

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

Invocation

Pledge of Allegiance

A. Approval of Agenda

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

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

B. Special Presentation:

- 1) Natural Gas Distribution System Assessment Presentation –
Brian Hahn, Project Manager, and Wayne Noonoo, PE, Project
Manager of Rummel, Klepper, Kahl, LLP (RK&K) 1

C. Public Comment: 16

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

D. Public Hearings:

- 1) Consideration of a resolution for the City of Shelby’s application for Community Development Block Grant Coronavirus (CDBG-CV) funding: Resolution No. 39-2020 17
- 2) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina for property located on Randolph Road: Ordinance No. 27-2020 21
- 3) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina for property located on Railroad Avenue: Ordinance No. 28-2020 33

E. Consent Agenda:

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

- 1) Approval of the Minutes of the Regular Meeting of August 17, 2020 53
- 2) Approval of Special Event Permit Application:
 - a. Food Truck Reception for Mara and Reese, requested date: October 4, 2020 60
- 3) Adoption of a proposed ordinance rescinding two minimum housing ordinances in the City of Shelby, North Carolina: Ordinance No. 29-2020 69
- 4) Approval of a resolution approving the campus security contract between the City of Shelby and Cleveland Community College: Resolution No. 40-2020 72

F. Unfinished Business:

- 1) Consideration of appointments to City advisory boards and commissions:
 - a. Shelby Planning and Zoning Board 84
- 2) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina for property located on Wease Drive: Ordinance No. 26-2020 88
- 3) Consideration of a resolution appointing the City Attorney: Resolution No. 41-2020 100

G. New Business: None 102

H. City Manager's Report 102

I. Council Announcements and Remarks 102

J. Adjournment:

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

1) Motion to adjourn

102

City of Shelby
Agenda Item Summary
September 21, 2020
(via electronic meeting)

B. Special Presentation:

- 1) Natural Gas Distribution System Assessment Presentation – Brian Hahn, Project Manager, and Wayne Noonoo, PE, Project Manager of Rummel, Klepper, Kahl, LLP (RK&K)

(Introduction, Julie McMurry, Energy Services Director)

Summary of Available Information:

- Memorandum dated September 15, 2020 from Julie McMurry, Energy Services Director to Rick Howell, City Manager and Justin Merritt, Assistant City Manager
- Presentation slides

City Manager's Recommendation / Comments

A special presentation is scheduled for this time on City Council agenda. Council will recall that on August 19, 2019 it authorized the selection (Res. 57-2019) of RK&K to conduct an assessment of the natural gas system and the development of an asset management plan. This was to include a thorough assessment of the entire system, a plan for recommended upgrades, rehabilitation and/or replacements of facilities to allow the City to continue to serve its customer base safely and effectively.

As you all know I have put a great deal of emphasis on planning for the future especially as it relates to the City's utility systems. The natural gas system is no exception. The results of the assessment will aid the City in addressing identified issues and ultimately make it an even more productive, safe and efficient system. Which in turn is to the benefit of our customers and citizens.

I would like to commend Julie McMurry, Energy Services Director, and her staff for their efforts in bringing the assessment to a successful end. Ms. McMurry will introduce our presenters this evening.

Memorandum

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

From: Julie R McMurry, Director of Energy Services

RE: Natural Gas System Assessment Presentation

Date: September 15, 2020

Executive Summary of Issue – Background

On August 19, 2019 City Council approved Resolution No. 57-2019 to enter into contract with Rummel, Klepper, Kahl, LLP (RK&K) for their engineering services to perform an assessment of our natural gas system. The assessment included research, GIS coordination, data compilation and system assessment that resulted in a report of recommendations. The assessment began in September 2019 and was completed in February 2020.

Review and Comments

City staff has reviewed the report and met with Brian Hahn and Wayne NooNoo, the project contacts with RK&K, to discuss their findings and recommendations in detail.

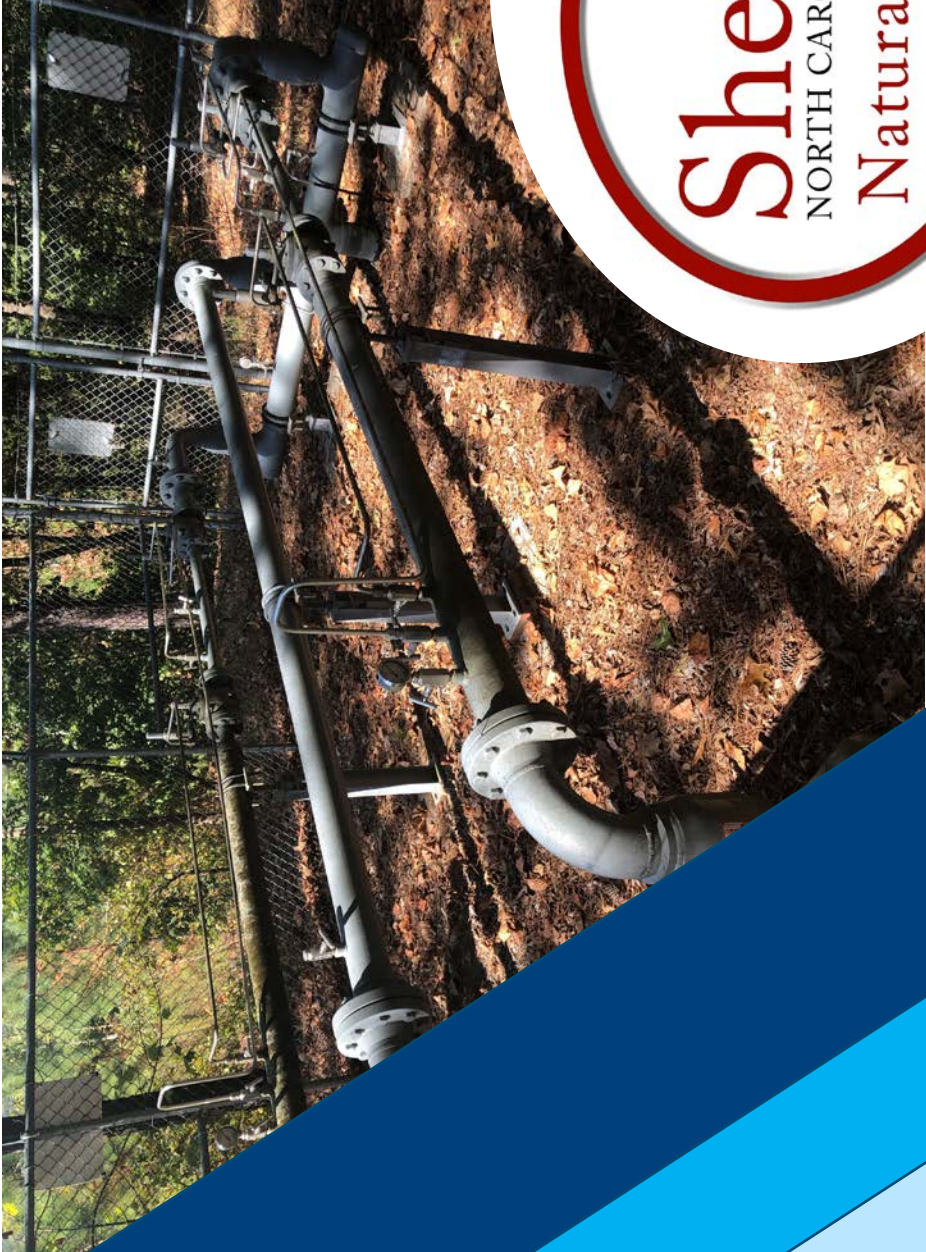
Tie into current policy and/or adopted planning documents

This project is aligned with Strategic Growth Plan, adopted in 2005 Policy 7.1.1 Prepare strategic plans for each of the city's utility systems and Policy 7.4 Phase out old utility system components and phase in new ones. This is the first assessment of the natural gas system that has been done

Recommendation

We would like to request time on the September 21, 2020 Council agenda for them to present the information to Council so they will learn the items found and needs for the gas system moving forward.

I have attached a copy of the full report for your information and the presentation they will be using for the Council meeting.



City of Shelby Energy Services Natural Gas Distribution System Assessment

PRESENTATION | September 21, 2020

TODAY'S AGENDA

Introduce
Our Presenters

Describe
Purpose of the
Study

Provide a
System
Assessment

Provide
Prioritization
of Findings

TODAY'S ATTENDEES



BRIAN HAHN
PROJECT MANAGER

- Richmond, Virginia
- 31 Years Of Experience
- Natural gas distribution – planning, design, construction management, studies and reports, and compliance



WAYNE NOONOO, PE
PROJECT MANAGER

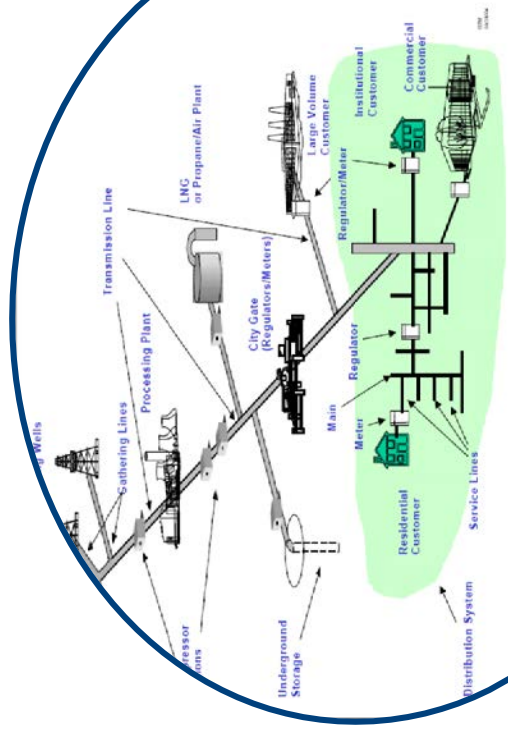
- Charlotte, North Carolina
- 17 Years of Experience
- Natural gas distribution and transmission – design, corrosion control, HDD, and construction management

PURPOSE OF STUDY

“The City is interested in a thorough assessment of the natural gas facilities resulting in a plan for recommended upgrades, rehabilitation and/or replacements to allow us to continue to serve our customers safely and effectively for the next 64+ years.”



**SAFETY
FIRST**



SYSTEM ASSESSMENT

GENERAL SYSTEM ASSESSMENT

- Well planned
- Common materials
- Consistency in design
- General redundancy
- Leaks
- Proactive operation

AREAS OF CONCERN

- Mains
 - ❖ Cathodic protection
 - ❖ Aerial Crossings
 - ❖ Redundancy
 - ❖ Restrictions
 - ❖ Federal regulations non-compliance
- Regulator station maintenance
- Engineering Operations
 - ❖ Gas System Model
 - ❖ GIS



NATURAL GAS DISTRIBUTION SYSTEM ASSESSMENT

CITY OF SHELBY, NORTH CAROLINA
NATURAL GAS DEPARTMENT

Prepared For:



Prepared By:



124 Floyd Smith Drive, Suite 240
Charlotte, NC 28262
880.235.0011



Date	Revision #	Reason for Revision	Prepared	Checked	Approved	Approved
			Initial Submittal	BEH	WRN	WPS
April 1, 2020	0					

RK&K Project Number: 19283



REMEDIATION PRIORITIZATION



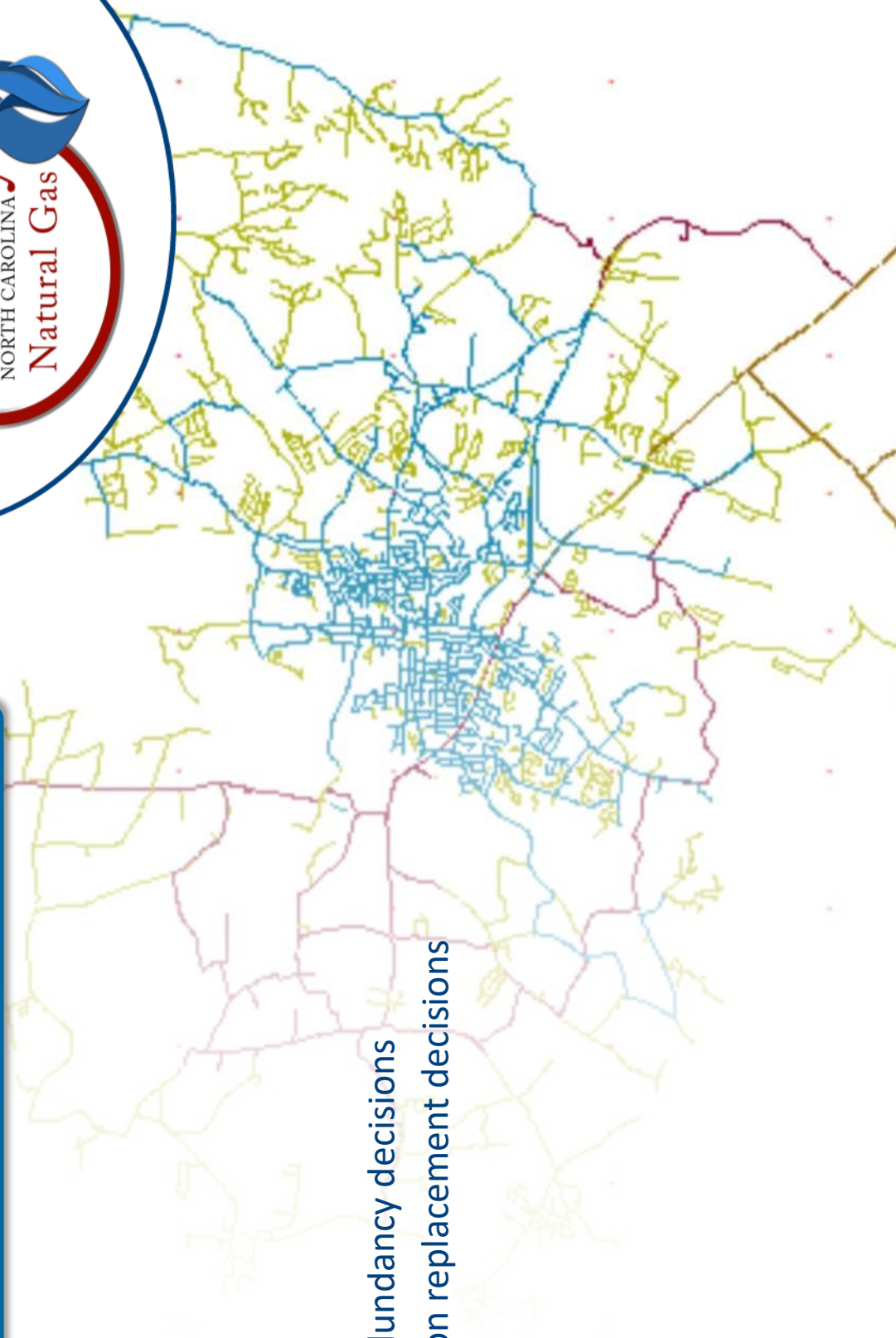
Cathodic Protection

- Additional studies and testing
- Potential new facilities and modification of existing facilities
- Three Years
- Approximately \$214,000
- Consultants, City crews, Contractor crews

REMEDIATION PRIORITIZATION

Natural Gas System Modeling

- Planning and verification
 - ❖ Impact on high pressure redundancy decisions
 - ❖ Impact on pipeline restriction replacement decisions
- Future uses
- Less than one year
- Approximately \$46,000



SYSTEM INTEGRITY



REMEDIATION PRIORITIZATION



Replacement of Non-Compliant Shallow Mains

- Federal Compliance Issue
- Replacement and Investigation
- Five year program
- Approximately \$1,029,000



REMEDIATION PRIORITIZATION

Regulator Station Maintenance

- General maintenance
- Three year program
- Approximately \$74,000

SYSTEM INTEGRITY



REMEDIATION PRIORITIZATION

Aerial Bridge Crossings

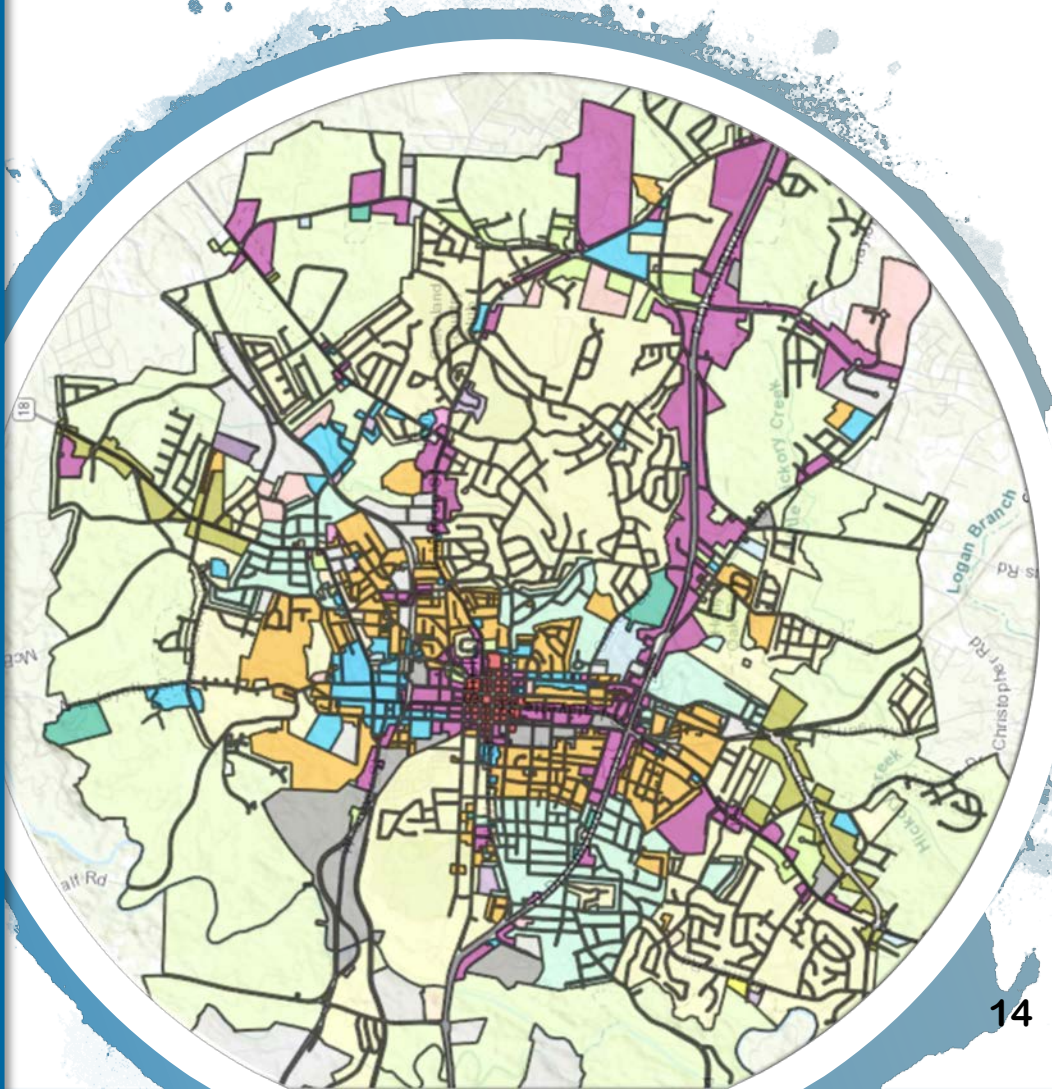
- Performed under general maintenance
- Costs not developed during this study



REMEDIATION PRIORITIZATION

GIS Updates

- Performed by City personnel
- No schedule
- Costs not developed during this study





QUESTIONS & ANSWERS

City of Shelby
Agenda Item Summary
September 21, 2020
(via electronic meeting)

C. Public Comment:

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

City of Shelby
Agenda Item Summary
September 21, 2020
(via electronic meeting)

D. Public Hearings:

Agenda Item: Legislative Hearing Item D-1

- 1) Consideration of a resolution for the City of Shelby's application for Community Development Block Grant Coronavirus (CDBG-CV) funding: Resolution No. 39-2020

(Presenting, Justin Merritt, Assistant City Manager)

Summary of Available Information:

- Memorandum dated September 15, 2020 from Justin Merritt, Assistant City Manager to Rick Howell, City Manager
- Notice of Public Hearing
- Resolution No. 39-2020

City Manager's Recommendation / Comments

A public hearing is scheduled at this time to solicit public comment regarding the City's intent to submit a grant application to the NC Department of Commerce CDBG-CV program. This is the second of two required public hearings. The first was held by City staff on Tuesday, September 15, 2020 to allow the public to submit qualifying proposals for the CDBG-CV program.

