

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

Invocation

Pledge of Allegiance

A. Approval of Agenda

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

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

B. Public Comment:

1

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

C. Public Hearings:

- 1) Consideration of a resolution and order permanently closing an opened right of way for Chesterfield Drive: Resolution No. 31-2020 2
- 2) Consideration of a resolution and order permanently closing the north end of Pere Street from West Dale Street to West Marion Street: Resolution No. 32-2020 11
- 3) Consideration of a resolution and order permanently closing West Stadium Drive: Resolution No. 33-2020 22

D. Consent Agenda:

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

- 1) Approval of the Minutes of the Regular Meeting of June 15, 2020 31
- 2) Approval of a Special Event Permit Application: 39

- a. Here's the Scoop, requested date: July 23, 2020

3) Approval of a resolution naming a certain City of Shelby facility in honor of Bobby Bell: Resolution No. 34-2020	49
E. Unfinished Business:	
1) Consideration of a proposed ordinance to amend the Unified Development Ordinance (UDO) of the City of Shelby: Ordinance No. 24-2020	51
F. New Business:	
1) Consideration of a resolution adopting the Cleveland Gaston Lincoln Regional Hazard Mitigation Plan: Resolution No. 35-2020	59
2) Consideration of a resolution adopting the City of Shelby Public Records Request Policy and Procedure: Resolution No. 36-2020	61
3) Consideration of a proposed ordinance amending the Minimum Housing Ordinance of the City of Shelby, North Carolina: Ordinance No. 25-2020	66
G. City Manager's Report	76
H. Council Announcements and Remarks	76
I. Adjournment:	
<i>To adjourn a meeting of City Council, a majority of the Council Members must vote for a motion to adjourn.</i>	
1) Motion to adjourn	76

City of Shelby
Agenda Item Summary
July 20, 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.

Please note that "in person" online public comment will be allowed for the first time since your Zoom/Facebook Live meetings began. The City will have a staff person at the Don Gibson Theatre allowing citizens to sign up to speak for the allotted 3 minutes. They will be allowed in a separate section of the theatre one at a time where a laptop will be set up for them to comment directly to City Council. The Mayor will moderate as usual. Council policy sets a maximum of 30 minutes of public comment unless otherwise approved by a majority of Council. You certainly can allow more if you desire. The City will also have an officer on site for security purposes. The Don Gibson Theatre will still be set up to allow no more than 10 persons to view and listen to your meeting for those persons who may not be able to access Facebook Live.

City of Shelby
Agenda Item Summary
July 20, 2020
(via electronic meeting)

C. Public Hearings:

Agenda Item: C-1

- 1) Consideration of a resolution and order permanently closing an unopened right of way for Chesterfield Drive: Resolution No. 31-2020

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

Summary of Available Information:

- Memorandum dated July 7, 2020 from Walter Scharer, Planning Director to Rick Howell, City Manager
- Letter from Dale Short, property owner
- Copy of Resolution No. 24-2020
- Preliminary Plat of property
- Location Map
- Notice of Public Hearing
- Resolution No. 31-2020

City Manager's Recommendation / Comments

This public hearing is being conducted in accordance with NCGS 160A-299 and is a required step prior to Council taking formal action on the petition. The purpose is to allow any member of the public to offer comment either for or against the proposed closure. Resolution No. 31-2020 is presented for your consideration and if approved would permanently close this unopened right of way returning ownership to the abutting property owners. In this case it is a single property owner Mr. Dale Short.

Under a recently adopted provision (S.L. 2020-3, SB 704) of the NC General Statutes the City Council may not act on the matter following the close of the public hearing. It must receive public comment on the matter for at least 24 hours following the close of the hearing. Consideration of the adoption of Resolution 31-2020 may take place at your next regularly scheduled meeting to be held on Monday, August 3, 2020.

After the conclusion of the public hearing City Council may act upon Resolution No. 31-2020



Memorandum

To: Rick Howell - City Manager
From: Walter Scharer – Planning Director
Date: July 7, 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

On June 15, 2020 City Council approved Resolution No. 24-2020, declaring the intent to close this unopened right-of-way of Chesterfield Drive and establish a public hearing for this right of way closing on July 20, 2020. The resolution of intent was published once a week for 4 weeks in the Shelby Star and the abutting property owners were notified of this right-of-way closing by certified mail and the notice of public hearing was posted in the affected area.

Recommendation

Please schedule a public hearing for this right of way and road closing on the July 20, 2020 City Council agenda. The Resolution may be considered at the August 3, 2020 City Council meeting.

Attachments: Application, Petition, Resolution of Intent to Close the unopened right-of-way for Chesterfield Drive, Public Hearing Notice, Location Map, Resolution Order to Close the unopened right-of-way for Chesterfield Drive, and Plat.

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

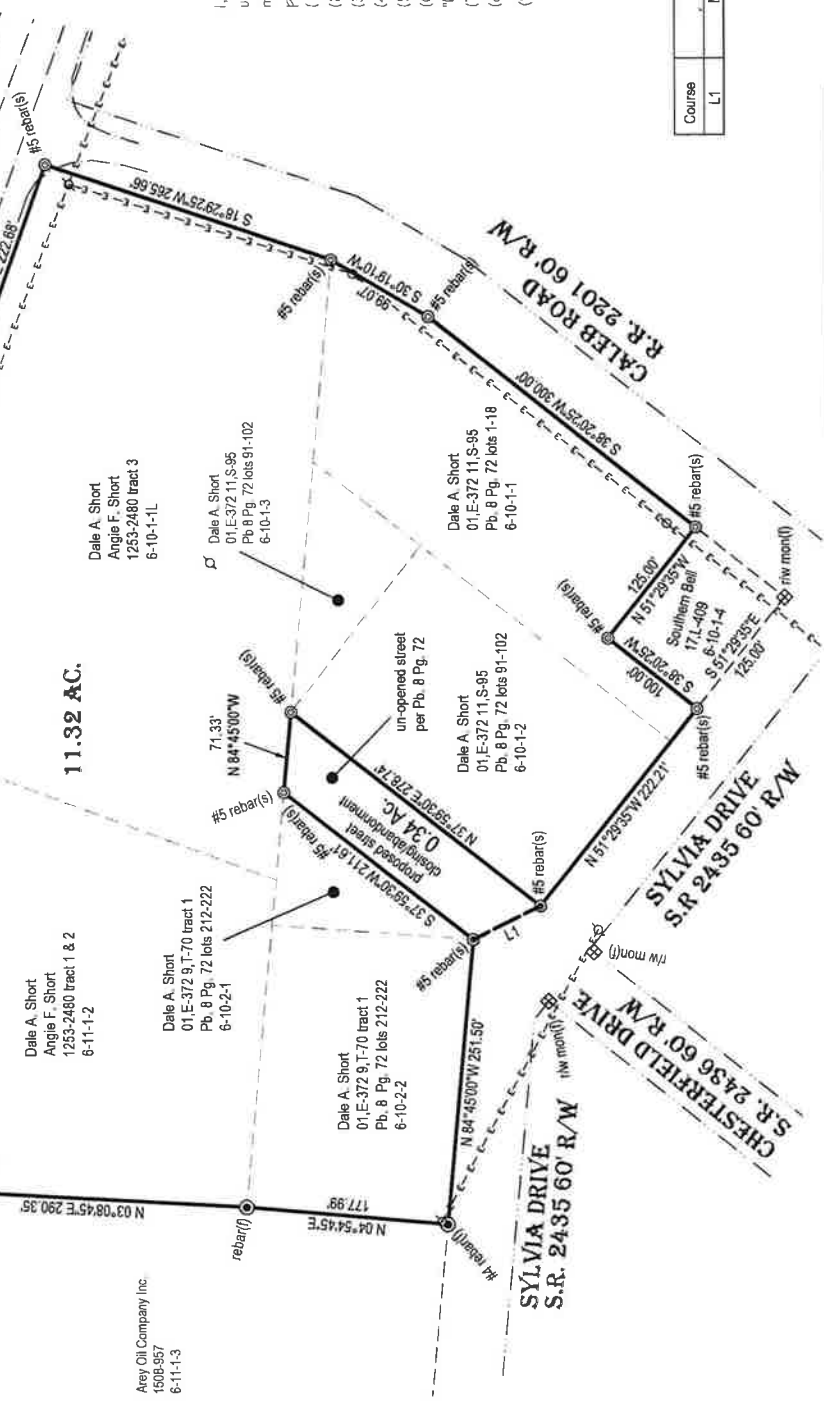
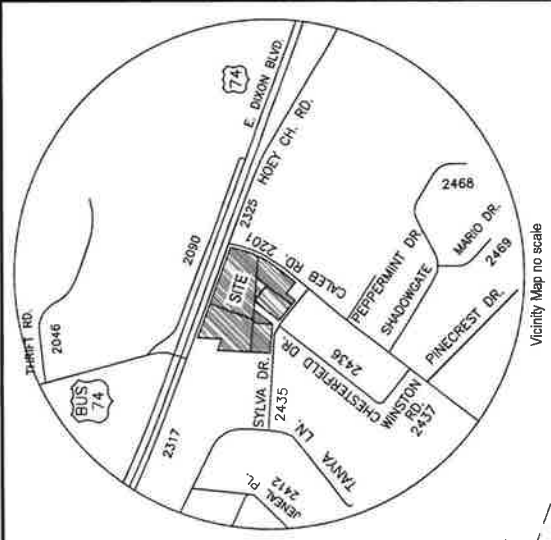
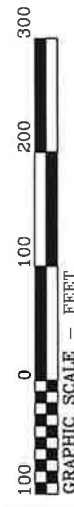
Subsection(c) upon the closing of a street or alley in
accordance with this section, all rights, title and interest in the
right-of-way shall be conclusively presumed to be vested in
those persons owning lots or parcels of land adjacent to the
street or alley, and the title of such adjoining landowners,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

*NC51° N = 566730.47° E = 1256636.83°

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



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

D. Dobbins Lattimore, PLS L-3336

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

**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.

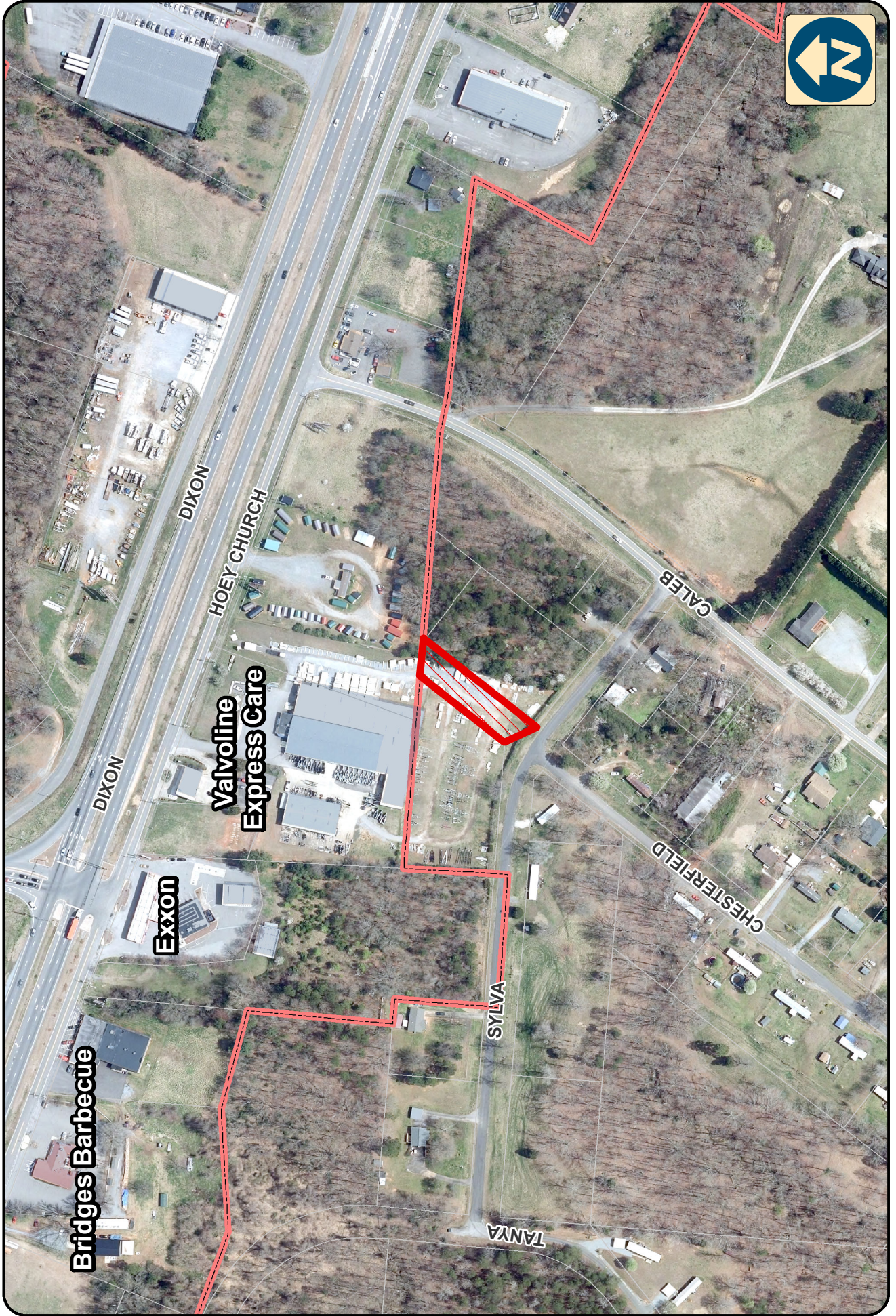
LEGEND

SURVEYED BOUNDARY LINES	
---	UNES 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



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:

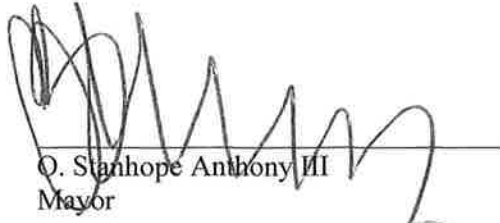
Section 1. That a public hearing on the matter will be held at 6:00 PM, on the 20th day of July 2020 in the Council Chamber at the City Hall in Shelby, North Carolina to consider an order closing an unopened right of way for Chesterfield Drive.

