

Shelby City Council
Regular Meeting
March 16, 2020 at 6:00 p.m.

City Hall Council Chamber
300 South Washington Street
Shelby, North Carolina

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

~ Invocation ~

~ Pledge of Allegiance ~

A. Approval of agenda:

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

- 1) Motion to adopt the agenda as proposed or amended

B. Special Presentations:

- 1) Recognition of Michael Robert Mull on the occasion of his retirement from employment with the City of Shelby: Resolution No. 3-2020 1-2
- 2) City of Shelby Parks and Recreation Master Plan – Charlie Holtzclaw, Director of Parks and Recreation and Eric Woolridge, DbD Director of Planning 3-4

C. Public Comment:

5

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 Hearing:

6-17

- 1) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina: Ordinance No. 15-2020

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.

1) Approval of the Minutes of the Regular Meeting of March 2, 2020	18-26
2) Approval of Special Event Permit Application:	27-33
a. Central United Methodist Church Easter Celebration, requested date: April 12, 2020	
3) Approval of a resolution directing the City Clerk to determine sufficiency of a voluntary annexation petition from Clearwater Paper Corporation: Resolution No. 9-2020	34-39
4) Approval of a resolution declaring the intent of the City Council of the City of Shelby to consider the permanent closure of an unopened right of way for Chesterfield Drive: Resolution No. 10-2020	40-45
F. Unfinished Business: None	46
G. New Business: None	46
H. City Manager's Report	46
I. Council Announcements and Remarks	46
J. Closed Session:	47
1) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the City Council, including agreement on a tentative list of economic development incentives that may be offered pursuant to North Carolina General Statute 143-318.11 (a) (4)	

K. Adjournment:

47

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
March 16, 2020
City Hall Council Chamber

Agenda Item: B-1

Special Presentations

- 1) Recognition of Michael Robert Mull on the occasion of his retirement from employment with the City of Shelby: Resolution No. 3-2020

(Comments: Stan Anthony, Mayor)

Summary of Available Information:

- Copy of Resolution No. 3-2020

City Manager's Recommendation / Comments

This time is scheduled on your agenda to recognize Michael Robert Mull on the occasion of his retirement from employment. In keeping with policy City Council previously adopted Resolution No. 3-2020 to recognize him for having served the City faithfully for the past 27½ years with the Water Treatment Plant. He is to be congratulated!

Mike 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 Water Treatment Plant. He will be missed both personally and professionally.

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

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

RESOLUTION NO. 3-2020

**A RESOLUTION HONORING MICHAEL ROBERT MULL
ON THE OCCASION OF HIS RETIREMENT FROM EMPLOYMENT
WITH THE CITY OF SHELBY**

WHEREAS, on the occasion of his retirement from employment on December 27, 2019, it is fitting and proper for the City Council to express its sincere appreciation to Michael Robert Mull for his loyal, dedicated, and committed service to the City of Shelby from June 1, 1992 to December 27, 2019; and,

WHEREAS, Mr. Mull has been a loyal team member in the continuing development of the City of Shelby Water Treatment Plant and to the City of Shelby government as a whole and to all of its citizens; and,

WHEREAS, during his tenure of service, Mr. Mull has been a loyal employee for the City of Shelby, beginning as Treatment Plant Operator I in 1992, receiving a promotion to Treatment Plant Operator II in June 1997, receiving a promotion to Treatment Plant Operator III in December 1998, receiving a promotion to Utility Systems Tech in October 2000, receiving a promotion to Treatment Plant Supervisor/ORC in July 2007, and finishing his career as Treatment Plant Supervisor/ORC. He has been an outstanding example of the quality of employee necessary to the development of the good of the City; and,

WHEREAS, Mr. Mull worked his routine hours and countless hours around the clock to keep the Water Treatment Plant operational. Mr. Mull worked his way up from an entry level job to supervising the Water Treatment Plant in just fifteen years. Mr. Mull also won the NCWOA B-Surface Certified Operator of the year for the year 2000 for the entire state of North Carolina; and,

WHEREAS, the City of Shelby is most grateful for the devoted, community, and personal contributions Mr. Mull 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. Mull for his 27.5 years of dedicated and devoted duty in service to its citizens, noting that Mr. Mull will be missed both professionally and as a fellow co-worker who was always been on-call and returned to care for Shelby nearly every time he was called upon over the course of his career.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council publicly express their sincere appreciation to Michael Robert Mull for his performance of duty to the City of Shelby during the past 27.5 years, and extend the very best wishes for a successful, long, safe, and happy 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 17th day of February 2020.

O. Stanhope Anthony III
Mayor

ATTEST:

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

City of Shelby
Agenda Item Summary
March 16, 2020
City Hall Council Chamber

Agenda Item: B-2

- 2) City of Shelby Parks and Recreation Master Plan – Charlie Holtzclaw, Director Parks and Recreation and Eric Woolridge, DbD Director of Planning

(Comments: Rick Howell, City Manager and Charlie Holtzclaw, Director of Parks and Recreation)

Summary of Available Information:

- Memorandum dated March 6, 2020 from Charles Holtzclaw, Director Parks and Recreation to Rick Howell, City Manager

City Manager's Recommendation / Comments

This time is scheduled on Council agenda to hear an initial presentation from Mr. Holtzclaw and Eric Woolridge with Destination by Design on the preliminary Parks and Recreation Master Plan. This is intended to give Mayor and Council the opportunity to see a presentation of the plan before a required public hearing is held ahead of formal adoption. I have included images from the final public input meeting held on Tuesday, February 25th at City Park. The City held three previous public input opportunities at Marion School, Holly Oak Park and City Park. There was also an online survey that was promoted on the City website and social media.

Our consultant and staff have done an excellent job soliciting public input. I think you all will be pleased with the plan as presented. Thanks to all of you for your support of our planning efforts for the future of the City Parks.

It is my intention to ask Council to schedule a required public hearing for both adoption of the proposed master plan and for the submittal of an application to the NC Parks and Recreation Trust Fund grant program at your April 6, 2020 regular meeting. If there are no objections I will proceed accordingly.



Memorandum

To: Rick Howell, City Manager
Cc: Bernadette Parduski, City Clerk
From: Charlie Holtzclaw, Director Parks & Recreation
Date: March 6, 2020
Subject: Parks and Recreation Master Plan Draft Recommendations

Executive Summary of issue – Background

For several months City Staff have been working with Destination by Design to complete a Comprehensive Master Plan for new and existing parks, and to complete a North Carolina Recreation and Parks Trust Fund (PARTF) Grant Application for “Depot Park” in Uptown Shelby.

During this time three Community Workshops, Steering Committee meetings, presentations to the Parks & Recreation Advisory Board and others groups were conducted in addition to over 750 surveys were received from citizens offering ideas and suggestions.

On February 25th a Public Meeting with over 100 attendees was held at Shelby City Park to present conceptual plans and ideas to the public, and to offer another opportunity for input.

Review and comments

Having compiled information from the public, staff and elected officials, DbD would like to make a presentation to City Council to provide a draft of the final plans that are due to the Parks and Recreation Trust Fund Authority May 1, 2020. It is the goal to receive final feedback in order for the plans to be formally adopted at the April 6th City Council meeting.

Recommendation

It is my request to you that time be allowed on the March 16th City Council agenda for Eric Woolridge, DbD Director of Planning, to be allowed to make this presentation.

City of Shelby
Agenda Item Summary
March 16, 2020
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
March 16, 2020
City Hall Council Chamber

D. Public Hearing

Agenda Item: D-1

- 1) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina: Ordinance No. 15-2020

(Presenting, Walter Scharer, Planning and Development Services Director)

Summary of Available Information:

- Memorandum dated March 5, 2020 from Walter Scharer, Planning Director to Rick Howell, City Manager
- General Application
- Staff Report
- Zoning Map Location Map, Area Land Use Map
- Notice of Public Hearing
- Planning and Zoning Board Minutes
- Certified Recommendation
- Ordinance No. 15-2020

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. A certified recommendations from the Planning and Zoning Board is included as part of the packet. I would call attention to Mr. Scharer's memorandum noting that the zoning map amendment is inconsistent with the City's current land use plan. I would further note that the recommendation of the Planning and Zoning Board is advisory in nature only and that as a legislative matter Council has broad discretion to take action it believes is in the best interests of the City. That being said City Council has adopted plans and established an advisory board for the purposes of providing reasonable guidance in the decision making process.

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

§ 160A-383. Purposes in view.

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

After the conclusion of the public hearing City Council may act upon Ordinance No. 15-2020



Memorandum

To: Rick Howell - City Manager
From: Walter Scharer – Planning Director
Date: March 5, 2020
Subject: Requested zoning map amendment from R20 to GB2 on Lowman Road

Executive Summary of Issue – Background

This vacant site is on Lowman Road across from the Cleveland Vocational Industries. The owner intends to develop the property into a commercial site.

Review and Comments

The Comprehensive Land Use Plan for this area designates the site in the Residential Medium Density area.

Recommendation

This proposed zoning map amendment is inconsistent with the Comprehensive Land Use Plan. 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 March 16, 2020.

Attachments: Application, Staff Report, Zoning Map, Notice of Public Hearing, Planning and Zoning Board February 20, 2020 Planning and Zoning Board Minutes, Certified P&Z Recommendation, and Ordinance



City of Shelby
Planning and Development Services Department

General Application

Address of Subject Property:

Applicant(s) Name: Ronald K Church
Address: 610 Falcon Cir
Shelby NC 28150
Email: _____
Phone: 704 692 4700

Owner(s) Name: Ronald K Church
Email: _____
Phone: 704 692 4700

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: 26328-26327-26326
Proposed Zoning: Commercial
Proposed Land Use: Commercial
Approx. Building Sq. Ft.: _____
Approx. Project Acreage: _____
Business Name: _____

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

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.

