

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. Special Presentations:

- 1) Proclamation declaring November 10-18, 2018 as Hunger and Homelessness Awareness Week in Shelby, North Carolina 1
- 2) Cleveland County Tourism update – Jackie Sibley-Newton, BS, TMP, Vice President, Travel Industry, Cleveland County Chamber 3

C. 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 Regular Meeting of October 15, 2018 4
- 2) Approval of a Special Event Permit Application:
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- 3) Approval of a resolution directing the City Clerk to determine sufficiency of a voluntary annexation petition from the Broadway Group, LLC: Resolution No. 57-2018 21
- 4) Adoption of Fiscal Year (FY) 2018-2019 Budget Ordinance Amendment No. 4: Ordinance No. 60-2018 27

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5) Adoption of Fiscal Year (FY) 2018-2019 Budget Ordinance Amendment No. 5: Ordinance No. 61-2018	33
6) Adoption of an ordinance concurring with the North Carolina Department of Transportation for speed limit revisions on portions of SR 1950 (Wyke Road) inside the corporate limits of Shelby, North Carolina: Ordinance No. 62-2018	57
7) Adoption of an ordinance authorizing demolition of a dwelling: Ordinance No. 63-2018	66
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<i>To adjourn a meeting of City Council, a majority of the Council members must vote for a motion to adjourn.</i>	
1) Motion to adjourn	78

City of Shelby
Agenda Item Summary
November 5, 2018
City Hall Council Chamber

Agenda Item: B-1

Special Presentations

- 1) Proclamation declaring November 10-18, 2018 as Hunger and Homelessness Awareness Week in Shelby, North Carolina

(Comments: Mayor Stan Anthony)

Summary of Available Information:

- Proclamation

City Manager's Recommendation / Comments

This time is scheduled on City Council agenda to allow Mayor Anthony to present to referenced proclamation.

**A PROCLAMATION DECLARING NOVEMBER 10 – 18, 2018
AS HUNGER AND HOMELESSNESS AWARENESS WEEK
IN SHELBY, NORTH CAROLINA**

WHEREAS, for over 25 years the National Coalition for the Homeless and National Student Campaign Against Hunger and Homelessness have sponsored National Hunger and Homelessness Awareness Week and the Gaston Lincoln Cleveland Continuum of Care has been actively working to end hunger and homelessness in Shelby; and,

WHEREAS, the purpose of the proclamation is to educate the public about the many reasons people are hungry and homeless including the shortage of affordable housing in Shelby for very low income residents; and to encourage support for homeless assistance service providers as well as community service opportunities for citizens, students and school service organizations; and,

WHEREAS, there are many organizations committed to sheltering, providing supportive services as well as meals and food supplies to people experiencing homelessness including, Cleveland County Rescue Mission and many more community partners; and,

WHEREAS, the Shelby City Council recognizes that hunger and homelessness continues to be a fundamental problem for many individuals and families in Shelby; and,

WHEREAS, the intent of National Hunger and Homelessness Awareness Week is consistent with the activities of the Gaston Lincoln Cleveland Continuum of Care.

NOW THEREFORE BE IT RESOLVED that the Shelby City Council hereby proclaims November 10-18, 2018 as Hunger and Homelessness Awareness Week.

BE IT FURTHER RESOLVED that the Shelby City Council encourages all citizens to recognize that many people do not have housing and need support from citizens, and private/public nonprofit service entities.

O. Stanhope Anthony III
Mayor

ATTEST:

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

City of Shelby
Agenda Item Summary
November 5, 2018
City Hall Council Chamber

Agenda Item B-2

- 2) Cleveland County Tourism update – Jackie Sibley-Newton, BS, TMP, Vice President, Travel Industry, Cleveland County Chamber

(Comments: Mayor Stan Anthony)

Summary of Available Information:

- No documentation provided

City Manager's Recommendation / Comments

This time is scheduled on your agenda to allow Jackie Sibley-Newton, Vice President, Travel Industry, Cleveland County Chamber, to update the City Council. I've asked Ms. Sibley-Newton to update us on a quarterly basis.

City of Shelby
Agenda Item Summary
November 5, 2018
City Hall Council Chamber

C. 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: C-1

- 1) Approval of the Minutes of the Regular Meeting of October 15, 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 October 15, 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

October 15, 2018
Monday, 6:00 p.m.

Present: Mayor O. Stanhope Anthony III, presiding; Council Members David W. White, David Causby, Violet Arth Dukes, Charles Webber, 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 Planning and Development Services Walter (Walt) Scharer, AICP; and Director of Cable Programming Greg Tillman of Cleveland Community College and The Video Factory

Absent: Council Member Eric B. Hendrick

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 Boy Scout Troop 101 chartered through First Baptist Church and Cub Scout Pack 107 chartered through Aldersgate United Methodist Church led the *Pledge of Allegiance*.

A. Approval of agenda:

- 1) Motion to adopt the proposed agenda

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

A. Special Presentations:

- 1) Recognition of Timothy Milson Walker on the occasion of his retirement from employment with the City of Shelby: Resolution No. 46-2018

Mayor Anthony called upon Timothy Milson Walker, who recognized his immediate family members in attendance. The Mayor formally read and presented framed Resolution No. 46-2018 to Lieutenant Walker. Mayor Anthony then presented a plaque along with the key to the City and a City lapel pin to him in honor of and with heartfelt appreciation for 29 years of dedicated service to the City of Shelby Police Department.

Lieutenant Walker was also conferred with the *Order of the Long Leaf Pine*, which is among the most prestigious awards presented by the North Carolina Office of the Governor. On behalf of Governor Roy Cooper, Mayor Anthony formally read and presented the commendation to Lieutenant Walker in recognition of his dedication and outstanding service as an exemplary employee of the State of North Carolina.

Humbled by the recognition, Lieutenant Walker expressed his appreciation to all.

2) 2018 General Election – Clifton W. Philbeck, Director of Elections, and Renee G. Bost, Deputy Director of Elections, Cleveland County Board of Elections

Mr. Philbeck introduced himself as the Director of Elections and Renee Bost as the Deputy Director of Elections for the Cleveland County Board of Elections. The purpose of their presentation was to provide voter education as it pertains to the passage of the new state law known as the Uniform and Expanded Early Voting Act. He gave the specifics of early voting locations and hours for General Election day, November 6, 2018:

- October 17, 2018 – November 3, 2018, including two Saturdays and a Sunday
- Hours Monday through Friday – 7:00 a.m. to 7:00 p.m.
- Locations include: Market Place Shopping Center in Shelby, Kings Mountain Fire Museum, and Boiling Springs Town Hall

Mr. Philbeck stated the deadline for voter registration or updating existing voter registration information was October 12, 2018. Early votes can be cast by registered voters and those who want to participate in what is called “same-day registration” which begins October 17, 2018. Same-day registration will be available at all early voting sites.

Mr. Philbeck added REACH Transit, the free transportation service provided by the Transportation Administration of Cleveland County (TACC) has agreed to add Market Place Shopping Center as a stop on their schedule for voters.

Next, Miss Bost explained the availability of absentee voting by mail. Requests for an absentee ballot must be made on an absentee request form and must be received in the Cleveland County Board of Elections office by October 30, 2018. Completed absentee ballots must be returned to the Cleveland County Board of Elections on Election Day, November 6, 2018.

Miss Bost stated all three voting sites and 21 precincts are accessible to all

voters. Curbside voting is available for voters who are not able to enter voting sites.

Miss Bost explained the Market Place Shopping Center site was selected because it is centrally located among three Shelby precincts, offers 450 parking spaces, and provides easy access from US 74 Bypass and South Post Road.

Mrs. Arth Dukes expressed her appreciation for the free transportation service arranged by the Board of Elections and provided by TACC to voters.

Council received the information and no action was required.

B. Public Comment:

1) Richard Hooker, Jr. who resides at 1520 King Arthur Court in Shelby, North Carolina spoke in support of Minority Enterprise Development (MED) Week, October 14 through 20, 2018. As the Executive Director of Cleveland County Business Development Center, Mr. Hooker said MED Week is an annual observance to celebrate and recognize the economic and community achievements and accomplishments of minority owned businesses. The Cleveland County Business Development Center will host events throughout MED Week, including:

- Information Session on Local Construction and Procurement hosted by Cleveland County Schools at the Staff Development Center on October 16, 2018.
- Youth Minority Enterprise Development hosted at James Love Elementary School on October 18, 2018.
- Financing Your Small Business sponsored by the Cleveland County Small Business Center at LeGrand Center on October 18, 2018.
- Annual Awards Dinner with Guest Speaker Me'Chelle Degree McKenney, certified leadership trainer, speaker, and author at the LeGrand Center on October 19, 2018.
- Emerging Leaders Lecture Series with guest speakers: Jazmyne Childs, a field manager for Advance Carolina, and Dennis Toms Jr., an independent clinical mental therapist, on October 20, 2018 at the Dover YMCA.

Lastly, Mr. Hooker expressed his appreciation to the City of Shelby for its continued support of the Cleveland County Business Development Center and MED Week, urging participation in the activities he mentioned.

C. Public Hearing:

- 1) **Consideration of a resolution authorizing the closeout of the Campbell and Sterchi Building Revitalization Project under the North Carolina Department of Commerce Division of Community Investment and Assistance Community Development Block Grant (CDBG) Grant No. 15-E-2771: Resolution No. 55-2018**

Mr. Scharer explained as a requirement of receiving Community Development Block Grant funds from the North Carolina Department of Commerce, Division of Community Investment and Assistance, the City of Shelby must conduct a public hearing to allow the public to offer comments on the activities carried out by the City under CDBG Grant No. 15-E-2771 prior to closing this grant.

Mr. Scharer stated the construction and rehabilitation of the building at 112 North Lafayette Street is complete and the businesses are now in operation. The project provided critical building improvements that allowed Greenbrook Design Center and Uptown Indigo to open their doors.

Mr. Scharer concluded by stating staff recommended proceeding with a closeout public hearing for this grant project.

Mayor Anthony opened the public hearing at 6:20 p.m. and invited comments from the public.

The public offered no comments and Mayor Anthony closed the public hearing at 6:21 p.m.

ACTION TAKEN: Upon a motion made by Mr. Amaya, City Council voted unanimously to approve and adopt Resolution No. 55-2018 entitled, "A RESOLUTION AUTHORIZING THE CLOSEOUT OF THE CAMPBELL AND STERCHI BUILDING REVITALIZATION PROJECT UNDER THE NORTH CAROLINA DEPARTMENT OF COMMERCE DIVISION OF COMMUNITY INVESTMENT AND ASSISTANCE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) GRANT NO. 15-E-2771".

D. 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 October 1, 2018**

- 2) Adoption of an ordinance authorizing demolition of a dwelling: Ordinance No. 57-2018
- 3) Adoption of a budget ordinance amendment for the City of Shelby's Uptown Streetscape and Pedestrian Improvements Project: Ordinance No. 58-2018
- 4) Adoption of an ordinance establishing a capital project ordinance and budget for the City of Shelby's Airport Grant T-Hagar Project: Ordinance No. 59-2018

END CONSENT AGENDA

E. Unfinished Business:

- 1) Consideration of a resolution authorizing the assignment of a sole source vendor for the purchase of a dewatered solids conveyor system for the City of Shelby's Wastewater Treatment Plant Compost Facility Upgrade Project: Resolution No. 56-2018

Mr. Howell introduced Resolution No. 56-2018, which is brought forward for Council's consideration and approval in compliance with North Carolina General Statute 143-129 (e)(6). If approved, the resolution would designate the specified equipment and vendor as the sole source for the conveyor system with regard to the First Broad River Waste Water Treatment Plant Biosolids Improvements Project. It is the intent of City staff and the design engineering firm, HDR Engineering, Inc., to satisfy the requirements of the statute and to document the reasoning behind the conveyor system procurement recommendation. Mr. Howell stated it is essential this particular equipment be specified to ensure the successful operation of the system after construction is complete.

Next, Mr. Hux stated HDR engineers evaluated several layouts for new facilities and came up with a final layout that included a conveyor from a new solids dewatering facility to a covered storage pad. Due to the site grades and location of the structure, a new conveyor would have to be designed to operate in order to make up a significant elevation within a short distance. Specifically, the conveyor would have to work at a steep angle. In evaluating equipment, Serpentix conveyor system was the only belt style conveyor that was able to operate at the design incline required and also met the other design specifications.

Mr. Hux concluded by stating HDR recommended the sole sourcing of Serpentix P2 Pathwinder design for the belt conveyor based on being the only design to operate in the conditions described, while offering a variety of

other advantages over other manufacturers. He said this project has been designed and is in the process of being advertised.

ACTION TAKEN: Upon a motion made by Mr. Amaya, City Council voted unanimously to approve and adopt Resolution No. 56-2018 entitled, “A RESOLUTION AUTHORIZING THE ASSIGNMENT OF A SOLE SOURCE VENDOR FOR THE PURCHASE OF A DEWATERED SOLIDS CONVEYOR SYSTEM FOR THE CITY OF SHELBY’S WASTEWATER TREATMENT PLANT COMPOST FACILITY UPGRADE PROJECT”.

F. New Business: None

G. City Manager’s Report:

1) Mr. Howell provided the following information:

- The City has been notified by the North Carolina Department of Insurance and Office of the State Fire Marshal that it will undergo an inspection and survey of the Shelby Fire and Rescue Department as part of the routine work to review the current public protection classification. The onsite inspection and survey will take place in January 2019.
- There will likely be a delay in the final turnover of Hanna Park to the City from the contractor due to grading and drainage issues. The final punch list has yet to be developed. It is likely the dedication ceremony may also be later than previously anticipated.

