council, Foothills Farmers Market, Roll Over LLC, USA staff and volunteers will be on site at during the entire event, and it will be our responsibility to contact all of the department representatives prior to each event. The committee will contract for adequate portable restroom facilities. Written permission from the County to use the Historic Court Square for its scheduled activities will be obtained.

THE CITY OF SHELBY IS NOT A CO-SPONSOR OF THE EVENT.

It is understood and agreed that any permit issued pursuant to this application is issued on the condition that the answers herein given are true and correct to the best of the knowledge, information, and belief of the applicant.

Jackie Sil	Lly-Newton	
(SIGNATURE)	6	
Jackie Sibley-Newton	(704) 310-8522	
(APPLICANT	(PHONE)	
200 S. Lafayette Street, Shelby, NC 28	150	
(ADDRESS)		
Mov. 17, 2019		
May 17, 2018 (DATE)		





Agenda Item: D-4

4) Approval of a resolution accepting the infrastructure constructed within the right-of-way for the extension of T. R. Harris Drive into the City of Shelby Street System: Resolution No. 33-2018

Consent Agenda Item: (Ben Yarboro, Engineering Services Director)

Summary of Available Information:

- ➤ Memorandum dated June 13, 2018 from Ben Yarboro, Engineering Services Director to Rick Howell, City Manager
- Survey of property
- ➤ Letter dated TGS Engineers to Ben Yarboro, City of Shelby
- Resolution No. 33-2018

City Manager's Recommendation / Comments

Resolution No. 33-2018 is presented for City Council consideration via the Consent Agenda. If approved this resolution would accept for ownership and maintenance the noted improvements in Mr. Yarboro's memo. As you all know this is a common procedure and practice anytime a private developer constructs public infrastructure as part of a project. The infrastructure must be built in a manner consistent with the approved site plan and in accord with City standards and specifications prior to acceptance.

It is my recommendation Resolution No. 33-2018 be adopted and approved by City Council at this time via the Consent Agenda.

To: Rick Howell, City Manager

From: Ben Yarboro, Engineering Services Director

RE: Acceptance of the infrastructure constructed within the right-

of-way for the extension of T.R. Harris Dr.

Date: June 13, 2018

T.R. Harris Drive was extended as part of the Crystal Springs Estates project approximately 131 linear feet adding a cul-de-sac. This roadway construction project was completed to provide public access to five additional residential lots (see attached recorded plat). Gregdon Investments, LLC has dedicated the right-of-way portion of T.R. Harris Dr. to the City of Shelby for public use.


The project consisted of the construction of a 24' wide asphalt roadway with cul-desac, 24" valley curb, and a 5' sidewalk along the side of the street. The City of Shelby Engineering Department staff completed inspections of the roadway throughout construction to ensure compliance with City public street standards as outlined in the City of Shelby Unified Development Ordinance. In addition, the developer's engineer has provided a letter certifying construction was completed per approved site development plans (see attached).

Based on the aforementioned reviews and inspections, the Engineering Department recommends acceptance of the infrastructure within the dedicated public right-of-way for operation and maintained by the City of Shelby.

Please advise if you have any questions or need additional information.

Attachments:

- Recorded Plat
- Engineer's Letter of Certification



BKAO be 133

804 – C North Lafayette Street Shelby, North Carolina 28150 Phone 704 476 0003 Fax 704 476 0024 www.tgsengineers.com



City of Shelby Attn: Ben Yarboro PO Box 207 Shelby, NC 28151

Mr. Yarboro,

Please accept this letter as our certification for the extension of T.R. Harris Drive within the Crystal Springs Subdivision. This construction of this section of roadway and cul-de-sac was completed in accordance with the site plan prepared by TGS Engineers that was approved by the City of Shelby. A proof roll of both the subgrade and ABC stone base was observed and approved by the City of Shelby and construction of this roadway project was substantially completed on February 23, 2018.

Please contact me if you have any questions or need additional information.

Sincerely,

Matthew T. Cornwell

Mothew J. Cewell

SEAL 042001

NGINEER WITH CORNER TO THE CORN

RESOLUTION NO. 33-2018

A RESOLUTION ACCEPTING THE INFRASTRUCTURE CONSTRUCTED WITHIN THE RIGHT-OF-WAY FOR THE EXTENSION OF T.R. HARRIS DRIVE INTO THE CITY OF SHELBY STREET SYSTEM

WHEREAS, the developers of Crystal Springs Estates, a subdivision located in Shelby, constructed a 24 foot wide asphalt roadway with a cul-de-sac, valley curb and gutter, and a concrete sidewalk as part of the Crystal Springs Estates project; and

WHEREAS, the aforementioned improvements have been completed and inspected/approved by the developer, the developer's engineer, and the City; and

WHEREAS, the infrastructure was constructed to City of Shelby public street standards as required by the Unified Development Ordinance; and

WHEREAS, Gregdon Investments, LLC has dedicated the right-of-way portion of T.R. Harris Drive to the City of Shelby for public use;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHELBY, NORTH CAROLINA:

Section 1. The City of Shelby hereby accepts the infrastructure constructed within the dedicated public right-of-way of the extension of T.R. Harris Drive as shown on the attached plat into the City of Shelby Street System for operation and maintenance.

Section 2. The City of Shelby will amend the North Carolina Department of Transportation Powell Bill Street Listing to reflect the addition of the extension of T.R. Harris Drive to the City of Shelby Street System.

Section 3. This resolution shall become effective upon adoption and approval.

Adopted and approved this the 16th day of July 2018.

ATTEST:	O. Stanhope Anthony III Mayor	
Bernadette A. Parduski, NC-CMC, IIMC-MMC City Clerk	_	

Agenda Item: D-5

5) Approval of a resolution of intent to de-obligate funds for Building Reuse Community Development Block Grant: Resolution No. 34-2018

Consent Agenda Item: (Rick Howell, City Manager; Walter Scharer, Planning Director)

Summary of Available Information:

- ➤ Memorandum dated July 9, 2018 from Walter Scharer, Planning Director to Rick Howell, City Manager
- Resolution No. 34-2018

City Manager's Recommendation / Comments

Resolution No. 34-2018 is presented for City Council consideration at this time via the Consent Agenda. If approved this resolution would authorize me to take action to de-obligate this \$250,000 CDBG grant. This essentially means that the City would notify the NC Commerce Department that this project will not be moving forward allowing them to remove this financial grant commitment from their records. I do want to note that the City has been very patient with the owners of the String Bean (EX Animo LLC) and provided written notice of our intent to de-obligate these fund if we did not get a detailed timeline and commitment regarding their plan by May 31, 2018. No response was received.

It is my recommendation Resolution No. 34-2018 be adopted and approved by City Council at this time via the Consent Agenda.



To: Rick Howell - City Manager

From: Walter Scharer – Planning Director

Date: July 9, 2018

Subject: CDBG Building Reuse Fund De-Obligation

Executive Summary of Issue - Background

The North Carolina Department of Commerce awarded Community Development Block Grant (CDBG) funding assistance for building reuse projects that eliminate slum and blight to the City of Shelby in 2016. This funding assistance was intended for upgrades of downtown buildings in order to meet current code requirements. Underutilized buildings were defined as those properties that are less than fully utilized or used below their potential. The CDBG Downtown Redevelopment Fund was designed to return vacant or underutilized commercial buildings to economic use for new and/or expanding business. One of ultimate goals of the CDBG program is the prevention or elimination of slum or blight.

Review and Comments

The City of Shelby proposed to have Community Development Block Grant funds focus on elimination of slum and blight at 112 North Lafayette Street (the Campbell Building) and 14 West Marion Street (the Sterchi Building).

The work to the Campbell building is now complete, however, the work to the Sterchi building at 14 West Marion Street has barely started. To date, a building permit has not been issued for the Sterchi building for the project.

According to the Grant Agreement, the City of Shelby is required to obligate all CDBG funds no later than December 19, 2018. Therefore, staff requested a detailed timeline for completion of this project, from the owner, EX Animo, LLC, no later than May 31, 2018. No timeline was submitted.

City Council should authorize the City Manager to de-obligate these CDBG funds and to recoup any funds distributed to EX Animo, LLC for the Sterchi building, by approving the attached resolution. According to the Department of Commerce, these funds may not be redirected to another project.

Recommendation

Please place this item on the consent agenda for the next City Council meeting on July 16, 2018. Staff recommends this action.

Attachments: Resolution

RESOLUTION NO. 34-2018

A RESOLUTION OF INTENT TO DE-OBLIGATE FUNDS FOR BUILDING REUSE COMMUNITY DEVELOPMENT BLOCK GRANT

WHEREAS, the City of Shelby was awarded Community Development Block Grant (CDGB) funding assistance for the Downtown Redevelopment Fund from North Carolina Department of Commerce in 2018; and,

WHEREAS, the City of Shelby identified 112 North Lafayette Street (The Campbell Building) as underutilized and in a slum and blighted state; and,

WHEREAS, the City of Shelby identified 14 West Marion Street (The Sterchi Building) as underutilized and in a slum and blighted state; and,

WHEREAS, the Grant Agreement between the City of Shelby and the Department of Commerce has a deadline to obligate CDBG funds no later than December 19, 2018; and,

WHEREAS, EX Animo, LLC, the developer for 14 West Marion Street, has not obtained a building permit for completing this project; and,

WHEREAS, the City of Shelby approved an EX Animo, LLC requisition for funds for interior demolition; and,

WHEREAS, EX Animo, LLC has not provided a timeline for completing this project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHELBY OF SHELBY, NORTHCAROLINA:

Section 1. The City Council of the City of Shelby hereby authorizes the City Manager to de-obligate the CDBG funds intended for the Sterchi Building Project at 14 West Marion Street.

Section 2. The City of Shelby hereby authorizes and designates the City Manager to recoup the funds distributed to EX Animo, LLC by any method available under applicable law.

Section 3. This resolution shall become effective upon its adoption and approval.

Adopted and approved this the 16th day of July, 2018.

	O. Stanhope Anthony III Mayor
ATTEST:	
Bernadette A. Parduski, NC-CMC, IIMC-MMC	
City Clerk APPROVED AS TO FORM:	
7.2.7.10 (2.2.7.2. 7.0.7.0.1.1.	
Robert W. Yelton City Attorney	

Agenda Item: D-6

6) Approval of a resolution awarding the contract for the interior renovations to the Utilities Operations Center Project: Resolution No. 35-2018

Consent Agenda Item: (Ben Yarboro, Engineering Services Director)

Summary of Available Information:

- ➤ Memorandum dated July 10, 2018 from Ben Yarboro, Engineering Services Director to Rick Howell, City Manager
- ➤ Memorandum dated July 9, 2018 from Layne Owen, Civil Engineer to Ben Yarboro, Engineering Services Director
- ➤ Bid Tabulation Sheet
- Plans for renovation
- Resolution No. 35-2018

City Manager's Recommendation / Comments

Resolution No. 35-2018 is presented for City Council consideration at this time via the Consent Agenda. If approved this resolution would award a contract in the amount of \$215,000 to T.C. Strickland Construction Company for the conversion of approximately 1,600 square feet of unconditioned space in the corner of the warehouse at UOC to an area for file/plan storage, office space and a conference room. In addition a 3,000 square mezzanine about this space would be created minimizing any loss of existing warehouse space. This project is funded within the individual operating budgets of each utility in the current fiscal year.