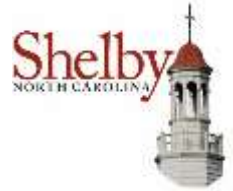
Ronald K Church
Signature of Applicant

1-27-2020
Date

[Signature]
Received by:

1/27/2020
Date

Staff Report



To: Shelby Planning & Zoning Board
From: Alan Toney
Planner

Date: February 4, 2020
Meeting: February 20, 2020
File: #1118

OWNER: Ronald K Church

APPLICANT: Ronald K Church

LOCATION: Lowman Road

PARCEL ID #s: 26328, 26327, & 26326

PRESENT ZONING: R20

REQUESTED ZONING: GB2

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

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

ANALYSIS: This 1.5 acre site is cleared by undeveloped. Land uses in the area include single-family dwellings, industrial uses, and a salvage yard. The owner is seeking commercial zoning.

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

The GB2 General Business District is established as a district in which the permitted uses are identical to the GB District except that billboards (outdoor advertising signs) are not permitted in the GB2 District. The GB Business District is established as a district in which to accommodate a wide range of retail; business, professional, and personal services; office; and limited wholesale and warehousing uses. Areas zoned as GB are generally located on the fringe of the central business district and along major highway corridors.

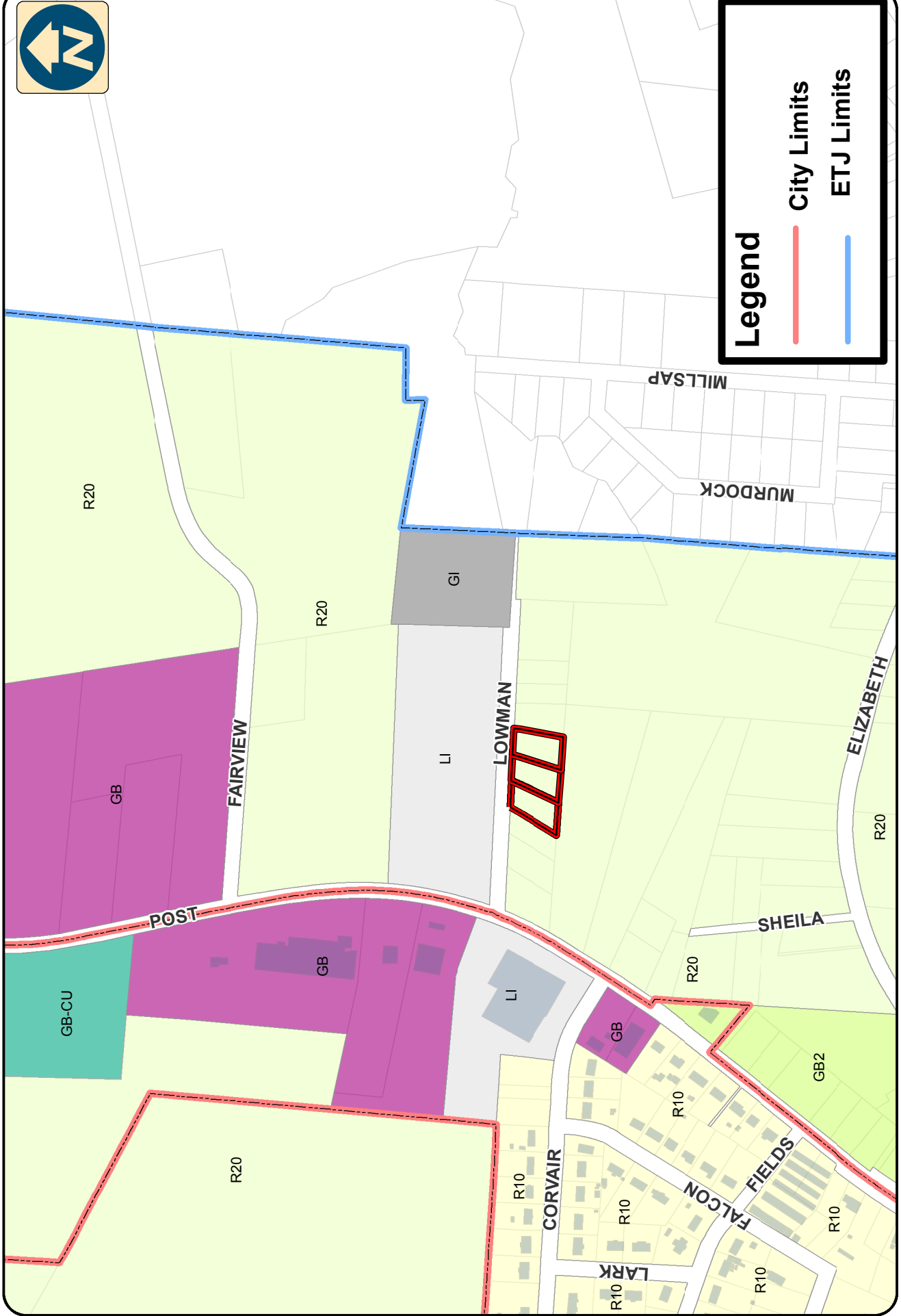
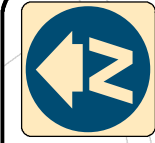
The GB2 General Business District would not permit the use of wholesale trade of motor vehicles, parts and supplies, and tires and tubes. The GB2 General Business District would not permit the use of salvage yards auto parts or salvage yards scrap processing.

STAFF COMMENTS: The Comprehensive Land Use Plan designates this site in a Medium Density Residential area. Adjacent to the site is a Conservation area. Medium density residential represents single-family detached development of approximately 4 units per acre. This designation is typical of most of the residential subdivisions in Shelby and Cleveland County that are served by City/County water and sewer. This site is not currently served with sewer. The proposed zoning map amendment is inconsistent with the Comprehensive Land Use Plan. Staff believes this was an oversight when the Plan was developed. The Conservation area designation, however, was intended in an effort to preserve space for the bypass. The bypass is currently under construction. The section adjacent to this site, although under construction, is funded and ROW acquisition is currently taking place. In an effort to update the Comprehensive Land Use Plan, a small area plan for this area is scheduled to be completed in 2 to 5 years.