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

NOTICE OF PUBLIC HEARING TO CLOSE THE UNOPENED RIGHT-OF-WAY FOR CHESTERFIELD DRIVE

The City Council of Shelby, North Carolina will conduct a via Zoom at 6:00 p.m., Monday, July 20th, 2020 to discuss an order closing an unopened right-of-way for Chesterfield Drive

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

Persons interested in being heard on this matter are invited to comment on the proposed right-of-way closure in writing prior to the hearing or no later than July 21, 2020. Comments should be sent to the City Clerk via email at bernie.parduski@cityofshelby.com or by mail at PO BOX 207, Shelby, NC 28151

North Carolina General Statute 160A-299 requires that a copy of the City’s resolution of intent to permanently close a street or alley be published once a week for four (4) successive weeks prior to the hearing. A copy of Resolution No. 24-2020 adopted by City Council on June 15th, 2020 follows:

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 SHANNONHOUSE 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 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.

The Shelby Star:

Please publish this notice as a legal line ad on WEDNESDAY, July 1, 2020; WEDNESDAY, July 8, 2020; and Wednesday, July 15, 2020.

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

RESOLUTION NO. 31-2020

**A RESOLUTION AND ORDER PERMANENTLY CLOSING
AN UNOPENED RIGHT OF WAY FOR CHESTERFIELD DRIVE**

WHEREAS, on June 15, 2020 the City Council of the City of Shelby directed the City Clerk to publish a Resolution of Intent of the City Council to consider closing an unopened right of way for Chesterfield Drive; and,

WHEREAS, said publication was to be accomplished in The Shelby Star once a week for four (4) successive weeks advising the public that a public hearing would be conducted via Zoom on July 20, 2020; and,

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

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

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

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

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

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

Section 1. The unopened right of way for Chesterfield Drive as displayed on the plat titled proposed street/closing abandonment for City of Shelby, as situated within the City of Shelby is hereby permanently closed and all rights, title, and interest that may be vested in the public to said area for street purposes is hereby released to the abutting property owners in accordance with Chapter 160A-299, as amended, of the North Carolina General Statutes.

Section 2. The City Clerk is hereby authorized and directed to file in the Office of the Register of Deeds in Cleveland County a certified copy of this resolution ordering a closure of an unopened right of way for Chesterfield Drive.

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

Adopted and approved this the 3rd day of August 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
July 20, 2020
(via electronic meeting)

Agenda Item: C-2

- 2) Consideration of a resolution and order permanently closing the north end of Pere Street from West Dale Street to West Marion Street: Resolution No. 32-2020

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

Summary of Available Information:

- Memorandum dated July 13, 2020 from Walter Scharer, Planning Director to Rick Howell, City Manager
- General Application
- Proposed ROW Closure map
- Survey of property
- Copy of Resolution No. 26-2020
- Notice of Public Hearing
- Resolution No. 32-2020

City Manager's Recommendation / Comments

This public hearing is being conducted in accordance with NCGS 160A-299 and is a required step prior to Council taking formal action on the petition. The purpose is to allow any member of the public to offer comment either for or against the proposed closure. Resolution No. 32-2020 is presented for your consideration and if approved would permanently close this unopened right of way returning ownership to the abutting property owners. In this case it is a single property owner TGS Engineers.

Under a recently adopted provision (S.L. 2020-3, SB 704) of the NC General Statutes the City Council may not act on the matter following the close of the public hearing. It must receive public comment on the matter for at least 24 hours following the close of the hearing. Consideration of the adoption of the budget may take place at your next regularly scheduled meeting to be held on August 3, 2020.

After the conclusion of the public hearing City Council may act upon Resolution No. 32-2020



Memorandum

To: Rick Howell - City Manager
From: Walter Scharer – Planning Director
Date: July 13, 2020
Subject: Request to close a Section of Pere Street between W Marion Street and W Dale 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

On June 15, 2020 City Council approved Resolution No. 26-2020, declaring the intent to close a section of Pere Street and establish a public hearing for this right of way closing on July 20, 2020. The resolution of intent was published once a week for 4 weeks in the Shelby Star and the abutting property owners were notified of this right-of-way closing by certified mail and the notice of public hearing was posted in the affected area.

Recommendation

Please schedule a public hearing for this right of way and road closing on the July 20, 2020 City Council agenda. The Resolution may be considered at the August 3, 2020 City Council meeting.

Attachments: Application, Petition, Resolution of Intent to Close a section of Pere Street, Public Hearing Notice, Location Map, Resolution Order to Close a section of Pere Street, and Plat.



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: _____

Property Owners' Signature
(Print name beside signature)

Owners' Mailing Address

THOMPSON-GORDON-SHOOK ENGINEERS 804-C NORTH LAFAYETTE
By: *[Signature]* SHELBY, ^{SC} NC 28150

- NOTES:**
- Areas shown on horizontal ground, but unless otherwise noted, are determined by coordinate computations.
 - The boundaries shown on this plan are in U.S. Survey Feet.
 - The bearings and distances are as shown on this plan.
 - No title search was provided for this survey.
 - The location of all easements, rights of way, and other features shown on this plan were determined by the information of record as noted herein.
 - Property is subject to any and all easements, rights of way, and other features shown on this plan.
 - No location of underground utilities was performed during this survey other than those shown.
 - This survey was performed in accordance with the provisions of the North Carolina Surveying Act of 1978.
 - City of Shelby Zoning District: OB Commercial.
 - Road Zone Category: Zone X (outside 100' yr. flood plain)
 - Survey Order Number: 25421
 - Community Parcel Numbers: 25421
 - FPM Panels Effective Date: February 20, 2008.

PREPARED IN ACCORDANCE WITH:
SECTION 25B - PROCEDURE FOR PERMANENTLY CLOSING STREETS AND ALLEYS
 (a) UPON THE CLOSING OF A STREET OR ALLEY IN ACCORDANCE WITH THIS SECTION SUBJECT TO THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION, ALL RIGHTS, TITLE AND INTEREST IN THE RIGHT-OF-WAY SHALL BE CONCLUSIVELY PRESUMED TO BE VESTED IN THOSE PERSONS WHOSE NAMES ARE SHOWN AS OWNERS OF THE RIGHT-OF-WAY OR ALLEY ON THE TITLE OF SUCH ADJACENT LANDS, FOR THE WIDTH OF THE ADJUTING 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 APPLIED AS TO A PARTICULAR STREET OR ALLEY CLOSING BY THE CITY OF SHELBY, NORTH CAROLINA, BY THE CITY ENGINEER AND THE CITY MANAGER, BY A PLAT WHICH SHOWS THE STREET OR ALLEY CLOSING AND THE PORTION OF THE CLOSED STREET OR ALLEY TO BE DIVIDED, AND THE PORTION OF THE PLAT SHALL BE SIGNED BY EACH OWNER WHO ALLIES TO BE GIVEN BY EACH ADJUTING PARTY TO THE RIGHT-OF-WAY STREET BY EACH OWNER WHO, UNDER THIS SECTION, HAS AN UNDIVIDED RIGHT IN THE CLOSED STREET OR ALLEY.

PROGRESSIVE SURVEY (SUBSEQUENT TO STREET AND ALLEY RIGHT-OF-WAY AND PROPOSED PROPERTY ALLOCATION)

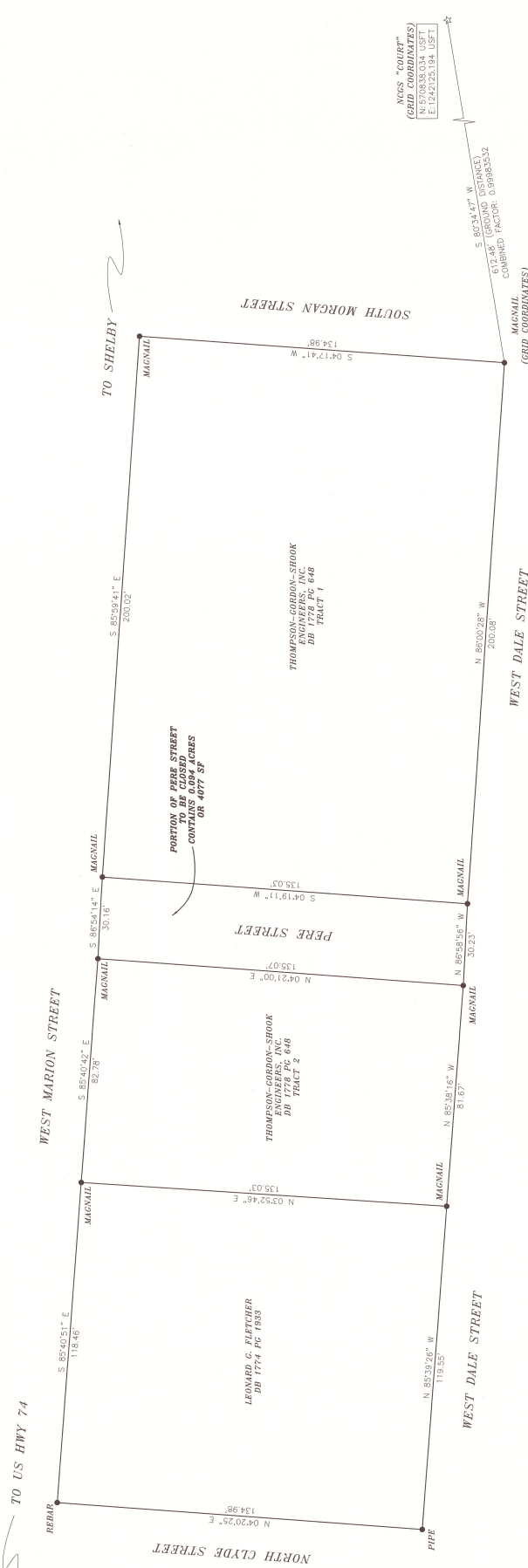
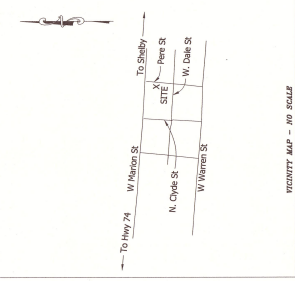
THOMPSON-CORDON-SHOOK ENGINEERS, INC.
 SIGNATURE: *[Signature]* DATE: 10/4/2019

STATE OF NORTH CAROLINA, COUNTY OF CLEVELAND

I, *[Signature]*, County Clerk, do hereby certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Recorder: _____ Date: _____

NAD83/2011
 CF=0.99983532
 OCT. 4, 2019
 NCGS PUBLISHED



SURVEYOR'S CERTIFICATION

I, Matthew J. Conwell, certify that this plat was drawn under my supervision from an actual survey performed under my supervision (DB 1728 PG 648); that the boundaries not surveyed are of precision as indicated (DB 1728 PG 648); that this plat was prepared in accordance with the requirements of the Surveying Act of 1978, Chapter 153, Article 1, Section 1-1-4, G.S. 42-30 as amended; that this plat meets the requirements of G.S. 42-30 section 1-1-4. Witness my original signature and seal this 4th day of October, A.D., 2019.