Mr. Howell also mentioned the Greater Cleveland County Soccer Association presented the City with a check for \$30,000 to be used toward the purchase of soccer items at Hanna Park.

- The Fire Heavy Rescue Truck has been delivered to the Shelby Fire and Rescue Department. Staff is currently working to get all necessary equipment transferred over.
- The final draft of the Traffic Calming Policy is in process and will be a future agenda item in November 2018.
- With regard to the Uptown Water and Sewer, work has moved to South Lafayette Street between Warren Street and Graham Street. It is expected to be complete by Thanksgiving. South Lafayette Street is the second-to-last block of the water/sewer phase. The final block will be a short piece of East Warren Street between Washington Street and

Harris Street alley.

- The First Broad River Trail Widening Project is nearing completion and should reopen by the end of this week.
- The City's Monthly Financial Summary for September 2018 will be published this week.
- The City closed on the property located at 201 West Marion Street, the site of the former Charleston Place, which is now owned by TGS Engineers as of today, October 15, 2018.

H. Council Announcements and Remarks:

1) Mayor Anthony made the following announcements:

- Shelby High School Homecoming Parade – October 18, 2018 at 4:00 p.m., Uptown Shelby
- City of Shelby Volunteer Recognition Event – October 18, 2018 at 6:00 p.m., City Pavilion
- Liver Mush Festival of North Carolina also known as Mush, Music & Mutts Festival – October 19-20, 2018, Uptown Shelby
- Cleveland Cup – October 26, 2018 at 3:30 p.m., Shelby City Park
- Planting Day – November 3, 2018 at 10:00 a.m., First Broad River Trail

2) Mr. Webber expressed his appreciation to the community members who attended tonight's Council meeting especially the boy scouts, the cub scouts, and Mr. Hooker.

I. Adjournment:

1) Motion to adjourn

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to adjourn the meeting at 6:36 p.m.

Respectfully submitted,

Bernadette A. Parduski, NCCMC, MMC

City Clerk

**O. Stanhope Anthony III
Mayor**

Minutes of October 15, 2018

DRAFT

City of Shelby
Agenda Item Summary
November 5, 2018
City Hall Council Chamber

Agenda Item: C-2

2) Approval of a Special Event Permit Application:

- a. Community Thanksgiving Meal, requested date: November 17, 2018

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

Summary of Available Information:

- Memorandum dated October 29, 2018 from Bernadette A. Parduski, City Clerk to Rick Howell, City Manager
- Memorandum 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, Director of Engineering Services Ben Yarboro, and Planning Director Walter Scharer
- Special Event Permit Application

City Manager's Recommendation / Comments

This event is 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: October 29, 2018
Re: Special Event Permit Application

BACKGROUND:

A Special Event Permit Application has been submitted for the following:

- ✓ Community Thanksgiving Meal, requested date: November 17, 2018

REVIEW:

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

RECOMMENDATION:

Please place the attached Special Event Permit Application on the Consent Agenda of November 5, 2018 for Council's review and approval.

ATTACHMENT:

- A. Special Event Permit Application packet received October 19, 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: October 29, 2018

Re: Special Event Permit Application

All:

Attached you will find a Special Event Permit Application submitted by Ann Davis on behalf of Voice of Hope Seventh Day Adventist Church as follows:

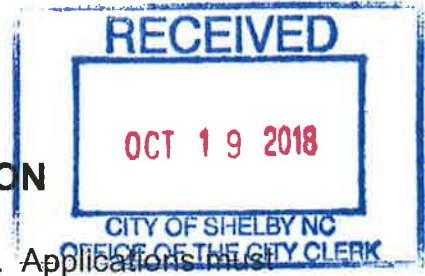
- ✓ Community Thanksgiving Meal, requested date: November 17, 2018

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 November 5, 2018 meeting and recommended for approval unless you advise otherwise. If I do not hear from you by October 31, 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 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:

Community Thanksgiving meal

2. PURPOSE AND BRIEF DESCRIPTION OF EVENT:

Community Service
Thanksgiving food will be prepared and served to the people in the community that will come to the event.

3. LOCATION OF EVENT (ATTACH MAP):

4. PLEASE INDICATE:

Approximately how many people will attend the event? 100

Approximately how many vehicles will be present? None

Approximately how many animals will be present? None

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 1/2 of Blanton up to (intersection of) Martin Jose
See map

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

Name: Ann Davis (Voice of Hope SDA Church)

Address: 408 McBrayer Street Shelby, NC 28150

Phones: 704-~~480-19~~ 692-6134 (Daytime) 704-692-6134 (Evening)

E-mail address: Ann_Perkins@att.net

Name: _____

Address: _____

Phones: _____ (Daytime) _____ (Evening)

E-mail address _____

6. PLEASE LIST THE FOLLOWING:

Requested day(s) and date(s) Saturday November 17, 2018
Alternate day(s) and date(s) Sunday November 18, 2018
Requested hours of operation, from 9:00 AM/PM to 5:00 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. Letter (Invitation to event)

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

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? NONE

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 ^{Free} food and/or no-alcoholic beverages be served? Yes
(No Permit needed)

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. all

Name: _____
Address: _____
Phones: _____

Indicate medical services that will be provided for the event. all

AMBULANCE: _____
DOCTOR (S): _____
PARAMEDICS: _____

11. CITY SERVICES/EQUIPMENT REQUESTED FOR THIS EVENT:

~~Barricades (6)~~
Cones (6)
barricades (6)
Trash cans (6)

12. ANY ADDITIONAL COMMENTS:

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.

Ann Davis
SIGNATURE

Ann Davis for
Voice of Hope Seventh-day Adventist Church 704-692-6134
APPLICANT PHONE 704-481-9982

408 McBrayer St. Shelby NC 28150
PHYSICAL ADDRESS

ann_perkins@att.net
E-MAIL ADDRESS

10-18-18
DATE

Jose



Close off Street

Mc Brayen



Blanton

City of Shelby
Agenda Item Summary
November 5, 2018
City Hall Council Chamber

Agenda Item: C-3

- 3) Approval of a resolution directing the City Clerk to determine sufficiency of a voluntary annexation petition from the Broadway Group, LLC: Resolution No. 57-2018

Consent Agenda Item: (Staff Resource, Walt Scharer, Planning Director)

Summary of Available Information:

- Letter dated October 29, 2018 from Walter Scharer, Planning Director to Rick Howell, City Manager
- General Application
- Annexation Map
- Certificate of Sufficiency
- Resolution No. 57-2018

City Manager's Recommendation / Comments

In accordance with NC General Statute 160A-58.2 the attached Resolution No. 57-2018 is presented for your consideration at this time. If approved it would direct the City Clerk to review the documentation submitted by the petitioner to the Planning Department and simply determine its sufficiency in meeting the required statutory standard. If determined as sufficient a required public hearing would be scheduled to allow for appropriate public comments.

It is my recommendation that Resolution No. 57-2018 be adopted and approved by City Council via the Consent Agenda at this time. The City Clerk will report her finding to you at your regular meeting to be held November 5, 2018 and the required public hearing would be held December 3, 2018 assuming the petition is determined to be sufficient.



Memorandum

To: Rick Howell - City Manager
From: Walter Scharer – Planning Director
Date: October 29, 2018
Subject: Satellite Annexation – 108 Plato Lee Road

Executive Summary of issue – Background

The Broadway Group, LLC has submitted a satellite annexation petition for 108 Plato Lee Road. This property is adjacent to a parcel already part of the City of Shelby as a Seattleite Annexation.

Review and Comments

This parcel is approximately 1.8 acres.

North Carolina General Statute 160A-58.2 states that upon receipt of a petition for annexation the City Council shall cause the City Clerk to investigate the petition and certify the results of the investigation.

In addition, if the City is proceeding under the satellite annexation statute, the resolution must affirm the five statutory standards for satellite annexation. Once the City Council adopts the resolution of intent, it follows the same procedure for annexing city-owned property as it does for privately owned property.

The five standards a satellite annexation must meet are set out in G.S. 160A-58.1(b) as follows:

1. Some part of the annexation area must be within three miles of the annexing City's corporate limits.
2. No point in the annexation area may be closer to the primary corporate limits of another city than to the primary corporate limits of the annexing city.
3. The annexing city must be able to provide the same services to the annexation area that it provides to areas within its primary corporate limits.
4. If the area is a subdivision, the entire subdivision must be annexed.
5. The total area of a city's satellites may not exceed 10 percent of the area within its primary corporate limits.

The City Clerk has certified that this satellite annexation meets the criteria found in G.S. 160A-58.1(b).

Please place this item on the November 5, 2018 City Council agenda.

Attachments: Location Map, Clerk's Certification Certificate, Resolution of Intent and Plat



City of Shelby
Planning and Development Services Department

General Application

Address of Subject Property:

TBD Plato Lee Road.

Applicant(s) Name: The Broadway Group, LLC

Address: PO Box 18908

Huntsville, AL 35804

Email: alyssa.carter@broadwaygroup.net

Phone: 256-533-7287

Owner(s) Name: Tony M. Lewis

Email: alyssa.carter@broadwaygroup.net

Phone: 256-533-7287

Relationship to Property: Owner Developer, 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: 2517926658 + 2517926904

Proposed Zoning: GB2

Proposed Land Use: Retail Store

Approx. Building Sq. Ft.: 9100 sq.ft.

Approx. Project Acreage: 1.67

Business Name: The Broadway Group.

Provide a detailed description of the proposed project. Attach additional pages or documentation if necessary.

New construction of a 9100 sq-ft. commercial retail store.

Oath: By signing, I hereby certify that all information that I have provided in this application is correct and complete to the best of my knowledge. I understand that providing false or incomplete information may be grounds for denial of my request or may result in future action by the City Council to revoke the permit.

Signature of Applicant

Date

9/24/18

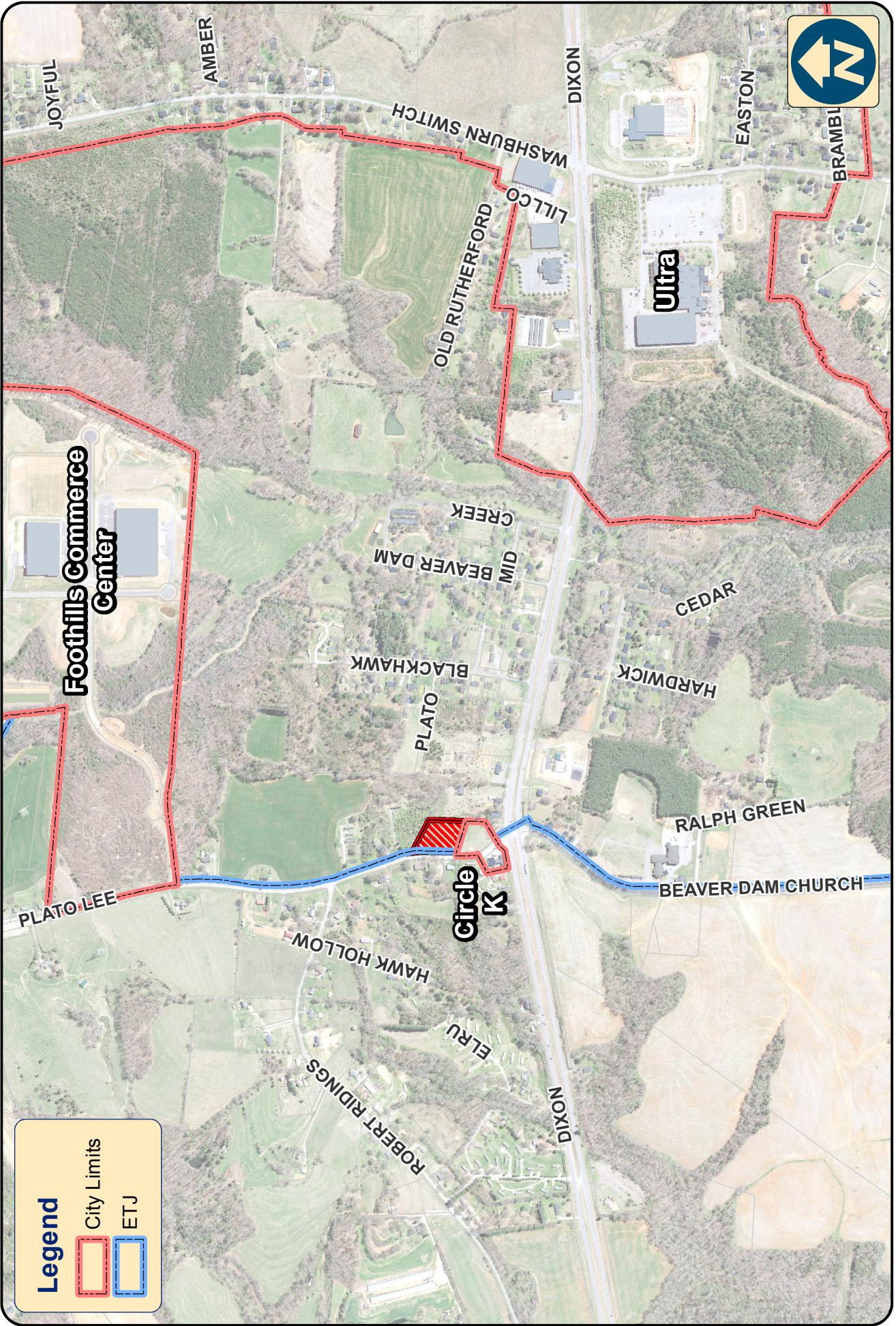
Received by:

Date



Annexation Map Plato Lee Road

Map Information:
Datum: NAD 1983
Coordinate: State Plane
North Carolina (Meier)
Projection: Lambert Conformal Conic
US National Grid
Grid Zone Designation (GZD): 17S
100,000m Square ID: MV/MU



Legend

- City Limits
- ETJ



Date: 10/1/2018

2,000 Feet

1,000

500

0

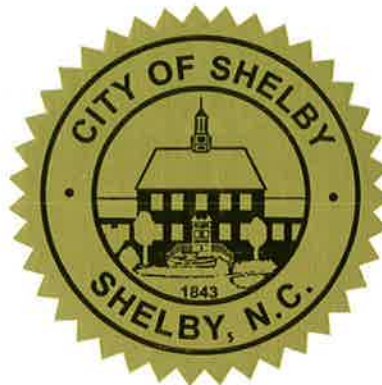
Scale 1:12,000 1 inch = 1,000 feet

CERTIFICATE OF SUFFICIENCY
Satellite Annexation
108 Plato Lee Road

To the City Council of the City of Shelby, North Carolina:

I, Bernadette A. Parduski, City Clerk, do hereby certify that this proposed Satellite Annexation attached hereto satisfies the five standards a satellite annexation must meet as set out in North Carolina General Statute 160A-58.1(b). In witness whereof, I have hereunto set my hand and affixed the seal of the City of Shelby, North Carolina, this 29th day of October 2018.