Zoning Map Lowman Road Zoning Map Amendment

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



Legend

- City Limits
- ETJ Limits

Scale 1:6,000 1 inch = 500 feet



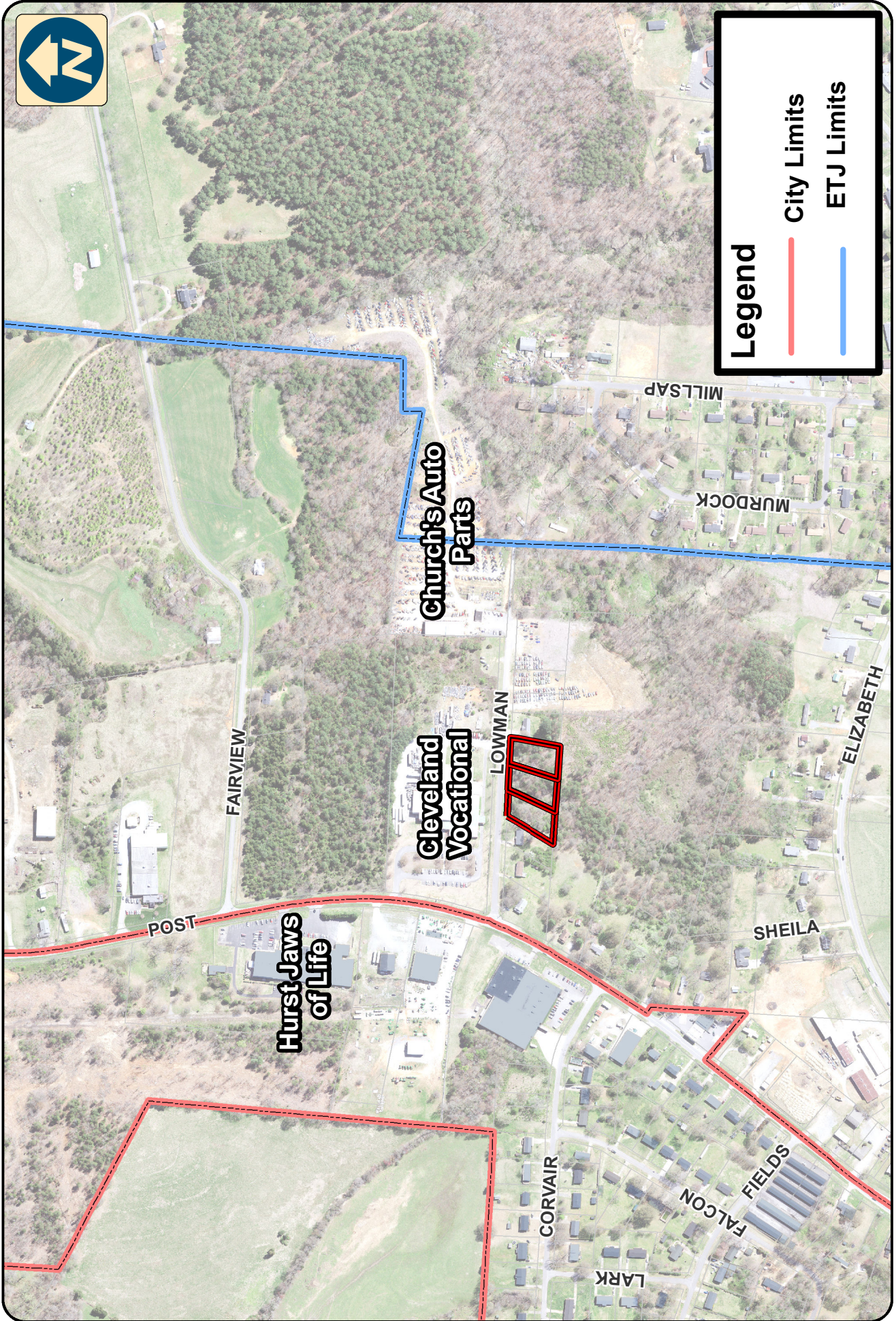
Date: 2/6/2020



Location Map

Lowman Road Zoning Map Amendment

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



Legend

- City Limits
- ETJ Limits

Scale 1:6,000 1 inch = 500 feet



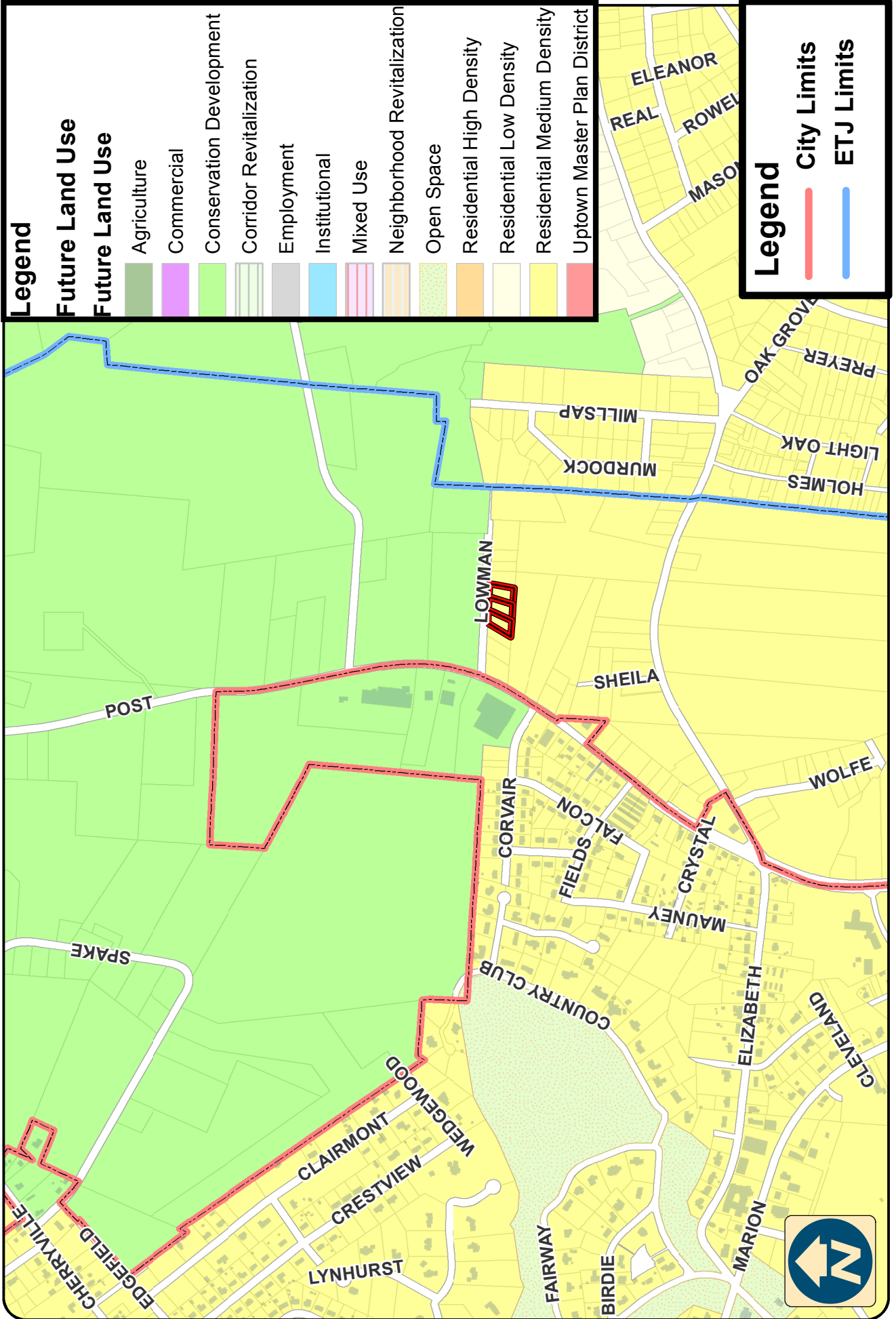
Date: 2/6/2020



Area Land Use Map

Lowman Road Zoning Map Amendment






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



Legend

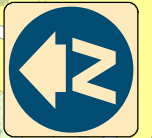
Future Land Use

Future Land Use

-  Agriculture
-  Commercial
-  Conservation Development
-  Corridor Revitalization
-  Employment
-  Institutional
-  Mixed Use
-  Neighborhood Revitalization
-  Open Space
-  Residential High Density
-  Residential Low Density
-  Residential Medium Density
-  Uptown Master Plan District

Legend

-  City Limits
-  ETJ Limits



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



Date: 2/13/2020

**NOTICE OF PUBLIC HEARING
APPLICATION #: 1118-2020
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, March 16, 2020 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 20 (R20) Zoning District to General Business 2 (GB2) Zoning District for property located on Lowman Road with the Cleveland County Parcel Numbers 26328, 26327, & 26326.

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, March 3, 2020 and again on Tuesday, March 10, 2020.

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



CITY OF SHELBY PLANNING AND ZONING BOARD MINUTES

February 20, 2020

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

Item 1. Call to Order/Roll Call

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

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

Staff Present: Walt Scharer (Planning Director), Alan Toney (Planner), and Hatteras Stella (Planner)

Item 2. Approval of the Minutes for the December 19, 2019 meeting

Vice-Chair Washburn asked if there were any questions or comments about the December 19, 2019 minutes. The minutes were approved as submitted.

Item 3. Proposed Zoning Map Amendment – Lowman Road

Mr. Scharer presented this proposed zoning map amendment. The subject property is zoned R20 and is currently undeveloped. The applicant wishes to develop the property into a commercial use. Other land uses in the area include single-family dwellings, commercial uses, and industrial uses.

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

The GB2 General Business District is established as a district in which the permitted uses are identical to the GB District except that billboards (outdoor advertising signs) are not permitted in the GB2 District. The GB Business District is established as a district in which to accommodate a wide range of retail; business, professional, and personal services; office; and limited wholesale and warehousing uses. Areas zoned as GB are generally located on the fringe of the central business district and along major highway corridors.

The Comprehensive Land Use Plan designates this site in a Medium Density Residential area. Adjacent to the site is a Conservation area. Medium density residential represents single-family detached development of approximately 4 units per acre. This designation is typical of most of the residential subdivisions in Shelby and Cleveland County that are served by City/County water and sewer. This site is not currently served with sewer. The proposed zoning map amendment is inconsistent with the Comprehensive Land Use Plan. Staff believes this was an oversight when the Plan was developed. The Conservation area designation, however, was intended in an effort to preserve space for the bypass. The bypass is currently under construction. The section adjacent to this site, although under construction, is funded and ROW acquisition is currently taking place. In an effort to update the Comprehensive Land Use Plan, a small area plan for this area is scheduled to be completed in 2 to 5 years.

A discussion of the application amongst the board members occurred. Mr. Royster commented that Post Road will have more commercial development when the Bypass is completed.

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

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

Item 5. Announcements

Mr. Scharer and gave updates concerning the rail trail, the bicycle and pedestrian plan, the parks and recreation master plan, and 160D updates.

Item 6. Motion to adjourn.

Vice-Chair Washburn adjourned the meeting at 12:39 pm.



Certified Recommendation

City of Shelby Planning & Zoning Board

Case File: 1118

Amendment: A Zoning Map Amendment for property located on Lowman Road with PIN #'s: 26328, 26327, & 26326 from Residential 20 (R20) zoning district to General Business 2 (GB2) zoning district.

Recommendation: **The Planning and Zoning Board recommends approval of the proposed zoning map amendment for property located on Lowman Road with PIN #'s: 26328, 26327, & 26326 from Residential 20 (R20) zoning district to General Business 2 (GB2) zoning district.**

Findings &

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

Motion: Mr. Carter made the motion to recommend approval of this proposed zoning map amendment from Residential 20 (R20) zoning district to General Business 2 (GB2) zoning district.

Second: Mr. Royster

Action: This motion passed unanimously.

Signatures: Walter Scharer
Planning and Development Director

Marlene Peeler
Planning and Zoning Board Chair

Date: 2/20/2020

Date: 2/20/2020

ORDINANCE NO. 15-2020

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

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

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

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

WHEREAS, in accordance with GS 160A-364, a public hearing on this proposed rezoning was held by City Council on March 16, 2020 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 inconsistent 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), Lowman Road is hereby amended from R20 Zoning District to GB2 Zoning District. Said area of zoning is more fully described as the parcel listed by the Cleveland County Tax Office as Parcel Identification Numbers 26328, 26327, and 26326.