As noted in Mr. Merritt's memo the City is proposing to submit an application asking for the maximum award of \$900,000. The City intends to use funds to benefit those citizens that have encountered economic hardships due to the coronavirus pandemic. This would assist citizens with public service subsistence payments as well as work to ensure access to broadband and communications support. An example might be that in situations where a parent is unable to afford broadband internet access for remote learning for their child the funds could be used to assist in paying the monthly provider bill. This program requires that funds be spent within a 30 month period.

I would note that this is a new program and the NC Department of Commerce is still refining guidance and details on what will be specifically allowed. This matter is time sensitive as this is a competitive grant that will be awarded on a first come first serve basis until the funding is depleted.

After the conclusion of the public hearing City Council may act upon Resolution No. 39-2020.



To: Rick Howell, City Manager

From: Justin Merritt, Assistant City Manager

Date: September 15, 2020

Subject: Public Hearing #2 for CDBG-CV Grant Submission for Coronavirus Recovery and Assistance Funding

Background:

As you know, the State of NC Department of Commerce recently released guidance related to the new CDBG-CV grant program, which provides competitive funding to communities to assist with recovery and assistance efforts due to impacts of the coronavirus. City staff have worked to identify community needs and have recognized that subsistence payments to assist with utility and rent payments, as well as broadband access are of high need in our community.

An initial public hearing was held by City staff on September 15, 2020, which was to notify the public and receive proposals that may qualify for CDBG-CV funding. The City received no additional proposals.

This second public hearing is required by the CDBG program and has the purpose of identifying the specific use of the requested CDBG funding, which in this case is public service subsistence payments and broadband and communications support. Additionally, it allows the public a time to provide comments on this proposed use.

Additionally, after the public hearing is held and closed, I have attached a resolution that, if approved, will allow the City to move forward with the filing of the CDBG-CV application.

Recommendation:

The recommendation from staff is to hold the requested public hearing and approve the attached resolution.

NOTICE OF PUBLIC HEARING

Community Development Block Grant (CDBG) Public Hearing

Notice is hereby given that the City of Shelby will hold a public hearing on September 21, 2020 at 6:00pm, or as soon thereafter as the agenda will allow, via virtual City Council meeting protocol. Relative to the intention of the Town to apply for FY 2020 CDBG funding under Title I of the Housing and Community Development Act. The Program for which funding will be applied for through is the State CDBG-CV (COVID-19) Funds. Grant request and total project cost are estimated at \$900,000.

Potential list of projects includes public service projects such as subsistence payments and broadband and communications support.

Citizens will be given the opportunity to provide oral comments or submit written comments on the Town's past and proposed use of CDBG funds at the public hearing. All interested citizens are encouraged to attend or submit written comment and join in the meeting.

If additional information is needed, please contact Justin Merritt, Assistance City Manager, City of Shelby. Formal written complaints or comments concerning the CDBG application process that are submitted prior to or following the public hearing will be responded to within ten working days by the City.

Persons with disabilities or who otherwise need assistance should contact staff at City Hall at least three days prior to the public hearing. Accommodations will be made for all who request assistance with participating in the public hearing.

This information is available in Spanish or any other language upon request. Please contact the staff at the Shelby City Hall for accommodations concerning this request.

Esta información está disponible en español o en cualquier otro idioma bajo petición. Por favor, póngase en contacto con personal o en casa de ayuntamiento de alojamiento para esta solicitud.



RESOLUTION NO. 39-2020

A RESOLUTION FOR THE CITY OF SHELBY'S APPLICATION
FOR COMMUNITY DEVELOPMENT BLOCK GRANT CORONAVIRUS
(CDBG-CV) FUNDING

WHEREAS, the City of Shelby's City Council has previously indicated its desire to assist in coronavirus recovery and assistance efforts within the City; and,

WHEREAS, the City has held two public hearings concerning the proposed application for an amount not to exceed \$900,000 in Community Development Block Grant Coronavirus funding to benefit those who have encountered economic hardships due to coronavirus.; and,

WHEREAS, the City Council wishes the City to pursue a formal application for Community Development Block Grant Coronavirus funding to benefit those who have encountered economic hardships due to coronavirus and will invest monies in the amount of \$900,000 into the project as committed to in the applications; and,

WHEREAS, the City Council certifies it will meet all federal regulatory and statutory requirements of the Community Development Block Grant Coronavirus Program; and,

AND, that Rick Howell, City Manager, and O. Stanhope Anthony, III, Mayor, the Authorized Officials, and successors so titled, are hereby authorized to execute and file applications on behalf of the City of Shelby with the State of North Carolina for funding to aid in the provision of the project described above.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Shelby that the City is authorized to submit a formal application to the North Carolina Department of Commerce for approval of a Community Development Block Grant Coronavirus program.

Adopted this the 21st day of September 2020 in Shelby, North Carolina.

O. Stanhope Anthony III
Mayor

ATTEST:

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

City of Shelby
Agenda Item Summary
September 21, 2020
(via electronic meeting)

Agenda Item: Legislative Hearing Item D-2

- 2) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina for property located on Randolph Road: Ordinance No. 27-2020

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

Summary of Available Information:

- Memorandum dated September 15, 2020 from Walter Scharer, Planning and Development Services Director to Rick Howell, City Manager
- General Application
- Staff Report
- Zoning Map and Location Map
- Planning and Zoning Board Minutes
- Certified Recommendation
- Notice of Public Hearing
- Ordinance No. 27-2020

City Manager's Recommendation / Comments

This time is scheduled on the agenda for City Council to conduct the required public hearing in accordance with the NC General Statute 160A-364. Following the conclusion of the hearing the Council may not immediately act on the item under consideration. Under a recently adopted provision (S.L. 2020-3, SB 704) of the NC General Statutes the City Council may not act on the subject matter following the close of the public hearing. It must receive public comment on the issue at hand for at least 24 hours following the close of the hearing. Consideration of the adoption of Ordinance No. 27-2020 may take place at your next regularly scheduled meeting to be held on October 5, 2020.

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

§ 160A-383. Purposes in view.

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

After the conclusion of the public hearing City Council may not act upon Ordinance No. 27-2020



Memorandum

To: Rick Howell - City Manager
From: Walter Scharer – Planning Director
Date: September 14, 2020
Subject: Requested zoning map amendment from LI to R20 on Randolph Road

Executive Summary of Issue – Background

Applicant Albert Tinsely is proposing a zoning change on this property in order rehabilitate the existing single family structures.

Review and Comments

Single Family Dwellings are not permitted in the LI zoning district. The existing dwelling have been vacant to the extent as to lose their non-conforming status. Therefore, a zoning change is necessary to rehabilitate the existing structures. The Comprehensive Land Use Plan for this area designates the site as an Employment Area.

Recommendation

This proposed zoning map amendment is inconsistent with the Comprehensive Land Use Plan. The Planning and Zoning Board recommends this proposed zoning amendment due to the characteristics of the property.

Please schedule a legislative public hearing for this proposed zoning amendment at the next City Council meeting on September 21, 2020.

Due to the North Carolina COVID law, when City Council holds a virtual meeting with a public hearing, action may not be taken on immediately. Public comment is required to be accepted at a minimum of 24 hours after the scheduled meeting. City Council may take action at the next available City Council meeting.

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



City of Shelby
Planning and Development Services Department

General Application

Address of Subject Property:

2022, 2020 Southern Dr / 2104, 2102, 2100 Randolph Rd

Applicant(s) Name: Albert Andre Tinsley

Address: 316 Rollingwood Dr, Stanley NC 28164

Email: albert@tinsleyinvestmentgroup.com

Phone: 980-233-1655

Owner(s) Name: Max & Tenna McKee

Email:

Phone: 704-487-1214

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: 28409 / 28408

Proposed Zoning:

Proposed Land Use: Residential

Previous Use: Residential

Approx. Building Sq. Ft.:

Approx. Project Acreage:

Business Name: Tinsley Investment Group, LLC

Construction Sq. Ft.: 2000 set on 28408 / 2000 set on 28409

Valuation: N/A Still Getting Estimates

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

We are looking to subdivide each lot to the minimum lot size requirement. After divided we would like to renovate each home with approximately 35K in repairs and resale to a first time home buyer.

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: *Albert Andre Tinsley*

Date: 07-30-2020

Residential

Date



Staff Report

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

Date: August 4, 2020
Meeting: August 20, 2020
File: #1123

OWNER: Max & Tenna McKee

APPLICANT: Albert Andre Tinsley

LOCATION: Randolph and Southern Drive

PARCEL ID #: 28409 & 28408

PRESENT ZONING: LI

REQUESTED ZONING: R20

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

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

ANALYSIS: The subject property is currently zoned LI. The applicant is requesting the R20 zoning district in order to renovate the existing mill houses on the properties. Other land uses in the area include single family dwellings and industrial uses. The single-family dwellings on this property are currently non-conforming and cannot be redeveloped as currently zoned.

The LI Light Industrial District is primarily intended to accommodate limited manufacturing, warehousing, wholesaling, and related commercial and service activities which have little or no adverse impact upon adjoining residential, business, and industrial properties. The preservation of land for light industrial use is a major objective of the LI District. The LI District is intended to provide appropriate locations for light industrial uses in areas that are not adversely impacted by general or heavy industrial uses. Other land uses allowed within the LI District should be limited to those uses that support light industrial uses. Generally, retail and heavy commercial uses should be avoided in the LI District.

The R20 Residential District is primarily intended to accommodate very low density single-family detached dwellings, modular homes, two-family dwellings, and manufactured homes on individual lots in areas that generally do not have access to public water supplies and are dependent upon septic tanks for sewage disposal. Maximum densities within the R20 District are approximately 2 dwelling units per gross acre for single-family and two-family dwellings. Manufactured home parks are permitted within the R20 District by conditional use permit. Nonresidential uses permitted within this district include customary accessory, recreational, educational, and institutional land uses that are compatible with the low-density residential character of the R20 District.

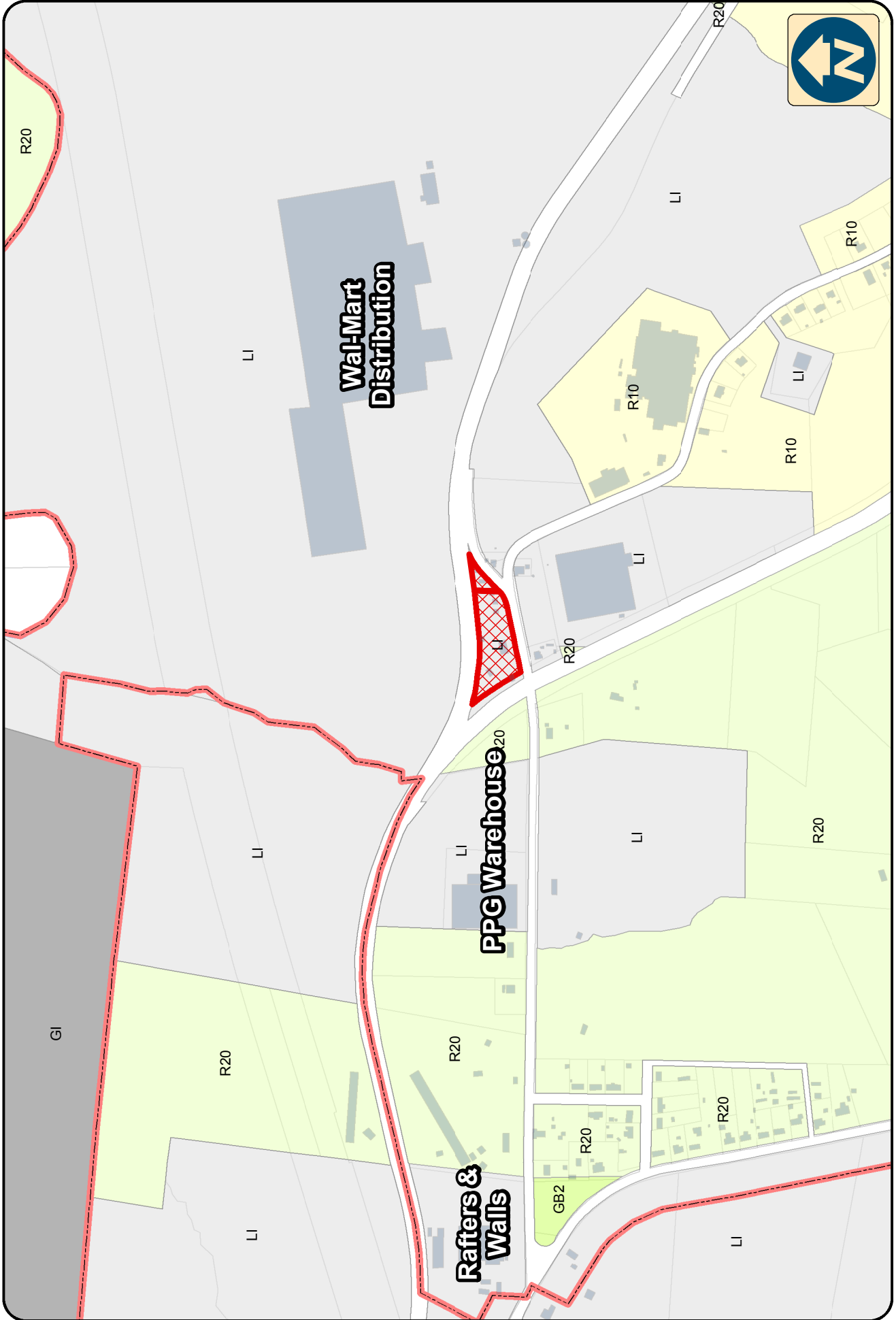
STAFF COMMENTS:

This zoning map amendment is consistent with the comprehensive land use plan.



Zoning Map Randolph and Southern

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



Scale 1:9,000 1 inch = 750 feet

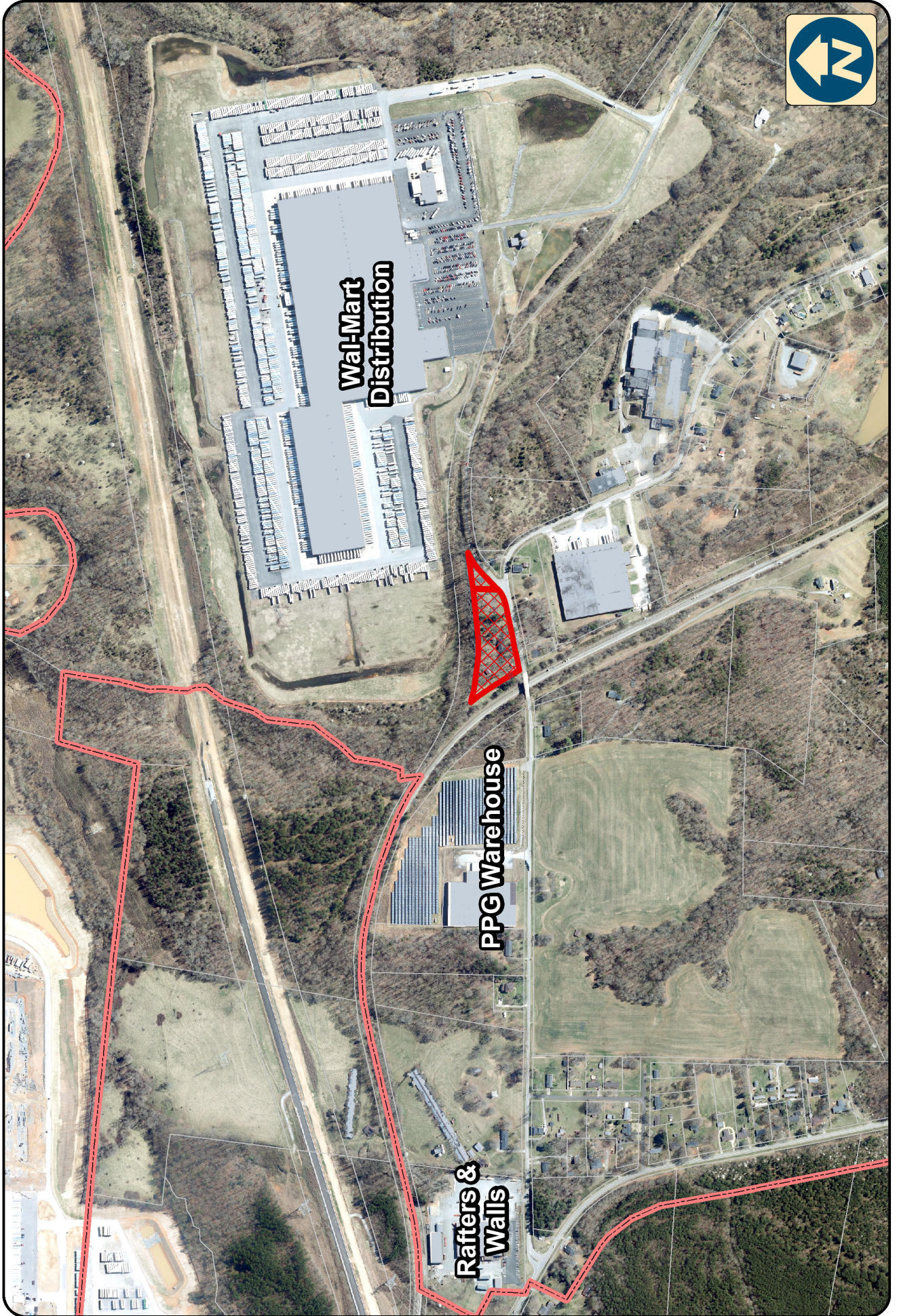


Date: 8/6/2020



Location Map Randolph and Southern

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



Scale 1:9,000 1 inch = 750 feet



Date: 8/6/2020



CITY OF SHELBY PLANNING AND ZONING BOARD MINUTES

August 20, 2020

Zoom Virtual Meeting

Item 1. Call to Order/Roll Call

Vice-Chair Washburn called the meeting to order at 12:19PM and noted that a quorum was present.