It is my recommendation Resolution No. 35-2018 be adopted and approved by City Council at this time via the Consent Agenda.

To: Rick Howell, City Manager

From: Ben Yarboro, Director of Engineering Services

RE: Interior Renovations to the Utilities Operations Center

Date: July 10, 2018

The Engineering Department, Water Resources Department, and Energy Services Department jointly contracted with Mark Thompson, PE do complete a design on structural interior improvements to an area of the warehouse at the Utilities Operation Center. As detailed in the email from Layne Owen, Civil Engineer, this design was completed to address the need of additional office space, a technical review area, climate controlled plan storage area, and additional warehouse storage space. The UOC was originally constructed to allow for improvements such as this by installing footings in the floor during the original construction of the building and installing structural steel beams that are pre-drilled at the appropriate locations.

The completion of this project addresses the needs of three departments and the City warehouse that are located in the UOC. After reviewing the plans and bid prices, I concur with Mr. Owens recommendation of awarding this construction contract to T.C. Strickland Construction Company, Inc. for the lump sum bid amount of \$215,000.00.

Please let me know if you have any questions or need additional information.

To: Ben Yarboro, Engineering Services Director

From: Layne Owen, P.E., Civil Engineer/Stormwater Coordinator

RE: Interior Renovations to the Utilities Operations Center

Date: July 9, 2018

Background

Due to growth of the utilities departments over the years, City staff observed the need for additional office space as well as the need for space dedicated for technical review and file storage. Currently, files and plans associated with projects throughout the City are stored in a section of the warehouse that is not climate controlled which degrades the plans over time. The use of warehouse space for file storage and plan review has limited the area available for the warehouse that supplies materials to all City departments.

Even with the current use of warehouse space, there is not enough space in the storage area either to put more flat file storage cabinets for plans so are currently being stored rolled up which makes it inefficient to find needed plans. The City contracted with Mark Thompson, P.E. to design a climate controlled area in the warehouse that would provide file storage and office space on the lower floor and warehouse storage on the mezzanine.

Review

The design that was developed would convert the file storage area that is currently being used to a climate controlled office/file storage space. It would provide two additional offices at approximately 160 square feet each. There will be approximately 1,440 square feet of space to utilize as a conference room, file storage room, and plan review area. This would provide space for flat file storage cabinets and better organization of the plans. It will also provide a space for plan reviews and meetings to discuss projects.

Above the climate controlled space, there will be approximately 3,060 square feet of mezzanine warehouse storage space accessible. This space will provide an increase in storage area for the warehouse and meet their increasing need for space.

Staff advertised the project on the City of Shelby website and bid packages were provided to five prospective bidders on May 25, 2018. At the bid opening on June 5, www.cityofshelby.com

2018, only two completed bids were received so bids were returned unopened and the project was re-advertised. A second bid opening was held on June 12, 2018, and two completed bids were received. The bid tabulation for these bids is attached to this memorandum and depicts the lump sum bids that were received. The lowest responsive bidder was T.C. Strickland Construction Company, Inc. from Shelby, NC. The low bid by T.C. Strickland Construction Company, Inc. was a lump sum bid for the scope of work in the amount of \$215,000.00.

Greene Building Corporation submitted a bid of \$294,500.00.

Recommendation

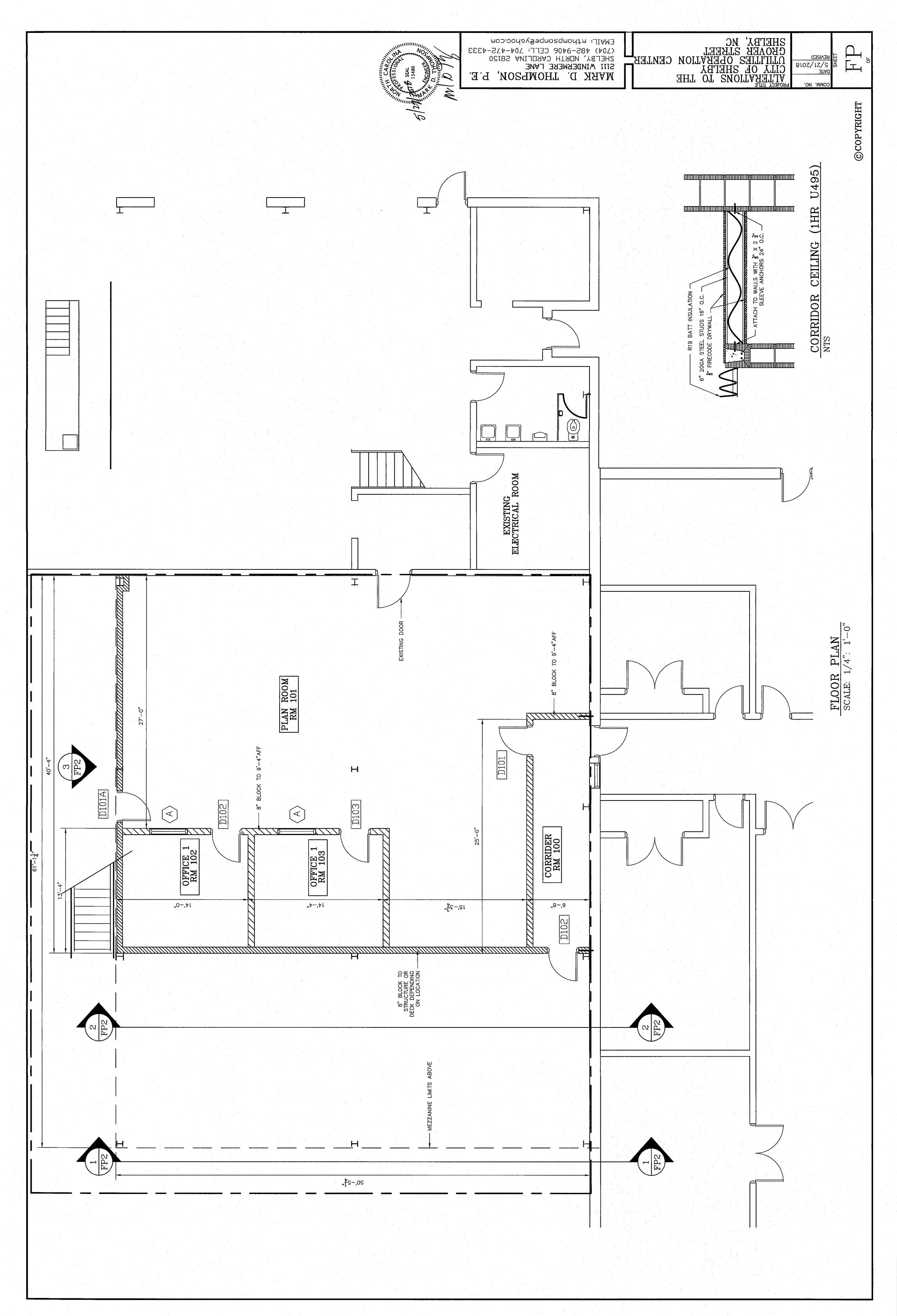
City Staff recommends that the Shelby City Council approve the resolution awarding the contract for the Interior Renovations to the Utilities Operations Center Project to the lowest responsive bidder, T.C. Strickland Construction Company, Inc., for the bid price of \$215,000.00.

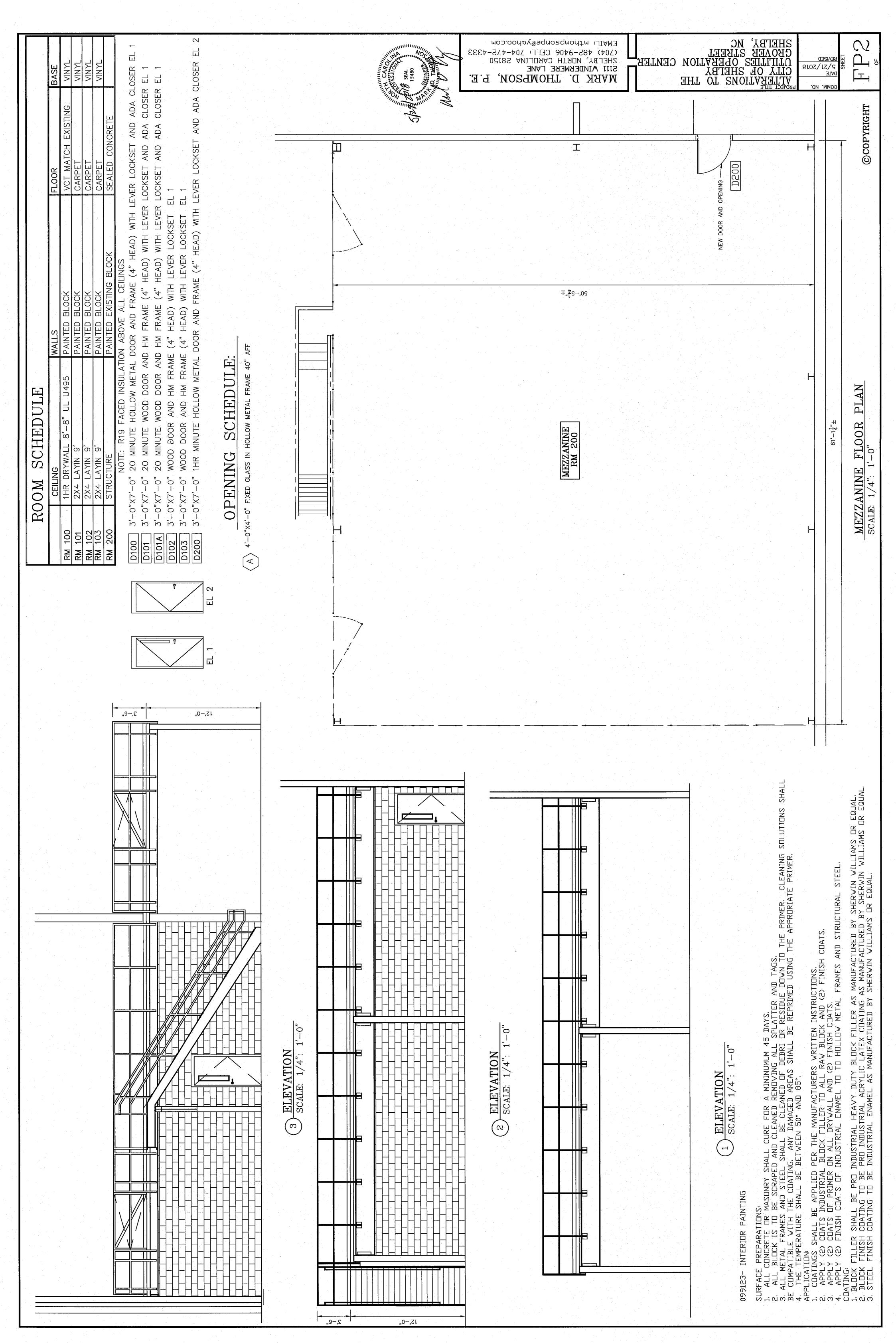
Please advise if you have any questions or need additional information.



