

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

Invocation

Pledge of Allegiance

A. Approval of Agenda

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

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

B. Public Comment:

1

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

C. 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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City of Shelby
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June 15, 2020
(via electronic meeting)

B. Public Comment:

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

City of Shelby
Agenda Item Summary
June 15, 2020
(via electronic meeting)

C. Consent Agenda

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

Agenda Item: C-1

- 1) Approval of the Minutes of the Regular Meeting of June 1, 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 June 1, 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 – Electronic Meeting
City Hall and Don Gibson Theatre

June 1, 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 Hopper, Sr.; City Manager Rick Howell, MPA, ICMA-CM, Assistant City Manager Justin S. Merritt, MPA, Interim City Attorney Martha R. Thompson, City Clerk Bernadette A. Parduski, Director of Human Resources Deborah C. (Deb) Jolly, Director of Finance Elizabeth B. (Beth) Beam, Director of Energy Services Julie R. McMurry, Police Chief Jeffrey H. (Jeff) Ledford, Fire Chief William P. Hunt, MPA, EFO, Director of Parks and Recreation Charlie Holtzclaw, Director of Planning and Development Services Walter (Walt) Scharer, AICP, Public Information and Communications Officer Chip Nuhrah, Jennipher H. Harrill, Social Media Manager, Blue Eyes Social Media Connections, and Stan Lowery, Executive Director, Don Gibson Theatre

Mayor Anthony called the meeting to order at 6:00 p.m. and certified a quorum was present. It was noted a location for public access to the meeting was established at the Don Gibson Theatre and monitored by Mr. Lowery. A maximum of ten (10) persons would be allowed to attend.

The Mayor called for a moment of silence and reflection for all those working on the front lines of the COVID-19 pandemic, including the health care providers, first responders, and essential service workers. Afterwards, he delivered an invocation.

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. Public Hearings:

- 1) Proposed Fiscal Year (FY) 2020-2021 Annual Operating Budget for the City of Shelby
 - a. Consideration of Fiscal Year (FY) 2020-2021 Budget Ordinance: Ordinance No. 22-2020
 - b. Consideration of Fiscal Year (FY) 2020-2021 Supplemental Budget Ordinance: Ordinance No. 23-2020

Mr. Howell had previously presented the proposed Fiscal Year (FY) 2020-2021 Annual Operating Budget for the City of Shelby to Council at their regularly scheduled meeting of May 18, 2020. The City of Shelby General Fund Budget Presentation, Fiscal Year (FY) 2020-2021; City of Shelby Utility (Enterprise) Funds Budget Presentation, Fiscal Year (FY) 2020-2021; his Budget Message; the Proposed Budget Ordinance; and the Proposed Supplemental Budget Ordinance were posted to the City's website for public access and review. The public hearing was scheduled as required by North Carolina General Statute 159-12 for Council's regular meeting of June 1, 2020. Under the provisions of Section 4.31 of S.L. 2020-3 (SB704), amending North Carolina General Statute 159-12(a), City Council must receive public comment on the budget for at least twenty-four (24) hours after the close of the hearing. Council will consider the adoption of the annual Budget Ordinance No. 22-2020 and the Supplemental Budget Ordinance No.23-2020 at its regular meeting of June 15, 2020.

Overall, Mr. Howell referred to the proposed budget as a status quo budget. Given the COVID-19 pandemic and its negative impact on federal, state, and local economies, the effect has created uncertainty and much greater unpredictability of the major revenue streams usually relied upon by the City, specifically, the collection of property taxes and the distribution of local option sales taxes.

Mr. Howell mentioned Governor Roy Cooper's Executive Order No. 142 issued on May 30, 2020 which extends the prohibition on utility shut offs and the extension of assistance for North Carolina utility customers to July 29, 2020. This, too, could have significant impact on all the City's utility revenues.

Mr. Howell reiterated to Council to expect more frequent budget ordinance amendments throughout the fiscal year.

Next, Mr. Howell discussed the City's primary obligations:

- To provide and deliver services to its customers
- To pay its debt
- To compensate its employees

Regarding the General Fund budget, Mr. Howell noted the following:

- No property tax rate increase
- No fee increases
- Implementation of Phase 3 of the approved Compensation and Pay Plan is delayed due to the revenue uncertainty created by the pandemic. Implementation will be reconsidered if revenues become available to make the adjustment.

Mr. Howell concluded by stating the overall budget of \$80,222,400 is a 1.5 percent net increase (\$1,194,364) from the current fiscal year adopted budget of \$79,028,036. Nearly all this increase is due to payments for new debt service.

Mayor Anthony opened the public hearing at 6:12 p.m. and invited comments from the public. The public offered no comments.

Mayor Anthony closed the public hearing at 6:13 p.m.

Council took no action.

2) Consideration of a proposed ordinance to amend the Unified Development Ordinance (UDO) of the City of Shelby: Ordinance No. 24-2020

Mr. Scharer introduced the proposed text amendment to Development Standards to amend Private Clubs or Recreation Facilities in Article 9 and Article 11 of the City of Shelby Unified Development Ordinance (UDO). He stated currently the UDO permits Private Recreational Clubs within all residential zoning districts: Residential 20, Residential 10, Residential 8, Residential 6, Rural Residential, and Residential Office. After review, staff determined this use is inconsistent with the Shelby Comprehensive Land Use Plan as well as the Strategic Growth Plan. The proposed ordinance would eliminate private recreational clubs as a permitted use in the Residential 10, Residential 8, and Residential 6 zoning districts.

Mr. Scharer concluded by stating the Planning and Zoning Board has reviewed this proposal and recommended approval of the proposed text amendment as submitted by staff. The proposed ordinance will be available to act upon by Council at their meeting of June 15, 2020.

Mayor Anthony opened the public hearing at 6:14 p.m. and invited comments from the public. The public offered no comments.

Mayor Anthony closed the public hearing at 6:15 p.m.

Council took no action.

C. Consent Agenda:

Mayor Anthony presented the consent agenda. Mr. Hendrick moved to approve the consent agenda and the following item was unanimously adopted:

1) Approval of the Minutes of the Regular Meeting of May 18, 2020

D. Unfinished Business: None

E. New Business: None

F. City Manager's Report:

- 1) **Mr. Howell informed Council he received notification from Norfolk Southern Railway Company about the removal of the rails and other railroad equipment along the rail corridor from Sunset Cemetery to the South Carolina state line beginning the week of June 1, 2020.**
- 2) **Regarding the Water Treatment Plant Rehabilitation and Upgrade Project, Mr. Howell stated the start-up of the new pumps began last week and that work is continuing.**
- 3) **Mr. Howell informed Council that there have been requests from individuals to hold prayer vigils at City Pavilion in response to the country's current civil unrest. In utilizing a City facility, he said there is an obligation to ensure the organizers follow Governor Cooper's executive orders, the North Carolina Department of Health and Human Services guidelines for COVID-19 as well as the Centers for Disease Control and Prevention guidelines for coronavirus.**
- 4) **Mr. Howell mentioned a work schedule for the Brookwood Drive Project is anticipated and the repair work will begin soon.**
- 5) **Mr. Howell stated Cleveland Community College has requested to contract for a police officer to be on their campus.**
- 6) **Mr. Howell stated that he, along with Mr. Merritt and Mr. Holtzclaw, have been working on a plan to re-open the Aquatics Center and Summer Day Camp. Both programs are allowed under Governor Cooper's Executive Order No. 141 for easing restrictions under Phase 2.**

G. Council Announcements and Remarks:

- 1) **Mr. Webber requested the status of the Cherryville Road and East Marion Street realignment of intersection project, which may not bid until sometime in 2021.**

Mr. Howell will request an update from the North Carolina Department of Transportation (NCDOT).

Mr. Webber also expressed his appreciation to the Utilities staff for assisting with hanging the Shelby High School senior athletes' banners along Dekalb Street.

2) Mrs. Arth Dukes requested prayers for our country at this difficult time.

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 6:24 p.m.

Respectfully submitted,

**Bernadette A. Parduski, NCCMC, MMC
City Clerk**

**O. Stanhope Anthony III
Mayor**

Minutes of June 1, 2020

City of Shelby
Agenda Item Summary
June 15, 2020
(via electronic meeting)

Agenda Item: C-2

- 2) Approval of a resolution supporting the City of Shelby's application for honorary designation of Bobby Bell Boulevard: Resolution No. 23-2020

Consent Agenda Item: (Walter Scharer, Planning Director)

Summary of Available Information:

- Memorandum dated June 8, 2020 from Walter Scharer, Planning Director to Rick Howell, City Manager
- Resolution No. 23-2020

City Manager's Recommendation / Comments

Resolution No. 23-2020 is presented for City Council consideration at this time via the Consent Agenda. If approved this resolution would request that the NC Department of Transportation rename Dekalb Street from the intersection with Grover Street to the intersection with South Lafayette Street. In accordance with the NCDOT policy "Honorary Naming and Designations of State Transportation Assets/Employee Memorial Program" this would be an honorary designation with signs posted at both intersections denoting the renaming in honor of Bobby Bell. Details of the location and size of signage would be worked out with the local NCDOT division office. The City would incur the cost of these signs.

If the resolution is approved staff will submit it along with other required documentation to NCDOT for future inclusion on a Board of Transportation agenda for consideration and possible action.

It is my recommendation that Resolution No. 23-2020 be adopted and approved by City Council via the Consent Agenda at this time.



Memorandum

To: Rick Howell - City Manager
From: Walter Scharer – Planning Director
Date: June 8, 2020
Subject: Honorary Street Designation for Bobby Bell

Executive Summary of issue – Background

The City of Shelby has been studying the possibility of Honorarily Designating a Street in Shelby for NFL Hall of Famer Bobby Bell. Mr. Bell is from Shelby and attended the old Cleveland High School near Dekalb Street. The study committee is recommending naming the entire length of Dekalb Street in Honor of Mr. Bell.

Review and Comments

Pursuant to North Carolina General Statute 136-18(8), NCDOT may Honorarily Designate a Street Name at the request of a City or County.

Recommendation

Please place this item on the agenda for the June 15, 2020 City Council meeting.

Attachments: Resolution

RESOLUTION NO. 23-2020

**A RESOLUTION SUPPORTING THE CITY OF SHELBY'S APPLICATION FOR
HONORARY DESIGNATION OF BOBBY BELL BOULEVARD**

WHEREAS, Bobby Bell is from Shelby North Carolina, and;

WHEREAS, Bobby Bell played high school football at the old Cleveland High School; and

WHEREAS, Bobby Bell played football for the University of Minnesota, and;

WHEREAS, the University of Minnesota won a National Championship under the leadership of Bobby Bell; and,

WHEREAS, Bobby Bell was third in the Heisman Trophy balloting, and;

WHEREAS, Bobby Bell was drafted by both the National Football League and the American Football League, and;

WHEREAS, Bobby Bell won Super Bowl III with the Kansas City Chiefs, and;

WHEREAS, Bobby Bell is a member of the National Football League Hall of Fame, and;

WHEREAS, Bobby Bell has been an example of a model citizen to all young Americans; and,

WHEREAS, the City of Shelby wishes to honor the accomplishments of Bobby Bell; and,

WHEREAS, NCGS 136-18(8) allows NCDOT to Honorarily Designate a Street Name at the request of the City.

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

Section 1. Request that the North Carolina Department of Transportation name the entire length of Dekalb Street in the City of Shelby in honor of Bobby Bell.

Section 2. The City Manager of the City of Shelby is hereby authorized and directed to submit this Resolution and all accompanying materials to the North Carolina Department of Transportation to designate Dekalb Street as Bobby Bell Boulevard in Bobby Bell's honor.

Adopted and approved this 15th day of June 2020.

O. Stanhope Anthony III
Mayor

ATTEST:

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

City of Shelby
Agenda Item Summary
June 15, 2020
(via electronic meeting)

Agenda Item: C-3

- 3) 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. 24-2020

Consent Agenda Item: (Walter Scharer, Planning Director)

Summary of Available Information:

- Memorandum dated June 8, 2020 from Walter Scharer, Planning Director to Rick Howell, City Manager
- Letter dated November 5, 2019 from Dale Short to Mayor Stan Anthony
- Plat showing proposed street closing (Chesterfield Drive)
- Location map
- Resolution No. 24-2020

City Manager's Recommendation / Comments

Resolution No. 24-2020 is presented for City Council consideration 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, July 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 only adjoining property owner Mr. Dale Short.

It is my recommendation that Resolution No. 24-2020 be adopted and approved by City Council via the Consent Agenda at this time.



Memorandum

To: Rick Howell - City Manager
From: Walter Scharer – Planning Director
Date: June 8, 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 July 20, 2020.

Recommendation

Please place this item on the consent agenda for the June 15, 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 black ink and is positioned above the printed name "Dale Short".