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



RESOLUTION NO. 57-2018

A RESOLUTION DIRECTING THE CITY CLERK TO DETERMINE
SUFFICIENCY OF A VOLUNTARY ANNEXATION PETITION FROM
THE BROADWAY GROUP, LLC

WHEREAS, the City of Shelby has received a petition for voluntary annexation from Broadway Group, LLC; and,

WHEREAS, North Carolina General Statute 160A-58.1 set forth standards allowing for non-contiguous annexation; and,

WHEREAS, the subject property, at 108 Plato Lee Road, as identified within the petition meets the standards set forth in the above referenced statute; and,

WHEREAS, North Carolina General Statute 160A-58.2 set forth standards allowing for a public hearing to annex non-contiguous property.

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

Section 1. The City Clerk is hereby directed to investigate this petition and to certify the results of such investigation in writing to City Council at the regular meeting on November 5, 2018.

Section 2. That upon receipt of a favorable report as to the sufficiency of the petition from the City Clerk a public hearing is hereby scheduled to receive public comment on said petition in accordance to GS 160A-58.2 on December 3, 2018.

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

Adopted and approved this the 5th day of November 2018.

O. Stanhope Anthony III
Mayor

ATTEST:

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

City of Shelby
Agenda Item Summary
November 5, 2018
City Hall Council Chamber

Agenda Item: C-4

- 4) Adoption of Fiscal Year (FY) 2018-2019 Budget Ordinance Amendment No. 4:
Ordinance No. 60-2018

Consent Agenda Item: (Staff Resource, Chief Jeff Ledford)

Summary of Available Information:

- Memorandum dated October 25, 2018 from Chief Jeff Ledford to Rick Howell, City Manager
- Grant Award information
- Ordinance No. 60-2018

City Manager's Recommendation / Comments

Ordinance No. 60-2018 is presented for Council approval at this time via the Consent agenda. If adopted this ordinance would simply recognize funding received through these grant programs and appropriate it within the operating budget of the Police Department. These grants are fairly routine and assist the City with providing additional funding to the Police Department. The City has secured a \$13,932 in funding from the Edward Byrne Memorial Justice Assistance Grant Program (JAG) and \$24,500 in funding from the Governor's Crime Commission to allow the Police Department to update and expand the Body Worn Camera and In Car Camera programs.

It is my recommendation that Ordinance No. 60-2018 be adopted and approved at this time via the Consent Agenda.



Intradepartmental Communication

To: Rick Howell, City Manager
From: Chief Jeff Ledford
Date: October 25, 2018
Subject: Budget Amendment Request

Background

The Edward Byrne Memorial Justice Assistance Grant (JAG) Program is the primary provider of federal criminal justice funding to state and local jurisdictions. The JAG Program provides states and units of local government with critical funding necessary to support a range of program areas including law enforcement, prosecution and court programs, and technology improvement programs. In October 2018, the Shelby Police Department was notified that we were the recipients of two JAG program awards.

The first award is a direct grant through the US Office of Justice Programs, Bureau of Justice Assistance (BJA). This award is for \$13,932, with no local match. The award number is 2018-DJ-BX-0311.

The second award is through the NC Governor's Crime Commission (NCGCC). This award is for \$24,500, with no local match requirement. The award number is PROJ012494.

Recommendation

The Shelby Police Department has identified several equipment needs that the Bureau of Justice Assistance has approved grant funding to cover. The primary use of these funds will be to upgrade and expand our Body-Worn and In-Car camera program. We are requesting a budget amendment to cover the funds allocated in the grants to purchase this equipment. The BJA and NCGCC will reimburse these expenditures once they are completed.

Thanks for your consideration and please let us know if you need any further.



STATE OF NORTH CAROLINA
DEPARTMENT OF PUBLIC SAFETY
GOVERNOR'S CRIME COMMISSION
 1201 Front Street, Suite 200
 Raleigh, NC 27609
 Telephone:(919) 733-4564 Fax:(919) 733-4625
 http://www.ncgccd.org

GRANT AWARD

Applicant: City of Shelby
Project Name: 2017 - Shelby Police Department - Equipment Grant
Authorizing Official: Rick Howell
 City Manager
Implementing Agency: Shelby Police Department
Address: P.O. Box 207
 Shelby, North Carolina 28151-0207
Project Director: Brad Fraser
 Captain
Project Number: PROJ012494
Vendor Number: 566001333
Account Manager: Carolyn Locklear

Grant Period: 10/01/2017 - 09/30/2019

Budgets

Period	Personnel	Contractual	Travel	Supplies	Equipment	Total
Year 1	\$0.00	\$0.00	\$0.00	\$2,000.00	\$22,500.00	\$24,500.00
Grant Budget Total						\$24,500.00

Source	Federal Grant #	CFDA #	% Funding	Federal Award
2017::Byrne Justice Assistance Grants	2017-DJ-BX-0129		100%	\$24,500.00


In accordance with the laws and regulations of the United States and the State Of North Carolina, and on the basis of the grantee's application, the Department of Public Safety hereby awards to the foregoing grantee an award in the amount above.


This grant is subject to the conditions listed in the approved grant application as well as all applicable rules, regulations and conditions, as may be described by the Department of Public Safety. Special conditions are attached to this award.

This grant shall become effective, as of the start date of the grant period listed, once this original grant award has been properly executed on behalf of the grantee and returned to the Governor's Crime Commission, attention of the Grants Management Director. The grant award must be returned within 30 days of the date the award is mailed from the Governor's Crime Commission. No alterations of any kind may be made on this grant award.

Authorizing Official

 Signature of Authorizing Official
 Date: 10/24/2018
 Rick Howell, City Manager
 Name and Title of Authorizing Official

Governor's Crime Commission

 Signature of Director
 Date: 10/12/18
 Caroline C. Valand, Executive Director
 Name and Title of Director

Project Director

 Signature of Project Director
 Date: 10/24/18
 Brad Fraser, Captain
 Name and Title of Project Director

This award is subject to the attached conditions, which must be signed by both the authorizing official and the project director, and returned along with this Grant Award. No alterations of any kind may be made on this grant award.



U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

Grant

PAGE 1 OF 22

1. RECIPIENT NAME AND ADDRESS (Including Zip Code) City of Shelby P.O.Box 207 Shelby, NC 28150-0207		4. AWARD NUMBER: 2018-DJ-BX-0311	
2a. GRANTEE IRS/VENDOR NO. 566001342		5. PROJECT PERIOD: FROM 10/01/2017 TO 09/30/2019 BUDGET PERIOD: FROM 10/01/2017 TO 09/30/2019	
2b. GRANTEE DUNS NO. 079053468		6. AWARD DATE 10/01/2018	7. ACTION Initial
3. PROJECT TITLE 2018 JAG Grant		8. SUPPLEMENT NUMBER 00	
		9. PREVIOUS AWARD AMOUNT \$ 0	
		10. AMOUNT OF THIS AWARD \$ 13,932	
		11. TOTAL AWARD \$ 13,932	
12. SPECIAL CONDITIONS THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).			
13. STATUTORY AUTHORITY FOR GRANT This project is supported under FY18(BJA - JAG State & JAG Local) Title I of Pub. L. No. 90-351 (generally codified at 34 U.S.C. 10101 - 10726), including subpart I of part E (codified at 34 U.S.C. 10151 - 10158); see also 28 U.S.C. 530C(a)			
14. CATALOG OF DOMESTIC FEDERAL ASSISTANCE (CFDA Number) 16.738 - Edward Byrne Memorial Justice Assistance Grant Program			
15. METHOD OF PAYMENT GPRS			
AGENCY APPROVAL		GRANTEE ACCEPTANCE	
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL Matt Dummermuth Principal Deputy Assistant Attorney General		18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL Jeffrey H. Ledford Chief	
17. SIGNATURE OF APPROVING OFFICIAL 		19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL 	19A. DATE 10/9/18
20. ACCOUNTING CLASSIFICATION CODES FISCAL FUND BUD. DIV. YEAR CODE ACT. OFC. REG. SUB. POMS AMOUNT X B DJ 80 00 00 13932		21. TDJUGT0385	

OJP FORM 4000/2 (REV. 5-87) PREVIOUS EDITIONS ARE OBSOLETE.

OJP FORM 4000/2 (REV. 4-88)

ORDINANCE NO. 60-2018

CITY OF SHELBY
FISCAL YEAR (FY) 2018-2019 BUDGET ORDINANCE AMENDMENT

WHEREAS, in accordance with applicable provisions of the North Carolina Budget and Fiscal Control Act, the City of Shelby finds it advisable and necessary to revise and amend its annual budget for FY 2018-2019; and,

WHEREAS, the City Manager (Budget Officer) has recommended certain amendments to the budget which the governing body finds acceptable; and,

WHEREAS, City Council now desires to act on the recommended budget amendments and approve same for implementation and compliance with the Fiscal Control Act;

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

Section 1. Ordinance No. 31-2019, the City’s FY 2018-2019 Budget Ordinance, is hereby amended as follows to provide for Budget Amendment No. 4 for the year:

(A) The City of Shelby has been awarded an Edward Byrne Memorial Justice Assistance Grant (JAG) and a Governor’s Crime Commission Grant (GCC) that will fund equipment improvements within the Police Department. Accordingly, the following budget modifications are approved in accordance with the chart of accounts heretofore established for the City of Shelby.

(1) The following General Fund line items are amended:

(a) Increase 11003000-34214-JAG18	\$13,932
JAG Grant 2018	
Increase 11003000-34215-GCC18	\$24,500
GCC Grant 2018	
(b) Increase 110431-41999-JAG18	\$13,932
Non-Capital Equipment	
Increase 110431-41999-GCC18	\$24,500
Non-Capital Equipment	

Section 2. That the revenues, expenditures and amendments set forth in Section 1 of this ordinance are hereby summarized as follows:

	<u>Current Budget</u>	<u>Amendment No. 4</u>
General Fund	\$ 24,230,324	\$ 24,268,756
Emergency Telephone System Fund	107,000	107,000
Powell Bill Fund	735,600	735,600
Economic Dev. Fund	671,500	671,500
Housing Fund	1,483,418	1,483,418
Cemetery Fund	30,000	30,000
Utilities-Water Fund	5,429,800	5,429,800
Utilities-Sewer Fund	5,451,500	5,451,500
Utilities-Electric Fund	21,942,000	21,942,000
Utilities-Gas Fund	15,714,600	15,714,600
Utilities – Stormwater Fund	<u>803,600</u>	<u>803,600</u>
FY 2018-2019 Budget Total	<u>\$ 76,599,342</u>	<u>\$ 76,637,774</u>

Section 3. Copies of this Budget Ordinance Amendment shall be furnished to the City Manager as Budget Officer and to the Finance Director to be kept on file by them for their direction in the collection and disbursement of funds. Said officials are hereby authorized to receive and expend funds as herein set forth in accordance with the Shelby City Code, the General Statutes of North Carolina, and the provisions of the original budget ordinance; inclusive of GS 159-28 governing budgetary accounting of appropriations.

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

Adopted and approved this the 5th day of November 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

City of Shelby
Agenda Item Summary
November 5, 2018
City Hall Council Chamber

Agenda Item: C-5

- 5) Adoption of Fiscal Year (FY) 2018-2019 Budget Ordinance Amendment No. 5:
Ordinance No. 61-2018

Consent Agenda Item: (Staff Resource, Justin Merritt, Finance Director)

Summary of Available Information:

- Memorandum dated October 29, 2018 from Justin Merritt, Finance Director to Rick Howell, City Manager
- Letter dated October 15, 2018 from Greenheck Group
- Incentive Grant Rebate Request and supporting documents
- Ordinance No. 61-2018

City Manager's Recommendation / Comments

This item is presented for City Council consideration at this time. If approved this amendment would formally appropriate the incentive grant for Tax Year 2018. Future payments will be made as the grant recipient requests payment after complying with the provisions of the adopted agreement. This is year four of a seven year agreement with Greenheck Fan Corporation at their location (2000 Partnership Drive) in the Foothills Commerce Center. The approved grant covers a seven year period at 65% grant incentive payment back to the company.

As a reminder to Council you will recall that companies awarded incentive grants must pay in full all tax and other bills owed to the City prior to making a request. It is the responsibility of the company to certify to the City they have done so with written verification coming from the Cleveland County Tax Office. Council must then approve this budget amendment appropriating the amount due. Only then will the City pay the incentive grant.

