

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. Assumption of Office:

- 1) Oath of Office administered to City Attorney Andrea Leslie-Fite 1

C. Special Presentation:

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

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 6
- 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 10
- 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 22

E. Consent Agenda:

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

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B. Assumption of Office:

Agenda Item B-1

- 1) Oath of Office administered to City Attorney Andrea Leslie-Fite

Oath of Office Item: (Mayor Stan Anthony; Oath Administered by the City Clerk)

- Oath of Office

City Manager's Recommendation / Comments

As Council will recall it adopted Resolution No. 41-2020 appointing Andrea Leslie-Fite as City Attorney at your regular meeting held Monday, September 21, 2020. While an oath of office is not necessarily required I am including it on the agenda. It is a ceremony that solemnizes the office.

The City Clerk will administer the oath of office at this time.



Post Office Box 207 • Shelby, NC 28151-0207

Office of the Mayor

OATH OF OFFICE

I, Andrea Leslie-Fite, do solemnly swear that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina, not inconsistent therewith, and that I will faithfully discharge the duties of my office as City Attorney for the City of Shelby, North Carolina, so help me God.

Andrea Leslie-Fite

Administered by:

O. Stanhope Anthony III
Mayor

Date: October 5, 2020

City of Shelby
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C. Special Presentation:

Agenda Item C-1

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

Special Presentation: (Mayor Stan Anthony)

- Memorandum dated January 29, 2020 from David Hux, Director of Water Resources to Rick Howell, City Manager
- Resolution No. 3-2020

City Manager's Recommendation / Comments

This time is scheduled on your agenda to recognize Michael Robert Mull on the occasion of his retirement from employment. In keeping with policy City Council previously adopted Resolution No. 3-2020 to recognize him for having served the City faithfully for the past 27.5 years with the Water Treatment Plant. He is to be congratulated!

Mike is a dedicated employee who has provided veteran leadership over the past several years in the performance of his duties. He has been a vital part of the team at the Water Treatment Plant. He will be missed both personally and professionally. Mike took his job seriously but also brought a sense of humor that contributed to a positive work environment.

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

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



Memorandum

To: Rick Howell; City Manager
From: David Hux; Director of Water Resources *DHux*
RE: Michael Mull - Retirement Resolution
Date: January 29, 2020

Please find a Resolution honoring Michael Mull for the occasion of his retirement from the City of Shelby. Mr. Mull retired as the Water Plant Supervisor/ORC on December 27, 2019. Mr. Mull served the City and its citizens proudly for the past 27½ years and he will be greatly missed. Mr. Mull was always such a conscientious and hardworking employee who was always willing to do whatever was asked. Mr. Mull fulfilled his daily obligations and was always willing to come in after hours and on weekends to help with plant issues and to fill in for his employees as needed. This type of dedication will be greatly missed and it will be difficult to replace Mr. Mull's knowledge and experience at the Water Treatment Plant. We wish him a happy, safe and healthy retirement.

In accordance with City policy and past practice, please include this resolution on the consent agenda for February 17, 2020 for adoption. Once adopted, I will coordinate a date with Mr. Mull for his presentation from the Mayor.

Please let me know if additional information is required.

RESOLUTION NO. 3-2020

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

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

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

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

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Shelby to be affixed this the 17th day of February 2020.

O. Stanhope Anthony III
Mayor

ATTEST:

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

City of Shelby
Agenda Item Summary
October 5, 2020
Don Gibson Theater

D. Public Hearing

Agenda 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)

- 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 October 5, 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.



SN-67055

09/26/20

PROOF O.K. BY: _____ O.K. WITH CORRECTIONS BY: _____

PLEASE READ CAREFULLY • SUBMIT CORRECTIONS ONLINE

SN-67055 (100%)

ADVERTISER: CITY OF SHELBY (FINANCE) PROOF CREATED AT: 9/24/2020 4:57:59 PM

SALES PERSON: SN57

NEXT RUN DATE: 09/26/20

SIZE: 3X10

PROOF DUE: 09/25/20 11:59:55

PUBLICATION: SN-SHELBY STAR ROP

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 5th day of October 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
October 5, 2020
Don Gibson Theater

Agenda 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 Director)

- Memorandum dated September 28, 2020 from Walter Scharer, Planning Director to Rick Howell, City Manager
- General Application
- Staff Report
- Zoning Map, 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 consider the adoption and take action on Ordinance No. 27-2020. The provision of S.L. 2020-3 / SB 704 requiring a governing body to receive public comment on the issue at hand at least 24 hours following the close of the hearing does not apply because the meeting is being held in person and is open to the public.

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

§ 160A-383. Purposes in view.

Zoning regulations shall be made in accordance with a comprehensive plan.

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

After the conclusion of the public hearing City Council may act upon Ordinance No. 27-2020



Memorandum

To: Rick Howell - City Manager
From: Walter Scharer – Planning Director
Date: September 28, 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.

The hearing for this proposed zoning map amendment was scheduled for September 21, 2020. However, due to technical difficulties with the virtual meeting the hearing was continued to October 5, 2020. Please schedule a legislative public hearing for this proposed zoning amendment at the next City Council meeting on October 5, 2020.

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

[x] 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

07-30-2020
Date

Received by:

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.