BID TAB

2nd Bid C	Opening			
Dat 6/12/				
Company Name	Submitted Bid			
TC Strickland	\$215,000.00			
Greene Building Corp.	\$294,500.00			
Bid Opening	Attendees:			
Layne Owen	Scott Greene - Green Building Corp			
Bryant Nodine	Jason Clontz - Greene Building Corp			
Mark Thompson	Chuck Strickland - TC Strickland			





RESOLUTION NO. 35-2018

A RESOLUTION AWARDING THE CONTRACT FOR THE INTERIOR RENOVATIONS TO THE UTILITIES OPERATIONS CENTER PROJECT

WHEREAS, the City of Shelby Engineering Department has had the plans developed for Interior Renovations to the Utilities Operations Center which will add approximately 1,760 square feet of climate controlled office/storage space including two additional offices and 3,060 square feet of mezzanine warehouse storage space at the Utilities Operations Center; and

WHEREAS, the City of Shelby in accordance with applicable provisions of GS 143-129, as amended, has accepted formal proposals for the Interior Renovations to the Utilities Operations Center Project in accordance with priorities heretofore established by City Council; and,

WHEREAS, bids for this proposed work have been tabulated and contract award recommended for this project; and,

WHEREAS, City Council now desires to proceed with award of contracts as recommended and with the renovations anticipated by this action;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHELBY, NORTH CAROLINA:

Section 1. The contract for the Interior Renovations to the Utilities Operations Center Project, as outlined in the bid specifications for this offering, is hereby awarded to T.C. Strickland Construction Company, Inc. for a bid price of \$215,000.00 as stated in their official proposal for this bidding, and in accordance with the City's official bid specifications for this project.

Section 2. The City Manager of the City of Shelby or his designee is hereby authorized and directed to execute the applicable contracts and any change orders as specified in Section 1 of this resolution.

Section 3. This resolution shall become effective upon its adoption and approval. Adopted and approved this the 16th day of July 2018.

	O. Stanhope Anthony III Mayor
	Mayor
ATTEST:	
Bernadette A. Parduski, NC-CMC, IIMC-MMC	_
· · · · · · · · · · · · · · · · · · ·	
City Clerk	

Agenda Item: D-7

7) Adoption of an ordinance authorizing demolition of a dwelling (301 Willow Lane): Ordinance No. 40-2018

Consent Agenda Item: (Walter Scharer, Planning Director)

Summary of Available Information:

- ➤ Memorandum dated July 5, 2018 from Walter Scharer, Planning Director to Rick Howell, City Manager
- > Photo of Property
- Location Map
- > Tax Card for 2018
- ➤ Ordinance No. 40-2018

City Manager's Recommendation / Comments

Please note that the Building Inspector has duly conducted enforcement of the minimum housing code in accordance with the NC General Statutes and City Code. I do want to emphasize that it is the common practice of the City to err on the side of the property owner in most all cases giving them the benefit of the doubt when action is initiated. A thorough and fair due process is followed in all cases. Demolition of these homes is always the last resort after efforts to persuade a property owner to make these minimum standards have failed. As you all know once this ordinance is passed the City is empowered to enter onto the property to demolish the building. All associated demolition costs and administrative costs are then filed by the City Attorney as a lien against the property. This lien is normally only satisfied to the City's benefit upon the sale of the property.

Excerpt from Strategic Growth Plan

4. Community Appearance & Image

POLICY 4.4: Vacant and abandoned sites and buildings shall be properly cared for or removed, thereby preventing a blighting impact on the area in which they are located.

Action 4.4.1: Examine and implement standards for maintaining undeveloped or vacant lots and for repairing or removing abandoned structures and sites.

It is my recommendation Ordinance No. 40-2018 be adopted and approved by City Council at this time via the Consent Agenda.



To: Rick Howell - City Manager

From: Walter Scharer – Planning & Development Director

Date: July 5, 2018

Subject: Demolition of Structure at 301 Willow Lane

Executive Summary of issue - Background

The dwelling associated with this proposed demolition action is in a dilapidated condition and should be removed for the safety of the citizens of Shelby. Initial complaints came from residents, the Shelby Police Department and City Code Enforcement. The property owner has been given due process and has failed to comply with the City's Minimum Housing Code.

Review and Comments

Due to dilapidation this dwelling is unfit for human habitation and has the potential of increasing the hazards of fire, accident, and other calamities; it is dangerous and detrimental to the health, safety, and welfare of the citizens of the City of Shelby. The estimated cost of demolition and removal is approximately \$4,000.00. Budgeted minimum housing funds will be used for this demotion.

Removal of this structure is in compliance with the City of Shelby Minimum Housing Code pursuant to N.C.G.S. 160A-441.

Removal of this structure is supported by the following Strategic Growth Plan Policies and Actions:

POLICY 4.4: Vacant and abandoned sites and buildings shall be properly cared for or removed, thereby preventing a blighting impact on the area in which they are located.

Action 4.4.1: Examine and implement standards for maintaining undeveloped or vacant lots and for repairing or removing abandoned structures and sites.

POLICY 9.2: Consistent, reliable enforcement of well written housing and nuisance abatement codes shall be employed to eliminate instances of unlawful activity and urban blight within the planning area of Shelby.

Recommendation

Please place this item on the consent agenda for the next City Council meeting on July 16, 2018. Staff recommends this minimum housing action.

Attachments: Photo of Structure, Location Map, Tax Card and Ordinance









USER ALAN FOR YEAR 2018

PARCEL ID.. 18411 LOCATION... 301 WILLOW LN DEED YEAR/BOOK/PAGE.. 2017 1748 0476 PLAT BOOK/PAGE.. ELLISON RONALD EUGENE ELLISON TERI T PIN... S12 3 21 SHELBY ASSESSMENT RECY OWNER ID.. 1296651 DISTRICT.. 6 CI 812 E MARION ST LEGAL DESC:301 WILLOW LANE CITY OF SHELBY TOWNSHIP... 6 SHELBY SHELBY NC 28150-NBRHOOD... 244 S12 RESIDENTIAL DESCRIPTION MAINTAINED.. 9/13/2017 BY BKEENER VISITED.... 5/01/1998 BY PARCEL STATUS... ACTIVE VALUED.. 9/14/2016 BY MAYES ROUTING#.. CATEGORY.. Real & Personal ----- SALES HISTORY -----SALE AMOUNT STAMP AMOUNT DEED BK/PAGE SALE DATE SALES INSTRUMENT DISQUALIFIED ELLISON RONALD EUGENE & W/TERI
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43.00 BAYVIEW FINANCIAL PROPERTY TRU
43.00 BAYVIEW FINANCIAL PROPERTY TRU
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73.00 ALTEGRA CREDIT COMPANY
18.00 0476 8/04/2017 1175 7/15/2010 COMMISSIONERS D NO STAMPS ON DE 1175 7/15/2010 DEED 0501 10/24/2006 DEED QUALIFIED
FAMILY TRANSACT
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OTHER REASON
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QUALIFIED 1599 25,000 21,500 21,500 8,500 36,500 1502 1492 2382 7/20/2006 DEED 1394 0012 10/29/2003 DEED 1346 2288 10/10/2002 TRUSTEES DEED 18F 134 1/01/1983 SALE 18.00 ------ LAND SEGMENTS ------LAND STRAT CHERENT CODE TYPE/CODE LAND OTY LAND RATE DPT% SHP% LOC% SIZ% OTH% TOP% ADJ 54.00 110.00 .00 100.00 .00 .00 .00 110.00 OTHER ADJ... .00 .00 .00 TOTAL LAND FMV.. FF F 135.000 DPTH.. 187 02 8,019 DPTH.. MAIN FIN AREA. 1,351.00 ACT/EFF YR/AGE. 1925 1970 46 VISITED. BY
STRAT...... 02
MAIN PERIM..... 182.00 MAIN GROUND SF... 1,351.000
LOCATION #... 301 WILLOW LANE ----- IMPROVEMENT # 1 MAJOR IMPR-M COVERED PORCH 100 100.00 13.19
FULL SCREEN PORCH 100 189.00 15.41
SINGLE FAMILY DWELLI 100 1351.00 62.11 1.00
WOOD SIDING 100 182.00 .00
PERIMETER FOOTING 100 1351.00 .00
UNIT HEATERS 100 1351.00 1.00
RES PLUMB-EXTRA FIXT100 5.00 717 ^^ COMPONENT TYPE/CODE/DESC PCT STR# STR% SIZ% HGT% PER% CDS% %CMPT. 1,635 AC 06 124.00 MA 37W EW 06 100.00 100 83,910 FD 04 HC 06 n 1,351-RCN... QUAL.. QG D3 DEPR.. D7 PCT COMPLETE 100 87,368 74,262 85.00 x 86.00 -D+-46 YEARS OLD 63,866 63,866 --FMV... MA 244 244 MARKET ADJ 70.00 x DATE 5/25/18 TIME 9:16:24 CLEVELAND COUNTY PROPERTY CARD FOR YEAR 2018 PROG# AS2006 USER ALAN ELLISON RONALD EUGENE PARCEL ID.. 18411 PIN... S12 3 21 ----- IMPROVEMENT # 1 MAJOR IMPR-M -10-+ 0 ----23----+ 3 ---21---3 +--11-+4+ : 4 +-7-+ AC 06 COVERED PORCH ----- TRAVERSE ------10.00 M D 10.00 4.00 D U 25.00 30.00 10.00 5.00 25.00 9.00 AC 17 FILL SCREEN PORCH ----- TRAVERSE ------21.00 D D 21.00 9.00 D I D U 9.00 MA 37W SINGLE FAMILY DWELLI FLOOR: 1.00 ----- TRAVERSE ------D D D D 10.00 10.00 9.00 13.00 5.00 D R D L 30.00 10.00 D D D L 4.00 25.00 D D L 21.00 ---- IMPROVEMENT # 2 MISC IMPR-Y ACT/EFF YR/AGE.. 1984 1998 18 DESCRIPT.... STORAGE BUILDING MAIN FIN AREA.. VISITED.. MAINTAINED.. 5/17/2017 BY MAYES STRAT.....02

Cleveland County NC Property Card

LOC	CATION #		301	WILLOW	LANE										
C	OMPONENT T	TYPE/CODE/DES	SC	PCT	UN	ITS	RATE	STR#	STR%	SIZ%	HGT%	PER%	CDS%	COST	%CMPL
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						CC	MMENTS -								

ORDINANCE NO. 40-2018

AN ORDINANCE AUTHORIZING DEMOLITION OF A DWELLING

WHEREAS, pursuant to the provisions of Chapter 160A, Article 19, Part 6, of the North Carolina General Statutes, the single family dwelling located at <u>301 Willow Lane</u>, Shelby, North Carolina, has been inspected and found to be unfit for human habitation and to otherwise constitute a danger to persons and a threat to the health and welfare of the citizens within the City; and,

WHEREAS, according to the procedure provided by law, the owner(s) of said property **Robert & Teri Ellison**, has or have been given notice of the aforesaid inspection, determination, and orders to bring said property into compliance with the housing standards of the City of Shelby by appropriate repair or removal of said dwelling; and,

WHEREAS, no action of any kind has been taken or initiated by the owner(s), or any party on behalf of said owner(s), to achieve compliance with said ordinances within the periods allowed by law; and,

WHEREAS, the said dwellings remain at this time unfit for human habitation, dilapidated, and a danger to the health and safety of the citizens of the City of Shelby, and should be removed by demolition in order to prevent and alleviate such continuing danger and dilapidated conditions.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHELBY. NORTH CAROLINA:

Section 1. The dwelling on the property known as <u>301 Willow Lane</u>, Shelby, and described in the Cleveland County records as Tax Parcel No. <u>18411</u> be demolished forthwith, the remnants thereof disposed, and a lien for the costs of such demolition and removal, less any credits due the owner(s), be filed against the property and collected pursuant to the provisions of North Carolina General Statutes § 160A-443, et seq.; and,

Section 2. Said lien bear interest until paid, as allowed in Article 10 of Chapter 160A of the N.C. General Statutes, at the rate of eight percent (8.0%) per annum.