Dale Short



Grid North
NAD 83(2011)

State of North Carolina
County of Cleveland

Review
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

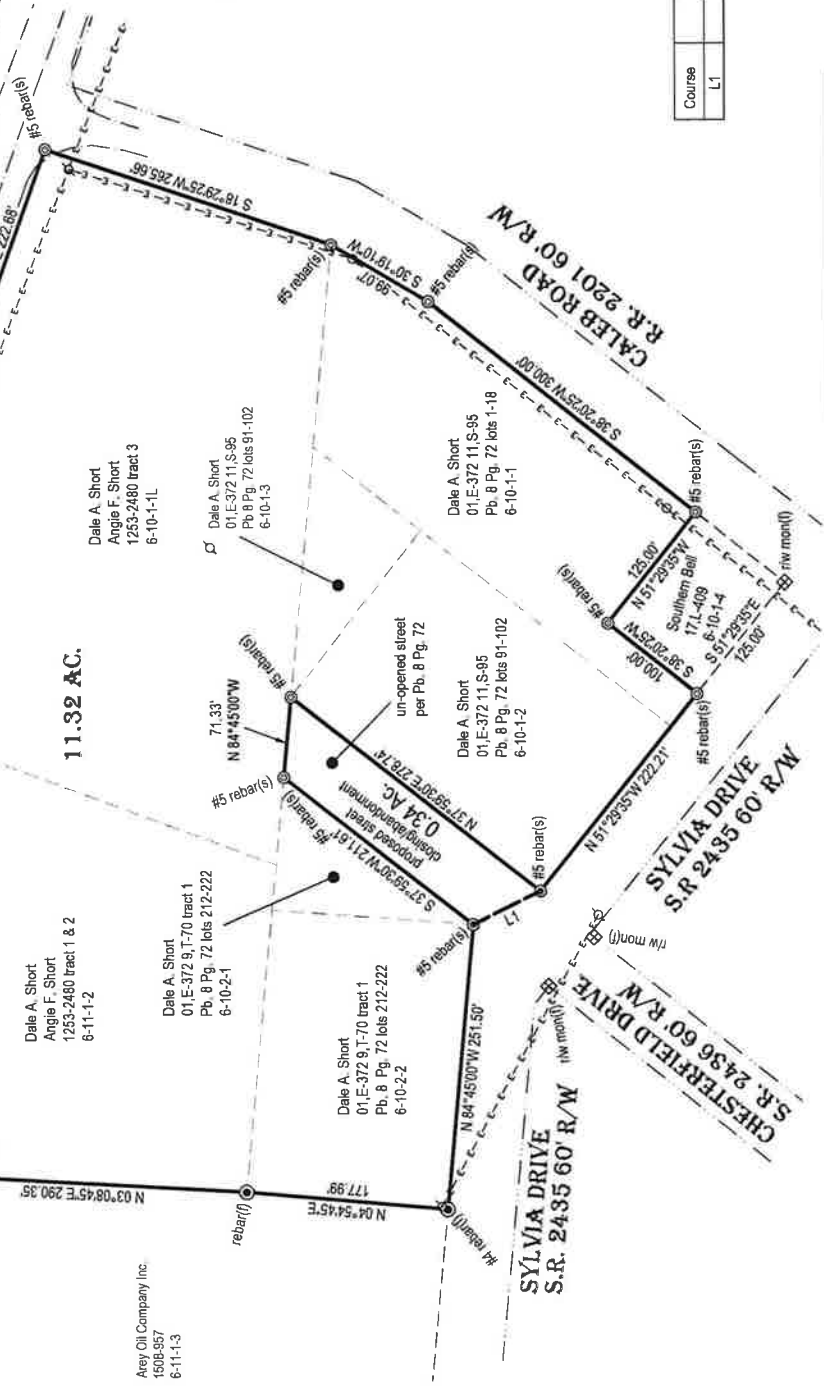
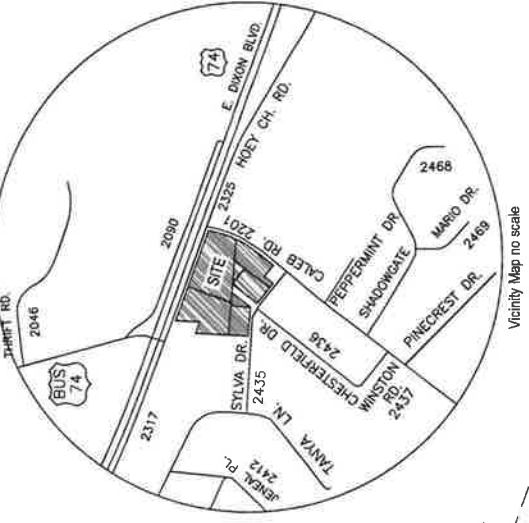
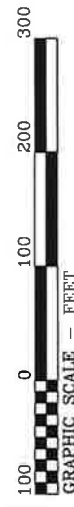
Subsection(c) upon the closing of a street or alley in
accordance with this section, all rights, title and interest in the
right-of-way shall be conclusively presumed to be vested in
those persons owning lots or parcels of land adjacent to the
street or alley, and the title of such adjoining landowners, 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	01,E-372 11,S-95	6-10-1-1
Dale Short	07,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'



- 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/field-control user:
 - (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

I, D. Dobbins Lattimore certify, one of the following as noticed:
 a. that the survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land;
 b. that the survey is located in such portion of a county or a municipality that is incorporated as to an ordinance that regulates parcels of land;
 c. that the survey is of an existing parcel or parcels of land;
 d. that the survey is of another category such as the recombination of existing parcels, a court ordered subdivision;
 e. that the information available is such that a professional land surveyor is prohibited from filing it through (d) above.

**PRELIMINARY PLAT
NOT FOR SALES OR CONVEYANCES**

GENERAL NOTES
 1. NO TITLE SEARCH BY LATTIMORE AND PEELER SURVEYING.
 2. PROPERTY SHOWN SUBJECT TO EASEMENTS OF RECORD.
 3. UNDERGROUND UTILITIES HAVE NOT BEEN LOCATED.
 4. NO FEATURES LOCATED OTHER THAN THOSE SHOWN.
 5. NO DOT R/W'S ARE APPROXIMATE UNLESS OTHERWISE NOTED.
 6. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
 7. THIS MAP DOES NOT HAVE AN ORIGINAL SIGNATURE & NOT VALID.
 8. 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

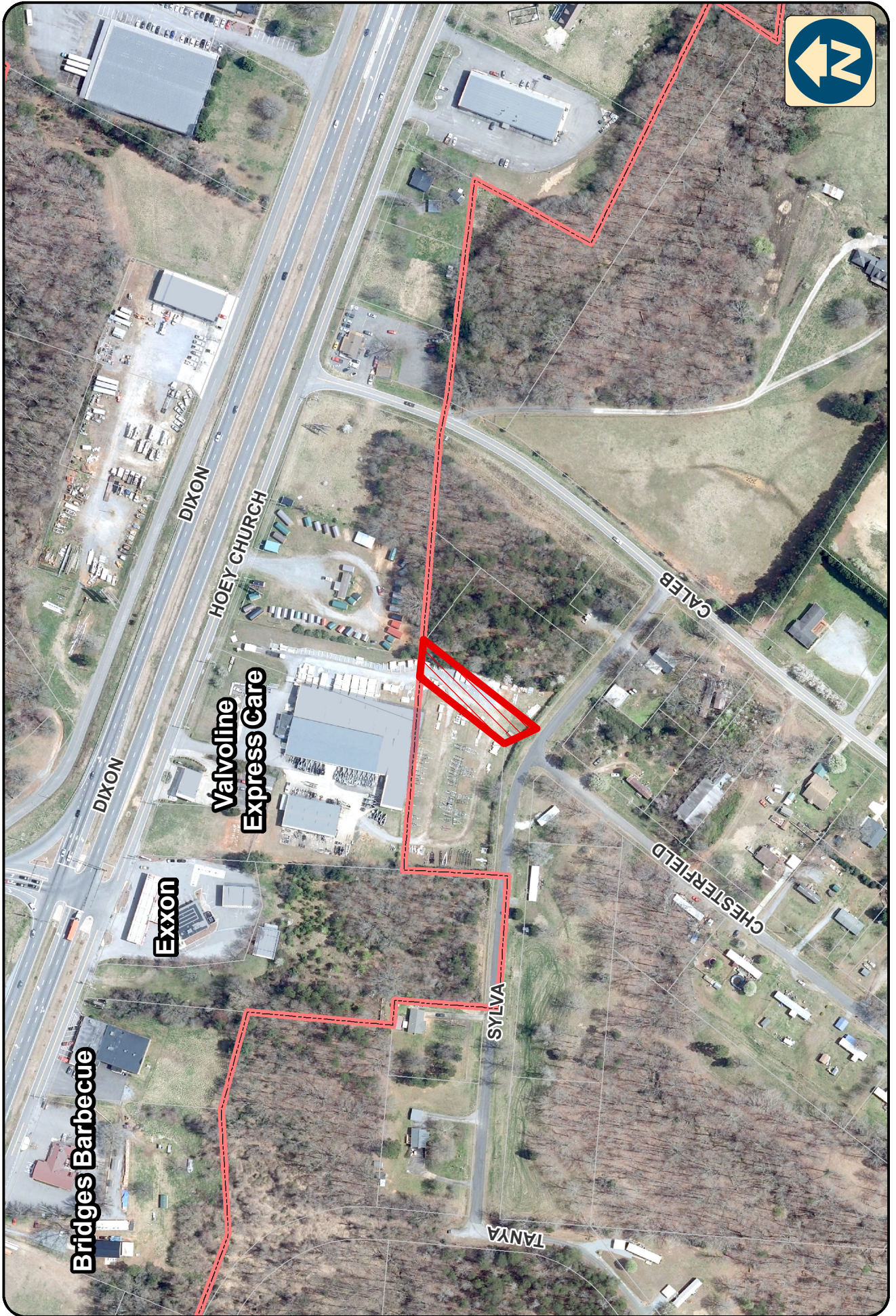
SURVEYED BOUNDARY LINES	
—	UNITS NOT SURVEYED
—	RIGHT OF WAY LINE
—	FENCE LINE
—	ELECTRIC LINE
—	BURIED ELECTRIC LINE
—	WATER LINE
—	GAS LINE
—	SEWER LINE
—	TELEPHONE LINE
—	HYDRANT
—	WATER METER
—	POWER POLE
—	TELEPHONE BOX
—	WELL

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



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. 24-2020

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 July 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 15th day of June 2020.

O. Stanhope Anthony III
Mayor

ATTEST:

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

City of Shelby
Agenda Item Summary
June 15, 2020
(via electronic meeting)

Agenda Item: C-4

- 4) Approval of a resolution declaring the intent of the City Council of the City of Shelby to consider the permanent closure of West Stadium Street: Resolution No. 25-2020

Consent Agenda Item: (Walter Scharer, Planning Director)

Summary of Available Information:

- Memorandum dated June 8, 2020 from Walter Scharer, Planning Director to Rick Howell, City Manager
- Letter dated February 7, 2020 from Cleveland County Schools to Alan Toney, City of Shelby
- Proposed ROW Closure map of West Stadium Street
- Resolution No. 25-2020

City Manager's Recommendation / Comments

Resolution No. 25-2020 is presented for City Council consideration 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, July 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 only adjoining property owner Cleveland County Schools.

It is my recommendation Resolution No. 25-2020 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: June 8, 2020
Subject: Request to close West Stadium Drive

Executive Summary of issue – Background

The Cleveland County School District has requested that West Stadium Drive, at Shelby High School, be closed as a City Street. The School District intends to close the Street to regular through traffic for the safety of students and the public that attends events at the football stadium. 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 July 20, 2020.

Staff has reviewed this request and will be requesting easements for all the City Utilities along West Stadium Drive.

Recommendation

Please place this item on the consent agenda for the June 15, 2020 City Council meeting.

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



400 W. Marion St.
Shelby, NC 28150
704-476-8000

February 7, 2020

Alan Toney
City of Shelby
City Hall Annex
315 South Lafayette St.
Shelby, NC 28086

Gentlemen,

We respectfully request that Stadium Drive behind Shelby High School be permanently closed. This is an area where students frequently walk and the traffic presents safety issues during school and during football games.

We plan to fence in the area between the stadium and the building. We will provide an easement and coordinate permanent access for city owned utilities.

Please contact Steve Boheler, Director of Maintenance, if you need any additional information.