Board Present: Marlene Peeler, Rick Washburn, Bob Cabaniss, Charles Hamrick, Greg Taylor, Michael Royster, Jeff Aderholdt, Scott Bankhead, Jim Martin, and Emanuel Hunt Jr.

Staff Present: Alan Toney (Planner) and Hatteras Stella (Planner)

Others Present: Alex Taylor (Tube Enterprises)

Item 2. Approval of the July 16, 2020 Minutes

Vice-Chair Washburn asked if there were any questions or comments about the July 16, 2020 minutes. The minutes were approved as submitted.

Item 3. Proposed Conditional Use Map Amendment – Tube Enterprises

Mr. Toney presented this proposed zoning map amendment. The properties are currently zoned R8, R6, and LI. Tube Enterprises is planning to expand its current operation and add parking. Overall the project site is approximately 3 acres. Single family dwellings were previously on two of the lots. Land uses in the area include single-family dwellings and commercial uses. A large multi-family project is about to begin construction east of this site.

The R8 Residential District is primarily intended to accommodate moderate density single-family detached dwellings, modular homes, and two-family dwellings. Maximum densities within the R8 District include approximately 5 dwelling units per gross acre. Public water and sewer service are generally available in areas zoned as R8.

The R6 Residential District is primarily intended to accommodate a variety of high-density single-family detached dwellings, modular homes, apartments, townhomes, and condominiums. Maximum densities within the R6 District range from 7 dwelling units per acre for single-family dwellings and 19 dwelling units per acre for multi-family dwellings. Public water and sewer service are generally available in areas zoned as R6.

The LI Light Industrial District is primarily intended to accommodate limited manufacturing, warehousing, wholesaling, and related commercial and service activities which have little or no adverse impact upon adjoining residential, business, and industrial properties. The preservation of land for light industrial use is a major objective of the LI District. The LI District is intended to provide appropriate locations for light industrial uses in areas that are not adversely impacted by general or heavy industrial uses. Other land uses allowed within the LI District should be limited to those uses that support light industrial uses. Generally, retail and heavy commercial uses should be avoided in the LI District.

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

Motion: Mr. Royster made the motion to recommend approval of this proposed conditional use map amendment

Second: Mr. Hamrick

Action: This motion passed unanimously.

Item 4. **Proposed Zoning Map Amendment – Randolph Road**

Mr. Toney presented this proposed zoning map amendment. The subject property is currently zoned LI. The applicant is requesting the R20 zoning district in order to renovate the existing mill houses on the properties. Other land uses in the area include single family dwellings and industrial uses. The single-family dwellings on this property are currently non-conforming and cannot be redeveloped as currently zoned.

The LI Light Industrial District is primarily intended to accommodate limited manufacturing, warehousing, wholesaling, and related commercial and service activities which have little or no adverse impact upon adjoining residential, business, and industrial properties. The preservation of land for light industrial use is a major objective of the LI District. The LI District is intended to provide appropriate locations for light industrial uses in areas that are not adversely impacted by general or heavy industrial uses. Other land uses allowed within the LI District should be limited to those uses that support light industrial uses. Generally, retail and heavy commercial uses should be avoided in the LI District.

The R20 Residential District is primarily intended to accommodate very low density single-family detached dwellings, modular homes, two-family dwellings, and manufactured homes on individual lots in areas that generally do not have access to public water supplies and are dependent upon septic tanks for sewage disposal. Maximum densities within the R20 District are approximately 2 dwelling units per gross acre for single-family and two-family dwellings. Manufactured home parks are permitted within the R20 District by conditional use permit. Nonresidential uses permitted within this district include customary accessory, recreational, educational, and institutional land uses that are compatible with the low-density residential character of the R20 District.

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

Second: Mr. Taylor

Action: This motion passed unanimously.

Item 5. **Announcements**

Mr. Toney gave updates concerning the uptown streetscape project and various other projects within Shelby.

Item 6. **Motion to adjourn.**

Vice-Chair Washburn adjourned the meeting at 12:38 pm.



Certified Recommendation

City of Shelby Planning & Zoning Board

Case File: 1123

Amendment: A Zoning Map Amendment for property located on Randolph Road with PIN #'s: 28409 & 28408 from Light Industrial (LI) zoning district to Residential 20 (R20) zoning district.

Recommendation: **The Planning and Zoning Board recommends approval of the proposed zoning map amendment for property located on Randolph Road with PIN #'s: 28409 & 28408 from Light Industrial (LI) zoning district to Residential 20 (R20) zoning district.**

Findings &

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

Motion: Mr. Bankhead made the motion to recommend approval of this proposed zoning map amendment from Light Industrial (LI) zoning district to Residential 20 (R20) zoning district.

Second: Mr. Taylor

Action: This motion passed unanimously.

Signatures: Walter Scharer
Planning and Development Director

Marlene Peeler
Planning and Zoning Board Chair

Date: 8/20/2020

Date: 8/20/2020

**NOTICE OF PUBLIC HEARING
APPLICATION #: 1123-2020
ZONING MAP AMENDMENT**

The City Council of Shelby, North Carolina will conduct a public hearing during its regular meeting at 6:00 p.m., Monday, September 21, 2020 via Zoom. City Council will consider a proposed zoning map amendment from Light Industrial (LI) Zoning District to Residential 20 (R20) Zoning District for property located on Randolph Road with the Cleveland County Parcel Numbers 28408 & 28409.

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

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

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

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

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

The Shelby Star:

Please publish this notice as a legal line ad on Tuesday, September 8, 2020 and again on Tuesday, September 15, 2020.

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

ORDINANCE NO. 27-2020

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

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

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

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

WHEREAS, in accordance with GS 160A-364, a public hearing on this proposed rezoning was held by City Council on September 21, 2020 after due publication of said hearing as required by law; and,

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

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

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

Section 2. In accordance with Chapter 160A, Article 19 of the North Carolina General Statutes, as amended, the Shelby Unified Development Ordinance and Shelby Zoning Map (Appendix A of the Shelby City Code), 2112 Randolph Road and 2020 Southern Drive is hereby amended from LI Zoning District to R20 Zoning District. Said area of zoning is more fully described as the parcel listed by the Cleveland County Tax Office as Parcel Identification Numbers 28408 & 28409.

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

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

ADOPTED AND APPROVED this the 21st day of September 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
September 21, 2020
(via electronic meeting)

Agenda Item: Legislative Hearing Item D-3

- 3) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina for property located on Railroad Avenue: Ordinance No. 28-2020

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

Summary of Available Information:

- Memorandum dated September 14, 2020 from Walter Scharer, Planning and Development Services Director to Rick Howell, City Manager
- General Application
- Proposed Site Plan
- Staff Report
- Zoning Map and Location Map and Land Use Map
- Planning and Zoning Board Minutes
- Certified Recommendation
- Notice of Public Hearing
- Ordinance No. 28-2020

City Manager's Recommendation / Comments

This time is scheduled on the agenda for City Council to conduct the required public hearing in accordance with the NC General Statute 160A-364. Following the conclusion of the hearing the Council may not immediately act on the item under consideration. Under a recently adopted provision (S.L. 2020-3, SB 704) of the NC General Statutes the City Council may not act on the subject matter following the close of the public hearing. It must receive public comment on the issue at hand for at least 24 hours following the close of the hearing. Consideration of the adoption of Ordinance No. 28-2020 may take place at your next regularly scheduled meeting to be held on October 5, 2020.

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

§ 160A-383. *Purposes in view.*

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

After the conclusion of the public hearing City Council may not act upon Ordinance No. 28-2020



Memorandum

To: Rick Howell - City Manager
From: Walter Scharer – Planning Director
Date: September 14, 2020
Subject: Requested zoning map amendment from R6 to LI-CU at Railroad Drive

Executive Summary of Issue – Background

Tube Enterprises, LLC is proposing a zoning change on this property in order to expand its operation and include better parking facilities.

Review and Comments

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

Recommendation

This proposed zoning map amendment is inconsistent with the Comprehensive Land Use Plan. The Planning and Zoning Board recommends this proposed zoning amendment because the applicant has made the proposed site plan as residential neighborhood friendly as possible.

Please schedule a legislative public hearing for this proposed zoning amendment at the next City Council meeting on September 21, 2020.

Due to the North Carolina COVID law, when City Council holds a virtual meeting with a public hearing, action may not be taken on immediately. Public comment is required to be accepted at a minimum of 24 hours after the scheduled meeting. Although, this is a Conditional Use Zoning Map Amendment only the legislative hearing for this proposal will take place on September 21, 2020 City Council may take action at the next available City Council meeting. If the zoning map amendment is approved City Council may then proceed with the Quasi-Judicial Public Hearing for the proposed use associated with this Conditional Use Map Amendment. Approval of the Zoning Map Amendment does not approve of the Conditional Use, this may only take place following a Quasi-Judicial Public Hearing.

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



City of Shelby
Planning and Development Services Department

General Application

Address of Subject Property:

1028 Railroad Ave Shelby NC 28152

Applicant(s) Name: Tube Enterprises Inc. (Alex Taylor)

Address: 1028 Railroad Ave
Shelby NC 28152

Email: alex.taylor@integritymedicalsolutions.com

Phone: 704-300-3938

Owner(s) Name: SAME

Email:

Phone:

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: 20702, 20786, 20689, 20690

Proposed Zoning: Light Industrial

Proposed Land Use:

Approx. Building Sq. Ft.:

Approx. Project Acreage:

Business Name:

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

we would like to combine the four parcels and zone for light industrial to allow for business expansion.
20702 & 20786 are already LI, 20689 is partial LI, 20690 is RB

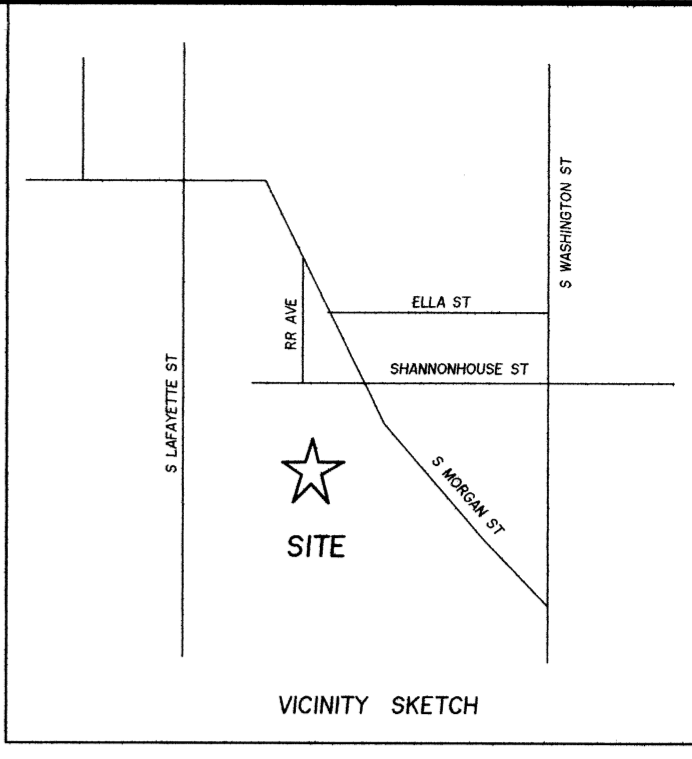
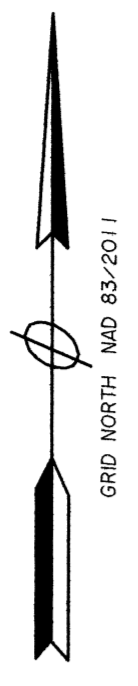
Oath: By signing, I hereby certify that all information that I have provided in this application is correct and complete to the best of my knowledge. I understand that providing false or incomplete information may be grounds for denial of my request or may result in future action by the City Council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


Signature of Applicant

10/9/19
Date

Received by:

Date



COURSE	BEARING	DISTANCE
L-1	N 17°50'32"E	12.23'
L-2	S 09°20'13"E	24.83'
L-3	S 89°34'21"E	7.54'
L-4	S 88°48'13"W	7.58'
L-5	N 88°48'11"E	7.58'
L-6	S 79°53'32"W	7.38'

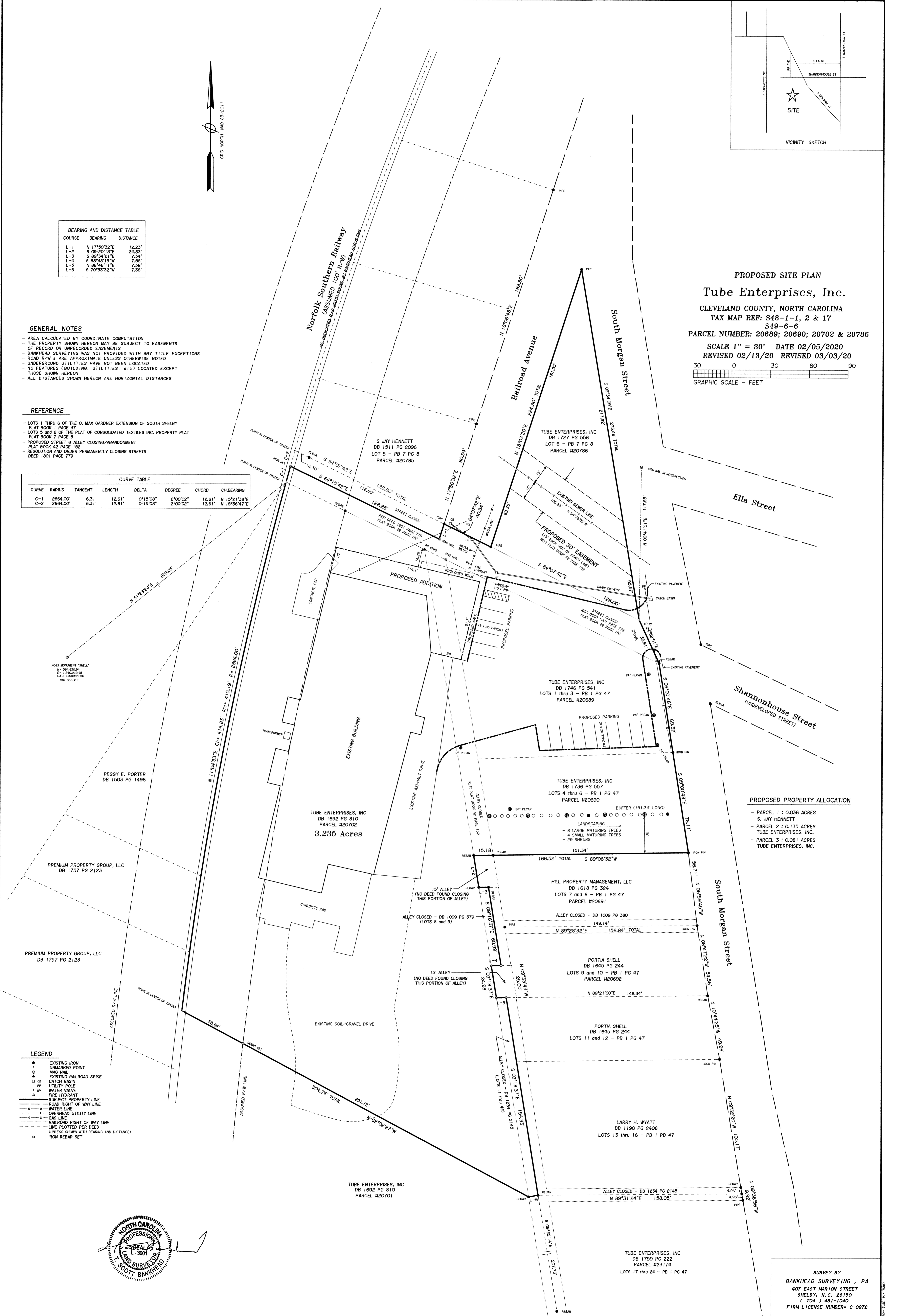
- GENERAL NOTES**
- AREA CALCULATED BY COORDINATE COMPUTATION
 - THE PROPERTY SHOWN HEREON MAY BE SUBJECT TO EASEMENTS OF RECORD OR UNRECORDED EASEMENTS
 - BANKHEAD SURVEYING WAS NOT PROVIDED WITH ANY TITLE EXCEPTIONS
 - ROAD R/W'S ARE APPROXIMATE UNLESS OTHERWISE NOTED
 - UNDERGROUND UTILITIES HAVE NOT BEEN LOCATED
 - NO FEATURES (BUILDING, UTILITIES, etc) LOCATED EXCEPT THOSE SHOWN HEREON
 - ALL DISTANCES SHOWN HEREON ARE HORIZONTAL DISTANCES

- REFERENCE**
- LOTS 1 THRU 6 OF THE O. MAX GARDNER EXTENSION OF SOUTH SHELBY PLAT BOOK 1 PAGE 47
 - LOTS 5 and 6 OF THE PLAT OF CONSOLIDATED TEXTILES INC. PROPERTY PLAT BOOK 7 PAGE 8
 - PROPOSED STREET & ALLEY CLOSING/ABANDONMENT PLAT BOOK 42 PAGE 152
 - RESOLUTION AND ORDER PERMANENTLY CLOSING STREETS DEED 1801 PAGE 779

CURVE	RADIUS	TANGENT	LENGTH	DELTA	DEGREE	CHORD	CHLBEARING
C-1	2864.00'	6.31'	12.61'	0°15'08"	2°00'02"	12.61'	N 15°21'38"E
C-2	2864.00'	6.31'	12.61'	0°15'08"	2°00'02"	12.61'	N 15°56'47"E

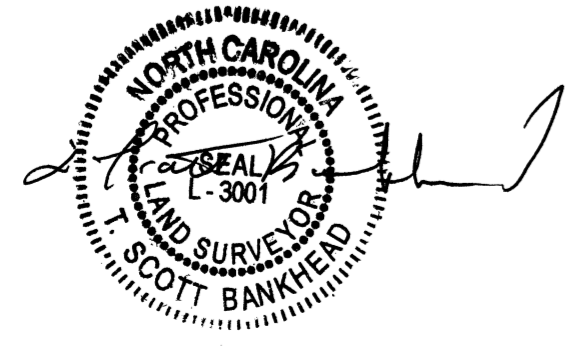
PROPOSED SITE PLAN
Tube Enterprises, Inc.
 CLEVELAND COUNTY, NORTH CAROLINA
 TAX MAP REF: S48-1-1, 2 & 17
 S49-6-6
 PARCEL NUMBER: 20689; 20690; 20702 & 20786
 SCALE 1" = 30' DATE 02/05/2020
 REVISED 02/13/20 REVISED 03/03/20

GRAPHIC SCALE - FEET



- PROPOSED PROPERTY ALLOCATION**
- PARCEL 1 : 0.036 ACRES S. JAY HENNETT
 - PARCEL 2 : 0.135 ACRES TUBE ENTERPRISES, INC.
 - PARCEL 3 : 0.081 ACRES TUBE ENTERPRISES, INC.