Section 3. The City of Shelby finds this zoning change reasonable based on the proximity to the future 74 Bypass and the proximity of other commercial and industrial uses.

Section 4. 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 5. This ordinance shall become effective upon its adoption and approval.

Ordinance No. 15 – 2020

March 16, 2020

Page 2

ADOPTED AND APPROVED this the 16th day of March, 2020.

O. Stanhope Anthony III
Mayor

ATTEST:

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

APPROVED AS TO FORM:

Robert Yelton
City Attorney

City of Shelby
Agenda Item Summary
March 16, 2020
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 March 2, 2020

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 March 2, 2020

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

March 2, 2020
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 Andrew L. Hopper, Sr.; 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, Assistant Director of Finance Elizabeth B. (Beth) Beam, CPA, Director of Human Resources Deborah (Deb) Jolly, Director of Energy Services Julie R. McMurry, Director of Engineering Services Benjamin (Ben) Yarboro, Police Chief Jeffrey H. (Jeff) Ledford, Division Chief Logistics and Enforcement Services Todd McMurry, Director of Planning and Development Services Walter (Walt) Scharer, AICP, and Public Information and Communications Officer Chip Nuhrah

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. Webber led the *Pledge of Allegiance*.

A. Approval of agenda:

- 1) Motion to adopt the proposed agenda

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

B. Special Presentations:

- 1) Recognition of Coach Mike Wilbanks and the Shelby High School 2019 Golden Lions Football Team: Resolution No. 1-2020

Mayor Anthony called upon Coach Mike Wilbanks of the Shelby High School Golden Lions Football Team. Next, the Mayor formally read and presented framed Resolution No. 1-2020 to Coach Wilbanks on behalf of the Golden Lions as a tribute to their 2019 championship season.

Coach Wilbanks stated it is an honor to be recognized. As a representative of a great school, administration, faculty, coaching staff, and players, he expressed his appreciation for the support from the City of Shelby. Coach

Wilbanks added that as he travels throughout the State of North Carolina, Shelby and Shelby High School is well-known and well-received.

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

Referring to her handout, Miss Whetten reported her update included USA's 2019 Annual Report for Council's reading pleasure.

She recognized USA Board President, David Royster, in attendance.

Miss Whetten reported noteworthy highlights from the Annual Report including the implementation of the marketing plan which had positive results since total web traffic increased. Once again USA received national accreditation. She explained the designation from Main Street America is given to communities demonstrating exemplary commitment to preservation-based economic development and community revitalization through the Main Street Approach.

Miss Whetten added USA received recognition in several noteworthy avenues for Shelby's successful efforts leveraging cultural resources for economic development including:

- **UNC-C selected Shelby to highlight in their Urban-Rural Connections Project, which included several articles, a town hall in Shelby, and participation in the Shul Forum, which culminated the multi-year project.**
- **University of North Carolina School of Government/UNC-TV spent several days in Shelby in October 2019 conducting focus groups, filming promotional videos, and hosting the town hall. The resulting episode was aired on UNC-TV on January 30, 2020 and received positive feedback. It is available to view online at UNCTV.org.**
- **NC Main Street selected Uptown Shelby to be highlighted as a case study in the forthcoming NC Main Street Economic Impact Study.**

Miss Whetten mentioned the USA Board and staff are enthusiastic about the City's ongoing work on the Rail Trail, streetscape construction, Bike and Pedestrian Plan, and the Parks and Recreation Master Plan. Each project offers incredible opportunity for Shelby to make this community more accessible and livable for its residents. USA is especially excited about the synergy created by all these efforts happening at once.

With regard to on-going projects, Miss Whetten stated a second alley lights project is underway and USA has submitted their proposal for renewing the Municipal Service District (MSD) services contract to the City.

With regard to business and property news, Miss Whetten informed Council that the Sterchi building located at 14 West Marion Street has been purchased and is available for lease.

Miss Whetten concluded her presentation with a perspective on the parking issue in Uptown Shelby. She provided a parking visual of an overlay of the Shelby Walmart property compared to Uptown Shelby, which was taken from the 2016 Shelby Center City Master Plan, for review.

Council received the information and no action was required.

3) Small Business Center Entrepreneurial update – Steve Padgett, Director, Small Business Center, Cleveland Community College

Mr. Padgett is reporting to all 15 municipalities in Cleveland County in order to provide an annual update about the Small Business Center and the Certified Entrepreneurial Community Program.

Mr. Padgett reported an audit was performed by three auditors representing the Small Business Center Network this past summer and the results were favorable. He explained the Small Business Center Network is comprised of 58 Small Business Centers throughout North Carolina, supporting the development of new businesses and the growth of existing businesses by being a community-based provider of training, counseling, and resource information.

Next, Mr. Padgett attended the inaugural North Carolina Entrepreneurial Ecosystem Summit in November 2019. He stated NC Idea, in conjunction with Governor Roy Cooper's North Carolina Entrepreneurial Council, hosted the summit with the ambition to catalyze entrepreneurship as an economic development strategy for the State of North Carolina. Governor Cooper also introduced the North Carolina Entrepreneur Corps as a new learning opportunity for North Carolina's college and university students to serve their State government in a meaningful way. Students will be paired with a technical advisor, as well as an entrepreneur mentor who will give students real-world perspective on the entrepreneurial process.

Mr. Padgett stated it was also announced at the summit that the National Association for Community College Entrepreneurship (NACCE), the nation's leading organization focused on promoting entrepreneurship through community colleges, was relocating its headquarters from Springfield,

Massachusetts to Cary, North Carolina. The association represents more than 300 community and technical colleges and 2,000 faculty, staff, administrators and presidents who serve more than three million students. Last month, Mr. Padgett attended the official grand opening of the new national headquarters during a ribbon and cake-cutting reception at Wake Tech Community College in Cary, North Carolina.

Mr. Padgett announced that Catawba Valley Community College (CVCC) celebrated the launch in January 2020 of its latest initiative to drive local economic development through entrepreneurship. The initiative called Startup Catawba was created to help local entrepreneurs quickly and easily learn new skills, connect to support programs and resources, plug into to the local ecosystem, and find inspiration from others. Startup Catawba is one of the first five similar initiatives launching throughout Western North Carolina this year, including Cleveland Community College. Each is led by community colleges and their presidents who are members of the North Carolina Rural Community College Alliance. The alliance was formed by Dr. Hinshaw in 2019 to align the interests of a group of bold leaders who are united in the purpose of activating and accelerating rural entrepreneurship. Mr. Padgett stated Startup Catawba was developed in partnership with CVCC strategic partner, Supportedly, and made possible through the support of the Belk Endowment and NC Idea.

Lastly, Mr. Padgett provided an update regarding the 53 Ideas Pitch Competition. He said Cleveland Community College's Small Business Center partnered with small business centers in the region to support entrepreneurship through the pitch competition which was made possible to the support from the Fifth Third Bank Foundation. The competition was an open call for business ideas from residents across the region with a deadline of February 20, 2020. Mr. Padgett further stated there were 180 submissions and the 53 finalists have been announced. Each finalist will receive a monetary award and have the opportunity to receive training and coaching to prepare for the next round on April 29, 2020.

Mr. Padgett concluded by expressing his appreciation to Council for their support of the Small Business Center and entrepreneurship.

Council received the information and no action was required.

C. Consent Agenda:

ACTION TAKEN: Mayor Anthony presented the consent agenda. Mr. Causby 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 February 17, 2020
- 2) Approval of a resolution approving a financing agreement authorized by North Carolina General Statute 160A-20: Resolution No. 7-2020
- 3) Adoption of Fiscal Year 2019-2020 Budget Ordinance Amendment No. 12: Ordinance No. 10-2020
- 4) Adoption of Fiscal Year 2019-2020 Budget Ordinance Amendment No. 13: Ordinance No. 11-2020
- 5) Adoption of Fiscal Year 2019-2020 Budget Ordinance Amendment No. 14: Ordinance No. 12-2020
- 6) Adoption of an ordinance authorizing demolition of a dwelling: Ordinance No. 13-2020

END CONSENT AGENDA

D. Unfinished Business:

- 1) City of Shelby Job Ready Shell Building No. 3 Project
 - a. Consideration of a budget ordinance amendment for the City of Shelby's Job Ready Shell Building No. 3 Project: Ordinance No. 14-2020

Mr. Howell introduced Ordinance No. 14-2020 for Council's consideration. If approved, the ordinance amendment will appropriate \$5,490,000 towards construction of this project. The source of this revenue is a debt issuance by Cleveland County that would finance the project over a five-year period. The City's portion of the project would be half of this amount or \$2,745,000. The City and County will enter in to an inter-local agreement setting forth the terms and memorializing the agreement. The City will pay its portion of this borrowing from proceeds of the sale of Shell Building No. 2, which the City sold to Ivar's Design in 2016.

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to approve and adopt Ordinance No. 14-2020 entitled, "a BUDGET ORDINANCE AMENDMENT FOR THE CITY OF SHELBY'S JOB READY SHELL BUILDING NO. 3 PROJECT".