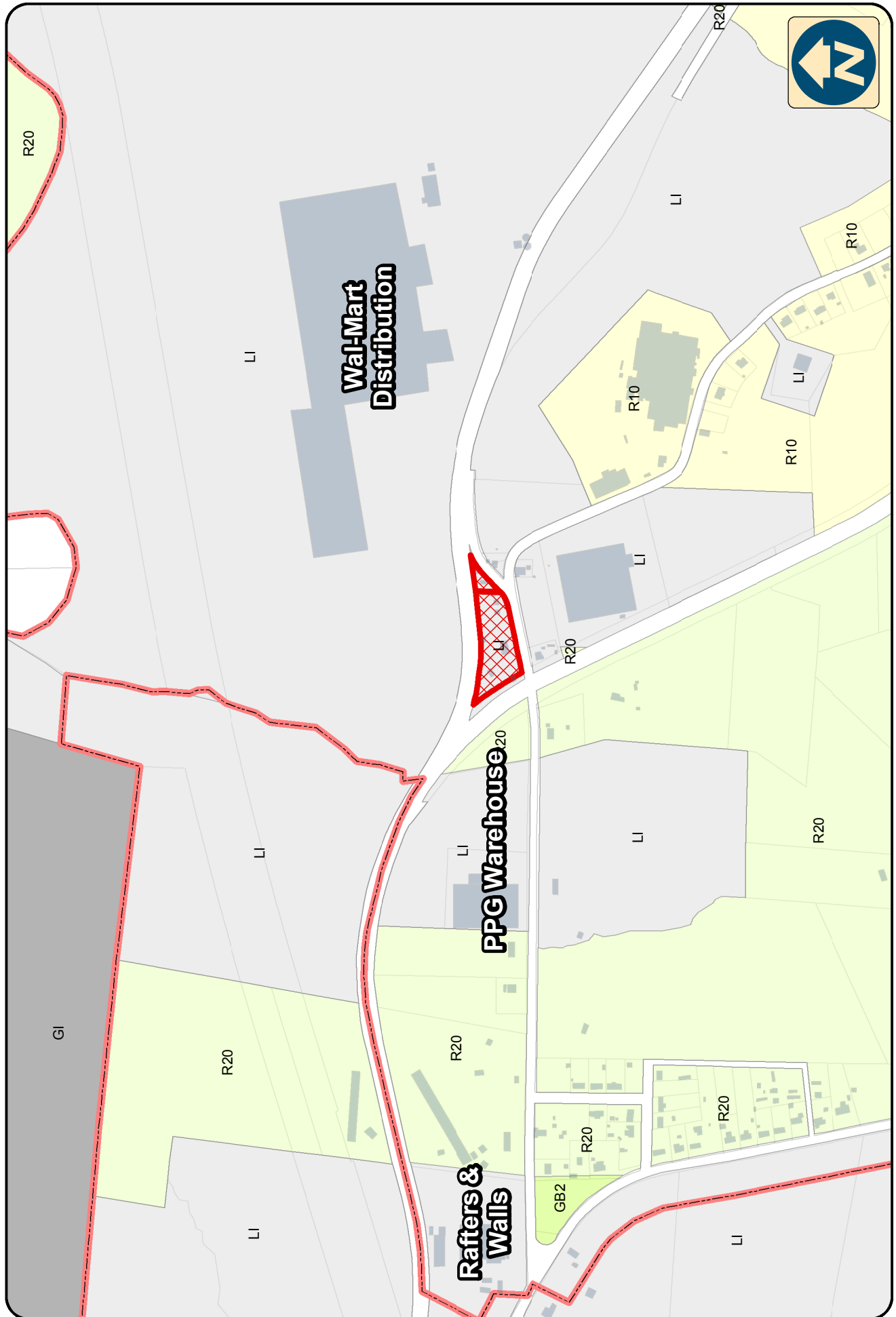
STAFF COMMENTS:

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

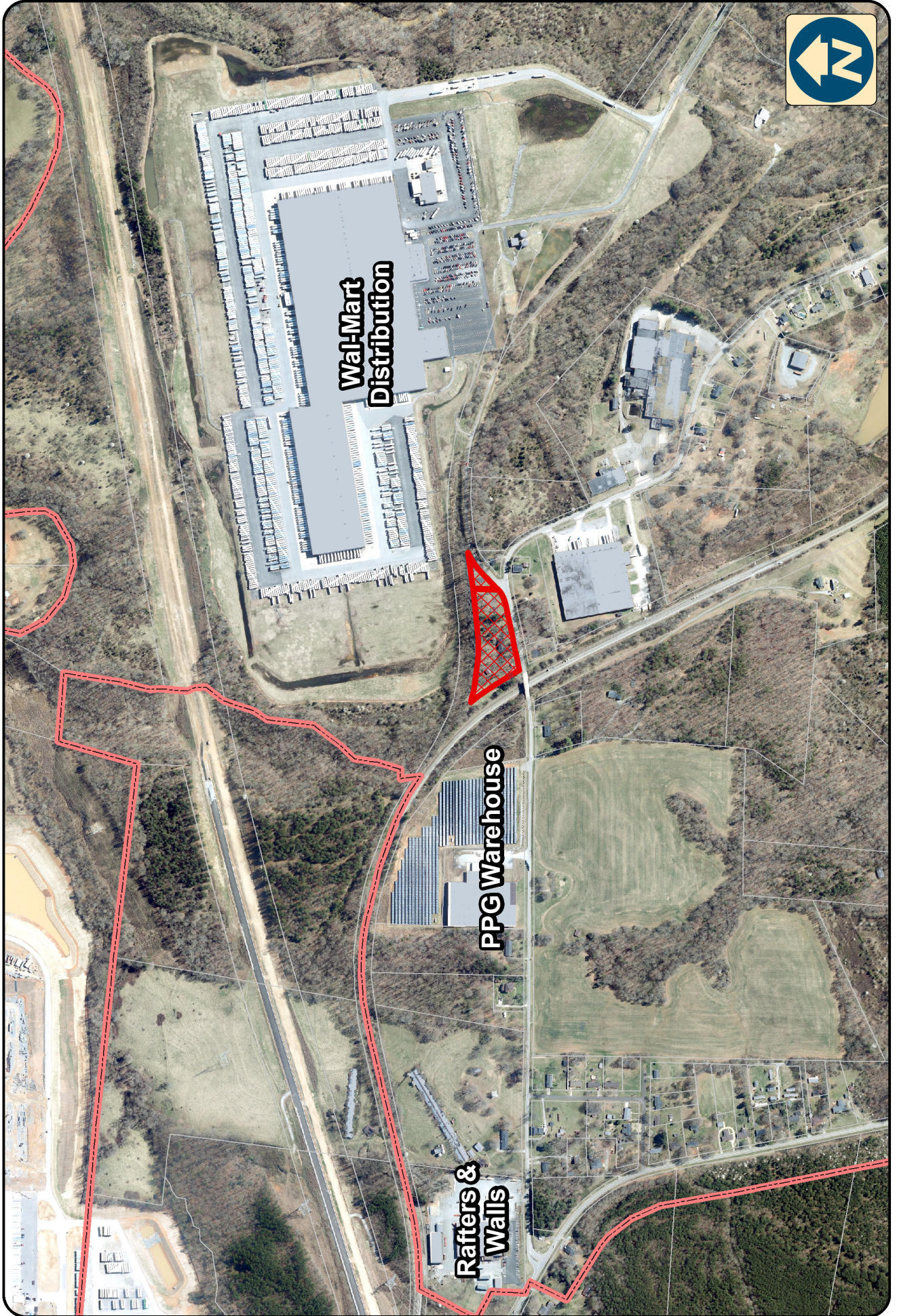


Date: 8/6/2020



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 October 5, 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 5th day of October 2020.

Ordinance No. 27-2020

October 5, 2020

Page 2

O. Stanhope Anthony III
Mayor

ATTEST:

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

APPROVED AS TO FORM:

Andrea Leslie-Fite
City Attorney

City of Shelby
Agenda Item Summary
October 5, 2020
Don Gibson Theater

Agenda 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 Director)

- Memorandum dated September 28, 2020 from Walter Scharer, Planning Director to Rick Howell, City Manager
- General Application and survey
- Staff Report
- Zoning Map, 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 consider the adoption and take action on Ordinance No. 28-2020. The provision of S.L. 2020-3 / SB 704 requiring a governing body to receive public comment on the issue at hand at least 24 hours following the close of the hearing does not apply because the meeting is being held in person and is open to the public.

If approved a special use permit (SUP) will have to be considered for approval through a Quasi-judicial public hearing process at a subsequent meeting of City Council.

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

§ 160A-383. Purposes in view.

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

After the conclusion of the public hearing City Council may act upon Ordinance No. 28-2020



Memorandum

To: Rick Howell - City Manager
From: Walter Scharer – Planning Director
Date: September 28, 2020
Subject: Requested zoning map amendment from R6 and R8 to LI-CU on 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 due to the characteristics of the applicants site plan.

The hearing for this proposed zoning map amendment was scheduled for September 21, 2020. However, due to technical difficulties with the virtual meeting the hearing was continued to October 5, 2020. Please schedule a legislative public hearing for this proposed zoning amendment at the next City Council meeting on October 5, 2020.

If this zoning map amendment is approved by City Council, a Quasi-Judicial Public Hearing will be required for the proposed Special Use Permit for this propose Conditional Use Zoning District. Approval of the Zoning Map Amendment does not approve the proposed use associated with the Conditional Use. The Quasi-Judicial Public Hearing has not yet been scheduled.

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: [X] Owner [] Developer, Contractor, etc. [] Other:

Request for (Check all that apply):

- Annexation (Contiguous & Satellite)
Change in Tenant/Building Use
Site Plan Review & Zoning Permit
Street Name Change
Street/ROW Closing
Conditional Use Permit or Special Use Permit
UDO Text Amendment
[X] 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 R6

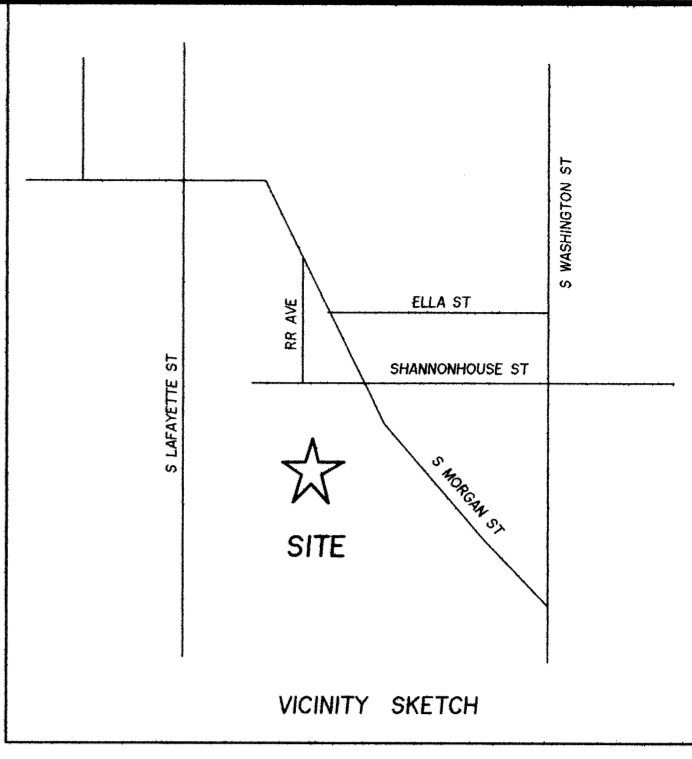
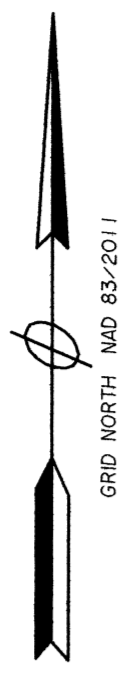
Oath: By signing, I hereby certify that all information that I have provided in this application is correct and complete to the best of my knowledge. I understand that providing false or incomplete information may be grounds for denial of my request or may result in future action by the City Council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

Signature of Applicant

Date 10/9/19

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'