Cleveland County Schools

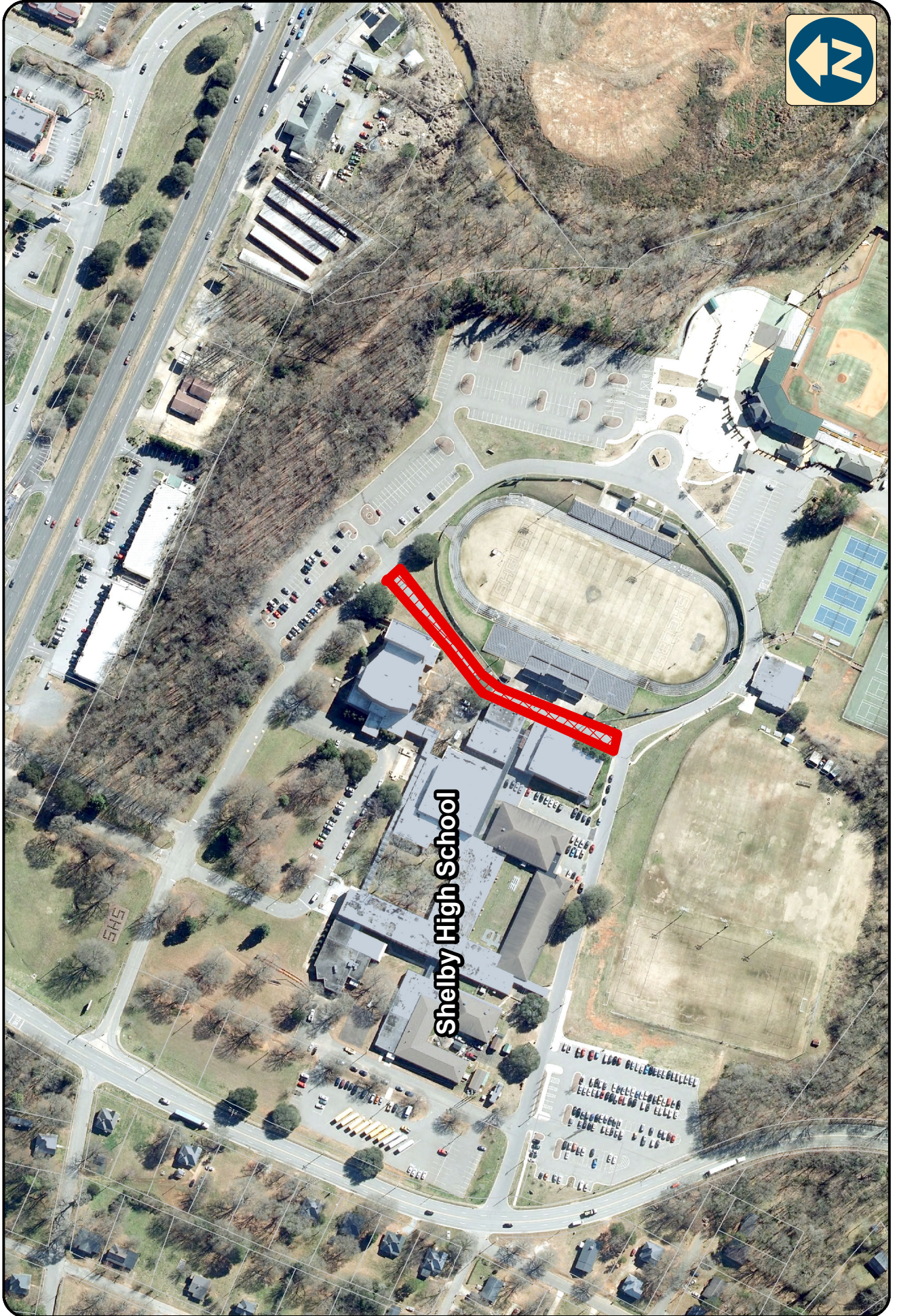
A handwritten signature in black ink, appearing to read "S. Fisher", is written over the printed name of Dr. Stephen Fisher.

Dr. Stephen Fisher
Superintendent



Proposed ROW Closure West Stadium Street

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: MWNU



Scale 1:3,000 1 inch = 250 feet



Date: 6/8/2020

RESOLUTION NO. 25-2020

A RESOLUTION DECLARING THE INTENT OF THE CITY COUNCIL OF THE CITY OF SHELBY TO CONSIDER THE PERMANENT CLOSURE OF WEST STADIUM STREET

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 West Stadium Street; 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 July 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 15th day of June 2020.

O. Stanhope Anthony III
Mayor

ATTEST:

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

City of Shelby
Agenda Item Summary
June 15, 2020
(via electronic meeting)

Agenda Item: C-5

- 5) Approval of a resolution declaring the intent of the City Council of the City of Shelby to consider the permanent closure of the north end of Pere Street from West Dale Street to West Marion Street: Resolution No. 26-2020

Consent Agenda Item: (Walter Scharer, Planning Director)

Summary of Available Information:

- Memorandum dated June 8, 2020 from Walter Scharer, Planning Director to Rick Howell, City Manager
- General Application
- Proposed ROW Closure map of Pere Street
- Resolution No. 26-2020

City Manager's Recommendation / Comments

Resolution No. 26-2020 is presented for City Council consideration 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, July 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 only adjoining property owner TGS Engineers.

It is my recommendation Resolution No. 26-2020 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: June 8, 2020
Subject: Request to close a portion of Pere Street

Executive Summary of issue – Background

A portion of Pere Street has been requested to be closed. The owner of both sides of this Street is redeveloping the property and intends to create a safer parking facility for the redeveloped property. 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 July 20, 2020.

Recommendation

Please place this item on the consent agenda for the June 15, 2020 City Council meeting.

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



City of Shelby
Planning and Development Services Department

General Application

Address of Subject Property:

201 W. MARION ST.

Applicant(s) Name: THOMPSON - GORDON - SHOOK ENGINEERS

Address: 201 W. MARION ST.

SHELBY, NC 28150

Email: lfletcher@tgsengineers.com

Phone: 704.519.9540

Owner(s) Name: LEONARD G. FLETCHER

Email: 704.650.9963

Phone: lfletcher@tgsengineers.com

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: _____

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.

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

9/25/2019
Date

Received by: _____

Date _____

Petition to Close Street or Alley

Pursuant to North Carolina General Statute 160A-299, we the owners of property adjacent to the street/alley described below do hereby petition the City of Shelby to permanently close the said street/alley.

Name of Street/Alley: PERE ST.

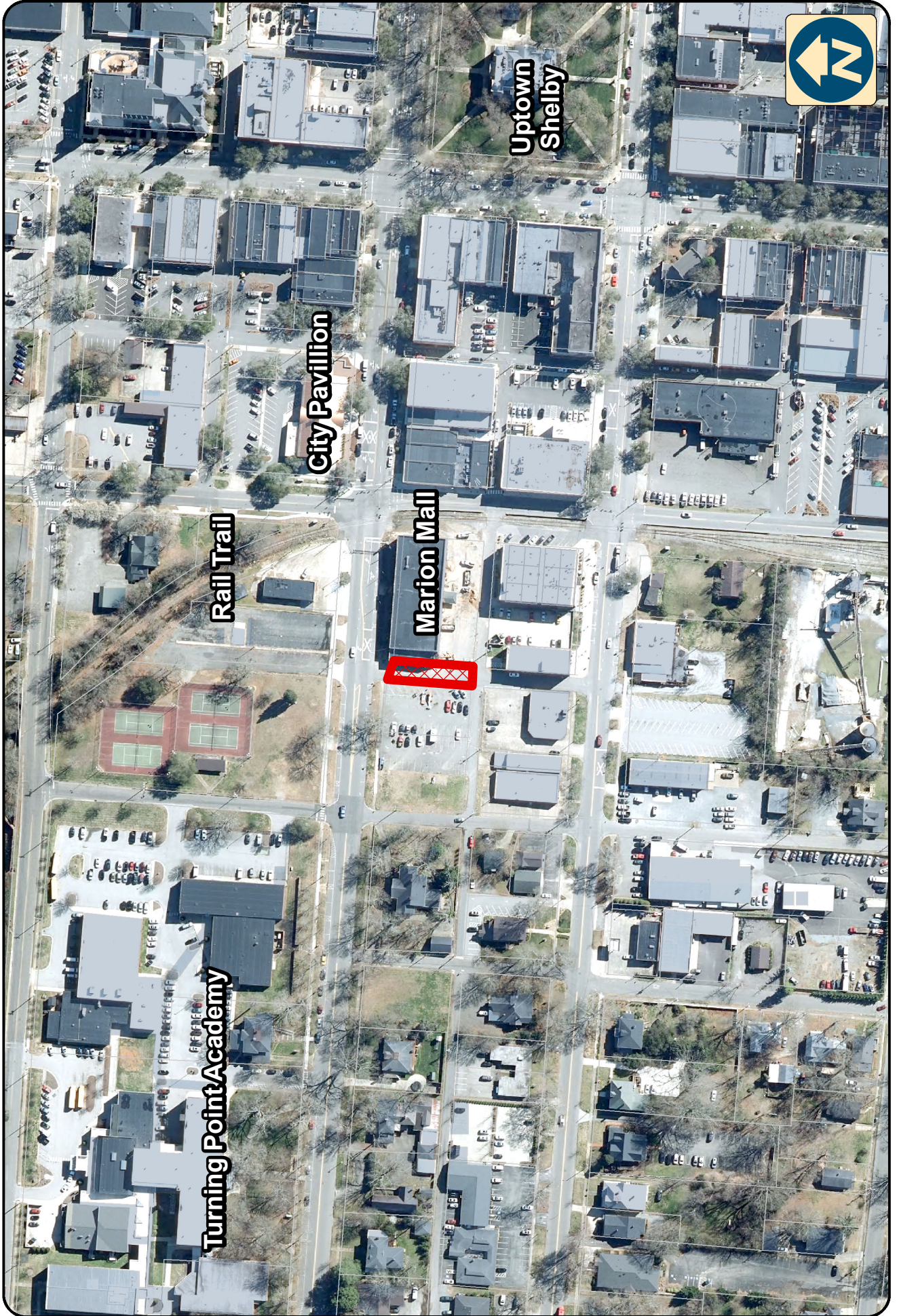
From: W. MARION ST. To: W. DALE STREET

Further description if needed: _____



Proposed ROW Closure Pere Street

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: MWNU



Scale 1:2,500 1 inch = 208 feet



Date: 6/5/2020

RESOLUTION NO. 26-2020

**A RESOLUTION DECLARING THE INTENT OF THE CITY COUNCIL
OF THE CITY OF SHELBY TO CONSIDER THE PERMANENT CLOSURE OF
THE NORTH END OF PERE STREET FROM WEST DALE STREET
TO WEST MARION STREET**

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 The North End of Pere Street from W Dale Street to W Marion Street; 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 July 2020 in the Council Chamber at the City Hall in Shelby, North Carolina to consider an order closing The North End of Pere Street from W Dale Street to W Marion.

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 15th day of June 2020.

O. Stanhope Anthony III
Mayor

ATTEST:

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

City of Shelby
Agenda Item Summary
June 15, 2020
(via electronic meeting)

Agenda Item: C-6

- 6) Approval of a resolution awarding the contract for the City of Shelby Fiscal Year (FY) 2019-2020 Street Resurfacing Program: Resolution No. 27-2020

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

Summary of Available Information:

- Memorandum dated June 8, 2020 from Ben Yarboro, Director of Engineering Services to Rick Howell, City Manager
- 2020 Street Resurfacing Bid Tabulation
- Resolution No. 27-2020

City Manager's Recommendation / Comments

Resolution No. 27-2020 is presented for consideration at this time. Adoption of this resolution would award the bid and contract for this annual project. The list submitted by Mr. Yarboro is based upon staff review and in accordance with 2013 Street Condition Survey conducted by McGill Engineers. This study conducted in 2013 and later incorporated as part of the Transportation Asset Management Plan provides an objective decision-making basis and contains an analysis and prioritization of city streets in need of repair and resurfacing. This in addition to consideration of maintenance costs and observations by the City engineer regarding safety assist with the development of these recommendations annually. It acts as a guide in identifying deficiencies in the system and provide estimates as to future cost of needed improvements.

As I have noted on many occasions the City's street maintenance program is funded only partially by Powell Bill revenue that is generated by a portion of the state gas tax and distributed to qualifying cities and towns based upon total eligible street mileage and population. Of the 122 miles of city streets we are able to resurface 2.76 miles this year. The low bidder for this resurfacing project is Asphalt Paving of Shelby with a bid of \$393,500.00 which is 6.74% below the estimated cost. The staff has done a good job year in and year out developing the program with the goal of addressing the most significant needs.

It is recommended that Resolution No. 27-2020 be adopted by City Council at this time via the Consent Agenda.



