

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 Presentation:

- 1) Recognition of William Craig Earwood on the occasion of his retirement from employment with the City of Shelby: Resolution No. 63-2019 1 – 2

C. Public Comment: 3

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

D. Public Hearings:

- 1) Consideration of the City of Shelby's proposed financing of the Rail Trail Corridor Purchase Project as authorized under North Carolina General Statute 160A-20 4 - 16
 - a) Approval of a Resolution authorizing the Filing of an Application for Approval of a Financing Agreement Authorized by North Carolina General Statute 160a-20: Resolution No. 69-2019
 - b) Approval of a Resolution approving a financing agreement authorized by North Carolina General Statute 160a-20: Resolution No. 70-2019

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| 2) Consideration of a resolution granting an amendment to a Conditional Use District to Don Peeler Realty Inc. for 2100-2200 Joe’s Lake Road: Resolution No. 71-2019 | 17 - 34 |
| 3) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina: Ordinance No. 78-2019 | 35 - 48 |
| 4) Consideration of a resolution granting a Special Use Permit to 5-Star Athlete Development, LLC at 1607 East Dixon Boulevard and East Main Street: Resolution No. 72-2019 | 49 - 68 |

E. 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.

- | | |
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| 1) Approval of the Minutes of the Regular Meeting of November 4, 2019 | 69 - 76 |
| 2) Approval of Special Event Permit Application: | 77 - 84 |
| a. Uptown Shelby Carriage Rides, requested dates: November 29, December 6, December 13, and December 20, 2019 | |
| 3) Approval of a resolution honoring Ricardo (Dicky) Amaya for his service to the City of Shelby: Resolution No. 73-2019 | 85 - 86 |
| 4) Adoption of an ordinance authorizing demolition of a dwelling (605 East Suttle Street): Ordinance No. 79-2019 | 87 - 94 |
| 5) Adoption of an ordinance authorizing demolition of a dwelling (414 Mint Street): Ordinance No. 80-2019 | 95 - 101 |

F. Unfinished Business:

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| 1) Consideration of a resolution authorizing a contract with Republic Services of North Carolina, LLC (GDS) for the provision of curbside recycling services to the City of Shelby: Resolution No. 74-2019 | 102 - 107 |
| 2) Consideration of a resolution awarding the bid for design and construction of distribution lines and metering to serve the new WTP facility: Resolution No. 75-2019 | 108 - 112 |

G. New Business: None	113
H. City Manager's Report	113
I. Council Announcements and Remarks	113
J. Adjournment:	113

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

1) Motion to adjourn

City of Shelby
Agenda Item Summary
November 18, 2019
City Hall Council Chamber

Agenda Item: B-1

Special Presentations

- 1) Recognition of William Craig Earwood on the occasion of his retirement from employment with the City of Shelby: Resolution No. 63-2019

(Comments: Stan Anthony, Mayor)

Summary of Available Information:

- Resolution No. 63-2019

City Manager's Recommendation / Comments

This time is scheduled on your agenda to recognize Sergeant Craig Earwood on the occasion of his retirement from employment. In keeping with policy City Council previously adopted Resolution No. 63-2019 to recognize him for having served the City faithfully for the past 29 years with the Shelby Police Department. He is to be congratulated!

Craig is a dedicated employee who has provided veteran leadership over the past several years in the performance of his duties. He has been a vital part of the team at the Shelby Police Department. He will be missed both personally and professionally.

As is in keeping with current policy Sergeant Earwood will be presented with a framed resolution, a city lapel pin and a key to the City. It is customary and appropriate to recognize Sergeant Earwood for his many years of service to the City.

Please join me in wishing him a healthy and happy retirement.

RESOLUTION NO. 63-2019

**A RESOLUTION HONORING WILLIAM CRAIG EARWOOD
ON THE OCCASION OF HIS RETIREMENT
FROM EMPLOYMENT WITH THE CITY OF SHELBY**

WHEREAS, on the occasion of his retirement from employment on September 1, 2019, it is fitting and proper for the City Council to express its sincere appreciation to William Craig Earwood for his loyal, dedicated, and committed service to the City of Shelby from August 8, 1990 to September 1, 2019; and,

WHEREAS, Mr. Earwood has been a loyal team member in the continuing development of the Shelby Police Department, especially for his strength, courage, and bravery exhibited in providing protection and service to the City of Shelby and to all of its citizens; and,

WHEREAS, during his tenure of service, Mr. Earwood has been a loyal employee for the City of Shelby, beginning as a Patrol Officer in August 1990; receiving a promotion to Police Sergeant in November 2004; serving also as a K-9 Police Officer, a Crime Scene Investigator for the Criminal Investigations Division, a Patrol Squad Sergeant, and a Community Oriented Policing Unit Sergeant for the Problem Solving Unit. Mr. Earwood was also a Field Training Officer, a Law Enforcement General Instructor, and an Explosive and Hazmat Instructor, finishing his career as the Professional Standards Division Sergeant, and has been an outstanding example of the quality of employee necessary to the development of the good of the City; and,

WHEREAS, Mr. Earwood is a successful graduate of the North Carolina Justice Academy's Management Development Program, received his Criminal Investigation Certificate from the Justice Academy, completed over 2,000 hours of advanced law enforcement training and, having done so, received his Law Enforcement Advanced Certificate which is the highest certification that a Law Enforcement Officer can receive from the State of North Carolina and; received a Merit Award for his support and dedication to the Shelby Police Department and the Citizens of Shelby by exhibiting the highest standards of Professionalism and Customer Service; and provided security for the 2012 Historic Democratic National Convention for the 44th President of the United States President Barak Hussein Obama, II, held in Charlotte, North Carolina; and,

WHEREAS, Mr. Earwood's commitment, leadership, laudatory work effort, and devotion to duty has helped create a winning attitude within the Shelby Police Department of the City of Shelby; and,

WHEREAS, the City of Shelby is most grateful for the devoted, community, and personal contributions Mr. Earwood has given to all the citizens, organizations, and businesses within the greater Shelby community; and,

WHEREAS, the City Council of the City of Shelby wishes to acknowledge and express its appreciation to Mr. Earwood for his dedicated and devoted duty to law enforcement service to its citizens, noting that Mr. Earwood will be missed both professionally and as a fellow co-worker.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council publicly express their sincere appreciation to William Craig Earwood for his performance of duty to the City of Shelby, and extend the very best wishes for a successful retirement.

BE IT FURTHER RESOLVED that this Resolution be entered upon the permanent Minutes of the City Council.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Shelby to be affixed this the 7th day of October 2019.

O. Stanhope Anthony III
Mayor

ATTEST:

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

City of Shelby
Agenda Item Summary
November 18, 2019
City Hall Council Chamber

C. Public Comment:

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

City of Shelby
Agenda Item Summary
November 18, 2019
City Hall Council Chamber

D. Public Hearing

Agenda Item: D-1

- 1) Consideration of the City of Shelby's proposed financing of the Rail Trail Corridor Purchase Project as authorized under North Carolina General Statute 160A-20
 - a) Approval of a Resolution authorizing the Filing of an Application for Approval of a Financing Agreement Authorized by North Carolina General Statute 160a-20: Resolution No. 69-2019
 - b) Approval of a Resolution approving a financing agreement authorized by North Carolina General Statute 160a-20: Resolution No. 70-2019

(Presenting, Justin Merritt, Assistant City Manager/Finance Director)

Summary of Available Information:

- Memorandum dated November 12, 2019 from Justin Merritt, Finance Director to Rick Howell, City Manager
- Letter from Fidelity Bank with proposed terms and amortization schedule
- Notice of Public Hearing
- Resolution No. 69-2019
- Resolution No. 70-2019

City Manager's Recommendation / Comments

This public hearing is scheduled as part of the required financing process under the terms of NCGS 160-20. A 10 day public notice has been published to make the public aware of the City's intent to borrow money to purchase the Norfolk Southern Rail Corridor. Following the public hearing City Council may consider the two action items below.

- a) Resolution No. 69-2019 authorizes the City Finance Director to file an application on behalf of the City with the NC Local Government Commission for approval of the project and the proposed financing contract. If approved the Finance Director would prepare and submit this to the LGC for earliest possible consideration so that the City may close on this transaction within the time frame spelled out in the current agreement with Norfolk Southern. (No sooner than November 29, 2019 and no later than December 12, 2019)

Continued on next page

City of Shelby
Agenda Item Summary
November 18, 2019
City Hall Council Chamber

Continued from previous page

- b) Resolution No. 70-2019 would approve a financing agreement pending approval of the NC Local Government Commission between the City and Fidelity Bank. The financing provides for the amount not to exceed \$5,500,000 at an interest rate not to exceed 2.0% for a term of 10 years.

You will recall that Council previously approved a financing agreement between the City and Fidelity for a lesser amount of \$1,340,000 at 1.89% for a term of 59 months. This Resolution and contract would supersede that agreement. It is necessary to now enter in to the revised contract to provide interim full financing until such a time as the City receives reimbursement from NCDOT in the amount of \$4,160,000. The City has been told that due to the current cash flow crunch it will be delayed to later in calendar year before the grant reimbursement can take place. As part of the contract with Fidelity Bank it is stated that upon receipt of the reimbursement the City will immediately pay down the full \$4,160,000 toward the loan amount.

After the conclusion of the public hearing City Council may act upon Resolution No. 69-2019 and Resolution No. 70-2019



To: Rick Howell, City Manager
From: Justin Merritt, Finance Director
Date: November 12, 2019
Subject: Public Hearing for the Financing of Rail Trail Corridor Property Purchase

Background:

As you are aware, the City has successfully negotiated with Norfolk Southern Railway Company to purchase the railway corridor extending from approximately Grover Street in Shelby, NC down to the SC state line. The City has solicited proposals from financial institutions and now needs to hold a public hearing to review the proposed agreement.

As required by the LGC, before entering into a contract authorized under G.S. 160A-20 involving real property, a City, a County, or a Water and Sewer Authority created under Article 1 of Chapter 162A of the General Statutes shall hold a public hearing on the proposed financing contract. A notice of the public hearing shall be published at least 10 days before the date fixed for the hearing, which has been done. A Publisher's Affidavit or Notice of Hearing and a certified copy of the minutes of the hearing shall also be filed with the Local Government Commission with the Application.

I have attached the financing proposal, as submitted by Fidelity Bank, for review.

Recommendation:

The recommendation from staff is to hold the requested public hearing.



November 12, 2019

The City of Shelby, NC
Attn: Justin S. Merritt, Asst. City Manager/Dir. Of Finance

Dear Justin Merritt,

Fidelity Bank (the “Bank”) is pleased to outline the proposed terms of a \$5,500,000.00 financing package in favor of The City of Shelby, NC (the “Borrowers”). **This proposed Term Sheet is intended for discussion purposes only and is in no way a commitment to lend on the part of the Bank or acceptance on the part of the Borrower.** Subject to the foregoing, we are prepared to continue discussions with you toward providing the necessary financing based on the following terms and conditions:

- Borrowers:** The City of Shelby, North Carolina
- Lender:** The Fidelity Bank
- Loan Amount:** Loan amount not to exceed \$5,500,000.00.
- Purpose:** To provide funds to acquire a 11.2-mile rail corridor in Cleveland County, North Carolina from Norfolk Southern Railway Company in the amount of \$5,000,000.00. In addition and included in the loan is financing for various soft cost, fees, etc. associated with the due diligence process of the rail trail acquisition and loan financing, not to exceed \$500,000.00. Total estimated cost of the project is \$5,500,000.00.
- Guarantors:** N/A
- Interest Rate:** Fixed at **2.00% Tax Exempt Rate.** Interest will be calculated based on 365/360 interest method. The interest rate will revert back to the original tax-exempt rate of 1.89% after the NCDOT grant funds have been applied to the subject loan and term reverts back to 59-months.

- Loan Terms:** 119-month term. Ten (10) regular principal and interest payments made annually in arrears. Estimated loan closing date. loan interest start date is 12/11/2019. First annual principal and interest loan payment estimated to be due on 12/11/2020. Final principal and interest loan payment estimated to be due on 11/11/2029.
- NCDOT Grant:** Once NCDOT grant funds estimated in the amount of \$4,160,000.00 become available to the City, these grant funds will be applied to the subject Fidelity Bank loan in the form of a principal curtailment and then the original RFP awarded to Fidelity Bank will revert back to its original awarded rate/terms of a 1.89% tax exempt interest rate not to exceed a 59-month term with annual payments made in the arrears.
- Prepayment Penalty:** None. The City may make prepayments and/or principal curtailments at any time without penalty from the Bank.
- Origination Fee:** None. (\$0) There will be no bank loan origination fee charged.
- Collateral:** Security Instrument: Deed of Trust on subject rail line and its associated parcels being purchased.
- Additional Cost:** City may use its own attorney at its own cost for the attorney assisted loan closing, real estate title work, title insurance, register of deeds recording fees, etc. There are no escrow fees or placement fees. In addition, there is no loan origination fee from the Bank. Any appraisal fees or appraisal assignment cost will be the responsibility of the City. The appraisal report will be in the name of Fidelity Bank. The Bank may be required to report flood zone verification for any parcels secured by the Bank that has a structure on it. A flood certificate is estimated to cost \$12.00 per parcel designated as having a structure on it. This cost will be the responsibility of the City.
- Confidentiality:** This letter is delivered to The City of Shelby with the understanding that neither it nor its contents shall be disclosed to any third party except those who are in confidential relationships to the City, such as your legal counsel and accountants.

Thank you for the opportunity to present this Term Sheet and I look forward to furthering discussions. The Bank agrees to the contract specifications set forth in Part B of this Request for Proposal.

Sincerely,



Joseph L. Suttle IV
Vice President
Fidelity Bank

Example of Debt Amortization Schedule next page:

AMORTIZATION SCHEDULE

Principal	Loan Date	Maturity	Loan No	Call / Coll	Account	Officer	Initials
\$5,500,000.00	12-11-2019	11-09-2029					
References in the boxes above are for Lender's use only and do not limit the applicability of this document to any particular loan or item. Any item above containing "****" has been omitted due to text length limitations.							

Borrower: City of Shelby

Lender: The Fidelity Bank
The Fidelity Bank
PO Box 8
100 South Main St
Fuquay Varina, NC 27526

Disbursement Date: December 11, 2019
Interest Rate: 2.000

Repayment Schedule: Irregular
Calculation Method: 365/360 U.S. Rule

Payment Number	Payment Date	Payment Amount	Interest Paid	Principal Paid	Remaining Balance
1	12-11-2020	613,244.90	111,833.33	501,411.57	4,998,588.43
2	12-11-2021	613,244.90	101,360.27	511,884.63	4,486,703.80
3	12-11-2022	613,244.90	90,980.38	522,264.52	3,964,439.28
4	12-11-2023	613,244.90	80,390.02	532,854.88	3,431,584.40
5	12-11-2024	613,244.90	69,775.55	543,469.35	2,888,115.05
6	12-11-2025	613,244.90	58,564.56	554,680.34	2,333,434.71
7	12-11-2026	613,244.90	47,316.87	565,928.03	1,767,506.68
8	12-11-2027	613,244.90	35,841.11	577,403.79	1,190,102.89
9	12-11-2028	613,244.90	24,198.76	589,046.14	601,066.75
10	11-09-2029	612,176.30	11,119.55	601,066.75	0.00
TOTALS:		6,131,380.40	631,380.40	5,500,000.00	

NOTICE: This is an estimated loan amortization schedule. Actual amounts may vary if payments are made on different dates or in different amounts.

LoanPro, Vc - 19 3.0.038 Copy: Fidelity USA Corporation 1997, 2019. F1 P204 Rep1.r44. NC

Before entering into a contract authorized under G.S. 160A-20 involving real property, a City, a County, or a Water and Sewer Authority created under Article 1 of Chapter 162A of the General Statutes shall hold a public hearing on the contract. A notice of the public hearing shall be published at least 10 days before the date fixed for the hearing. A Publisher's Affidavit or Notice of Hearing and a certified copy of the minutes of the hearing shall be filed with the Local Government Commission with the Application.

Publish as follows:

PUBLIC HEARING NOTICE ON THE PROPOSED FINANCING OF RAIL TRAIL CORRIDOR PURCHASE PROJECT

City of Shelby will hold a public hearing to consider the financing of the Rail Trail Corridor Purchase, as authorized under G.S. 160A-20. The hearing will begin at 6:00PM on Nov, 18 2019 and will be held in the Council Chamber at 300 South Washington Street, Shelby, NC, 28150. Further information can be obtained by contacting City's Director of Finance, Justin Merritt, at 704-484-6834. The City of Shelby shares the goals of the Americans with Disabilities Act, which protects qualified individuals from discrimination on the basis of disabilities and provides for equality of opportunity in the services, programs, activities and employment of the City. Any individual with a disability who needs an interpreter or other auxiliary aids or services for the meeting may contact the City of Shelby at 704-484-6834 (Voice) at least 3 days prior to the meeting. The toll-free number for Relay North Carolina is 1-800-735-2962 (TT). This information is available in Spanish or any other language upon request.

RESOLUTION NO. 69-2019

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR APPROVAL OF A FINANCING AGREEMENT AUTHORIZED BY NORTH CAROLINA GENERAL STATUTE 160A-20

WHEREAS, the City of Shelby, North Carolina desires to finance the purchase of a rail corridor from Norfolk Southern Railway Company (the “Project”) to better serve the citizens of Shelby; and

WHEREAS, The City of Shelby desires to finance the Project by the use of an installment contract authorized under North Carolina General Statute 160A, Article 3, Section 20; and

WHEREAS, findings of fact by this governing body must be presented to enable the North Carolina Local Government Commission to make its findings of fact set forth in North Carolina General Statute 159, Article 8, Section 151 prior to approval of the proposed contract;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Shelby, North Carolina, make the following findings of fact:

1. The proposed contract is necessary or expedient because there exists a need to establish additional recreational opportunities for residents of Shelby and the County of Cleveland. There is currently a deficit in available multi-purpose trail systems to accommodate healthier lifestyles. The project will promote economic development and tourism through utilization as a regional and statewide recreation amenity, which will support local businesses and hotels.
2. The proposed contract is preferable to a bond issue for the same purpose because entering into the agreement is preferable to a general obligation bond and revenue bond issue in that (i) the City does not have the constitutional authority to issue non-voted general obligation bonds pursuant to Article V, Section 4 of the North Carolina

Constitution because the City has not retired a sufficient amount of debt in the preceding fiscal year to issue a sufficient amount of general obligation bonds for the Project without an election; (ii) the size of the financing does not allow for the issuance of revenue bonds in as economical a manner as entering into the Agreement; (iii) the cost of the Project exceeds the amount to be prudently provided from currently available appropriations and unappropriated fund balances; (iv) the circumstances existing require that funds be available to commence construction of the Project as soon as practicable and the time required for holding an election for the issuance of voted general obligation bonds pursuant to Article V, Section 4 of the North Carolina Constitution and the Local Government Bond Act will delay the commencement of construction of the Project by several months; and (v) there can be no assurances that the Project will be approved by the voters and the necessity of such Project dictates that the Project be financed by a method that assures that such Project will be completed in an expedient manner.