Matthew J. Conwell
 SURVEYOR
 L-475
 N.C. P.L.S. LICENSE NUMBER

- LEGEND**
- 5/8" BRASS OR GIP SET (RGS)
 - IRON FOUND AS INDICATED
 - NCGS GRID MONUMENT
 - UNMARKED POINT
 - POWER POLE
 - BOUNDARY LINE (SURVEYED)
 - ADJ. PROP. LINE (NOT SURVEYED)
 - RIGHT OF WAY LINE (SURVEYED)
 - OVERHEAD POWER LINE (SURVEYED)
 - - - FENCE LINE (SURVEYED)
 - FLOOD HAZARD LINE (SEE NOTES)
 - OLD TRACT LINE (NOT SURVEYED)
 - C/L OF EASEMENT (SURVEYED)

PROPOSED RIGHT OF WAY CLOSING FOR:

TGS ENGINEERS

The City of Shelby
 Parcel Address: 201 West Marion Street
 Parcel No. 17984 & 17985
 Map/Bk/Lot: S1/R/3&4
 Located in Shelby, NC in Number 6 Township

TGS Engineers, Inc.
 600 S. Salisbury Street
 Salisbury, NC 28156
 PH: (704) 979-0003

DRAWN BY: M. T. Corwell, P.L.S. PE SURVEYED BY: MTC & MTW
 Date of Survey: 10/4/2019
 SHEET 1 OF 1

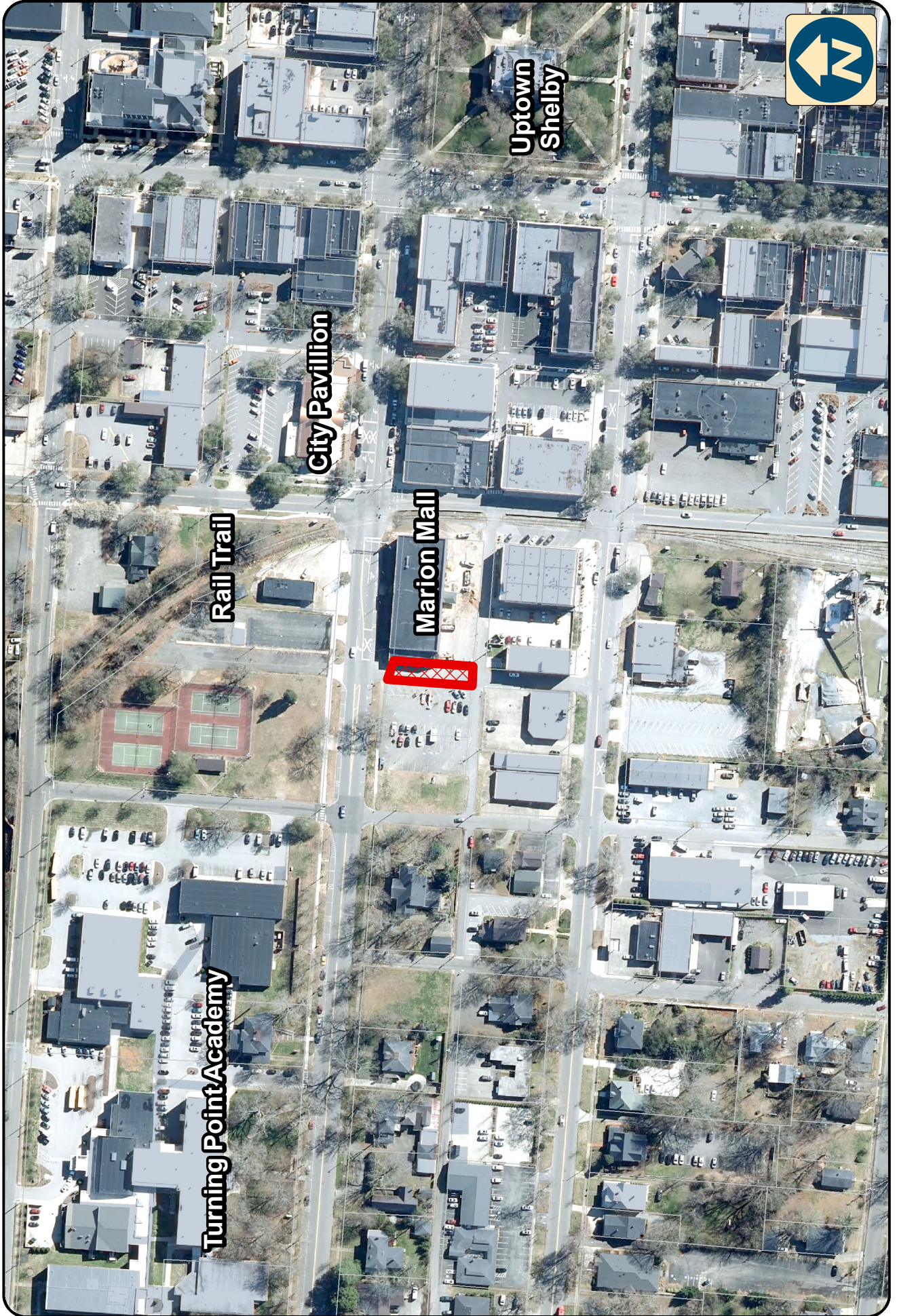
C-0275





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

0 105 210

420 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:

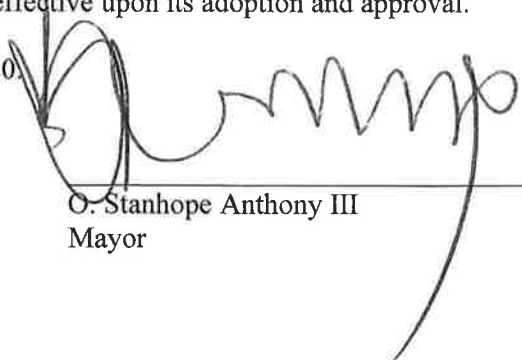
Section 1. That a public hearing on the matter will be held at 6:00 PM, on the 20th day of July 2020 in the Council Chamber at the City Hall in Shelby, North Carolina to consider an order closing The North End of Pere Street from W Dale Street to W Marion.

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

NOTICE OF PUBLIC HEARING TO CLOSE THE NORTH END OF PERE STREET FROM W DALE STREET TO W MARION STREET

The City Council of Shelby, North Carolina will conduct a public hearing via Zoom at 6:00 p.m., Monday, July 20th, 2020 to discuss an order closing The North End of Pere Street From W Dale Street To W Marion Street

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

Persons interested in being heard on this matter are invited to comment on the proposed street closure in writing prior to the hearing or no later than July 21, 2020. Comments should be sent to the City Clerk via email at bernie.parduski@cityofshelby.com or by mail at PO BOX 207, Shelby, NC 28151

North Carolina General Statute 160A-299 requires that a copy of the City’s resolution of intent to permanently close a street or alley be published once a week for four (4) successive weeks prior to the hearing. A copy of Resolution No. 26-2020 adopted by City Council on June 15th, 2020 follows:

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 W DALE STREET TO W 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.

The Shelby Star:

Please publish this notice as a legal line ad on WEDNESDAY, July 1, 2020; WEDNESDAY, July 8, 2020; and Wednesday, July 15, 2020.

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

RESOLUTION NO. 32-2020

**A RESOLUTION AND ORDER PERMANENTLY CLOSING
THE NORTH END OF PERE STREET FROM WEST DALE STREET TO
WEST MARION STREET**

WHEREAS, on June 15, 2020 the City Council of the City of Shelby directed the City Clerk to publish a Resolution of Intent of the City Council to consider closing The North End of Pere Street from W Dale Street to W Marion Street; and,

WHEREAS, said publication was to be accomplished in The Shelby Star once a week for four (4) successive weeks advising the public that a public hearing would be conducted via Zoom on July 20, 2020; and,

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

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

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

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

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

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

Section 1. The North End of Pere Street From W Dale Street To W Marion Street as displayed on the plat titled proposed street/closing abandonment for City of Shelby, as situated within the City of Shelby is hereby permanently closed and all rights, title, and interest that may be vested in the public to said area for street purposes is hereby released to the abutting property owners in accordance with Chapter 160A-299, as amended, of the North Carolina General Statutes.

Section 2. The City Clerk is hereby authorized and directed to file in the Office of the Register of Deeds in Cleveland County a certified copy of this resolution ordering the closing of the North End of Pere Street from W Dale Street to W Marion Street.

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

Adopted and approved this the 3rd day of August 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
July 20, 2020
(via electronic meeting)

Agenda Item: C-3

- 3) Consideration of a resolution and order permanently closing West Stadium Drive:
Resolution No. 33-2020

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

Summary of Available Information:

- Memorandum dated June 8, 2020 from Walter Scharer, Planning Director to Rick Howell, City Manager
- Letter from Cleveland County Schools
- Proposed ROW Closure map
- Copy of Resolution No. 25-2020
- Resolution No. 33-2020

City Manager's Recommendation / Comments

This public hearing is being conducted in accordance with NCGS 160A-299 and is a required step prior to Council taking formal action on the petition. The purpose is to allow any member of the public to offer comment either for or against the proposed closure. Resolution No. 33-2020 is presented for your consideration and if approved would permanently close this unopened right of way returning ownership to the abutting property owners. In this case it is a single property owner Cleveland County Schools.

Under a recently adopted provision (S.L. 2020-3, SB 704) of the NC General Statutes the City Council may not act on the matter following the close of the public hearing. It must receive public comment on the matter for at least 24 hours following the close of the hearing. Consideration of the adoption of the budget may take place at your next regularly scheduled meeting to be held on June 15, 2020.

After the conclusion of the public hearing City Council may act upon Resolution No. 33-2020



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

STATE OF NORTH CAROLINA
COUNTY OF CLEVELAND

_____, REVIEW OFFICER OF
CLEVELAND COUNTY CERTIFY THAT THIS MAP OR
PLAT TO WHICH THIS CERTIFICATION IS AFFIXED
MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

DATE _____ REVIEW OFFICER _____

**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 SUBJECT TO THE PROVISIONS OF SUBSECTION (F) OF 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, WHETHER AS TO PARTIAL OR FULL CLOSING, SHALL APPLY TO THE CLOSING OF A STREET OR ALLEY BY EJECTMENT, BY 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 OWNER WHO, UNDER THIS SECTION, HAS AN OWNERSHIP RIGHT IN THE STREET OR ALLEY.

**REQUESTING CLOSURE/ABANDONMENT OF STREET AND ALLEY
RIGHT-OF-WAY AND PROPOSED PROPERTY ALLOCATION**

CLEVELAND COUNTY SCHOOLS

SIGNATURE _____ DATE _____

REFERENCE

- SURVEY OF STREET RIGHT-OF-WAYS BY CLYDE FESPERMAN AT SHELBY HIGH SCHOOL DATED 11/10/65 AND REVISED ON 03/01/74.
- PLAT IS ON FILE IN THE OFFICE OF BEN YARBORO AT THE CITY OF SHELBY

GENERAL NOTES

- AREA CALCULATED BY COORDINATE COMPUTATION
- THE PROPERTY SHOWN HEREON MAY BE SUBJECT TO EASEMENTS OF RECORD OR UNRECORDED EASEMENTS
- BANKHEAD SURVEYING WAS NOT PROVIDED WITH ANY TITLE EXCEPTIONS
- ROAD RIGHT-OF-WAY AND APPROXIMATE LOCATIONS THEREOF NOTED
- ROAD RIGHT-OF-WAY AND APPROXIMATE LOCATIONS NOTED
- FEATURES (BUILDINGS, UTILITIES, ETC) LOCATED EXCEPT THOSE SHOWN HEREON
- ALL DISTANCES SHOWN HEREON ARE HORIZONTAL GROUND DISTANCES

LEGEND

- ⊗ MAG NAIL
- IRON PIN SET
- SUBJECT PROPERTY LINE
- ROAD RIGHT OF WAY LINE
- EASEMENT LINE

EASEMENT NOTE

- THE CITY OF SHELBY RETAINS A UTILITY EASEMENT FOR ANY UTILITIES (OVERHEAD AND/OR BURIED) THAT MAY LIE ON OR CROSS THE ROAD RIGHT OF WAY BEING CLOSED SHOWN HEREON
- THE EASEMENT WIDTH IS TO BE AS REQUIRED FOR THE MAINTENANCE OR REPLACEMENT OF THE EXISTING UTILITIES

THIS IS TO CERTIFY THAT THIS SURVEY IS OF ANOTHER CATEGORY AND IS AN EXCEPTION TO THE DEFINITION OF SUBDIVISION.