Memorandum

To: Rick Howell, City Manager
Justin Merritt, Assistant City Manager

From: Ben Yarboro, Director of Engineering Services *BY*

RE: 2020 Street Resurfacing Program – Contract Award Recommendation

Date: June 8, 2020

Background

Each year staff from the City Engineering Department develops the annual Street Resurfacing Program. The purpose of this project is to resurface a portion of our street system that is in need of repair or maintenance to provide for safe and smooth travel. City staff evaluates all city-maintained streets based on field observations, inspection data from the 2013 McGill Street Condition Survey, and the Shelby Strategic Growth Plan that was adopted by City Council. Policy 1.6 of the Strategic Growth Plan reads: “City streets shall be repaved in accordance with objective criteria that may include but not be limited to: condition of pavement, traffic volume carried, number of years since last paved, etc.”

Based on the aforementioned criteria and a project cost estimate, staff identified 2.76 miles of our City maintained street system for resurfacing. The scope of work will include milling the existing asphalt as required to reclaim curb and guttering and overlaying with 1.5 inches of asphalt. It should be noted that the asphalt milling that occurs with the annual resurfacing project is completed to maintain stormwater control and is funded via the stormwater utility fee revenue.

The detailed scope of work and maps for this project are included as an attachment to this memorandum.

The city-maintained streets included in this project are as follows:

2020 Street Resurfacing List

STREET	FROM	TO
SUMTER ST	SPRINGDALE DR.	DEAD END
BRIARCLIFF RD	RHODANN DR	WESSON RD
RHODANN DR	LACKEY ST	BRIARCLIFF RD
RHODANN DR	BRIARCLIFF	WYANOKE AV
RHODANN DR	WYANOKE AV	WYANOKE AV
WYANOKE AVE	RHODANN DR	RHODANN DR
WYANOKE AVE	RHODANN DR	CUL DE SAC
WYANOKE AVE	CHARLES RD	RHODANN DR
LEANDER ST	W ELM ST.	DIXON ST.
LEANDER ST	DIXON ST.	MARK DR.
LEANDER ST	MARK DR	LINNEY LN
LEANDER ST	LINNEY LN	HAMPTON ST
HAMPTON ST	EASTVIEW ST	LEANDER ST.
LINNEY LN	LEANDER ST	CUL DE SAC
MARK DR.	LACKEY ST	CHARLES RD
MARK DR.	LEANDER ST	LACKEY ST
GROVE ST.	EARL RD.	E DIXON FRONT BLVD
NORTHFIELD DR.	JOHNSFIELD RD.	YORKFIELD DR.
E. AREY ST	JUSTICE PL	JUAN PL
E. AREY ST	S. DEKALB ST.	JUAN PL
JUAN PL	E. GRAHAM ST.	E. AREY ST.

Delays in the repair and overlay of these streets may result in more extensive and costly future repairs as roadway base and subgrade issues become more common as the asphalt surface deteriorates.

Review

Staff advertised the 2020 Resurfacing project in the Shelby Star and City website and bid packages were provided to seven prospective bidders on May 11, 2020. At the bid opening on May 26, 2020, three completed bids and two “No Bid” letters were received. The bid tabulation for these bids is attached to this memorandum and depicts the lump sum bids and the unit prices that were received. The lowest responsive bidder was Asphalt Paving of Shelby, Inc. from Shelby, NC. The low bid by Asphalt Paving of Shelby, Inc. was a lump sum bid for the scope of work in the amount of \$393,500.00. Staff’s original estimate for this project was \$421,942.67 so the lowest bid received is 6.74% below the estimated cost. In preparing the estimate, staff is unable to predict the future costs of oil/asphalt and since the preparation of the estimate, oil prices have risen resulting in asphalt and fuel prices rising. The table below summarizes the public bid opening that occur on May 26, 2020.

Company Name	Submitted Bid
Harrison Construction Company	No Bid Letter
Caldwell Construction Services, LLC	No Bid Letter
Rogers Group Inc.	\$612,760.00
Asphalt Paving of Shelby	\$393,500.00
Blythe Construction, Inc.	\$408,643.00

Recommendation

City Staff recommends that the Shelby City Council approve the resolution awarding the bid for the 2020 Resurfacing Project to the lowest responsive bidder, Asphalt Paving of Shelby, Inc., for the bid price of \$393,500.00. Funding for this construction contract is available via Powell Bill and Stormwater Utility funding.

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

Attachments:

- Scope of Work
- Street Resurfacing Maps
- Bid Tabulation

2020 STREET RESURFACING LIST (SCOPE OF WORK)

STREET	FROM	TO	STREET LENGTH (FEET)	STREET WIDTH (FEET)	MILLING (SY)	SUPERPAVE OVERLAY (SY)	DOUBLE YELLOW STRIPING STRENGTH	WHITE EDGE STRIPING LENGTH
SUMTER	SPRINGDALE DR.	DEADEND	582	28	1811	1811	0	0
BRIARCLIFF RD	RHODANN DR	WESSON RD	1980	28	6160	6160	0	0
RHODANN DR	LACKEY ST	BRIARCLIFF RD	242	28	753	753	0	0
RHODANN DR	BRIARCLIFF	WYANOKE AV	598	26	1728	1728	0	0
RHODANN DR	WYANOKE AV	WYANOKE AV	1013	25	2814	2814	0	0
WYANOKE AVE	RHODANN DR	RHODANN DR	1334	24	3557	3557	0	0
WYANOKE AVE	RHODANN DR	CUL DE SAC	152	24	405	405	0	0
WYANOKE AVE	CHARLES RD	RHODANN DR	345	29	1112	1112	0	0
LEANDER	W ELM ST.	DIXON ST.	838	28	2607	2607	1676	0
LEANDER	DIXON ST.	MARK DR.	904	28	2812	2812	1808	0
LEANDER	MARK DR	LINNEY LN	420	28	1307	1307	840	0
LEANDER	LINNEY LN	HAMPTON ST	1838	29	5922	5922	3676	0
HAMPTON ST	EASTVIEW ST	LEANDER ST.	830	29	2674	2674	0	0
LINNEY LN	LEANDER ST	CUL DE SAC	370	24	987	987	0	0
MARK DR.	LACKEY ST	CHARLES RD	692	29	2230	2230	0	0
MARK DR.	LEANDER ST	LACKEY ST	346	29	1115	1115	0	0
GROVE ST.	EARL RD.	E DIXON FRONT BLVD	858	20	222	1907	0	0
NORTHFIELD DR.	JOHNSFIELD DR.	YORKFIELD DR.	560	25	1556	1556	0	0
E. AREY ST.	JUSTICE PL	JUAN PL	100	28	311	311	0	0
E. AREY ST	S. DEKALB ST.	JUAN PL	252	22	0	616	0	0
JUAN PL	E. GRAHAM ST.	E. AREY ST.	312	24	832	832	0	0

Notes:

1. All existing asphalt painting is to be re-painted as it is at the time of milling/paving
2. All painting shall meet NCDOT Standards and Specifications.

See six (6) street maps
On following pages

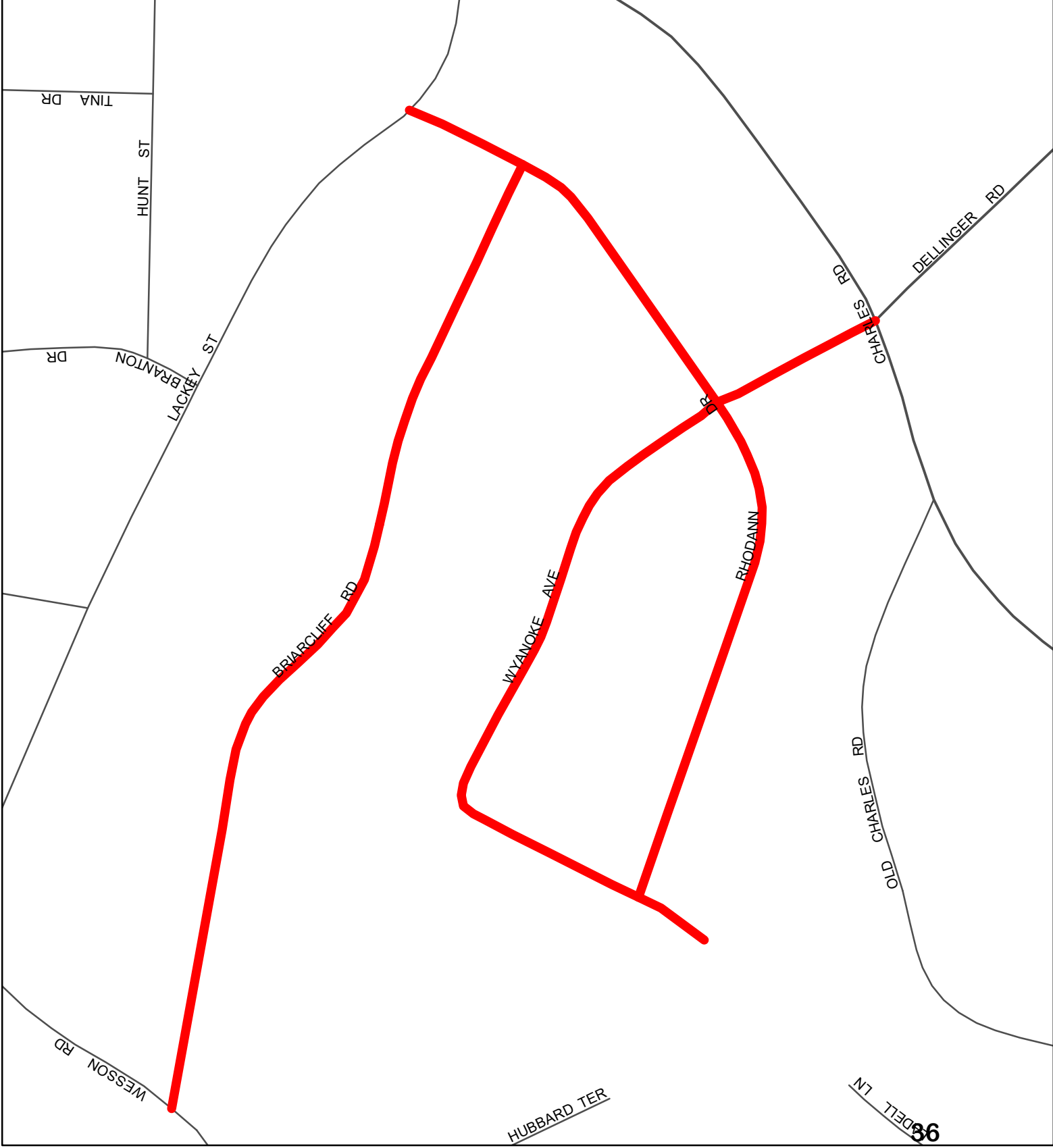


2020 PROPOSED STREET RESURFACING

MAP 2 OF 6



1 inch = 250 feet
(PRINTED 8.5" X 11")



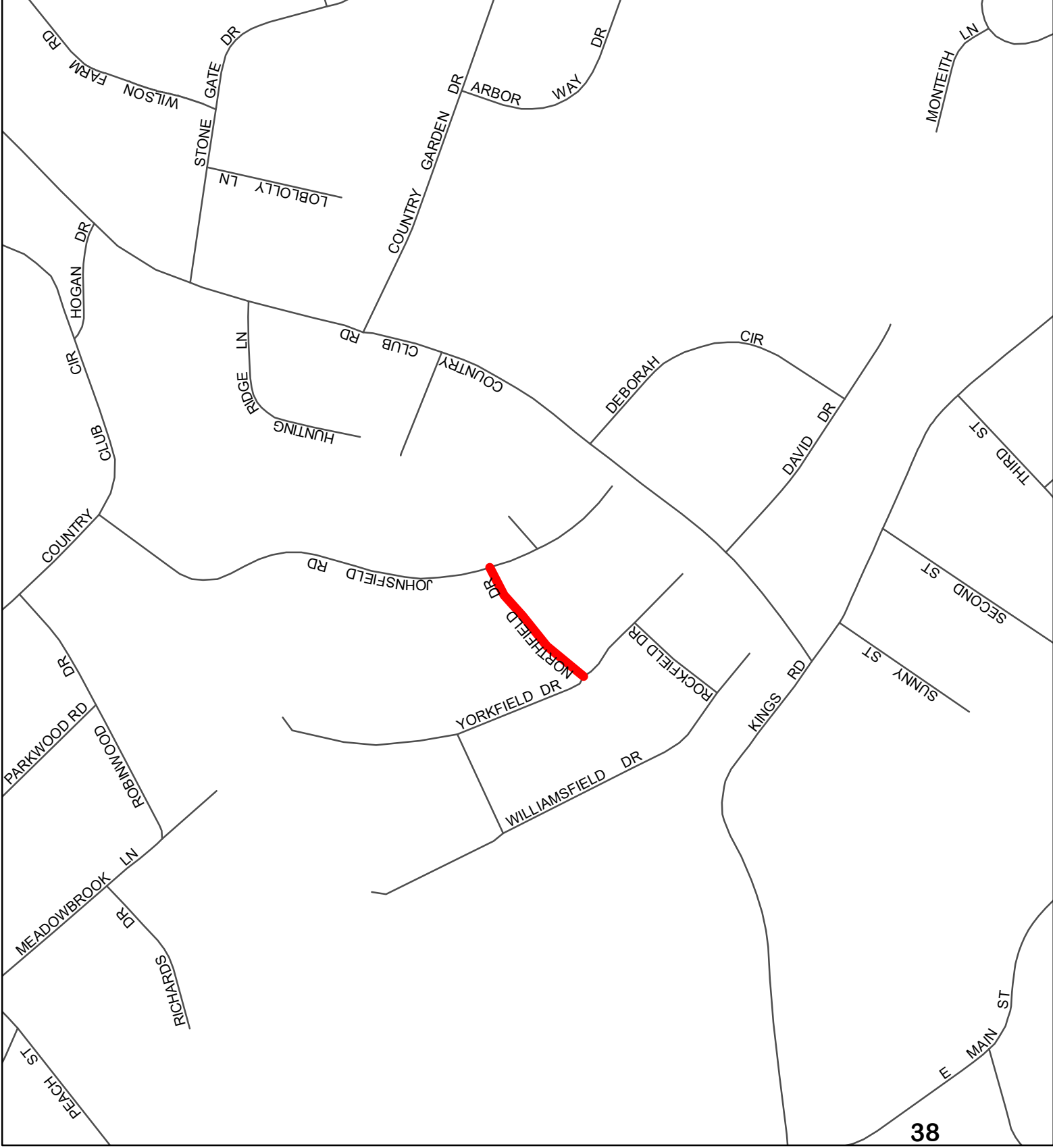


2020 PROPOSED STREET RESURFACING

MAP 4 OF 6



1 inch = 500 feet
(PRINTED 8.5" X 11")