Adopted and approved this 16th day of July 2018.

	O. Stanhope Anthony, III Mayor
ATTEST:	
Bernadette A. Parduski, NC-CMC, IIMC-MMC	
City Clerk	
APPROVED AS TO FORM:	
Robert W. Yelton	-
City Attorney	

Agenda Item: D-8

8) Adoption of an ordinance authorizing demolition of a dwelling (508 Oakland Drive): Ordinance No. 41-2018

Consent Agenda Item: (Walter Scharer, Planning Director)

Summary of Available Information:

- ➤ Memorandum dated July 5, 2018 from Walter Scharer, Planning Director to Rick Howell, City Manager
- > Photo of Property
- Location Map
- > Tax Card for 2018
- ➤ Ordinance No. 41-2018

City Manager's Recommendation / Comments

Please note that the Building Inspector has duly conducted enforcement of the minimum housing code in accordance with the NC General Statutes and City Code. I do want to emphasize that it is the common practice of the City to err on the side of the property owner in most all cases giving them the benefit of the doubt when action is initiated. A thorough and fair due process is followed in all cases. Demolition of these homes is always the last resort after efforts to persuade a property owner to make these minimum standards have failed. As you all know once this ordinance is passed the City is empowered to enter onto the property to demolish the building. All associated demolition costs and administrative costs are then filed by the City Attorney as a lien against the property. This lien is normally only satisfied to the City's benefit upon the sale of the property.

Excerpt from Strategic Growth Plan

4. Community Appearance & Image

POLICY 4.4: Vacant and abandoned sites and buildings shall be properly cared for or removed, thereby preventing a blighting impact on the area in which they are located.

Action 4.4.1: Examine and implement standards for maintaining undeveloped or vacant lots and for repairing or removing abandoned structures and sites.

It is my recommendation Ordinance No. 41-2018 be adopted and approved by City Council at this time via the Consent Agenda.



To: Rick Howell - City Manager

From: Walter Scharer – Planning & Development Director

Date: July 5, 2018

Subject: Demolition of Structure at 508 Oakland Street

Executive Summary of issue - Background

The dwelling associated with this proposed demolition action is in a dilapidated condition and should be removed for the safety of the citizens of Shelby. Initial complaints came from residents, the Shelby Police Department and City Code Enforcement. The property owner has been given due process and has failed to comply with the City's Minimum Housing Code.

Review and Comments

Due to dilapidation this dwelling is unfit for human habitation and has the potential of increasing the hazards of fire, accident, and other calamities; it is dangerous and detrimental to the health, safety, and welfare of the citizens of the City of Shelby. The estimated cost of demolition and removal is approximately \$4,000.00. Budgeted minimum housing funds will be used for this demotion.

Removal of this structure is in compliance with the City of Shelby Minimum Housing Code pursuant to N.C.G.S. 160A-441.

Removal of this structure is supported by the following Strategic Growth Plan Policies and Actions:

POLICY 4.4: Vacant and abandoned sites and buildings shall be properly cared for or removed, thereby preventing a blighting impact on the area in which they are located.

Action 4.4.1: Examine and implement standards for maintaining undeveloped or vacant lots and for repairing or removing abandoned structures and sites.

POLICY 9.2: Consistent, reliable enforcement of well written housing and nuisance abatement codes shall be employed to eliminate instances of unlawful activity and urban blight within the planning area of Shelby.

Recommendation

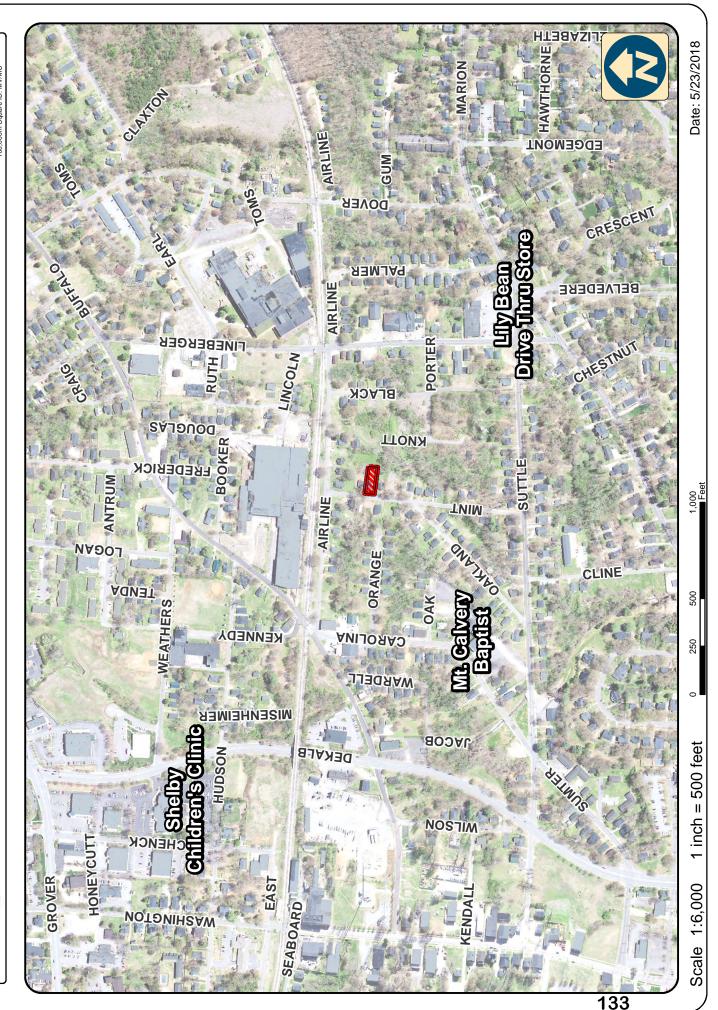
Please place this item on the consent agenda for the next City Council meeting on July 16, 2018. Staff recommends this minimum housing action.

Attachments: Photo of Structure, Location Map, Tax Card and Ordinance



Location Map







USER ALAN FOR YEAR 2018

PARCEL ID. 18745
LOCATION... 508 OAKLAND DR
DEED YEAR/BOOK/PAGE.. 2012 1642 0319
PLAT BOOK/PAGE.. 2012 1642 0319
LEGAL DESC:LTS#53&54 BLK C PB 2 20
GIDNEY PROPERTY
TOWNSHIP... 6 SHELBY SIMS GEORGE D 2803 PHILADELPHIA RD CITY OF SHELBY T.AWNDAT.E NC 28090-NBRHOOD... 272 S MAPS RESIDENTIAL DESCRIPTION MAINTAINED.. 5/17/2017 BY MAYES VISITED.... 5/01/1998 BY VALUED.. 9/14/2016 BY MAYES ROUTING#.. VISITED.... 5/01/1998 PARCEL STATUS... ACTIVE CATEGORY.. Real & Personal ----- SALES HISTORY -----DEED BK/PAGE SALE DATE SALES INSTRUMENT DISQUALIFIED SALE AMOUNT STAMP AMOUNT DEED NAME 2,000 4.00 SIMS GEORGE D QUALIFIED 0319 9/17/2012 DEED 17A 579 1/01/1980 SALE QUALIFIED 5.00 ------ LAND SEGMENTS ------LAND STRAT CURRENT ZONE CODE TYPE/CODE LAND QTY LAND RATE DPT% SHP% LOC% SIZ% OTH% TOP% ADJ .00 3,000 1 TOTAL ACRES.. TOTAL LAND FMV.. 3,000 ----- IMPROVEMENT # 1 MAJOR IMPR-M 828.00 ACT/EFF YR/AGE. 1940 1970 46 VISITED. BY
DESCRIPT... SINGLE FAMILY DWELLING-WF MAINTAINED. 5/17/2017 BY MAYES
120.00 MAIN GROUND SF... 828.000

 MAIN FIN AREA.
 828.00
 ACT

 STRAT.
 02
 DES

 MAIN PERIM.
 120.00
 MAIN

 LOCATION #...
 OAKLAND DR 508

 COMPONENT TYPE/CODE/DESC PCT RATE STR# STR% SIZ% HGT% PER% CDS% UNITS %CMPT. AC 06 AC 20 COVERED PORCH 100 84.00 13.19 MASONRY STOOP 100 30.00 7.29 1,373 124.00 134.00 293 30.00 828.00 120.00 828.00 828.00 SINGLE FAMILY DWELLI 100
WOOD SIDING 100 37W 62.11 1.00 104.00 100 53,483 WOOD SIDING 100
PERIMETER FOOTING 100
UNIT HEATERS EW 06 FD 04 HC 06 .00 0 UNIT HEATERS 100 RES PLUMB-EXTRA FIXT100 1.00-828-5.00 _____ RCN... QUAL.. QG D4 DEPR.. D7 PCT COMPLETE D-05 46 YEARS OLD LOCATIONAL OBS DEP 100 54,321 80.00 x 86.00 -25.00 -43,456 LOCA.. LOD 38,893 T 1,521 272 MARKET ADJ 75.00 x --FMV... MA 272 3,422 CLEVELAND COUNTY PAGE PROPERTY CARD FOR YEAR 2018 PROG# AS2006 TIME 9:16:24 SIMS GEORGE D PARCEL ID.. 18745 PIN... S15 2 42 ----- IMPROVEMENT # 1 MAJOR IMPR-M ---26----+ AC 06 COVERED PORCH ----- TRAVERSE ------14.00 D D 6.00 D L 14.00 D II 6.00 ----- AC 20 MASONRY STOOP ----- TRAVERSE -----30.00 M R 14.00 D U 6.00 D D 5.00 D L 5.00 D R ---- MA 37W SINGLE FAMILY DWELLI FLOOR: 1.00 ------ TRAVERSE ------30.00 26.00 12.00 D R 34.00 D L D U 4.00 3,000 3,000 TOTAL PARCEL VALUES----LAND / IMPROVEMENTS / OVR TOTAL LAND/IMPROVE 2017 VALUE 6,422 6,422 FMV.... 3,422 6,422 3,000 APV.... 6,422 ----- COMMENTS - ----