T. Scott Bankhead
T. SCOTT BANKHEAD (PLS)

I, T. SCOTT BANKHEAD, PROFESSIONAL LAND SURVEYOR CERTIFY THAT THIS PLAT WAS DRAWN FROM AN ACTUAL FIELD SURVEY PERFORMED UNDER MY DIRECTION AND SUPERVISION (DEED REFERENCE: DEED N.A. PAGE N.A.); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED BY DASHED LINES DRAWN FROM THE DEED INFORMATION SHOWN HEREON; THAT THE RATIO OF PRECISION IS 1:10,000; AND THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH GS 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS

2020

T. Scott Bankhead
Professional Land Surveyor - License No. L-5001



Shannonhouse Street
50' R/W

MAG NAIL IN INTERSECTION
GRID COORDINATES
N 564,248.2494
E 1,242,760.2512

50.00'
N 65°21'47"W

BUILDING
N 24°36'13"E 232.71'

BUILDING
N 24°36'13"E 232.71'

BUILDING
N 24°36'13"E 232.71'

West Stadium Street 50' R/W

CLEVELAND COUNTY SCHOOLS
DB 1249 PG 1949

CLEVELAND COUNTY SCHOOLS
DB 1249 PG 1949

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DB 1249 PG 1949

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CLEVELAND COUNTY SCHOOLS
DB 1249 PG 1949

CLEVELAND COUNTY SCHOOLS
DB 1249 PG 1949

Dan Moore Way 50' R/W

MAG NAIL IN INTERSECTION
GRID COORDINATES
N 1,242,760.2512
E 564,248.2494

N 45°47'13"E 61.6'
N 71°36'43"E 85.6'
S 44°14'47"E 50.00'
S 45°47'13"W 81.6'

Arc = 5642' R = 115.726'
S 38°36'13"W Ch = 55.86'

Arc = 8060' R = 159.26'
N 38°36'13"E Ch = 80.60'

Arc = 9832' R = 81.686'
N 49°10'43"E Ch = 98.32'

Arc = 10294' R = 86.666'
N 102°26' S 43°10'43"W Ch = 102.94'

Arc = 1249 PG 1949

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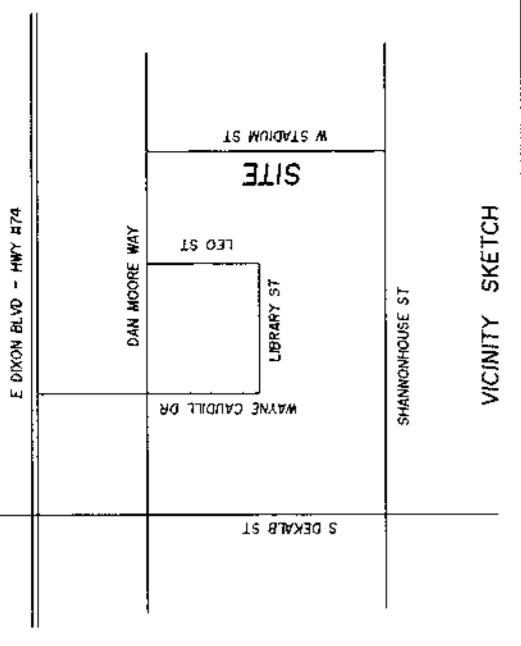
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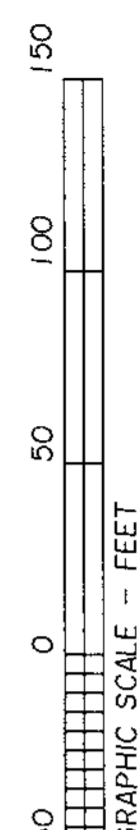
Arc = 1249 PG 1949

Arc = 1249 PG 1949



VICINITY SKETCH

PROPOSED RIGHT OF WAY CLOSING/ABANDONMENT
SURVEY FOR
The City of Shelby
CLEVELAND COUNTY, NORTH CAROLINA
TAX MAP REF: S50-1-17
PARCEL NUMBER: 51566
SCALE 1" = 50' DATE 07/08/2020

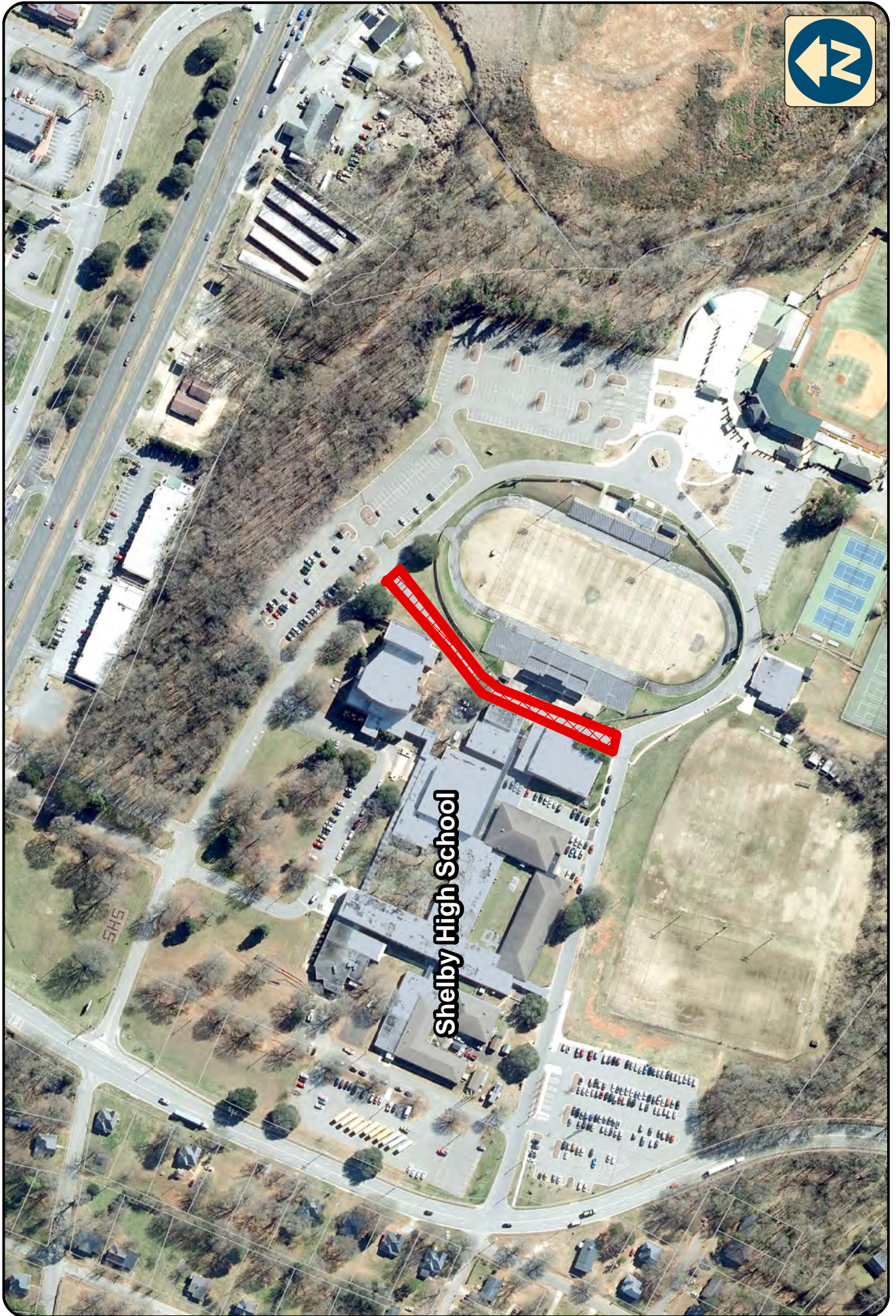


SURVEY BY
BANKHEAD SURVEYING, PA
407 EAST MARION STREET
SHELBY, N.C. 28150
(704) 481-1040
FIRM LICENSE NUMBER = C-0872



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: MVWU



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:

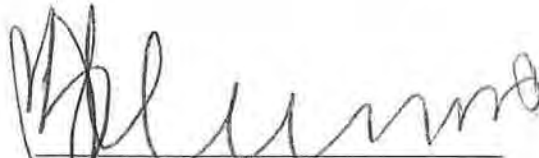
Section 1. That a public hearing on the matter will be held at 6:00 PM, on the 20th day of July 2020 in the Council Chamber at the City Hall in Shelby, North Carolina to consider an order closing an unopened right of way for Chesterfield Drive

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

NOTICE OF PUBLIC HEARING TO CLOSE WEST STADIUM STREET

The City Council of Shelby, North Carolina will conduct a public hearing via Zoom at 6:00 p.m., Monday, July 20th, 2020 to discuss an order closing West Stadium Street

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

Persons interested in being heard on this matter are invited to comment on the proposed street closure in writing prior to the hearing or no later than July 21, 2020. Comments should be sent to the City Clerk via email at bernie.parduski@cityofshelby.com or by mail at PO BOX 207, Shelby, NC 28151

North Carolina General Statute 160A-299 requires that a copy of the City's resolution of intent to permanently close a street or alley be published once a week for four (4) successive weeks prior to the hearing. A copy of Resolution No. 25-2020 adopted by City Council on June 15th, 2020 follows:

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.

The Shelby Star:

Please publish this notice as a legal line ad on WEDNESDAY, July 1, 2020; WEDNESDAY, July 8, 2020; and Wednesday, July 15, 2020.

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

RESOLUTION NO. 33-2020

**A RESOLUTION AND ORDER PERMANENTLY CLOSING
WEST STADIUM STREET**

WHEREAS, on June 15, 2020 the City Council of the City of Shelby directed the City Clerk to publish a Resolution of Intent of the City Council to consider closing West Stadium Street; and,

WHEREAS, said publication was to be accomplished in The Shelby Star once a week for four (4) successive weeks advising the public that a public hearing would be conducted via Zoom on July 20, 2020; and,

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

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

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

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

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

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

Section 1. West Stadium Street as displayed on the plat titled proposed street/closing abandonment for City of Shelby, as situated within the City of Shelby is hereby permanently closed and all rights, title, and interest that may be vested in the public to said area for street purposes is hereby released to the abutting property owners in accordance with Chapter 160A-299, as amended, of the North Carolina General Statutes.

Section 2. Maintenance easements for all utilities within the West Stadium Street Right-of-Way shall be granted to the City of Shelby within thirty days.

Section 3. The City Clerk is hereby authorized and directed to file in the Office of the Register of Deeds in Cleveland County a certified copy of this resolution ordering a closure of West Stadium Street.

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

Adopted and approved this the 3rd day of August 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
July 20, 2020
(via electronic meeting)

D. Consent Agenda

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

Agenda Item: D-1

- 1) Approval of the Minutes of the Regular Meeting of June 15, 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 15, 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 15, 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 Finance Elizabeth B. (Beth) Beam, Director of Energy Services Julie R. McMurry, Director of Engineering Services Benjamin (Ben) Yarboro, Police Chief Jeffrey H. (Jeff) Ledford, Fire Chief William P. Hunt, MPA, EFO, Director of Parks and Recreation Charlie Holtzclaw, Director of Planning and Development Services Walter (Walt) Scharer, AICP, 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. Afterwards, he delivered an invocation.

A. Approval of agenda:

1) Motion to adopt the proposed agenda

Mrs. Arth Dukes requested that Item D-4 under Unfinished Business be removed from the agenda and placed on the agenda for July 20, 2020:

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

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

B. Public Comment:

- 1) Mrs. Parduski read the statement of Casey Delehanty who resides at 127 Ramsgate Drive in Boiling Springs, North Carolina in its entirety. Mr. Delehanty expressed his support of Council's action to condemn racism and requested to dismantle systems and symbols of racial oppression by

removing the Confederate monument from the Court Square and renaming Dixon Boulevard.

- 2) Mrs. Parduski read the statement of Betsy Kendrick who resides at 100 Lake George Drive in Shelby, North Carolina in its entirety. Miss Kendrick expressed her support of Council's action to condemn racism and to take proactive measures in renaming streets that celebrate the confederacy and in removing the Confederate monument from the Court Square.
- 3) Mrs. Parduski read the statement of Arielle McKee who resides at 91 Edgemont Avenue in Shelby, North Carolina in its entirety. Miss McKee expressed her support of Council's action to condemn racism to be accompanied by a commitment to take steps to eliminate systems of racial oppression and to make Shelby into an actively anti-racist community, allocating City resources to support education, community development, equal representation, etc.
- 4) Mrs. Parduski read the statement of Hannah Allford who resides at 1538 Gold Farm Road in Boiling Springs, North Carolina in its entirety. Miss Allford expressed her support of Council's action to condemn racism, advocating a name change to NC Highway 74's "Dixon Boulevard" and the reallocation of the Cleveland County Confederate Monument in front of the Earl Scruggs Center to a local or state museum.

These statements are hereby incorporated by reference and made a part of these Minutes.

Mayor Anthony explained the Confederate monument located on the grounds of the Earl Scruggs Center is property owned by Cleveland County. Similarly, the stretch of US 74 Bypass, which runs through Cleveland County, is approximately 19 miles long from east to west, with approximately 9 miles within the City limits. In both cases, the Mayor stated the City is limited in its ability and authority to bring about any changes. However, additional conversation and dialogue with Cleveland County and State officials about the processes can continue.