- LEGEND**
- EXISTING IRON UNMARKED POINT
 - ⊗ MAG NAIL
 - ▲ EXISTING RAILROAD SPIKE
 - CB CATCH BASIN
 - UTILITY PILE
 - WV WATER VALVE
 - FH FIRE HYDRANT
 - SUBJECT PROPERTY LINE
 - ROAD RIGHT OF WAY LINE
 - WATER LINE
 - OVERHEAD UTILITY LINE
 - GAS LINE
 - RAILROAD RIGHT OF WAY LINE
 - LINE PLOTTED PER DEED (UNLESS SHOWN WITH BEARING AND DISTANCE)
 - IRON REBAR SET



SURVEY BY
BANKHEAD SURVEYING, PA
 407 EAST MARION STREET
 SHELBY, N. C. 28150
 (704) 481-1040
 FIRM LICENSE NUMBER - C-0972

Staff Report



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

Date: August 4, 2020
Meeting: August 20, 2020
File: #1114

OWNER: Tube Enterprises, LLC

APPLICANT: Tube Enterprises

LOCATION: Railroad Avenue

PARCEL ID #s: 20786, 20689, & 20690

PRESENT ZONING: R6 & R8 & LI

REQUESTED ZONING: LI-CU

SURROUNDING ZONING: **North:** R8 **South:** R6 **East:** R6 **West:** NB

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

ANALYSIS: This proposed Conditional Use Zoning Map Amendment is for approximately one acre. Tube Enterprises is planning to expand its current operation and add parking. Overall the project site is approximately 3 acres. Single family dwellings were previously on two of the lots. Land uses in the area include single-family dwellings and commercial uses. A large multi-family project is about to begin construction east of this site.

The R8 Residential District is primarily intended to accommodate moderate density single-family detached dwellings, modular homes, and two-family dwellings. Maximum densities within the R8 District include approximately 5 dwelling units per gross acre. Public water and sewer service are generally available in areas zoned as R8.

The R6 Residential District is primarily intended to accommodate a variety of high-density single-family detached dwellings, modular homes, apartments, townhomes, and condominiums. Maximum densities within the R6 District range from 7 dwelling units per acre for single-family dwellings and 19 dwelling units per acre for multi-family dwellings. Public water and sewer service are generally available in areas zoned as R6.

The LI Light Industrial District is primarily intended to accommodate limited manufacturing, warehousing, wholesaling, and related commercial and service activities which have little or no adverse impact upon adjoining residential, business, and industrial properties. The preservation of land for light industrial use is a major objective of the LI District. The LI District is intended to provide appropriate locations for light industrial uses in areas that are not adversely impacted by general or heavy industrial uses. Other land uses allowed within the LI District should be limited to those uses that support light industrial uses. Generally, retail and heavy commercial uses should be avoided in the LI District.

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

The Conditional Use for this property will be for Medical, Dental, and Surgical Equipment production and accessory uses such as parking and is subject to the site plan submitted with the application.

STAFF COMMENTS: The Comprehensive Land Use Plan for this area designates this area as Neighborhood Revitalization. Neighborhood revitalization areas are older, declining neighborhoods that need stabilization and revitalization. Such areas have older housing stocks, which, in some areas need maintenance and in other areas require selective removal of dilapidated houses. These areas will predominately be residential with a mix of housing types and densities. This could include single-family residential, townhomes, and multi-story apartments.

This zoning map amendment is inconsistent with the Comprehensive Land Use Plan.

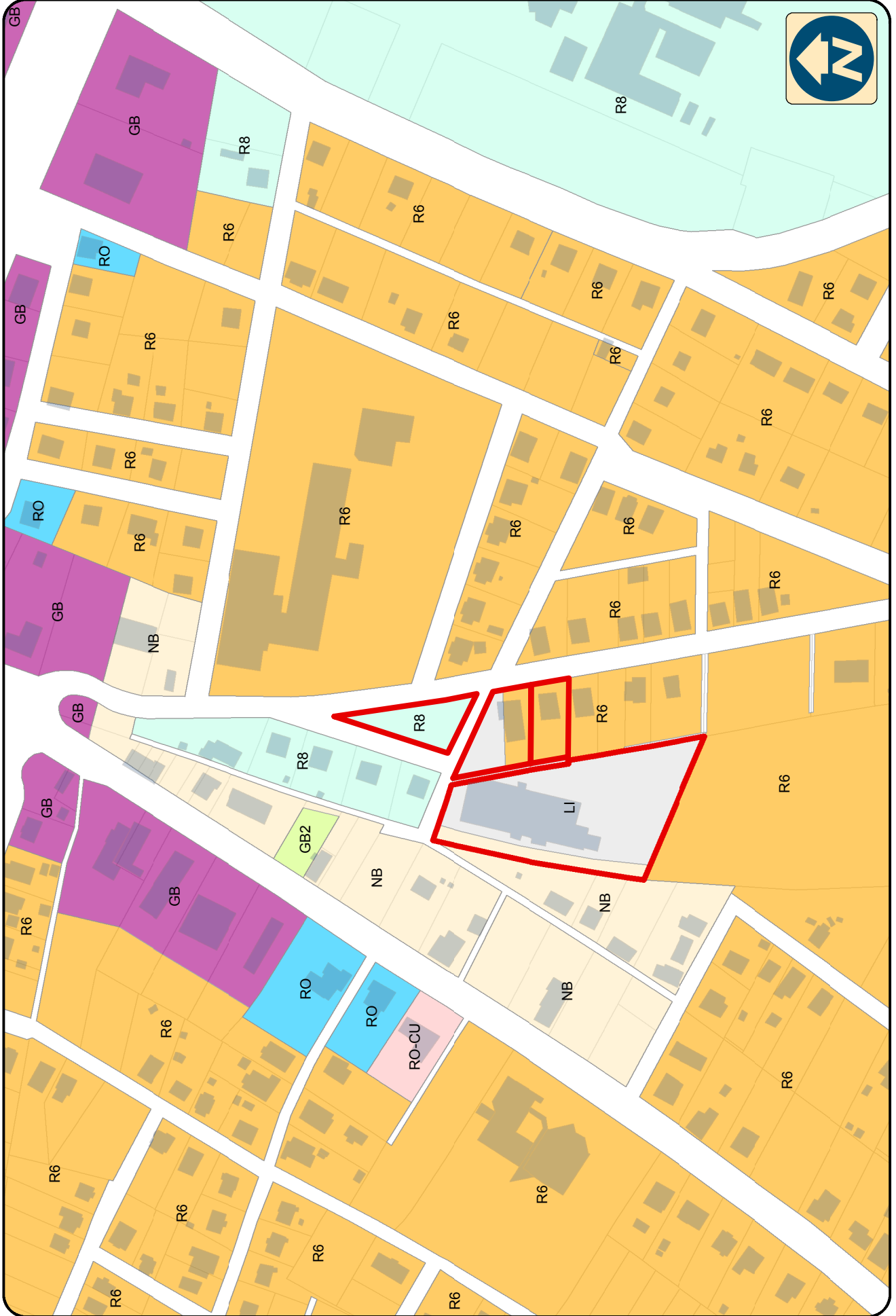
Tube Enterprises has been in this location since 2014.

The applicant proposes a sign on the lot with the proposed drive and parking area (Parcel 20689). Staff recommends only one freestanding sign, which may be illuminated, shall be permitted per street frontage. Said sign shall not exceed 48 square feet in area, shall be a maximum of 12 feet in height, and shall be located no closer than ten feet to the street right-of-way or 15 feet to the traveled portion of a street where the right-of-way does not exist or cannot be determined.



Zoning Map Tube Enterprises

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



Scale 1:3,000 1 inch = 250 feet



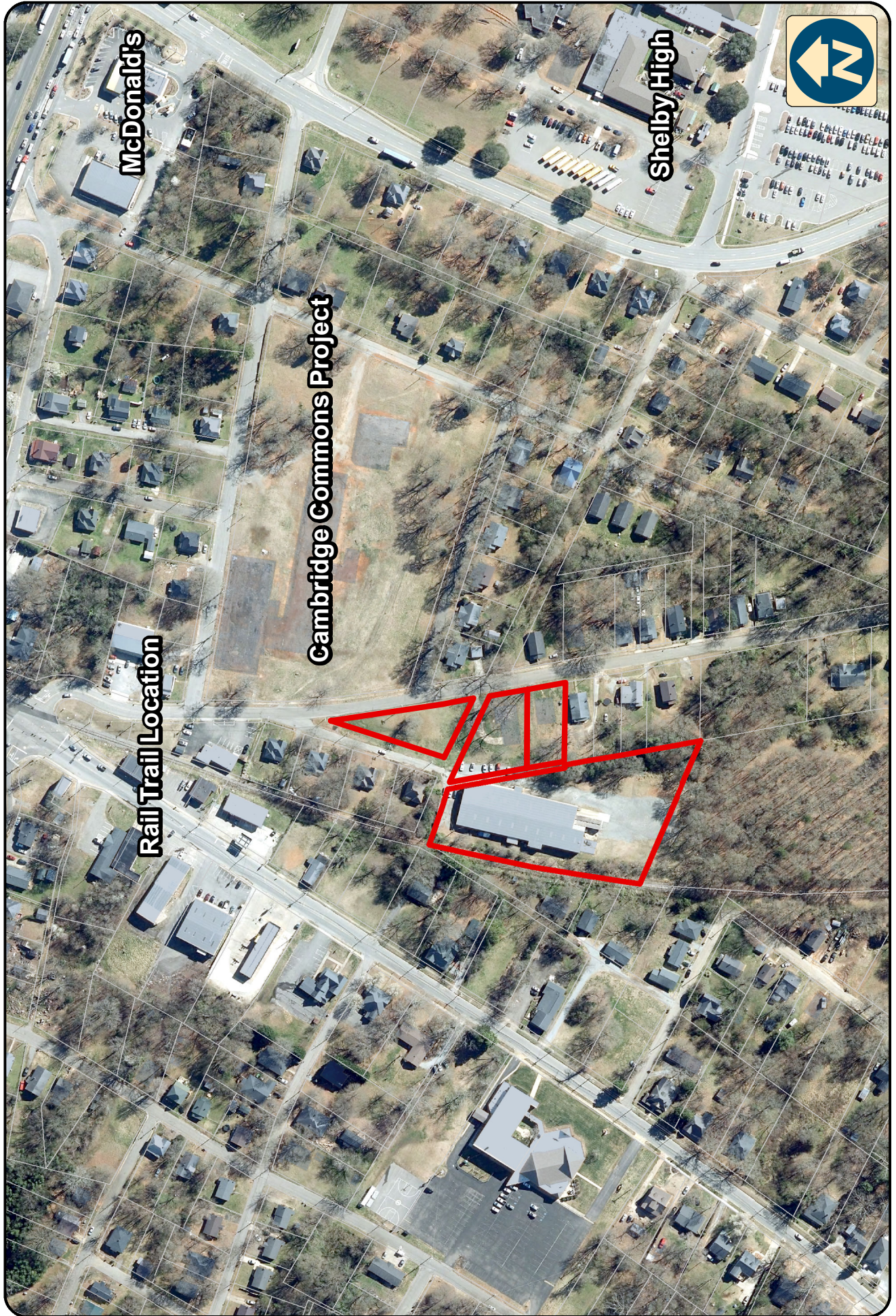
Date: 8/6/2020



Location Map

Tube Enterprises

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



Scale 1:3,000 1 inch = 250 feet



Date: 8/6/2020



Land Use Map Tube Enterprises

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



Legend

Land Use Designations

Future Land Use

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

Scale 1:6,000 1 inch = 500 feet

0 250 500 1,000 Feet

Date: 8/6/2020



CITY OF SHELBY PLANNING AND ZONING BOARD MINUTES

August 20, 2020

Zoom Virtual Meeting

Item 1. Call to Order/Roll Call

Vice-Chair Washburn called the meeting to order at 12:19PM and noted that a quorum was present.

Board Present: Marlene Peeler, Rick Washburn, Bob Cabaniss, Charles Hamrick, Greg Taylor, Michael Royster, Jeff Aderholdt, Scott Bankhead, Jim Martin, and Emanuel Hunt Jr.

Staff Present: Alan Toney (Planner) and Hatteras Stella (Planner)

Others Present: Alex Taylor (Tube Enterprises)

Item 2. Approval of the July 16, 2020 Minutes

Vice-Chair Washburn asked if there were any questions or comments about the July 16, 2020 minutes. The minutes were approved as submitted.

Item 3. Proposed Conditional Use Map Amendment – Tube Enterprises

Mr. Toney presented this proposed zoning map amendment. The properties are currently zoned R8, R6, and LI. Tube Enterprises is planning to expand its current operation and add parking. Overall the project site is approximately 3 acres. Single family dwellings were previously on two of the lots. Land uses in the area include single-family dwellings and commercial uses. A large multi-family project is about to begin construction east of this site.

The R8 Residential District is primarily intended to accommodate moderate density single-family detached dwellings, modular homes, and two-family dwellings. Maximum densities within the R8 District include approximately 5 dwelling units per gross acre. Public water and sewer service are generally available in areas zoned as R8.

The R6 Residential District is primarily intended to accommodate a variety of high-density single-family detached dwellings, modular homes, apartments, townhomes, and condominiums. Maximum densities within the R6 District range from 7 dwelling units per acre for single-family dwellings and 19 dwelling units per acre for multi-family dwellings. Public water and sewer service are generally available in areas zoned as R6.

The LI Light Industrial District is primarily intended to accommodate limited manufacturing, warehousing, wholesaling, and related commercial and service activities which have little or no adverse impact upon adjoining residential, business, and industrial properties. The preservation of land for light industrial use is a major objective of the LI District. The LI District is intended to provide appropriate locations for light industrial uses in areas that are not adversely impacted by general or heavy industrial uses. Other land uses allowed within the LI District should be limited to those uses that support light industrial uses. Generally, retail and heavy commercial uses should be avoided in the LI District.

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

Motion: Mr. Royster made the motion to recommend approval of this proposed conditional use map amendment

Second: Mr. Hamrick

Action: This motion passed unanimously.

Item 4. **Proposed Zoning Map Amendment – Randolph Road**

Mr. Toney presented this proposed zoning map amendment. The subject property is currently zoned LI. The applicant is requesting the R20 zoning district in order to renovate the existing mill houses on the properties. Other land uses in the area include single family dwellings and industrial uses. The single-family dwellings on this property are currently non-conforming and cannot be redeveloped as currently zoned.

The LI Light Industrial District is primarily intended to accommodate limited manufacturing, warehousing, wholesaling, and related commercial and service activities which have little or no adverse impact upon adjoining residential, business, and industrial properties. The preservation of land for light industrial use is a major objective of the LI District. The LI District is intended to provide appropriate locations for light industrial uses in areas that are not adversely impacted by general or heavy industrial uses. Other land uses allowed within the LI District should be limited to those uses that support light industrial uses. Generally, retail and heavy commercial uses should be avoided in the LI District.

The R20 Residential District is primarily intended to accommodate very low density single-family detached dwellings, modular homes, two-family dwellings, and manufactured homes on individual lots in areas that generally do not have access to public water supplies and are dependent upon septic tanks for sewage disposal. Maximum densities within the R20 District are approximately 2 dwelling units per gross acre for single-family and two-family dwellings. Manufactured home parks are permitted within the R20 District by conditional use permit. Nonresidential uses permitted within this district include customary accessory, recreational, educational, and institutional land uses that are compatible with the low-density residential character of the R20 District.

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

Second: Mr. Taylor

Action: This motion passed unanimously.

Item 5. **Announcements**

Mr. Toney gave updates concerning the uptown streetscape project and various other projects within Shelby.

Item 6. **Motion to adjourn.**

Vice-Chair Washburn adjourned the meeting at 12:38 pm.



Certified Recommendation

City of Shelby Planning & Zoning Board

Case File: 1114

Amendment: A Zoning Map Amendment for property located on Railroad Avenue with PIN #'s: 20786, 20689, & 20690 from Residential 6 (R6) zoning district, Residential 8 (R8) zoning district, and Light Industrial (LI) zoning district to Light Industrial - Conditional Use (LI-CU) zoning district.

Recommendation: **The Planning and Zoning Board recommends approval of the proposed zoning map amendment for property located on Railroad Avenue with PIN #'s: 20786, 20689, & 20690 from Residential 6 (R6) zoning district, Residential 8 (R8) zoning district, and Light Industrial (LI) zoning district to Light Industrial - Conditional Use (LI-CU) zoning district.**

Findings &

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

Motion: Mr. Royster made the motion to recommend approval of this proposed zoning map amendment from Residential 6 (R6) zoning district, Residential 8 (R8) zoning district, and Light Industrial (LI) zoning district to Light Industrial - Conditional Use (LI-CU) zoning district.

Second: Mr. Hamrick

Action: This motion passed unanimously.