3. The sums to fall due under the contract are adequate and not excessive for the proposed purpose and it has been determined by the City Council that the cost of financing the Project through an installment financing agreement is reasonably comparable to the costs of issuing general obligation bonds or notes or other available methods of financing and is acceptable to the City Council.
4. The debt management policies of the City have been carried out in strict compliance with law, and the City is not in default under any obligation for repayment of borrowed money.

5. Any tax rate increase necessary to pay the Installment Payments will be reasonable, however, a tax rate increase is not anticipated.
6. The City of Shelby is not in default in any of its debt service obligations.
7. The attorney for the City of Shelby will render an opinion that the proposed Project is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of North Carolina.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Finance Officer is hereby authorized to act on behalf of the City of Shelby in filing an application with the North Carolina Local Government Commission for approval of the Project and the proposed financing contract and other actions not inconsistent with this resolution.

This resolution is effective upon its adoption this 18th day of November, 2019.

O. Stanhope Anthony, III
Mayor

ATTEST:

Bernadette A. Parduski, CMC
City Clerk

RESOLUTION NO. 70-2019

**A RESOLUTION APPROVING A FINANCING AGREEMENT AUTHORIZED
BY NORTH CAROLINA GENERAL STATUTE 160A-20**

WHEREAS, the City of Shelby, North Carolina (the “City”) has previously determined to undertake a project for purchase of a rail corridor from Norfolk Southern Railway Company (the “Project”), and the Finance Officer has now presented a proposal for the financing of such Project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHELBY, NORTH CAROLINA, meeting in regular session on the 18th day of November 2019 makes the following findings of fact:

Section 1. The City hereby determines to finance the Project through Fidelity Bank, in accordance with the proposal dated November 12, 2019. The amount of the financing shall not exceed \$5,500,000, the annual interest rate (in the absence of default or change in tax status) shall not exceed 2.00%, and the financing term shall not exceed one hundred twenty (120) months from closing.

Section 2. All financing contracts and all related documents for the closing of the financing (the “Financing Documents”) shall be consistent with the foregoing terms. All officers and employees of the City are hereby authorized and directed to execute and deliver all Financing Documents, and to take any such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement and Deed of Trust and a Project Fund Agreement as Fidelity Bank may request.

Section 3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by City officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Documents for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.

Section 4. The City shall not take or omit to take any action, the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purpose of the registered owners on the interest payment obligations. The City hereby designates its obligations to make principal and interest payments under the Financing Document as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3) if applicable.

Section 5. All prior actions of City officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict.

This resolution is effective upon its adoption the 18th day of November A. D. 2019.

Resolution No. 70-2019
November 18, 2019
Page 3

O. Stanhope Anthony, III
Mayor

ATTEST:

Bernadette A. Parduski, CMC
City Clerk

City of Shelby
Agenda Item Summary
November 18, 2019
City Hall Council Chamber

Agenda Item: D-2 (Quasi-Judicial Hearing)

- 2) Consideration of a resolution granting an amendment to a Conditional Use District to Don Peeler Realty Inc. for 2100-2200 Joe's Lake Road: Resolution No. 71-2019

(Presenting, Walter Scharer, Planning Director)

Summary of Available Information:

- Memorandum dated November 7, 2019 from Walter Scharer, Planning Director to Rick Howell, City Manager
- General Application
- Staff Report
- Location Map and Zoning Map
- City of Shelby Special Use Permit Approval Process
- Planning and Zoning Board Minutes
- Certified Recommendation
- Notice of Public Hearing
- Resolution No. 71-2019

City Manager's Recommendation / Comments

This time is scheduled on the agenda for Council to conduct the required public hearing on an amendment to a Residential Office Conditional Use District (ROCU) for property adjacent to Joes Lake Road filed by Don Peeler Realty Inc. This hearing must be conducted in a quasi-judicial fashion by the Mayor and Council. By nature decisions conducted as such involve two key elements 1) there must be a written finding of facts regarding the specific proposal and 2) the exercise of judgment and discretion must apply existing policies to the situation.

As a reminder these hearings must be evidentiary in nature and the decision of Council must be based upon that evidence. The purpose of the hearing is to establish facts, not to gather opinions about the desirability or popularity of the proposed development. Any person offering testimony must do so under oath and cross examination must be allowed. The gathering of evidence outside the hearing by individual members is not permitted and as noted previously a written finding of facts is required. Information provided by Mr. Scharer within the agenda packet is to be considered evidence to be factored in as part of your decision making policy. It should be noted that your decision may only be appealed to NC Superior Court within the prescribed time frame in the statute.

After the conclusion of the public hearing City Council may consider and act upon Resolution No. 71-2019 as it deems appropriate.



Memorandum

To: Rick Howell - City Manager
From: Walter Scharer – Planning Director
Date: November 7, 2019
Subject: Requested amendment to this Conditional Use District (CUD) includes additional potential use of Single-Family Dwelling to the existing Residential Office-Conditional Use (ROCU) zoning district on Joe's Lake Road

Executive Summary of issue – Background

This property is zoned ROCU with multi-family dwellings as the conditional use. The property owner has requested an amendment to the current zoning district on the property to include single-family dwellings as a permitted use in the district.

Review and Comments

The City's Comprehensive Land Use Plan designates the subject property as High Density Residential.

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

More information can be found in the Staff Report attached.

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

Recommendation

The Planning and Zoning Board recommends this amendment to this CUD. Please schedule a quasi-judicial public hearing for this proposed amendment to this CUD at the next City Council meeting on November 18, 2019.

Attachments: Application, Staff Report, Zoning Map, Notice of Public Hearing, SUP Approval Process, Planning and Zoning Board October 17, 2019 minutes, Certified P&Z Recommendation and Resolution



City of Shelby
Planning and Development Services Department

General Application

Address of Subject Property:

JOE'S LAKE ROAD, SHELBY, N.C. 28150

Applicant(s) Name:

DON DEELEN REALTY, INC.

Address:

101 APPLE HILL DRIVE
SHELBY, N.C. 28150

Email

dndeelenrnc@gmail.com

Phone

704-913-1033

Owner(s) Name:

DDTZ FCB PROPERTIES, LLC

Email:

Phone:

Relationship to Property:

[X] 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
[X] 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:
Proposed Zoning:
Proposed Land Use:
Previous Use:
Approx. Building Sq. Ft.:
Approx. Project Acreage:
Business Name:
Construction Sq. Ft.:
Valuation:

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

TO CHANGE FROM RD-C4 TO RD-C4 SINGLE FAMILY

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

Don Deelen, Pres.

Date

9/26/2019

Received by:

[Signature]

Date

9/26/2019

Staff Report



To: Planning and Zoning Board
From: Alan Toney
Planner

Date: October 3, 2019
Meeting: October 17, 2019
File: #1112

OWNER: Ortiz Properties

APPLICANT: Don Peeler

LOCATION: 2100 & 2200 Block of Joe's Lake Road

PARCEL ID #: 60932

PRESENT ZONING RO-CU

REQUESTED ZONING: Amending the
Conditional Uses to the RO-CU District

SURROUNDING ZONING: **North:** RO-CU **South:** Cleveland County **East:** RO-CU **West:** GB2-CU

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

ANALYSIS: The total area of the proposed site is 18.5 acres. The applicant is proposing to include single-family dwellings as one of the permitted uses in the Conditional Use District.

The subject property is currently undeveloped farmland. Surrounding uses include Pinnacle School and single-family dwellings.

Conditional Use Districts are circumstances where a general zoning designation allowing a use by right would not be appropriate for a particular property even though the use itself could, if properly planned, be appropriate for the property consistent with the objectives of the UDO and the City of Shelby Comprehensive Land Use Plan. The conditional use district process was established to address situations when a particular use may be acceptable but the general zoning district, which would allow that use would not be acceptable. It allows the City Council to approve a proposal for a specific use with reasonable conditions to assure compatibility of the use with the surrounding properties.

When considering amending a Conditional Use District, City Council should use the process found in the attached document titled "City of Shelby Special Use Permit Approval Process."

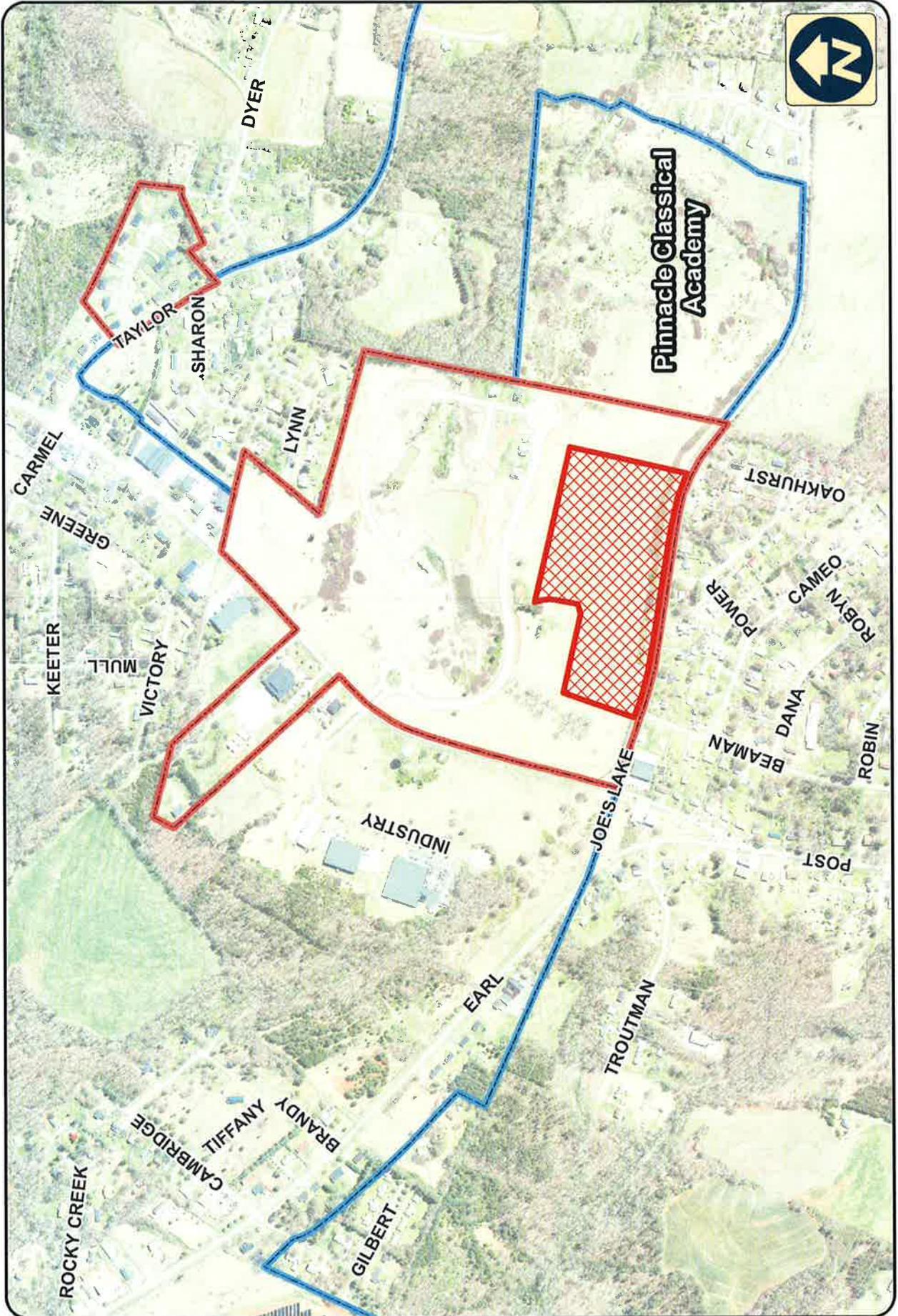
STAFF COMMENTS:

- The requested permit is within the jurisdiction of the City of Shelby according to the UDO; and
- The application is complete; and
- If completed as proposed in the application, the proposed development will comply with all the requirements of the UDO.
- The Comprehensive Land Use Plan for this area designates this area as Residential High Density. Single-family dwelling units are allowed in this designation.
- The proposed Amendment to this Conditional Use District application is consistent with the Comprehensive Land Use Plan.



Location Map 2100-2200 Joe's Lake Road

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



Scale 1:9,000 1 inch = 750 feet

0 375 750 1,500 Feet

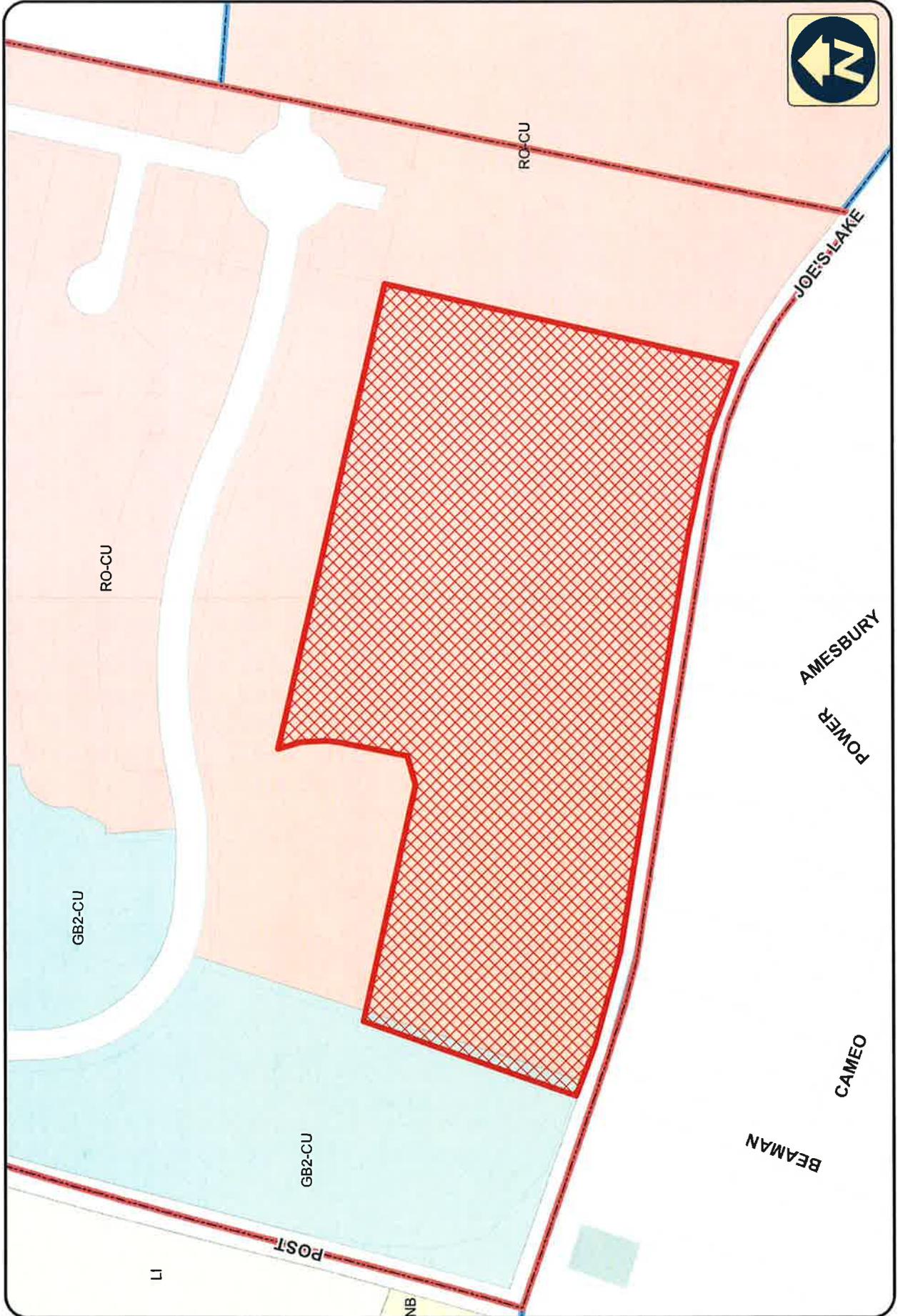
Date: 10/14/2019



Zoning Map

2100-2200 Joe's Lake Road

Map Information:
Datum: NAD 1983
Coordinate: State Plane
North Carolina (Meter)
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: 10/14/2019

City of Shelby Special Use Permit Approval Process

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

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

Recommendations on Special Use Permit Applications

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

Public Hearing Requirements and Procedures

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

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

City Council Voting Procedure on Special Use Permits

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

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



CITY OF SHELBY PLANNING AND ZONING BOARD MINUTES

October 17, 2019

**City of Shelby/Cleveland County Airport
830 College Avenue, Shelby, NC**

Item 1. Call to Order/Roll Call

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

Board Present: Marlene Peeler, Rick Washburn, Mike Royster, Scott Bankhead, Jeff Aderholt, Mark Carter, Bob Cabaniss, Jim Martin and Emmanuel Hunt

Staff Present: Walt Scharer (Planning Director), Ben Yarboro (City Engineer), and Alan Toney (Planner)

Others Present: Willie Green (Applicant)

Item 2. Approval of the Minutes for the August 15, 2019 meeting

Chair Peeler asked if there were any questions or comments about the August 15, 2019 minutes. The minutes were approved as submitted.

Item 3. Proposed Zoning Map Amendment – 1607 East Dixon Boulevard

Mr. Scharer presented this proposed zoning map amendment. The subject property is zoned R10 and is currently undeveloped. The applicant wishes to build multi-family units. Other land uses in the area include single-family dwellings and farmland.

The R10 Residential District is primarily intended to accommodate low density to moderate density single-family detached dwellings and modular homes at a maximum density of approximately 4 dwelling units per acre. Public water and sewer service is generally available in this area.

The R6 Residential District is primarily intended to accommodate a variety of high-density single-family detached dwellings, modular homes, apartments, townhomes, and condominiums. Maximum densities within the R6 District range from 7 dwelling units per acre for single-family dwellings and 19 dwelling units per acre for multi-family dwellings.

This proposed amendment is consistent with the City's Comprehensive Land Use Plan.