ORDINANCE NO. 41-2018

AN ORDINANCE AUTHORIZING DEMOLITION OF A DWELLING

WHEREAS, pursuant to the provisions of Chapter 160A, Article 19, Part 6, of the North Carolina General Statutes, the single family dwelling located at <u>508 OAKLAND DR</u>., Shelby, North Carolina, has been inspected and found to be unfit for human habitation and to otherwise constitute a danger to persons and a threat to the health and welfare of the citizens within the City; and,

WHEREAS, according to the procedure provided by law, the owner(s) of said property, <u>GEORGE SIMS</u>, has or have been given notice of the aforesaid inspection, determination, and orders to bring said property into compliance with the housing standards of the City of Shelby by appropriate repair or removal of said dwelling; and,

WHEREAS, no action of any kind has been taken or initiated by the owner(s), or any party on behalf of said owner(s), to achieve compliance with said ordinances within the periods allowed by law; and,

WHEREAS, the said dwellings remain at this time unfit for human habitation, dilapidated, and a danger to the health and safety of the citizens of the City of Shelby, and should be removed by demolition in order to prevent and alleviate such continuing danger and dilapidated conditions.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHELBY, NORTH CAROLINA:

Section 1. The dwellings on the property known as <u>508 OAKLAND DR</u>, Shelby, and described in the Cleveland County records as Tax Parcel No<u>. 18745 be</u> demolished forthwith, the remnants thereof disposed, and a lien for the costs of such demolition and removal, less any credits due the owner(s), be filed against the property and collected pursuant to the provisions of North Carolina General Statutes § 160A-443, et seq.; and,

Section 2. Said lien bear interest until paid, as allowed in Article 10 of Chapter 160A of the N.C. General Statutes, at the rate of eight percent (8.0%) per annum.

Adopted and approved this 16th day of July 2018.

	O. Stanhope Anthony, III
	Mayor
ATTEST:	
Bernadette A. Parduski, NC-CMC, IIMC-MMC	-
City Clerk	
APPROVED AS TO FORM:	
Robert W. Yelton	
City Attorney	

Agenda Item: D-9

9) Adoption of an ordinance authorizing demolition of a dwelling (807 Tenda Place): Ordinance No. 42-2018

Consent Agenda Item: (Walter Scharer, Planning Director)

Summary of Available Information:

- ➤ Memorandum dated July 5, 2018 from Walter Scharer, Planning Director to Rick Howell, City Manager
- ➤ Photo of Property
- Location Map
- > Tax Card for 2018
- ➤ Ordinance No. 42-2018

City Manager's Recommendation / Comments

Please note that the Building Inspector has duly conducted enforcement of the minimum housing code in accordance with the NC General Statutes and City Code. I do want to emphasize that it is the common practice of the City to err on the side of the property owner in most all cases giving them the benefit of the doubt when action is initiated. A thorough and fair due process is followed in all cases. Demolition of these homes is always the last resort after efforts to persuade a property owner to make these minimum standards have failed. As you all know once this ordinance is passed the City is empowered to enter onto the property to demolish the building. All associated demolition costs and administrative costs are then filed by the City Attorney as a lien against the property. This lien is normally only satisfied to the City's benefit upon the sale of the property.

Excerpt from Strategic Growth Plan

4. Community Appearance & Image

POLICY 4.4: Vacant and abandoned sites and buildings shall be properly cared for or removed, thereby preventing a blighting impact on the area in which they are located.

Action 4.4.1: Examine and implement standards for maintaining undeveloped or vacant lots and for repairing or removing abandoned structures and sites.

It is my recommendation Ordinance No. 42-2018 be adopted and approved by City Council at this time via the Consent Agenda.



To: Rick Howell - City Manager

From: Walter Scharer – Planning & Development Director

Date: July 5, 2018

Subject: Demolition of Structure at 807 Tenda Place

Executive Summary of issue - Background

The dwelling associated with this proposed demolition action is in a dilapidated condition and should be removed for the safety of the citizens of Shelby. Initial complaints came from residents, the Shelby Police Department and City Code Enforcement. The property owner has been given due process and has failed to comply with the City's Minimum Housing Code.

Review and Comments

Due to dilapidation this dwelling is unfit for human habitation and has the potential of increasing the hazards of fire, accident, and other calamities; it is dangerous and detrimental to the health, safety, and welfare of the citizens of the City of Shelby. The estimated cost of demolition and removal is approximately \$4,000.00. Budgeted minimum housing funds will be used for this demotion.

Removal of this structure is in compliance with the City of Shelby Minimum Housing Code pursuant to N.C.G.S. 160A-441.

Removal of this structure is supported by the following Strategic Growth Plan Policies and Actions:

POLICY 4.4: Vacant and abandoned sites and buildings shall be properly cared for or removed, thereby preventing a blighting impact on the area in which they are located.

Action 4.4.1: Examine and implement standards for maintaining undeveloped or vacant lots and for repairing or removing abandoned structures and sites.

POLICY 9.2: Consistent, reliable enforcement of well written housing and nuisance abatement codes shall be employed to eliminate instances of unlawful activity and urban blight within the planning area of Shelby.

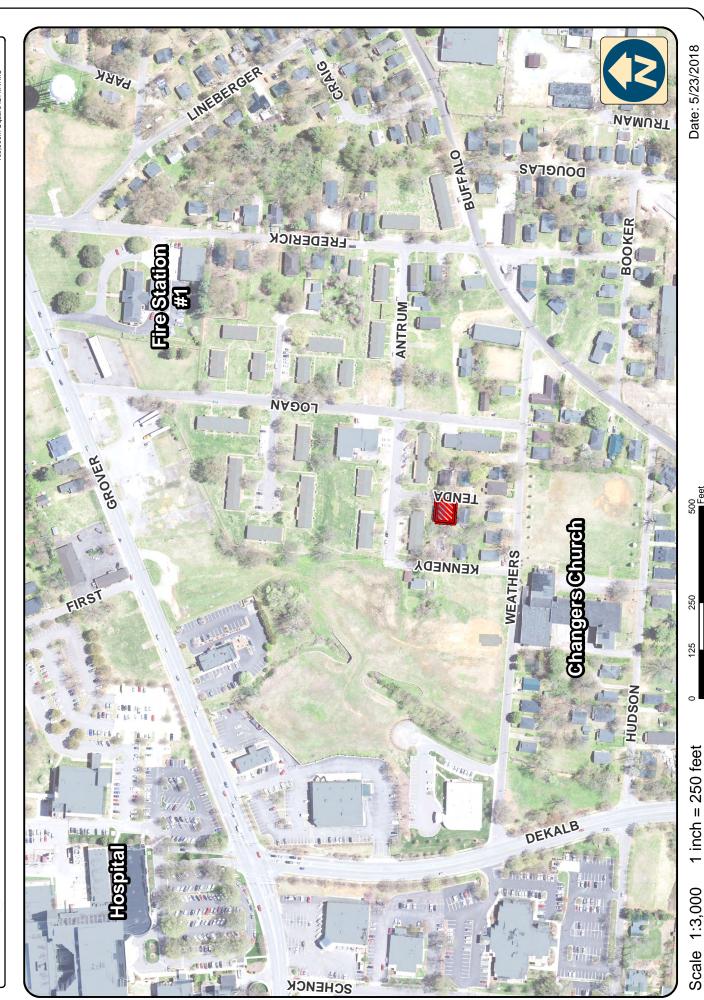
Recommendation

Please place this item on the consent agenda for the next City Council meeting on July 16, 2018. Staff recommends this minimum housing action.

Attachments: Photo of Structure, Location Map, Tax Card and Ordinance









USER ALAN FOR YEAR 2018

PARCEL ID.. 19007 LOCATION.. 807 TENDA PL DEED YEAR/BOOK/PAGE.. 2002 6P PLAT BOOK/PAGE.. HUNT MARGARET OGLESBY HEIRS PIN... S18 4 2 SHELBY ASSESSMENT RECY 473 OWNER ID. 1195933 DISTRICT. 6 CI C/O AUDREY SANDERS 807 TENDA PL LEGAL DESC:807 TENDA ST CITY OF SHELBY TOWNSHIP... 6 SHELBY SHELBY NC 28150-NBRHOOD... 272 S MAPS RESIDENTIAL DESCRIPTION MAINTAINED.. 5/17/2017 BY MAYES VISITED.... 5/01/1998 BY VALUED.. 9/14/2016 BY MAYES ROUTING#.. CATEGORY.. Real & Personal VISITED.... 5/01/1998 PARCEL STATUS... ACTIVE ----- SALES HISTORY -----DEED BK/PAGE SALE DATE SALES INSTRUMENT DISQUALIFIED SALE AMOUNT STAMP AMOUNT DEED NAME FAMILY TRANSACT 10/16/2002 DEED 1/01/1973 SALE HUNT MARGARET OGLESBY HEIRS 6P 473 OUALIFIED ------ LAND SEGMENTS LAND CURRENT LND STRAT CODE TYPE/CODE LAND QTY LAND RATE DPT% SHP% LOC% SIZ% OTH% TOP% ADJ # ZONE 02 FF F 50.000 60.00 65.00 .00 100.00 .00 .00 .00 65.00 DPTH.. 63 OTHER ADJ... .00 .00 .00 .00 TOTAL ACRES.. .000 TOTAL LAND FMV.. 1 TOTAL ACRES.. 1,950 ----- IMPROVEMENT # 1 MAJOR IMPR-M 728.00 ACT/EFF YR/AGE. 1922 1976 40 VISITED. BY
DESCRIPT... SINGLE FAMILY DWELLING-WF MAINTAINED. 5/17/2017 BY MAYES
108.00 MAIN GROUND SF... 728.000 MAIN FIN AREA. 728.00 AC STRAT.... 02 DI MAIN PERIM.... 108.00 ML LOCATION #... TENDA ST 807 COMPONENT TYPE/CODE/DESC PCT UNITS RATE STR# S

156.00 13.19
36.00 19.66
48.00 19.66
728.00 62.11 1.00
108.00 .00
728.00 .00
728.00 .00
5.00 717 00 UNITS RATE STR# STR% SIZ% HGT% PER% CDS% COST %CMPL COVERED PORCH 100 ENCLOSED FRAME PORCH 100 ENCLOSED FRAME PORCH 100 SINGLE FAMILY DWELLI 100 107.00 214.00 AC 06 AC 08 2,201 1,514 AC 08 MΑ 37W 100 48.380 107.00 ALUMINUM/VINYL 100
PERIMETER FOOTING 100
FORCED HOT AIR 100
RES PLUMB-EXTRA FIXT100 EW 08 FD 04 0 717.00 5.00 0 53,755 RCN... PCT COMPLETE 100 QUAL. QG D1 DEPR. D6 COND. D 38 D+10 40 YEARS OLD 92.00 x 66.00 25.08 -25.00 -DEPRECIATION OVERRID x 38.00 LOCA.. LOD LOCATIONAL OBS DEP 9,262 21,665 T --FMV... MA 272 272 MARKET ADJ 75.00 x 20,841 CLEVELAND COUNTY PROPERTY CARD FOR YEAR 2018 TIME 9:16:24 PROG# AS2006 USER ALAN HUNT MARGARET OGLESBY HEIRS PARCEL ID.. 19007 PIN... S18 4 2 +-8--+-6-+ С В 6 -+-26----+-+ 8 ---------- AC 06 COVERED PORCH ----- TRAVERSE -----6.00 D L 26.00 26.00 D D D U 6.00 ----- AC 08 ENCLOSED FRAME PORCH ----- TRAVERSE -----D U 28.00 M R 18.00 6.00 D D D R 6.00 ----- AC 08 ENCLOSED FRAME PORCH ----- TRAVERSE ------D U 28.00 M R 10.00 6.00 D R 8.00 D D 6.00 ---- MA 37W SINGLE FAMILY DWELLI FLOOR: 1.00 ----- TRAVERSE -----D U 28.00 D R 26.00 D D D L 26.00 28.00 1,950 1 05 IMPROVEMENTS / OVR 20,841 LAND / 2017 VALUE TOTAL LAND/IMPROVE TOTAL PARCEL VALUES----FMV....