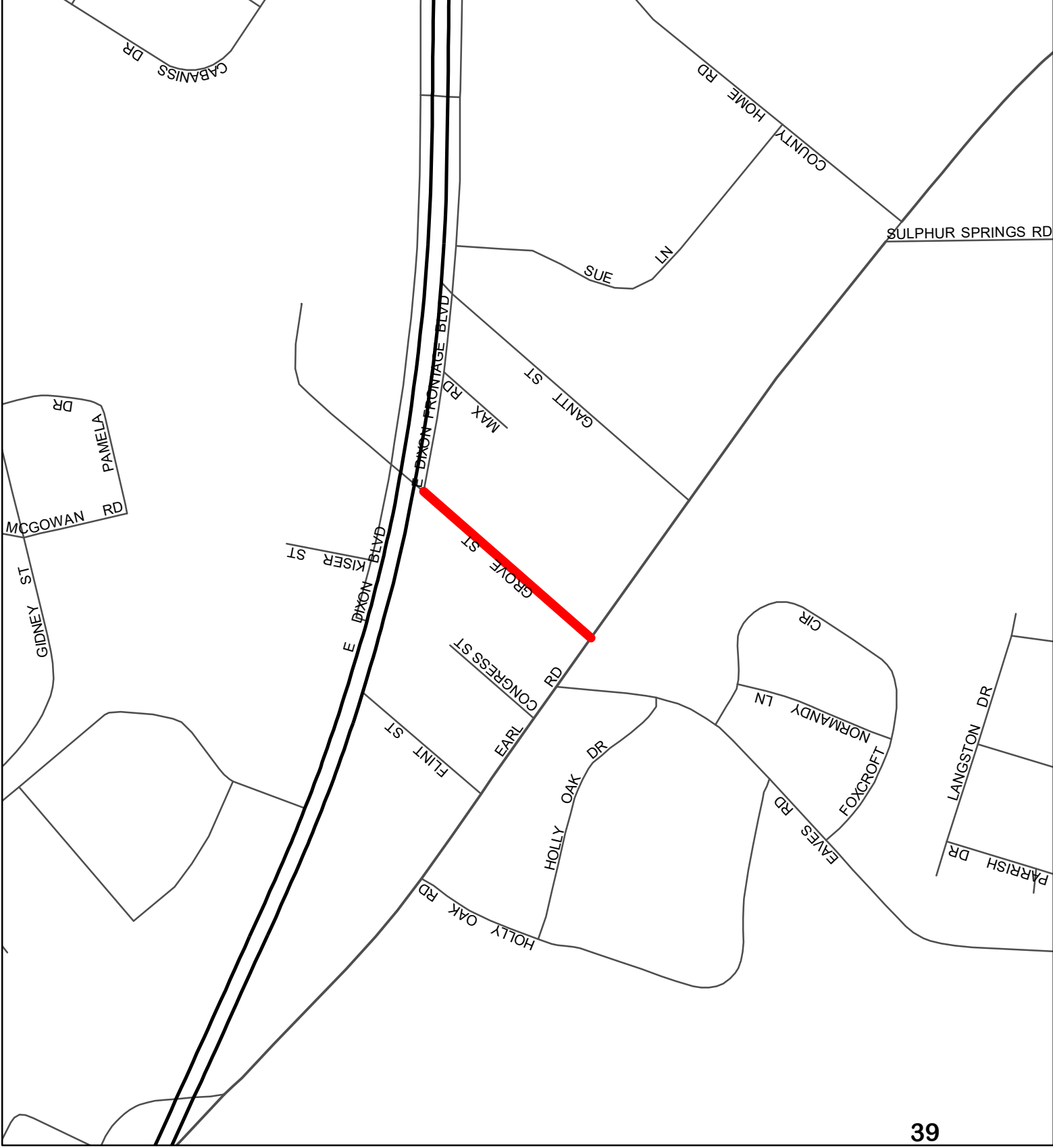


2020 PROPOSED STREET RESURFACING

MAP 5 OF 6



1 inch = 500 feet
(PRINTED 8.5" X 11")



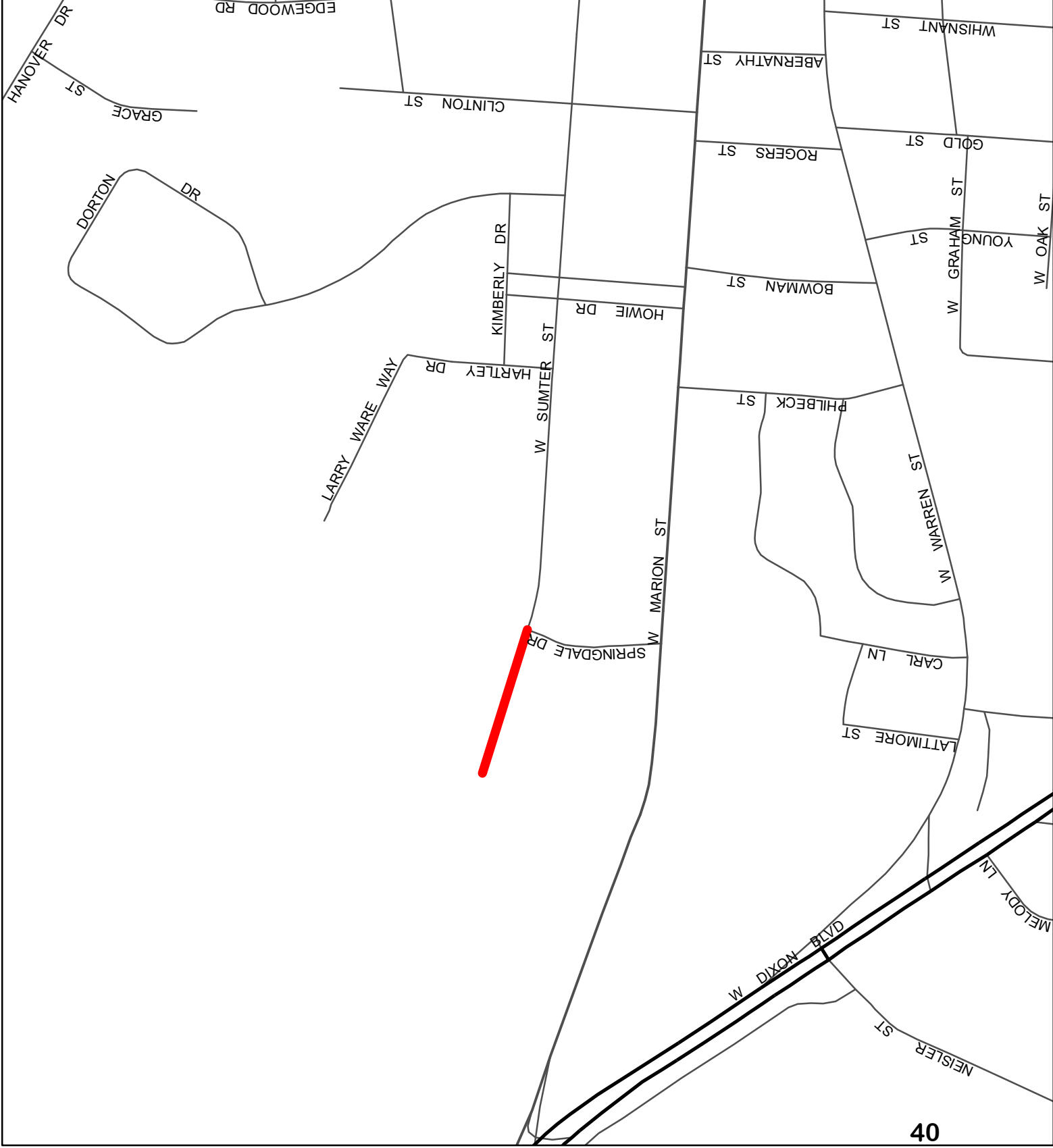


2020 PROPOSED STREET RESURFACING

MAP 6 OF 6



1 inch = 500 feet
(PRINTED 8.5" X 11")



City of Shelby
2020 Street Resurfacing Bid Tabulation

Date : May 26, 2020



	Caldwell Construction Services, LLC	Rogers Group, Inc.	Asphalt Paving of Shelby	Harrison Construction Co.	Blythe Construction, Inc.
1	No Bid Letter	\$ 612,760.00	\$ 393,500.00	No Bid Letter	\$ 408,643.00
	LUMP SUM				
	Milling as required to recover the flow line and curb on those streets specified in the "Scope of Work", placing and "setting up" 6" compacted gravel base (if specified), adjusting all manholes, catch basins and valve boxes to final grade (if necessary), applying a straight seal asphalt surface treatment consisting of 0.4 gallons of asphalt per SY and 22 lbs. of No. 78M aggregate per SY (if specified), cleaning, placing tack coat, resurfacing with "Superpave S9.5B" asphalt the streets included in "The Scope of Work" to a minimum compacted thickness of 1 1/2" (unless otherwise specified) or whatever depth is necessary to achieve a smooth and functional riding surface. Paint 4" Double Yellow and/or 4" white edge lines if specified. Re-paint any existing paint markings on resurfaced streets. All work must meet NCDOT standards. Recycled Asphalt Pavement in the asphalt mix must be limited to 25% and contain only asphalt products.				
2		\$ 9.90	\$ 7.10		\$ 7.20
	Cost per square yard for resurfacing any added or deleted streets to the contract.				
3		\$ 1,500.00	\$ 1,200.00		\$ 1,000.00
	Cost to adjust any added catch basins or manholes. (Frames and Grates/Lids to be provided by City)				
4		\$ 1,250.00	\$ 600.00		\$ 750.00
	Cost to adjust any added valve boxes. (Frames and Lids to be provided by City)				
5		\$ 65.00	\$ 23.00		\$ 25.00
	Cost per square yard to prepare and supply all stone and asphalt necessary to pave any added or deleted soil and gravel streets.				
6		\$ 3.80	\$ 2.00		\$ 2.30
	Cost per square yard for milling.				
7		\$ 4.85	\$ 4.00		\$ 5.00
	Cost per square yard for any added or deleted quantities of asphalt surface treatment (0.4 gallons of asphalt and 22 lbs. of No. 78M aggregate)				
8		\$ 65.00	\$ 28.00		\$ 60.00
	Cost per square yard for Full Depth Patches. (Includes removing existing asphalt and base and replacing with 6" stone base and 2" asphalt)				
9		\$ 1.30	\$ 4.00		\$ 0.80
	Cost per lineal foot for any added or deleted striping. 4" standard double yellow center line - reflective				
	4" White edge line (both sides of road) - reflective	\$ 1.30	\$ 4.00		\$ 0.40

Bid Opening Attendees:

Justin Wright - City of Shelby

Tyler Brooks - City of Shelby

Todd Frashier - City of Shelby

RESOLUTION NO. 27-2020

**A RESOLUTION AWARDING THE CONTRACT FOR THE CITY OF SHELBY
FISCAL YEAR (FY) 2019-2020 STREET RESURFACING PROGRAM**

WHEREAS, the City of Shelby Engineering Department has developed the proposed list of streets for the 2020 Street Resurfacing Program; and,

WHEREAS, the proposed list and subsequent project are consistent with the Visions and Goals as outlined in the Strategic Growth Plan as formally adopted by the City Council of the City of Shelby; and,

WHEREAS, the City of Shelby in accordance with applicable provisions of GS 143-129, as amended, has accepted formal proposals for its FY 2018-2019 Street Resurfacing Program in accordance with priorities heretofore established by City Council; and,

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

WHEREAS, City Council now desires to proceed with award of contracts as recommended and with the 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 the City of Shelby's FY 2019-2020 Street Resurfacing Program, as outlined in the bid specifications for this offering, is hereby awarded to Asphalt Paving of Shelby, Inc. for a bid price of \$393,500.00 as stated in their official proposal for this bidding, and in accordance with the City's official bid specifications for this project.