A discussion of the application amongst the board members occurred.

Motion: Mr. Aderholt made the motion to recommend approval of this proposed text amendment

Second: Mr. Royster. **Action:** This motion passed unanimously.

Item 4. Proposed Amendment to a Conditional Use District – 2100 to 2200 Joe's Lake Road

Mr. Scharer presented this proposed amendment to a Conditional Use District. The subject property is zoned RO-CU and is currently undeveloped. The applicant wishes to build single-family dwellings. Other land uses in the area include single-family dwellings and Pinnacle School.

Conditional Use Districts are circumstances where a general zoning designation allowing a use by right would not be appropriate for a particular property even though the use itself could, if properly planned, be appropriate for the property consistent with the objectives of the UDO and the City of Shelby Comprehensive Land Use Plan. The conditional use district process was established to address situations when a particular use may be acceptable but the general zoning district, which would allow that use would not be acceptable.

This proposed amendment is consistent with the City's Comprehensive Land Use Plan.

A discussion of the application amongst the board members occurred.

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

Second: Mr. Carter.

Action: This motion passed unanimously.

Item 5. **Announcements**

Mr. Scharer and Mr. Yarboro gave updates concerning streetscape work, the bicycle and pedestrian plan, and the parks and recreation master plan.

Item 6. **Motion to adjourn.**

Chair Peeler adjourned the meeting at 12:35 pm.



Certified Recommendation

City of Shelby Planning & Zoning Board

Case File: 1112

Amendment: An Amendment to a Conditional Use District for properties located at 2100 – 2200 Joe’s Lake Road with PIN #s: 60932, 64320, & 64319 for single-family dwellings

Recommendation: **The Planning and Zoning Board recommends approval of the proposed Amendment to a Conditional Use District for properties located at 2100 – 2200 Joe’s Lake Road with PIN #s: 60932, 64320, & 64319 for single-family dwellings**

Findings &

Reasons: 1. The proposed Amendment to a Conditional Use District is consistent with the comprehensive land use plan.

Motion: Mr. Cabaniss made the motion to recommend approval of this Amendment to a Conditional Use District for single-family dwellings

Second: Mr. Carter

Action: This motion passed unanimously.

Signatures: Walter Scharer
Planning and Development Director

Marlene Peeler
Planning and Zoning Board Chair

Date: 10/17/2019

Date: 10/17/2019

**NOTICE OF PUBLIC HEARING
APPLICATION #: 1112-2019
AMENDMENT TO A CONDITIONAL USE DISTRICT**

The City Council of Shelby, North Carolina will conduct a public hearing during its regular meeting at 6:00 p.m., Monday, April 15, 2019 in the City Council Chambers, City Hall located at 300 South Washington Street, Shelby, North Carolina. City Council will consider an amendment to a conditional use district for properties located at 2100 to 2200 Joe's Lake Road to include single-family dwellings as a permitted use. Said area of consideration is more fully described as Cleveland County Parcel Identification Numbers 60932, 64320, and 64319

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

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

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

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

The Shelby Star:

Please publish this notice as a legal line ad on Tuesday, November 5, 2019 and repeat the same ad on Tuesday, November 12, 2019.

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

RESOLUTION NO. 71-2019

**A RESOLUTION GRANTING AN AMENDMENT
TO A CONDITONAL USE DISTRICT
TO DON PEELER REALTY INC.
2100-2200 JOE’S LAKE ROAD**

WHEREAS, the City of Shelby has received an application requesting an amendment to a conditional se District for property located within the City or its area of Extraterritorial Jurisdiction; and,

WHEREAS, the Staff has reviewed said application for an amendment to a conditional use district and has made its findings and recommendations to City Council; and

WHEREAS, Section 8-7 of the City of Shelby Unified Development Ordinance authorizes the establishment of “Conditional Use District” as a means by which special conditions can be imposed on the use of property to assure compliance with the Unified Development Ordinance, promote the welfare of adjacent property owners and the protection of the general public interest; and

WHEREAS, in accordance with GS 160A-364, the City Council has considered an amendment to a conditional use district request by Don Peeler Realty, INC in a public hearing on this date following quasi-judicial hearing procedures as outlined in Section 4-7.2 of the City of Shelby Unified Development Ordinance; and

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

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

Section 1. In accordance with Chapter 160A, Article 19 of the North Carolina General Statutes, as amended, the City of Shelby may approve an amendment to a conditional use district according to the requirements of the Unified Development Ordinance (Appendix A of the Shelby City Code) at 2100-2200 Joe’s Lake Road. Lying within the City of Shelby in the Residential Office Conditional Use District (RO-CU). Said area is more fully described as follows; PIN Numbers 60932, 64320, and 64319.

Section 2. In accordance with Section 4-7.7 of the City of Shelby Unified Development Ordinance, an amendment to a conditional use district is hereby granted to Don Peeler Realty, LLC. for Single-Family Dwellings. The terms and conditions of such permit are stated in Attachment, "A" which is attached hereto and incorporated herein by this reference.

Section 3. The City Clerk of the City of Shelby is hereby authorized and directed to cause resolution and recording of this amendment of a conditional use zoning district with the Cleveland County Register of Deeds.

Section 4. This amendment to a conditional use district shall become effective upon its adoption and approval.

ADOPTED AND APPROVED this the 18th day of November 2019.

O. Stanhope Anthony III
Mayor

ATTEST:

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

APPROVED AS TO FORM:

Robert W. Yelton
City Attorney

ATTACHMENT "A"

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

NORTH CAROLINA

FILE #: 1112

CLEVELAND COUNTY

**THE CITY OF SHELBY, NORTH CAROLINA
SPECIAL USE ZONING PERMIT**

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

Record Owner(s): Ortiz FCG Properties LLC

Property Location: 2100-2200 Joe's Lake Road

Tax Map, Block, and Lot#: PIN# 60932, 64320, and 64319

Deed Reference: **BOOK** PB41, **PAGE** 175 **Acreage:** 8.12 acres

Deed Reference: **BOOK** PB41, **PAGE** 175 **Acreage:** 8.2 acres

Deed Reference: **BOOK** PB41, **PAGE** 175 **Acreage:** 9.02 acres

Type and Intensity of Use: Single-Family Dwellings

Meeting Date(s): November 18, 2019

Approval Date: November 18, 2019

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

1. The applicant for the property submitted the required application for amendment to a conditional use district; and
2. According to Article 9-3-1, single-family dwellings are permitted in the RO-CU Zoning District with an amendment to a conditional use district issued by City Council; and
3. The subject parcels lie within the City of Shelby fronting at Joe's Lake Road in the Residential Office Conditional Use Zoning District (RO-CU); and
4. Land Use in the surrounding area is a mixture of residential and educational uses; and
5. The petitioner has declared that the intended use of the property is for single-family dwellings; and
6. Other than what is proposed in the amendment to the conditional use district, no other changes to the site are planned; and

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

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

1. The development of the tracts shall proceed in conformity to all plans and design features submitted as part of the special use permit application and kept on file by the City of Shelby Planning Services Department.
2. The development of the tracts shall have no more than two driveway curb cuts.

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

SECTION 4. SEVERABILITY AND RECORDATION. Invalidation of any one or more of the conditions set forth herein shall not adversely affect the balance of said conditions, which shall remain in full force and effect. This permit shall become null and void if not recorded in the office of the Register of Deeds, Cleveland County, North Carolina, on or before December 19, 2019

O. Stanhope Anthony III
Mayor

ATTEST:

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

CERTIFICATE

I, Bernadette A. Parduski, the duly appointed, qualified, and City Clerk of the City of Shelby do hereby certify that the attached Extract from the Minutes of the Regular Meeting of the City Council of said City held on November 18, 2019 at 6:00 PM, is a true and correct copy of the original minutes of said meeting on file and of record in my office insofar as said original minutes relate to the matters in said attached extract. I further certify that the copy of the special use zoning permit appearing in said attached Extract is a true and correct copy of said permit adopted at said meeting and on file and of record in my office.

IN WITNESS THEREOF I have hereunto set my hand and official seal of the City of Shelby on this the 18th day of November 2019.

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

(City Seal)

_____, appointed agent of the subject property, do hereby acknowledge receipt of this special use zoning permit and agree to the conditions stated within. I further acknowledge that no work may be done pursuant to this permit except in accordance with all of its conditions and requirements and that this restriction shall be binding upon me and my successors in interest and shall run with the land in perpetuity.

ATTEST:

DON PEELER REALTY, INC.

City of Shelby
Agenda Item Summary
November 18, 2019
City Hall Council Chamber

Agenda Item: D-3 (Legislative Hearing)

- 3) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina: Ordinance No. 78-2019

(Presenting, Walter Scharer, Planning Director)

Summary of Available Information:

- Memorandum dated November 1, 2019 from Walter Scharer, Planning Director to Rick Howell, City Manager
- General Application
- Staff Report
- Location Map and Zoning Map
- Planning and Zoning Board Minutes
- Certified Recommendation
- Notice of Public Hearing
- Ordinance No. 78-2019

City Manager's Recommendation / Comments

This time is scheduled on the agenda for City Council to conduct the required public hearing in accordance with the NC General Statutes. Following the conclusion of the hearing the Council may act on the item under consideration.

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

§ 160A-383. Purposes in view.

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

After the conclusion of the public hearing City Council may consider and act upon Ordinance No. 78-2019 as it deems appropriate.



Memorandum

To: Rick Howell - City Manager
From: Walter Scharer – Planning Director
Date: November 1, 2019
Subject: Requested zoning map amendment from R10 to R6-CU at 1607 E Dixon Boulevard and Main Street

Executive Summary of Issue – Background

5 Star Athlete Development, LLC is proposing a zoning change on this property in order to construct multi-family dwellings.

Review and Comments

The Comprehensive Land Use Plan for this area designates the site as a Corridor Revitalization Area.

Recommendation

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

Please schedule a public hearing for this proposed zoning amendment at the next City Council meeting on November 18, 2019.

Attachments: Application, Staff Report, Zoning Map, Notice of Public Hearing, Planning and Zoning Board October 17, 2019 minutes, Certified P&Z Recommendation, and Ordinance



City of Shelby
Planning and Development Services Department

General Application

Address of Subject Property:

1607 E Dixon Blvd & E Main St

Applicant(s) Name: 5-STAR ATHLETE DEVELOPMENT, LLC

Address: 1607 E DIXON BLVD
SHELBY, NC 28152

Email: williegreen86@yahoo.com

Phone: 704-913-0506

Owner(s) Name: WILLIE A GREEN, SR

Email: williegreen86@yahoo.com

Phone: 704-913-0506

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: 29675 & 29700

Proposed Zoning: _____

Proposed Land Use: _____

Approx. Building Sq. Ft.: _____

Approx. Project Acreage: _____

Business Name: _____

Provide a detailed description of the proposed project. Attach additional pages or documentation if necessary. Request to adjust R-10 area to R-6 CU to construct 11 - 3Br/2.5Ba 1,444 sq.ft. Townhouse Units on the rear end of 1607 E Dixon Blvd property. Request to connect to sewer on E Main from 1607 E Dixon Blvd property and add an additional entrance and exit from E Main St property to E Dixon property. (See attached)

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

09/17/2019
Date

Received by: _____

Date

Revitalization. Corridor Revitalization areas are portions of heavily traveled corridors that have a large presence of automobile oriented retail uses or declining uses that leave these areas as blighted or under-utilized. Land uses in such areas could include a mix of retail, office, and residential with higher intensity uses close to the intersection of major roads.

The current existing structure at the site is in the General Business GB Zoning District.

The proposed development consists of 11 dwelling units with a 50-foot rear buffer.

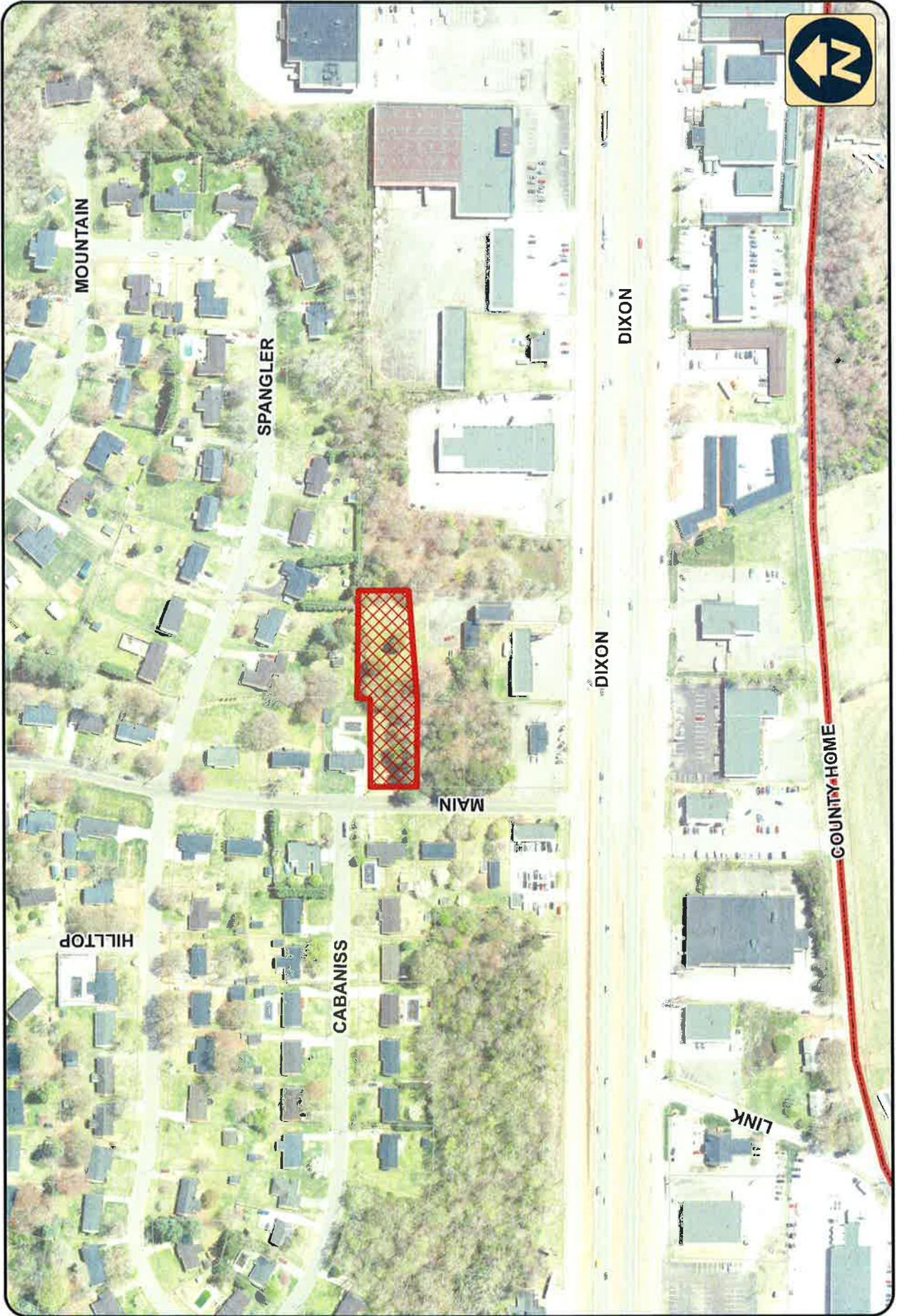
Staff is considering recommending the following conditions for this special use permit associated with this proposal:

- Donation of an easement for a recreational greenway and construction of a shared use path within the easement in lieu of the required sidewalk for such development.



Location Map 1607 East Dixon

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



Scale 1:3,000 1 inch = 250 feet

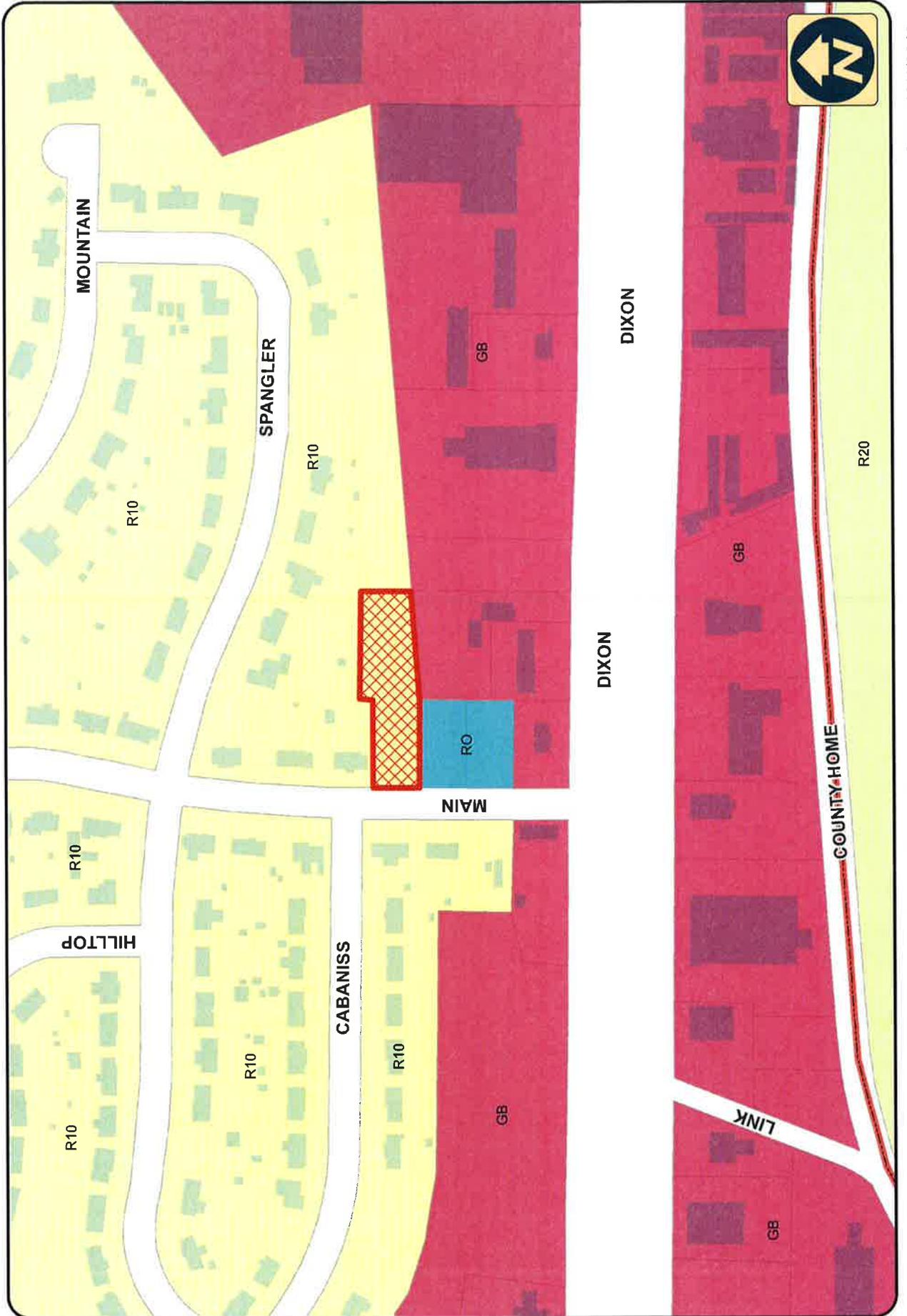


Date: 10/4/2019



Zoning Map 1607 East Dixon

Map Information:
Datum: NAD 1983
Coordinate: State Plane
North Carolina (Meter)
Projection: Lambert Conformal Conic
US National Grid
Grid Zone Designation (GZD): 17S
100,000m Square ID: MV1WU



Scale 1:3,000 1 inch = 250 feet



Date: 10/4/2019



**CITY OF SHELBY PLANNING AND ZONING BOARD MINUTES
 October 17, 2019
 City of Shelby/Cleveland County Airport
 830 College Avenue, Shelby, NC**

Item 1. Call to Order/Roll Call

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

Board Present: Marlene Peeler, Rick Washburn, Mike Royster, Scott Bankhead, Jeff Aderholt, Mark Carter, Bob Cabaniss, Jim Martin and Emmanuel Hunt

Staff Present: Walt Scharer (Planning Director), Ben Yarboro (City Engineer), and Alan Toney (Planner)

Others Present: Willie Green (Applicant)

Item 2. Approval of the Minutes for the August 15, 2019 meeting

Chair Peeler asked if there were any questions or comments about the August 15, 2019 minutes. The minutes were approved as submitted.