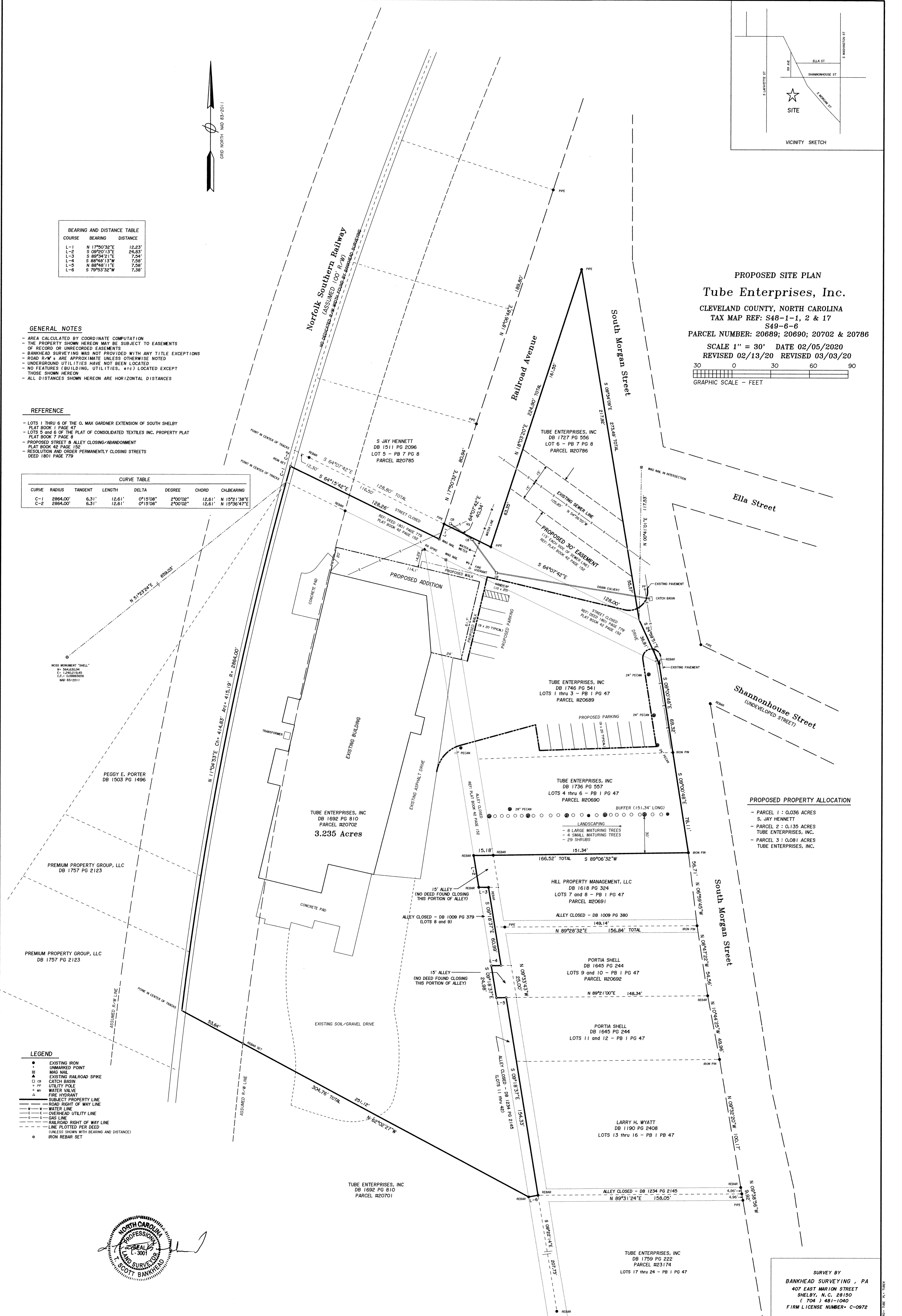
- GENERAL NOTES**
- AREA CALCULATED BY COORDINATE COMPUTATION
 - THE PROPERTY SHOWN HEREON MAY BE SUBJECT TO EASEMENTS OF RECORD OR UNRECORDED EASEMENTS
 - BANKHEAD SURVEYING WAS NOT PROVIDED WITH ANY TITLE EXCEPTIONS
 - ROAD R/W'S ARE APPROXIMATE UNLESS OTHERWISE NOTED
 - UNDERGROUND UTILITIES HAVE 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

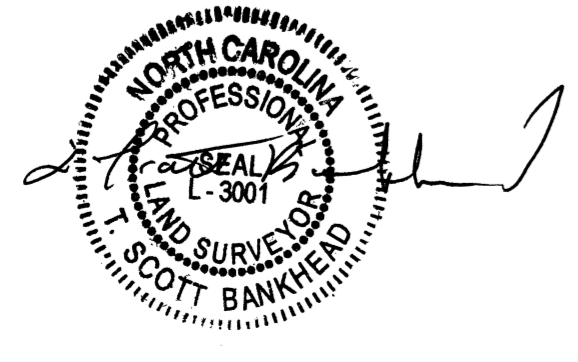
PROPOSED SITE PLAN
Tube Enterprises, Inc.
 CLEVELAND COUNTY, NORTH CAROLINA
 TAX MAP REF: S48-1-1, 2 & 17
 S49-6-6
 PARCEL NUMBER: 20689; 20690; 20702 & 20786
 SCALE 1" = 30' DATE 02/05/2020
 REVISED 02/13/20 REVISED 03/03/20

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 FAULT
 - 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.