Signatures: Walter Scharer
Planning and Development Director

Marlene Peeler
Planning and Zoning Board Chair

Date: 8/20/2020

Date: 8/20/2020

**NOTICE OF PUBLIC HEARING
APPLICATION #: 1114-2020
ZONING MAP AMENDMENT**

The City Council of Shelby, North Carolina will conduct a legislative public hearing during its regular meeting at 6:00 p.m., Monday, September 21, 2020 via Zoom. City Council will consider a proposed zoning map amendment from Residential 8 (R8), Residential 6 (R6), and Light Industrial (LI) Zoning District to Light Industrial Conditional Use (LI-CU) Zoning District for property located on Railroad Avenue with the Cleveland County Parcel Numbers 20786, 20689, & 20690. If the proposed zoning map amendment passes, then City Council will hold a quasi-judicial hearing for the proposed use of Medical, Dental, and Surgical Equipment production.

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

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

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

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

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

The Shelby Star:

Please publish this notice as a legal line ad on Tuesday, September 8, 2020 and again on Tuesday, September 15, 2020.

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

ORDINANCE NO. 28-2020

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

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

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

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

WHEREAS, in accordance with GS 160A-364, a public hearing on this proposed rezoning was held by City Council on September 21, 2020 after due publication of said hearing as required by law; and,

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

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

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

Section 2. In accordance with Chapter 160A, Article 19 of the North Carolina General Statutes, as amended, the Shelby Unified Development Ordinance and Shelby Zoning Map (Appendix A of the Shelby City Code), Railroad Avenue and S Morgan Street is hereby amended from R8, R6, and LI Zoning District to LI-CU Zoning District. Said area of zoning is more fully described as the parcels listed by the Cleveland County Tax Office as Parcel Identification Numbers 20690, 20689, & 20786.

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

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

ADOPTED AND APPROVED this the 21st day of September 2020.

O. Stanhope Anthony III
Mayor

ATTEST:

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

APPROVED AS TO FORM:

Martha R. Thompson
City Attorney

RESOLUTION NO. X-2020

**A RESOLUTION GRANTING A SPECIAL USE PERMIT
TO TUBE ENTERPRISES
AT RAILROAD AVENUE**

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

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

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

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

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

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

Section 1. In accordance with Chapter 160A, Article 19 of the North Carolina General Statutes, as amended, the City of Shelby may approve a Special Use Zoning Permit according to the requirements of the Unified Development Ordinance (Appendix A of the Shelby City Code) at Railroad Avenue. Lying within the City of Shelby in the Light Industrial Conditional Use District (LI-CU). Said area is more fully described as follows; PIN # 20689, 20786, & 20690.

Section 2. In accordance with Section 4-7.7 of the City of Shelby Unified Development Ordinance, a Special Use Zoning Permit is hereby granted to Tube Enterprises for Medical, Dental, and Surgical Equipment Production and accessory uses. The terms and conditions of such

permit are stated in Attachment, "A" which is attached hereto and incorporated herein by this reference.

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

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

ADOPTED AND APPROVED this the 5th day of October 2020.

O. Stanhope Anthony III
Mayor

ATTEST:

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

APPROVED AS TO FORM:

Martha R. Thompson
City Attorney

ATTACHMENT "A"

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

NORTH CAROLINA

FILE #: 1114

CLEVELAND COUNTY

THE CITY OF SHELBY, NORTH CAROLINA
SPECIAL USE ZONING PERMIT

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

Record Owner(s): Tube Enterprises

Property Location: Railroad Avenue

Tax Map, Block, and Lot#: Map: S49, Block 6, Lot: 6

Tax Map, Block, and Lot#: Map: S48, Block 1, Lot: 1

Tax Map, Block, and Lot#: Map: S48, Block 1, Lot: 2

Deed Reference: BOOK 1727, PAGE 0556 Acreage: .32 acres

Deed Reference: BOOK 1746, PAGE 0541 Acreage: .38 acres

Deed Reference: BOOK 1736, PAGE 0557 Acreage: .25 acres

Type and Intensity of Use: Medical, Dental, and Surgical Equipment Production

Meeting Date(s): October 5, 2020

Approval Date: October 5, 2020

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

1. The applicant for the property submitted the required application and site plan for special use permit; and
2. According to Article 9-3-1, medical, dental, and surgical equipment production is permitted in the LI Zoning District; and
3. The subject parcels lay within the City of Shelby fronting at Railroad Avenue in the Light Industrial Conditional Use District (LI-CU); and

4. The petitioner has declared that the intended use of the property is for medical, dental, and surgical equipment production; and
5. Land Use in the surrounding area is residential; and
6. Other than what is shown on the site plan, no other changes to the site are planned; and
7. To the best of staff's knowledge, no non-conformities currently exist on the property and none will be created by the requested special use permit; and
8. The use will not materially endanger the public health or safety if located where proposed and developed according to the plan; and
9. The use will not substantially injure the value of adjoining or abutting property; and
10. The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Comprehensive Land Use Plan.

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

1. The development of the tract shall proceed in conformity to all plans and design features submitted as part of the special use permit application and kept on file by the City of Shelby Planning Services Department; and
2. One freestanding sign, which may be illuminated, shall be permitted per street frontage. Said sign shall not exceed 48 square feet in area, shall be a maximum of 12 feet in height, and shall be located no closer than ten feet to the street right-of-way or 15 feet to the traveled portion of a street where the right-of-way does not exist or cannot be determine; and

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

SECTION 4. SEVERABILITY AND RECORDATION. Invalidation of any one or more of the conditions set forth herein shall not adversely affect the balance of said conditions, which shall remain in full force and effect. This permit shall become null and void if not recorded in the office of the Register of Deeds, Cleveland County, North Carolina, on or before December 5, 2020

O. Stanhope Anthony III
Mayor

ATTEST:

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

CERTIFICATE

I, Bernadette A. Parduski, the duly appointed, qualified, and City Clerk of the City of Shelby do hereby certify that the attached Extract from the Minutes of the Regular Meeting of the City Council of said City held on October 5, 2020 at 6:00 p.m., is a true and correct copy of the original minutes of said meeting on file and of record in my office insofar as said original minutes relate to the matters in said attached extract. I further certify that the copy of the special use zoning permit appearing in said attached Extract is a true and correct copy of said permit adopted at said meeting and on file and of record in my office.

IN WITNESS THEREOF I have hereunto set my hand and official seal of the City of Shelby on this the 5th day of October 2020.

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

(City Seal)

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

ATTEST:

Alex Taylor

City of Shelby
Agenda Item Summary
September 21, 2020
(via electronic meeting)

E. Consent Agenda

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

Agenda Item: E-1

- 1) Approval of the Minutes of the Regular Meeting of August 17, 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 August 17, 2020

City Manager's Recommendation / Comments

The City Clerk has submitted the minutes from your regular meeting held August 17, 2020. I have reviewed them and believe them to be an accurate account of the action taken by City Council at the meeting.

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

August 17, 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, Assistant Director of Finance/Customer Services Manager Sam Clark, Director of Human Resources Deborah C. (Deb) Jolly, Director of Energy Services Julie R. McMurry, Director of Water Resources David W. Hux, Director of Engineering Services Benjamin (Ben) Yarboro, Police Chief Jeffrey H. (Jeff) Ledford, Fire Chief William P. Hunt, MPA, EFO, Director of Planning and Development Services Walter (Walt) Scharer, AICP, Public Information and Communications Officer Chip Nuhrah, Lead for North Carolina (LFNC) Fellow Shelby Holmes, 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. Nuhrah. 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

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

B. Public Comment: None

C. Public Hearing:

- 1) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina: Ordinance No. 26-2020

Mr. Scharer presented the proposed zoning map amendment. The 22-acre property on Wease Drive is currently undeveloped and located within the Extraterritorial Jurisdiction (ETJ). The site is zoned Residential 20 (R20). The R20 District is primarily intended to accommodate very low-density single-

family detached dwellings, two-family dwellings, and manufactured homes on individual lots. The applicant, Eric Little, has requested Residential 6 – Conditional Use (R6-CU). The R6 District is primarily intended to accommodate a variety of high-density single-family detached dwellings, apartments, townhouses, and condominiums. Mr. Scharer explained Conditional Use Districts are circumstances where a general zoning designation allowing a use by right would not be appropriate for a particular property even though the use itself could, if properly planned, be appropriate for the property consistent with the objectives of the Unified Development Ordinance (UDO) and the Shelby Comprehensive Land Use Plan. The conditional use district process was established to address situations when a particular use may be acceptable but the general zoning district which would allow that use, would not be acceptable. It allows City Council to approve a proposal for a specific use with reasonable conditions to assure compatibility of the use with the surrounding properties.

Mr. Scharer added the Shelby Comprehensive Land Use Plan for this area designates the site as Low Density Residential. The low-density residential classification is for single-family detached residential land uses where sewer is not available. Utilizing a location map, Mr. Scharer stated the subject property is located south of the Highway 150/18 (Dekalb and South Lafayette Streets) intersection. In this case, he noted the higher density residential uses and the Hickory Creek Trunk are adjacent to this property and can serve this proposed development with sewer.

Mr. Scharer recommended approval of this proposed zoning map amendment from Residential 20 (R20) zoning district to Residential 6 – Conditional Use (R6-CU) zoning district, the higher density zoning district.

Mayor Anthony opened the public hearing at 6:08 p.m. and invited comments from the public:

Eric Little who resides at 2111 Belle Vernon Avenue in Charlotte, North Carolina and his partner, Demetrius Crayton, identified as the applicants. Mr. Little spoke in support of their proposed zoning map amendment for property located on Wease Drive from Residential 20 to Residential 6 Conditional Use.

Christine Ledford who resides at 107 Wease Drive in Shelby, North Carolina spoke against the proposed zoning map amendment for the property located on Wease Drive. Miss Ledford expressed her concerns that the proposed zoning is not compatible with the residential character and neighborhood atmosphere of Wease Drive. She stated the rezoning will negatively impact her safety.

Carrie Williams who resides at 101 Wease Drive in Shelby, North Carolina spoke against the proposed zoning map amendment for the property located

on Wease Drive. Miss Williams expressed concerns about safety, stating her and her daughter's mental and physical well-being would be put in jeopardy.

Tanya Smith who resides at 109 Wease Drive in Shelby, North Carolina spoke against the proposed zoning map amendment for the property located on Wease Drive. Miss Smith expressed her concerns related to increased traffic, lack of security, and lower property values if the project is developed. She stated the use is not compatible with the safety of families in her neighborhood.

Jordan Navey who resides at 111 Wease Drive in Shelby, North Carolina spoke against the proposed zoning map amendment for the property located on Wease Drive. Mrs. Navey expressed her concerns for the safety of her children and her neighbors.

Ashley Ledford who resides at 113 Wease Drive in Shelby, North Carolina spoke against the proposed zoning map amendment for the property located on Wease Drive. Miss Ledford expressed her concerns about the proposed zoning by stating it is not compatible with the residential character of Wease Drive and it is not a good fit. This decision directly impacts the lifestyle, safety, livelihood, and mental and physical well-being of all her neighbors. Miss Ledford also mentioned whether the proposed rezoning creates new City limits.

Sybil Hollifield who resides at 1901 South Lafayette Street in Shelby, North Carolina spoke against the proposed zoning map amendment for the property located on Wease Drive. Mrs. Hollifield stated the rezoning and conditional use are not the right fit for the Wease Drive neighborhood. She also expressed her concerns about increased traffic and decreased property values.

Gary Gamble who resides at 135 Forest Drive in Shelby, North Carolina spoke against the proposed zoning map amendment for the property located on Wease Drive. Mr. Gamble stated the Wease Drive neighborhood has always been residential and he wishes it to remain that way. He reminded Council that all the property owners have spoken out against the proposed rezoning in unison.

Edward Learn who resides at 126 Forest Drive in Shelby, North Carolina spoke against the proposed zoning map amendment for the property located on Wease Drive. Mr. Learn prefers the safety and quietness of the Wease Drive neighborhood to remain as is. He suggested there are many other areas in Cleveland County already zoned the way Wease Drive is being proposed to be zoned and those need to be developed to start with.

Mayor Anthony closed the public hearing at 6:23 p.m.

Both Mayor Anthony and Mr. Scharer clarified that although this is a Conditional Use Zoning Map Amendment only the legislative hearing for this proposal took place. City Council may act at the next City Council meeting of September 21, 2020. If the zoning map amendment is approved, City Council may then proceed with the Quasi-Judicial Public Hearing for the proposed use associated with this Conditional Use Map Amendment. Approval of the Zoning Map Amendment does not approve the Conditional Use. This may only take place following a Quasi-Judicial Public Hearing. Additionally, and due to the North Carolina COVID-19 law, when City Council holds a virtual meeting with a public hearing, action may not be taken immediately. Public comment is required to be accepted at a minimum of 24 hours after the scheduled meeting.

Next, Mr. Howell clarified the question regarding the City limits, stating this case is strictly a zoning matter and has nothing to do with the annexation of property on Wease Drive.

Council took no action.

D. Consent Agenda:

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

- 1) Approval of the Minutes of the Regular Meeting of August 3, 2020
- 2) Approval of a resolution authorizing termination of lease agreements: Resolution No. 37-2020
- 3) Approval of a resolution awarding the contract for the City of Shelby Stormwater Infrastructure Assistance Program Project at 110 Shady Ridge Lane in Shelby, North Carolina: Resolution No. 38-2020
- 4) Approval of a Notice of Cancellation in the Regular Meeting Schedule of Shelby City Council

E. Unfinished Business: None

F. New Business: None

F. City Manager's Report:

- 1) Mr. Howell previously provided Council with the City's Monthly Financial Summary for the Fiscal Year ending June 2020 and commented that given the circumstances of the pandemic and the economic slowdown, the City closed the fiscal year strong. He reported several steps were

implemented to slow spending and to hold vacant positions, managing these budgets well enough to have positive results. Some financial challenges remain, and the final revenue picture will not be entirely clear until the City receives its final figures from the State of North Carolina. Mr. Howell also reported the City's audit process has begun with the field work to take place in August and September 2020.

- 2) Regarding the Norfolk Southern Rail Corridor, Mr. Howell informed Council the contractor for Norfolk Southern is in the process of removing all the rails and the streets will be patched according to the North Carolina Department of Transportation standards. Also, the contractor will be removing the crossties over the next four weeks. All remaining debris is to be removed as well.
- 3) Mr. Howell announced that Greenheck's new architectural products facility in the Foothills Commerce Center is hiring and operating.
- 4) Regarding the Job Ready Industrial Shell Building No. 3 Project, Mr. Howell reported the construction activities are progressing to date and include the concrete pad, wall panels, roofing, parking areas, and lastly grading with completion anticipated by December 2020.
- 5) Regarding the Uptown Shelby Streetscaping Project, Mr. Howell stated construction activities including paving, activation of the new signals intersection by intersection, landscaping, punch list items, and clean-up, are nearing completion by early September 2020. A ribbon cutting ceremony will then be planned and scheduled.
- 6) Mr. Howell provided Council with updates about the various projects honoring Bobby Bell. The signs renaming City Pavilion to Bobby Bell Pavilion are complete and have been delivered. The honorary designation of Dekalb Street to Bobby Bell Boulevard is in process with the North Carolina Department of Transportation. The Request for Qualifications for the City of Shelby Bobby Bell Mural Project has been advertised and the deadline for submittals from artists is August 21, 2020. Further details regarding these projects and the scheduling of the recognition event for Bobby Bell will be shared when available.

G. Council Announcements and Remarks:

- 1) Mayor Anthony formally read his Proclamation honoring the 100th anniversary of the 19th amendment to the United States Constitution prepared by City Clerk Bernadette Parduski. The proclamation will be posted to the City's social media platforms for viewing by the public.

- 2) Mayor Anthony and Council members welcomed back a healthy David White, who was grateful to return to City Council.

H. Adjournment:

- 1) Motion to adjourn

ACTION TAKEN: Upon a motion made by Mr. Causby, City Council voted unanimously to adjourn the meeting at 6:43 p.m.

Respectfully submitted,

Bernadette A. Parduski, NCCMC, MMC
City Clerk

O. Stanhope Anthony III
Mayor

Minutes of August 17, 2020

DRAFT

City of Shelby
Agenda Item Summary
September 21, 2020
(via electronic meeting)

Agenda Item: E-2

2) Approval of Special Event Permit Application:

- a. Food Truck Reception for Mara and Reese, requested date: October 4, 2020

Consent Agenda Item: (Bernadette Parduski, City Clerk)

Summary of Available Information:

- Memorandum dated September 14, 2020 from Bernadette A. Parduski, City Clerk to Rick Howell, City Manager
- Memorandum from Bernadette A. Parduski, City Clerk to Police Chief Jeff Ledford, Fire Chief William Hunt, Fire Marshal Phil Lane, Parks and Recreation Director Charlie Holtzclaw, Public Works Director Danny Darst, Assistant Director Public Works Scott Black, Planning and Development Services Director Walter Scharer, and Director of Engineering Services Ben Yarboro
- Special Event Permit Application

City Manager's Recommendation / Comments

***Note* Applicants for special event permits are being notified at the time of application that events that do not comply with current Executives Orders issued by the Governor will not be considered by the City.**

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: September 14, 2020
Re: Special Event Permit Application

BACKGROUND:

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

- ✓ Food Truck Reception for Mara and Reese, requested date: October 4, 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 September 21, 2020 for Council's review and approval.

ATTACHMENT:

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

Memo

To: Police Chief Jeff Ledford, Fire Chief William Hunt, Fire Marshal Phil Lane, Parks & Recreation Director Charlie Holtzclaw, Public Works Director Danny Darst, Assistant Director of Public Works Scott Black, 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: September 2, 2020

Re: Special Event Permit Application

All:

Attached you will find a Special Event Permit Application submitted by Duncan Blount of Uptown Indigo, as follows:

- ✓ Food Truck Reception for Mara and Reese, requested date: October 4, 2020

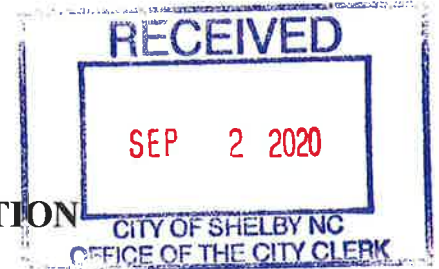
Please carefully review the details of this application as it pertains to your department, and let me know of any anticipated problems/objections that you would like to bring to the attention of the City Council. If there are none, please let me know that as well. The event will be considered by City Council at the September 21, 2020 meeting and recommended for approval unless you advise otherwise. If I do not hear from you by September 11, 2020, it will be assumed that you agree with the application as presented.