Item 3. Proposed Zoning Map Amendment – 1607 East Dixon Boulevard

Mr. Scharer presented this proposed zoning map amendment. The subject property is zoned R10 and is currently undeveloped. The applicant wishes to build multi-family units. Other land uses in the area include single-family dwellings and farmland.

The R10 Residential District is primarily intended to accommodate low density to moderate density single-family detached dwellings and modular homes at a maximum density of approximately 4 dwelling units per acre. Public water and sewer service is generally available in this area.

The R6 Residential District is primarily intended to accommodate a variety of high-density single-family detached dwellings, modular homes, apartments, townhomes, and condominiums. Maximum densities within the R6 District range from 7 dwelling units per acre for single-family dwellings and 19 dwelling units per acre for multi-family dwellings.

This proposed amendment is consistent with the City’s Comprehensive Land Use Plan.

A discussion of the application amongst the board members occurred.

Motion: Mr. Aderholt made the motion to recommend approval of this proposed text amendment

Second: Mr. Royster. **Action:** This motion passed unanimously.

Item 4. Proposed Amendment to a Conditional Use District – 2100 to 2200 Joe’s Lake Road

Mr. Scharer presented this proposed amendment to a Conditional Use District. The subject property is zoned RO-CU and is currently undeveloped. The applicant wishes to build single-family dwellings. Other land uses in the area include single-family dwellings and Pinnacle School.

Conditional Use Districts are circumstances where a general zoning designation allowing a use by right would not be appropriate for a particular property even though the use itself could, if properly planned, be appropriate for the property consistent with the objectives of the UDO and the City of Shelby Comprehensive Land Use Plan. The conditional use district process was established to address situations when a particular use may be acceptable but the general zoning district, which would allow that use would not be acceptable.

This proposed amendment is consistent with the City’s Comprehensive Land Use Plan.

A discussion of the application amongst the board members occurred.

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

Second: Mr. Carter.

Action: This motion passed unanimously.

Item 5. **Announcements**

Mr. Scharer and Mr. Yarboro gave updates concerning streetscape work, the bicycle and pedestrian plan, and the parks and recreation master plan.

Item 6. **Motion to adjourn.**

Chair Peeler adjourned the meeting at 12:35 pm.



Certified Recommendation

City of Shelby Planning & Zoning Board

Case File: 1111

Amendment: A Zoning Map Amendment for property located at 1607 East Dixon Boulevard with PIN #s: 29700 & 29675 from Residential 10 (R10) zoning district to Residential 6 (R6-CU) zoning district.

Recommendation: The Planning and Zoning Board recommends approval of the proposed zoning map amendment for property located at 1607 East Dixon Boulevard with PIN #s: 29700 & 29675 from Residential 10 (R10) zoning district to residential 6 Conditional Use (R6-CU) zoning district.

Findings &

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

Motion: Mr. Aderholdt made the motion to recommend approval of this proposed zoning map amendment from Residential 10 (R10) zoning district to Residential 6 Conditional Use (R6-CU).

Second: Mr. Royster

Action: This motion passed unanimously.

Signatures: Walter Scharer
Planning and Development Director

Marlene Peeler
Planning and Zoning Board Chair

Date: 10/17/2019

Date: 10/17/2019

**NOTICE OF PUBLIC HEARING
APPLICATION #: 1111-2019
ZONING MAP AMENDMENT**

The City Council of Shelby, North Carolina will conduct a public hearing during its regular meeting at 6:00 p.m., Monday, November 18, 2019 in the City Hall Council Chambers located at 300 South Washington Street, Shelby, North Carolina. City Council will consider a proposed zoning map amendment from Residential 10 (R10) Zoning District to Residential 6 Conditional Use (R6-CU) Zoning District for property located at 1607 East Dixon Boulevard with the Cleveland County Parcel Numbers 29700 & 29675.

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

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

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

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

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

The Shelby Star:

Please publish this notice as a legal line ad on Tuesday, November 5, 2019 and again on Tuesday, November 12, 2019.

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

ORDINANCE NO. 78-2019

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

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

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

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

WHEREAS, in accordance with GS 160A-364, a public hearing on this proposed rezoning was held by City Council on November 18, 2019 after due publication of said hearing as required by law; and,

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

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

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

Section 2. In accordance with Chapter 160A, Article 19 of the North Carolina General Statutes, as amended, the Shelby Unified Development Ordinance and Shelby Zoning Map (Appendix A of the Shelby City Code), 1607 East Dixon Boulevard and Main Street is hereby amended from R10 Zoning District to R6-CU Zoning District. Said area of zoning is more fully described as the parcels listed by the Cleveland County Tax Office as Parcel Identification Numbers 29675 & 29700.

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

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

Ordinance No. 78 – 2019

November 18, 2019

Page 2

ADOPTED AND APPROVED this the 18th day of November 2019.

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 18, 2019
City Hall Council Chamber

Agenda Item: D-4

- 4) Consideration of a resolution granting a Special Use Permit to 5-Star Athlete Development, LLC at 1607 East Dixon Boulevard and East Main Street:
Resolution No. 72-2019

(Presenting, Walter Scharer, Planning Director)

Summary of Available Information:

- Memorandum dated November 7, 2019 from Walter Scharer, Planning Director to Rick Howell, City Manager
- General Application
- Staff Report
- Location Map and Zoning Map
- City of Shelby Special Use Permit Approval Process
- Planning and Zoning Board Minutes
- Certified Recommendation
- Notice of Public Hearing
- Resolution No. 72-2019

City Manager's Recommendation / Comments

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

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

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

After the conclusion of the public hearing City Council may consider and act upon Resolution No. 72-2019 as it deems appropriate.



Memorandum

To: Rick Howell - City Manager
From: Walter Scharer – Planning Director
Date: November 7, 2019
Subject: Special Use Zoning Permit – 1607 E Dixon Boulevard and Main Street

Executive Summary of Issue – Background

5 Star Athlete Development, LLC is proposing multi-family dwellings on this property. A Special Use Permit is required if the Conditional Use Zoning District is created on this property.

Review and Comments

The Comprehensive Land Use Plan for this area designates the site as a Corridor Revitalization Area. This proposed use is consistent with the Comprehensive Land Use Plan.

Recommendation

If the proposed zoning map amendment for this area does not pass, this proposed Special Use Permit cannot be approved by City Council.

More information can be found in the Staff Report attached.

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

Please schedule a quasi-judicial public hearing for this proposed Special Use Permit at the next City Council meeting on November 18, 2019.

Attachments: Application, Site Plan, Staff Report, SUP Approval Process, Zoning Map, Location Map, Planning and Zoning Board October 17, 2019 minutes, Certified P&Z Recommendation, and Resolution



City of Shelby
Planning and Development Services Department

General Application

Address of Subject Property:

1607 E Dixon Blvd & E Main St

Applicant(s) Name: 5-STAR ATHLETE DEVELOPMENT, LLC

Address: 1607 E DIXON BLVD
SHELBY, NC 28152

Email: williegreen86@yahoo.com

Phone: 704-913-0506

Owner(s) Name: WILLIE A GREEN, SR

Email: williegreen86@yahoo.com

Phone: 704-913-0506

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: 29675 & 29700

Proposed Zoning: _____

Proposed Land Use: _____

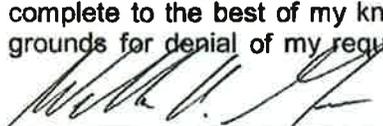
Approx. Building Sq. Ft.: _____

Approx. Project Acreage: _____

Business Name: _____

Provide a detailed description of the proposed project. Attach additional pages or documentation if necessary. Request to adjust R-10 area to R-6 CU to construct 11 - 3Br/2.5Ba 1,444 sq.ft. Townhouse Units on the rear end of 1607 E Dixon Blvd property. Request to connect to sewer on E Main from 1607 E Dixon Blvd property and add an additional entrance and exit from E Main St property to E Dixon property. (See attached)

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

09/17/2019
Date

Received by: _____

_____ Date

Revitalization. Corridor Revitalization areas are portions of heavily traveled corridors that have a large presence of automobile oriented retail uses or declining uses that leave these areas as blighted or under-utilized. Land uses in such areas could include a mix of retail, office, and residential with higher intensity uses close to the intersection of major roads.

The current existing structure at the site is in the General Business GB Zoning District.

The proposed development consists of 11 dwelling units with a 50-foot rear buffer.

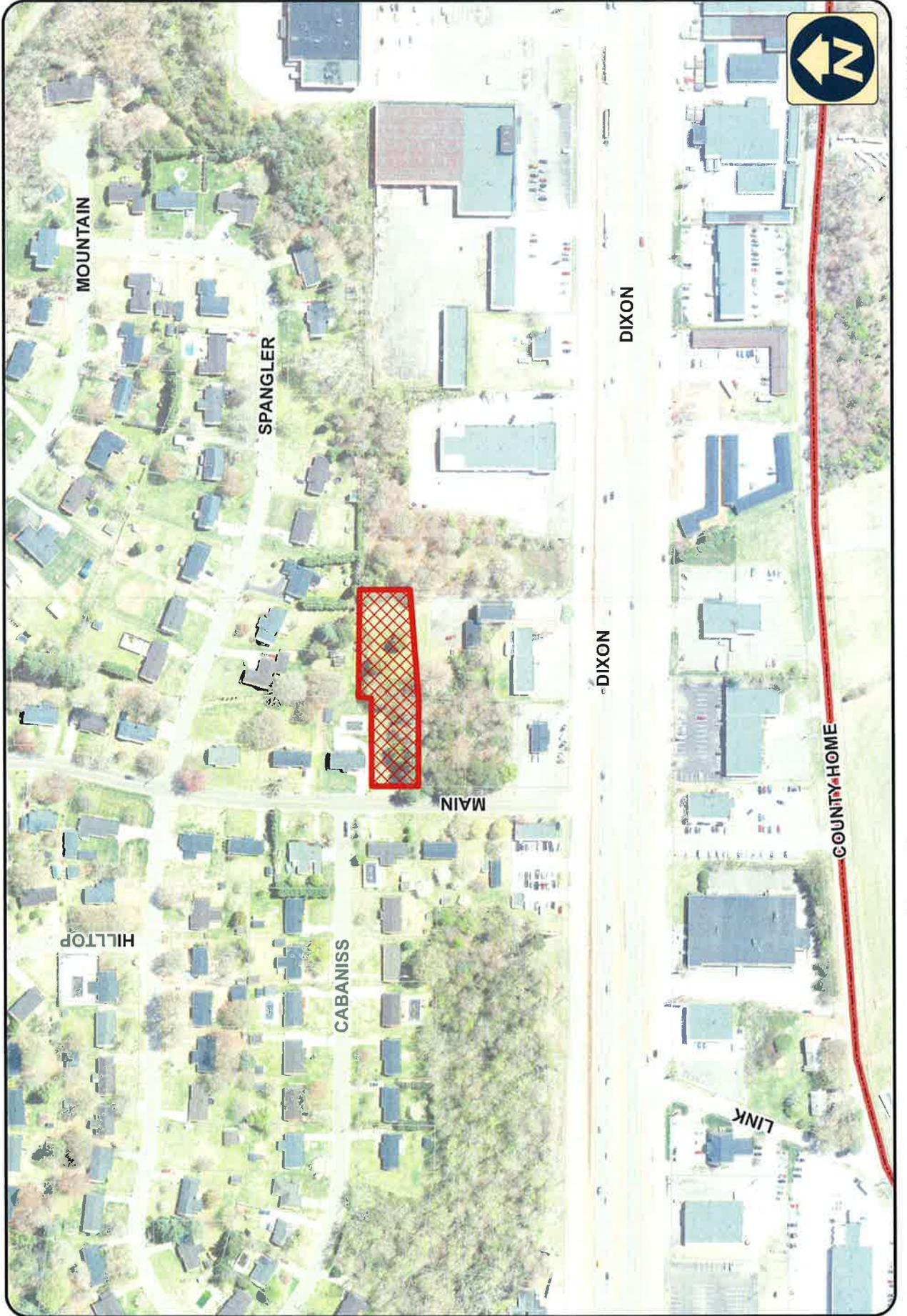
Staff is considering recommending the following conditions for this special use permit associated with this proposal:

- Donation of an easement for a recreational greenway and construction of a shared use path within the easement in lieu of the required sidewalk for such development.



Location Map 1607 East Dixon

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



Scale 1:3,000 1 inch = 250 feet

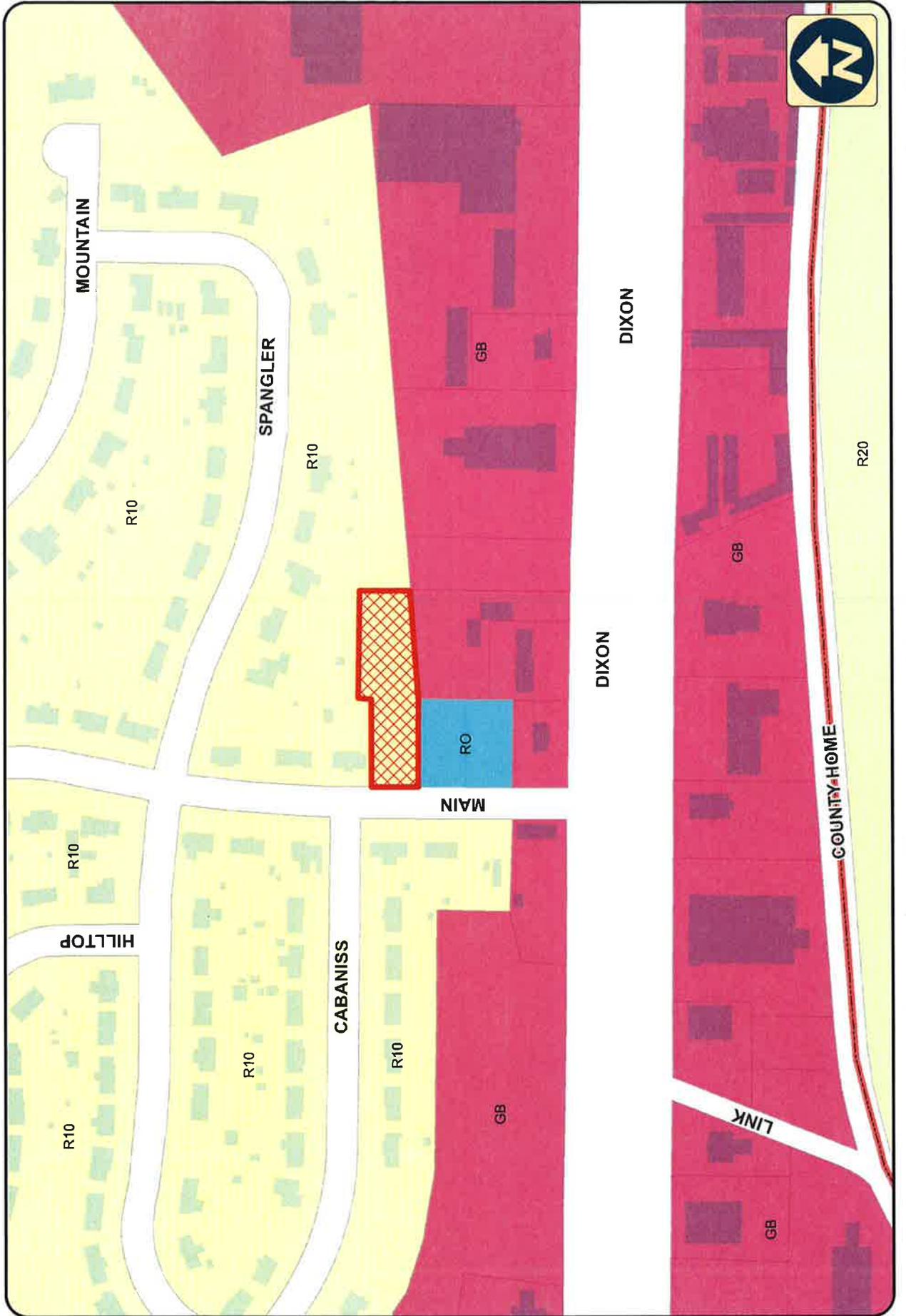


Date: 10/4/2019



Zoning Map 1607 East Dixon

Map Information:
Datum: NAD 1983
Coordinate: State Plane
North Carolina (Meter)
Projection: Lambert Conformal Conic
US National Grid
Grid Zone Designation (GZD): 17S
100,000m Square ID: MV8MU



Scale 1:3,000 1 inch = 250 feet



Date: 10/4/2019

City of Shelby Special Use Permit Approval Process

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

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

Recommendations on Special Use Permit Applications

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

Public Hearing Requirements and Procedures

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

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

City Council Voting Procedure on Special Use Permits

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

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



CITY OF SHELBY PLANNING AND ZONING BOARD MINUTES
October 17, 2019
City of Shelby/Cleveland County Airport
830 College Avenue, Shelby, NC

Item 1. Call to Order/Roll Call

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

Board Present: Marlene Peeler, Rick Washburn, Mike Royster, Scott Bankhead, Jeff Aderholt, Mark Carter, Bob Cabaniss, Jim Martin and Emmanuel Hunt

Staff Present: Walt Scharer (Planning Director), Ben Yarboro (City Engineer), and Alan Toney (Planner)

Others Present: Willie Green (Applicant)

Item 2. Approval of the Minutes for the August 15, 2019 meeting

Chair Peeler asked if there were any questions or comments about the August 15, 2019 minutes. The minutes were approved as submitted.