ORDINANCE NO. 42-2018

AN ORDINANCE AUTHORIZING DEMOLITION OF A DWELLING

WHEREAS, pursuant to the provisions of Chapter 160A, Article 19, Part 6, of the North Carolina General Statutes, the single family dwelling located at <u>807 TENDA PLACE</u>, Shelby, North Carolina, has been inspected and found to be unfit for human habitation and to otherwise constitute a danger to persons and a threat to the health and welfare of the citizens within the City; and,

WHEREAS, according to the procedure provided by law, the owner(s) of said property. MARGARET HUNT, has or have been given notice of the aforesaid inspection, determination, and orders to bring said property into compliance with the housing standards of the City of Shelby by appropriate repair or removal of said dwelling; and,

WHEREAS, no action of any kind has been taken or initiated by the owner(s), or any party on behalf of said owner(s), to achieve compliance with said ordinances within the periods allowed by law; and,

WHEREAS, the said dwellings remain at this time unfit for human habitation, dilapidated, and a danger to the health and safety of the citizens of the City of Shelby, and should be removed by demolition in order to prevent and alleviate such continuing danger and dilapidated conditions.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHELBY. NORTH CAROLINA:

Section 1. The dwellings on the property known as <u>807 TENDA PLACE</u>, Shelby, and described in the Cleveland County records as Tax Parcel No<u>. 19007</u> be demolished forthwith, the remnants thereof disposed, and a lien for the costs of such demolition and removal, less any credits due the owner(s), be filed against the property and collected pursuant to the provisions of North Carolina General Statutes § 160A-443, et seq.; and,

Section 2. Said lien bear interest until paid, as allowed in Article 10 of Chapter 160A of the N.C. General Statutes, at the rate of eight percent (8.0%) per annum.

Adopted and approved this 16th day of July 2018.

	O. Stanhope Anthony, III
	Mayor
ATTEST:	
	_
Bernadette A. Parduski, NC-CMC, IIMC-MMC City Clerk	
APPROVED AS TO FORM:	
Robert W. Yelton	
City Attorney	

Agenda Item: D-10

10) Adoption of an ordinance authorizing demolition of a dwelling (619 Lineberger Street): Ordinance No. 43-2018

Consent Agenda Item: (Walter Scharer, Planning Director)

Summary of Available Information:

- ➤ Memorandum dated July 5, 2018 from Walter Scharer, Planning Director to Rick Howell, City Manager
- > Photo of Property
- Location Map
- > Tax Card for 2018
- ➤ Ordinance No. 43-2018

City Manager's Recommendation / Comments

Please note that the Building Inspector has duly conducted enforcement of the minimum housing code in accordance with the NC General Statutes and City Code. I do want to emphasize that it is the common practice of the City to err on the side of the property owner in most all cases giving them the benefit of the doubt when action is initiated. A thorough and fair due process is followed in all cases. Demolition of these homes is always the last resort after efforts to persuade a property owner to make these minimum standards have failed. As you all know once this ordinance is passed the City is empowered to enter onto the property to demolish the building. All associated demolition costs and administrative costs are then filed by the City Attorney as a lien against the property. This lien is normally only satisfied to the City's benefit upon the sale of the property.

Excerpt from Strategic Growth Plan

4. Community Appearance & Image

POLICY 4.4: Vacant and abandoned sites and buildings shall be properly cared for or removed, thereby preventing a blighting impact on the area in which they are located.

Action 4.4.1: Examine and implement standards for maintaining undeveloped or vacant lots and for repairing or removing abandoned structures and sites.

It is my recommendation Ordinance No. 43-2018 be adopted and approved by City Council at this time via the Consent Agenda.



Memorandum

To: Rick Howell - City Manager

From: Walter Scharer – Planning & Development Director

Date: July 5, 2018

Subject: Demolition of Structure at 619 Lineberger Street

Executive Summary of issue - Background

The dwelling associated with this proposed demolition action is in a dilapidated condition and should be removed for the safety of the citizens of Shelby. Initial complaints came from residents, the Shelby Police Department and City Code Enforcement. The property owner has been given due process and has failed to comply with the City's Minimum Housing Code.

Review and Comments

Due to dilapidation this dwelling is unfit for human habitation and has the potential of increasing the hazards of fire, accident, and other calamities; it is dangerous and detrimental to the health, safety, and welfare of the citizens of the City of Shelby. The estimated cost of demolition and removal is approximately \$4,000.00. Budgeted minimum housing funds will be used for this demotion.

Removal of this structure is in compliance with the City of Shelby Minimum Housing Code pursuant to N.C.G.S. 160A-441.

Removal of this structure is supported by the following Strategic Growth Plan Policies and Actions:

POLICY 4.4: Vacant and abandoned sites and buildings shall be properly cared for or removed, thereby preventing a blighting impact on the area in which they are located.

Action 4.4.1: Examine and implement standards for maintaining undeveloped or vacant lots and for repairing or removing abandoned structures and sites.

POLICY 9.2: Consistent, reliable enforcement of well written housing and nuisance abatement codes shall be employed to eliminate instances of unlawful activity and urban blight within the planning area of Shelby.

Recommendation

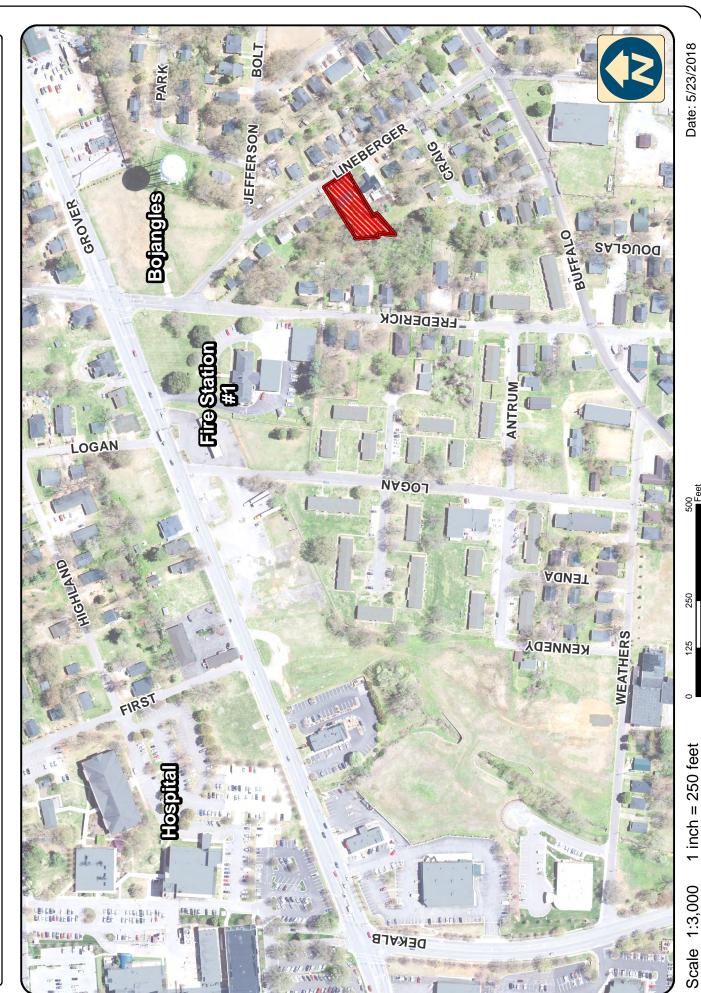
Please place this item on the consent agenda for the next City Council meeting on July 16, 2018. Staff recommends this minimum housing action.

Attachments: Photo of Structure, Location Map, Tax Card and Ordinance



Location Map 619 Lineberger Street







146

SIMS GEORGE

USER ALAN FOR YEAR 2018

PARCEL ID.. 18922 PIN... S17 3 7 LOCATION... 619 LINEBERGER ST DEED YEAR/BOOK/PAGE.. 2007 1516 1311 PLAT BOOK/PAGE.. SHELBY ASSESSMENT RECY OWNER ID. 1200808 DISTRICT. 6 CI 2803 PHILADELPHIA RD LEGAL DESC:619 LINEBERGER ST CITY OF SHELBY TOWNSHIP... 6 SHELBY T.AWNDAT.E NC 28090-NBRHOOD... 273 S MAPS RESIDENTIAL DESCRIPTION MAINTAINED... 5/17/2017 BY MAYES VISITED.... 5/01/1998 BY PARCEL STATUS... ACTIVE VALUED.. 9/14/2016 BY MAYES ROUTING#.. CATEGORY.. Real & Personal ----- SALES HISTORY -----DEED BK/PAGE SALE DATE SALES INSTRUMENT DISQUALIFIED SALE AMOUNT STAMP AMOUNT 10,000 237,000 12,000 30,000 20.00 SIMS GEORGE 474.00 FIRST CHARTI 24.00 PARKER HOWAI 3/28/2007 DEED QUALIFIED SUBSTITUTE TRUS ADDITION PARCEL QUALIFIED