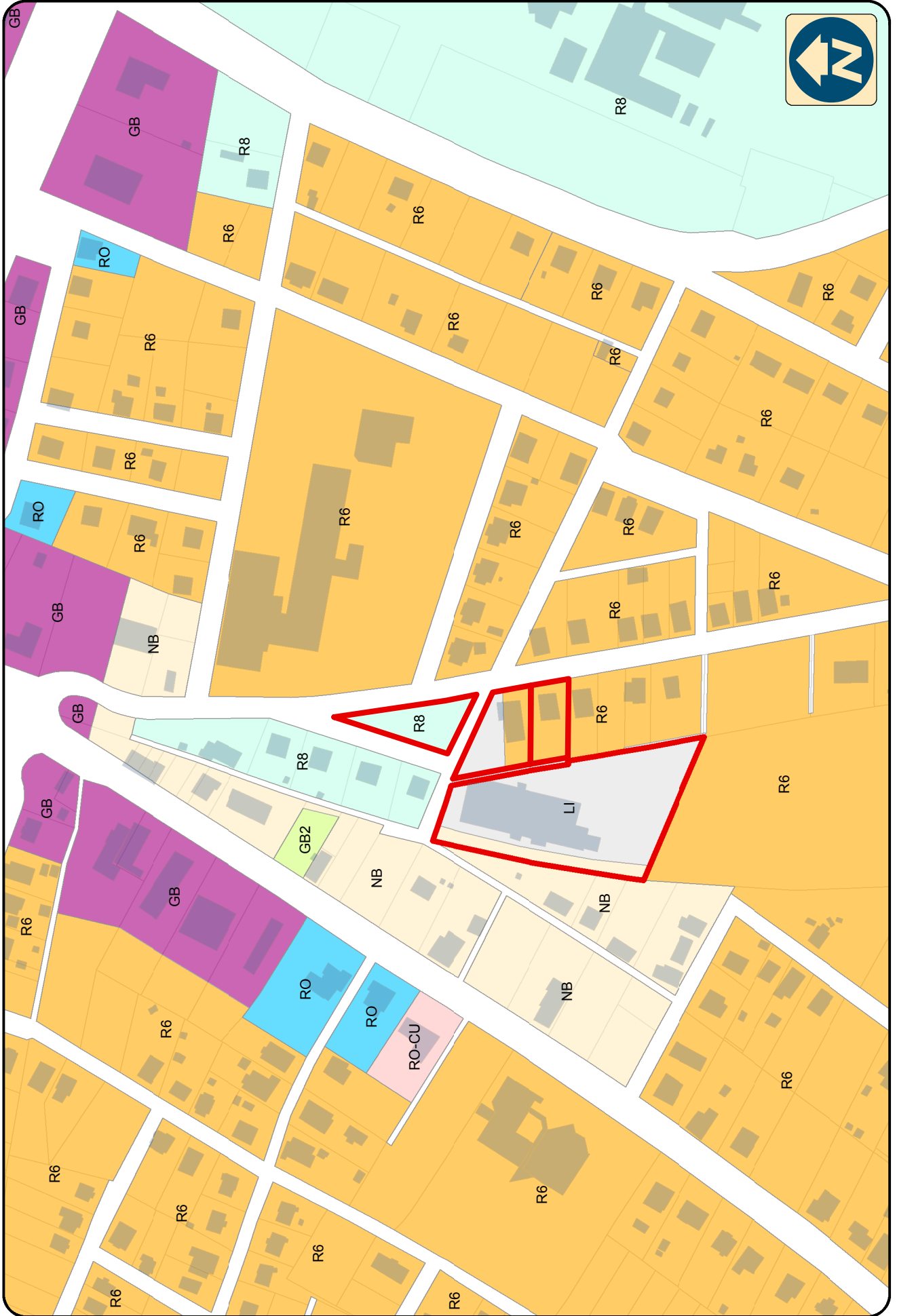
Tube Enterprises has been in this location since 2014.