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

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

Adopted and approved this the 15th day of June 2020.

O. Stanhope Anthony III
Mayor

ATTEST:

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

City of Shelby
Agenda Item Summary
June 15, 2020
(via electronic meeting)

Agenda Item: C-7

- 7) Approval of a resolution approving a one-time special collection for bulky items in the City of Shelby, North Carolina: Resolution No. 28-2020

Consent Agenda Item: (Rick Howell, City Manager)

Summary of Available Information:

- Resolution No. 28-2020

City Manager's Recommendation / Comments

Resolution No. 28-2020 is presented for City Council consideration at this time via the Consent Agenda. If approved this resolution would allow an additional special collection of bulky items within the City of Shelby, scheduled for the week of July 6, 2020 – July 9, 2020. The City Code (Section 38 Art 1 Section 7) requires approval by City Council for any special collections. City staff recommends assisting City's residents and solid waste customers who may have accumulated larger than usual quantities of bulky items during the Stay at Home and Safer at Home executive orders. Observations by Public Works Department personnel indicate that there are currently over 100 locations where items have been placed at the curb or on the sidewalk.

It is my recommendation Resolution No. 28-2020 be adopted and approved by City Council at this time via the Consent Agenda

RESOLUTION NO. 28-2020

A RESOLUTION APPROVING A ONE-TIME SPECIAL COLLECTION
FOR BULKY ITEMS IN THE CITY OF SHELBY, NORTH CAROLINA

WHEREAS, pursuant to Chapter 38, Article 1, Section 7 of the City of Shelby Code of Ordinances, City Council may approve an additional special collection of bulky items within the City of Shelby; and,

WHEREAS, City Council wishes to assist the City's residents and solid waste customers who may be accumulating larger than usual quantities of bulky items for disposal due to Governor Roy Cooper's executive orders to Stay at Home and Safer at Home as part of North Carolina's response to the COVID-19 pandemic.

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

SECTION 1. The City Manager is authorized to implement a one-time collection for bulky items beginning on Monday, July 6, 2020, and ending Thursday, July 9, 2020.

SECTION 2. This resolution shall become effective upon its adoption and approval.

Adopted and approved this the 15th day of June 2020.

O. Stanhope Anthony III
Mayor

ATTEST:

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

City of Shelby
Agenda Item Summary
June 15, 2020
(via electronic meeting)

Agenda Item: C-8

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

Consent Agenda Item: (Bernadette Parduski, City Clerk)

Summary of Available Information:

- Notice of Cancellation

City Manager's Recommendation / Comments

After reviewing with staff the upcoming agenda schedule and any upcoming items requiring action by City Council it is my recommendation that the regular meeting slated for Monday, July 6, 2020 be cancelled via the Consent Agenda. As a matter of practice agenda items are scheduled and planned weeks in advance for most items to allow the appropriate review process to occur. I would note that in the event an issue arises that would require immediate action by City Council a special meeting could be called in accordance with the NC General Statutes. If approved by City Council your next regularly scheduled meeting would be held on Monday, July 20, 2020.

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

This notice is to inform the general public and the media, and is conducted in accordance with the mandates of North Carolina General Statutes 160A-71 and 143-318.12 (a), that the regularly scheduled July 6, 2020 meeting of the Shelby City Council has been cancelled in observance of the City's Independence Day holiday. The regular meeting schedule, as adopted by the Council, remains in place for all other regular meetings of the Council and will resume:

**Monday, July 20, 2020, at 6:00 p.m.
City Hall Council Chamber
300 South Washington Street
Shelby, North Carolina**

Dated: June 8, 2020

**O. Stanhope Anthony III
Mayor**

City of Shelby
Agenda Item Summary
June 15, 2020
(via electronic meeting)

Unfinished Business

Agenda Item: D-1

- 1) Consideration of the City of Shelby Fiscal Year (FY) 2020-2021 Budget Ordinance: Ordinance No. 22-2020

Unfinished Business Item: (Rick Howell, City Manager)

Summary of Available Information:

- Ordinance No. 22-2020

City Manager's Recommendation / Comments

Ordinance No. 22-2020 is presented for City Council consideration at this time. City Council has previously been provided a copy the formal Budget Ordinance for the fiscal year beginning July 1, 2020. This ordinance sets forth the spending levels for each City department and service, appropriates corresponding funding and sets the ad valorem property tax rate for the coming fiscal year.

Council held the required public hearing at your regular meeting held Monday, June 1st. A public copy was made available in the administrative offices of City Hall and is posted online for public inspection. Council may act on the budget at this time.

It is my recommendation Ordinance No. 22-2020 be adopted and approved by City Council at this time

ORDINANCE NO. 22-2020
CITY OF SHELBY
FISCAL YEAR (FY) 2020-2021 BUDGET ORDINANCE

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

Sec. 1) The following amounts are hereby appropriated in the General Fund for the operation of City Government and its activities for the fiscal year beginning July 1, 2020 and ending June 30, 2021 in accordance with the chart of accounts heretofore established for this City:

Governing Board	\$84,496
Administration	533,586
Finance	508,042
Purchasing	68,360
Legal	12,200
Human Resources	219,553
Customer Service	184,229
Information Systems	283,032
Meter Services	103,342
Garage	494,785
City Hall	117,200
Police	7,297,100
Communication	736,700
Fire	4,677,864
Building Inspections	385,300
Streets	1,374,955
Airport	470,965
Solid Waste	1,747,635
GIS	98,964
Planning Services	539,000
Special Appropriations	2,828,000
Parks & Recreation	1,563,115
Maintenance Grounds & Cemetery	<u>1,546,412</u>
Total	<u>\$25,874,835</u>

Sec. 2 It is estimated that the following revenues will be available to the General Fund for the fiscal year beginning July 1, 2020 and ending June 30, 2021:

Property Taxes	\$ 12,573,292
Local Option Sales Tax	3,600,000
Other Taxes	43,000
Unrestricted Intergovernmental Revenues	2,298,000
Restricted Intergovernmental Revenues	47,000
Permits and Fees	195,750
Sales & Services	2,458,650
Investment Revenues	75,000
Other Financing Sources	622,143
Fund Balance	662,000
Transfers	<u>3,300,000</u>
Total	<u>\$25,874,835</u>

Sec. 3) The following amounts are hereby appropriated in the Powell Bill Fund for the fiscal year beginning July 1, 2020 and ending June 30, 2021:

Construction	\$ 446,200
Street Maintenance	139,200
Debt Service	<u>59,600</u>
Total	<u>\$ 645,000</u>

Sec. 4) It is estimated that the following revenues will be available to the Powell Bill Fund for the fiscal year beginning July 1, 2020 and ending June 30, 2021:

Powell Bill	\$ 499,800
Interest Income	40,000
Proceeds from Financing	0
Fund Balance	<u>105,200</u>
Total	<u>\$ 645,000</u>

Sec. 5 The following amounts are hereby appropriated in the Emergency Telephone System Fund for the fiscal year beginning July 1, 2020 and ending June 30, 2021:

Emergency Telephone System	107,000
Total	<u>\$ 107,000</u>

Sec. 6) It is estimated that the following revenues will be available to the Emergency Telephone System Fund for the fiscal year beginning July 1, 2020 and ending June 30, 2021:

911 Revenues	107,000
Fund Balance Appropriated	<u>0</u>
Total	<u>\$ 107,000</u>

Sec. 7) The following amounts are hereby appropriated in the Economic Development Fund for the fiscal year beginning July 1, 2020 and ending June 30, 2021:

Services	<u>\$ 680,450</u>
Total	<u>\$ 680,450</u>

Sec. 8) It is estimated that the following revenues will be available to the Economic Development Fund for the fiscal year beginning July 1, 2020 and ending June 30, 2021:

MSD Property Taxes	\$ 115,250
Local Occupancy Tax	180,000
Investment Revenues	5,500
Other Income	3,000
Transfers	377,000
Fund Balance Appropriated	<u>0</u>
Total	<u>\$ 680,450</u>

Sec. 9) The following amounts are hereby appropriated in the Housing Fund for the fiscal year beginning July 1, 2020 and ending June 30, 2021:

Conventional	\$ 1,771,040
Total	<u>\$ 1,771,040</u>

Sec. 10) It is estimated that the following revenues will be available to the Housing Fund for the fiscal year beginning July 1, 2020 and ending June 30, 2021:

Subsidies	\$ 470,000
HUD CFP Income	435,140
Rent Income	649,000
Other Income	9,000
Fund Balance	<u>207,900</u>
Total	<u>\$ 1,771,040</u>

Sec. 11) The following amounts are hereby appropriated in the Cemetery Perpetual fund for the fiscal year beginning July 1, 2020 and ending June 30, 2021:

Fund Balance Increase	30,000
Total	<u>\$ 30,000</u>

Sec. 12) It is estimated that the following revenues will be available to the Cemetery Perpetual Fund for the fiscal year beginning July 1, 2020 and ending June 30, 2021:

Cemetery Fees	30,000
Total	<u>\$ 30,000</u>

Sec. 13) The following amounts are hereby appropriated in the Water Fund for the fiscal year beginning July 1, 2020 and ending June 30, 2021:

Administration	\$ 3,132,618
Line Operation	981,050
Plant	<u>1,936,470</u>
Total	<u>\$ 6,050,138</u>

Sec. 14) It is estimated that the following revenues will be available to the Water Fund for the fiscal year beginning July 1, 2020 and ending June 30, 2021:

Fees	\$ 5,449,000
Proceeds From Financing	70,000
Fund Balance	457,138
Other Income	<u>74,000</u>
Total	<u>\$ 6,050,138</u>

Sec. 15) The following amounts are hereby appropriated in the Sewer Fund for the fiscal year beginning July 1, 2020 and ending June 30, 2021:

Administration	\$ 2,063,729
Line Operation	1,271,265
Plants	<u>2,184,735</u>
Total	<u>\$5,519,729</u>

Sec. 16) It is estimated that the following revenues will be available to the Sewer Fund for the fiscal year beginning July 1, 2020 and ending June 30, 2021:

Fees	\$ 5,446,729
Other Income	43,000
Proceeds From Financing	30,000
Fund Balance	<u>0</u>
Total	<u>\$ 5,519,729</u>

Sec. 17) The following amounts are hereby appropriated in the Electric Fund for the fiscal year beginning July 1, 2020 and ending June 30, 2021:

Administration	\$ 2,535,443
Purchase/Generation	16,220,000
Line Operation	<u>3,782,945</u>
Total	<u>\$22,538,388</u>

Sec. 18) It is estimated that the following revenues will be available to the Electric Fund for the fiscal year beginning July 1, 2020 and ending June 30, 2021:

Fees	\$22,052,433
Proceeds From Financing	465,000
Other Income	20,955
Fund Balance	<u>0</u>
Total	<u>\$22,538,388</u>

Sec. 19) The following amounts are hereby appropriated in the Gas Fund for the fiscal year beginning July 1, 2020 and ending June 30, 2021:

Administration	\$ 4,471,395
Gas Purchases	9,370,000
Line Operation	<u>2,296,205</u>
Total	<u>\$16,137,600</u>

Sec. 20) It is estimated that the following revenues will be available to the Gas Fund for the fiscal year beginning July 1, 2020 and ending June 30, 2021:

Fees	\$15,991,000
Other Income	28,600
Proceeds From Financing	118,000
Fund Balance	<u>0</u>
Total	<u>\$16,137,600</u>

Sec. 21) The following amounts are hereby appropriated in the Stormwater Fund for the fiscal year beginning July 1, 2020 and ending June 30, 2021:

Administration	868,220
Total	<u>\$ 868,220</u>

Sec. 22) It is estimated that the following revenues will be available to the Stormwater Fund for the fiscal year beginning July 1, 2020 and ending June 30, 2021:

Fees	\$ 813,220
Proceeds From Financing	<u>55,000</u>
Total	<u>\$ 868,220</u>

Sec. 23) That the revenues and expenditures set forth in Section 1 through Section 20 of this ordinance are hereby summarized as follows:

General Fund	\$25,874,835
Powell Bill Fund	645,000
Emergency Telephone System	107,000
Economic Development Fund	680,450
Housing Fund	1,771,040
Cemetery Perpetual Fund	30,000
Utilities-Water Fund	6,050,138
Utilities-Sewer Fund	5,519,729
Utilities-Electric Fund	22,538,388
Utilities-Gas Fund	16,137,600
Utilities-Stormwater Fund	<u>868,220</u>
Total	\$80,222,400
Less Interfund Transfers	<u>3,677,000</u>
Total FY 2019-20 Budget	<u>\$76,545,400</u>

Sec. 24) There is hereby levied a tax at the rate of fifty-two and twenty-five one hundredths cents (\$0.5225) per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 2020 for the purpose of raising the revenue listed as property taxes in the General Fund in Section 2 of this ordinance. This rate is based on an estimated total valuation of property for the purposes of taxation of \$2,435,523,739 and an estimated collection rate of 98.15%. The estimated rate of collection is based on the actual rate of collection for fiscal year 2019-20.