As always, thanks for your attention and consideration.

Attachment

- b. This section shall have no application to any ordinance, which may allow criminal sanctions for its violation. All violations of this Code, which are criminal in nature, shall be subject to the maximum penalty authorized by G.S. 14-4, as amended.

**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:** Food truck reception for
Mara & Reese

2. **PURPOSE AND BRIEF DESCRIPTION OF EVENT:**
The street next to uptown Indigo, Campbell St.,
will be blocked off for 10 guests to
enjoy food trucks at a time.

3. **LOCATION OF EVENT (ATTACH MAP):**
Campbell St. between N. Lafayette St. and
N. Dale St.

4. **PLEASE INDICATE:**
Approximately how many people will attend the event: 10 at a time
Approximately how many vehicles will be present: 3
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 NA

All lanes in travel direction _____

Whole street _____

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

Name: Uptown Indigo
Address: 112 N. Lafayette Unit 2
Phones: 704 - 689 - 8725
(Daytime) (Evening)
Duncan @ uptownindigo.com
(e-mail address)

Name: _____
Address: _____
Phones: _____
(Daytime) (Evening)

(e-mail address)

6. **PLEASE LIST THE FOLLOWING:**

Requested day(s) and date(s) Sunday Oct. 4th
Alternate day(s) and date(s) NA
Requested hours of operation, from 4 AM/PM to 10 AM/PM

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

8. **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? _____

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? _____

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

9. **SECURITY AND SAFETY PROCEDURES:**

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

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

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

Name: 911
Address: _____
Phones: _____

Indicate medical services that will be provided for the event.

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

10. **CITY SERVICES/EQUIPMENT REQUESTED FOR THIS EVENT:**

Cones or street blockade for each end of the street.

11. **ANY ADDITIONAL COMMENTS:**

We want to park food trucks in the street next to uptown Indigo without worrying about guests being hit by a car.

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.

Duncan Blount

(SIGNATURE)

Duncan Blount

(APPLICANT)

704-689-8725

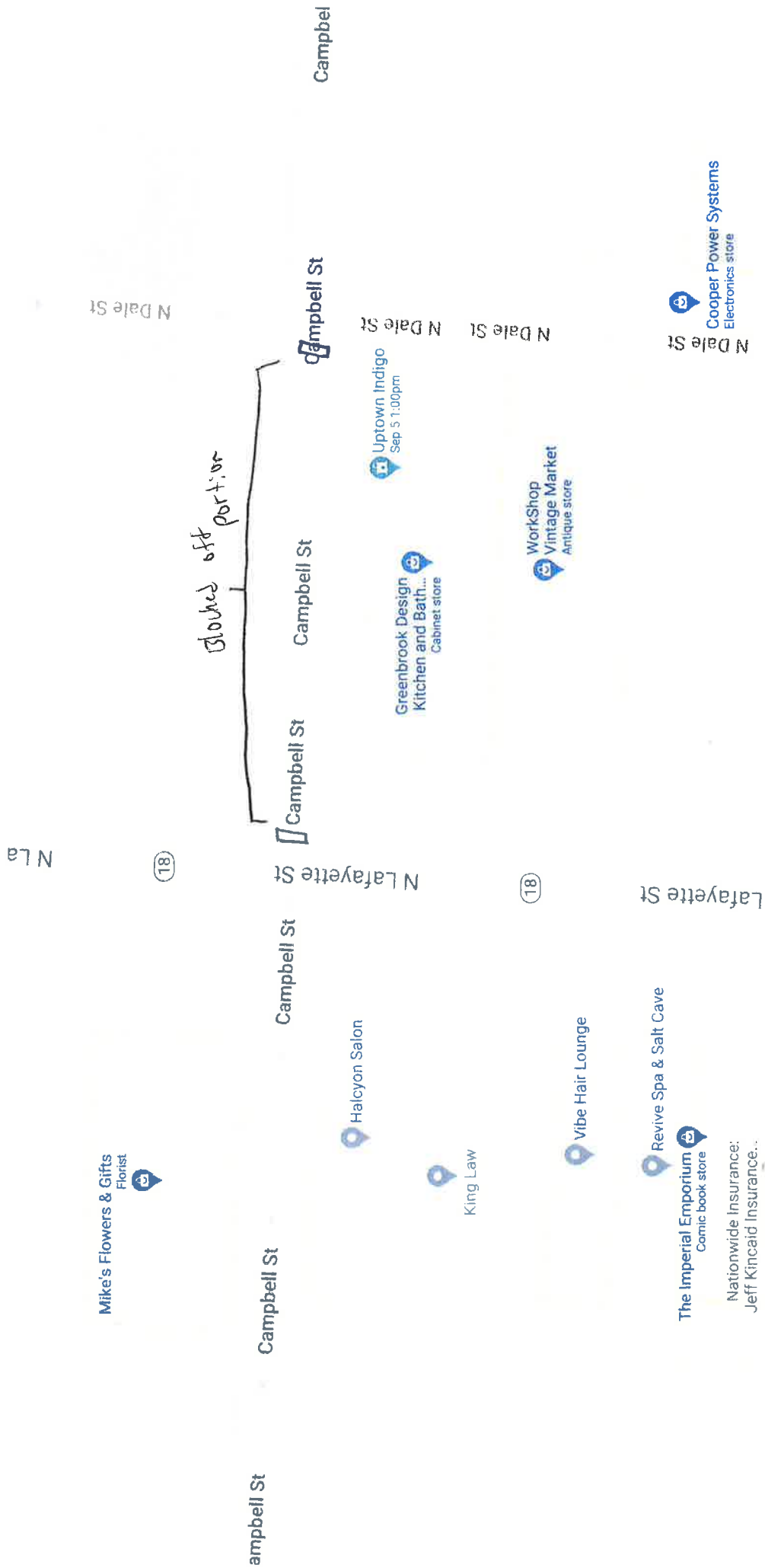
(PHONE)

202 West Zion church rd unit 1

(ADDRESS)

08/31/2020

(DATE)



Plan For Clean Up

There would be two or three food trucks (with their own permits) on Campbell street. We would like for them to park in the street rather than in parking spaces, which is why we're completing this application. For clean up after the event, we would have Uptown Indigo Staff walk through the street and look for any and all trash and dispose of the trash using Uptown Indigo's trash receptacles behind the building.

Availability of Food

For this small wedding reception, will not be providing alcohol, music, or food in the blocked off portion of the street. Food will instead be available through the licensed food trucks on site, then guests would most likely come back into Uptown Indigo to enjoy their meal.

City of Shelby
Agenda Item Summary
September 21, 2020
(via electronic meeting)

Agenda Item: E-3

- 3) Adoption of a proposed ordinance rescinding two minimum housing ordinances in the City of Shelby, North Carolina: Ordinance No. 29-2020

Consent Agenda Item: (Walter Scharer, Planning Director)

Summary of Available Information:

- Memorandum dated September 14, 2020 from Walter Scharer, Planning Director to Rick Howell, City Manager
- Ordinance No. 29-2020

City Manager's Recommendation / Comments

Ordinance No. 29-2020 is presented for City Council consideration at this time via the Consent Agenda. If approved this ordinance would rescind two previously adopted ordinances (Ordinance No. 18-2020 and Ordinance No. 19-2020) which authorized demolition of these houses. The City will then restart the minimum housing code enforcement process on these properties.

Council will recall that you adopted a change to the City's minimum housing code via Ordinance No. 25-2020 on July 20, 2020 to bring it into full conformance with the applicable NC General Statute that addresses minimum housing standards. This was recommended by the Interim City Attorney.

It is my recommendation that Ordinance No. 29-2020 be adopted and approved by City Council via the Consent Agenda at this time.



Memorandum

To: Rick Howell - City Manager
From: Walter Scharer – Planning Director
Date: September 14, 2020
Subject: Minimum Housing Ordinances Rescinding

Executive Summary of Issue – Background

At the May 4, 2020 City Council meeting two minimum housing ordinances were passed authorizing demolition of single-family dwellings. The interim City Attorney discovered a discrepancy between the Ordinances and the NC General Statute authorizing City's to perform minimum housing.

Review and Comments

Staff and the Interim City Attorney have reworked the City's Minimum Housing Code to follow the NC General Statute. City Council passed amendments to the Minimum Housing Code earlier in the summer. However, the two ordinances passed in May should be rescinded by City Council before proceeding with Minimum Housing on those two structures in accordance with the amended Minimum Housing Code.

Recommendation

Staff recommends rescinding the two ordinances.

Please place this item on the consent agenda for the next City Council meeting on September 21, 2020.

ORDINANCE NO. 29-2020

**A PROPOSED ORDINANCE RESCINDING
TWO MINIMUM HOUSING ORDINANCES
IN THE CITY OF SHELBY, NORTH CAROLINA**

WHEREAS, the City of Shelby performs Minimum Housing enforcement within its corporate limits; and,

WHEREAS, the City of Shelby recently amended its Minimum Housing Code to follow the North Carolina General Statutes regulating Minimum Housing enforcement; and,

WHEREAS, the City of Shelby passed two Minimum Housing Ordinances authorizing demolition of single-family dwellings prior to amending the Minimum Housing Code.

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

Section 1. Hereby rescinds Ordinance No. 18-2020 for 715 Congress Street and Ordinance No. 19-2020 for 319 Grice Street.

Section 2. The City Clerk of the City of Shelby is hereby authorized and directed to cause the provisions of Section 1 of this ordinance to be properly codified.

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

ADOPTED AND APPROVED this the 21st day of September 2020.

O. Stanhope Anthony III
Mayor

ATTEST:

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

APPROVED AS TO FORM:

Martha R. Thompson
City Attorney

City of Shelby
Agenda Item Summary
September 21, 2020
(via electronic meeting)

Agenda Item: E-4

- 4) Approval of a resolution approving the campus security contract between the City of Shelby and Cleveland Community College: Resolution No. 40-2020

Consent Agenda Item: (Justin Merritt, Assistant City Manager, Jeff Ledford, Chief of Police)

Summary of Available Information:

- Memorandum dated September 15, 2020 from Justin Merritt, Assistant City Manager to Rick Howell, City Manager
- Contract for Services agreement
- Resolution No. 40-2020

City Manager's Recommendation / Comments

Resolution No. 40-2020 is presented for City Council consideration at this time via the Consent Agenda. If approved this resolution would approval a contract between the City of Shelby and Cleveland Community College for the provision of campus security services with a sworn law enforcement officer. It is an annually renewing contract which can be terminated by either party with 90 days notice. It provides that the City will assign a sworn law enforcement officer to the CCC campus and that CCC will provide funding for the personnel costs of the officer and other related equipment to be agreed upon.

I have discussed the terms of the agreement with both Chief Ledford and Mr. Merritt and believe it to be mutually beneficial to both parties. The contract has been reviewed by staff with the Interim City Attorney.

It is my recommendation that Resolution No. 40-2020 be adopted and approved by City Council via the Consent Agenda at this time.



To: Rick Howell, City Manager
From: Justin Merritt, Assistant City Manager
Date: September 15, 2020
Subject: CCC Campus Security Contract

Background:

As you are aware, the City of Shelby was approached by Cleveland Community College to discuss the City's ability and interest in providing campus security services. The City has experience providing similar services at Cleveland County Schools located within the City of Shelby and therefore entered into negotiations with Cleveland Community College for the provision of requested services. After successful negotiations, a contract was developed and reviewed by City staff and the City attorney.

The contract is now finalized and is presented for review and approval by City Council via the attached resolution.

Recommendation:

The recommendation from staff is to adopt the attached resolution, which will allow the City Manager to execute the contract.

CLEVELAND COMMUNITY COLLEGE

AND

CITY OF SHELBY

CONTRACT FOR SERVICES

This Contract is made, entered into, and intended to take effect this the 1ST day of July 2020, by and between Cleveland Community College (“CCC”) and the City of Shelby.

For and in consideration of the mutual promises set forth in this Contract, the parties do mutually agree as follows:

1. Contract Term. The term of this Contract starts on July 1, 2020 and runs through June 30, 2021.
2. Obligations of Cleveland Community College. CCC agrees to do the following under this Contract:
 - A. The CCC will provide funding for one City of Shelby Police Officer’s salary, employment taxes, benefits, and other related equipment as agreed upon by both parties. The City of Shelby will send quarterly invoices to CCC for purposes of CCC reimbursing the City of Shelby for costs (Addendum B).
 - B. Should CCC or the City of Shelby be unable to or otherwise fail to fulfill their contractual duties as delineated in this Contract, the City of Shelby will refund CCC the pro rata share of the funding paid by CCC under this Contract.
 - C. The parties further agree and understand that the Officer provided by the City of Shelby is not an employee of CCC. While CCC employees may inform the Officer of issues arising on the CCC campus within the Officer’s purview, the Campus Security Coordinator will direct the Officer’s day-to-day responsibilities on the CCC campus.
3. Obligations of the City of Shelby. The City of Shelby agrees to provide services and goods to CCC as follows:
 - A. The parties agree and understand that one officer with appropriate experience will be hired by the City of Shelby for purposes of fulfilling this agreement. The Officer shall be hired on or around July 1, 2020.
 - B. Specifically, the City of Shelby will supply the services of one sworn law enforcement officer to serve as the Officer on the campus of CCC, located in Shelby, North Carolina. This Officer shall be assigned to the CCC campus on a full-time basis.
 - C. The selection of the Officer shall be in the sole discretion of the City of Shelby and may change at any time without prior notice, although upon a change in the

officer, notification will be provided as soon as reasonably possible. Additionally, temporary substitution may occur due to leave time or other circumstances at the discretion of the City of Shelby.

- D. The City of Shelby shall be responsible for the control and supervision of the Officer, who will provide law enforcement services to the CCC community as their primary assignment. The Officer will attempt to prevent criminal offenses committed on school property by:
 - a. Duty hours: Monday – Thursday, 8:00 AM – 6:00 PM;
 - b. Patrolling the school campus (in vehicle) and facilities (on foot);
 - c. Investigating crimes that occur within the school or on some other CCC school property;
 - d. Conferring with campus leadership to develop plans and strategies to prevent and/or minimize dangerous situations on or near the campus;
 - e. Take law enforcement action on the CCC premises if warranted by the situation at hand; and,
 - f. Other duties as assigned and mutually agreed upon.

- 4. CCC Campus Security Supervisor. The President of the College will serve as the CCC Campus Security Supervisor. The Human Resources and Safety Manager will serve as the CCC Campus Security Coordinator (“Coordinator”) and shall be CCC’s representative in connection with the City of Shelby’s performance under this Contract. The Coordinator will be responsible for setting work priorities and daily activities for the Officer. The President may assign a new Coordinator at his discretion.
- 5. The City of Shelby Campus Security Supervisor. The Chief of Police or his designee shall serve as the supervisor over the Officer that will be provided pursuant to this Contract. The Chief of Police, in consultation with the City Manager, is fully authorized to act on behalf of the City of Shelby in connection with this Contract.

[THE REST OF THIS PAGE HAS BEEN LEFT BLANK INTENTIONALLY]

6. Termination for Convenience. This Contract may be terminated by either party, without cause, so long as the party wishing to terminate provides the other party with a minimum of ninety (90) days written notice at the address listed immediately below:

CCC	THE CITY OF SHELBY
<p data-bbox="342 569 699 636">Cleveland Community College President or Designee</p> <p data-bbox="342 674 699 779">Cleveland Community College 137 South Post Road Shelby, NC 28152</p>	<p data-bbox="951 569 1256 602">City Manager or Designee</p> <p data-bbox="997 640 1211 745">The City of Shelby P.O. Box 207 Shelby, NC 28151</p>

7. Termination for Default. Either party to this Contract has an equal right to terminate this Contract as described in this section. Any party wishing to terminate this Contract may do so immediately and without prior notice upon breach of this Contract by any of the other parties. However, the party wishing to terminate the Contract shall still provide subsequent written notice that it has exercised its right to terminate the Contract within ten (10) calendar days of termination.
8. Automatic Renewal of Contract. This Contract will automatically renew and remain in effect on July 1, 2021 and every July 1 thereafter unless either party gives prior written notice to the other party of its intent not to renew the Contract by June 1, 2021, and every June 1 thereafter respectively.
9. Contract Funding. It is understood and agreed between each party that the payment obligation of CCC under this Contract is contingent upon the availability of appropriated funds from which payment for Contract purposes can be made. However, the parties also understand and agree that if CCC does not or cannot pay the City of Shelby for any reason, CCC's failure to compensate the City of Shelby under the terms contained herein will be deemed a default and breach of contract by CCC rendering this Contract immediately void and eliminating any law enforcement positions that were created or otherwise provided to fulfill the terms of this Contract.
10. Accounting Procedures. The City of Shelby shall comply with accounting and fiscal management procedures prescribed by CCC to apply to this Contract. CCC shall assure such fiscal control and accounting procedures as may be necessary for proper disbursement of and accounting for all project funds.

11. Improper Payments. The City of Shelby shall refund CCC any payment made pursuant to this Contract if it is subsequently determined by audit that such payment by CCC was illegal under any applicable law, regulation, or procedure. The City of Shelby shall make such refunds within thirty (30) days after CCC notifies the City of Shelby in writing that a payment has been determined to be illegal.
12. Mutual Indemnification. Each party shall indemnify and hold harmless the other party to this Contract, including its officers, employees, agents, and assigns from and against all claims, damages, losses, expenses, costs, attorneys' fees and liability to the extent arising out of or resulting from a party's performance of its obligations as set forth in this Contract or from the negligence or willful misconduct of the party or its officers, employees, or agents, however, the City of Shelby may assert governmental, sovereign, qualified or public officers/officials immunity, to the extent such applies and as permitted by law for any claims against it or the Officer. The Officer to be hired under this contract is an employee of the City of Shelby.
13. Contract Transfer. No party to this Contract shall assign, subcontract or otherwise transfer any interest in this Contract without the prior written approval of both parties.
14. Contract Personnel. CCC agrees that it has or will be able to fund at the time of Contract execution, all personnel required to perform the services set forth in this Contract.
15. Contract Modifications. This Contract may be amended only by written amendment duly executed by either party to this Contract. However, minor modifications may be made by any party to take advantage of unforeseen opportunities that: (a) do not change the intent of the Contract or the scope of a party's performance; (b) do not increase CCC's total compensation or method of payment; and (c) either improve the overall quality of the product or service provided to CCC without increasing the cost, or reduce the total cost quality of the product or service without reducing the quantity or quality. All such minor modifications to the Contract must be recorded in writing and signed by both Campus Security Supervisors and placed on file with this Contract. No price adjustments will be made unless the procedure has been included in the Contract and a maximum allowable amount stipulated.