- b. Consideration of a resolution awarding the construction contract for the City of Shelby Job Ready Shell Building No. 3 Project: Resolution No. 8-2020**

Mr. Howell introduced Resolution No. 8-2020 for Council’s consideration. If approved, this resolution would award the contract for construction of the Job Ready Shell Building No. 3 to Hickory Construction Company as recommended by WHN Architects. As noted in the resolution, bids were received on February 11, 2020. The bids submitted have been reviewed and scrutinized by the architect. A certified bid tabulation was prepared and the recommendation is to award this contract to Hickory Construction. It should be noted that all nine bidders had to be pre-qualified by the City. The City required that bidders have a certain amount of experience within the last five years with the construction of similar size and type of buildings specified. Each was required to submit examples of their experience in order to bid. A total of eight bids were received with the high bid being \$6,211,000 and the low bid being \$5,490,000.

ACTION TAKEN: Upon a motion made by Mr. Hopper, City Council voted unanimously to approve and adopt Resolution No. 8-2020 entitled, “A RESOLUTION AWARDING THE CONSTRUCTION CONTRACT FOR THE CITY OF SHELBY JOB READY SHELL BUILDING NO. 3 PROJECT”.

E. New Business: None

F. City Manager’s Report:

- 1) With regard to the suspended recycling program, Mr. Howell informed Council the City will conduct a survey to determine the level of public interest in resuming a curbside recycling program as a voluntary subscription service and to explore the cost subscribers are willing to pay. The City is also seeking a viable option with a service provider willing to guarantee the recycled materials will not be landfilled.**
- 2) Mr. Howell mentioned Council can anticipate public presentations and public hearings with regard to the Parks and Recreation Master Plan, the Parks and Recreation Trust Fund Authority grant application, and the US Department of Transportation BUILD (Better Utilizing Investments to Leverage Development Transportation Discretionary) Grants Program for the Rail Trail Project as future agenda items.**
- 3) Mr. Howell announced that the North Carolina League of Municipalities annual conference, CityVision 2020, will be held May 5 through 7, 2020 in Wilmington, North Carolina and encouraged Council’s attendance.**

- 4) Mr. Howell reported the Cleveland County Health Department invited the City of Shelby to attend a COVID-19 Partner Planning Meeting on March 5, 2020 at 2:30 p.m. to provide information on the disease and its current status, preventive measures, and planning and preparedness strategies.
- 5) Mr. Howell announced the annual City's Service Awards and Employee of the Year recognition luncheon will be held on March 19, 2020 beginning at 11:30 a.m., Don Gibson Theatre.
- 6) Mr. Howell announced the Shelby Bicycle and Pedestrian Plan public input drop-in meeting will be held on March 3, 2020 from 4:30 p.m. to 7:30 p.m. at the Don Gibson Theatre.

G. Council Announcements and Remarks:

- 1) Mayor Anthony invited all to attend a free, advanced screening of Bedlam, an intimate journey into America's mental health crisis, presented by the National Alliance of Mental Illness (NAMI) South Mountains, NC, PBS, and UNC-TV, on March 21, 2020 at 2:00 p.m., Don Gibson Theatre.
- 2) Mayor Anthony reminded Council members to attend the Cleveland County Branch NAACP Membership Banquet on March 14, 2020 at 4:00 p.m., Shiloh Baptist Church Family Life Center, 914 Frederick Street, in Shelby.
- 3) Mayor Anthony also reminded Council members to attend the Cleveland County Rescue Mission's 8th Annual Fundraising Banquet, Celebrate Hope, on March 13, 2020 at 5:30 p.m., LeGrand Center.
- 4) Mayor Anthony shared the background of Bobby Bell who was born in Shelby and is a retired professional football linebacker and defensive end who played for the Kansas City Chiefs from 1963 through 1974. Mr. Bell had an illustrious career having been inducted into the Pro Football Hall of Fame and the College Football Hall of Fame. He is listed as one of the National Football League's All-Century Team. The Mayor and Council Member Andrew Hopper have formed a committee, working to honor Mr. Bell in his hometown. The Mayor announced September 5, 2020 will be declared as Bobby Bell Day with more details to follow.

H. Closed Session:

- 1) To approve the Minutes and General Account of the Closed Session of September 16, 2019

- 2) To approve the Minutes and General Account of the Closed Session of October 7, 2019
- 3) To approve the Minutes and General Account of the Closed Session of October 21, 2019
- 4) To consult with the City Attorney in order to preserve the attorney-client privilege in the matter of Willie A. Green, Sr. versus the City of Shelby and Rick Howell pursuant to North Carolina General Statute 143-318.11 (a) (3)

ACTION TAKEN: Mr. Webber made a motion to enter into a closed session pursuant to the appropriate North Carolina General Statutes as cited. Mayor Anthony consulted with Mr. Yelton who advised the topic met the statutory requirements for a closed session. The Mayor invited all Council members present along with Mr. Howell, Mr. Yelton, and Mrs. Parduski to attend. The motion passed unanimously and Council moved into closed session at 6:49 p.m.

Council returned to the regular session at 7:05 p.m.

I. Adjournment:

1) Motion to adjourn

ACTION TAKEN: Upon a motion made by Mrs. Arth Dukes, City Council voted unanimously to adjourn the meeting at 7:06 p.m.

Respectfully submitted,

Bernadette A. Parduski, NCCMC, MMC
City Clerk

O. Stanhope Anthony III
Mayor

Minutes of March 2, 2020

City of Shelby
Agenda Item Summary
March 16, 2020
City Hall Council Chamber

Agenda Item: E-2

2) Approval of Special Event Permit Application:

- a. Central United Methodist Church Easter Celebration, requested date:
April 12, 2020

Consent Agenda Item: (Bernadette Parduski, City Clerk)

Summary of Available Information:

- Memorandum dated March 9, 2020 from Bernadette A. Parduski, City Clerk to Rick Howell, City Manager
- Memorandum dated March 3, 2020 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, Director of Energy Services Julie McMurry, Electric Superintendent Jeff Freeman, 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: March 9, 2020
Re: Special Event Permit Application

BACKGROUND:

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

- ✓ Easter Celebration, requested date: April 12, 2020

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 March 16, 2020 for Council's review and approval.

ATTACHMENT:

- A. Special Event Permit Application packet received March 2, 2020

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, Director of Energy Services Julie McMurry, Electric Superintendent Jeff Freeman, and Planning and Development Services Director Walt Scharer

From: Bernadette A. Parduski, City Clerk

CC: Rick Howell, City Manager

Date: March 3, 2020

Re: Special Event Permit Application

All:

Attached you will find a Special Event Permit Application submitted by Danny Buckner on behalf of Central Methodist Church, as follows:

- ✓ Easter Celebration, requested date: April 12, 2020

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 March 16, 2020 meeting and recommended for approval unless you advise otherwise. If I do not hear from you by March 13, 2020, 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: Easter Celebration

2. PURPOSE AND BRIEF DESCRIPTION OF EVENT:
To provide a morning of food, fellowship, worship and fun for our community

3. LOCATION OF EVENT (ATTACH MAP):
Washington St. block between Marion St. & Warren St.

4. PLEASE INDICATE:

Approximately how many people will attend the event? 250 (Hopefully! :))

Approximately how many vehicles will be present? none

Approximately how many animals will be present? maybe 2 (lamb & a bunny)

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

Single lane N/A

All lanes in travel direction N/A

Whole street _____

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

Name: Mark Barden

Address: 903 Duke St. Shelby 28150

Phones: 704-487-6336 (Daytime) 704-300-8326 (Evening)

E-mail address: markbarden@gmail.com

Name: Danny Buckner

Address: 111 Doris Dr. Shelby 28152

Phones: 704-487-6336 (Daytime) 704-466-0050 (Evening)

E-mail address: ~~Danny~~ danny@cymcshe/by.org

6. PLEASE LIST THE FOLLOWING:

Requested day(s) and date(s) Sunday April 12 2020

Alternate day(s) and date(s) _____

Requested hours of operation, from 5 AM to 1 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.

Central Methodist Church will provide all trash cans & be responsible for clean-up. No portable toilets will be needed.

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. 10am - 11am Worship including choirs / handbells / brass quintet / praise band

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? yes - breakfast
Breakfast casseroles / coffee / juice / fruit / danish - Breads

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. N/A

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: We have numerous medical people
Address: in our church that will be on hand
Phones: as "first responders" until all folks arrive

Indicate medical services that will be provided for the event.

AMBULANCE: N/A
DOCTOR (S): _____
PARAMEDICS: _____

11. CITY SERVICES/EQUIPMENT REQUESTED FOR THIS EVENT:


Power for sound equipment for worship service

12. ANY ADDITIONAL COMMENTS:

Will need barricades to block off Washington St.

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

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


SIGNATURE

Danny Buckner - Central Methodist Church
APPLICANT PHONE

200 East Marion St Shelby 704-487-6336
PHYSICAL ADDRESS

danny@cumeshelby.org
E-MAIL ADDRESS

3/2/20
DATE

City of Shelby
Agenda Item Summary
March 16, 2020
City Hall Council Chamber

Agenda Item: E-3

- 3) Approval of a resolution directing the City Clerk to determine sufficiency of a voluntary annexation petition from Clearwater Paper Corporation: Resolution No. 9-2020

Consent Agenda Item: (Rick Howell, City Manager and Walter Scharer, Planning and Development Services Director)

Summary of Available Information:

- Memorandum dated March 8, 2020 from Walter Scharer, Planning Director to Rick Howell, City Manager
- Petition for Contiguous Annexation
- Voluntary Annexation map of 105 Customer Service Drive
- Resolution No. 9-2020

City Manager's Recommendation / Comments

This petition is submitted by Clearwater Paper Corporation in accordance with an amended agreement adopted and approved by City Council via Resolution No. 33-2017 requiring voluntary annexation of this parcel no later than February 13, 2020. This parcel contains former Smurfit Stone building and is identified as parcel # 32623 on County tax records containing 24.21 acres.