- Sec. 25) There is hereby further levied an additional tax at the rate of twenty-five cents (\$0.25) per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 2020 within the boundaries of the Uptown Shelby Municipal Service District for the purpose of raising the revenue listed as uptown district tax in the Economic Development Fund in Section 8 of this ordinance. This rate is based on an estimated total valuation of property for the purposes of taxation of \$47,342,875 and an estimated collection rate of 98.18%. The estimated rate of collection is based on the actual rate of collection for fiscal year 2019-20.
- Sec. 26) Copies of the Budget Ordinance shall be furnished to the City Manager (Budget Officer) and Finance Officer to be kept on file by them for their direction in the collection and disbursement of funds. Said officials are hereby authorized to receive and expend funds as herein set forth in accordance with the Shelby City Code and the General Statutes of the State of North Carolina.
- Sec. 27) The following authorizations and restrictions shall apply to the adoption and enactment of this budget:
- A. The City Manager shall be authorized to reallocate departmental appropriations among the various objects of expenditure as he believes necessary.
 - B. The City Manager shall be authorized to effect interdepartmental transfers in the same fund not to exceed ten percent (10%) of the appropriated monies for the department whose allocation is reduced.
 - C. The City Manager shall be authorized to effect transfers between capital projects that are budgeted in the same capital project fund.
 - D. The City Manager shall be authorized to transfer any remaining balances from any Capital Project upon its completion to the corresponding reserve fund. Interfund transfers from operating funds shall be accomplished by City Council authorization only.
 - E. The budget adopted herein may be amended to reflect encumbrance balances for expenditures properly committed but unpaid at the end of the prior fiscal year and increasing fund balances appropriated by a similar amount.

Adopted and approved this the 15th day of June 2020.

O. Stanhope Anthony III
Mayor

ATTEST:

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

APPROVED AS TO FORM:

Martha R. Thompson
Interim City Attorney

City of Shelby
Agenda Item Summary
June 15, 2020
(via electronic meeting)

Agenda Item: D-2

- 2) Consideration of the City of Shelby Fiscal Year (FY) 2020-2021 Supplemental Budget Ordinance: Ordinance No. 23-2020

Unfinished Business Item: (Rick Howell, City Manager)

Summary of Available Information:

- Ordinance No. 23-2020

City Manager's Recommendation / Comments

Ordinance No. 23-2020 is presented for City Council consideration at this time. City Council has previously been provided a copy the formal Supplemental Budget Ordinance for the fiscal year beginning July 1, 2020. This ordinance sets forth authorized number of full-time positions to be employed by the City, ratifies position reclassifications and adopts the proposed Schedule of Fees and Charges effective July 1, 2020.

Council held the required public hearing at your regular meeting held Monday, June 1st. A public copy was made available in the administrative offices of City Hall and is posted online for public inspection. Council may act on the budget at this time.

It is my recommendation Ordinance No. 23-2020 be adopted and approved by City Council at this time

ORDINANCE NO. 23-2020
CITY OF SHELBY
FISCAL YEAR (FY) 2020-2021 SUPPLEMENTAL BUDGET ORDINANCE

WHEREAS, in accordance with applicable provisions of the North Carolina Local Government Budget and Fiscal Control Act, the City of Shelby has enacted the FY 2020-21 Budget Ordinance, providing for the annual operating budget of the City for the stated fiscal year; and,

Whereas, in support of enactment of the subject Budget Ordinance various legislative actions are necessary and required of the Shelby City Council to effectively implement the City's budget plan; and,

WHEREAS, City Council now desires to act on the needed measures as referenced herein in accordance with said Fiscal Control Act, applicable provisions of the North Carolina General Statutes, and appropriate sections of the Shelby City Code;

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

Section 1. The following actions are hereby adopted and approved in support of the City's FY 2020-21 Budget and the continued financial operations of the City subsequent thereto:

- a) The number of full-time positions authorized for employment by the City is confirmed as set forth in the Personnel Summary for a total of 340 positions. See Attachment A.
- b) During FY 2020, a number of positions were reclassified and must now be ratified as presented in the Reclassification Summary. See Attachment B.
- c) The City's fee schedule effective July 1, 2020 is attached.

Section 2. The City Manager (Budget Officer) and Finance Director of the City are hereby authorized and directed to cause the provisions of Section 1 of this ordinance to be properly implemented in accordance with applicable provisions of law and the policies of the City of Shelby. Further, the City Manager is authorized to delegate, as may be appropriate, the responsibility for logistical implementation and administration of the various components of this supplemental budget ordinance. All provisions of the Shelby City Code, the City of Shelby Fee Schedule, related City policies, and any other applicable documents of the City, revised or modified by the provisions of this ordinance, are hereby affirmed and authorized for revision and recording where needed or required.

Section 3. This ordinance shall become effective with its adoption and approval, while all applicable budgetary authorizations subject to fiscal year requirements set forth herein are to be effective on July 1, 2020.

Adopted and approved this the 15th day of June 2020.

O. Stanhope Anthony III
Mayor

ATTEST:

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

APPROVED AS TO FORM:

Martha R. Thompson
Interim City Attorney

Attachment A
Personnel Summary

**FY 2020-
2021**

General Fund

Mayor/Council	
Administration	6.00
Finance	5.00
Purchasing	3.00
Human Resources	3.00
Customer Service	10.00
Information Services	2.00
Meter Services	5.00
Garage	10.00
City Hall	
Police	88.00
Fire	54.00
Building/Zoning	3.00
Streets	10.00
Airport	1.00
Sanitation	16.00
GIS	3.00
Planning	6.00
Parks & Recreation	8.00
Park Maintenance	18.00

Total General Fund 251.00

Powell Bill 1.00

Housing 8.00

Utilities

Water	20.00
Sewer	22.00
Electric	16.00
Gas	19.00
Stormwater	3.00

Total Utilities 80.00

Total Personnel 340.00

New or Amended Job Classification Summary

Attachment B

City of Shelby

Position Reclassification Summary

DEPARTMENT	PREVIOUS JOB TITLE	PREVIOUS PAY GRADE & MINIMUM OF SCALE	AMENDED or NEW JOB TITLE	NEW PAY GRADE & MINIMUM OF SCALE
Administration	New Position		City Attorney	Not established
Administration	New Position		Public Information Communication Officer	Grade 24 Min = \$25.82
Energy Services	New Position		Utility Locator GPS Technician	Grade 13 Min = \$15.09
Engineering Services	Civil Engineer Stormwater Mgr.	Grade 23 Min = \$24.59	Civil Engineer	Grade 25 Min = \$27.11
Engineering Services	GIS Technician	Grade 17 Min = \$18.35	GIS Analyst	Grade 21 Min = \$22.30
Engineering Services	Stormwater Engineering Tech.	Grade 17 Min = \$18.35	Stormwater Engineering Coord.	Grade 22 Min = \$23.42
Finance	Customer Service Representative	Grade 11 Min = \$13.69	Customer Service Billing Specialist	Grade 13 Min = \$15.09
Finance	Finance Director	Grade 32 Min = \$38.14	Asst. City Mgr./ Finance Director	Grade 35 Min = \$44.15
Finance	Asst. City Mgr./ Finance Director	Grade 35 Min = \$44.15	Assistant City Manager	Grade 35 Min = \$44.15
Planning & Development	Chief Building Inspector	Grade 24 Min = \$25.82	Chief Building Inspector	Grade 26 Min = \$28.46
Planning & Development	Planner	Grade 19 Min = \$20.23	Planner	Grade 20 Min = \$21.24
Public Works	Equipment Operator	Grade 11 Min = \$13.69	Construction Crew Supervisor	Grade 16 Min = \$17.47
Water Resources	Laboratory Technician	Grade 14 Min = \$15.85	Environmental Services Technician	Grade 16 Min = \$ 17.47

City of Shelby
Agenda Item Summary
June 15, 2020
(via electronic meeting)

Agenda Item: D-3

- 3) Consideration of the City of Shelby Reimbursement Resolution with regard to installment financings for Fiscal Year (FY) 2020-2021: Resolution No. 29-2020

Unfinished Business Item: (Justin Merritt, Assistant City Manager)

Summary of Available Information:

- Resolution No. 29-2020

City Manager's Recommendation / Comments

Resolution No. 29-2020 is presented for City Council consideration at this time via the Consent Agenda. As noted this resolution would allow the City to reimburse itself from financing proceeds obtained to purchase capital equipment during the upcoming fiscal year. As you all know the City finances its annual rolling stock (police cars, fire trucks, utility trucks, backhoes, etc.) by borrowing money short term at tax exempt interest rates over a 59 month period. This allows the City to maintain cash liquidity and manage its fleet in an effective manner. Financing for capital purchases this year will again be bid out to interested financial institutions to achieve the most competitive rate.

It is my recommendation Resolution No. 29-2020 be adopted and approved by City Council at this time

RESOLUTION NO. 29-2020

CITY OF SHELBY
REIMBURSEMENT RESOLUTION WITH REGARD TO
INSTALLMENT FINANCINGS FOR FISCAL YEAR (FY) 2020-2021

WHEREAS, the Internal Revenue Service and U.S. Treasury Department have published regulations that govern when a political subdivision such as the City of Shelby, North Carolina (the City), can issue or execute tax-exempt obligations to reimburse itself or any agency or division thereof for expenditures on purchases prior to the issuance of tax-exempt obligations for such projects; and

WHEREAS, the regulations require that the governing body of the political subdivision adopt a resolution reciting certain facts and intentions prior to the incurrence of the expenditures; and

WHEREAS, the City anticipates incurring certain expenditures for fiscal year 2020-2021 in an approximate amount not exceeding \$1,330,143 (the "Expenditures") with respect to purchase of motorized and other equipment prior to the issuance by the City of tax-exempt obligations in the form of an installment purchase contract for such purpose in an amount not to exceed \$1,330,143 expenditures for fiscal year 2020-2021.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Shelby as follows:

Section 1. The City Council hereby declares a reasonable "official intent" pursuant to Regulation 1.103-18 to the Internal Revenue Code of 1986, as amended, to reimburse the City from the proceeds of tax exempt obligations in the form of an installment purchase contract of the City executed under the authority of North Carolina General Statute 160A-20, as amended for such Expenditures. Such Expenditures must be incurred not later than two years from the date hereof in order to be eligible for reimbursement from the proceeds of the installment purchase contract or such other date as may be applicable in the regulations. The City anticipates incurring Expenditures in an approximate amount not exceeding \$1,330,143 for fiscal year 2020-2021.

Section 2. To be eligible for reimbursement of the Expenditures, the installment purchase contract will be executed on or before the later of the date one year after the Expenditure was paid or the date one year after the equipment was placed in service, or such later date as may be applicable in the regulations as amended.

Section 3. The Expenditures are incurred solely to acquire, construct or rehabilitate property having a reasonably expected economic life of at least one year.

Section 4. The source of funds for the General Fund Expenditures will be general funds derived primarily from ad valorem taxes of the City and other City general funds and for the Enterprise Funds Expenditures will be charges for enterprise services.

Resolution No. 29-2020
June 15, 2020
Page 2

Adopted and approved this the 15th day of June 2020.