Item 3. Proposed Zoning Map Amendment – 1607 East Dixon Boulevard

Mr. Scharer presented this proposed zoning map amendment. The subject property is zoned R10 and is currently undeveloped. The applicant wishes to build multi-family units. Other land uses in the area include single-family dwellings and farmland.

The R10 Residential District is primarily intended to accommodate low density to moderate density single-family detached dwellings and modular homes at a maximum density of approximately 4 dwelling units per acre. Public water and sewer service is generally available in this area.

The R6 Residential District is primarily intended to accommodate a variety of high-density single-family detached dwellings, modular homes, apartments, townhomes, and condominiums. Maximum densities within the R6 District range from 7 dwelling units per acre for single-family dwellings and 19 dwelling units per acre for multi-family dwellings.

This proposed amendment is consistent with the City’s Comprehensive Land Use Plan.

A discussion of the application amongst the board members occurred.

Motion: Mr. Aderholt made the motion to recommend approval of this proposed text amendment

Second: Mr. Royster. **Action:** This motion passed unanimously.

Item 4. Proposed Amendment to a Conditional Use District – 2100 to 2200 Joe’s Lake Road

Mr. Scharer presented this proposed amendment to a Conditional Use District. The subject property is zoned RO-CU and is currently undeveloped. The applicant wishes to build single-family dwellings. Other land uses in the area include single-family dwellings and Pinnacle School.

Conditional Use Districts are circumstances where a general zoning designation allowing a use by right would not be appropriate for a particular property even though the use itself could, if properly planned, be appropriate for the property consistent with the objectives of the UDO and the City of Shelby Comprehensive Land Use Plan. The conditional use district process was established to address situations when a particular use may be acceptable but the general zoning district, which would allow that use would not be acceptable.

This proposed amendment is consistent with the City’s Comprehensive Land Use Plan.

A discussion of the application amongst the board members occurred.

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

Second: Mr. Carter.

Action: This motion passed unanimously.

Item 5. **Announcements**

Mr. Scharer and Mr. Yarboro gave updates concerning streetscape work, the bicycle and pedestrian plan, and the parks and recreation master plan.

Item 6. **Motion to adjourn.**

Chair Peeler adjourned the meeting at 12:35 pm.



Certified Recommendation

City of Shelby Planning & Zoning Board

Case File: 1111

Amendment: A Zoning Map Amendment for property located at 1607 East Dixon Boulevard with PIN #s: 29700 & 29675 from Residential 10 (R10) zoning district to Residential 6 (R6-CU) zoning district.

Recommendation: The Planning and Zoning Board recommends approval of the proposed zoning map amendment for property located at 1607 East Dixon Boulevard with PIN #s: 29700 & 29675 from Residential 10 (R10) zoning district to residential 6 Conditional Use (R6-CU) zoning district.

Findings &

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

Motion: Mr. Aderholdt made the motion to recommend approval of this proposed zoning map amendment from Residential 10 (R10) zoning district to Residential 6 Conditional Use (R6-CU).

Second: Mr. Royster

Action: This motion passed unanimously.

Signatures: Walter Scharer
Planning and Development Director

Marlene Peeler
Planning and Zoning Board Chair

Date: 10/17/2019

Date: 10/17/2019

**NOTICE OF PUBLIC HEARING
APPLICATION #: 1111-2019
ZONING MAP AMENDMENT**

The City Council of Shelby, North Carolina will conduct a public hearing during its regular meeting at 6:00 p.m., Monday, November 18, 2019 in the City Hall Council Chambers located at 300 South Washington Street, Shelby, North Carolina. City Council will consider a proposed zoning map amendment from Residential 10 (R10) Zoning District to Residential 6 Conditional Use (R6-CU) Zoning District for property located at 1607 East Dixon Boulevard with the Cleveland County Parcel Numbers 29700 & 29675.

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

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

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

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

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

The Shelby Star:

Please publish this notice as a legal line ad on Tuesday, November 5, 2019 and again on Tuesday, November 12, 2019.

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

RESOLUTION NO. 72-2019

**A RESOLUTION GRANTING A SPECIAL USE PERMIT
TO 5-STAR ATHLETE DEVELOPMENT, LLC
AT 1607 EAST DIXON BOULEVARD AND EAST MAIN STREET**

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

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

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

WHEREAS, in accordance with GS 160A-364, the City Council has considered a special use permit request by 5-Star Athlete Development, LLC in a public hearing on this date following quasi-judicial hearing procedures as outlined in Section 4-7.2 of the City of Shelby Unified Development Ordinance; and

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

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

Section 1. In accordance with Chapter 160A, Article 19 of the North Carolina General Statutes, as amended, the City of Shelby may approve a Special Use Zoning Permit according to the requirements of the Unified Development Ordinance (Appendix A of the Shelby City Code) at 1607 East Dixon Boulevard and East Main Street. Lying within the City of Shelby in the Residential 6 Conditional Use District (R6-CU). Said area is more fully described as follows; PIN Numbers 29675 and 29700.

Section 2. In accordance with Section 4-7.7 of the City of Shelby Unified Development Ordinance, a Special Use Zoning Permit is hereby granted to 5-Star Athlete Development, LLC for multi-family housing. The terms and conditions of such permit are stated in Attachment, "A" which is attached hereto and incorporated herein by this reference.

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

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

ADOPTED AND APPROVED this the 18th day of November 2019.

O. Stanhope Anthony III
Mayor

ATTEST:

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

APPROVED AS TO FORM:

Robert W. Yelton
City Attorney

ATTACHMENT "A"

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

NORTH CAROLINA

FILE #: 1111

CLEVELAND COUNTY

**THE CITY OF SHELBY, NORTH CAROLINA
SPECIAL USE ZONING PERMIT**

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

Record Owner(s): Willie A Green Sr.

Property Location: 1607 East Dixon Boulevard and East Main Street

Tax Map, Block, and Lot#: Map: 6-46C, Block 2, Lot: 22

Tax Map, Block, and Lot#: Map: 6-46C, Block 2, Lot: 4

Deed Reference: **BOOK** 1787, **PAGE** 0851 **Acreage:** 1.37 acres

Deed Reference: **BOOK** 1644, **PAGE** 1605 **Acreage:** .36 acres

Type and Intensity of Use: Multi-Family Housing

Meeting Date(s): November 18, 2019

Approval Date: November 18, 2019

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

1. The applicant for the property submitted the required application and site plan for special use permit; and
2. According to Article 9-3-1, multi-family housing is permitted in the R6 Zoning District; and
3. The subject parcels lay within the City of Shelby fronting at 1607 East Dixon Boulevard and East Main Street in the Residential 6 Conditional Use District (R6-CU); and
4. Land Use in the surrounding area is a mixture of residential and commercial; and
5. The petitioner has declared that the intended use of the property is for multi-family housing; and
6. Other than what is shown on the site plan, no other changes to the site are planned; and

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

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

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

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

SECTION 4. SEVERABILITY AND RECORDATION. Invalidation of any one or more of the conditions set forth herein shall not adversely affect the balance of said conditions, which shall remain in full force and effect. This permit shall become null and void if not recorded in the office of the Register of Deeds, Cleveland County, North Carolina, on or before December 19, 2019.

O. Stanhope Anthony III
Mayor

ATTEST:

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

CERTIFICATE

I, Bernadette A. Parduski, the duly appointed, qualified, and City Clerk of the City of Shelby do hereby certify that the attached Extract from the Minutes of the Regular Meeting of the City Council of said City held on November 18, 2019 at 6:00 PM, is a true and correct copy of the original minutes of said meeting on file and of record in my office insofar as said original minutes relate to the matters in said attached extract. I further certify that the copy of the special use zoning permit appearing in said attached Extract is a true and correct copy of said permit adopted at said meeting and on file and of record in my office.

IN WITNESS THEREOF I have hereunto set my hand and official seal of the City of Shelby on this the 18th day of November 2019.

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

(City Seal)

_____, appointed agent of the subject property, do hereby acknowledge receipt of this special use zoning permit and agree to the conditions stated within. I further acknowledge that no work may be done pursuant to this permit except in accordance with all of its conditions and requirements and that this restriction shall be binding upon me and my successors in interest and shall run with the land in perpetuity.

ATTEST:

WILLIE GREEN SR.

City of Shelby
Agenda Item Summary
November 18, 2019
City Hall Council Chamber

E. 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: E-1

- 1) Approval of the Minutes of the Regular Meeting of November 4, 2019

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 November 4, 2019.

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

November 4, 2019
Monday, 6:00 p.m.

Present: Mayor O. Stanhope Anthony III, presiding; Council Members Eric B. Hendrick, David W. White, David Causby, Violet Arth Dukes, Charles Webber, and Dicky Amaya; City Manager Rick Howell, ICMA-CM, City Attorney Robert W. (Bob) Yelton, City Clerk Bernadette A. Parduski, Assistant City Manager/Director of Finance Justin S. Merritt, MPA, Director of Human Resources Deborah (Deb) Jolly, Fire Chief William P. Hunt, MPA, EFO, Division Chief – Operations and Personnel David Vanhoy, CFO, Division Chief Logistics and Enforcement Services Todd McMurry, Director of Parks and Recreation Charlie Holtzclaw, and Director of Planning and Development Services Walter (Walt) Scharer, AICP

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

A. Approval of agenda:

- 1) Motion to adopt the proposed agenda

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

B. Special Presentations:

- 1) A Proclamation declaring November 16-24, 2019 as Hunger and Homelessness Awareness Week in Shelby, North Carolina – Bre Griffin, Housing Specialist, Partners Behavioral Health Management, Gaston Lincoln Cleveland Continuum of Care

Mayor Anthony formally read and presented this proclamation to Bre Griffin, Housing Specialist with Partners Behavioral Health Management, who was present along with Melodie McSwain, Director of the Mental Health Association of Cleveland County, as representatives of the Gaston Lincoln Cleveland Continuum of Care.

Miss Griffin spoke on behalf of the Gaston Lincoln Cleveland Continuum of Care group. The Continuum of Care program is funded by the US Department of Housing and Urban Development (HUD), and promotes the

goal of ending homelessness in communities, provides funding for efforts by non-profit providers and state and local governments to quickly re-house homeless individuals and families, promotes access to and effective utilization of programs, and optimizes self-sufficiency among those experiencing homelessness.

Miss Griffin reiterated the fundamental mission is to aid homeless individuals and families by providing access to available services and resources that lead to long-term permanent housing and self-sufficiency.

2) Recognition of Shelby Parks and Recreation Advisory Board as the 2019 Distinguished Recreation Board by the North Carolina Recreation and Park Association (NCRPA)

Mr. Holtzclaw announced the City of Shelby Parks and Recreation Advisory Board was recognized at the North Carolina Recreation and Parks Association (NCRPA) annual conference in September as the 2019 Distinguished Recreation Board in recognition of “fostering and promoting parks and recreation in our community”. It was also noted the Board won the same award in 2003, demonstrating a long and successful commitment to Parks and Recreation by the City of Shelby.

Mr. Holtzclaw then introduced Executive Director Michelle Wells and President Keith Jenkins, both of the NCRPA, to make a formal presentation of the award.

Mayor Anthony called upon the members of the Shelby Parks and Recreation Advisory Board in attendance: Vice-Chair David Lynn, Marie Hendrick, Craig Ferree, Robert Coleman, Bill Young, and Juan Cherry.

Mr. Holtzclaw expressed the regrets of Chair Allen Langley, who was unable to attend tonight’s presentation.

Next, Miss Wells publicly expressed her appreciation to the City of Shelby for its support and investment to enhance the quality of park and recreation services throughout the City, mentioning the significance of the “Shelby on the Move” Recreation Master Plan process currently underway.

Mr. Jenkins explained this award honors a park and recreation board or commission which has demonstrated its ability to foster and promote parks and recreation on the local and/or state level. In addition to their role of working with the Parks and Recreation Department, the members of this board go above and beyond in several ways, serving on the Foothills Merry-Go-Round Committee and working the festival, overseeing the Honor’s

Awards Banquet, volunteering at the annual Carrousel Christmas, and other events. For their dedication and hard work, Mr. Jenkins stated it was an honor to recognize the Shelby Parks and Recreation Board for 2019.

3) Findings of the City of Shelby Public Protection Classification Summary Report prepared by North Carolina Department of Insurance/Office of State Fire Marshal

Chief Hunt introduced his presentation entitled, “City of Shelby ISO Public Protection Classification (PPC) Rating Inspection Summary”, stating the City of Shelby was awarded an ISO-Class 2 Fire District rating which took effect on August 1, 2019.

Chief Hunt explained the Insurance Services Office (ISO) provides advisory services to insurance companies for underwriting risk and establishing insurance rates. Through the Public Protection Classification (PPC) program, the ISO rates municipal fire-protection efforts in communities throughout the United States. In each community, the ISO individually evaluates the fire suppression force (50%), the water delivery system (40%), and the 911 communications (10%) using the Fire Suppression Rating Schedule (FSRS), and then assigns an overall public protection classification from one (1) to ten (10) based on the compiled data. Class 1 generally represents superior property fire protection, and Class 10 indicates that the area's fire-suppression program does not meet ISO's minimum criteria. In North Carolina, the Office of the State Fire Marshal (OSFM) administers the program on behalf of the ISO as the North Carolina Response Rating System in communities with less than 100,000 population.

Chief Hunt stated on October 3, 2018 the City Manager and the Fire Chief were notified by the Supervisor of the Ratings and Inspections Division of OSFM that a Public Protection Classification inspection of the City of Shelby was scheduled for January 14-15, 2019 and assigned to Ratings Inspector Jeremy Hunt. Upon receipt of the notification, Fire Division Chief Todd McMurry was tasked with leading the project and the Fire and Rescue Department began compiling the necessary data and exhibits to facilitate the site visit. It is important to note that the preparation for and the actual rating-inspection site visit came at the same time the department was gearing-up for its accreditation site visit, and represented a significant commitment of time, expertise, and coordination in order to successfully manage both projects. On January 14, 2019, Mr. Hunt conducted his site visit of Shelby and completed reviews of the emergency communications, the firefighting force, and the water supply system. On April 25, 2019 the OSFM provided notification of its findings, awarding the City of Shelby an ISO-Class 2 Fire District rating effective August 1, 2019. Chief Hunt noted the City previously

held an ISO-Class 4 district rating.

Chief Hunt concluded by acknowledging the Project Team members, led by Project Leader/Fire Division Chief – Logistics and Enforcement Services Todd McMurry:

- David Vanhoy, Fire Division Chief – Personnel and Emergency Services
- Jimmy Wellmon, Battalion Chief
- Phillip Lane, Fire Marshal
- Quentin Cash, Battalion Chief
- Matt Williams, Battalion Chief
- Clinton Beam, Battalion Chief
- David Hux, Water Resources Director
- Eric Snyder, Geographic Information System (GIS) Manager
- Lorie Poston, Cleveland County E-911 Director

After summarizing the PPC rating and grading components, Chief Hunt displayed and presented the North Carolina Department of Insurance – Office of the State Fire Marshal Certificate of Fire District Rating.

Council received the information and took no action.

C. Consent Agenda:

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

- 1) Approval of the Minutes of the Regular Meeting of October 21, 2019
- 2) Adoption of an ordinance authorizing demolition of a dwelling: Ordinance No. 75-2019
- 3) Adoption of Fiscal Year 2019-2020 Budget Ordinance Amendment No. 9: Ordinance No. 76-2019

END CONSENT AGENDA

D. Unfinished Business:

- 1) City of Shelby Rail Trail Corridor Project:

- a. **Consideration of a resolution approving a financing agreement authorized by North Carolina General Statute 160A-20: Resolution No. 68-2019**

Mr. Howell introduced Resolution No. 68-2019 for Council’s consideration. If approved, this resolution would approve a financing agreement between the City of Shelby and Fidelity Bank for a loan not to exceed \$1,340,000.00 toward the purchase of a rail corridor from Norfolk Southern Railway Company. The borrowing term would be for 59 months at an interest rate of 1.89 percent. The borrowed amount is the balance of the purchase price not covered by the North Carolina Department of Transportation (NCDOT) – Transportation Alternatives Program (TAP) Fund Grant of \$4,160,000.00 awarded to the City in August 2019.

ACTION TAKEN: Upon a motion made by Mr. Amaya, City Council voted unanimously to approve and adopt Resolution No. 68-2019 entitled, “A RESOLUTION APPROVING A FINANCING AGREEMENT AUTHORIZED BY NORTH CAROLINA GENERAL STATUTE 160A-20”.

- b. **Consideration of a budget ordinance amendment for the City of Shelby’s Rail Trail Corridor Project: Ordinance No. 77-2019**

Mr. Howell introduced Ordinance No. 77-2019 for Council’s consideration. If approved, this ordinance would recognize this revenue as well as the NCDOT TAP Fund grant and appropriates this funding for the acquisition of the rail corridor at the appropriate time.

ACTION TAKEN: Upon a motion made by Mr. Amaya, City Council voted unanimously to approve and adopt Ordinance No. 77-2019 entitled, “A BUDGET ORDINANCE AMENDMENT FOR THE CITY OF SHELBY’S RAIL TRAIL CORRIDOR PROJECT”.

E. New Business: None

F. City Manager’s Report:

- 1) **Mr. Howell commended the City’s Fire and Rescue Department and Water Resources Department for the City’s improved Fire District Rating of 2. He also commended City Council for investing in the City’s infrastructure within the water system allowing for water source availability.**
- 2) **Mr. Howell invited Mayor and Council members to attend the City’s Veterans Day Appreciation Lunch on November 12, 2019 at 12:00 noon, Don Gibson Theatre.**

- 3) Mr. Howell expressed his appreciation to the Parks and Recreation Advisory Board for their passion for the City parks and for the people who utilize them, especially the children.