Mayor Anthony also expressed his appreciation to the young people for their comments and participation in the recent events held around the City, creating awareness and energy in the community.

C. Consent Agenda:

Mayor Anthony presented the consent agenda. Mr. White moved to approve the consent agenda and following items were unanimously adopted:

- 1) Approval of the Minutes of the Regular Meeting of June 1, 2020

- 2) Approval of a resolution supporting the City of Shelby's application for honorary designation of Bobby Bell Boulevard: Resolution No. 23-2020
- 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
- 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
- 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
- 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
- 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
- 8) Approval of a Notice of Cancellation in the Regular Meeting Schedule of Shelby City Council

D. Unfinished Business:

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

Mayor Anthony presented Ordinance No. 22-2020 for Council's consideration. As previously proposed by Mr. Howell, 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. The Mayor noted the required public hearing was held on June 1, 2020.

ACTION TAKEN: Upon a motion made by Mr. Hendrick, City Council voted unanimously to approve and adopt Ordinance No. 22-2020 entitled, "CITY OF SHELBY FISCAL YEAR (FY) 2020-2021 BUDGET ORDINANCE".

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

Mayor Anthony presented Ordinance No. 23-2020 for Council's consideration. As previously proposed by Mr. Howell, this ordinance sets forth the 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. The Mayor noted the required public hearing was held on June 1, 2020.

ACTION TAKEN: Upon a motion made by Mr. Hendrick, City Council voted unanimously to approve and adopt Ordinance No. 23-2020 entitled, "CITY OF SHELBY FISCAL YEAR (FY) 2020-2021 SUPPLEMENTAL BUDGET ORDINANCE".

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

Mr. Howell presented Resolution No. 29-2020 for Council's consideration. This resolution would allow the City to reimburse itself from financing proceeds obtained to purchase capital equipment during the upcoming fiscal year. 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.

ACTION TAKEN: Upon a motion made by Mr. Webber, City Council voted unanimously to approve and adopt Resolution No. 29-2020 entitled, "CITY OF SHELBY REIMBURSEMENT RESOLUTION WITH REGARD TO INSTALLMENT FINANCINGS FOR FISCAL YEAR (FY) 2020-2021".

- 4) REMOVED; TO BE PLACED ON THE AGENDA OF JULY 20, 2020

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

E. New Business:

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

Mayor Anthony introduced Resolution No. 30-2020 for consideration. The Mayor thought it was appropriate to bring this matter forward as the City of Shelby stands united and firm in its support of all those in our community working to bring about an awareness of racism and all the issues surrounding it. He expressed his appreciation to all those voicing their views with assurances the dialogue about racism will continue.

Mayor Anthony read the resolution condemning racism in its entirety.

ACTION TAKEN: Upon a motion made by Mrs. Arth Dukes, City Council voted unanimously to approve and adopt Resolution No. 30-2020 entitled, “A RESOLUTION CONDEMNING RACISM”.

F. City Manager’s Report:

- 1) Mr. Howell informed Council that Greenheck Fan Corporation’s new facility for its architectural products business is under construction and nearing completion at the Foothills Commerce Center. He mentioned he recently received a letter from the Project Manager with Choate Construction Company. The letter was highly complimentary to City staff involved in the project for their collaborative effort and first-class customer service.**
- 2) Mr. Howell announced that Ames Cooper Group will invest approximately \$26.3 million with the expansion of its copper manufacturing facility located in Shelby at the former site of Metals America and Chase Brass & Copper Co., creating 46 jobs. He added company officials project their long-term investment could potentially exceed more than \$50 million in infrastructure, equipment, and working capital over the course of the project to build a new copper smelter plant, which will recycle and purify copper materials.**
- 3) With regard to the construction of the 100,000 square foot Job Ready Industrial Shell Building No. 3 located on Plato Lee Road, Mr. Howell reported the project is ongoing and moving forward with completion anticipated in January 2021.**
- 4) Regarding the Water Treatment Plant Rehabilitation and Upgrade Project, Mr. Howell informed Council the new clear well tanks are fully functional now and the project will be completed in the very near future. He complimented all those associated with the project for bringing it to fruition.**
- 5) Mr. Howell mentioned the Biosolids Project at the Wastewater Treatment Plant is nearing 50 percent completion with a startup date sometime in September or October 2020.**

G. Council Announcements and Remarks:

- 1) Mrs. Arth Dukes requested clarification on the renaming of Dixon Boulevard.**

Mr. Howell explained when a local jurisdiction wants to name or rename a road, the staff within the respective jurisdiction would first need to determine if the road is a state-maintained road. If it is a state-maintained road, they need to contact the appropriate NCDOT District Engineer's office. Mr. Howell has made this request. The District office will need to know the desired name, determine if it conflicts with any existing street name and what signing, if any, needs to be revised. The District and Division office will determine if the road was named by the North Carolina Department of Transportation (NCDOT) Board of Transportation (BOT). If the BOT has not named the road, the proposed name is not controversial and will not conflict with an existing street name, the Division should determine the cost to the Department to change the name of the road. Cost includes guide signs and supports, if required. The District/Division notifies the municipality or county staff of their decision of the naming or renaming and the cost to do so to the Department. The municipality or county can name/rename the road through a resolution and pay the cost to the Department. If, however, the BOT named the road, then only the BOT or the General Assembly can rename the road.

Mr. Howell will advise Council when a response is received from NCDOT about the naming of Dixon Boulevard.

- 2) Mr. Webber commended Mayor Anthony for his leadership during these difficult times. He also mentioned the wonderful letter from Choate Construction Company praising City staff for their customer service. Mr. Webber also questioned whether Dixon Boulevard could have been named for a family since the Dixon name is very prominent in Cleveland County. Mr. Howell responded that there have only been assumptions made about the naming of Dixon Boulevard to date. He hopes the research provided by the NCDOT will shed some light on the naming of Dixon Boulevard.
- 3) Mr. White relayed a message to Mr. Howell from Randy McSwain who wishes to hold a Police Appreciation Day.
- 4) Mr. Hopper expressed his personal appreciation to each Council Member for being proactive and for taking positive action against systemic racism. He shared his thoughts and personal experiences about his military service and law enforcement career. Mr. Hopper said that obviously there has been a great deal of soul-searching by many during this time. He appreciates all non-African Americans for their open-mindedness and for not being silent any longer about this country being for all of us. He reminded Christians there is only one heaven. Lastly, Mr. Hopper commended Mr. Howell for his leadership and was proud of Police Chief Jeff Ledford and the Shelby Police Department.

- 5) Mayor Anthony mentioned Council and City staff are awaiting Governor Cooper's next COVID-19 Executive Order to determine how to conduct their next meeting of July 20, 2020.

H. Adjournment:

- 1) Motion to adjourn

ACTION TAKEN: Upon a motion made by Mr. Hendrick, City Council voted unanimously to adjourn the meeting at 6:44 p.m.

Respectfully submitted,

Bernadette A. Parduski, NCCMC, MMC
City Clerk

O. Stanhope Anthony III
Mayor

Minutes of June 15, 2020

DRAFT

City of Shelby
Agenda Item Summary
July 20, 2020
(via electronic meeting)

Agenda Item: D-2

2) Approval of a Special Event Permit Application:

- a. Here's the Scoop, requested date: July 23, 2020

Consent Agenda Item: (Bernadette Parduski, City Clerk)

Summary of Available Information:

- Memorandum dated July 13, 2020 from Bernadette Parduski, City Clerk to Rick Howell, City Manager
- Memorandum from Bernadette A. Parduski, City Clerk to Police Chief Jeff Ledford, Fire Chief William Hunt, Fire Marshal Phil Lane, Parks and Recreation Director Charlie Holtzclaw, Public Works Director Danny Darst, Assistant Director Public Works Scott Black, Director of Engineering Services Ben Yarboro, and Planning Director Walter Scharer
- Special Event Application

City Manager's Recommendation / Comments

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

Memo

To: Rick Howell, City Manager
From: Bernadette A. Parduski, City Clerk
Date: July 13, 2020
Re: Special Event Permit Application

BACKGROUND:

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

- ✓ Here's the Scoop, requested date: July 23, 2020

REVIEW:

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

RECOMMENDATION:

Please place the attached Special Event Permit Application on the Consent Agenda of July 20, 2020 for Council's review and approval.

ATTACHMENT:

- A. Special Event Permit Application packet received June 18, 2020

Memo

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

From: Bernadette A. Parduski, City Clerk

CC: Rick Howell, City Manager

Date: June 25, 2020

Re: Special Event Permit Application

All:

Attached you will find a Special Event Permit Application submitted by Rev. Stephen Hogge, Director of Hands on Missions, as follows:

- ✓ Here's the Scoop, requested date: July 23, 2020

Please carefully review the details of this application as it pertains to your department, and let me know of any anticipated problems/objections that you would like to bring to the attention of the City Council. If there are none, please let me know that as well. The event will be considered by City Council at the July 20, 2020 meeting and recommended for approval unless you advise otherwise. If I do not hear from you by July 13, 2020, it will be assumed that you agree with the application as presented.

As always, thanks for your attention and consideration.

Attachment

CITY OF SHELBY
SPECIAL EVENT PERMIT APPLICATION



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

1. EVENT NAME:

HERE'S THE SCOOP

2. PURPOSE AND BRIEF DESCRIPTION OF EVENT:

Event will convey Bible principles such as: loving your neighbor; dealing with disappointments and struggles; Helping youth recognize the value of their existence

3. LOCATION OF EVENT (ATTACH MAP):

Palmer Park

4. PLEASE INDICATE:

Approximately how many people will attend the event? 2 groups of 25

Approximately how many vehicles will be present? 4-5

Approximately how many animals will be present? 0

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

Single lane _____

All lanes in travel direction DNA

Whole street _____

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

Name: Hands ON Missions

Address: 1305 N. Post Rd Shelby, NC 28150

Phones: (704) 471-1150
(Daytime) (Evening)

director, hands on missions @ gmail.com
E-mail address

Name: _____

Address: _____

Phones: _____
(Daytime) (Evening)

E-mail address

6. PLEASE LIST THE FOLLOWING:

Requested day(s) and date(s) July 23

Alternate day(s) and date(s) August 6

Requested hours of operation, from 11 ~~AM~~/PM to 1 ~~AM~~/PM

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

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

9. AVAILABILITY OF FOOD, BEVERAGES, AND/OR ENTERTAINMENT:

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

Will alcoholic beverages be served? NO

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

Will food and/or no-alcoholic beverages be served? Yes (Ice Cream)

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

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

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

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

Name: See Attached sheet

Address: _____

Phones: _____

Indicate medical services that will be provided for the event.