O. Stanhope Anthony III
Mayor

ATTEST:

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

APPROVED AS TO FORM:

Martha R. Thompson
Interim City Attorney

2021 City of Shelby
Proposed Installment Contract Equipment List

<u>Dept.</u>	<u>Description</u>	<u>Cost Center</u>	<u>Estimated Cost</u>
Information Services	Blade Servers/Equip.	110420-51000	52,000.00
Meter Services	Nissan Frontier	110421-54000	27,000.00
Fire Department	Truck	110434-54000	57,443.00
Streets	50% Backhoe	110451-51000	55,000.00
	Service Truck	110451-54000	60,000.00
Airport	Fuel System Upgrade	110453-51000	29,700.00
Sanitation	Leaf Truck Replace	110471-51000	200,000.00
	Sidearm Assembly	110471-51000	50,000.00
GIS	GPS Equipment	110491-51000	10,000.00
	1/2 ton Pickup	110491-54000	30,000.00
Parks and Recreation	Office Copier	110612-51000	11,000.00
	Maintenance Mower	110613-51000	13,000.00
	1/2 Ton Pickup	110613-54000	27,000.00
Water Fund	Pickup Truck	610713-54000	33,000.00
	Chlorine Scale Upgrade	610714-51000	7,000.00
	Truck Replacement	610714-54000	30,000.00
Sewer Fund	1/2 ton Pickup	620721-54000	30,000.00
Electric Fund	Backyard Digger Derrick	630733-51000	150,000.00
	Truck Replacement	630733-54000	60,000.00
	Line Truck Replacement	630733-54000	225,000.00
Gas Fund	Mini-Excavator	640743-51000	31,000.00
	Ditch Witch	640743-51000	29,000.00
	Truck Replacement	640743-54000	29,000.00
	1/2 ton Truck-Locator	640743-54000	29,000.00
Stormwater Fund	1/2 Backhoe	650753-51000	55,000.00
Total:			<u><u>1,330,143.00</u></u>

City of Shelby
Agenda Item Summary
June 15, 2020
(via electronic meeting)

Agenda Item: D-4

- 4) Consideration of a proposed ordinance to amend the Unified Development Ordinance (UDO) of the City of Shelby: Ordinance No. 24-2020

Unfinished Business Item: (Walter Scharer, Planning Director)

Summary of Available Information:

- Ordinance No. 24-2020

City Manager's Recommendation / Comments

Ordinance No. 24-2020 is presented for City Council consideration at this time. If approved this ordinance would eliminate private recreational clubs as a permitted use in the R10, R8, and R6 zoning districts. Council previously held the required legislative hearing at your regular meeting of June 1, 2020. Council may take action on the proposed ordinance at this time.

It is my recommendation Ordinance No. 24-2020 be adopted and approved by City Council at this time



Memorandum

To: Rick Howell - City Manager

From: Walter Scharer – Planning Director

Date: June 8, 2020

Subject: Textual Amendment to the UDO for Private Recreational Clubs

Executive Summary of Issue – Background:

Currently the City of Shelby Unified Development Ordinance (UDO) permits Private Recreational Clubs in the R20, R10, R8, R6, RO, and RR Zoning Districts with Development Standards. The proposed ordinance would also eliminate private recreational clubs as a permitted use in the R10, R8, and R6 zoning districts.

Review and Comments:

City Planning Staff feels this use is inconsistent with the Comprehensive Land Use Plan as well as the Strategic Growth Plan.

The Planning and Zoning Board has reviewed this proposal and recommends the attached ordinance.

A public hearing for this proposed amendment was held on June 1, 2020 with no public comment submitted. State law authorizes public bodies to conduct public hearings during a remote meeting and take action based on those hearings. It adds a requirement that written comments may be submitted at any time between the notice of the public hearing and 24 hours after the public hearing. A consequence of this requirement is that the public body will not be able to take action on the matter immediately following the public hearing. It will have to take action at a later meeting or recess the meeting long enough to comply with the 24-hour requirement.

Recommendation: Please place this proposed Text Amendment item on Unfinished Business on the next City Council meeting on June 15, 2020.

Attachments: Staff Report, Notice of Public Hearing, Planning and Zoning Board Minutes May 21, 2020, Certified Recommendation, and Ordinance



Staff Report

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

Date: May 13, 2020
 Meeting: May 21, 2020

Proposal: To remove private clubs or recreation facilities as a permitted use within the R10, R8, and R6 zoning districts.

ANALYSIS:

Currently private clubs or recreation facilities are a permitted use with development standards in R20, R10, R8, R6, RR, and RO.

The following are the development standards for private clubs or recreation facilities:
 11-1.53.

Private club or recreation facility, other.

- (A) **Where development standards are required.** R20, R10, R8, R6, RR, RO districts.
- (B) **Hours of operation.** The hours of operation allowed shall be compatible with the land uses adjacent to the facility.
- (C) **General.** The UDO administrator shall not grant the permit unless the UDO administrator determines that the parking generated by the facility can be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners.
- (D) **Location.** Principal access must be from a collector or higher capacity street for any facility greater than three acres in size that generates an average daily traffic volume of over 200 or more trips per day.
- (E) **Screening.** Parking lots shall be screened from adjoining single-family residential uses by a buffer yard. The required buffer yard shall comply with requirements of subsection 14.5.2.
- (F) **Security fencing.** Outdoor swimming pools shall be protected by a fence in accordance with the Cleveland County Health Department's public pool regulations.

The following is the current land use table for Private Clubs or Recreations Facilities:

Use Type	R20	R10	R8	R6	RR	RO	NB	CB	GB	GB2	CPD	LI	GI
Private Club or Recreation facility, other	D	D	D	D	D	D	Z	Z	Z	Z	Z		

This proposal from staff will remove a private clubs or recreation facility as a permitted use in the R10, R8, and R6 zoning districts.

STAFF COMMENTS:

Currently a private club or recreation facility is permitted within all residential zoning districts (R20, R10, R8, R6, RR, and RO).

However, staff recommends that this land use is not consistent with the Comprehensive Land Use Plan or goals of R10, R8, and R6 residential zoning districts.

If you have any questions, please contact me.

**NOTICE OF PUBLIC HEARING
APPLICATION #: 1121-2020
ZONING TEXT
AMENDMENT**

The City Council of Shelby, North Carolina will conduct a public hearing via a Zoom meeting at 6:00 p.m., Monday, June 1, 2020. City Council will consider a proposed text amendment to Development Standards to amend Private Clubs or Recreation Facilities in Article 9 and Article 11 of the City of Shelby Unified Development Ordinance.

A more detailed description of this amendment is 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 text 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 zoning text amendment in writing prior to the hearing or no later than June 2, 2020.

Members of the public wishing to attend this meeting should contact the City Clerk (704 484-6800) at least 24 hours prior to the meeting.

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

The Shelby Star:

Please publish this notice as a legal line ad on Thursday, May 21, 2020 and repeat the same ad on Tuesday, May 26, 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
May 21, 2020
Zoom Virtual Meeting

Item 1. Call to Order/Roll Call

Vice-Chair Washburn called the meeting to order at 12:21PM and noted that a quorum was present.

Board Present: Marlene Peeler, Rick Washburn, Mark Carter, Bob Cabaniss, Jeff Aderholdt, Charles Hamrick, Greg Taylor, Michael Royster, Scott Bankhead

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

Item 2. Proposed Removal of Private Clubs or Recreation Facilities as a Permitted Use

Mr. Scharer presented this proposed text amendment. The proposed text amendment would remove private club and recreation facilities in R10, R8, and R6 zoning districts.

The following are the development standards for private clubs or recreation facilities: 11-1.53.

Private club or recreation facility, other.

- (A) **Where development standards are required.** R20, R10, R8, R6, RR, RO districts.
- (B) **Hours of operation.** The hours of operation allowed shall be compatible with the land uses adjacent to the facility.
- (C) **General.** The UDO administrator shall not grant the permit unless the UDO administrator determines that the parking generated by the facility can be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners.
- (D) **Location.** Principal access must be from a collector or higher capacity street for any facility greater than three acres in size that generates an average daily traffic volume of over 200 or more trips per day.
- (E) **Screening.** Parking lots shall be screened from adjoining single-family residential uses by a buffer yard. The required buffer yard shall comply with requirements of subsection 14.5.2.
- (F) **Security fencing.** Outdoor swimming pools shall be protected by a fence in accordance with the Cleveland County Health Department's public pool regulations.

The following is the current land use table for Private Clubs or Recreation Facilities:

Use Type	R20	R10	R8	R6	RR	RO	NB	CB	GB	GB2	CPD	LI	GI
Private Club or Recreation facility, other	D	D	D	D	D	D	Z	Z	Z	Z	Z		

This proposal from staff will remove a private club or recreation facility as a permitted use in the R10, R8, and R6 zoning districts.

Motion:Mr. Royster made the motion to recommend approval of this proposed text amendment
Discussion followed concerning subdivisions with HOA’s.

Second: Mr. Cabaniss

Action: This motion passed unanimously.

Item 4. Announcements

Mr. Scharer and gave updates concerning the rail trail and the bicycle and pedestrian plan.

Item 5. Motion to adjourn.

Vice-Chair Washburn adjourned the meeting at 12:34 pm.



Certified Recommendation

City of Shelby Planning & Zoning Board

Case File: 1121

Amendment: Proposed Amendment to the City of Shelby Unified Development Ordinance (UDO) regarding Private Clubs or Recreation Facilities, other. The proposal removes Private Clubs or Recreation Facilities, other as a Permitted Use with development standards in the R6, R8, and R10 zoning districts.

Recommendation: **The Planning and Zoning Board recommends approval of the proposed text amendment as submitted by Staff.**

Findings &

Reasons:

1. The proposed text amendment is consistent with the Comprehensive Land Use Plan.
2. The proposed text amendment is consistent with the Strategic Growth Plan.

Motion: Mr. Royster made the motion to recommend to City Council approval of this proposed text amendment.

Second: Mr. Cabaniss

Action: This motion passed unanimously

Signatures: Walter Scharer
Planning and Development Director

Marlene Peeler
Planning and Zoning Board Chair

Date: 5/21/2020

Date: 5/21/2020

ORDINANCE NO. 24-2020

**A PROPOSED ORDINANCE TO AMEND
THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF SHELBY**

Preamble

Pursuant to the authority conferred by G.S. 160A-381, as amended, and for the purpose of promoting the health, safety, morals, or general welfare of the inhabitants of the city,

**BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF SHELBY THAT THE UNIFIED DEVELOPMENT ORDINANCE OF
THE CITY OF SHELBY BE AMENDED AS FOLLOWS:**

Text Amendment

Table 9-3.1 Permitted Uses Table

Use Type	Zoning Districts												
	R20	R10	R8	R6	RR	RO	NB	CB	GB	GB2	CPD	LI	GI
Private Club or Recreation Facility, other	D	⊘	⊘	⊘	D	D	Z	Z	Z	Z	Z		

SECTION 1. Plan Consistency Statement.

The proposed text amendment is consistent with the Comprehensive Land Use Plan as it ensures the character of residential areas.

SECTION 2. Conflicts With Other Provisions.

Whenever the text of this amendment conflicts with any provision of the ordinance or Code of Ordinances not herein amended or repealed, the more stringent provision or regulation shall prevail.

SECTION 3. Effective Date.

This Ordinance shall become effective upon its adoption and approval.

ADOPTED AND APPROVED this the 15th day of June 2020.

O. Stanhope Anthony III
Mayor

ATTEST:

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

APPROVED AS TO FORM:

Martha R. Thompson
Interim City Attorney

City of Shelby
Agenda Item Summary
June 15, 2020
(via electronic meeting)

New Business

Agenda Item: E-1

- 1) Consideration of a resolution condemning racism: Resolution No. 30-2020

New Business Item: (Mayor Stan Anthony)

Summary of Available Information:

- Resolution No. 30-2020

City Manager's Recommendation / Comments

This time is scheduled on the agenda to allow Mayor Anthony to introduce Resolution No. 30-2020 for discussion and possible action by Council.

A Resolution Condemning Racism

WHEREAS, The City of Shelby, its Mayor, City Council, Chief of Police, entire Shelby Police Department and employees city-wide, are deeply saddened by the tragic events that have recently occurred across the country; and,

WHEREAS, racism and hate have no place in our city, and we are committed to working actively against all forms of racism. We are committed to safeguarding our community against the damages that racism causes and to ensuring that the Constitutional rights of every person who lives, works, and visits our great city are protected; and,

WHEREAS, recently Shelby citizens gathered peacefully in opposition to racism in any form, anywhere it exists, reaffirming that people of all races, ethnicities, cultures, and faiths contribute to Shelby's strength and well-being; and,

WHEREAS, the Shelby Police Department has been and will continue to be honest and transparent with internal and external stakeholders and will continue to build on the culture of trust with whom they serve; and,

WHEREAS, the City of Shelby truly appreciates the overwhelming support we receive daily from this great community, and it is our promise that we will work diligently every day to exceed your expectations in all aspects of city-wide operations, and,

THEREFORE, IT IS RESOLVED that the Mayor and City Council of the City of Shelby, North Carolina stand steadfast with all citizens of Shelby against racism and reaffirm its commitment to fighting for racial justice and human and civil rights for all.

O. Stanhope Anthony III
Mayor

ATTEST:

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

City of Shelby
Agenda Item Summary
June 15, 2020
(via electronic meeting)

Agenda Item: F

City Manager's Report

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

Agenda Item: G

Council Announcements and Remarks

H. Adjournment

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

Motion to adjourn