In accordance with NC General Statute 160A-58.2 the attached Resolution No. 9-2020 is presented for your consideration at this time. If approved it would direct the City Clerk to review the documentation submitted by the petitioner to the Planning Department and simply determine its sufficiency in meeting the required statutory standard. If determined sufficient a required public hearing would be scheduled to allow for appropriate public comments.

It is my recommendation that Resolution No. 9-2020 be adopted and approved by City Council via the Consent Agenda at this time. The City Clerk will report her finding to you at your regular meeting to be held April 6, 2020 and the required public hearing would be held April 20, 2020 assuming the petition is determined to be sufficient.



Memorandum

To: Rick Howell - City Manager
From: Walter Scharer – Planning Director
Date: March 8, 2020
Subject: Annexation – 105 Customer First Drive

Executive Summary of issue – Background

Clearwater Paper Corporation, owner of property at 105 Customer First Drive, has submitted an annexation petition.

Review and Comments

This annexation site has an area of approximately 20 acres. Currently, the property is part of Clearwater Paper Corporations operations in Shelby This site is contiguous to the current corporate limits of the City of Shelby.

North Carolina General Stature 160A-58.2 states that upon receipt of a petition for annexation the City Council shall cause the city clerk to investigate the petition, and certify the results of the investigation. If the clerk certifies that the petition appears to be valid, the council shall set a date for a public hearing on the annexation.

Staff recommends proceeding with the annexation process for this property. Please place this item on the agenda for the March 16, 2020 City Council meeting.

Attachments: NCGS 160A-58.2, Annexation Petition, Location Map, Resolution

PETITION FOR CONTIGUOUS ANNEXATION

The undersigned Petitioner(s) requests annexation of property described below in accordance with the provision of NCGS 160A-29:

Names and addresses of all owners of the property (including spouses of individual owners):

Clearwater Paper Corporation
105 Customer First Drive Parcel 32623 (24.21 Acres)

(If owner is corporation state full name of corporation as chartered, name of registered agent, address of registered office, and mailing address if different from registered office, and the Book and Page of local registration of Corporate Charter. If owner is or includes a general partnership, list names and addresses of all partners.)

Date of Petition: 2-4-2020

Brief Description of Subject Property:

Parcel 32623
24.21 ACRES
MAIN Building AND ASSOCIATED LAND

Required attachments to this Petition:

- (1) A legible copy of a metes and bounds description or a reference to the location within a recorded subdivision plat of the specific property for which annexation is requested.
(2) Information as to the location of a recorded document by which undersigned owner(s) acquired ownership of the property in question (i.e. Record Book 1106, Page 923 or File No. 91 E 296, and/or any other source).
(3) A copy of Cleveland County Tax Map showing location of the subject property (8 1/2" by 11").
(4) Petitioner(s) must provide a property survey or sketch map prepared in accordance with standards specified by the Community Development Department.
(5) Check payable to the City of Shelby for Two-hundred (\$250.00) Dollars.

SIGNATURE OF OWNERS

Signatures of all Individual Property Owner(s) and Spouses, if Any

If Owner is a Partnership, signature(s) Of at least one General Partner

If Owner is a Corporation:

Clearwater Paper Corporation
Registered Name of Corporation

(Corp. Seal)

Signature of: [Handwritten Signature]
President/Vice President

Attested by: [Handwritten Signature]
Secretary/Assistant Secretary

(If signatures of additional owners are necessary, continue on separate sheet and attach to the Petition.)

STATE OF NORTH CAROLINA
COUNTY OF CLEVELAND

I, Nakeisha S Goins, a Notary Public for said County and State, do hereby
certify that James P Sloan, Kristine L Waggoner

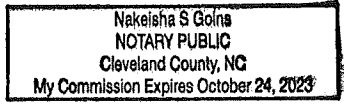
_____ personally appeared
before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and
official seal, this the 18 day of February, 2020.

Nakeisha S Goins
Notary Public

My Commission Expires: 10/24/2023

(SEAL)

STATE OF NORTH CAROLINA
COUNTY OF CLEVELAND



I, _____, a Notary Public for said County and State, do hereby
certify that _____

_____, being one/all of the
partners of the **General Partnership** known as _____
personally appeared before me this day and acknowledged the due execution of the foregoing instrument.
Witness my hand and official seal, this the _____ day of _____, 20 _____.

Notary Public (SEAL)

My Commission Expires: _____

STATE OF NORTH CAROLINA
COUNTY OF CLEVELAND

I, _____, a Notary Public for said County and State, do hereby
certify that _____ personally appeared before me this day and
acknowledged _____ he is the _____ Secretary of _____,
a corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument
was signed in its name by its _____ President, sealed with its Corporate Seal and attested by
_____ as its _____ Secretary. Witness my hand and official seal, this the
_____ day of _____, 20 _____.

Notary Public (SEAL)

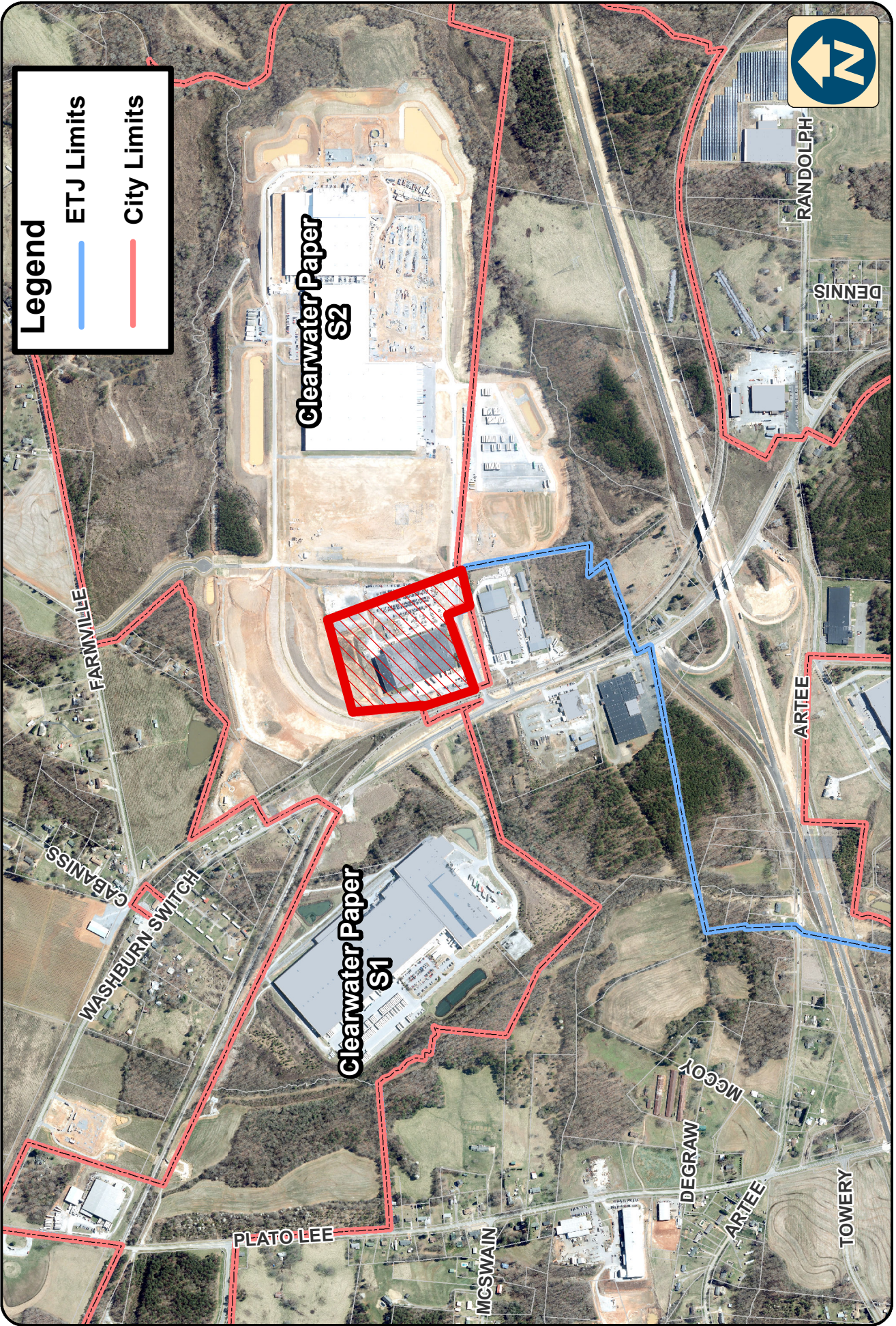
My Commission Expires: _____



Voluntary Annexation

105 Customer Service Drive

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



Legend

- ETJ Limits
- City Limits



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

Date: 3/3/2020

RESOLUTION NO. 9-2020

**A RESOLUTION DIRECTING THE CITY CLERK TO DETERMINE
SUFFICIENCY OF A VOLUNTARY ANNEXATION PETITION FROM
CLEARWATER PAPER CORPORATION**

WHEREAS, the City of Shelby has received a petition for voluntary annexation from Clearwater Paper Corporation; and,

WHEREAS, North Carolina General Statute 160A-31 set forth standards allowing for contiguous annexation; and,

WHEREAS, the subject property, at 105 Customer First Drive, as identified within the petition meets the standards set forth in the above referenced statute; and,

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

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

Section 1. The City Clerk is hereby directed to investigate this petition and to certify the results of such investigation in writing to City Council at the regular meeting on April 6th, 2020.