AMBULANCE: SEE ATTACHED SHEET

DOCTOR (S): _____

PARAMEDICS: _____

11. CITY SERVICES/EQUIPMENT REQUESTED FOR THIS EVENT:

None Requested

12. ANY ADDITIONAL COMMENTS:

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

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

Stephen Hogge
SIGNATURE

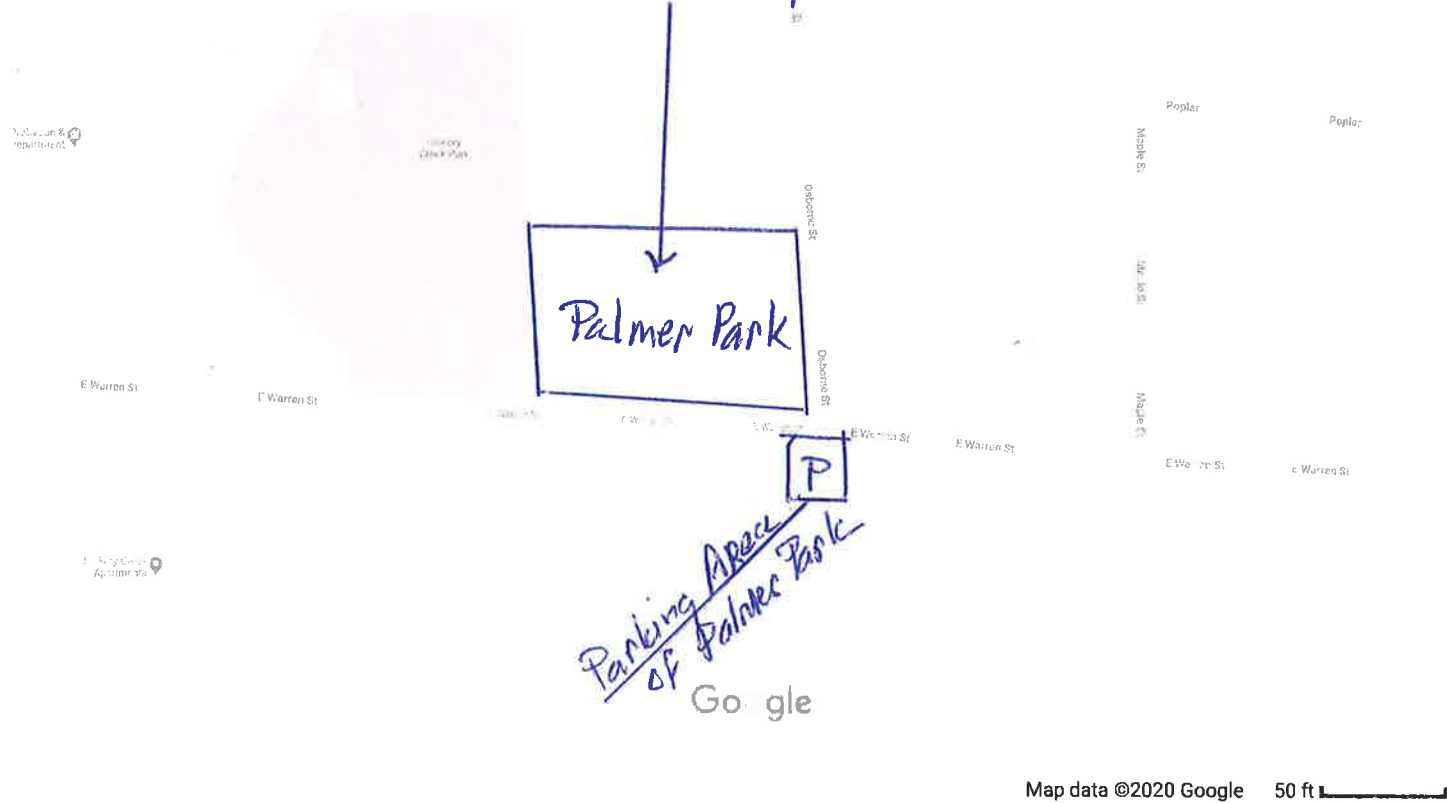
Stephen Hogge 704-471-1150
APPLICANT PHONE

1305 W. Post Rd Shelby NC 28150
PHYSICAL ADDRESS

director.hands on missions@gmail.com
E-MAIL ADDRESS

6/17/2020
DATE

Area of Park Requested





To: The Council of the City of Shelby; City Manager; Department of Parks & Recreation; Shelby Police Department; and City of Shelby Fire & Rescue,

Hands on Missions is a non-profit religious organization which serves the City of Shelby and Cleveland County residents. Annually, the mission works within our community to provide educational programs to assist the welfare and development of social interaction among the residents of our communities. These outreaches require ample space and strategic locations for attendees of youth within walking distance of the host site. This Summer, Hands on Missions will request to hold an event at Palmer Park located at East Warren Street and Osborne Street. Our event will begin at 11:00 am and conclude no later than 1:00 pm. Hands on Missions has developed a plan to address needs related to the Covid-19; notification of local residents; sanitation; food distribution; security and safety. Outlined below are the measures that will be adhered.

Covid 19 and Social Distancing

Hands on Missions understands the ongoing welfare of all persons in attendance at our events. Hands on Missions will have available gloves and masks for all participants. Hands on Missions will operate the event with five separate zones. The event will have two separate starting times. Each zone will maintain a minimum of six feet separation gaps for youth and adults within these zones. The event will operate in a clockwise direction from zone one to four every fifteen minutes. Youth will be assigned a zone to begin participation among the four zones. Each youth will be given a lanyard to wear around their necks and receive the appropriate hole punch upon arrival to each zone. Adults will instruct youth throughout the event and assist as needed.

Notification of Local Residents and Local Businesses

Hands on Missions will notify residents upon approval of host site and upcoming event. There will be no obstruction of traffic involved with this event. A team of volunteers will canvass the neighborhoods the day preceding the event to announce event time and duration with door hangers placed at residences without no trespassing signs. Palmer Park has no local business adjacent or near park; therefore, the necessity of notification is not necessary.

Sanitation

Only zone five will necessitate sanitation collection. At zone five the youth will be awarded a small cup of ice cream after completion of previous four zones. Hands on Missions will provide an additional four collection barrels at zone five along Osborne Street to maintain sanitation control. All garbage will be collected and removed at the conclusion of our event and the grounds will be cleaned.

Security and Safety

Hands on Missions encourages our city police and fire to be involved in this community outreach. Hands on Missions seeks to serve alongside these departments to promote community awareness, education and recognition that all of us play an important role to bridging any gaps of social embitterment to make our community stronger and a more pleasurable place to live. As director of Hands on Missions, I invite any local presence and involvement of these departments.

If there remain any other recommendations by the Council or the City Manager to ensure the success of this outreach; please feel free to provided additional insight. Hands on Missions is seeking additional opportunities to serve our community and demonstrate Godly love to all.

Respectfully,

Rev. Stephen Hogge

Director of Hands on Missions

1305 N. Post Rd.

Shelby, NC 28150

(704) 471-1150

City of Shelby
Agenda Item Summary
July 20, 2020
(via electronic meeting)

Agenda Item: D-3

- 3) Approval of a resolution naming a certain City of Shelby facility in honor of Bobby Bell: Resolution No. 34-2020

Consent Agenda Item: (Rick Howell, City Manager)

Summary of Available Information:

- Resolution No. 34-2020

City Manager's Recommendation / Comments

Resolution No. 34-2020 is presented for City Council consideration via the Consent Agenda. If approved "City Pavilion" will be officially renamed "Bobby Bell Pavilion" to honor the Shelby native. Mr. Bell's achievements are spelled out in the resolution and certainly speak for themselves. If approved the signs at City Pavilion will be changed to reflect the change and will be officially referred to Bobby Bell Pavilion.

The ad hoc committee making this recommendation has been working since late 2019 to identify ways for the City to formally recognize Mr. Bell. This is evidenced by your recent action to seek honorary naming of Dekalb Street by the NCDOT Board of Transportation. The committee has also recommended consideration of a wall mural. Council has set aside funding for this project and staff is working on a selection process so that an artist may be selected and a proposal secured.

It is my recommendation that Resolution No. 34-2020 be adopted and approved by City Council via the Consent Agenda at this time.

RESOLUTION NO. 34-2020

A RESOLUTION NAMING A CERTAIN CITY OF SHELBY FACILITY
IN HONOR OF BOBBY BELL

WHEREAS, Bobby Bell's birthplace and hometown is Shelby, North Carolina; and,

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

WHEREAS, Bobby Bell played football for the University of Minnesota and was the most highly honored college lineman of the 1962 season as an All-American, Outland Trophy winner, and finished third in Heisman Trophy voting; and,

WHEREAS, the Minnesota Golden Gophers with Bobby Bell were the 1960 National Champions and won the 1962 Rose Bowl. Bell was later inducted into the College Football Hall of Fame; and,

WHEREAS, Bobby Bell was drafted by both the National Football League and the American Football League in 1963, beginning his 12-year career with the Kansas City Chiefs as a defensive end; and,

WHEREAS, Bobby Bell was a Super Bowl IV champion with the Kansas City Chiefs; and,

WHEREAS, Bobby Bell was the first Kansas City Chiefs player to be elected to the National Football League Hall of Fame Class of 1983; and,

WHEREAS, Bobby Bell was the National Football League's Defensive Player of the Year in 1969, was on the National Football League's 1970s All-Decade Team, American Football League's All-Time Team, and the National Football League's 100th Anniversary All-Time Team; and,

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

WHEREAS, the Bobby Bell Commemoration Committee has made a recommendation to rename City Pavilion in the Uptown Shelby District in honor of Bobby Bell.

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

SECTION 1. The recommendation from the Bobby Bell Commemoration Committee to change the name of City Pavilion to Bobby Bell Pavilion is approved in recognition of his contributions to the City of Shelby, Cleveland County, and the United States of America.

SECTION 2. The City Manager of the City of Shelby is hereby authorized and directed to install appropriate signage at the City Pavilion to properly honor Mr. Bell.

Adopted and approved this 20th day of July 2020.

O. Stanhope Anthony III
Mayor

ATTEST:

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

City of Shelby
Agenda Item Summary
July 20, 2020
(via electronic meeting)

Unfinished Business

Agenda Item: E-1

- 1) 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:

- Memorandum dated July 13, 2020 from Walter Scharer, Planning Director to Rick Howell, City Manager
- Staff Report
- Planning and Zoning Board Minutes
- Certified Recommendation
- Notice of Public Hearing
- 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. No comments were received on this matter at that time. Council may take action on the proposed ordinance at this time.

Please note that this issue was brought to the attention of staff by property owners in a neighborhood with a vacant lot. One of the lot owners of the vacant lot had indicated that he intended to build a private clubhouse. Several of the neighboring property owners expressed concern to my office and the Planning Department. Staff reviewed the current code and found that private recreational clubs were a permitted use but there was no detail definition within the code. After a careful review staff believed that allowing the continuation of this situation was not in keeping with maintaining residential character within the R10, R8 and R6 zoning districts throughout the City's jurisdiction.

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: July 13, 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 July 20, 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 20th day of July 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
July 20, 2020
(via electronic meeting)

New Business

Agenda Item: F-1

- 1) Consideration of a resolution adopting the Cleveland Gaston Lincoln Regional Hazard Mitigation Plan: Resolution No. 35-2020

New Business Item: (Rick Howell, City Manager)

Summary of Available Information:

- Resolution No. 35-2020

City Manager's Recommendation / Comments

Resolution No. 35-2020 is presented for City Council consideration at this time. If approved this resolution would adopt the "Cleveland, Gaston, Lincoln Regional Hazard Mitigation Plan." This plan was prepared in conjunction with all the emergency management agencies for all three counties and several municipalities. This plan seeks to set forth a framework to plan, prepare, react and recover from both natural and manmade hazards. These hazards threaten the life and safety of residents in the Cleveland Gaston Lincoln area and as we all know have the potential to damage or destroy both public and private property, disrupt the local economy, and impact the overall quality of life of individuals who live, work, and visit the region.

Both State and Federal law require local governments to have a plan meeting specific criteria in order for the covered local government entities to qualify for FEMA reimbursement in the event of a disaster. The plan more importantly raises awareness of local government authorities of the need to plan, prepare, react and recover in the event of a disaster. The participating entities and their representatives should be commended for the thorough job in preparing this plan. A copy of the plan is not included in the agenda package but will be sent separately and is available on the City's website.

It is my recommendation Resolution No. 35-2020 be adopted and approved by City Council at this time

RESOLUTION NO. 35-2020

A RESOLUTION ADOPTING THE CLEVELAND GASTON LINCOLN REGIONAL HAZARD MITIGATION PLAN

WHEREAS, City of Shelby is vulnerable to an array of natural hazards that can cause loss of life and damages to public and private property; and,

WHEREAS, the City of Shelby desires to seek ways to mitigate situations that may aggravate such circumstances; and,

WHEREAS, the development and implementation of a hazard mitigation plan can result in actions that reduce the long-term risk to life and property from natural hazards; and,

WHEREAS, it is the intent of the Shelby City Council to protect its citizens and property from the effects of natural hazards by preparing and maintaining a local hazard mitigation plan; and,

WHEREAS, it is also the intent of the Shelby City Council to fulfill its obligation under North Carolina General Statutes, Chapter 166A: North Carolina Emergency Management Act and Section 322: Mitigation Planning, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act to remain eligible to receive state and federal assistance in the event of a declared disaster affecting the City of Shelby; and,

WHEREAS, City of Shelby, in coordination with Cleveland, Gaston and Lincoln Counties and the participating municipalities within those Counties has prepared a multi-jurisdictional hazard mitigation plan with input from the appropriate local and state officials; and,

WHEREAS, the North Carolina Division of Emergency Management and the Federal Emergency Management Agency have reviewed the Cleveland Gaston Lincoln Regional Hazard Mitigation Plan for legislative compliance and have approved the plan pending the completion of local adoption procedures.

NOW, THEREFORE, BE IT RESOLVED that the Shelby City Council of the City of Shelby hereby:

1. Adopts the Cleveland Gaston Lincoln Regional Hazard Mitigation Plan; and
2. Agrees to take such other official action as may be reasonably necessary to carry out the proposed actions of the Plan.

Adopted on July 20, 2020

O. Stanhope Anthony III
Mayor

ATTEST:

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

City of Shelby
Agenda Item Summary
July 20, 2020
(via electronic meeting)

Agenda Item: F-2

- 2) Consideration of a resolution adopting the City of Shelby Public Records Request Policy and Procedure: Resolution No. 36-2020

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

Summary of Available Information:

- Public Records Request Policy and Procedure
- Resolution No. 36-2020

City Manager's Recommendation / Comments

Resolution No. 36-2020 is presented for City Council consideration at this time. If approved this resolution would put in to place specific policy addressing procedures, authorized statutory charges and exemptions permitted under the law. It will better guide citizens and staff in securing public records in a timely and accurate manner. This policy was developed by the City Attorney and she has recommended that City Council give it consideration.