Taxes and Insurance. The City of Shelby shall pay to the appropriate taxing authority all employer-related federal, state, and FICA taxes, and maintain minimum insurance requirements for the sworn law enforcement officer assigned as Officer pursuant to the attached Addendum A. The agreement to procure insurance shall not be deemed a waiver of governmental or sovereign immunity, and the City of Shelby shall be entitled to governmental or sovereign immunity as permitted by law, to the extent insurance coverage is not procured or is otherwise not applicable to any loss. The failure to procure insurance shall not be construed as a waiver of governmental or sovereign immunity.

16. Relationship of the Parties. The Officer is an employee of the City of Shelby. The Officer will receive information specific to CCC to assist the Officer in doing their job as identified herein. The direct conduct and control of the Officer's work will lie solely with the City of **77**

Shelby. CCC employees shall remain subject to CCC's exclusive control and supervision, which is solely responsible for their compensation.

17. Advertising. The Contract will not be used in connection with any advertising by any party to this Contract without prior written approval of the other party.
18. Conflict of interest. All parties to this Contract shall make a good faith effort to ensure that none of their respective employees or officers obtain a personal or financial interest or benefit from the performance of this Contract or to have any interest in any Contract, subcontract or other agreement related to this Contract, either for it or for those with whom it has family or business ties during or at any time within three years after the termination of such person's engagement by any party. Also, all parties to this Contract shall cause this section to be included in all Contracts, subcontracts, and other agreements related to this Contract.
19. Monitoring and Evaluation. The City of Shelby shall cooperate with CCC, or with any other person or agency as directed by CCC, in monitoring, inspecting, auditing, or investigating activities related to this Contract. The City of Shelby shall permit CCC to evaluate all activities conducted under this Contract.
20. Financial Responsibility. CCC is financially solvent and able to perform under this Contract. If requested by another party to this Contract, CCC agrees to provide a copy of its latest audited annual financial statements or other financial statements as deemed acceptable by the party's designated Finance Officer.
21. Mediation. If a dispute arises out of or relates to this Contract, or the breach of this Contract, and if the dispute cannot be settled through negotiation, the parties agree to first try in good faith to settle the dispute via mediation pursuant to the North Carolina Superior Court Rules of Mediation prior to resorting to litigation.
22. No Third-Party Benefits. This Contract shall not be considered by the City of Shelby to create any benefits on behalf of any third party. The City of Shelby shall include in all contracts, or other agreements relating to this Contract an acknowledgment by the contracting parties that this Contract creates no third-party benefits.
23. Confidentiality of Student Information. If, during the course of a party's performance of this Contract, the party obtains any information pertaining to any student's official school records, the party agrees that this Contract shall not be construed by either party to constitute a waiver of or to in any manner diminish the provisions for confidentiality of students' records under state and federal law and the policies of CCC.
24. Enforceability. This Contract shall not be enforceable unless signed by both parties to this Contract.

25. Entire Agreement. This Contract constitutes and expresses the entire agreement and understanding between the parties concerning the subject matter of this Contract. This document (including exhibits, if any) and any purchase order used in connection with this Contract and any other document expressly incorporated in this Contract by reference supersede all prior and contemporaneous discussions, promises, representations, agreements and understandings relative to the subject matter of this Contract.
26. Annual Safety Measures. The City of Shelby shall conduct annual check of the assigned Officer on the North Carolina Sex Offender and Public Protection Registration Program, the North Carolina Sexually Violent Predator Registration Program, and the National Sex Offender Registry. The City of Shelby shall not assign any officer to provide services to CCC if said Officer appears on any of the aforementioned registries.
27. Controlling Document in Event of Conflict. The assignment of and services provided by the Officer shall be consistent with the terms of the most recently executed agreement between the parties. In the event of any conflict between this Contract and a prior agreement, the terms and conditions of this Contract shall control.
28. Contract Situs. All matters, whether sounding in contract or tort relating to the validity, construction, interpretation, and enforcement of this Contract, will be determined in Cleveland County, North Carolina. North Carolina law will govern the interpretation and construction of this Contract.

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[SIGNATURES ON NEXT PAGE]

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year indicated below.

Jason B. Hurst
President
Cleveland Community College

Rick Howell
City Manager
The City of Shelby

Date

Date

ADDENDUM A

Minimum Insurance Requirements:

1. Insurance requirements shall be the same for the Officer as they are for all The City of Shelby officers.
2. Worker's Compensation including Occupational Disease and Employer's Liability Insurance. Statutory - Amount and coverage as required by State of North Carolina Worker's Compensation laws. Employer's Liability- At least

Part A: Bodily Injury	Statutory Limits
Part B: By Accident By Disease	\$500,000 each accident \$500,000 policy limit \$500,000 each employee

3. Public liability and Property Damage Insurance – THE CITY OF SHELBY shall procure insurance coverage for direct operations, contractual liability and completed operations with limits not less than those stated below:

Occurrence:

General Aggregate	\$2,000,000
Premises Operations	\$1,000,000
Personal & Advertising Injury	\$1,000,000

4. Law Enforcement Professional Liability in the amount \$2,000,000 combined single limits.
5. Certificates of Insurance acceptable to CCC shall be filed with CCC prior to commencement of the work. These Certificates shall contain a provision that coverage afforded under the policies will not be canceled until at least thirty (30) days prior written notice has been given to CCC, and that CCC is named as additional insured on general liability.
6. Comparable self-insurance is acceptable in lieu of the preceding requirements.
7. To the extent any insurance contract does not waive governmental or sovereign immunity, this contract does not require insurance and this contract shall in no way be construed to waive governmental or sovereign immunity that may be applicable in the event no insurance covers acts for which such immunity may be applicable. The City of Shelby retains the right to assert the defense of governmental immunity or any other common law or statutory-based immunity, at its sole discretion, to any claims that may be made against it, its Officer or any other employee or agent of the City of Shelby.

ADDENDUM B

Annual Costs

CCC will be invoiced for the following:

- Salary of one Officer (Includes salary, employment-related taxes, and fringe benefits consistent with other The City of Shelby personnel)
- One patrol vehicle
- Other related equipment as agreed upon by both parties

RESOLUTION NO. 40-2020

A RESOLUTION APPROVING THE CAMPUS SECURITY CONTRACT
BETWEEN THE CITY OF SHELBY AND CLEVELAND COMMUNITY COLLEGE

WHEREAS, the City of Shelby received a request from Cleveland Community College to provide campus security services through the City of Shelby Police Department; and,

WHEREAS, the City of Shelby has experience providing similar services through a contract with Cleveland County Schools; and,

WHEREAS, the City of Shelby and Cleveland Community College have negotiated a mutually beneficial contract to provide requested campus security services.

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

Section 1. The Contract to provide campus security services at Cleveland Community College is hereby accepted and approved.

Section 2. The City Manager of the City is hereby authorized and directed to execute the contract set forth in Section 1 of this resolution.

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

Adopted and approved this the 21st day of September 2020.

O. Stanhope Anthony III
Mayor

ATTEST:

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

City of Shelby
Agenda Item Summary
September 21, 2020
(via electronic meeting)

F. Unfinished Business

Unfinished Business Item F-1

- 1) Consideration of appointments to City advisory boards and commissions:
 - a. Shelby Planning and Zoning Board

Unfinished Business Item: (Bernadette Parduski, City Clerk)

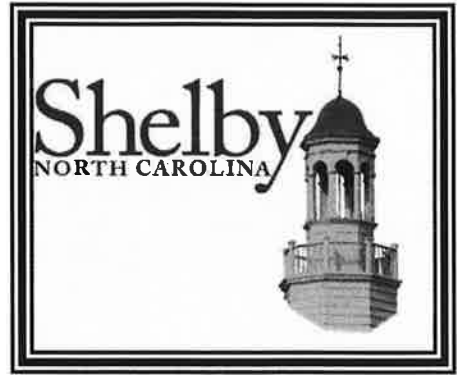
Summary of Available Information:

- Memorandum dated September 14, 2020 from Bernadette A. Parduski, City Clerk to Rick Howell, City Manager
- Planning and Zoning Board roster 2020
- Juan Cherry application

City Manager's Recommendation / Comments

Volunteers are an essential part of the work the City performs each year. As always this is just a reminder that we all should work to recruit qualified and quality people to serve whenever possible. Solicitation of both qualified and interested citizens to serve on these important advisory boards remains a priority for 2020. I would challenge each of you to recruit viable candidates that possess the knowledge and willingness to serve during the coming months.

I cannot emphasize enough the importance of appointing quality people to these very important citizen boards and commissions. It is incumbent upon Council as the appointing authority to ensure members are responsible members of the community who will make decisions that reflect the established and recognized values of the City. These appointees after all reflect upon Council as the appointing authority as well as the City as they conduct business month to month.



Memo

To: Rick Howell, City Manager
From: Bernadette A. Parduski, City Clerk
Date: September 14, 2020
Re: Appointments to City Advisory Boards

BOARD REVIEW:

SHELBY PLANNING AND ZONING BOARD –

The terms of two incumbents, Charles Hamrick and Greg Taylor, concluded June 30, 2020. Both incumbents wish to continue their service and are seeking reappointment to new terms.

There is one application on file in the Clerk's Office:

- Juan Cherry – currently serving on Parks and Recreation Advisory Board

POSSIBLE ACTION:

SHELBY PLANNING AND HOUSING BOARD –

Council can begin the nominating process or take appointive action for two new terms concluding June 2023.

Attachments:

- A. Shelby Planning and Zoning Board Roster
- B. Application of Juan Cherry

PLANNING AND ZONING BOARD 2020

MEMBERS	ADDRESS	TERM EXPIRATION	PHONE NUMBER
Marlene Peeler (I) Chair marlene@prushelby.com	H: 217 Windsor Drive W: 410 N. Lafayette Street Shelby, NC 28150	June 2021	704 484-3003
Rick Washburn (I) Vice Chair rick.washburn@rightbyyoumortgage.com	1622 Spangler Drive Shelby, NC 28150	June 2021	W: 704 470-0435
Mark Carter (I) mcarter@carterchev.com	1335 East Marion Street Shelby, NC 28150	June 2021	704 484-4341
Bob Cabaniss (ETJ) bcabanis46@yahoo.com	371 Magness Road Shelby, NC 28150	June 2021	704 484-3484
Emanuel Hunt Jr. (ETJ) ehuntjr46@outlook.com	810 B Pleasant Drive Shelby, NC 28152	June 2021	H: 704 487-5280 W: 404 780-5224
Jeff Aderholdt (ETJ) jaderholdt1@yahoo.com	113 Shadowgate Drive Shelby, NC 28152	June 2023	W: 864 492-2401 C: 704 284-1244
Charles Hamrick (I) mrcharles911@gmail.com	PO Box 1356 Shelby, NC 28152-1356	June 2020	704 996-3114
Greg Taylor (I) greg@greatsouthernrec.com	2605 Pebble Creek Drive Shelby, NC 28152	June 2020	H: 704 477-6457 W: 864 498-9950
Michael R. (Mike) Royster (I) mroyster@roysteroil.com	915 West Marion Street Shelby, NC 28150	June 2022	H: 704 484-1933 W: 704 487-6344
Jim Martin 150jmartin@gmail.com	162 Columns Circle Shelby, NC 28150	June 2022	H: 704 482-5265 C: 704 473-7391
Scott Bankhead (I) banksurv@bellsouth.net	H: 1907 Three Lakes Drive W: 1203 East Marion Street Shelby, NC 28150	June 2022	H: 704 482-0562 W: 704 481-1040

Meetings are held on the third Thursday of each month at noon

Three (3) year appointments: (I) Inside Members – 8; (ETJ) Extraterritorial Jurisdiction Members – 3

City Council Liaison: David White – Ward 2
1717 Arbor Way Drive
Shelby, NC 28150
C: 704 472-1456
E-mail: dwalt50@carolina.rr.com

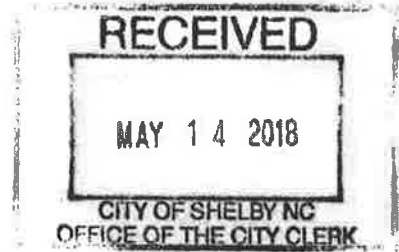
Staffed by Planning and Development Services Department (704 484-6829): Walt Scharer, Director



APPLICATION FOR APPOINTMENT TO BOARDS AND COMMISSIONS

The Shelby City Council believes that all citizens should have the opportunity to actively participate in governmental decisions. One way of participating is by serving as a voluntary member of one of the City's boards, commissions, or committees as outlined below. If you have an interest in being considered for appointment, please complete the form below and mail it to the City Clerk, City of Shelby, P O Box 207, Shelby, NC 28151-0207 or email it to bernie.parduski@cityofshelby.com. If you have questions or need assistance, please call 704 669-6588. Thank you!

- Keep Shelby Beautiful Commission
Shelby-Cleveland County Regional Airport Advisory Commission
Shelby Alcoholic Beverage Control Board
Shelby Zoning Board of Adjustment
Shelby Firefighters Relief Fund Board of Trustees
Shelby Housing & Redevelopment Advisory Board
Shelby Parks & Recreation Advisory Commission
Shelby Planning & Zoning Advisory Board



DATE 5-14-18

NAME Juan L. Cherry

ADDRESS (No P O Boxes please) 307 Goldfinch Court

CITY / STATE / ZIP Shelby/NC/28150

DO YOU RESIDE WITHIN THE CITY OF SHELBY'S CORPORATE LIMITS? Yes

DO YOU RESIDE WITHIN THE CITY OF SHELBY'S EXTRATERRITORIAL JURISDICTION (ETJ)? No

WARD 6

PHONE NUMBERS: Home 704-300-8617 Work 704-476-8386

EMAIL ADDRESS juancherry07@gmail.com

OCCUPATION Educator/Clergy

EDUCATIONAL BACKGROUND BA - Journalism / MA -School Counseling

BOARD OR COMMISSION INTERESTED IN:

- 1. Housing & Redevelopment Advisory Board
2. Parks & Recreation Advisory Commission
3. Shelby Planning & Zoning Board

OTHER COMMENTS:

SIGNATURE Juan L. Cherry DATE 5-14-18

City of Shelby
Agenda Item Summary
September 21, 2020
(via electronic meeting)

Unfinished Business Item F-2

- 2) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina for property located on Wease Drive: Ordinance No. 26-2020

Unfinished Business Item: (Walter Scharer, Planning Director)

Summary of Available Information:

- Memorandum dated September 14, 2020 from Walter Scharer, Planning Director to Rick Howell, City Manager
- General Application
- Staff Report
- Zoning Map and Location Map and Land Use Map
- Planning and Zoning Board Minutes
- Certified Recommendation
- Notice of Public Hearing
- Ordinance No. 26-2020

City Manager's Recommendation / Comments

Ordinance No. 26-2020 is presented for City Council consideration at this time. If approved this ordinance would amend the official zoning map of the City for three parcels (#s 27925, 27924 and 27933) totaling 22 acres located on Wease Drive just south of the city limits off South Lafayette Street from R20 to R6-CU.

City Council conducted the required public hearing on August 17, 2020 but under a recently adopted provision (S.L. 2020-3, SB 704) of the NC General Statutes it could not act on the subject matter following the close of the public hearing but was required to receive public comment on the issue at hand for at least 24 hours following the close of the hearing.

Please take note as found in Mr. Scharer's memo that approval of the ordinance does not approve the Conditional Use that is proposed by the applicant. Council must conduct a follow up evidentiary (quasi judicial) hearing in order for it to be considered. Council will be advised on this matter further by the City Attorney.

City Council may now act upon Ordinance No. 26-2020 as it deems appropriate.



Memorandum

To: Rick Howell - City Manager
From: Walter Scharer – Planning Director
Date: September 14, 2020
Subject: Requested zoning map amendment from R20 to R6-CU at Wease Drive

Executive Summary of Issue – Background

Eric Little is proposing a zoning change on this property in order to construct a Group Home.

Review and Comments

The Comprehensive Land Use Plan for this area designates the site as Low Density Residential.

Recommendation

This proposed zoning map amendment is inconsistent with the Comprehensive Land Use Plan. The Planning and Zoning Board recommends this proposed zoning amendment due to the property's proximity to the Hickory Creek sewer line.

Please place this item on the September 21, 2020 City Council meeting agenda under unfinished business.

Due to the North Carolina COVID law, when City Council holds a virtual meeting with a public hearing, action may not be taken on immediately. Public comment is required to be accepted at a minimum of 24 hours after the scheduled meeting. Although, this is a Conditional Use Zoning Map Amendment only the legislative hearing for this proposal took place on August 17, 2020. City Council may now take action on this proposal. If this zoning map amendment is approved, City Council may then proceed with the Quasi-Judicial Public Hearing for the proposed use associated with this Conditional Use Map Amendment. The date of the potential Quasi-Judicial Hearing has not yet been determined. Approval of the Zoning Map Amendment does not approve of the Conditional Use, this may only take place following a Quasi-Judicial Public Hearing.

Attachments: Application, Staff Report, Zoning Map, Notice of Public Hearing, Planning and Zoning Board July 16, 2020 minutes, Certified P&Z Recommendation, Ordinance and Resolution.



City of Shelby
Planning and Development Services Department

General Application

Address of Subject Property:

22 acres on Wease Drive (28152)

Applicant(s) Name: Eric Little

Address: 5936 Monroe Road, Charlotte, NC 28212

Email: Eric.Little@LBJcpa.com

Phone: 704-458-7189

Owner(s) Name: Gilkey Properties, LLC

Email: 2250 US Hwy 221 N, Rutherfordton, NC 28139

Phone:

Relationship to Property: Owner Developer, Contractor, etc. Other: Future Owner

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: 7925, 27924 and 27933

Proposed Zoning: Multi-Family

Proposed Land Use: Multi-Family

Previous Use: Raw Land

Approx. Building Sq. Ft.: 13,000

Approx. Project Acreage: 4 acres

Business Name: Horizons Kids LLC

Construction Sq. Ft.: 13,000

Valuation: \$2,500,000

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

We are looking to build 3 Group Facilities on 22 acres of land that would house 36 adolecants (12 per facility)

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.

Eric Little

6/22/20

Signature of Applicant

Date

Received by:

Date

Staff Report



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

Date: July 2, 2020
Meeting:
File: #1122

OWNER: Gilkey Properties, LLC

APPLICANT: Eric Little

LOCATION: Wease Drive

PARCEL ID #s: 27925, 27924, and 27933

PRESENT ZONING: R20

REQUESTED ZONING: R6-CU

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

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

ANALYSIS: The 22-acre property is currently undeveloped. However, only 4 total acres of the property is being developed under this proposal. Land uses in the area include single-family dwelling, duplexes, and undeveloped land.