Section 2. That upon receipt of a favorable report as to the sufficiency of the petition from the City Clerk a public hearing is hereby scheduled to receive public comment on said petition in accordance to GS 160A-58.2 on April 20th, 2020.

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

Adopted and approved this the 16th day of March 2020.

O. Stanhope Anthony
Mayor

ATTEST:

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

City of Shelby
Agenda Item Summary
March 16, 2020
City Hall Council Chamber

Agenda Item: E-4

- 4) Approval of a resolution declaring the intent of the City Council of the City of Shelby to consider the permanent closure of an unopened right of way for Chesterfield Drive: Resolution No. 10-2020

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

Summary of Available Information:

- Memorandum dated March 9, 2020 from Walter Scharer, Planning Director to Rick Howell, City Manager
- Letter from Dale Short to Mayor Stan Anthony
- Plat showing Proposed Street Closing/Abandonment
- Location Map
- Resolution No. 10-2020

City Manager's Recommendation / Comments

Resolution No. 10-2020 is presented for City Council consideration at this time via the Consent Agenda. If approved this resolution simply states the City's intent to close the noted unopened right of way and provides notice to the public of this intent. A public hearing is also set for Monday, April 20, 2020 to hear public comment. All affected property owners will receive notice either by newspaper publication, certified mail and posted public notice. This action is initiated at the request of the property owners.

It is my recommendation Resolution No. 10-2020 be adopted and approved by City Council at this time via the Consent Agenda



Memorandum

To: Rick Howell - City Manager
From: Walter Scharer – Planning Director
Date: March 9, 2020
Subject: Request to close an unopened right-of-way for Chesterfield Drive

Executive Summary of issue – Background

A portion of the Chesterfield Drive right-of-way was never completed as a street. The property owners adjacent to this unopened right-of-way for Chesterfield Drive have petitioned the City to close this section of Right-of-Way. A location map showing this site is attached.

Review and Comments

Pursuant to North Carolina General Statute 160A-299, the City may close a street or alley after passing a resolution of intent that establishes a public hearing for said closing. The public hearing for this street closing, as established by the resolution of intent, is scheduled for April 20, 2020.

Recommendation

Please place this item on the consent agenda for the March 16, 2020 City Council meeting.

Attachments: Right of Way Closure Request, Location Map, Plat, and Resolution of Intent

November 5, 2019

To: Mayor Stan Anthony

SUBJECT: Closing Part of Chesterfield Drive



Dear Mayor:

Enclosed are Tax Parcel Numbers of Cleveland County and maps that show the land that me and my wife own. The land has been this way since the mid 1960's when my father purchased most of these properties.

I recently contacted Surveyor Dobbin Lattimore about surveying these properties in accordance with how they have been used for decades. He notified me that he could not do what I wanted unless the City of Shelby agreed to close the part of Chesterfield Drive that is recorded on the tax maps and has been fenced in and used by Shoco, Inc since the 1980's.

I believe the enclosed information will show you what it looks like on the tax maps and how I want to have it re-deeded to make it be structured for how it actually is used by three business's that are currently using these properties.

I am formally requesting that the City of Shelby close the part of Chesterfield Drive that is located between Parcels 23861 and 23858.

Please let me know what else you may need from me for this to happen.

My cell phone number is 704-472-2310; and, my email address is dales@shocomarine.com.

Respectfully,

A handwritten signature in cursive script, appearing to read "Dale". The signature is written in dark ink and is positioned above the printed name "Dale Short".

Dale Short



Grid North
NAD 83(2011)

State of North Carolina
County of Cleveland

Officer of Cleveland County certify that the map or plot to which this certification is affixed meets all statutory requirements for recording.

Review Officer _____ Date _____

REQUESTING CLOSURE/ABANDONMENT OF STREET RIGHT OF WAY AND PROPOSED PROPERTY ALLOCATION.

DALE A. SHORT

SIGNATURE _____ DATE _____

PREPARED IN ACCORDANCE WITH:
160A-299. PROCEDURE FOR PERMANENTLY CLOSING STREETS AND ALLEYS

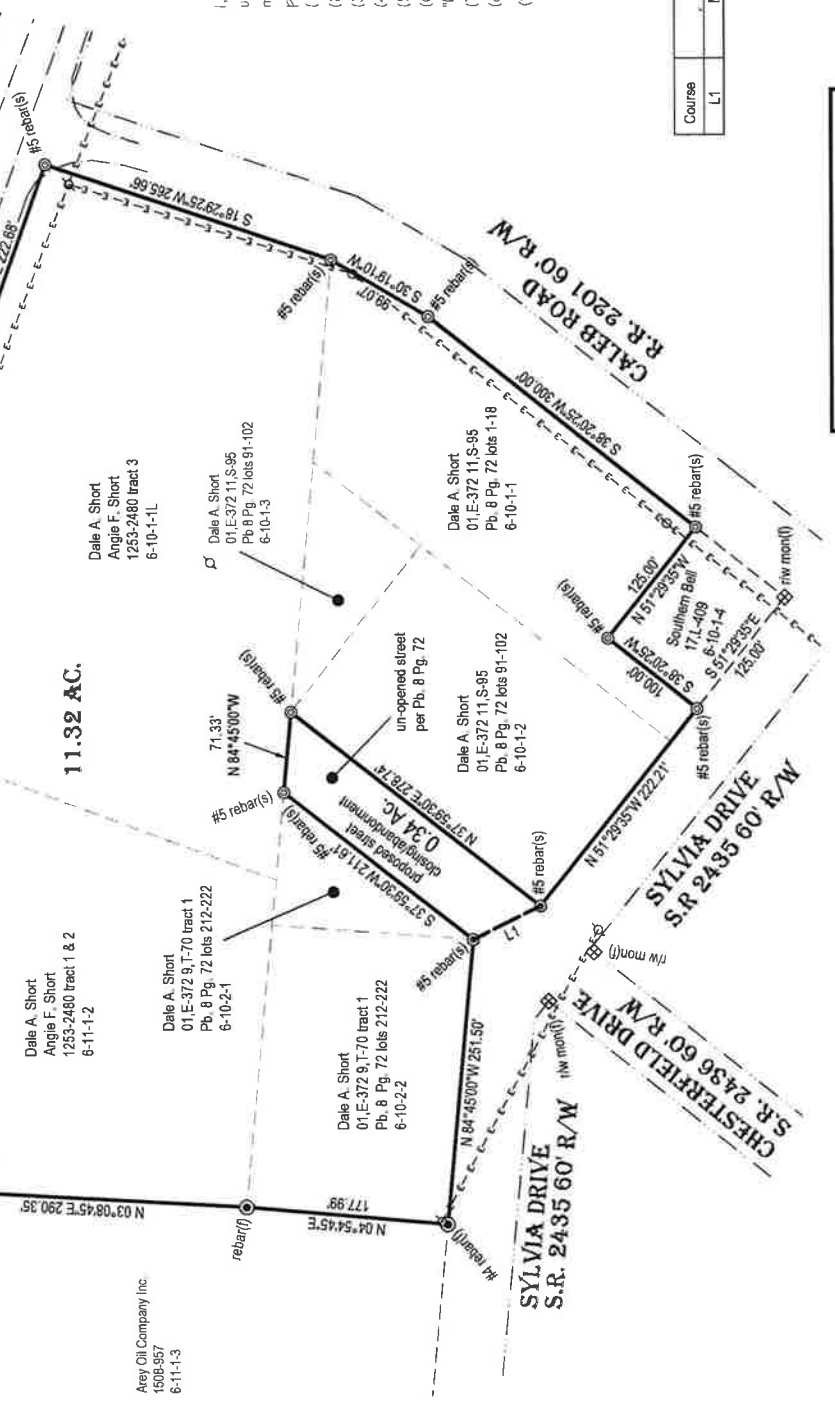
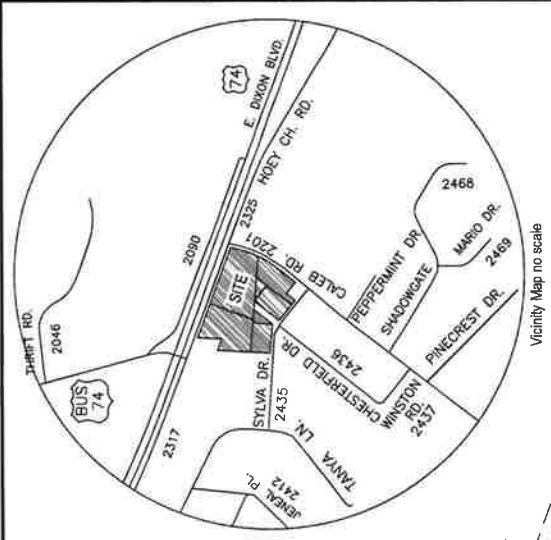
Subsection(c) upon the closing of a street or alley in accordance with this section, all rights, title and interest in the right-of-way shall be conclusively presumed to be vested in those persons owning lots or parcels of land adjacent to the street or alley, and the title of such adjoining landowners, for the width of the abutting land owned by them, shall extend to the centerline of the street or alley.

The provisions of this subsection regarding division of right-of-way in street or alley closings may be altered as to a particular street or alley closing by the assent of all property owners taking title to a closed street or alley by filing of a plat which shows the street or alley closing and the portion of the closed street or alley to be taken by each such owner. The plat shall be signed by each property owner who, under this section, has an ownership right in the closed street or alley.