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



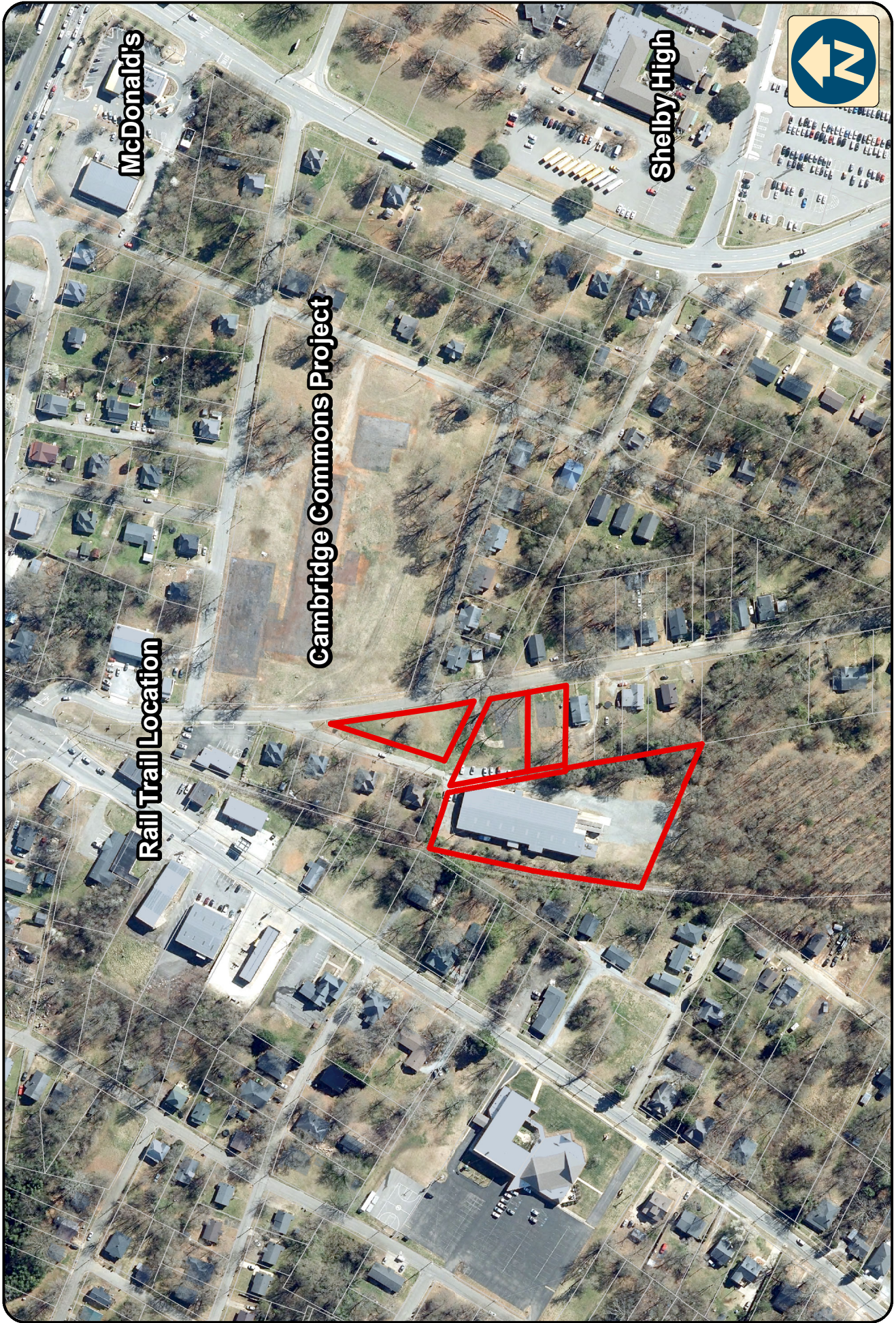
Date: 8/6/2020



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

0 125 250 500 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

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 October 5, 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 5th day of October 2020.

O. Stanhope Anthony III
Mayor

ATTEST:

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

APPROVED AS TO FORM:

Andrea Leslie-Fite
City Attorney

City of Shelby
Agenda Item Summary
October 5, 2020
Don Gibson Theater

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 September 21, 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 September 21, 2020

City Manager's Recommendation / Comments

Approve the minutes as presented or as amended by the Mayor and City Council via the Consent Agenda.

MINUTES

Regular Meeting – Electronic Meeting
City Hall and Don Gibson Theatre

September 21, 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, Police Chief Jeffrey H. (Jeff) Ledford, Fire Chief William P. Hunt, MPA, EFO, Director of Parks and Recreation Charlie Holtzclaw, Director of Planning and Development Services Walter (Walt) Scharer, AICP, Public Information and Communications Officer Chip Nuhrah, City Attorney Appointee Andrea Leslie-Fite, 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 6:05 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. 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)

Mrs. McMurry introduced the subject matter of this presentation and the City's consultants from Rummel, Klepper, Kahl, LLP (RK&K, LLP) as the presenters, Brian Hahn and Wayne Noonoo. She stated the Natural Gas Distribution System Assessment Report was previously provided for informational purposes.

Next, Mr. Hahn began by stating the City engaged Rummel, Klepper & Kahl, LLP (RK&K) to conduct a thorough assessment of the natural gas facilities and develop a plan for recommended upgrades, rehabilitation and/or replacements to allow the City to continue to serve its customers safely and effectively.

The areas reviewed during the assessment included, but were not limited to:

Natural Gas System Infrastructure

- Distribution Mains
- Service Lines
- Regulator Stations
- Engineering/Operational Tools

Mr. Hahn stated considerations were given to: Age, materials, system strength, leak data, cathodic protection data, known system issues, and site visits to key facilities.

After a review of the City's natural gas distribution system, Mr. Hahn said RK&K believes that the Natural Gas Department is well-managed and is making strides to ensure a safe and reliable operation. RK&K's interaction with the Natural Gas Department personnel was generally limited to the Director of Energy Services, Natural Gas Superintendent, and Utilities Support Supervisor. They were accommodating in providing data and personal knowledge to assist in the performance of the Natural Gas System Assessment. Each of these individuals is knowledgeable of the system and the issues affecting the system and are proactive in making changes to improve the system. While RK&K found some areas for improvement related to the Natural Gas Department's infrastructure and operations, Mr. Hahn stated they did not find any areas that required immediate action to ensure safe delivery of the natural gas to its customers.

In reviewing the City's natural gas infrastructure, Mr. Hahn added RK&K did not identify any major issues with its physical condition primarily due to the City's exclusive use of coated steel pipe and the application of cathodic protection for a majority of the in-service life of the steel pipe. RK&K's review of the infrastructure focused on the mains, regulator stations, and customer services. The system is well designed, maintenance programs are followed, and it has not experienced reliability issues that RK&K is aware of. The City has a relatively "young" natural gas system with almost 80 percent of the mains and services being less than forty years old. Risks associated with these facilities that were reviewed included: Age, materials, corrosion control and leaks for the mains and services, and aerial crossings (bridge attachments), and system design strength for the mains.

Mr. Hahn stated there was no evidence of immediate risk found associated with either the age of the mains or the materials used in the distribution system. The City has only used coated steel or polyethylene (plastic) pipe in the construction of the mains and services.

The City has utilized cathodic protection to provide additional protection for the steel mains since the original mains were constructed. It appears that the original 400-psig or pounds-force per square inch gauge and 150-psig systems were the only mains with applied cathodic protection until the mid-1970's. The City then began adding cathodic protection to other parts of the system until the entire system was protected by 1983 and cathodic protection has been applied to all new steel piping since 1983. RK&K's review has identified issues with the City's cathodic protection systems that will require remedial action.

Leaks on the natural gas distribution system do not appear to occur in concentrated areas, which could suggest the need for a broadscale replacement program. The City has considered leaks, especially corrosion related leaks, in their replacement of steel pipeline segments. For service lines, the City has adopted an informal policy of replacing all steel customer service lines where corrosion related leaks occur.

Mr. Hahn said the aerial crossings were considered independently from the general review of the mains because of their risks associated with atmospheric corrosion and stresses associated with movement. The City has had each of the crossings coated with a wax-type wrap that has generally provided effective protection from the effects of the atmospheric protection.