The City currently works to follow the appropriate state and federal statutes. These are often broad and do not necessarily give guidance on procedures to be followed, appropriate fees to be charged or on which documents are not subject to the law. The proposed policy gives the City that framework and should assist us in being responsive to citizen requests.

It is my recommendation Resolution No. 36-2020 be adopted and approved by City Council at this time

Policy & Procedures

Policy: Public Records Request Policy and Procedure

Adopted: July 20, 2020

Purpose:

Establish procedures for access to public records.

Key Definitions:

Public records – All documents, paper, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions. By statute, certain items are exempt from public access. Records will be retained in accordance with the Municipal Records Retention and Disposition Schedule issued by the North Carolina Department of Cultural Resources. Personal notes are not considered public record

Public records with short term value – May be destroyed or otherwise disposed of when their reference value ends. These include items such as fax cover sheets containing only transmittal, routing slips, reservations and confirmations, and preliminary or rough drafts once the final document is completed.

Custodian of the records – The official in charge of the office that holds the public record, typically the department head or his/her designee or the City Clerk.

Procedures:

- a. Requests for public records may be submitted via the [Citizen Request/311 link](#) on the City of Shelby's website or in writing to the City Clerk. The request should include the name, address, and telephone number of the requesting party. The request must be specific enough to enable the custodian to provide the information.
- b. The City Clerk will forward the request to the responsible custodian. The City Clerk will notify the City Manager of the request.
- c. The custodian of the records should respond to the request as promptly as possible, with the timeframe for response dependent upon the complexity of the request.
- d. The custodian(s) shall provide the record to the City Clerk. The custodian is responsible to ensure that non-public, exempt or confidential records are excluded from the request. If the custodian(s) has a concern whether the request complies with NCGS Chapter 132, he or she will advise the City Manager who will advise, consult with the City Attorney, or forward the record to the City Attorney for review and clarification. Also, any document(s) created by the City Attorney will be reviewed by him/her prior to release.
- e. The City Clerk is responsible for providing the written response directly to the requestor. In some situations, the City Manager or the City Attorney may provide the response, but the City Clerk must be provided with a copy for record-keeping. Potential responses include:

- i. Providing the entire record;
 - ii. Providing a partial record or outlining the reasons for only partially filling the request;
 - iii. Providing a cost estimate and payment request if a service charge will be assessed for an extensive request; or
 - iv. Denying the request.
- f. If copies are requested, copies must be provided to the requestor. Paper copies will be \$0.25 per page. If mailing is requested, the cost of postage will be charged. The City will require prepayment if the total fees are estimated to exceed \$100.00.
- g. If the requestor chooses to inspect the records in person rather than obtain copies, the City Clerk will notify the requester when the records are available for inspection and any applicable fees will be paid prior to the review. The viewing of public records may be done only during normal business hours.

Special Service Charge:

NCGS 132-6.2(b) authorizes public agencies to charge a “special service charge” for requests involving extensive use of information technology resources or extensive clerical and/or supervisory assistance. If a request will take more than four (4) hours, the City will charge a reasonable fee, \$33 per hour (in excess of the initial four hours) to search, locate, collect, sort, copy and prepare the records to be produced. A cost estimate will be provided to the requester and approval and payment will be obtained prior to responding to the request. If costs exceed the estimate, the requestor will be notified and additional approval and payment will be obtained prior to completion of the request.

Records Exempt from Public Access:

- a. Personnel records (except for employee’s name, dates of employment, position, salary, date and amount of last salary change, date of most recent change in employment status, work location) (G.S. 160A-168)
- b. Criminal investigation records (Except details of criminal incidents, information about person charged or arrested, circumstances, contents of 911 calls, radio communications between law enforcement personnel) (G.S. 132-1.4)
- c. Attorney-client consultations (becomes public after 3 years unless trial preparation or attorney work product) (G.S. 160A-208.1, 132-1.1(a), 132-1.9, and Rule 26 NCRCP)
- d. Trade secrets or confidentialities of third parties (if designated as such when information was initially disclosed) (G.S. 132.1-2)
- e. Tax records containing information about taxpayer’s income or receipts (G.S. 160A-208.1)
- f. Minutes of Closed Session Meetings (until reason for Closed Session no longer valid) (G.S. 143-318.10(e))
- g. Water and sewer customer billing information (G.S. 132-1.1 (c) and G.S. 132.1.2 (2))
- h. Social security numbers and other identifying information (G.S. 132-1.10)

i. Economic development information (as long as public inspection would frustrate purpose for which record was created) (G.S. 132-6(d))

j. Personal records (not related to the transaction of public business)

* Note: This is a partial list of the exemptions that typically apply to municipalities. Other records may also be exempt from public disclosure.

** Note: This Policy is designed to provide guidance only, and in the event of conflict between this Policy and the law, the law prevails.

RESOLUTION NO. 36-2020

A RESOLUTION ADOPTING THE CITY OF SHELBY PUBLIC RECORDS
REQUEST POLICY AND PROCEDURE

WHEREAS, in order to ensure that the City Council of the City of Shelby conducts public business in an open and public manner, it shall be the policy of the City of Shelby to comply with both the letter and the spirit of the North Carolina General Statute (NCGS) Chapter 132, which is the Public Records chapter of the General Statutes; and,

WHEREAS, the City Council of the City of Shelby has determined that a formal policy regarding the submission and processing of requests for access to public records under NCGS Chapter 132 should be adopted to provide the public and City's employees with clear requirements and practices that will permit the City of Shelby to operate in an open and public manner.

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

SECTION 1. The City Council hereby adopts the City of Shelby Public Records Request Policy and Procedure under the authority of NCGS Chapter 132, a copy of which is attached hereto.

SECTION 2. In adopting the Policy, the City Council has determined the fee schedule for staff time and copies included in the Policy is an accurate reflection of the actual cost of searching for and making copies of records. The schedule has been approved by the terms of this Resolution but may be updated by subsequent Ordinance. A copy of the amended City of Shelby Fees Schedule is attached.

SECTION 3. In approving this Resolution and the Policy, City Council expressly adopts any and all exemptions, restrictions, and limitations from disclosure contained within NCGS Chapter 132 as may be amended from time to time, and any additional exemptions, restrictions, or limitations from disclosure that may be provided for now or in the future under North Carolina law.

SECTION 4. This Resolution and Policy, along with the Fees Schedule, shall become effective upon their adoption and approval.

Adopted and approved this 20th day of July 2020.

O. Stanhope Anthony III
Mayor

ATTEST:

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

City of Shelby
Agenda Item Summary
July 20, 2020
(via electronic meeting)

Agenda Item: F-3

- 3) Consideration of a proposed ordinance amending the Minimum Housing Ordinance of the City of Shelby, North Carolina: Ordinance No. 25-2020

New Business Item: (Walt Scharer, Planning Director)

Summary of Available Information:

- Memorandum dated July 13, 2020 from Walter Scharer, Planning Director to Rick Howell, City Manager
- Ordinance No. 25-2020

City Manager's Recommendation / Comments

Ordinance No. 25-2020 is presented at this time for City Council consideration. If approved this ordinance would amend the existing City Code to bring it in to full conformance with the applicable NC General Statute addressing minimum housing standards. As explained in Mr. Scharer's memorandum the NC General Assembly from time to time may amend a statute requiring the City to adjust the language of the City Code to ensure the two are in sync. The City Attorney has prepared the necessary changes in cooperation with Mr. Scharer. The detailed changes are included as part of the ordinance for your review.

It is my recommendation Ordinance No. 25-2020 be adopted and approved by City Council.



Memorandum

To: Rick Howell - City Manager
From: Walter Scharer – Planning Director
Date: July 13, 2020
Subject: Proposed Amendment to the Minimum Housing Ordinance

Executive Summary of issue – Background

The current Minimum Housing Ordinance for the City of Shelby was amended in 1996. Since that time, there have been changes to the North Carolina General Statute for Minimum Housing.

Review and Comments

Staff, along with the interim City Attorney, has conducted a review of the Minimum Housing Ordinance to ensure due process for the citizens and property owners of the City of Shelby is being property administered. Several amendments are proposed by staff to ensure the City’s Minimum Housing Ordinance follows the North Carolina General Statutes.

Recommendation

Please place this item on the July 20, 2020 City Council Agenda. A public hearing is not required for this proposed amendment.

Attachments: Amending Ordinance.

ORDINANCE NO. 25-2020

**A PROPOSED ORDINANCE AMENDING THE MINIMUM HOUSING ORDINANCE
OF THE CITY OF SHELBY, NORTH CAROLINA**

WHEREAS, the City of Shelby enforces its Minimum Housing Ordinance; and,

WHEREAS, the City of Shelby wishes to follow the North Carolina General Statutes for Minimum Housing; and,

WHEREAS, the Strategic Growth Plan Policy 9.2 states: Consistent, reliable enforcement of well written housing codes shall be employed to eliminate instances of unlawful activity and urban blight within Shelby; and,

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

Section 1. In accordance with Chapter 160A, Article 19 of the North Carolina General Statutes, as amended, the Shelby City Code, is hereby amended with the attached EXHIBIT A.

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

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

ADOPTED AND APPROVED this the 20th day of July 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

Exhibit A

Sec. 24-39. - Procedures for enforcement.

~~(a) (a)~~ The Chief Code Enforcement Officer of the City of Shelby is designated as the public officer with the authority to exercise the enforcement powers contained in Section 24 which constitute the minimum housing code ordinances. The Chief Code enforcement may appoint certain individuals as his designated agents for all purposes set forth herein, inclusive of any building inspector or code enforcement officer. (Any reference within these ordinances to the code enforcement officer means the Chief Code Enforcement officer or designee).

~~(a)(b)~~ Preliminary investigation; notice; hearing.- Whenever a petition is filed with the Chief Code Enforcement Officer by a public authority or by at least five residents of the city charging that any dwelling or dwelling unit is unfit for human habitation, or whenever it appears to the code enforcement officer, upon inspection, that any dwelling or dwelling unit is unfit for human habitation ~~(s)~~he shall, if his or her preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such dwelling or dwelling unit a complaint stating the charges and containing a notice that a hearing will be held before the inspector at a place therein fixed, not less than ten, nor more than 30 days after the serving of the complaint. The owner or any party in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint. Notice of such hearing shall also be given to at least one of the persons signing a petition relating to such dwelling. Any person desiring to do so may attend such hearing and give relevant evidence. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the inspector.

~~(cb)~~ Procedure after hearing. After such notice and hearing, the code enforcement officer shall state in writing his or her determination whether the dwelling or dwelling unit is unfit for human habitation, and, if so, whether it is deteriorated or dilapidated.

(1) If the inspector-code enforcement officer determines that the dwelling or dwelling unit is deteriorated, he shall state in writing his findings of fact in support of such determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner to repair, alter, or improve such dwelling or dwelling unit to comply with the minimum standards of fitness established by this article within a specified period of time, not to exceed 90 days. Such order may also direct and require the owner to vacate and close such dwelling or dwelling unit until such repairs, alterations and improvements have been made. Upon application by the owner within the specified period of time, the chief code enforcement officer may grant extensions for substandard dwellings for up to 90 days if substantial progress has been made and the unit is occupied by its owner.

(2) If the code enforcement officer determines that the dwelling is dilapidated, ~~(s)~~he shall state in writing his or her findings of fact to support such determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner either to demolish or remove the dwelling ~~repair, alter or improve such dwelling or dwelling unit to comply with the minimum standards of fitness established by this article, or else to vacate and remove or demolish the same~~ within a specified period of time not to exceed 90 days.

(3) In emergency cases where it reasonably appears there is immediate danger to life or safety of any person or to safety of other property, unless a dwelling unit for human habitation or a dangerous building as herein described is immediately repaired or demolished, the code enforcement officer shall cause immediate repair or demolition of such dwelling or building and the cost of such repair or demolition shall be recovered and collected as is provided in subsection 24-33(5).