It is my recommendation that Ordinance No. 61-2018 be adopted and approved at this time via the Consent Agenda.



To: Rick Howell, City Manager
From: Justin Merritt, Finance Director
Date: October 29, 2018
Subject: Greenheck Fan Corporation Industrial Incentive Grant Distribution

Background:

As you are aware, the City of Shelby entered into an agreement with Greenheck Fan Corporation to provide Industrial Incentive Grants upon completion of certain grant requirements. The agreements are attached and detail the guidelines of the grant program.

Greenheck Fan Corporation has now met the requirements for year four of the grant payment and has asked for the distribution to be made.

Recommendation:

The recommendation from staff is to approve the attached budget amendment, which will allow for distribution of year four of the grant incentive.

The Greenheck Group

Greenheck • Airolite • Accurex • Unison • Innovent • Valent • Precision Coils

October 15, 2018

City of Shelby
Shelby City Hall
Attn: City Manager
300 South Washington Street
Shelby, NC 28150

RE: Project Lakewood City of Shelby Incentive Grant Program

Dear City Manager,

In accordance with the terms of the Incentive Agreement (“Agreement”) dated October 7, 2013 between the City of Shelby and our company we are providing the attached information supporting our request for payment under the agreement.

Attached you will find an exhibit that outlines the net new taxable investment and our calculation of the amount of the grant reimbursement that our company has earned. All grant criteria have been met under the terms of the Agreement and we have remitted payment for all of the taxes due.

Thank you for your help and please do not hesitate to contact me with questions related to the above matter.

Regards,



Dan Strehlow, CPA
Corporate Tax Manager | The Greenheck Group
Office: 715.355.3156 | Fax: 715.355.6545
1100 Greenheck Drive, Schofield, WI 54476

City of Shelby Economic Development Incentive Grant
Greenheck Group Property Tax Rebate Request
Request #4

Project Lakewood - Shelby, North Carolina		
	Bill #	City Assessed Value
Personal Property	3822548	14,539,942
Less: Supplies Cost Listed		-
Net Personal Property Value Assessed		14,539,942
Real Property	3820273	8,052,452
Less: Tax value of "Gifted" Land		(494,575)
		7,557,877
Total Taxable Investment		22,097,819
Tax Rate (City of Shelby)		0.5225%
Property Tax Due		115,461
Tax Abatement Percentage		65%
Property Tax Abatement Refund Requested		75,050
2017 Discovery Tax Bill	3778735	3,385
2016 Discovery Tax Bill	3778736	3,851
2015 Discovery Tax Bill	3778737	3,694
Total Discovery Tax Bills		10,930
Tax Abatement Percentage		65%
Property Tax Abatement Refund Requested		7,105
TOTAL PROPERTY TAX ABATEMENT REFUND REQUESTED		82,154

RESOLUTION NO. 62-2013

A RESOLUTION CONFIRMING THE CITY OF SHELBY
INTENT TO OFFER AN ECONOMIC DEVELOPMENT INCENTIVE GRANT
AND RELATED INCENTIVES

WHEREAS, on the City of Shelby has established the practice of offering economic development incentives for the purpose of promoting the economic health and vitality of the community, and,

WHEREAS, the Cleveland County Economic Development Partnership has presented a qualifying economic development project named "Project Lakewood" (the "Project") with an total expected investment valued at \$26 Million of net new investment which shall be eligible for incentives through the policy and create 177 new full time jobs; and,

WHEREAS, the City Council believes that Project Lakewood will stimulate and provide stability for the local economy, will provide local economic benefits for the citizens of the City of Shelby through an increase in sales tax revenues, increased personal property tax revenues, increased purchases of local goods and services, increased revenues from having the project as a new customer of the City for water and sewer services and natural gas service, and will result in the creation of a substantial number of new full-time permanent jobs; and

WHEREAS, the City Manager and the Cleveland County Economic Development Partnership have determined that the Project meets the goals set forth by City Council including job creation and capital investment.

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

Section 1. In accordance with the City's economic development incentive practices, the City Council extends to the Project by agreement the offer to provide annual grants with an amount equal to an estimated \$514,000 paid over a period of 7 years along with an upfront, one-time cash grant in the amount of \$150,000. Additionally, the City Council approves the City's extensions of the existing street system within the Foothills Commerce Center ("FCC"), the gifting of approximately 20 acres within the "FCC" as well as the option by the company to be gifted an additional 12 acres within the "FCC" under the terms of the agreement. The grant award is subject to execution of a legal agreement drafted in accordance with the provisions of North Carolina General Statute § 158-7.1, said agreement describing the Project and stating expected benchmarks and recourse for non-compliance. The City Manager and City Attorney were hereby authorized and directed to negotiate the language of said legal agreement for presentation to and final approval by the City Council, and to record the approved agreement in the Office of the Register of Deeds for Cleveland County.

Section 2. The Mayor and City Clerk of the City of Shelby are hereby authorized and directed to execute the agreement specified in Section 1 of this resolution on behalf of the City.

Resolution No. 62-2013
October 7, 2013
Page 3

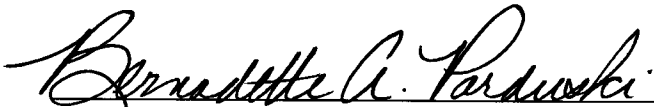
Section 3. This resolution shall become effective upon its adoption and approval.

Adopted and approved this the 7th day of October 2013.

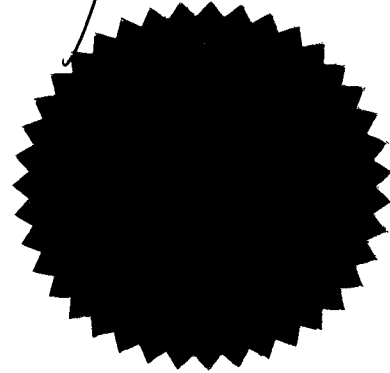


O. Stanhope Anthony III
Mayor

ATTEST:



Bernadette A. Parduski, NCCMC, MMC
City Clerk



INCENTIVE AGREEMENT

This **Incentive Agreement** (the "Agreement") is made and entered into as of the 7th day of October, 2013, by and between **CITY OF SHELBY, NORTH CAROLINA**, a municipal corporation of the State of North Carolina (the "City") and **GREENHECK FAN CORPORATION**, a business corporation of the State of Wisconsin (the "Company"). The City and the Company may from time to time hereinafter be referred to individually as a "Party" and collectively as the "Parties."

WITNESSETH:

WHEREAS, the Local Development Act of 1925, as amended, (Article 1 of Chapter 158 of the North Carolina General Statutes) grants cities the authority to make appropriations for the purposes of aiding and encouraging the location or expansion of certain business enterprises in the city or for other purposes which the city's governing body finds in its discretion, will increase the population, taxable property base and business prospects of the city; and,

WHEREAS, the City council of the City of Shelby (the "Council"), pursuant to North Carolina law, has adopted the City of Shelby Industrial Incentive Program (the "Program"), duly adopted and enforced at the time of this Agreement, in order to induce existing industry to expand in the City and target new industries to locate in the City, through the provision of various incentives including the payment of a stipulated incentive grant amount from the City's General Fund (the "General Fund"), as determined in accordance with the provisions of the Program; and,

WHEREAS, the Company contemplates the construction and equipping of an approximately 150,000 square foot building in Phase I of its Project, to be located in the Foothills Commerce Center Park located in the City of Shelby, North Carolina, (the "Project"); and,

WHEREAS, the Company intends to create approximately one hundred seventy seven (177) new, permanent full-time jobs during the first five (5) years of this Agreement at the Project; and,

WHEREAS, the entire Project will include buildings and the installation of machinery and equipment with a total initial investment of approximately Twenty Six Million Dollars (\$26,000,000.00) in the County; and,

WHEREAS, the Council has determined following a public hearing on October 7, 2013, that the Company meets the criteria for participation in the Program due to the planned construction and operation of the Project, which will increase the population, taxable property base and business prospects of the City, and that certain incentives for the Project (the "Incentives") will encourage the Company to expand its operations in the area, and that it is in the public interest to provide assistance as authorized by the North Carolina General Statutes § 158-7.1; and

WHEREAS, the Company acknowledges that the Incentives will serve as an inducement for the Company to construct and operate the Project in the City;

NOW, THEREFORE, in consideration of the reasons recited above, and the mutual covenants and agreements hereinafter set forth, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereto do each contract and agree as follows:

Incentive Number One

The City shall make a one-time Grant to the Company of One Hundred Fifty Thousand Dollars (\$150,000.00) to be used by the Company for site preparation at the Project. This Grant shall be made to the Company within fifteen (15) days of commencement of grading at the Project site. If the Company does not begin operation of the Project within twenty four (24) months of the date of this Agreement, then the Company shall repay the One Hundred Fifty Thousand Dollars (\$150,000.00) to the City within fifteen (15) days of the expiration of the twenty four (24) months.

Incentive Number Two

2.1 Incentive Grant Criteria

The Company shall comply with the following conditions (the “Grant Criteria”) in order to qualify for Incentive Grants pursuant to this Agreement.

- a. The Company shall begin construction of the Project within twelve (12) months of the execution of this Agreement.
- b. The Company shall maintain its investment in the City for the duration of the Grant Term (hereinafter defined).
- c. The Company shall operate the Project substantially in compliance with all laws, rules, regulations, ordinances, and orders of all governmental bodies, agencies, authorities, and courts having jurisdiction.
- d. The City shall not be responsible for any aspect of the design or equipping of the Project.
- e. The Company shall be current in the payment of all ad valorem taxes and fees imposed on the Company by the City of Shelby and Cleveland County.
- f. The Company shall conduct operations at the Project in such manner as to be in material compliance with applicable Federal, State and local environmental regulations.

2.2 Certification of Grant Criteria by the Company.

- a. In each year of the Grant Term, the Company shall request payment of an Incentive Grant from the City. This request for payment can be made at any time after the Company has paid all local ad valorem taxes for the current tax year. In connection with each request for payment of the Incentive Grant, the Company shall deliver to the City's Finance Director a performance letter certifying that in the prior year, (or the current year if the request is made between July 1 and December 31 of the tax year) the Company (i) satisfied all of the Grant Criteria, (ii) agreed to the Assessed Value (hereinafter defined) of the Project as determined by the Cleveland County Tax Assessor; and (iii) paid all applicable local taxes on the Assessed Value of the Project. If in any year of the Grant Term, the Company fails to request payment from the City of the Incentive Grant for that year, the Company forfeits absolutely its right to the Incentive Grant for that year.
- b. Upon receipt of such certification from the Company, the Cleveland County Tax Assessor shall determine, as of January 1st for each year of the Grant Term, the total new property invested in the Project that is subject to ad valorem property taxes in the City (the "Taxable Investment") and the assessed value of the Taxable Investment (the "Assessed Value").
- c. The Company agrees to cooperate with the Cleveland County Tax Assessor and the City by providing such information and access to the Company's records as may be necessary to verify and substantiate initial and ongoing compliance with the Grant Criteria. If the City is unable to independently verify compliance with the Grant Criteria upon exercise of reasonable effort, then the City shall provide thirty (30) days written notice to the Company of the additional information needed to ascertain compliance. If the Company does not provide such additional information, and such additional information is necessary to ascertain its compliance with this Agreement, to the City before the expiration of this thirty (30) day period, the City may immediately terminate this Agreement. To the full extent allowed by law, such information shall be kept confidential by the City and shall remain the property of the Company to be returned after the City's review.
- d. The Company acknowledges that it has been informed by the City that the City is required by law, upon request, to disclose "Public Records" as that term is defined by N. C. Gen. Stat. § 132.1. Notwithstanding the immediately preceding sentence, the City acknowledges that some or all of the information made available by the Company to the City pursuant to this Agreement may be exempt from disclosure as a "Public Record" pursuant to N. C. Gen. Stat. §§ 132-1.2, 132-6(d), and that all such information is proprietary. Some or all of the information made available to the City pursuant to this Agreement may be designated by the Company as confidential and as a trade secret at the time of disclosure to the City. The City, to the fullest extent allowed by state law, will hold such designated information as confidential. The City shall, if it receives

a request for disclosure of any such information, notify the Company of such request so that the Company may defend any claims or disputes arising from efforts of others to cause such trade secrets to be disclosed as a Public Record, and the City shall refrain from making any such disclosures unless or until it (i) receives the Company's written permission to do so; or (ii) is compelled to do so by the final order of a court of competent jurisdiction. The Company shall have the right to direct any litigation of such dispute and shall indemnify the City for any legal fees and expenses incurred by the City in opposing such request for disclosure. The Company acknowledges that the City has met the disclosure requirements set forth in N. C. Gen. Stat. § 132-1.11(b).

2.3 Grant Term and Payment of Incentive Grants.

- a. Grant Term. The Grant Term will begin upon the issuance of a certificate of occupancy for the Project and upon verification that the Company has (i) satisfied all Grant Criteria, (ii) agreed to the Assessed Value of the Project as determined by Cleveland County's Tax Assessor, and (iii) paid all applicable local ad valorem taxes and fees. The Grant Term will continue for seven (7) calendar years following initial verification as long as the Grant Criteria remain satisfied.
- b. Between January 1st and March 31st of each year of the Grant Term, the City shall make an Incentive Grant payment to the Company in an annual amount equal to sixty five per cent (65%) of the City ad valorem taxes (with the current rate being \$0.435 per \$100.00 valuation) on real and personal property paid on the Project by the Company to the City during the preceding calendar year, as long as the Company remains compliant with this Agreement.