G. Council Announcements and Remarks:

- 1) Mr. Webber commended the City's Parks and Recreation Advisory Board and the Parks and Recreation Department and the Fire and Rescue Department for their respective outstanding performances as well as commending the entire City staff for all they do.

Mr. Webber also encouraged voters to vote on Election Day, November 5, 2019.

- 2) Mr. Causby, Mr. White, and Mrs. Arth Dukes echoed Mr. Webber's comments to staff and the Parks and Recreation Advisory Board.
- 3) Mayor Anthony also boasted and commended the Parks and Recreation Department and the Advisory Board for their service and making a positive difference overall. Next, the Mayor recognized Fire Division Chief Todd McMurry and Fire Chief William Hunt, stating the level of professionalism is paying off for the Fire and Rescue Department.

Mayor Anthony reminded voters to head to the polls and vote on Election Day.

H. Adjournment:

- 1) Motion to adjourn

ACTION TAKEN: Upon a motion made by Mrs. Arth Dukes, City Council voted unanimously to adjourn the meeting at 6:38 p.m.

Respectfully submitted,

Bernadette A. Parduski, NCCMC, MMC
City Clerk

**O. Stanhope Anthony III
Mayor**

Minutes of October 7, 2019

DRAFT

City of Shelby
Agenda Item Summary
November 18, 2019
City Hall Council Chamber

Agenda Item: E-2

2) Approval of Special Event Permit Application:

- a. Uptown Shelby Carriage Rides, requested dates: November 29, December 6, December 13, and December 20, 2019

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

Summary of Available Information:

- Memorandum dated November 8, 2019 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, Fire Marshal Phil Lane, Parks and Recreation Director Charlie Holtzclaw, Public Works Director Danny Darst, Assistant Director Public Works Scott Black, Director of Engineering Services Ben Yarboro, Stormwater/Engineering Coordinator Tyler Brooks 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: November 8, 2019

Re: Special Event Permit Application

BACKGROUND:

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

- ✓ Uptown Shelby Carriage Rides, requested dates: November 29, December 6, December 13, and December 20, 2019

REVIEW:

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

RECOMMENDATION:

Please place the attached Special Event Permit Application on the Consent Agenda of November 18, 2019 for Council's review and approval.

ATTACHMENT:

- A. Special Event Permit Application packet received October 29, 2019

Memo

To: Police Chief Jeff Ledford, Fire Chief William Hunt, Fire Marshal Phil Lane, Parks & Recreation Director Charlie Holtzclaw, Public Works Director Danny Darst, Assistant Director of Public Works Scott Black, Director of Engineering Services Ben Yarboro, Stormwater/Engineering Coordinator Tyler Brooks, and Planning and Development Services Director Walt Scharer

From: Bernadette A. Parduski, City Clerk

CC: Rick Howell, City Manager

Date: November 1, 2019

Re: Special Event Permit Application

All:

Attached you will find a Special Event Permit Application submitted by Tricia Woodland of Uptown Shelby Association, as follows:

- ✓ Uptown Shelby Carriage Rides, requested dates: November 29, December 6, December 13, and December 20, 2019

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 18, 2019 meeting and recommended for approval unless you advise otherwise. If I do not hear from you by November 8, 2019, 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:

Uptown Shelby Carriage Rides

2. PURPOSE AND BRIEF DESCRIPTION OF EVENT:

Carriage Rides thru Uptown Shelby to show off our town's holiday spirit.

3. LOCATION OF EVENT (ATTACH MAP):

Starts on Washington/Court Square, to Graham, to Lafayette, to Marion, back to Washington.

4. PLEASE INDICATE:

Approximately how many people will attend the event? 200 each night

Approximately how many vehicles will be present? 2 carriages

Approximately how many animals will be present? 4 horses

If the event is a parade, please indicate the amount of street that will be needed:

not a parade

Single lane _____

All lanes in travel direction _____

Whole street _____

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? No

If yes, attach to the application a copy of your permit from the Cleveland County Alcoholic beverage Control Board. Alcohol may not be served without a permit.

Will food and/or no-alcoholic beverages be served? No

If yes, attach to the application a copy of your permit from the Cleveland County Department of Health Services.

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

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

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

Name: 911
Address: _____
Phones: _____

Indicate medical services that will be provided for the event.

AMBULANCE: 911
DOCTOR (S): _____
PARAMEDICS: _____

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

Name: Tricia Woodland
Address: 211 S Trade Street, Shelby, NC
Phones: 704-484-3100 704 351-2632
(Daytime) (Evening)
twoodland@uptownshelby.com
E-mail address

Name: _____
Address: _____
Phones: _____
(Daytime) (Evening)
E-mail address _____

6. PLEASE LIST THE FOLLOWING:

Requested day(s) and date(s) Nov 29 Dec. 6, 13, 20
Alternate day(s) and date(s) _____
Requested hours of operation, from 5:00 AM/PM to 9:00 AM/PM

7. EVENT NOTIFICATION TO RESIDENTS AND BUSINESSES: As an event planner, you are responsible for notifying the neighbors and businesses in the surrounding area of your event. The City requires notifying as many businesses and residents around the event site as possible as early as possible. Please provide your plan of notification at the time you submit your permit application.

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

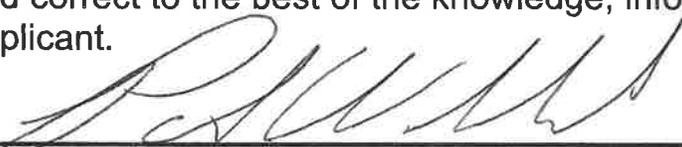
11. CITY SERVICES/EQUIPMENT REQUESTED FOR THIS EVENT:

Road Closure of North Bound Lane of Washington
Between Marion + Warren.
Need 2 Barricades + ROAD CLOSED Sign + 15 cones

12. ANY ADDITIONAL COMMENTS: Parking spots on Washington coned
off in AM.

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.

 10/29/2019

SIGNATURE

Patricia Woodland / Uptown Shelby 704 484-3100

APPLICANT

PHONE

211 S Trade Street, Shelby, NC

PHYSICAL ADDRESS

twoodland@uptownshelby.com

E-MAIL ADDRESS

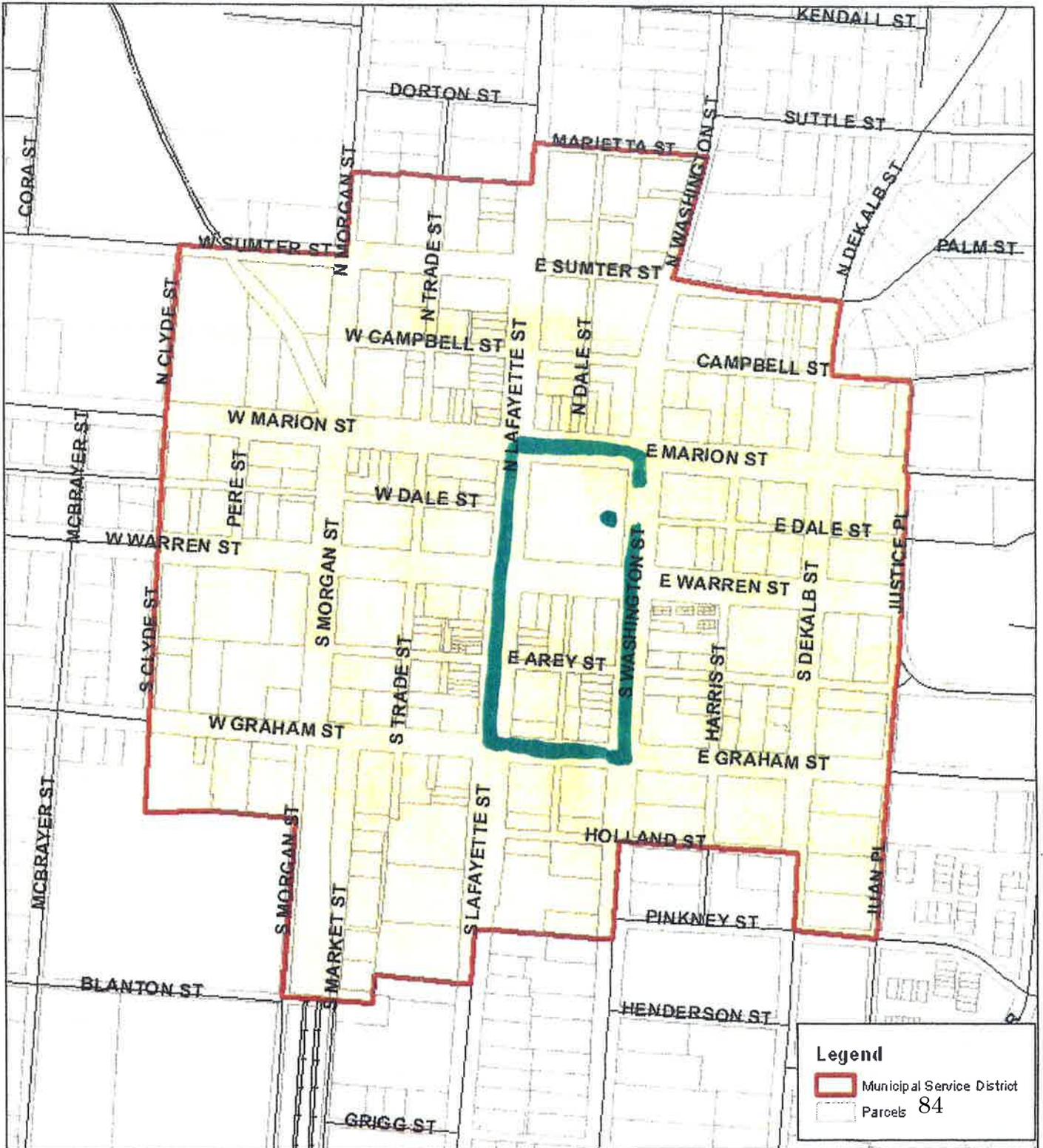
10/29/2019

DATE



City of Shelby Municipal Service District

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



Legend

- Municipal Service District
- Parcel 84

City of Shelby
Agenda Item Summary
November 18, 2019
City Hall Council Chamber

Agenda Item: E-3

- 3) Approval of a resolution honoring Ricardo (Dicky) Amaya for his service to the City of Shelby: Resolution No. 73-2019

Consent Agenda Item: (Bernadette Parduski, City Clerk)

Summary of Available Information:

- Resolution No. 73-2019

City Manager's Recommendation / Comments

This time is scheduled on your agenda to consider a resolution recognizing Council Member Dicky Amaya for his service to the City of Shelby. Resolution No. 73-2019 recognizes him for having served the City faithfully as an elected member of the governing body.

Mr. Amaya has been a faithful servant of the people always doing his best to represent the views of everyday folks. There is certainly something to be said for a voice representing the views of our diverse population. I thank him for his support of me and our staff over these past several years.

It is my recommendation Resolution No. 73-2019 be adopted and approved by City Council at this time via the Consent Agenda.

RESOLUTION NO. 73-2019

A RESOLUTION HONORING RICARDO (DICKY) AMAYA
FOR HIS SERVICE TO THE CITY OF SHELBY

WHEREAS, on the occasion of his retirement from Shelby City Council it is fitting and proper to express appreciation to Dicky Amaya for his commitment and commendable public service to the City of Shelby, which began on December 1, 2003 through December 3, 2007; on December 5, 2011 through December 7, 2015; and on December 7, 2015 through December 2, 2019,

WHEREAS, Mr. Amaya made numerous contributions as a dedicated, effective member of City Council and as Mayor Pro Tempore from December 2, 2013 through December 7, 2015; and,

WHEREAS, while serving on City Council, Mr. Amaya participated in several endeavors which have benefited the City and will continue to do so in the future, including:

- ★ Expanding the City's Water, Sewer, Electric, and Natural Gas utilities infrastructure
- ★ Developing and promoting economic development incentives
- ★ Promoting and supporting the City's strategic growth planning efforts, which led to the Shelby-Cleveland County Regional Airport terminal building and T-Hangar Construction Projects, Shelby City Park Recreation and Sports Complex, Foothills Commerce Center, City Pavilion, First Broad River Trail, Shelby Police Department's new building and communications center, Uptown Shelby Infrastructure and Streetscaping Projects, Hanna Park, and First Broad River Water Treatment Plant and Wastewater Treatment Plant Upgrades thus setting the City's course for future progress
- ★ Representing the City through various appointments to boards and commissions including the Isothermal Planning and Development Board and the Gaston Cleveland Lincoln Metropolitan Planning Organization Board; and,

WHEREAS, Mr. Amaya's positive impact on the City will remain long after he leaves his seat on City Council; and,

WHEREAS, the City Council of the City of Shelby wishes to recognize and express its gratefulness to Mr. Amaya for his years as a faithful public servant to our citizens.

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

Section 1. The Mayor and City Council publicly express their sincere appreciation to Mr. Amaya for his exceptional public service to the City of Shelby.

Section 2. That this Resolution be spread upon the permanent Minutes of the City Council, and that an official copy of this resolution be presented to Mr. Amaya with thanks and gratitude.

Adopted and approved this 18th day of November 2019.

O. Stanhope Anthony III
Mayor

ATTEST:

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

City of Shelby
Agenda Item Summary
November 18, 2019
City Hall Council Chamber

Agenda Item: E-4

- 4) Adoption of an ordinance authorizing demolition of a dwelling (605 East Suttle Street): Ordinance No. 79-2019

Consent Agenda Item: (Walter Scharer, Planning Services Director)

Summary of Available Information:

- Memorandum dated November 7, 2019 from Walter Scharer, Planning Director to Rick Howell, City Manager
- Photo of Property
- Location Map – 605 E. Suttle Street
- Tax Card for 2019
- Ordinance No. 79-2019

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. 79-2019 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: November 7, 2019
Subject: Demolition of Structure at 605 E. Suttle St.

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 \$5,000.00. 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 18th, 2019. Staff recommends this minimum housing action.

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



USER MATTCAPPS

FOR YEAR 2020

ROSEBORO JOSIE HEIRS
1005 BUFFALO ST
OF SHELBY

PARCEL ID.. 22517
LOCATION... 605 SUTTLE ST
DEED YEAR/BOOK/PAGE.. 2009 16P 605
PLAT BOOK/PAGE..
LEGAL DESC:605 SUTTLE ST

PIN... S15 2 20
SHELBY
ASSESSMENT RECY
OWNER ID.. 1261321
DISTRICT.. 6 CITY

SHELBY
MAPS #6
DESCRIPTION

TOWNSHIP... 6 SHELBY
NC 28150-

NBRHOOD... 272 S

RESIDENTIAL

MAINTAINED.. 4/04/2019 BY MAYES
VISITED.... 5/01/1998 BY
PARCEL STATUS... ACTIVE

VALUED.. 4/10/2019 BY MAYES

ROUTING#..
CATEGORY.. GROUP 100

SALES HISTORY

DEED BK/PAGE	SALE DATE	SALES INSTRUMENT	DISQUALIFIED	SALE AMOUNT	STAMP AMOUNT	DEED NAME
16P 605	6/29/2009	WILL	NO STAMPS ON DE			ROSEBORO
16P 605	1/01/1978	SALE	QUALIFIED		23.00	

LAND SEGMENTS

LAND TOT #	ZONE	STRAT CURRENT CODE	LAND TYPE/CODE	LAND QTY	LAND RATE	DPT%	SHP%	LOC%	SIZ%	OTH%	TOP%
1		02	FF F	95.000	60.00	111.00	.00	100.00	.00	.00	
.00	111.00	6,327	DEPTH..	200				OTHER ADJ...	.00	.00	.00
.00		TOTAL ACRES..		.000							TOTAL
LAND FMV..		6,327									

IMPROVEMENT # 1 MAJOR IMPR-M

MAIN FIN AREA.. 1,624.00
BY ACT/EFF YR/AGE.. 1940 1972 44 VISITED..
STRAT..... 02 DESCRPT.... SINGLE FAMILY DWELLING-WF MAINTAINED..
4/04/2019 BY MAYES
MAIN PERIM..... 186.00 MAIN GROUND SF.... 1,624.000
LOCATION #..... SUTTLE ST 605

COMPONENT TYPE/CODE/DESC PCT UNITS RATE STR# STR% SIZ% HGT% PER% CDS%
COST %CMPL

AC 06	COVERED PORCH	100	320.00	13.19			88.00			
3,714										
AC 08	ENCLOSED FRAME PORCH	100	84.00	19.66			152.00			
2,510										
AC 08	ENCLOSED FRAME PORCH	100	138.00	19.66			125.00			
3,391										
MA 37W	SINGLE FAMILY DWELLI	100	1624.00	62.11	1.00		98.00			
100	98,848									
EW 08	ALUMINUM/VINYL	100	186.00	.00						
0										
- FD 04	PERIMETER FOOTING	100	1624.00	.00						
0										
- HC 06	UNIT HEATERS	100	1624.00	1.00-						
1,624-										

- PL R RES PLUMB-EXTRA FIXT100 5.00 717.00
 0
 - PL R RES PLUMB-EXTRA FIXT100 2.00 717.00
 1,434

 108,273 RCN... PCT COMPLETE 100 x
 QUAL.. QG C5 C-10 92.00 x
 99,611 DEPR.. D6 44 YEARS OLD 74.00 - 73,712
 LOCA.. LOD LOCATIONAL OBS DEP 25.00 - 6,474
 80,186 T

--FMV... MA 272 272 MARKET ADJ 75.00 x
 14,568
 DATE 10/10/19 CLEVELAND COUNTY
 PAGE 2
 TIME 9:19:53 PROPERTY CARD
 PROG# AS2006
 USER MATTCAPPS FOR YEAR 2020

ROSEBORO JOSIE HEIRS PARCEL ID.. 22517 PIN... S15 2 20

----- IMPROVEMENT # 1 MAJOR IMPR-M -----

```

+----23----+
+-----35-----+
:
+--14--+1 :
6 64 2
+B--16++ 8
:
1 :
4 :
+--16--1 +5+-- :
4 1 :
D A 2
+-----+30-----4 2
:
8 :
+-----26-----+
  
```

----- AC 06 COVERED PORCH ----- TRAVERSE -----

 M R 30.00 D U 14.00 D R 8.00 D D 22.00 D L 26.00
 D U 8.00
 D R 18.00

----- AC 08 ENCLOSED FRAME PORCH ----- TRAVERSE -----

 M U 14.00 M L 16.00 M U 14.00 D R 14.00 D U 6.00
 D L 14.00
 D D 6.00

----- AC 08 ENCLOSED FRAME PORCH ----- TRAVERSE -----

 M U 14.00 M L 16.00 M U 14.00 M R 16.00 M U 14.00
 M R 29.00
 D U 6.00 D L 23.00 D D 6.00 D R 23.00

----- MA 37W SINGLE FAMILY DWELLI FLOOR: 1.00 ----- TRAVERSE -----

D U	14.00	D L	16.00	D U	14.00	D R	16.00	D U	14.00
D R	35.00								
D D	28.00	D L	5.00	D D	14.00	D L	30.00		

----- IMPROVEMENT # 2 MISC IMPR-Y -----

MAIN FIN AREA.. ACT/EFF YR/AGE.. 1940 1952 64 VISITED..
 BY STRAT..... 02 DESCRIPT.... GARAGE MAINTAINED..
 4/04/2019 BY MAYES
 LOCATION #..... SUTTLE ST 605

COMPONENT	TYPE/CODE/DESC	PCT	UNITS	RATE	STR#	STR%	SI2%	HGT%	PER%	CDS%
COST	%CMPL									

MS 10	GARAGE			288.00						
		QUAL.. QG	100	MISC IMPR QUALITY 10			100.00	x		
0		DEPR.. D		VERRIDE DEPRECIATIO	100.00					
		COND.. D	90	DEPRECIATION OVERRID	x 90.00		90.00	-		0
0 T				PCT COMPLETE			100			
		--FMV...								
230										

TOTAL PARCEL VALUES----	LAND /	OVR	IMPROVEMENTS /	OVR	TOTAL LAND/IMPROVE
2019 VALUE					
FMV.....	6,327		14,798		21,125
21,125					
APV.....	6,327		14,798		21,125
21,125					

ORDINANCE NO. 79-2019

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 **605 EAST SUTTLE 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, **JOSIE ROSEBORO HEIRS** 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 **605 EAST SUTTLE STREET**, Shelby, and described in the Cleveland County records as **Tax Parcel No. 22517** 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 18th day of November 2019.