- (4) Within ten days from the date of the order determining that the building is dilapidated (under section (2) above), the owner may notify the code enforcement officer in writing of his intent to make such repairs or alterations to said dwelling so as to comply with the minimum standards of fitness. Upon receipt of an owner's written intent to repair said dwelling, within the time provided herein, the code enforcement officer shall issue a supplemental order directing the owner to commence and complete the repairs or alterations necessary to comply with the minimum standards of fitness. The code enforcement officer shall allow a reasonable period of time for the owner to make such repairs or alterations, but in no event shall the period of time allowed for such repairs or alterations be less than 30 days nor more than 90 days unless an extension is granted by the code enforcement officer for substantial progress made. Upon application by the owner within the specified period of time, the chief code enforcement officer may grant extensions for substandard dwellings for up to 90 days if substantial progress has been made and the unit is occupied by its owner. The **code enforcement** officer may require the building be vacated and closed until deemed safe by the code enforcement officer.
- (5) If the owner fails to give notice of either an intent to repair as herein provided or notice of appeal of the decision of the code enforcement officer to the board of adjustment within the time specified for such an appeal, the code enforcement officer shall proceed in accordance with the provisions of Section 24-40(a) or (b) herein.
- (6) Whenever a determination is made pursuant to subsection (2) above that a dwelling must be removed or demolished, under the provisions of this section, notice of the order shall be given by first class mail to any organization involved in providing or restoring dwellings for affordable housing that has filed a written request for such notices. A minimum period of 45 days from the mailing of such notice shall be given before removal or demolition by action of the code enforcement officer, to allow the opportunity for any organization to negotiate with the owner to make repairs, lease, or purchase the property for the purpose of providing affordable housing. The code enforcement officer or the city clerk shall certify the mailing of the notices, and the certification shall be conclusive in the absence of fraud. Only an organization that has filed a written request for such notices may raise the issue of failure to mail such notices, and the sole remedy shall be an order requiring the code enforcement officer to wait 45 days before causing removal or demolition.

(Amend. of 6-17-1996)

- **Sec. 24-40. - Failure to comply with order.**

(a) *In personam* remedy. If the owner of any deteriorated dwelling or dwelling unit shall fail to comply with an order of the inspector to repair, alter, or improve or to vacate and close the same within the time specified therein, or if the owner of a dilapidated dwelling or dwelling unit shall fail to comply with an order of the inspector to repair, alter or improve or to vacate and close and remove or demolish the same within the time specified therein, the inspector shall ~~may~~ submit to the city council at its next regular meeting a resolution directing the city attorney to petition the superior court for an order directing such owner to comply with the order of the inspector, as authorized by G.S. 160A-446(g).

~~(b) *In rem* remedy. After failure of an owner of a deteriorated or dilapidated dwelling or dwelling unit to comply with an order of the inspector within the time specified therein, if injunctive relief has not been sought or has not been granted as provided in the preceding subsection (a), the inspector shall may submit to the city council an ordinance ordering the inspector to cause such dwelling or dwelling unit to be repaired, altered, improved, vacated, closed, removed or demolished, as provided in the original order of the inspector, and while pending removal or demolition, to place a placard on such dwelling as provided by G.S. 160A-443 and [section 24-43](#) of the this article.~~

~~(Amend. of 6-17-1996)~~

- (a) *In personam* remedy. If the owner of any deteriorated unsafe building shall fail to comply with an order of the code enforcement officer to repair, alter or improve the same within the time specified therein, or if the owner of a dilapidated unsafe building shall fail to comply with an order of the code enforcement officer to remove or demolish the same within the time specified therein, the chief code enforcement officer may submit to the council at its next regular meeting a resolution directing the city attorney to institute in the general court of justice an appropriate action to seek an order of the court directing such owner to comply with the order of the code enforcement officer, as authorized by G.S. 160A-446(g); or
- (b) *In rem* remedy. If the owner of any deteriorated unsafe building shall fail to comply with an order of the code enforcement officer within the time fixed by that order to repair, alter or improve the same within the time specified therein; or if the owner of a dilapidated unsafe building shall fail to comply with an order of the code enforcement officer to remove or demolish the same within the time specified therein; or if judicial relief has not been sought or has not been granted as provided in the preceding subsection (c)(1); then in any of these events and pursuant to G.S. 160A-443(4) and (5) the code enforcement officer shall request the council to order him by an ordinance specifically describing the subject property to do the following, either (i) to cause such unsafe building to be repaired, altered and improved to comply with the minimum standards of fitness established by this Code, or (ii) to cause such unsafe building to be removed or demolished. The council, in ordering one of the aforesaid alternatives, shall order the specific action that will best effectuate the purposes of this Code. Once the ordinance is adopted by the council a true copy of such ordinance shall be recorded in the office of the register of deeds of Cleveland County and the registrar shall index the name of the property owner in the "grantor index," as provided by G.S. 160A-443(5). Once such an ordinance is adopted by the council the chief code enforcement officer shall forthwith cause such repair, alteration and improvement, OR removal or demolition, to be carried out by any public authority or private concern. Pursuant to G.S. 160A-443(6) the amount of the cost of repairs, alterations and improvements, or removal or demolition shall be a lien against the real property upon which the cost was incurred. Such lien shall be filed, have the same priority and be collected as the lien for special assessment provided in article 10, chapter 160A of the North Carolina General Statutes. If the unsafe building is removed or demolished by the code enforcement officer, he shall, if possible, sell in any commercially reasonable manner the materials of the unsafe building and shall credit the proceeds of the sale, if any, against the cost of the removal or demolition. Any balance remaining shall be deposited by the chief code enforcement officer with the clerk of superior court for subsequent disbursement by the court to the persons found by the court to be entitled thereto.

~~(Amend. of 6-17-1996)~~

- **Sec. 24-41. - Appeals from order of inspectors.**

(a) An appeal from any decision or order of the code enforcement officer may be taken by any person aggrieved thereby. Any appeal from the code enforcement officer shall be taken within ten days from the rendering of the decision or service of the order, and shall be taken by filing with the inspectorcode enforcement officer and with the zoning board of adjustment a notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the inspectorcode enforcement officer shall forthwith transmit to the board all the papers constituting the record upon which decision appealed from was made. When an appeal is from a decision of the inspectorcode enforcement officer refusing to allow the person aggrieved thereby to do any act, his decision shall remain in force until modified or reversed. When an appeal is from a decision of the inspectorcode enforcement officer requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the board, unless the inspectorcode enforcement officer certifies to the board, after the notice of appeal is filed with him, that by reason of the facts stated in the certificate (a copy of which shall be furnished to the appellant), a suspension of his requirement would cause imminent peril to life or property, in which case the requirement shall not be suspended except for due cause shown upon not less than one day's written notice to the inspectorcode enforcement officer, by the board, or by a court of record upon petition made pursuant to G.S. 160A-446 (f) and subsection (d) of this section.

(b) The board shall fix a reasonable time for the hearing of all appeals, shall give due notice to all the parties, and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The board may reverse or affirm, wholly or partly, or may modify the decision or order appealed from, and may make such decision and order as in its opinion ought to be made in the matter, and to that end it shall have all the powers of the inspectorcode enforcement officer, but the concurring vote of four members of the board shall be necessary to reverse or modify any decision or order of the inspectorcode enforcement officer. The board shall have power also in passing upon appeals, in any case where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance, to adapt the application of the ordinance to the necessities of the case to the end that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

(c) Every decision of the board shall be subject to review by proceedings in the nature of certiorari instituted within 15 days of the decision of the board, but not otherwise.

(d) Petition to superior court by owner. Any person aggrieved by an order issued by the inspectorcode enforcement officer or a decision rendered by the board shall have the right, within 30 days after issuance of the order or rendering of the decision, to petition the superior court for a temporary injunction restraining the inspectorcode enforcement officer pending a final disposition of the cause, as provided by G.S. 160A-446(f).

~~(Amend. of 6-17-1996)~~

- **Sec. 24-42. - Methods of service of complaints and orders.**

(a) Complaints or orders issued by the inspectorcode enforcement officer shall be served upon persons either personally or by registered or certified mail. If the whereabouts of such persons are

unknown and the same cannot be ascertained by the inspectorcode enforcement officer in the exercise of reasonable diligence, the inspectorcode enforcement officer shall make an affidavit to that effect, and the serving of such complaint or order upon such person may be made by publishing the same at least once no later than the time at which personal service would be required under the provisions of this article in a newspaper having general circulation in the city. Where service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected by the complaint or order.

(b) Other owners or parties in interest. Failure on the part of any owner or parties in interest to receive or have served upon them any complaint, notice or order provided for in this section shall not affect or invalidate the proceedings with respect to any other owner or party in interest or any other person.

S(Amend. of 6-17-1996)

- **Sec. 24-43. - In rem action by inspectorcode enforcement officer; placarding.**

(a) After failure of an owner of a dwelling or dwelling unit to comply with an order of the inspectorcode enforcement officer issued pursuant to the provisions of this article, and upon adoption by the city council of an ordinance authorizing and directing him to do so, as provided by G.S. 160A-443(5) or (5a) and subsection 24-40(a) of this article, the inspectorcode enforcement officer shall proceed to cause such dwelling or dwelling unit to be repaired, altered or improved to comply with the minimum standards of fitness established by this article, or to be vacated and closed and removed or demolished, as directed by the ordinance of the city council and shall cause to be posted on the main entrance of such dwelling or dwelling unit a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful". Occupation of a building so posted shall constitute a misdemeanor pursuant to G.S. 14-4.

(b) Each ordinance shall be recorded in the office of the register of deeds in the county wherein the property is located, and shall be indexed in the name of the property owner in the grantor index, as provided by G.S. 160A-443(5) or (5a).

(c) If the dwelling is removed or demolished by the inspectorcode enforcement officer, he shall sell the materials of such dwelling and shall credit the proceeds of such sale against the cost of the removal or demolition and any balance remaining shall be deposited in the superior court by the inspectorcode enforcement officer, shall be secured in such manner as may be directed by such court and shall be disbursed by such court to the persons found to be entitled thereto by final order or decree of such court; provided, however, that nothing in this section shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

- **Sec. 24-44. - Costs, a lien on-premises.**

As provided by G.S. 160A-446(6), the cost of any repairs, alterations or improvements, or of vacating and closing, or removal or demolition, caused to be made or done by the [inspectorcode enforcement officer](#) pursuant to subsection [24-43\(a\)](#) of this article shall be a lien against the real property upon which such cost was incurred. Such lien shall be filed, having priority, and be collected in the same manner as the lien for special assessments established by G.S. ch. 160A, art. 10.

- **Sec. 24-45. - Alternative remedies.**

[SHARE LINK TO SECTIONPRINT SECTIONDOWNLOAD \(DOCX\) OF SECTIONEMAIL SECTIONCOMPARE VERSIONS](#)

Neither this article, nor any of its provisions shall be construed to impair or limit in any way the power of the City of Shelby to define and declare nuisances and to cause their abatement by summary action or otherwise, or to enforce this article by criminal process as authorized by G.S. [14-4](#) and [section 24-47](#) of this article, and the enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws.

(Amend. of 6-17-1996)

- **Sec. 24-46. - Zoning board of adjustment to hear appeals.**

All appeals which may be taken from decisions or orders of the [inspectorcode enforcement officer](#) pursuant to [section 24-41](#) of this article shall be heard and determined by the zoning board of adjustment (in city board members only). As the appeals body, the board shall have the power to fix the times and places of its meetings, to adopt necessary rules of procedure and any other rules and regulations which may be necessary for the proper discharge of its duties. The board shall perform the duties prescribed by [section 24-41](#) and shall keep an accurate journal of all its proceedings.

- **Sec. 24-47. - Conflict with other provisions.**

In the event any provision, standard, or requirement of this article is found to be in conflict with any provision of any other ordinance or code of the City of Shelby, the provision which establishes the higher standard or more stringent requirement for the promotion and protection of the health and safety of the residents of the City of Shelby shall prevail.

- **Sec. 24-48. - Violation, penalty.**

(a) It shall be unlawful for the owner of any dwelling or dwelling unit to fail, neglect, or refuse to repair, alter, or improve the same, or to vacate and close and remove or demolish the same, upon order of the [inspectorcode enforcement officer](#) duly made and served as herein provided, within the time specified in such order. Each day that any such failure, neglect, or refusal to comply with such order continues shall constitute a separate and distinct offense.

(b) It shall be unlawful for the owner of any dwelling or dwelling unit, with respect to which an order has been issued pursuant to [section 24-39](#) of this article, to occupy or permit the occupancy of the same after the time prescribed in such order for its repair, alteration or improvement or its vacating and closing. Each day that such occupancy continues after such prescribed time shall constitute a separate and distinct offense.

(c) The violation of any provision of this article shall constitute a misdemeanor, as provided by G.S. [14-4](#).

(d) If any occupant fails to comply with an order to vacate a dwelling, the code enforcement officer may file a civil action in the name of the city to remove such occupant(s). Such action shall be filed and conducted in accordance with the provisions of G.S. 160A-443(7).

(e) In addition to the penalty established by subsections (c) and (d) above, and the remedies provided by other provisions this article, this article may be enforced by an appropriate equitable remedy issued by a court of competent jurisdiction.

City of Shelby
Agenda Item Summary
July 20, 2020
(via electronic meeting)

Agenda Item: G

City Manager's Report

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

Agenda Item: H

Council Announcements and Remarks

I. Adjournment

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

Motion to adjourn