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

The R6 Residential District is primarily intended to accommodate a variety of high-density single-family detached dwellings, apartments, townhomes, and condominiums. Maximum densities within the R6 District range from 7 dwelling units per acre for single-family dwellings and 19 dwelling units per acre for multi-family dwellings. Public water and sewer service are generally available in areas zoned as R6.

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

The Conditional Use for this property will be for a Group Care Facility and is subject to the site plan submitted with the application.

STAFF COMMENTS: The Comprehensive Land Use Plan for this area designates the site as Low Density Residential (LDR). The low-density residential classification is for single-family detached residential land uses which are 2 units or less per acre, where sewer is not available. In this case the Hickory Creek Trunk is adjacent to this property and can serve this proposed development with sewer. Annexation is required to access the sewer line.

The proposed development consists of 3 buildings with a total of 18 bedrooms.

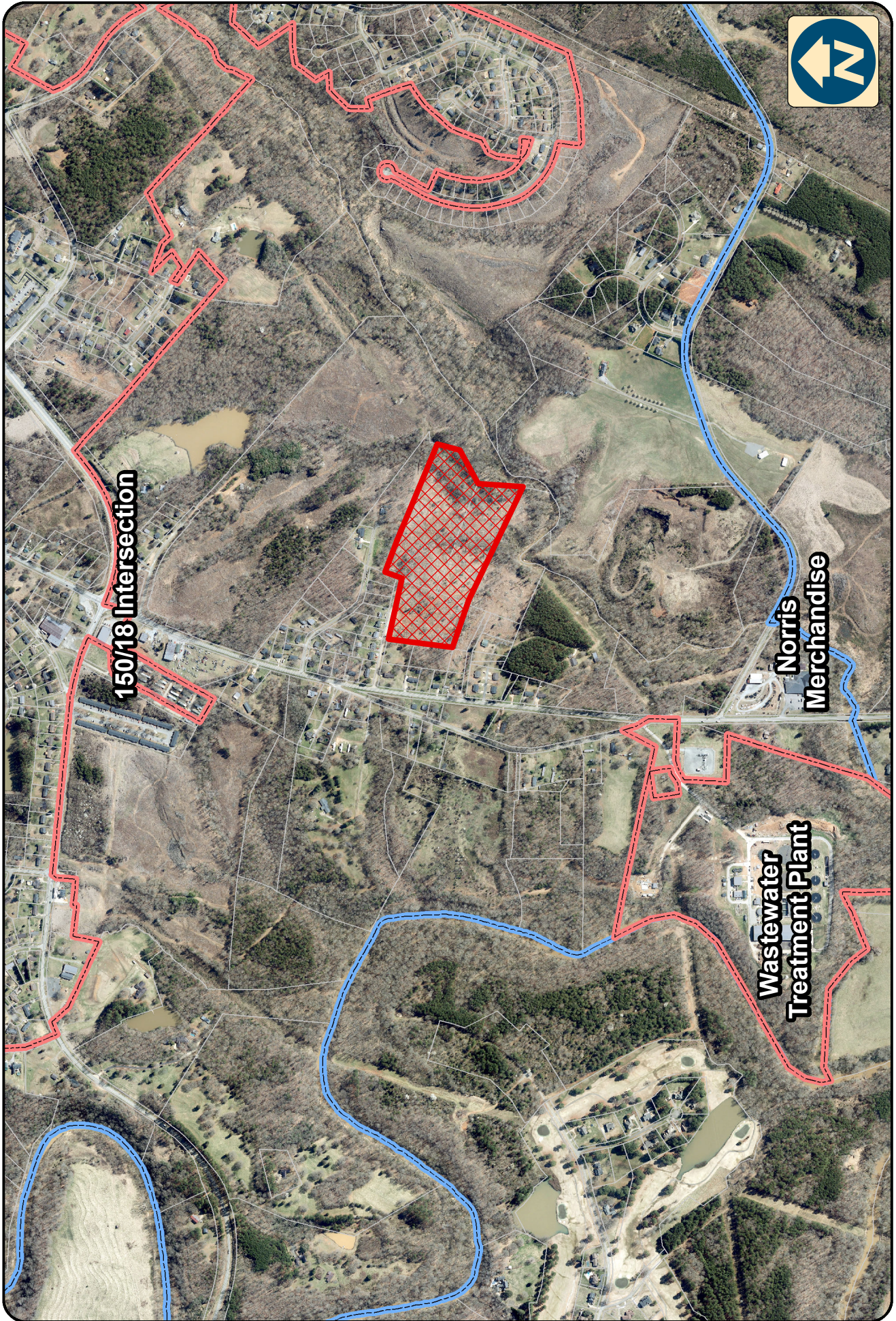
Staff recommends the following conditions on the district:

- Greenway Connection for any future greenway construction
- Greenway Construction in lieu of sidewalk requirements



Location Map Wease Drive

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



Date: 7/8/2020

2,000 Feet

1,000

500

0

1,000 feet

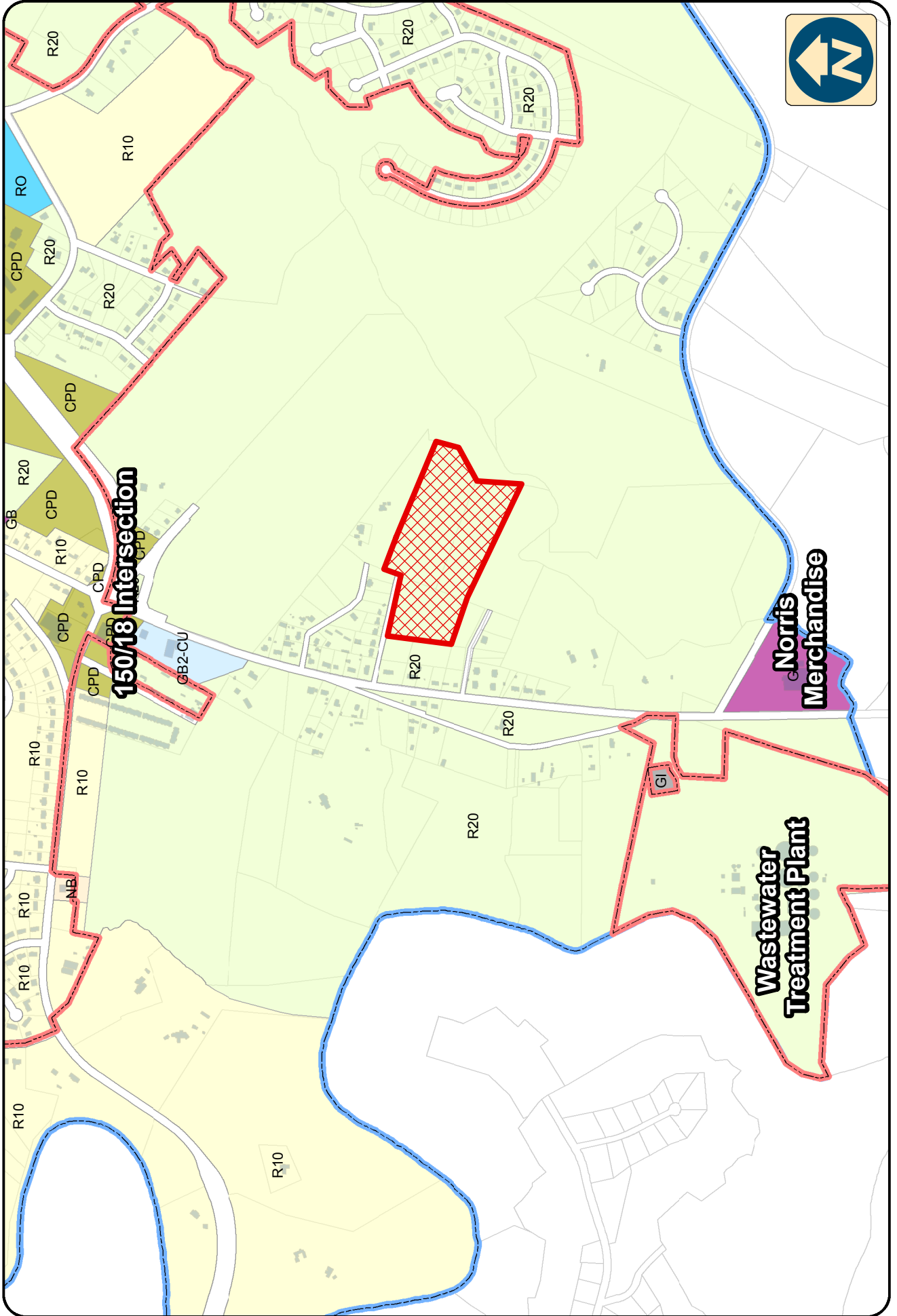
1 inch = 1,000 feet

Scale



Zoning Map Wease Drive

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



Date: 7/8/2020

2,000 Feet

1,000

0

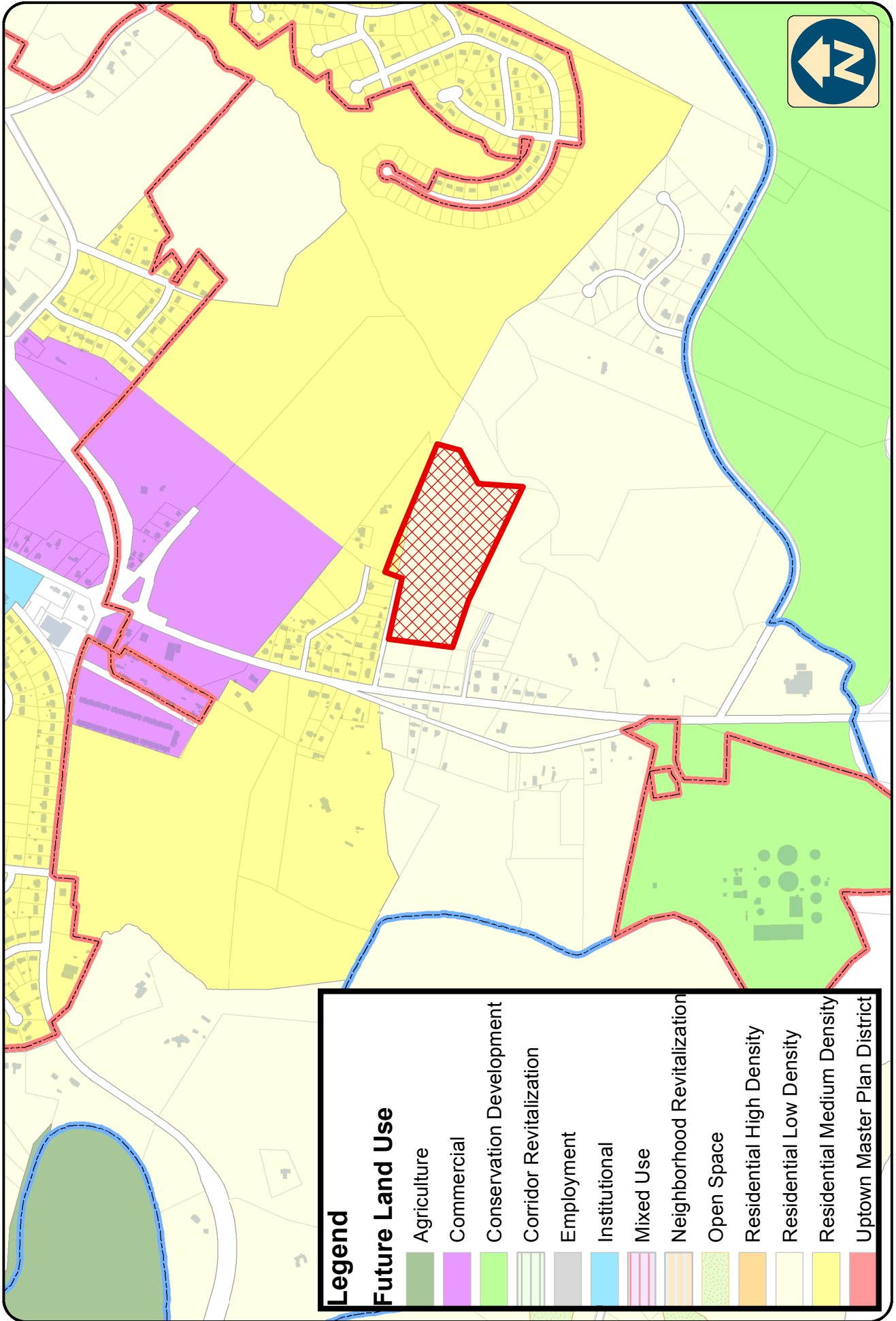
500

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



Area Land Use Map Wease Drive

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



Legend

Future Land Use

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

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

Date: 7/8/2020



CITY OF SHELBY PLANNING AND ZONING BOARD MINUTES
June 16, 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, Charles Hamrick, Greg Taylor, Michael Royster, Scott Bankhead, Jim Martin, and Emanuel Hunt Jr.

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

Item 2. Approval of the May 21, 2020 Minutes

Vice-Chair Washburn asked if there were any questions or comments about the May 21, 2020 minutes. The minutes were approved as submitted.

Item 3. Proposed Zoning Map Amendment - Wease Drive

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

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

The R6 Residential District is primarily intended to accommodate a variety of high-density single-family detached dwellings, apartments, townhomes, and condominiums. Maximum densities within the R6 District range from 7 dwelling units per acre for single-family dwellings and 19 dwelling units per acre for multi-family dwellings. Public water and sewer service are generally available in areas zoned as R6.

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

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

Second: Mr. Bankhead

Action: This motion passed unanimously.

Item 4. 160 D Update

Mr. Scharer gave updates concerning the 160D timeline and schedule.

Item 5. Announcements

Mr. Scharer gave updates concerning the uptown streetscape project.

Item 6. Motion to adjourn.

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



Certified Recommendation

City of Shelby Planning & Zoning Board

Case File: 1122

Amendment: A Zoning Map Amendment for property located on Wease Drive with PIN #'s: 27925, 27924, & 27933 from Residential 20 (R20) zoning district to Residential 6 - Conditional Use (R6-CU) zoning district.

Recommendation: **The Planning and Zoning Board recommends approval of the proposed zoning map amendment for property located on Wease Drive with PIN #'s: 27925, 27924, & 27933 from Residential 20 (R20) zoning district to Residential 6 - Conditional Use (R6-CU) zoning district.**

Findings &

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

Motion: Mr. Cabaniss made the motion to recommend approval of this proposed zoning map amendment from Residential 20 (R20) zoning district to Residential 6 - Conditional Use (R6-CU) zoning district.

Second: Mr. Bankhead

Action: This motion passed unanimously.

Signatures: Walter Scharer
Planning and Development Director

Marlene Peeler
Planning and Zoning Board Chair

Date: 7/16/2020

Date: 7/16/2020

**NOTICE OF PUBLIC HEARING
APPLICATION #: 1122-2020
ZONING MAP AMENDMENT**

The City Council of Shelby, North Carolina will conduct a legislative public hearing during its regular meeting at 6:00 p.m., Monday, August 17, 2020 via Zoom. City Council will consider a proposed zoning map amendment from Residential 20 (R20) Zoning District to Residential 6 Conditional Use (R6-CU) Zoning District for property located on Wease Drive with the Cleveland County Parcel Numbers 27925, 27924, & 27933. If the proposed zoning map amendment passes, then City Council will hold a quasi-judicial hearing for the proposed use of a Group Care Facility.

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

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

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

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

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

The Shelby Star:

Please publish this notice as a legal line ad on Thursday, August 6, 2020 and again on Tuesday, August 11, 2020.

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

ORDINANCE NO. 26-2020

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

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

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

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

WHEREAS, in accordance with GS 160A-364, a public hearing on this proposed rezoning was held by City Council on August 17, 2020 after due publication of said hearing as required by law; and,

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

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

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

Section 2. In accordance with Chapter 160A, Article 19 of the North Carolina General Statutes, as amended, the Shelby Unified Development Ordinance and Shelby Zoning Map (Appendix A of the Shelby City Code), Wease Drive is hereby amended from R20 Zoning District to R6-CU Zoning District. Said area of zoning is more fully described as the parcels listed by the Cleveland County Tax Office as Parcel Identification Numbers 27925, 27924, & 27933.

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

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

ADOPTED AND APPROVED this the 21st day of September 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
September 21, 2020
(via electronic meeting)

Unfinished Business Item F-3

3) Consideration of a resolution appointing the City Attorney: Resolution No. 41-2020

Unfinished Business Item: (Rick Howell, City Manager)

Summary of Available Information:

- Resolution No. 41-2020

City Manager's Recommendation / Comments

Resolution No. 41-2020 is presented for City Council consideration at this time. If approved this resolution would formalize the appointment of Andrea Leslie-Fite as City Attorney under NC General Statute 160A-173.

The City received a number of competitive applicants and I was happy to have a qualified field from which to select the first staff attorney for the City. I am pleased to welcome Andrea to the City of Shelby management team and look forward to working with her. Her first day of work is proposed for Monday, October 5, 2020.

I want to thank the Mayor and City Council for your leadership and support in recognizing that a full time staff attorney is warranted at this time.

RESOLUTION NO. 41-2020

A RESOLUTION APPOINTING THE CITY ATTORNEY

WHEREAS, City Council provided for the creation of a full-time staff attorney with the adoption of the Fiscal Year 2020-2021 Budget Ordinance and Supplemental Budget Ordinances; and,

WHEREAS, the City Manager conducted a search and assessment center process to identify a qualified candidate for the staff attorney position; and,

WHEREAS, the City Manager has appointed Andrea Leslie-Fite to fill the staff attorney position and recommends to City Council that Mrs. Leslie-Fite be appointed also as City Attorney to serve as its legal advisor; and,

WHEREAS, North Carolina General Statute 160A-173 provides that the City Council shall appoint a City Attorney to serve at its pleasure and to be its legal advisor.

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

Section 1. That Andrea Leslie-Fite is hereby appointed to serve as City Attorney for an indefinite period at the pleasure of City Council.

Section 2. This resolution shall become effective on Monday, October 5, 2020.

Adopted and approved this the 21st day of September 2020.

O. Stanhope Anthony III
Mayor

ATTEST:

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

City of Shelby
Agenda Item Summary
September 21, 2020
(via electronic meeting)

G. New Business

None

Agenda Item: H

City Manager's Report

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

Agenda Item: I

Council Announcements and Remarks

J. Adjournment

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

Motion to adjourn