From a design standpoint, RK&K reviewed the reticulation, or networking of the system, and restrictions in the piping system. For the most part, the City's natural gas system has been well designed to limit the non-reticulation and restrictions in the system.

RK&K reviewed the general design and conditions of the City's regulator stations that the City operates to reduce the gas pressures. There were no apparent issues with the design of the regulator stations. There were considerable deficiencies with the maintenance of the coatings that protect the regulator stations from atmospheric corrosion that will need to be addressed.

The final area of the City's operation that RK&K reviewed were the engineering/operational tools used by the City. The City has embraced GIS as a planning and daily operations tool. There is an abundance of data available within the GIS for both management and crews, but there is a need to complete the input of data and correct inaccuracies to ensure an effective tool for all operations within the Natural Gas Department. The other tool that

is discussed in this report is the City's lack of having a readily available steady-state network model. The City currently uses the services of a consultant that developed a skeletal model of the City's system to address engineering and economic development questions. An available gas system model would have allowed many questions from this assessment to be answered and addressed as part of this assessment. Once a model is developed, City personnel can easily operate the model to obtain many of these solutions in-house.

Next, Mr. Noonoo continued the presentation. He stated that as a result of RK&K's review of data, meetings with City staff, and visits to field sites have identified various issues that should be considered as areas for remediation prioritization.

Mr. Noonoo summarized as follows:

CATHODIC PROTECTION

Based on the data provided in the standard cathodic protection surveys and specialized cathodic protection surveys performed for the City in 2019, there were multiple indications of deficiencies in the City's cathodic protection systems. Mr. Noonoo recommended making the necessary repairs to the corrosion control system (i.e., increase CP currents, add galvanic anodes, repair coating deficiencies, evaluate for interference, shorts, etc. if any, and resurvey the affected areas). Once the CP levels issue has been addressed, the affected areas will need to be resurveyed.

NATURAL GAS SYSTEM MODELING

RK&K has identified segments of the natural gas distribution system that could potentially strengthen the overall operation of the distribution system or protect the City and its customers from a potential localized or widespread service outage. However, Mr. Noonoo recommend that the City should invest in a full-system model and training to operate the model prior to committing to the installation of any loop closures. The model will also be able to determine the impact of segment outages and the benefit of replacing flow restricting pipeline segments. Should the natural gas model solutions indicate that the installation of redundant 400 and 150 psig mains or the replacement of restriction pipeline segments will provide benefits to the City that outweigh the cost of installation, RK&K recommended the resolutions and prioritization of the installations and replacements.

REPLACEMENT OF NON-COMPLIANT SHALLOW MAINS

During the assessment, nearly 70 pipeline segments were determined to not meet the minimum regulatory depth of installation requirements. These

segment recommendations have been separated into four categories: Investigate, replace, isolated steel replacement, and lower.

REGULATOR STATION MAINTENANCE

Mr. Noonoo stated the general assessment of the design of the regulator stations did not indicate any issues; however, it is recommended that once the City has a complete gas system model, the City should use it to determine the operating conditions of the stations and proper sizing of the equipment.

General maintenance issues were found with the coating systems of twenty-seven of the thirty-four district regulator stations operated by the City. Corrosion with metal loss was also identified on some of the regulator stations. The City should prepare a program to remediate the coating systems of many of the regulator stations. The program should include minor coating remediation for some of the stations and complete removal of the existing coating system, removal of corrosion, and application of a new coating system for other stations.

AERIAL BRIDGE CROSSINGS

Mr. Noonoo recommended the City should correct coating, corrosion, support, and encroachment issues identified at the following locations:

- 74 West at Broad River
- Wesson Road at Broad River
- Double Shoals Road at Broad River
- Kings Road at Hickory Creek

GIS (GEOGRAPHICAL INFORMATION SYSTEM) UPDATES

A complete quality control review of each feature should be performed by the City to identify missing or inaccurate data and develop a plan to populate or correct the data.

Mr. Noonoo stated RK&K recommends that the City consider enlisting the services of a consultant to develop a steady state network model of their natural gas distribution system and receive training to operate the model. The model should be based on data available through the City's GIS and customer information system (CIS) or billing system and calibrated to a specific documented date.

To conclude, Mr. Noonoo provided a summary of the estimated costs for most of the recommended remedial actions. It was noted additional costs may be incurred by the City dependent on the findings established from the gas system model and investigations, the findings of the cathodic protection

investigations, the replacement of regulator station components, and the aerial crossings remediation.

Council received the information and took no action.

C. Public Comment:

- 1) Jimmy Hall who resides at 1442 Frederick Street in Shelby, North Carolina spoke in support of the Unity in the Community events. Mr. Hall is a local disc jockey known as D.J. Dr. Jim who organizes and promotes these events to unify Shelby in a positive way. Mr. Hall invited Mayor Anthony and Council members to the next Unity in the Community event on Saturday, September 26, 2020, from 2:00 p.m. to 5:00 p.m. at the Earl Scruggs Center. Mayor Anthony responded with his plans to attend.

Mr. Howell informed Mayor Anthony and Council that due to technical difficulties, the meeting was not being streamed live on Facebook as was noticed to the public. After consultation with Miss Thompson, Council discussed amending the agenda and moving the Public Hearings to follow Unfinished Business.

ACTION TAKEN: Mr. Hendrick moved to change the sequence of the agenda as follows:

- D – Consent Agenda
- E – Unfinished Business
- F – Public Hearings
- G – New Business
- H – City Manager’s Report
- I – Council Announcements and Remarks
- J – Adjournment

The agenda, as amended, was then unanimously approved.