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 18, 2019
City Hall Council Chamber

Agenda Item: E-5

- 5) Adoption of an ordinance authorizing demolition of a dwelling (414 Mint Street):
Ordinance No. 80-2019

Consent Agenda Item: (Walter Scharer, Planning Services Director)

Summary of Available Information:

- Memorandum dated November 7, 2019 from Walter Scharer, Planning Director to Rick Howell, City Manager
- Photo of Property
- Location Map – 414 Mint Street
- Tax Card for 2019
- Ordinance No. 80-2019

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. 80-2019 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: November 7, 2019
Subject: Demolition of Structure at 414 Mint St.

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 \$5,000.00. 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.

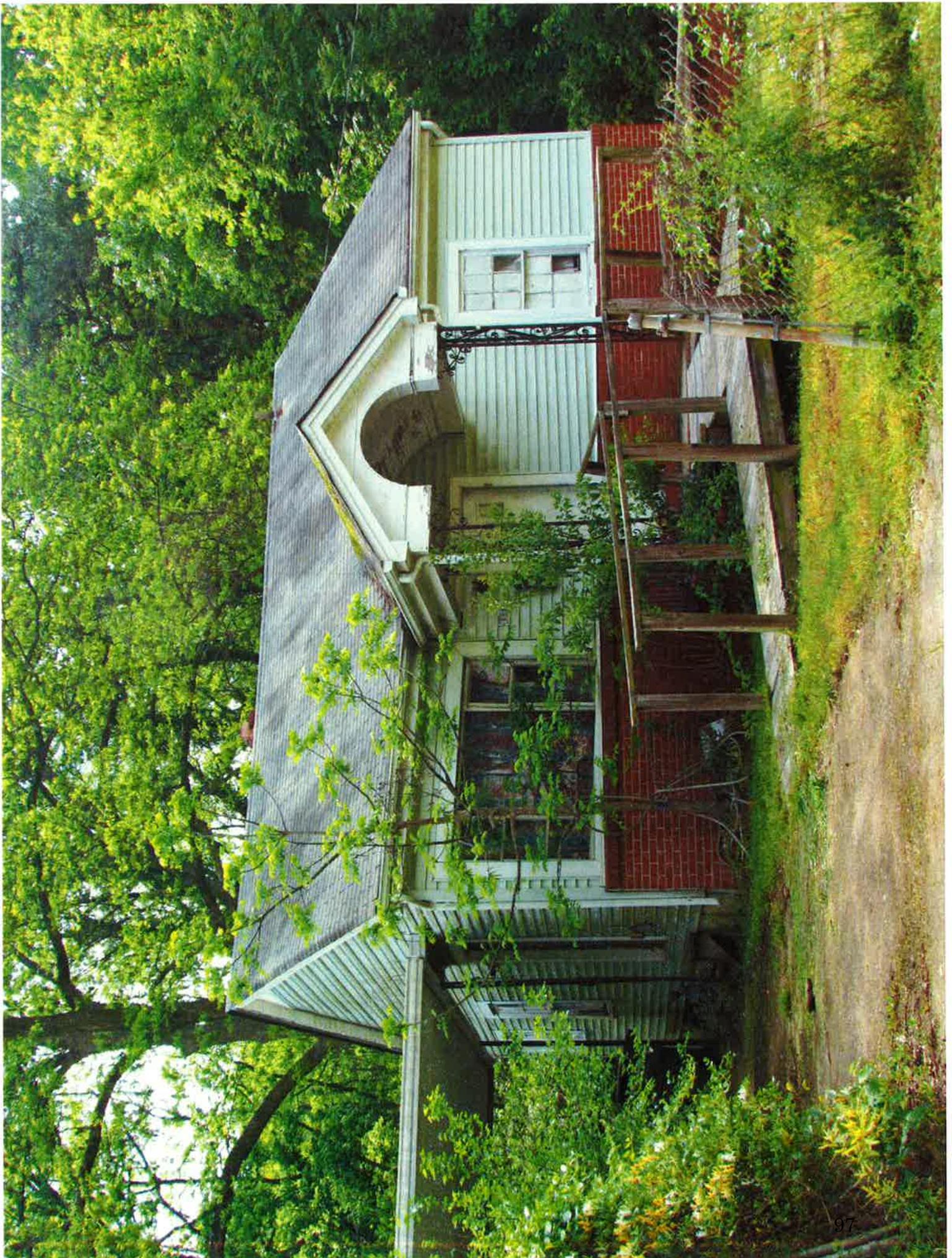
Action 4.4.1: Examine and implement standards for maintaining undeveloped or vacant lots and for repairing or removing abandoned structures and sites.

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 18th, 2019. Staff recommends this minimum housing action.

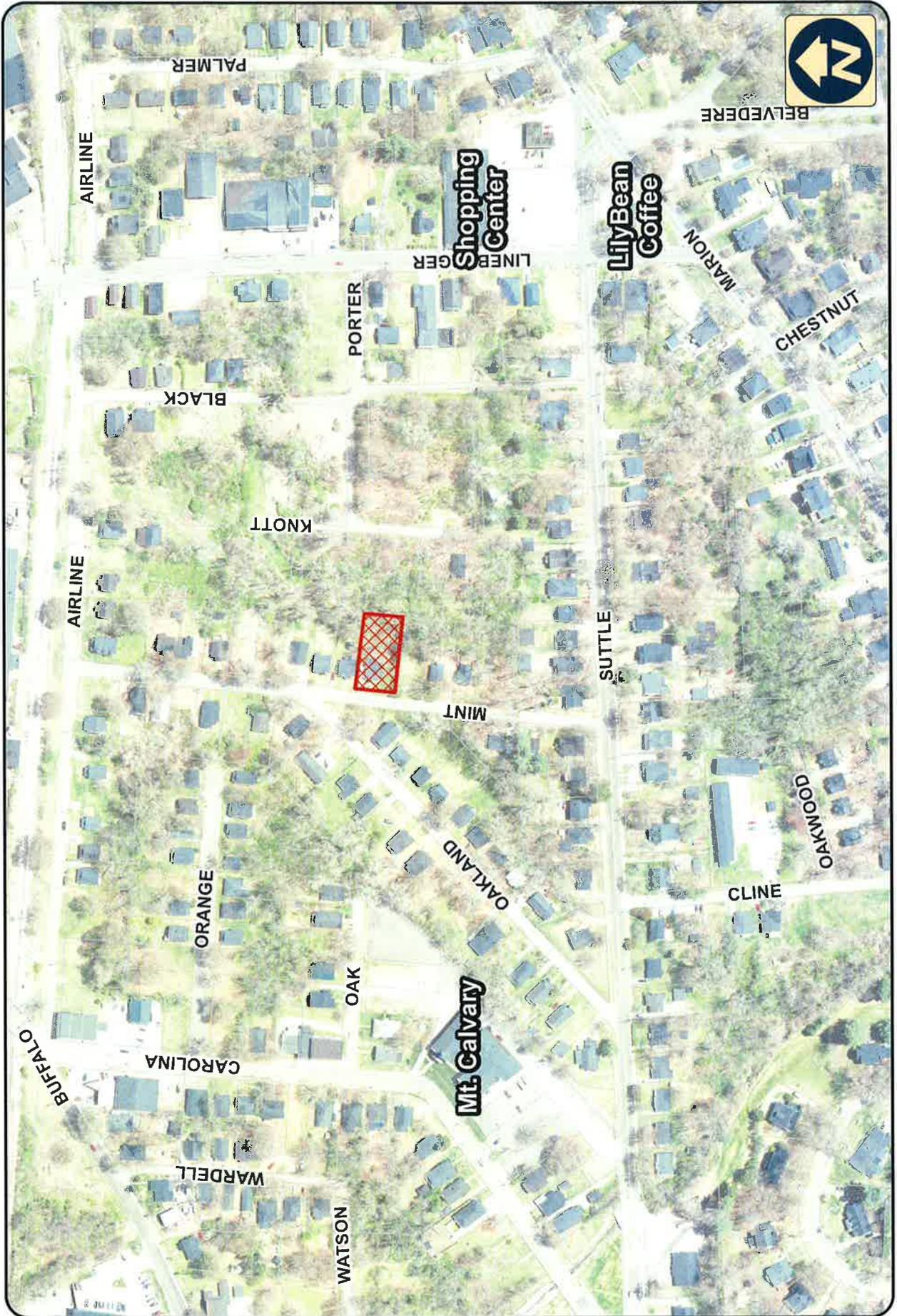
Attachments: Photo of Structure, Location Map, Tax Card and Ordinance.





Location Map 414 Mint Street

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



Scale 1:3,000 1 inch = 250 feet



Date: 9/24/2019

USER MATTCAPPS

FOR YEAR 2020

RATCHFORD RITA H PARCEL ID.. 22523 PIN... S15 2 35
 LOCATION... 414 MINT ST SHELBY
 DEED YEAR/BOOK/PAGE.. 2010 1592 0144 ASSESSMENT RECY
 1311 NEWTON STREET PLAT BOOK/PAGE.. OWNER ID.. 1266323
 LEGAL DESC:LOT 67-69 BLK G PB-2-20 DISTRICT.. 6 CITY OF SHELBY

TOWNSHIP... 6 SHELBY
 SHELBY NC 28150- NBRHOOD... 272 S MAPS #6
 DESCRIPTION RESIDENTIAL

MAINTAINED.. 4/04/2019 BY MAYES VALUED.. 4/10/2019 BY MAYES
 VISITED..... 5/01/1998 BY ROUTING#..
 PARCEL STATUS... ACTIVE CATEGORY.. GROUP 100

----- SALES HISTORY -----

DEED BK/PAGE	SALE DATE	SALES INSTRUMENT	DISQUALIFIED	SALE AMOUNT	STAMP AMOUNT	DEED NAME
1592 0144	3/01/2010	DEED	NO STAMPS ON DE			RATCHFORD RITA H
16A 719	3/30/2007	WILL	NO STAMPS ON DE			HAMRICK EDNA H
0000	1/01/1991	*INVALID	STAMPS LESS THA			

----- LAND SEGMENTS -----

LND #	ZONE	STRAT CODE	LAND TYPE/CODE	LAND QTY	LAND RATE	DPT%	SHP%	LOC%	SIZ%	OTH%	TOP%	ADJ	FMV
1	02	FFF	75.000	60.00	100.00	.00	100.00	.00	.00	.00	.00		4,500
			DPH.. 146				OTHER ADJ...	.00	.00	.00	.00		
			TOTAL ACRES..	.000			TOTAL LAND FMV..						4,500

----- IMPROVEMENT # 1 MAJOR IMPR-M -----

MAIN FIN AREA.. 960.00 ACT/EFF YR/AGE.. 1950 1974 42 VISITED.. BY
 STRAT..... 02 DESCRPT.... SINGLE FAMILY DWELLING-WF MAINTAINED.. 4/04/2019 BY MAYES
 MAIN PERIM..... 124.00 MAIN GROUND SF.... 960.000
 LOCATION #..... MINT ST 414

COMPONENT	TYPE/CODE/DESC	PCT	UNITS	RATE	STR#	STR%	SIZ%	HGT%	PER%	CDS%	COST	%Cmpl
AC 06	COVERED PORCH	100	40.00	13.19	143.00						754	
AC 08	ENCLOSED FRAME PORCH	100	112.00	19.66	125.00						2,752	
AC 20	MASONRY STOOP	100	55.00	7.29	119.00						477	
MA 37W	SINGLE FAMILY DWELLI	100	960.00	62.11	1.00	101.00					100	60,221
EW 08	ALUMINUM/VINYL	100	124.00	.00							0	
- FD 04	PERIMETER FOOTING	100	960.00	.00							0	
- HC 02	FLOOR/WALL FURNACE	100	960.00	1.03-							988-	
- PL R	RES PLUMB-EXTRA FIXT	100	5.00	717.00							0	

RCN... PCT COMPLETE 100 x 63,215
 QUAL.. QG D3 D+- 85.00 x 53,732
 DEPR.. D6 42 YEARS OLD 70.00 - 37,612
 LOCA.. LOD LOCATIONAL OBS DEP 25.00 - 4,030 41,642 T