Owner	Deed Book/Page	Tax Map No.
Dale A. Short	1253-2480	6-10-1-1L
Angle F. Short	1253-2480	6-11-1-2
Dale Short	01.E-372 9, T-70	6-10-2-1
Dale Short	01.E-372 9, T-70	6-10-2-2
Dale Short	07.E-372 11, S-95	6-10-1-1
Dale Short	01.E-372 11, S-95	6-10-1-2
Dale Short	01.E-372 11, S-95	6-10-1-3

PROPOSED STREET CLOSING/ABANDONMENT FOR DALE A. SHORT

Owner: Dale A. Short
Address: 2056 E. Dixon Blvd.
Shelby, NC 28152
Deed Ref: See Deed Table
Tax Map Ref: See Deed Table
County: Cleveland
State: North Carolina
Plat Prepared: Feb. 25, 2020
Scale: 1" = 100'



PRELIMINARY PLAT NOT FOR SALES OR CONVEYANCES

- GENERAL NOTES**
- NO TITLE SEARCH BY LATTIMORE AND PEELER SURVEYING.
 - PROPERTY SHOWN SUBJECT TO EASEMENTS OF RECORD.
 - UNDERGROUND UTILITIES HAVE NOT BEEN LOCATED.
 - NO FEATURES LOCATED OTHER THAN THOSE SHOWN.
 - NO DOT R/W'S ARE APPROXIMATE UNLESS OTHERWISE NOTED.
 - ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
 - THIS MAP DOES NOT HAVE AN ORIGINAL SIGNATURE & NOT VALID.
 - THIS MAP IS FOR THE EXCLUSIVE USE OF THE ORIGINAL PURCHASER OF THIS SURVEY AND IS NOT TRANSFERABLE TO SUBSEQUENT OWNERS OR ADDITIONAL INSTITUTIONS.

- LEGEND**
- SURVEYED BOUNDARY LINES**
 - - - - - LINES NOT SURVEYED
 - - - - - RIGHT OF WAY LINE
- BOUNDARY MARKERS**
 ○ NEW IRON PIN (NIP)
 ○ EXISTING IRON PIN (EIP)
 + UNMONUMENTED POINT
 ⊗ MAG NAIL
 ⊗ CONCRETE MONUMENT
 ⊗ R.R. SPIKE SET
 ⊗ R.R. SPIKE FOUND
 ⊗ FOUND
 ⊗ SET
 ⊗ STONE
 ⊗ TREE
 ⊗ WELL
- UTILITIES**
 - - - - - FENCE LINE
 - - - - - ELECTRIC LINE
 - - - - - BURIED ELECTRIC LINE
 - - - - - WATER LINE
 - - - - - GAS LINE
 - - - - - SANITARY LINE
 - - - - - TELEPHONE LINE
 - - - - - HYDRANT
 - - - - - WATER METER
 - - - - - POWER POLE
 - - - - - TELEPHONE BOX

I, D. Dobbins Lattimore, certify that this map was drawn under my supervision from an actual GFS survey made under my supervision and the following information was used to perform the survey:
 (1) Class of survey: A
 (2) Positional accuracy of Control Corners: 95% = 0.10'
 (3) Type of GPS field procedure: Static
 (4) Dates of survey: March 8, 2011
 (5) Datum/Epoch: NAD2007 NAVD 88
 (6) Published/Unpublished control use:
 *NC511 N = 566730.47 E = 1256636.83'
 (7) Geoid model: 2003
 (8) Combined grid factor(s): 0.999831225
 (9) Units: U. S. Survey Foot

Course	Bearing	Distance
L1	N 26°33'40" W	68.45'



I, D. Dobbins Lattimore, certify that this plat was drawn under my supervision from an actual survey made under my supervision with deed description recorded in Deed Book see Deed Table. Broken lines shown hereon, if not actually surveyed were plotted from information found in Deed Book see Deed Table. The ratio of precision as calculated is 1 : 10,000; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, license number and seal this 25th Day of February, A.D., 2020

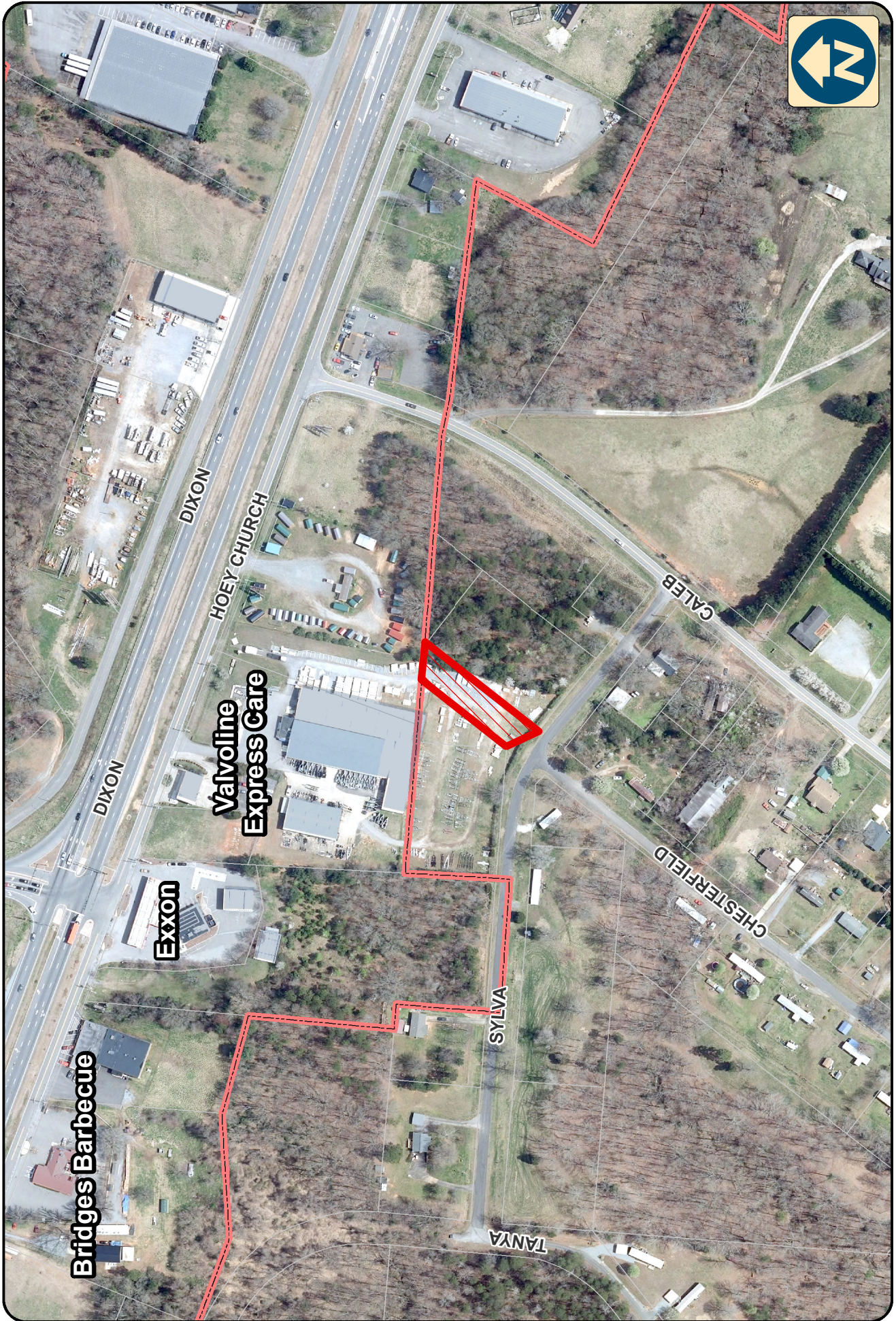
D. Dobbins Lattimore, PLS L-3336

LATTIMORE & PEELER SURVEYING
 105 LONDON ROAD (704) 538-3443
 LAWDALE, NORTH CAROLINA 28090 DRAWING #20-021B
 D.F. #6112B
 C.F. #6112



Location Map Proposed ROW Closure

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: 2/28/2020

RESOLUTION NO. 10-2020

A RESOLUTION DECLARING THE INTENT OF THE CITY COUNCIL OF THE CITY OF SHELBY TO CONSIDER THE PERMANENT CLOSURE OF AN UNOPENED RIGHT OF WAY FOR CHESTERFIELD DRIVE

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

WHEREAS, the City has received a request and petition from abutting property owners to permanently close an unopened right of way for Chesterfield Drive; and,

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

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

Section 1. That a public hearing on the matter will be held at 6:00 PM, on the 20th day of April, 2020 in the Council Chamber at the City Hall in Shelby, North Carolina to consider an order closing an unopened right of way for Chesterfield Drive

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

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

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

Adopted and Approved this the 16th day of March, 2020.

O. Stanhope Anthony, III
Mayor

ATTEST:

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

City of Shelby
Agenda Item Summary
March 16, 2020
City Hall Council Chamber

Agenda Item: F

Unfinished Business

None

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

City of Shelby
Agenda Item Summary
March 16, 2020
City Hall Council Chamber

J. Closed Session:

- 1) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the City Council, including agreement on a tentative list of economic development incentives that may be offered pursuant to North Carolina General Statute 143-318.11 (a) (4)

K. Adjournment

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

Motion to adjourn