QUALIFIED 1203 10/16/2006 0125 6/18/2001 1667 8/30/2000 1501 FIRST CHARTER BANK 1300 PARKER HOWARD LEE LENDOR, GOVERNME QUALIFIED TRUSTEES DEED 1278 1667 8/30/2000 60.00 IMC HOME EQUITY LOAN TRUST 0982 0648 1/01/1987 SALE STRAT T.AND CURRENT LIND TOT ZONE TYPE/CODE LAND QTY LAND RATE DPT% SHP% LOC% SIZ% OTH% TOP% 60.00 108.00 .00 100.00 .00 80.00 .00 86.40 .00 65.00 .00 100.00 .00 20.00 .00 13.00 .00 TOTAL LAND FMV.. 66.000 DPTH.. 179 02 DPTH.. .000 TOTAL ACRES ----- IMPROVEMENT # 1 MAJOR IMPR-M 902.00 ACT/EFF YR/AGE.. 1950 1972 44 VISITED.. BY
DESCRIPT.... SINGLE FAMILY DWELLING-WF MAINTAINED.. 5/17/2017 BY MAYES
132.00 MAIN GROUND SF.... 902.000
LINEBERGER ST 619 COMPONENT TYPE/CODE/DESC PCT UNITS RATE STR# STR% SIZ% HGT% PER% CDS% %CMPT. COVERED PORCH 100
COVERED PORCH 100
ENCLOSED FRAME 30.00 40.00 30.00 24.00 AC 06 13.19 143.00 565 AC 06 13.19 143.00 ENCLOSED FRAME PORCH 100
FRAME DECK 100
MASONRY STOOP 100
SINGLE FAMILY DWELLI 100 19.66 9.07 7.29 62.11 AC 08 AC 12 214.00 143.00 1,262 311 AC MA 20 37W 65.00 902.00 112.00 530 1.00 100 102.00 57,143 ALUMINUM/VINYL 100
PERIMETER FOOTING 100
ONE STORY SINGLE 100
FLOOR/WALL FURNACE 100 .00 EW 08 132.00 FD 04 902.00 0 - FP 04 - HC 02 1.00 2250.00 902.00 1.03-717.00 929-RES PLUMB-EXTRA FIXT100 5.00 RCN... PCT COMPLETE 100 61,886 QUAL. QG D3 DEPR. D6 D+-44 YEARS OLD 85.00 x --52,603 LOCA.. LOD LOCATIONAL OBS DEP 41,660 T 20.00 75.00 x 8,206 --FMV... MA 273 273 MARKET ADJ CLEVELAND COUNTY DATE TIME 9:16:24 PROPERTY CARD FOR YEAR 2018 PROG# AS2006 USER ALAN SIMS GEORGE PARCEL ID.. 18922 PIN... S17 3 7 ----- IMPROVEMENT # 1 MAJOR IMPR-M ++-6-4 6 6 +-5-+ 6-5-+ 8 4 E AC 06 COVERED PORCH ----- TRAVERSE -----13.00 4.00 5.00 M II D R 6.00 D T 5.00 AC 06 COVERED PORCH ----- TRAVERSE -----13.00 M U 4.00 M R 27.00 D U 8.00 D R 5.00 ם מ 5.00 AC 08 ENCLOSED FRAME PORCH ----- TRAVERSE -----35.00 M R 26.00 D D 6.00 D R 5.00 D U 6.00 AC 12 FRAME DECK ----- TRAVERSE -----

Cleveland County NC Property Card

M U	26.00	M R	34.00	D U	4.00	D R	6.00	D D	4.00	D	L	6.00
		AC 20	MASONRY STO	OP			TR	AVERSE				
M R D L	13.00 13.00	M U	4.00	M R	5.00	D D	5.00	D R	13.00	D	U	5.00
		MA 37W	SINGLE FAMI	LY DWELL:	FLOOR:	1.00	TR	AVERSE				
D U D D	26.00 4.00	D R D L	35.00 13.00	D D	6.00	D R	5.00	D D	16.00	D	L	27.00
TOTAL PAR	F	S MV PV	LAND / 3,514 3,514	OVR	8	NTS / OVR ,206	TOTAL	LAND/IMPR 11,7 11,7	20		201	7 VALUE 11,720 11,720
					COMMENTS							

ORDINANCE NO. 43-2018

AN ORDINANCE AUTHORIZING DEMOLITION OF A DWELLING

WHEREAS, pursuant to the provisions of Chapter 160A, Article 19, Part 6, of the North Carolina General Statutes, the single family dwelling located at <u>619 LINEBERGER ST</u>, Shelby, North Carolina, has been inspected and found to be unfit for human habitation and to otherwise constitute a danger to persons and a threat to the health and welfare of the citizens within the City; and,

WHEREAS, according to the procedure provided by law, the owner(s) of said property, GEORGE SIMS, has or have been given notice of the aforesaid inspection, determination, and orders to bring said property into compliance with the housing standards of the City of Shelby by appropriate repair or removal of said dwelling; and,

WHEREAS, no action of any kind has been taken or initiated by the owner(s), or any party on behalf of said owner(s), to achieve compliance with said ordinances within the periods allowed by law; and,

WHEREAS, the said dwellings remain at this time unfit for human habitation, dilapidated, and a danger to the health and safety of the citizens of the City of Shelby, and should be removed by demolition in order to prevent and alleviate such continuing danger and dilapidated conditions.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHELBY, NORTH CAROLINA:

Section 1. The dwellings on the property known as <u>619 LINEBERGER ST</u>, Shelby, and described in the Cleveland County records as Tax Parcel No<u>. 18922</u> be demolished forthwith, the remnants thereof disposed, and a lien for the costs of such demolition and removal, less any credits due the owner(s), be filed against the property and collected pursuant to the provisions of North Carolina General Statutes § 160A-443, et seq.; and,

Section 2. Said lien bear interest until paid, as allowed in Article 10 of Chapter 160A of the N.C. General Statutes, at the rate of eight percent (8.0%) per annum.

Adopted and approved this 16th day of July 2018.

	O. Stanhope Anthony, III
	Mayor
ATTEST:	
Bernadette A. Parduski, NC-CMC, IIMC-MMC City Clerk	-
APPROVED AS TO FORM:	
Robert W. Yelton	-
City Attorney	

Agenda Item: D-11

11) Approval of a Notice of Cancellation in the Regular Meeting Schedule of Shelby City Council

Consent Agenda Item: (Staff Resource, Bernadette A. Parduski, City Clerk)

Summary of Available Information:

➤ Notice of Cancellation

City Manager's Recommendation / Comments

After reviewing with staff the upcoming agenda schedule and any upcoming items requiring action by City Council it is my recommendation that the regular meeting slated for Monday, August 20, 2018 be cancelled via the Consent Agenda. As a matter of practice agenda items are scheduled and planned weeks in advance for most items to allow the appropriate review process to occur. I would note that in the event an issue arises that would require immediate action by City Council a special meeting could be called in accordance with the NC General Statutes. If approved by City Council your next regularly scheduled meeting would be held on Monday, September 17, 2018.

Notice of Cancellation in the Regular Meeting Schedule of Shelby City Council

This notice is to inform the general public and the media, and is conducted in accordance with the mandates of North Carolina General Statutes 160A-71 and 143-318.12 (a), that the regularly scheduled Shelby City Council meeting of August 20, 2018 has been cancelled due to the lack of business. The regular meeting schedule, as adopted by the Council, remains in place for all other regular meetings of the Council and will resume:

Monday, September 17, 2018 at 6:00 p.m.
City Hall Council Chamber
300 South Washington Street
Shelby, North Carolina

Dated: July 16, 2018

O. Stanhope Anthony III Mayor

Agenda Item: E-1

Unfinished Business

- 1) Consideration of appointments to City advisory boards and commissions:
 - a. Zoning Board of Adjustment

Unfinished Business Item: (Staff Resource, Bernadette A. Parduski, City Clerk)

Summary of Available Information:

- ➤ Memorandum dated July 9, 2018 from Bernadette A. Parduski, City Clerk to Rick Howell, City Manager
- ➤ Attendance Report for ZBA
- ➤ Zoning Board of Adjustment Roster 2018

City Manager's Recommendation / Comments

Volunteers are an essential part of the work the City performs each year. As always this is just a reminder that we all should work to recruit qualified and quality people to serve whenever possible. Solicitation of both qualified and interested citizens to serve on these important advisory boards remains a priority for 2018. I would challenge each of you to recruit viable candidates that possess the knowledge and willingness to serve during the coming months.

I cannot emphasize enough the importance of appointing quality people to these very important citizen boards and commissions. It is incumbent upon Council as the appointing authority to ensure members are responsible members of the community who will make decisions that reflect the established and recognized values of the City. These appointees after all reflect upon Council as the appointing authority as well as the City as they conduct business month to month.





Memo

To: Rick Howell, City Manager

From: Bernadette A. Parduski, City Clerk

Date: July 9, 2018

Re: Appointments to City Advisory Boards and Commissions

BOARD REVIEW:

ZONING BOARD OF ADJUSTMENT:

The term of one incumbent, Morris Hudson, will conclude July 2018. Mr. Hudson is seeking reappointment to this board.

There are no applications on file in the Clerk's Office. There are remaining vacancies for two alternative positions.

The Cleveland County Commissioners have recently reappointed both Noel MacArthur and Roger Holland to new terms concluding July 2021.

POSSIBLE ACTION:

Council can begin the nominating process or take appointive action for one new term concluding July 2021.

Attachment:

A. Zoning Board of Adjustment Roster 2018

ZONING BOARD OF ADJUSTMENT ROSTER 2018

BOARD MEMBER	BER ADDRESS		PHONE NUMBER	
Morris Hudson mhudson503@yahoo.com	503 W. Marion Street Shelby, NC 28150	EXPIRATION July 2018	704 482-9252	
David Beam david@insulateamerica.com	437 Country Club Court Shelby, NC 28150	July 2020	704 484-2326	
Martha (Mot) Davis motdavis@gmail.com	504 W. Warren Street Apt. A-1 Shelby, NC 28150	July 2020	C: 704 692-8345	
Burel Harris, Chair	223 Country Club Road Shelby, NC 28150	July 2019	704 484-9553	
Mike Philbeck mdphilbeck@carolina.rr.com	1805 Arbor Way Drive Shelby, NC 28150	July 2019	C: 704 692-2494 W: 704 481-2992	
Thomas Martin Jr. tom@flowersmartin.com	200 Belvedere Avenue 212 S. Dekalb Street	July 2019	H: 704 484-3250 W: 704 482-4441 Ext 21	
Bill McCarter, Alternate mccarter61@gmail.com	107 Plantation Court Shelby, NC 28150	July 2020	C: 704 472-9134 W: 704 484-4947	
VACANT – Alternate		July 2020		
ETJ MEMBERS VACANT – Alternate	ADDRESS	TERM EXPIRATION July 2021	PHONE NUMBER	
Noel MacArthur noelmacarthur@hotmail.com	1414 Hubbard Terrace Shelby, NC 28152	July 2021	H: 704 484-3457 W: 704 692-4911	
Roger Holland roger@h-harchitects.com	208 Deerchase Road Shelby, NC 28150	July 2021	704 487-4147	

Meetings are held on the first Thursday of each month. Lunch: 11:45 a.m.; Meeting: 12:15 p.m.

Three (3) year appointments

City Council Liaison: Ben Kittrell Jr. – Ward 5

715 Cedar Hill Drive, Shelby, NC 28152

704 300-9202

E-mail: ben.kittrell@cityofshelby.com

Staffed by Planning and Development Services Department (704 484-6829): Walt

Scharer, Director

Agenda Item: E-2

Unfinished Business

2) Discussion of City Council action closing Royster Memorial Golf Course at City Park no later than November 1, 2018

Unfinished Business Item: (Staff Resource, Bernadette A. Parduski, City Clerk)

Summary of Available Information:

None

City Manager's Recommendation / Comments

Council will recall that Councilmember David Causby requested that this item be placed on the agenda for discussion at your June 18, 2018 regular meeting. Mr. Causby motioned that the closure of the golf course be delayed until April 30, 2018 and in agreement with the original closure motion direct the City Manager to provide a more detailed plan for how the property would be used by that date. In keeping with City Council rules and procedures the Mayor pointed out that to avoid another discussion of this issue without providing some public notice a motion would not be in order but that it could be considered at the July 16, 2018 meeting at Mr. Causby's request.