- 2.4 Termination upon Failure to Pay Ad Valorem Taxes. If the Company at any time during the Grant Term fails to pay all applicable ad valorem taxes when due, then the City shall provide thirty (30) days written notice to the Company stating that the ad valorem taxes are delinquent. If the taxes have not been paid upon the expiration of such thirty (30) day period of the Company's receipt of notice, then the City may terminate this Agreement and have no further obligation to the Company for the payment of any Incentive Grant.

Incentive Number Three

- 3.1 Conveyance of Real Property. Within sixty (60) days of the execution of this Agreement by both parties, the City will convey to the Company by General Warranty Deed, and free of all encumbrances (with the exception of utility easements) an approximately twenty (20) acre tract of land located in the Foothills Commerce Center Park (the "Property"), said tract to be surveyed at the expense of the City.

The Company shall have no obligation to accept title to the Property unless and until (a) The Company is satisfied in all respects with its due diligence investigation of the

Property including, without limitation, all title, survey, geotechnical and environmental matters related thereto; (b) the City is not in default of the performance of any covenant or agreement to be performed as of the date of Closing by the city as set forth in this Agreement; and (c) the Company has confirmed that its use of the Property for the Project will not violate any private restrictions, zoning ordinances or governmental regulations then in effect on the date of Closing. Once the Company has determined that the conditions set forth in clauses (a), (b) and (c) preceding have been satisfied (or have been waived in whole or in part by the Company in its sole discretion), the Company shall give notice (the "Closing Notice") to the City that it is ready to close on the conveyance of the Property. The Company must give the Closing Notice within sixty (60) days of the execution of this Agreement by both parties. The City agrees to deliver the General Warranty Deed to the Property in the manner set forth in this Section 3.1 on a date that is no more than ten (10) business days following the date of the Closing Notice (the "Closing").

The City represents to the Company that the Property now is, and at Closing will be, in full compliance with all applicable zoning and land use laws and other local, state and federal laws and regulations and the City does not have knowledge of any proposed change in any such code, law or regulation which would interfere with the Company's proposed use of the Property for the Project.

The City represents to the Company that no person, firm or entity has any rights to acquire or to lease all or any portion of the Property or to otherwise obtain any interest therein and there are no outstanding options, rights of first refusal or negotiation, rights of reverter or rights of first offer relating to the Property or any interest therein.

Upon Closing and conveyance of the Property from the City to the Company, the City shall indemnify, defend and hold the Company harmless from any claim, liability or cause of action that relates to a period of time prior to the Closing and the Company shall indemnify, defend and hold the City harmless from any claim, liability or cause of action that relates to any period of time following the Closing.

All representations, warranties and indemnities made and given by the Parties in this Agreement shall survive the Closing.

- 3.2 Commencement and Completion of the Project. The Company agrees to commence construction of the Project within twelve (12) months of the execution of this Agreement by both parties, and to complete construction of the Project within twenty four (24) months of the execution of this Agreement by both parties. For the purposes of the foregoing (a) the term "commence construction" shall mean that applicable permits for the Project have been obtained and the Company's chosen contractor has begun grading the site of the Project and (b) the term "complete construction" means that the Project has been completed and the Company has received a certificate of occupancy.

3.3 Re-conveyance of Real Property. In the event the Company does not comply with the provisions of paragraph 2.2 above, the Company agrees to either (a) re-convey to the City by General Warranty Deed, and free of all contractual obligations, claims, liens proceeding and encumbrances (with the exception of utility easements and any matter consented to by the City), the Property conveyed by the City to the Company as described in paragraph 3.1 above; or (b) pay to the City an amount equal to the appraised value of the Property by the City (the "Agreed Price"). The option to select the remedy in clauses (a) or (b) preceding may be made by the Company in its sole and absolute discretion; provided, that the Company may not select option (b) if it has, in fact, on the date of non-compliance with the provisions of paragraph 3.2 above, abandoned the Property and notified the City that it will not use the Property for the Project.

3.4 Option to Obtain Additional Real Property. The City hereby grants to the Company an option for three (3) years from the date of this Agreement to obtain an additional approximately twelve (12) acre tract adjacent to the twenty (20) acres described in paragraph 3.1. The twelve (12) acre tract will be surveyed at the expense of the City at the same time the twenty (20) acres are surveyed.

If, within the three (3) year option period, the Company makes a capital investment of at least Eight Million Dollars (\$8,000,000.00) in the Project and starts construction of at least a one hundred thousand (100,000) square-foot building on said twelve (12) acres, the City will convey to the Company by General Warranty Deed, and free of all encumbrances (with the exception of utility easements), the said twelve (12) acre tract.

If the Company does not start construction on the twelve (12) acre tract within the three (3) year option period, then, and in that event, the City grants to the Company an additional three (3) year option to purchase the said twelve (12) acre tract for Eighteen Thousand Dollars (\$18,000.00) per acre.

Incentive Number Four.

Building permit and inspection fees will not be charged to the Company.

Incentive Number Five.

Water and Sewer tap and service fees will not be charged to the Company.

Incentive Number Six.

Partnership Way and Commerce Center Drive will be extended by the City, at its expense, to an agreed upon point at the Property.

7 Notice. Formal notices, demands, and communications between the City and the Company shall be sufficiently given if personally delivered or if dispatched by registered or certified mail, postage prepaid, return receipt requested, or by a

nationally recognized overnight courier to the principal offices of the City and the Company. Such written notices, demands and communications may be sent in the same manner to such other addresses as either Party may from time to time designate by formal notice hereunder.

If to City:

City of Shelby
Shelby City Hall
Attn: City Manager
300 South Washington Street
Shelby, NC 28150

With copy that shall not constitute notice to:

Robert W. Yelton
Yelton, Farfour & Fite, P.A.
P O Box 1329
Shelby, NC 28151-1329

If to the Company:

Greenheck Fan Corporation
Attn: Jeff Lamer
400 Ross Avenue
Schofield, WI 54476

- 8 Parties. This Agreement shall inure to the benefit of and be binding upon the Parties hereto, and their successors in interest.
- 9 Complete Agreement. This Agreement contains the entire agreement between the Parties and there are no other representations, inducements, or other provisions other than those expressed in this writing. If this Agreement or any provision hereof is determined to be invalid, unlawful or otherwise null and void by any court of competent jurisdiction, then the remainder of this Agreement will remain valid and enforceable.
- 10 Amendments to Agreement. This Agreement may only be modified, altered or amended by mutual written consent of the Parties.
- 11 Termination. Except as otherwise provided herein, this Agreement shall terminate on December 31st of the last year of the Grant Term.
- 12 Assignment. No Party shall assign, sublet or transfer any rights under or interest in this Agreement (including, but without limitation, monies that may become due or monies that are due) without the prior written consent of the other Party, which consent shall not be unreasonably withheld. Unless specifically stated to the contrary in any written consent to assignment, no assignment shall release or discharge the assignor from any duty or responsibility under this Agreement.
- 13 Event of Default. It shall be an Event of Default if any one or more of the following events shall occur for any reason whatsoever (and whether such occurrence shall be voluntary or involuntary or come about or be effected by operation of law or pursuant

to or in compliance with any judgment, decree or order of any court or any order, rule or regulation of any administrative or governmental body):

- a. If the Company shall fail to observe and perform any material provision of this Agreement and such failure shall continue for a period of thirty (30) or more days after the giving by the City of written notice of such failure to the Company; or
- b. If any material representation, warranty or other statement of fact contained in this Agreement or in any writing, certificate, report or statement furnished by the Company to the City in connection with the transaction described in this Agreement shall be false or misleading in any material respect when given; or
- c. If the Company shall be unable to pay its debts generally as they become due; files a petition in bankruptcy; makes an assignment for the benefit of creditors; commences a proceeding for the appointment of a receiver, trustee, liquidator or conservator of itself or of the whole or a substantial part of its property; files a petition or answer seeking reorganization or arrangement of similar relief under the federal bankruptcy laws; or
- d. If a court of competent jurisdiction shall enter an order, judgment, or decree appointing a custodian, receiver, trustee, liquidator, or conservator of the Company or of the whole or any substantial part of its properties, or approve a petition filed against the Company under the federal bankruptcy laws; or if, under the provisions of any other law for the relief or aid of debtors, a court of competent jurisdiction shall assume custody or control of the Company or of the whole or any substantial part of its properties.

- 14 Statutory Authority for Incentive Grant. Both the Company and the City acknowledge that any and all monies appropriated and expended by the City for local economic development incentives as provided in this Agreement are for a bona fide public purpose and are expended in good faith reliance on N. C. Gen. Stat. § 158-7.1. In the event a court of competent jurisdiction, after final appeal, rules in a lawsuit to which either the Company or the City is a party, that the monies expended by the City pursuant to this Agreement were not offered and accepted in good faith and pursuant to and in compliance with N. C. Gen. Stat. §158-7.1 and, further, that such monies must be repaid, the Company will make such repayment. Further, if any elected officials of the City are found by a court of competent jurisdiction, after final appeal, to be personally liable for any of the monies so expended, and such liability is not covered by the City's public officials' liability insurance, then the Company will indemnify such elected officials individually to the extent of the monies received by the Company pursuant to this Agreement, but exclusive of court costs and attorney fees. The City agrees to maintain adequate public official liability coverage, consistent with that maintained by other similarly situated cities in North Carolina. The City agrees to require that its insurer(s) providing such coverage waive any subrogation rights it or they may have against the Company in connection with such coverage, and the City waives (on behalf of itself and its insurer) any claim or

subrogation rights against the Company to the extent covered by such insurance coverage. In the event any lawsuit is brought against the City or any elected official of the City challenging the legality of this Agreement, then the City shall exercise its best efforts to defend against any such lawsuit, including appealing any adverse judgment to the appropriate court. The indemnification arising under this Article shall survive this Agreement's termination. The indemnification by the Company shall not apply if neither the Company nor any of its representatives participated in the improper acts of the City officials.

- 15 Governing Law. This Agreement shall be construed and enforced in accordance with the laws of the State of North Carolina. Exclusive venue for any disputes arising hereunder is conferred upon the General Courts of Justice of the State of North Carolina sitting in Cleveland County.
- 16 Captions, Heading, Titles. Any paragraph headings contained in this Agreement are for convenience only and in no way enlarge or limit the scope or meaning of the various and several paragraphs contained herein.

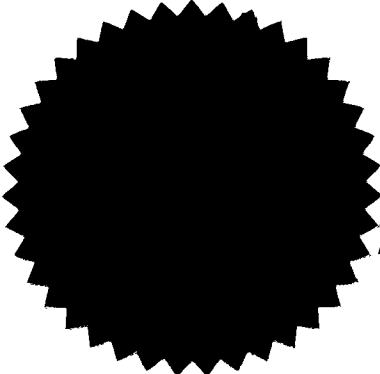
(The remainder of this page has been intentionally left blank.)

IN WITNESS WHEREOF, the parties hereto, acting under authority of their respective governing bodies, have caused this contract to be duly executed, this the day and year first above written.

CITY OF SHELBY, NORTH CAROLINA

Attest:
By: Bernadette A. Parduski
Bernadette A. Parduski, MMC,
City Clerk

By: [Signature]
O. Stanhope Anthony, III,
Mayor



[Remaining signature page to follow.]

ATTEST:

By: Jonine Kelen

GREENHECK FAN CORPORATION

By: Marc A. Espinoza

Name: MARCO A. ESPINOZA

Title: ASST. GENERAL COUNSEL

COPY

Shelby
NORTH CAROLINA



Post Office Box 207 • Shelby, NC 28151-0207

Office of the City Clerk

October 8, 2013

Mr. Jeff Lamer
Greenheck Fan Corporation
400 Ross Avenue
Schofield, WI 54476

Re: Incentive Agreement between the City of Shelby and Greenheck Fan Corporation

Dear Mr. Lamer:


Welcome to Shelby and Cleveland County, North Carolina!

Shelby City Council officially approved the enclosed Incentive Agreement on October 7, 2013. Please fully execute all three original agreements on Page 11 and return two to me at your earliest convenience. Kindly retain one agreement, along with a copy of Resolution No. 62-2013, for your file. Upon receipt of the agreements, I will record one with the Cleveland County Register of Deeds Office.

If you need further assistance or information, please do not hesitate to contact me.

Thank you for your time and attention. We look forward to Greenheck Fan's expansion and progress in North Carolina.

Best regards,


Bernadette A. Parduski
City Clerk

Enclosures

News Release

FOR IMMEDIATE RELEASE: October 4, 2013



Fan Manufacturer Expansion Brings 184 Jobs to Cleveland County

SHELBY, NC – Gov. Pat McCrory and North Carolina Commerce Secretary Sharon Decker were in Cleveland County today to announce that Greenheck Fan Corporation, a leading manufacturer of air movement and control equipment, will expand its operations and locate a new facility in Cleveland County. The announcement was made possible in part by a \$300,000 grant from the One North Carolina Fund.

“Our first priority is creating jobs. North Carolina’s workforce continues to be a selling point for advanced manufacturers like Greenheck,” said Governor McCrory. “We must continue to support education and job training programs in order for North Carolina to compete in this global economy.”

Greenheck Fan Corporation is a broad spectrum manufacturer of commercial and industrial air movement and control equipment headquartered in Schofield, Wisconsin. Greenheck brand products including; fans and ventilators, centrifugal and vane axial fans, dampers, louvers, laboratory exhaust systems, energy recovery products, indoor air handling units and coils are shipped to customers around the globe.

“Cleveland County has a proud manufacturing heritage,” said Rep. Tim Moore. “Helping our region’s manufacturing industry grow is an important part of mine and Governor McCrory’s overall economic development strategy.”