--FMV... MA 272 272 MARKET ADJ 75.00 x 9,067

DATE 10/10/19 CLEVELAND COUNTY PAGE 2
 TIME 9:19:53 PROPERTY CARD PROG# AS2006
 USER MATTCAPPS FOR YEAR 2020

RATCHFORD RITA H PARCEL ID.. 22523 PIN... S15 2 35

----- IMPROVEMENT # 1 MAJOR IMPR-M -----

```

+---14---+
8 8
+B-----+32-----+
:
:
:
:
3 3
0 0
:
:
:
D
+-----+32-----+
5 A 5
+--8-C-11--+

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----- AC 06 COVERED PORCH ----- TRAVERSE -----

M R 21.00 D D 5.00 D L 8.00 D U 5.00 D R 8.00

----- AC 08 ENCLOSED FRAME PORCH ----- TRAVERSE -----

M U 30.00 D R 14.00 D U 8.00 D L 14.00 D D 8.00

----- AC 20 MASONRY STOOP ----- TRAVERSE -----

M R 21.00 D D 5.00 D R 11.00 D U 5.00 D L 11.00

----- MA 37W SINGLE FAMILY DWELLI FLOOR: 1.00 ----- TRAVERSE -----

D U 30.00 D R 32.00 D D 30.00 D L 32.00

----- IMPROVEMENT # 2 MISC IMPR-Y -----

MAIN FIN AREA.. ACT/EFF YR/AGE.. 1984 1998 18 VISITED.. BY
 STRAT..... 02 DESCRIPT.... MAINTAINED.. 4/04/2019 BY MAYES
 LOCATION #..... MINT ST 414

COMPONENT	TYPE/CODE/DESC	PCT	UNITS	RATE	STR#	STR%	SIZ%	HGT%	PER%	CDS%	COST	%CMPL
MS 04	CANOPY		180.00									
	QUAL.. QG 100	MISC IMPR	QUALITY 10	100.00	x						0	
	DEPR.. 25	18 YRS OLD		72.00	-	0	0	T				
		PCT COMPLETE		100								
	--FMV...				100							

TOTAL PARCEL VALUES----	LAND / OVR	IMPROVEMENTS / OVR	TOTAL LAND/IMPROVE	2019 VALUE
FMV..... 4,500	9,167	13,667	13,667	
APV..... 4,500	9,167	13,667	13,667	

ORDINANCE NO. 80-2019

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 **414 MINT 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, **RITA RATCHFORD** 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 **414 MINT STREET**, Shelby, and described in the Cleveland County records as **Tax Parcel No. 22523** 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 18th day of November 2019.

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 18, 2019
City Hall Council Chamber

Agenda Item: F-1

Unfinished Business

- 1) Consideration of a resolution authorizing a contract with Republic Services of North Carolina, LLC (GDS) for the provision of curbside recycling services to the City of Shelby: Resolution No. 74-2019

Unfinished Business Item: (Rick Howell, City Manager)

Summary of Available Information:

- Letter dated November 4, 2019 from Republic Services to Rick Howell, City Manager
- Charts showing data for City of Shelby Recycling program
- Resolution No. 74-2019 (Discussion and possible action)

City Manager's Recommendation / Comments

Resolution No. 74-2019 is presented for City Council discussion and consideration under old business at this time. If approved this resolution would allow for the execution of a 1 year contract between the City and Republic Services for the continuation of the current curbside rollout single stream recycling program that has been in place since January 1, 2012.

The proposed term of the agreement would be 1 year at a monthly cost per customer of \$4.63 per month effective January 1, 2020. Collection would remain in sync with the current schedule (which mirrors City solid waste collection) of four days per week and every other week collection for customers. The stated costs includes Republic's full operational costs to service the contract but provides for an increase if Rutherford County's Transfer Facility fees increase during the contract year. Currently Republic hauls collected recyclables to Rutherford County Transfer Facility and then to the Materials Recovery Facility in Conover.

The City currently pays \$2.78 per customer so the increase proposed by Republic is substantial. They have justified the increase during discussions noting that their ability to do minimal sorting for international recycling markets has disappeared. The overseas market has tightened and these customers are demanding clean recyclables if they are taking them at all. Domestic customers continue to demand a clean stream. Recyclable sorting costs have skyrocketed as a result. There is intense labor involved in the sorting process and the cost of that labor (like everywhere) has increased.

After having multiple discussions with Republic over the past several months I believe this one year extension is a reasonable approach although I do not believe their proposed pricing is reasonable or sustainable for the City. The extension would will allow the City to further evaluate the service to determine its long term viability. During the year, if approved by City Council, the City would continue to carefully evaluate the level of contamination

City of Shelby
Agenda Item Summary
November 18, 2019
City Hall Council Chamber

Continued from previous page

within the stream. From there a plan to further educate customers about contamination would need to be developed and implemented. This plan could also contain punitive measures that could include fines and revocation of recycling carts.

The resolution is presented to allow Council to discuss the proposed fee by Republic and the merits of continuing the program or allowing it to expire.



1070 Riverside Dr, Asheville, NC 28804
o 828.253.3929 f 828.258.1647 republicservices.com

November 4th, 2019

Rick Howell, City Manager ICMA-CM
City of Shelby
300 South Washington Street
Shelby, NC 28151

Rick,

Thank you for the opportunity and consideration to discuss the City of Shelby's curbside recycling contract extension options. This letter serves notice that Republic Services would like to extend the current agreement for three years (3) years under the following terms:

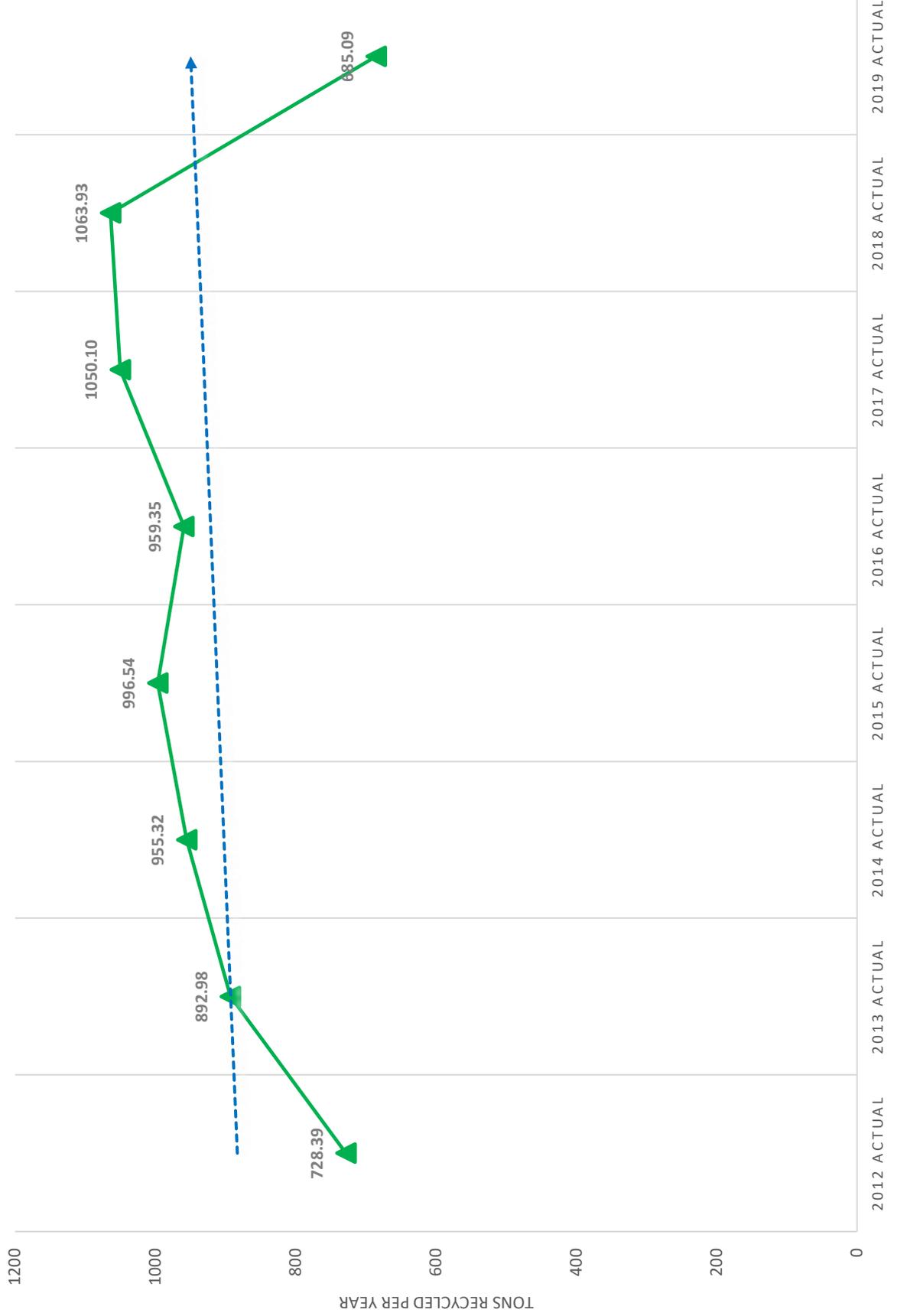
- The current service levels would remain the same (four service days/week, every-other week service for the individual residents).
- The new rate per home would be \$4.63/home/month effective January 1, 2020.
- This rate would be subject to annual CPI increases beginning January 1, 2021.
- This rate includes Republic's operational costs to service the contract and the current \$130/ton out of County recycling fee charged by Rutherfordton County. Any change in recycling fees charged by Rutherford County would be a pass through to the City.

Please do not hesitate to reach out to me if you have any questions regarding this proposal. The Republic Services proposal will remain valid for a period of 30 days.

A handwritten signature in blue ink, appearing to read "Stephen Slater", written over a horizontal line.

Sincerely,
Stephen Slater
General Manager

CITY OF SHELBY ANNUAL RECYCLING TONNAGES

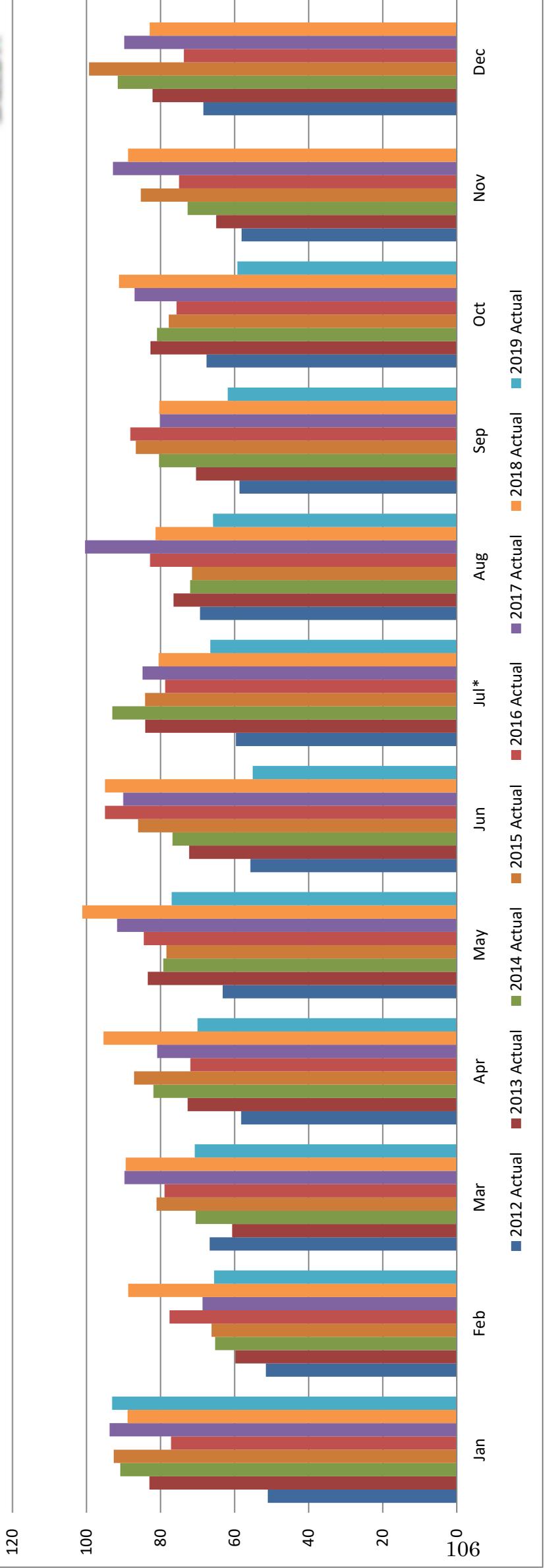


City of Shelby
 Curbside Rollout Single Stream Recycling Program
 Recycling Tonnage Report

	Jan	Feb	Mar	Apr	May	Jun	Jul*	Aug	Sep	Oct	Nov	Dec	Total	Mo. Avg	Pop.	Lbs.	Tip Fees
													Tons	YTD		Per Cap	Avoided YTD
2012 Actual	51.02	51.57	66.73	58.23	63.22	55.74	59.68	69.35	58.68	67.58	58.12	68.47	728.39	60.70	20,323	71.68	\$24,036.87
2013 Actual	83.00	59.84	60.66	72.72	83.48	72.28	84.13	76.51	70.43	82.75	65.00	82.18	892.98	74.42	20,323	87.88	\$31,611.99
2014 Actual	90.90	65.26	70.54	81.91	79.26	76.80	93.06	72.02	80.38	80.95	72.67	91.57	955.32	79.61	20,179	94.68	\$35,967.80
2015 Actual	92.65	66.24	81.1	87.14	78.42	86.08	84.2	71.49	86.7	77.82	85.35	99.35	996.54	83.05	20,179	98.77	\$37,519.73
2016 Actual	77.17	77.59	78.9	71.94	84.55	95.04	78.73	82.83	88.18	75.7	75.02	73.7	959.35	79.95	20,080	95.55	\$36,119.53
2017 Actual	93.75	68.68	89.76	80.89	91.76	90.1	84.87	100.4	80.14	87.04	92.89	89.82	1050.10	87.51	20,080	104.59	\$39,536.27
2018 Actual	88.91	88.76	89.44	95.44	101.16	95.04	80.51	81.35	80.33	91.25	88.78	82.96	1063.93	88.66	20,080	105.97	\$45,748.99
2019 Actual	93.07	65.53	70.76	70.05	77.00	55.12	66.60	65.85	61.86	59.25			685.09	57.09	20,020	68.44	\$33,672.17



City of Shelby
 Monthly Curbside Recycling Tonnages



RESOLUTION NO. 74 – 2019

A RESOLUTION AUTHORIZING A CONTRACT WITH REPUBLIC SERVICES OF NORTH CAROLINA, LLC (GDS) FOR THE PROVISION OF CURBSIDE RECYCLING SERVICES TO THE CITY OF SHELBY.

WHEREAS, the Shelby City Council adopted Resolution No. 8-2011 adopting the 2011-12 City Council Goals and Priorities with one of these goals being the development of a request for proposals for the implementation of a citywide curbside recycling program utilizing feedback from citizen survey results; and

WHEREAS, the Shelby City Council adopted Resolution No. 53-2011 approving a contract for curbside recycling services with Republic Services of North Carolina, LLC for a term of five (5) years with the option to renew for a term of three (3) years.

WHEREAS, the City Manager has reviewed the performance of the curbside recycling program over the past eight (8) years and found that Republic Services of North Carolina, LLC has generally adhered to the terms of the contract providing reliable curbside collection services; and,

WHEREAS, the City Manager has over the past several months conducted discussions and negotiations with Republic Services regarding the development of terms for a new agreement between the City and Republic Services that would allow for the continuation of the single stream recycling service within the city limits; and,

WHEREAS, the City Manager

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

Section 1. The City Council of the City of Shelby hereby authorizes the extension of the existing contract between the City and Republic Services of NC, LLC for the provision of curbside recycling services as provided for within the contract document for a period of one year beginning January 1, 2020 and ending December 31, 2020.

Section 2. The Mayor and City Clerk are hereby authorized and directed to execute the applicable contract (Exhibit A) associated with this services.

Section 3. The City Manager or his designee is hereby authorized to implement the terms and conditions of the contract on behalf of the City.

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

Adopted and Approved this the 18th day of November, 2019.

O. Stanhope Anthony, III Mayor

ATTEST:

Bernadette A. Parduski, City Clerk

City of Shelby
Agenda Item Summary
November 18, 2019
City Hall Council Chamber

Agenda Item: F-2

- 2) Consideration of a resolution awarding the bid for design and construction of distribution lines and metering to serve the new WTP facility on Grover Street:
Resolution No. 75-2019

Unfinished Business Item: (Julie McMurry, Energy Services Director)

Summary of Available Information:

- Memorandum dated November 12, 2019 from Julie McMurry, Energy Services Director to Rick Howell, City Manager
- Letter from Progressive Engineering Consultants, Inc.
- Bid Tabulation sheet
- Resolution No. 75-2019

City Manager's Recommendation / Comments

Resolution No. 75-2019 is presented for City Council consideration at this time. If approved this resolution would award a contract in the amount of \$141,925.00 to Williams Electric Company for the construction of electric distribution lines and metering equipment to serve the new Water Treatment Plant pumping station and backup power generation system located on Grover Street. This funding was previously appropriated by City Council on April 15, 2019 via a project budget ordinance (Ordinance No. 29-2019).

Please note that this project was bid using the informal bidding method. Only one bid was received for this project and due to time constraints it is recommended that Council proceed with the award. It should be noted that the project engineer has reviewed the bid along with current market pricing and found it to be fair, reasonable and in line with what is being seen on other public projects. The project engineer, Progressive Engineering Consultants, Inc., have provided a letter recommending this bid award.

It is recommended that Resolution No. 75-2019 be adopted and approved at this time by City Council.



Post Office Box 207 · Shelby, NC 28151-0207

Memorandum

To: Rick Howell, City Manager
Justin Merritt, Finance Director

From: Julie McMurry, Energy Services Director *JRM*

RE: Electric – Distribution Line Upgrades and Metering for New WTP Facilities

Date: November 12, 2019

Executive Summary of issue -Background:

On April 15, 2019 Council approved the project budget ordinance (Ordinance 29-2019) to proceed with design and construction of distribution lines and metering to serve the new WTP facility

Progressive Engineering Consultants, Inc. provided estimates for this project and completed the design and bidding process. The project was advertised and a pre-bid meeting was scheduled for Tuesday, October 29, 2019. Two bidders attended the pre-bid meeting. Bids were accepted on Tuesday, November 12, 2019 at 2:00 PM. One bid was received from Williams Electric Company in the amount of \$141,925.00

Review and comments:

The bid has been reviewed by Progressive Engineering Consultants, Inc. and we have received their recommendation to award to Williams Electric Company. The letter of recommendation and bid tabulation is attached.

Recommendation:

Staff recommends that City Council authorize the award of this bid to Williams Electric Company for the construction of distribution lines and metering to serve the new WTP facility.

Please let me know if additional information is required.

Attachments

Progressive Engineering Consultants, Inc.

P.O. Box 690638, Charlotte, NC 28227-7011

Telephone : (704) 545-7327

Fax : (704) 545-2315

progress@pecinc.net

November 12, 2019

City of Shelby
P.O. Box 207
Shelby, NC 28151-0207
Attn: Ms. Julie McMurry

Subject: Award Recommendation
2019 Electric Distribution Line Upgrade
Water Plant High Service Pump Station

Gentlemen:

Sealed bids were received, publicly opened and read on Tuesday, November 12, 2019 for the City of Shelby's above subject project. As shown by the attached bid tabulation, one bid was received by Williams Electric Company of Shelby, North Carolina in the amount of \$141,925.00. We have reviewed the proposal and recommend the City accept this proposal as submitted.

Please notify us of your decision in order that we may prepare the necessary contract documents for execution. If you have any questions or comments, please feel free to call.

Best regards,

PROGRESSIVE ENGINEERING CONSULTANTS, INC.


Robert F. Thomas, Jr., P.E.

Attachment

c: Jeff Freeman

2019 Electric Distribution Line Upgrade
for the Water Plant High Service Pump Station

BIDDER	Williams Electric Company	
BID BOND	Yes	
ADDENDUM NO. 1	Yes	
Overhead Installation Units		
<i>Pole Units</i>	\$ 14,425.00	
<i>Pole Top Units</i>	\$ 18,295.00	
<i>Conductor Units</i>	\$ 4,500.00	
<i>Primary Miscellaneous Units</i>	\$ 14,495.00	
<i>Guying and Anchoring</i>	\$ 2,510.00	
<i>Secondary Miscellaneous Units</i>	\$ 240.00	
<i>Miscellaneous Units</i>	\$ 6,260.00	
Total Overhead Installation Units	\$ 60,725.00	
Underground Installation Units		
<i>Pole Units</i>	\$ 10,000.00	
<i>Underground Conductor Units</i>	\$ 5,250.00	
<i>Underground Primary Miscellaneous Units</i>	\$ 33,425.00	
<i>Underground Boring and Trenching</i>	\$ 22,500.00	
Total Underground Installation Units	\$ 71,175.00	
TOTAL INSTALLATION UNITS		
<i>Removal Units</i>		
<i>Pole Units</i>	\$ 2,350.00	
<i>Pole Top Units</i>	\$ 6,825.00	
<i>Miscellaneous Units</i>	\$ 850.00	
TOTAL REMOVAL UNITS	\$ 10,025.00	
TOTAL ALL UNITS	\$ 141,925.00	
<i>Completion Time</i>	120 Calendar Days	
<i>Experience Rate Modifier</i>	0.89	

RESOLUTION NO. 75-2019

**A RESOLUTION AWARDING THE BID FOR DESIGN AND
CONSTRUCTION OF DISTRIBUTION LINES AND METERING
TO SERVE THE NEW WTP FACILITY**

WHEREAS, in accordance with applicable provisions of GS 143-129, as amended, the City of Shelby has accepted bids for the design and construction of distribution lines and metering to serve the new WTP facility; and,

WHEREAS, bids for this proposed work have been tabulated by Progressive Engineering Consultants, Inc. and contract award recommendation made to City staff for this project; and,

WHEREAS, City Council now desires to proceed with award of contract as recommended by staff and with the improvements anticipated by this action.

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

Section 1. The contract for design and construction of distribution lines and metering to serve the new Water Treatment Plant as required in the bid specifications for this offering, are hereby awarded to Williams Electric of Shelby, North Carolina for a bid price of \$141,925.00 as stated in their official proposal for this bidding, and in accordance with the City's official bid specifications for this project.

Section 2. The City Manager of the City of Shelby or his designee are hereby authorized and directed to execute the applicable contract as specified in Section 1 of this resolution.

Section 3. This resolution shall become effective upon its adoption and approval. Adopted and approved this the 18th day of November 2019.

O. Stanhope Anthony III
Mayor

ATTEST:

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

City of Shelby
Agenda Item Summary
November 18, 2019
City Hall Council Chamber

Agenda Item: G

New Business

None

Agenda Item: H

City Manager's Report

I will update Council on various projects and issues at this time.

Agenda Item: I

Council Announcements and Remarks

J. Adjournment

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

Motion to adjourn