Agenda Item: F-1 New Business

1) Consideration of a resolution naming a new park facility in honor of the Hanna Family: Resolution No. 36-2018

New Business Item: (Presenting, Rick Howell, City Manager)

Summary of Available Information:

Resolution No. 36-2018

City Manager's Recommendation / Comments

As you all are aware the completion of Hanna Park is expected in the fall of this year. While we have all been referring to this project as Hanna Park for some months the City Council has taken no action to date to officially name the facility. The City has been in consultation with the Hanna family as required by the property donation restrictions put in place at the time. It has been agreed to between the City and the Hannas that the park would be known as Hanna Park and that a plaque will be placed in a prominent place within the park making a more detailed note of this contribution to the City by the Hanna family. I have included the language from the original donation agreement below for your consideration.

It should be noted that a more formal ribbon cutting and celebration is being planned for a yet to be determined date in the fall. I would anticipate that at that time Council would want to again publicly recognize the Hanna family.

It is my recommendation that Resolution No. 36-2018 be adopted and approved by City Council at this time.

ALL ABOVE-DESCRIBED PROPERTIES CONVEYED SUBJECT TO THE FOLLOWING RESTRICTIONS:

- 1. Property will be used only for parks and recreational use.
- 2. Upon its establishment, any park created on or using the property shall be named in a manner to properly reflect and acknowledge the contributions of members of the Hanna family, and the Hanna family shall be consulted when considering the naming of said park. While separate facilities within the park, i.e., playground, picnic shelter, etc., may be named separately from the park itself to reflect contributions of others, the park shall always be referred to in a manner to reflect the Hanna contribution.
- For a period of twelve years from the date of this deed, Grantor shall have the right to lease the office facilities now located on the property for a lease payment of Ten and no/100 dollar per year (\$10.00/year).
- For a period of twelve years from the date of this deed, Grantor shall be entitled to receive any income from the current users of the telecommunications towers for the use of those towers.

RESOLUTION NO. 36-2018

A RESOLUTION NAMING A NEW PARK FACILITY IN HONOR OF THE HANNA FAMILY

WHEREAS, the City of Shelby Strategic Master Plan states the need to build a new community wide sports complex (Policy 11.1 Action 11.1.4); and,

WHEREAS, the City of Shelby appreciates the quality of life benefits that parks and recreation provides for its citizens; and,

WHEREAS, the City of Shelby recognizes the economic impact of quality parks and recreation facilities attracting visitors for sports and recreational activities; and,

WHEREAS, this new park affords the citizens of Shelby with tremendous opportunities for recreational, sports, and leisure activities; and,

WHEREAS, the City of Shelby is fortunate to have individuals who recognize the value of contributing to recreation facilities and programs; and,

WHEREAS, in 2007 the City of Shelby accepted a donation of approximately 85 acres of land located on McBrayer Springs Church Road specifically for recreational uses from Mr. Boyce J. Hanna and the Hanna family.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHELBY, NORTH CAROLINA:

Section 1. The 85 acre park located on McBrayer Springs Church Road is hereby named Hanna Park in appreciation of the generous donation by Mr. Boyce J. Hanna and the Hanna family.

Section 2. The City Manager is authorized and directed to install appropriate signage at the Park Facility to properly honor Mr. Hanna and the Hanna family.

Section 3. This resolution shall become effective upon its adoption and approval. Adopted and approved this the 16th day of July 2018.

	O. Stanhope Anthony III Mayor
ATTEST:	
Bernadette A. Parduski, NC-CMC, IIMC-MMC	-

City Clerk

Agenda Item: F-2

2) Consideration of a resolution authorizing disbursement of travel and tourism funding for Fiscal Year 2018-2019: Resolution No. 37-2018

(Presenting: Rick Howell, City Manager)

Summary of Available Information:

Resolution No. 37-2018

City Manager's Recommendation / Comments

I have reviewed the applications submitted by the eligible organizations for travel and tourism grant funding. Each year past grant recipients and other organizations that have expressed an interest are eligible to submit grant applications for these funds generated through the 3% room occupancy tax levied by City Council. Each is reviewed to determine if the purpose for use of funds is eligible under the statutes and city policy, the economic impact of the event(s), past use of funds, success of past events, financial participation by the entity, as well as other relevant criteria. Resolution No. 37-2018 is presented for consideration at this time.

As you all know these funds are limited and the competition is significant. I have tried to balance requests for funding within the provisions of adopted City policy to ensure the greatest benefit is realized as set forth within the applicable NC General Statute. Receipts for fiscal year 2018-2019 were approximately \$168,500

It is my recommendation that Resolution No. 37-2018 be adopted and approved by City Council at this time.

RESOLUTION NO. 37-2018

A RESOLUTION AUTHORIZING DISBURSEMENT OF TRAVEL AND TOURISM FUNDING FOR FISCAL YEAR 2018-2019

WHEREAS, the City of Shelby through the adoption of the 2005 Strategic Growth Plan recognizes the need to promote economic development efforts throughout the City; and

WHEREAS, City of Shelby currently levies a 3% occupancy tax in accordance with Resolution 69-97 and NC Session Law 1997-361 for the purpose of generating revenue for the promotion of travel and tourism within the City; and

WHEREAS, said occupancy tax proceeds are restricted for use by the noted resolution and session law for travel and tourism promotion and tourism related expenditures; and

WHEREAS, the City Manager has determined that sufficient funding has been appropriated by Council for the fiscal year beginning July 1, 2018; and

WHEREAS, the following organizations have submitted applications and requests to the City Manager and it is his determination that each is eligible under the city policy and the applicable general statute and therefore recommends that the following amounts be awarded:

1.	American Legion World Series Committee	\$50,000.
	Marketing and Event Support	
2.	Earl Scruggs Center	\$30,000.
	Marketing and Exhibit / Event Support	
3.	Don Gibson Theatre	\$30,000.
	Marketing and Concert Sponsorship	
4.	Cleveland County Travel and Tourism	\$10,000.
	Marketing	
5.	Foothills Merry Go Round Festival	\$15,000.
	Marketing and Event Support	

Resolution No. 37-2018 July 16, 2018 Page 2

Travel/Tourism Promotion

6. Sharks Aquatics Club \$ 7,500.
Swim Meet Event Equipment
7. Foothills Farmers Market \$ 6,000.
Travel/Tourism Promotion
8. Uptown Shelby Association \$ 5,000.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF SHELBY, NORTH CAROLINA as follows:

- City Council authorizes disbursement of local occupancy tax funds for the preceding organizations.
- Authorizes the City Manager to obtain activity reports from each funded organization detailing the use of said funds. The same shall be reported to City Council following the close of the fiscal year ending June 30, 2019.

This Resolution shall become effective upon its adoption and approval.

Adopted and approved this the 16th day of July, 2018.

O. Stanhope Anthony, III
Mayor

ATTEST:

Bernadette A. Parduski, NC-CMC, IIMC-MMC
City Clerk

Agenda Item: F-3

3) Consideration of a resolution authorizing disbursement of travel and tourism funding to the Cleveland County Arts Council for Fiscal Year 2018-2019: Resolution No. 38-2018

(Presenting: Rick Howell, City Manager)

Summary of Available Information:

Resolution No. 38-2018

City Manager's Recommendation / Comments

Upon the advice of the City Attorney and in consultation with the School of Government Resolution No. 38-2018 is presented for City Council consideration at this time. It is presented separately from Resolution 37-2018 to remove any perception or real conflict of interest. As you all know Councilmember Violet Arth Dukes is an employee of the Cleveland County Arts Council and as such it could be perceived that she has a conflict of interest when voting on this matter given it awards her employer a grant. This could be considered or perceived by some that Councilmember Arth Dukes is receiving a prohibited "direct benefit" from the City if she were to vote. As such it is up to a member of Council to request recusal and for Council to grant that recusal.

I have reviewed the applications submitted by the eligible organizations for travel and tourism grant funding. Each year past grant recipients and other organizations that have expressed an interest are eligible to submit grant applications for these funds generated through the 3% room occupancy tax levied by City Council. Each is reviewed to determine if the purpose for use of funds is eligible under the statutes and city policy, the economic impact of the event(s), past use of funds, success of past events, financial participation by the entity, as well as other relevant criteria. Resolution No. 38-2018 is presented for consideration at this time.

It is my recommendation that Resolution No. 38-2018 be adopted and approved by City Council at this time.

RESOLUTION NO. 38-2018

A RESOLUTION AUTHORIZING DISBURSEMENT OF TRAVEL AND TOURISM FUNDING TO THE CLEVELAND COUNTY ARTS COUNCIL FOR FISCAL YEAR 2018-2019

WHEREAS, the City of Shelby through the adoption of the 2005 Strategic Growth Plan recognizes the need to promote economic development efforts throughout the City; and

WHEREAS, City of Shelby currently levies a 3% occupancy tax in accordance with Resolution 69-97 and NC Session Law 1997-361 for the purpose of generating revenue for the promotion of travel and tourism within the City; and

WHEREAS, said occupancy tax proceeds are restricted for use by the noted resolution and session law for travel and tourism promotion and tourism related expenditures; and

WHEREAS, the City Manager has determined that sufficient funding has been appropriated by Council for the fiscal year beginning July 1, 2018; and

WHEREAS, the following organizations have submitted applications and requests to the City Manager and it is his determination that each is eligible under the city policy and the applicable general statute and therefore recommends that the following amounts be awarded:

Cleveland County Arts Council – Art of Sound Festival \$15,000.
 Marketing and Event Support

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF SHELBY, NORTH CAROLINA as follows:

 City Council authorizes disbursement of local occupancy tax funds for the preceding organization in the designated amount. Resolution No. 38-2018 July 16, 2018 Page 2

2) Authorizes the City Manager to obtain activity reports from each funded organization detailing the use of said funds. The same shall be reported to City Council following the close of the fiscal year ending June 30, 2019.

This Resolution shall become effective upon its adoption and approval.

Adopted and approved this the 16th day of July 2018.

O. Stanhope Anthony, III Mayor

ATTEST:

Bernadette A. Parduski, NC-CMC, IIMC-MMC City Clerk

Agenda Item: G

City Manager's Report

- 1) Airport Runway Closure Schedule
- 2) Shell Building #3 Process
- 3) Downtown Revitalization State Budget Appropriation
- 4) Disaster Preparedness Plan Update
- 5) 911 Center Fire Department Dispatch
- 6) Fallen Heroes Memorial Project

Agenda Item: H

Council Announcements and Remarks

I. Adjournment:

To adjourn a meeting of City Council, a majority of the Council members must vote for a motion to adjourn.

Motion to adjourn