The company plans to invest \$30 million and create 184 new jobs during the next five years in Shelby. Greenheck Fan Corporation will establish a new manufacturing facility on Artee Road in Shelby. While salaries will vary by job function, the average annual payroll is estimated to be more than \$5.7 million plus benefits. Greenheck currently employs more than 116 people in North Carolina at their current manufacturing facility in Kings Mountain.

“Companies like Greenheck Fan Corporation know Cleveland County’s skilled workforce gives them a competitive edge,” said Sen. Warren Daniel. “I’m confident the company has made a good choice, and the good folks of Shelby and the surrounding areas can provide a productive work force.”

Other partners who helped make this announcement possible include the N.C. Department of Commerce, N.C. Community Colleges, Cleveland County, City of Shelby, Cleveland County Economic Development Partnership and Gardner Webb University.

For more information about Greenheck Fan Corporation, including job opportunities, go to www.greenheck.com.

###

PROJECT LAKEWOOD (GREENHECK FAN CORPORATION)

Economic Development Announcement

Friday ~ October 4, 2013

Press Conference Begins: 1:00 pm (or upon Governor's arrival)

Location: Foothills Commerce Center, Shelby

Welcome & Opening Remarks.....Stan Anthony
Mayor, City of Shelby

Introduction of Governor Pat McCroy Eddie Holbrook
Cleveland County Board of Commissioners

Job Announcement & Gift Presentation Pat McCroy
Governor of North Carolina

Unrolling of Banner & Building Site Plans

Client Remarks.....Tim Kilgore
President, CVI Business Unit
Jon Krueger
Executive VP/HR

Introduction of State & Elected Officials.....Eddie Holbrook
County Commissioner

1. **Senator Kay Hagan**
2. **Senator Richard Burr**
3. **US Representative Patrick McHenry**
4. **Senator Phil Berger**
5. **Speaker Thom Tillis**
-
6. **State Senator Warren Daniel**
7. **State Rep Tim Moore**
8. **State Rep Kelly Hastings**

Please include the following:

- County Elected Officials**
- Mayors and City Elected Officials**
- Former State Rep., Jack Hunt**
- NCDOC (Secretary Sharon Decker and Uconda Dunn)**

Presentation of Gift From County.....Ronnie Hawkins
Chair, Cleveland County Board of Commissioners

Congratulatory Comments / Presentation of Gift from CityStan Anthony
Mayor, City of Shelby

Closing Remarks.....Eddie Holbrook
Cleveland County Board of Commissioners

****Champagne Toast followed by ceremony - Mayor Anthony will initiate toast**

Greenheck Fan Corporation City Incentive Grant Payment Schedule

* Applicable agreement must be reviewed before annual remittance of grant incentive payment. Grant payments to be made after the taxpayer has paid in full all local property taxes. City has option to pay grant to taxpayer between January and March annually.

Column1	Column2	Column3	Column4	Column5	Column6	Column63	Column62	Column7
Tax Year (Fiscal Yr.)	2015-16	2016-17	2017-18	2018-19	2019-20	2020-2021	2021-22	Totals
% authorized	65%	65%	65%	65%	65%	65%	65%	N/A
Estimated net new investment	\$26,000,000	\$26,000,000	\$26,000,000	\$26,000,000	\$26,000,000	\$26,000,000	\$26,000,000	N/A
Current City Tax Rate per \$100	0.00435	0.00435	0.004972	0.004972	0.004972	0.004972	0.004972	N/A
Estimated City Tax Levy	\$113,100	\$113,100	\$129,272	\$129,272	\$129,272	\$129,272	\$129,272	\$872,560
Calculated Grant Incentive Payment	\$73,515	\$73,515	\$84,027	\$84,027	\$84,027	\$84,027	\$84,027	\$567,164
Actual net new investment#	\$19,518,567	\$18,704,500	\$19,417,721	\$22,097,819				N/A
Current City Tax Rate per \$100	0.00435	0.004972	0.004972	0.005225	0.005225	0.005225	0.005225	N/A
Actual City Tax Levy#	\$84,906	\$92,999	\$96,545	\$115,461	\$0	\$0	\$0	\$389,911
Actual Grant Incentive Payment	\$55,189	\$60,449	\$62,754	\$75,050	\$0	\$0	\$0	\$253,442
Difference	\$28,194	\$20,101	\$32,727	\$13,811	\$129,272	\$129,272	\$129,272	\$482,649

To be reported and confirmed by Cleveland County Tax Office annually to the City Manager and Finance Director.

Requirements for remittance: (This list is not exhaustive. Please refer to agreement.)

- 1 - Company must have paid all local property taxes in full.
- 2 - Company must be current on all utility accounts with the City.
- 3 - Company must be current on all fees and charges owed to the City.
- 4 - Company must request in writing during the fiscal year to be eligible to receive the City grant. Grants not requested are forfeited for that fiscal year.
- 5 - Company must meet the minimum stated net new investments.
- 6 - Company must be in compliance with all federal, state and local laws. (Including zoning, nuisance and other applicable ordinances)
- 7 - Grant to be paid between January 1 - March 31 of the fiscal year after all above conditions met.

ORDINANCE NO. 61-2018

CITY OF SHELBY
FISCAL YEAR (FY) 2018-2019 BUDGET ORDINANCE AMENDMENT

WHEREAS, in accordance with applicable provisions of the North Carolina Budget and Fiscal Control Act, the City of Shelby finds it advisable and necessary to revise and amend its annual budget for FY 2018-2019; and,

WHEREAS, the City Manager (Budget Officer) has recommended certain amendments to the budget which the governing body finds acceptable; and,

WHEREAS, City Council now desires to act on the recommended budget amendments and approve same for implementation and compliance with the Fiscal Control Act;

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

Section 1. Ordinance No. 31-2019, the City's FY 2018-2019 Budget Ordinance, is hereby amended as follows to provide for Budget Amendment No. 5 for the year:

(A) The City of Shelby, via resolution 62-2013, approved incentive agreements and awarded Industrial Incentive Grants to Greenheck Fan Corporation. Greenheck Fan Corporation has now met the requirements for distribution of grant funds for the fourth year of their incentive. Accordingly, the following budget modifications are approved in accordance with the chart of accounts heretofore established for the City of Shelby.

(1) The following General Fund line items are amended:

- | | |
|---|----------|
| (a) Increase 11001000-39900
Fund Balance Appropriated | \$82,155 |
| (b) Increase 110495-49230
Transferred to Economic Development Fund | \$82,155 |

(2) The following Econ. Development Funds Line Items are amended:

- | | |
|---|----------|
| (a) Increase 23009000-39000
Transferred from Other Funds | \$82,155 |
| (b) Increase 230590-42006
Economic Development | \$82,155 |

Section 2. That the revenues, expenditures and amendments set forth in Section 1 of this ordinance are hereby summarized as follows:

	<u>Current Budget</u>	<u>Amendment No. 5</u>
General Fund	\$ 24,268,756	\$ 24,350,911
Emergency Telephone System Fund	107,000	107,000
Powell Bill Fund	735,600	735,600
Economic Dev. Fund	671,500	753,655
Housing Fund	1,483,418	1,483,418
Cemetery Fund	30,000	30,000
Utilities-Water Fund	5,429,800	5,429,800
Utilities-Sewer Fund	5,451,500	5,451,500
Utilities-Electric Fund	21,942,000	21,942,000
Utilities-Gas Fund	15,714,600	15,714,600
Utilities – Stormwater Fund	803,600	803,600
FY 2018-2019 Budget Total	<u>\$ 76,637,774</u>	<u>\$ 76,802,084</u>

Section 3. Copies of this Budget Ordinance Amendment shall be furnished to the City Manager as Budget Officer and to the Finance Director to be kept on file by them for their direction in the collection and disbursement of funds. Said officials are hereby authorized to receive and expend funds as herein set forth in accordance with the Shelby City Code, the General Statutes of North Carolina, and the provisions of the original budget ordinance; inclusive of GS 159-28 governing budgetary accounting of appropriations.

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

Adopted and approved this the 5th day of November 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

City of Shelby
Agenda Item Summary
November 5, 2018
City Hall Council Chamber

Agenda Item: C-6

- 6) Adoption of an ordinance concurring with the North Carolina Department of Transportation for speed limit revisions on Portions of SR 1950 (Wyke Road) inside the corporate limits of Shelby, North Carolina: Ordinance No. 62-2018

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

Summary of Available Information:

- Memorandum dated October 24, 2018 from Ben Yarboro, Engineering Services Director to Rick Howell, City Manager
- Existing Speed Limit Map
- Requests to Repeal Speed Limits on Wyke Road
- Ordinance No. 62-2018

City Manager's Recommendation / Comments

The City received a request from NCDOT along with the accompanying documentation for the reduction of the current 45 mph speed limit section on Wyke Road. Currently this road has both a 35 mph speed limit on one section and a 45 mph speed limit on another section. This ordinance would concur with the NCDOT recommendation by repealing the 45 mph speed limit and enacting a 35 mph speed limit in its place.

It is my recommendation Ordinance No. 62-2018 be adopted and approved by City Council at this time via the Consent Agenda.



Memorandum

To: Rick Howell, City Manager

From: Ben Yarboro, Engineering Services Director *BY*

RE: NCDOT speed limit ordinance revisions on Wyke Road (SR 1950)

Date: October 24, 2018

Background

Staff has received Certification of Municipal Declaration to Repeal Speed Limits and Request for Concurrence forms from the NC Department of Transportation for Wyke Road (SR 1950). Pursuant to General Statute 20-141(f), the City of Shelby must adopt an Ordinance and complete the provided certifications from NCDOT for speed limits to be enacted or repealed within Shelby's jurisdiction.

Review

Wyke Road currently has both a 35 MPH speed limit zone and a 45 MPH speed limit zone as shown on the attached map. The proposed repeal of the NCDOT speed limit declarations on this street would result in Wyke Road having a 35 MPH speed limit for the entire street (NC18/Fallston Rd. to NC150/Cherryville Rd.). An enactment ordinance is not required to establish the proposed 35 MPH speed limit, as the City of Shelby Code of Ordinances Chapter 42 Article III Section 42-122 states "Except as otherwise provided in this article, it shall be unlawful to operate a vehicle in excess of 35 miles per hour in the City".

NCDOT indicated that the primary justifications for modifying this speed limit were due to the continued development and mixed-uses along this street. This street has multiple residences and commercial properties including, but not limited to, Jefferson School, Dover YMCA, Eastside Baptist Church, Cleveland House Assisted Living, Shelby Manor Assisted Living, The Carlisle at Delta Park Apartments, and seven medical offices.

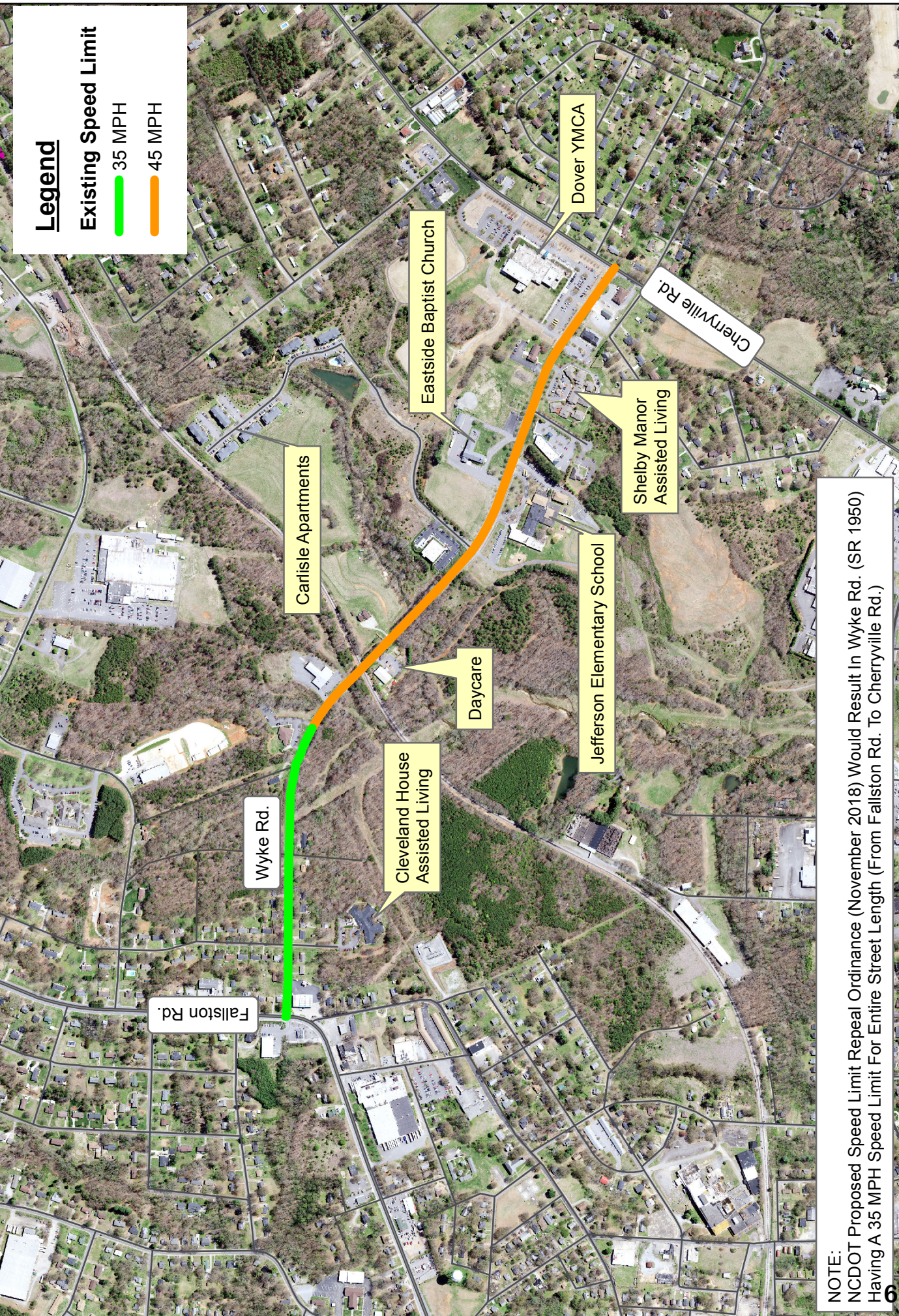
The City of Shelby Engineering, Public Works, Police, and Fire Departments have reviewed the proposed speed limit repeals for Wyke Road and no department has any issue with the speed limit reduction. If the request by NCDOT is approved, NCDOT will remove the existing 45 MPH signage and replace with the necessary 35 MPH signage.

Recommendation

Staff recommends adoption of the proposed ordinance and execution of the Certification of Municipal Ordinance provided by the NCDOT.

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

Attachments



Legend

Existing Speed Limit

- █ 35 MPH
- █ 45 MPH

Wyke Rd.

Fallston Rd.

Carlisle Apartments

Cleveland House Assisted Living

Daycare

Jefferson Elementary School

Shelby Manor Assisted Living

Eastside Baptist Church

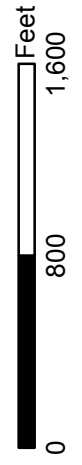
Dover YMCA

Cherryville Rd.

NOTE:
 NCDOT Proposed Speed Limit Repeal Ordinance (November 2018) Would Result In Wyke Rd. (SR 1950) Having A 35 MPH Speed Limit For Entire Street Length (From Fallston Rd. To Cherryville Rd.)



Wyke Rd. (SR 1950) Existing Speed Limit Map



Created: Oct. 24, 2018

Certification of Municipal Declaration To Repeal Speed Limits and Request for Concurrence

Concurring State Ordinance Number: 1052339

Division: 12 County: CLEVELAND

Municipality: SHELBY

Type: Municipal Speed Zones

Road: SR 1950

Car: 45 MPH

Truck: 45 MPH

Description: SR 1950 from a point 0.18 mile west of NC 150 to a point 0.41 mile west of NC 150.

Municipal Certification

I, _____, Clerk of _____, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the _____ day of _____, 20____, the repeal of speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: _____ Page: _____ Ordinance Number: _____

In witness whereof, I have hereunto set my hand and the municipal seal this _____ day of _____, 20____.

(signature)

(municipal seal)

Department of Transportation Approval

Division: _____ Title: _____ Date: _____

Region: _____ Title: _____ Date: _____

Certification of Municipal Declaration To Repeal Speed Limits and Request for Concurrence

Concurring State Ordinance Number: 1008940

Division: 12 County: CLEVELAND

Municipality: SHELBY

Type: Municipal Speed Zones

Road: SR 1950

Car: 45 MPH

Truck: 45 MPH

Description: SR 1950 from a point 0.41 mile west of NC 150 to a point 0.34 mile east of NC18

Municipal Certification

I, _____, Clerk of _____, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the _____ day of _____, 20____, the repeal of speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: _____ Page: _____ Ordinance Number: _____

In witness whereof, I have hereunto set my hand and the municipal seal this _____ day of _____, 20_____.

(signature)

(municipal seal)

Department of Transportation Approval

Division: _____ Title: _____ Date: _____

Region: _____ Title: _____ Date: _____

Certification of Municipal Declaration To Repeal Speed Limits and Request for Concurrence

Concurring State Ordinance Number: 1008942

Division: 12 County: CLEVELAND

Municipality: SHELBY

Type: Municipal Speed Zones

Road: SR 1950

Car: 45 MPH

Truck: 45 MPH

Description: SR 1950 from NC 150 to a point 0.18 mile west of NC 150.

Municipal Certification

I, _____, Clerk of _____, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the _____ day of _____, 20_____, the repeal of speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: _____ Page: _____ Ordinance Number: _____

In witness whereof, I have hereunto set my hand and the municipal seal this _____ day of _____, 20_____.

(signature)

(municipal seal)

Department of Transportation Approval

Division: _____ Title: _____ Date: _____

Region: _____ Title: _____ Date: _____

ORDINANCE NO. 62-2018

AN ORDINANCE CONCURRING WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR SPEED LIMIT REVISIONS ON PORTIONS OF SR 1950 (WYKE ROAD) INSIDE THE CORPORATE LIMITS OF SHELBY, NORTH CAROLINA

WHEREAS, the City of Shelby has received a request from the North Carolina Department of Transportation for the approval of a certification ordinance implementing speed limit modifications on certain State roads within the City; and,

WHEREAS, the City and the State must concur in this action to modify the speed limits on any State highway located within the corporate limits of the City; and,

WHEREAS, the City Council desires to cooperate with the Department of Transportation in the designation of speed limit modifications as requested;

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

Section 1. Based upon applicable provisions of the Shelby City Code and an engineering and traffic investigation pursuant to authority granted by GS 20-141(f), the speed zone modifications as detailed by the Department of Transportation (DOT) are hereby approved as follows:

REPEAL THE FOLLOWING SPEED LIMITS

Speed Limit	Route	Description
45	SR 1950 (Wyke Road)	From NC 150 to a point 0.18 mile west of NC 150
45	SR 1950 (Wyke Road)	From a point 0.18 mile west of NC 150 to a point 0.41 mile west of NC 150
45	SR 1950 (Wyke Road)	From a point 0.41 mile west of NC 150 to a point 0.34 mile east of NC 18

Section 2. The City Clerk is hereby authorized and directed to cause this Ordinance, and the attached DOT ordinance certification as ATTACHMENT A, to be certified and forwarded to the Department of Transportation for its use and files for purposes effectuating the stated speed zone modifications.

Ordinance No. 62-2018
November 5, 2018
Page 2

Section 3. This ordinance shall become effective upon its adoption and approval both by the City and the Department of Transportation.

Adopted and approved this the 5th day of November 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

City of Shelby
Agenda Item Summary
November 5, 2018
City Hall Council Chamber

Agenda Item: C-7

- 7) Adoption of an ordinance authorizing demolition of a dwelling: Ordinance No. 63-2018

Consent Agenda Item: (Staff Resource, Walter Scharer, Planning Director)

Summary of Available Information:

- Memorandum dated October 16, 2018 from Walter Scharer, Planning Director to Rick Howell, City Manager
- Photo of property
- Location Map – 1158 East Marion Street
- Tax Card 2018
- Ordinance No. 63-2018

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. 63-2018 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: October 16, 2018
Subject: **Minimum Housing Demolition of Structure at 1158 E Marion 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 November 5, 2018. Staff recommends this minimum housing action.

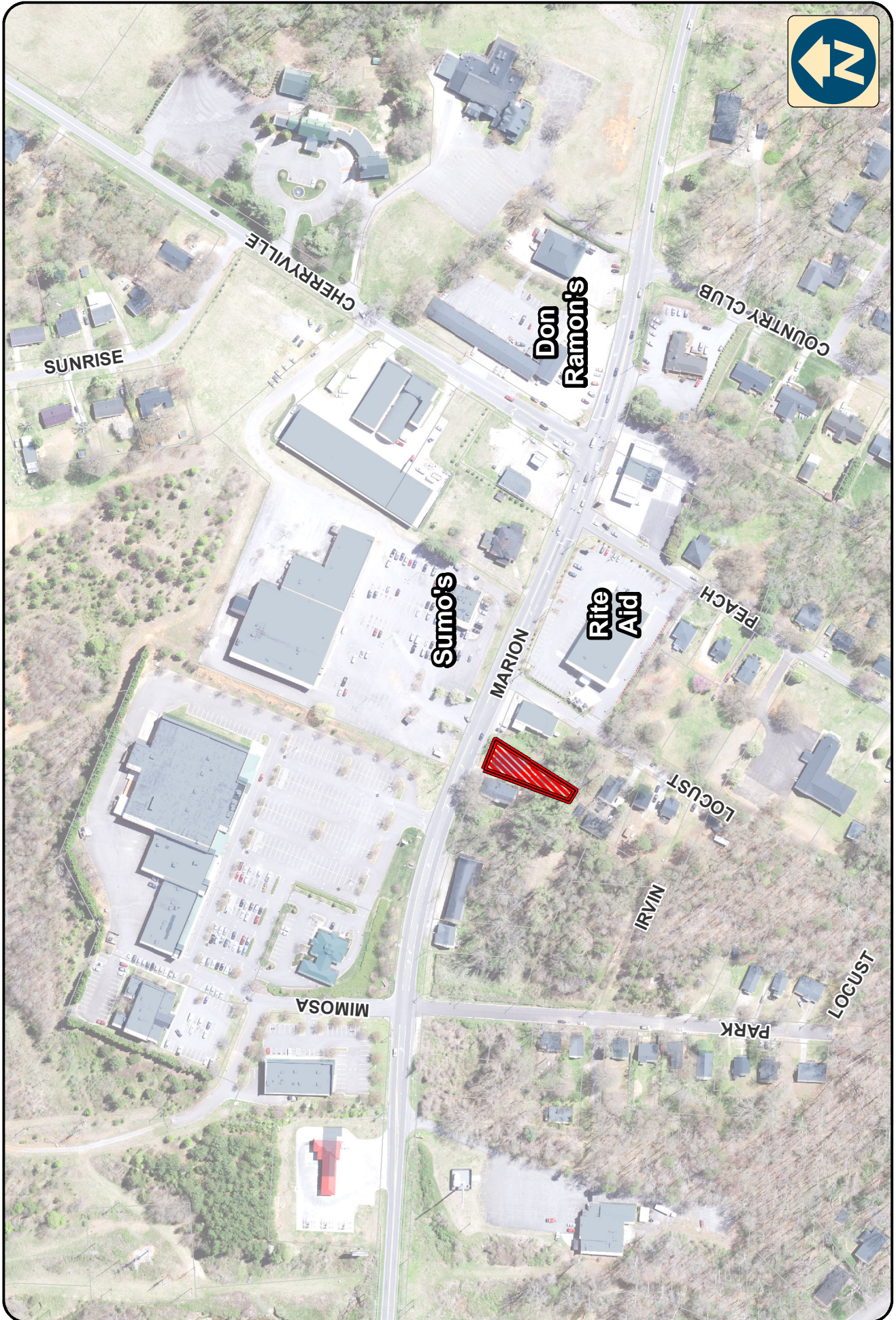
Attachments: Photo of Structure, Location Map, Tax Card and Ordinance





Location Map 1158 East Marion Street

Map Information:
Datum: NAD 1983
Coordinate: State Plane
North Carolina (Meier)
Projection: Lambert Conformal Conic
US National Grid
Grid Zone Designation (GZD): 17S
100,000m Square ID: MV/MU



Scale 1:3,000 1 inch = 250 feet



Date: 10/12/2018

Cleveland County NC Property Card

USER ALAN FOR YEAR 2018

ALNIMR ZAKARIA PARCEL ID.. 21238 PIN... S62 4 5
 1326 CALISTOGA WAY LOCATION... 1158 E MARION ST SHELBY
 DEED YEAR/BOOK/PAGE.. 2011 1623 0258 ASSESSMENT RECY
 PLAT BOOK/PAGE.. OWNER ID.. 1276587
 LEGAL DESC:1158 E MARION ST DISTRICT.. 6 CITY OF SHELBY

LAWRENCEVILLE TOWNSHIP... 6 SHELBY NBRHOOD... 258 S62 S63 #06
 DESCRIPTION GA 30043-3445 COMMERCIAL

MAINTAINED.. 5/17/2017 BY MAYES VALUED.. 9/14/2016 BY MAYES
 VISITED.... 5/01/1998 BY ROUTING#..
 PARCEL STATUS... ACTIVE CATEGORY.. Real & Personal

DEED BK/PAGE	SALE DATE	SALES INSTRUMENT	DISQUALIFIED	SALE AMOUNT	STAMP AMOUNT	DEED NAME
1623 0258	10/06/2011	DEED	QUALIFIED	20,000	40.00	ALNIMR ZAKARIA
1567 2381	1/16/2009	DEED	NO STAMPS ON DE			ELKINS KAROL MAUNEY AND MAUNEY
14Q 364	1/01/1973	SALE	QUALIFIED		7.50	

LND #	ZONE	STRAT CODE	LAND TYPE/CODE	LAND QTY	LAND RATE	DPT%	SHP%	LOC%	SIZ%	OTH%	TOP%	TOT ADJ	CURRENT FMV
1		04	FF F	45.000	160.00	108.00	.00	.00	.00	.00	.00	108.00	7,776
			DPTH..	172			OTHER ADJ...	.00	.00		.00	.00	
TOTAL ACRES..				.000								TOTAL LAND FMV..	7,776

IMPROVEMENT # 1 MAJOR IMPR-M
 MAIN FIN AREA.. 1,374.00 ACT/EFF YR/AGE.. 1930 1973 43 VISITED.. BY
 STRAT..... 04 DESCRIP... SINGLE FAMILY DWELLING-WF MAINTAINED.. 5/17/2017 BY MAYES
 MAIN PERIM..... 204.00 MAIN GROUND SF.... 1,374.000
 LOCATION #..... MARION ST E 1158

COMPONENT	TYPE/CODE/DESC	PCT	UNITS	RATE	STR#	STR%	SIZ%	HGT%	PER%	CDS%	COST	%CPL
AC 06	COVERED PORCH	100	88.00	13.19			124.00				1,439	
AC 08	ENCLOSED FRAME PORCH	100	96.00	19.66			152.00				2,868	
MA BA	BRICK ADDITION	100	24.00	53.72	1.00		100.00				1,289	
EW 06	WOOD SIDING	100	40.00	.00							0	
- FD 04	PERIMETER FOOTING	100	24.00	.00							0	
- HC 05	FORCED HOT AIR	100	24.00	.00							0	
MA 37W	SINGLE FAMILY DWELLI	100	1350.00	62.11	1.00		100.00			100	83,848	
EW 06	WOOD SIDING	100	164.00	.00							0	
UB 0700	UNFIN BASEMENT-SIZE	50	675.00	10.25							6,918	
- FD 04	PERIMETER FOOTING	100	1350.00	.00							0	
- HC 05	FORCED HOT AIR	100	1350.00	.00							0	
- PL R	RES PLUMB-EXTRA FIXT	100	5.00	717.00							0	

RCN... PCT COMPLETE 100 x 96,363
 QUAL.. QG D3 D+- 85.00 x 81,908
 DEPR.. D4 43 YEARS OLD 65.00 - 53,240
 ECON.. EOD ECONOMIC OB DEP 20.00 - 5,733 58,973 T
 --FMV... 22,935

DATE 5/25/18 CLEVELAND COUNTY PAGE 2
 TIME 9:16:24 PROPERTY CARD PROG# AS2006
 USER ALAN FOR YEAR 2018

ALNIMR ZAKARIA PARCEL ID.. 21238 PIN... S62 4 5

IMPROVEMENT # 1 MAJOR IMPR-M
 4A 2
 +A231
 65 13
 D304
 2C1B

AC 06	COVERED PORCH	TRVERSE
M R 25.00 D D 8.00 D L 11.00 D U 8.00 D R 11.00		
AC 08	ENCLOSED FRAME PORCH	TRVERSE
M R 14.00 D D 8.00 D L 12.00 D U 8.00 D R 12.00		
MA BA	BRICK ADDITION	FLOOR: TRVERSE
M U 25.00 M L 6.00 M U 9.00 M R 1.00 M U 12.00 D R 6.00		
D U 4.00 D L 6.00 D D 4.00		
MA BA	BRICK ADDITION	FLOOR: 1.00 TRVERSE
M U 25.00 M L 600.00 M U 9.00 M R 1.00 M U 12.00 D R 6.00		
D U 4.00 D L 6.00 D D 4.00		
MA 37W	SINGLE FAMILY DWELLI	FLOOR: 1.00 TRVERSE
D U 25.00 D L 6.00 D U 9.00 D R 1.00 D U 12.00 D R 23.00		
D D 12.00 D R 12.00 D D 34.00 D L 30.00		

IMPROVEMENT # 2 MISC IMPR-Y
 MAIN FIN AREA.. ACT/EFF YR/AGE.. 1960 1979 37 VISITED.. BY
 STRAT..... 04 DESCRIP... SHED MAINTAINED.. 5/17/2017 BY MAYES
 LOCATION #..... MARION ST E 1158

Cleveland County NC Property Card

COMPONENT	TYPE/CODE/DESC	PCT	UNITS	RATE	STR#	STR%	SIZ%	HGT%	PER%	CDS%	COST	%CML
MS 23	SHED		240.00									
	QUAL.. QG	100		MISC IMPR QUALITY 10			100.00	x				0
	DEPR.. D			OVERRIDE DEPRECIATIO	100.00							
	COND.. D	55		DEPRECIATION OVERRID	x 55.00		55.00	-		0		0 T
				PCT COMPLETE			100					
	--FMV...											300

TOTAL PARCEL VALUES----		LAND /	OVR	IMPROVEMENTS /	OVR	TOTAL LAND/	IMPROVE				2017 VALUE	
FMV.....		7,776		23,235		31,011					31,011	
APV.....		7,776		23,235		31,011					31,011	

COMMENTS - - - - -												

ORDINANCE NO. 63-2018

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 **1158 East Marion Street**, 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, **Alnimr Zakaria and Feda A. Alrabie**, 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 **1158 East Marion Street**, Shelby, and described in the Cleveland County records as Tax Parcel No. **21238** 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 5th day of November 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

City of Shelby
Agenda Item Summary
November 5, 2018
City Hall Council Chamber

Agenda Item: C-8

- 8) Consideration of a resolution requesting the North Carolina Department of Transportation (NCDOT) to abandon the right-of-way and transfer the ownership of a portion of County Home Road, SR 2049: Resolution No. 58-2018

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

Summary of Available Information:

- Memorandum dated October 29, 2018 from Ben Yarboro, Engineering Services Director to Rick Howell, City Manager
- Photo showing Proposed Ownership Transfer
- Resolution No. 58-2018

City Manager's Recommendation

Resolution No. 58-2018 is presented for Council consideration at this time. If approved it would essentially formally make a request to the NCDOT Board of Transportation to transfer the ownership of a portion of County Home Road, SR 2049 from the State of North Carolina to the City of Shelby.

If approved the City then would present this information to the NCDOT Board and the City would then control the right of way in question. I will remind Council that our whole intent on pursuing this ownership is so that in the future once the City is able to establish a new right of way for a new road connection between the frontage road and Kings Road it can then more quickly act to abandon this section.


The City has established a contact with the State Employees Credit Union and they have indicated that planning for a replacement SECU branch is likely to begin in early 2019. Once the City has some assurance that a new connector road can work within the SECU plans then the abandonment of the County Home Road segment can proceed.

It is my recommendation Resolution No. 58-2018 be adopted and approved by City Council at this time via the Consent Agenda.



Memorandum

To: Rick Howell, City Manager

From: Ben Yarboro, Engineering Services Director 

RE: County Home Rd. (SR 2049) – Transfer of Ownership from NCDOT to City of Shelby

Date: October 29, 2018

Summary

County Home Road (SR 2049) is currently owned by the North Carolina Department of Transportation and connects Kings Rd. and the US74 Bypass service road. As shown on the attached map, this road is located between the Fairfield Inn & Suites Hotel and the State Employees' Credit Union. This road has a length of 470 feet and an average width of 24 feet. Based on a study completed by WSP Parsons Brinckerhoff in 2015, this street has a peak volume of 288 vehicles per hour (in the PM) and a total daily volume of approximately 3,000 vehicles.

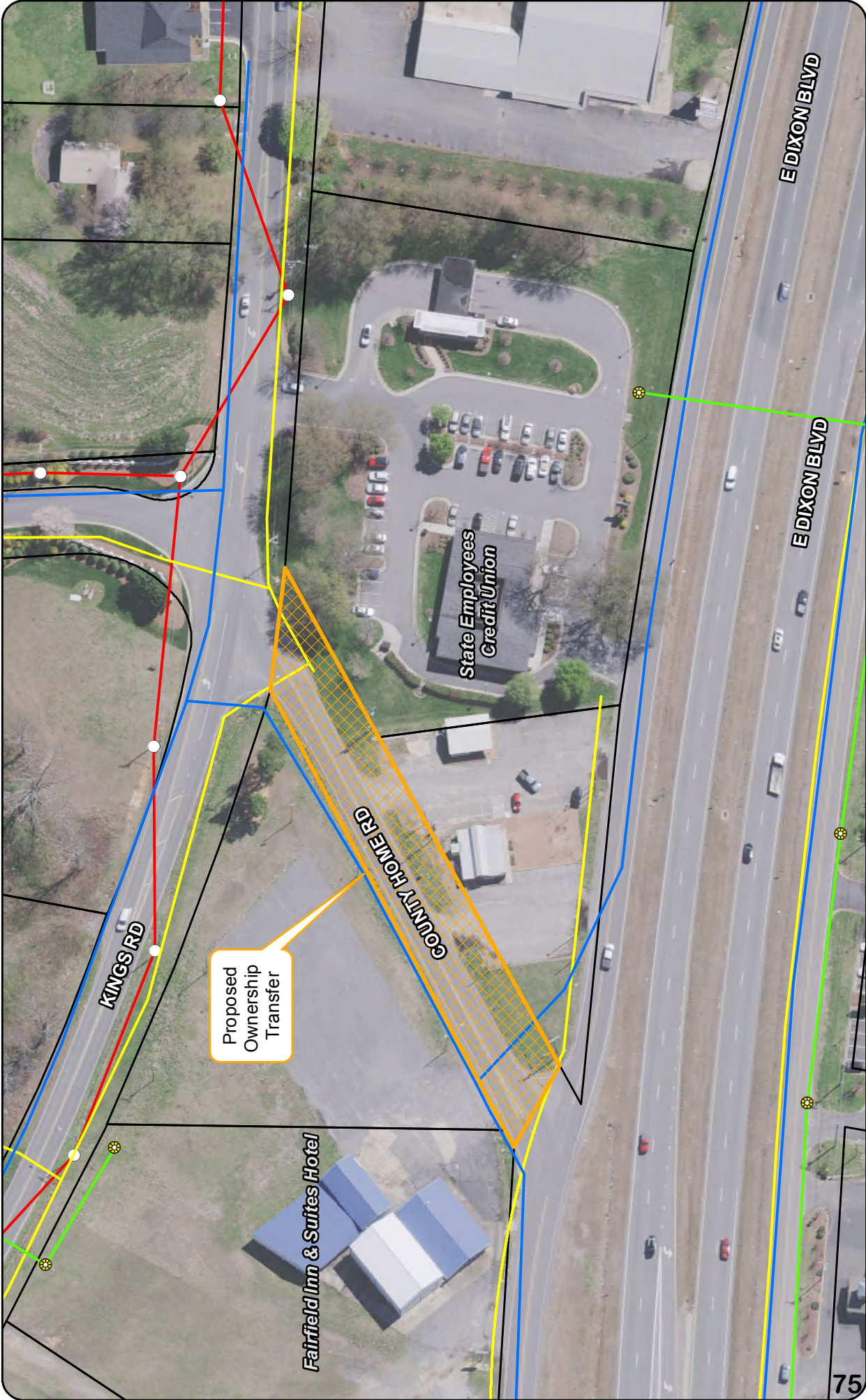
Per authority provided in the NC General Statutes, the City of Shelby currently owns and maintains 124.60 miles of streets. Based on guidance provided by the Shelby City Council, staff has discussed the process of the NCDOT transferring ownership of a portion of County Home Road to the City of Shelby. As directed by NCDOT staff, a resolution requesting this action has been prepared for Council consideration. If approved by Council, this resolution will be provided to the NCDOT for inclusion at an upcoming NC Board of Transportation (BOT) meeting. If this request is approved by the BOT, the City of Shelby will add 470 linear feet of County Home Road to the City Street System and also add it to the Powell Bill street listing. After these actions are completed, the City will formally own and maintain this section of street.

Recommendation

City Staff recommends approval of the resolution requesting NCDOT to transfer ownership of approximately 470 linear feet of right-of-way on County Home Road (SR 2049) between Kings Rd. and the US74 Bypass service road.

Attachment

County Home Road (SR 2049) Proposed Ownership Transfer From NCDOT to the City of Shelby



Legend

- Proposed Ownership Transfer
- Manholes
- Water Mains
- Gravity Sewer Mains
- Gas Mains
- Primary Overhead Electric Lines
- Parcels

1 inch = 100 feet

0 25 50 100 150 200 Feet

Shelby
NORTH CAROLINA

10/30/2018

The City of Shelby makes no representations, warranties or guarantees as to the accuracy and completeness of the enclosed information and data, and the City is not responsible for any errors or omissions concerning the content and positional accuracy of such information and data.

RESOLUTION NO. 58-2018

A RESOLUTION REQUESTING THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT) TO ABANDON THE RIGHT-OF-WAY AND TRANSFER THE OWNERSHIP OF A PORTION OF COUNTY HOME ROAD, SR 2049

WHEREAS, a certain state-maintained road known as County Home Road (SR 2049) exists in Shelby, North Carolina; and,

WHEREAS, the City of Shelby currently owns and maintains over 124 miles of public streets; and,

WHEREAS, the City of Shelby desires for the NCDOT to abandon approximately 470 linear feet of the right-of-way on County Home Road (SR 2049) from Kings Road to the US74 Bypass Service Road as depicted on the attached map; and,

WHEREAS, the North Carolina Department of Transportation (NCDOT) requires that the City Council make a request to the NCDOT concerning the abandonment of the state-maintained right-of-way; and,

WHEREAS, the NCDOT reviews such requests and then issues a final decision concerning the request to abandon a right-of-way; and,

WHEREAS, the City of Shelby does not believe the transfer of ownership of this portion of public roadway from NCDOT to the City of Shelby will be detrimental to the surrounding community.

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

Section 1. The City of Shelby hereby requests the North Carolina Department of Transportation to abandon approximately 470 linear feet of dedicated public right-of-way for County Home Road (SR 2049) from Kings Road to US74 Bypass Service Road as shown on the attached map.

Section 2. Following the abandonment of the aforementioned portion of the County Home Road (SR 2049) right-of-way, this portion of street will be added to the City of Shelby Street System and Powell Bill listing for operation and maintenance.

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

Adopted and approved this the 5th day of November 2018.

O. Stanhope Anthony III
Mayor

ATTEST:

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

City of Shelby
Agenda Item Summary
November 5, 2018
City Hall Council Chamber

Agenda Item: D

Unfinished Business

None

Agenda Item: E

New Business

None

City of Shelby
Agenda Item Summary
November 5, 2018
City Hall Council Chamber

Agenda Item: F

City Manager's Report

I have provided a summary report of various ongoing issues. I will touch on some of them on Monday evening.

Agenda Item: G

Council Announcements and Remarks

H. Adjournment:

To adjourn a meeting of City Council, a majority of the Council members must vote for a motion to adjourn.

- 1) Motion to adjourn