D. Consent Agenda:

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

- 1) Approval of the Minutes of the Regular Meeting of August 17, 2020
- 2) Approval of Special Event Permit Application:
 - a. Food Truck Reception for Mara and Reese, requested date: October 4, 2020

- 3) Adoption of a proposed ordinance rescinding two minimum housing ordinances in the City of Shelby, North Carolina: Ordinance No. 29-2020
- 4) Approval of a resolution approving the campus security contract between the City of Shelby and Cleveland Community College: Resolution No. 40-2020

E. Unfinished Business:

1) Consideration of appointments to City advisory boards and commissions:

a. Shelby Planning and Zoning Board

Mrs. Parduski reported the terms of two incumbents, Charles Hamrick and Greg Taylor, concluded June 2020. Both incumbents wish to continue their service and are seeking reappointment.

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

- Juan Cherry

Mr. White nominated the incumbents, Charles Hamrick and Greg Taylor, for reappointment.

ACTION TAKEN: Upon a motion made by Mr. Hendrick, City Council voted unanimously to close the nominations and accept the nominees by acclamation.

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

Mr. Scharer presented the proposed zoning map amendment, noting only the legislative hearing for this proposal took place on August 17, 2020. The 22-acre property on Wease Drive is currently undeveloped and the site is zoned Residential 20 (R20). The applicant is proposing a zoning change on this property to Residential 6 – Conditional Use (R6-CU).

Mr. Scharer stated Council may now act on this proposal. If this zoning map amendment is approved, 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. Mr. Scharer further stated approval of the zoning map amendment does not approve of the conditional use, which may only take place following a quasi-judicial public hearing.

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted 4 (Causby, Arth Dukes, Webber, and Hopper) to 2 (Hendrick and White) to deny Ordinance No. 26-2020 entitled, “A PROPOSED ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF SHELBY, NORTH CAROLINA FOR PROPERTY LOCATED ON WEASE DRIVE”.

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

Mr. Howell introduced Resolution No. 41-2020 for Council’s consideration. If approved, this resolution would formalize the appointment of Andrea Leslie-Fite as City Attorney under North Carolina General Statute 160A-173.

Mr. Howell explained the competitive process the City followed in seeking to select its first staff attorney. The newly established position of City Attorney was widely advertised, and the City followed an assessment center process. The panel of assessors made their recommendations and Mr. Howell concurred, recommending the appointment of Andrea Leslie-Fite as City Attorney to Council.

ACTION TAKEN: Upon a motion made by Mr. Hopper, City Council voted unanimously to approve and adopt Resolution No. 41-2020 entitled, “A RESOLUTION APPOINTING THE CITY ATTORNEY”.

Mr. Howell informed Mayor Anthony and Council that the technical difficulties have not been resolved. After consultation with Miss Thompson, Council discussed amending the agenda for a second time and moving the Public Hearings to follow Council Announcements and Remarks.

ACTION TAKEN: Mr. Hendrick moved to change the sequence of the agenda as follows:

- F – New Business
- G – City Manager’s Report
- H – Council Announcements and Remarks
- I – Public Hearings
- J - Adjournment

The agenda, as amended, was then unanimously approved.

F. New Business: None

G. City Manager’s Report:

- 1) Mr. Howell provided an update regarding the Biosolids Project at the Wastewater Treatment Plant. He stated the treatment process is now

operational and the old compost building is scheduled for demolition. The project should be complete by the end of November 2020 and a ribbon cutting ceremony will be planned.

- 2) 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 ready to be arranged for installation. The honorary designation of Dekalb Street to Bobby Bell Boulevard is in process with the North Carolina Department of Transportation. Staff is in negotiations with the artist chosen for the design of the Bobby Bell Mural Project.
- 3) Mr. Howell informed Council that the City received notifications that its North Carolina Parks and Recreation Trust Fund (PARTF) grant application for the Shelby Rail Trail Depot Park Segment Phase 1 was denied and the Fiscal Year 20 BUILD Grant application for the Shelby Regional Access Improvement Line (R.A.I.L.) was also denied. Staff will be requesting a debriefing session for both applications and hopes to resubmit stronger applications in the future grant cycle.

The City is also awaiting the status of its Recreational Trails Program Grant application to be determined in October 2020.

Mr. Howell reminded Council the City was awarded a North Carolina Department of Transportation (NCDOT) – Transportation Alternatives Program (TAP) grant in the amount of \$4.16 million to secure the purchase of the rail corridor for its rails-to-trail project. The City continues to work with NCDOT to obtain the status of those funds which have been delayed due to the Department's budget issues.

- 4) Mr. Howell mentioned the new digital payment kiosk should be installed and ready for use by September 28, 2020, allowing customers to pay their bills at the outdoor covered kiosk 24 hours a day, 365 days a year.
- 5) Mr. Howell said the Water and Sewer Cost of Service Rate Study which was funded in the current budget will move forward soon.
- 6) Mr. Howell mentioned the contractor for the Norfolk Southern Rail Corridor continues to remove the rails and the debris in order to proceed with patching and resurfacing the streets.
- 7) Mr. Howell will share the plans to repair the First Broad River Trail and to replace the suspension bridge at Council's next meeting.
- 8) Regarding the Uptown Shelby Streetscaping Project, Mr. Howell provided a brief update about the signalization improvements and the handicap

parking spaces, which have not been reduced in number. The signs have been ordered and will be re-installed. He anticipates three weeks to completion of the project.

H. Council Announcements and Remarks: None

I. Public Hearings: CONTINUED TO OCTOBER 5, 2020 AT 6:00 P.M. AT THE DON GIBSON THEATRE FOR AN IN-PERSON CITY COUNCIL MEETING; A NOTICE REGARDING MEETING ACCESS DUE TO THE CURRENT COVID-19 PANDEMIC STATE OF EMERGENCY WILL BE PUBLISHED

- 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
- 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
- 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

ACTION TAKEN: Mr. White moved to continue the above public hearings to October 5, 2020 at 6:00 p.m. at the Don Gibson Theatre. The motion was unanimously approved.

ACTION TAKEN: Mr. Hopper moved to return to an in-person City Council meeting on October 5, 2020 at 6:00 p.m. at the Don Gibson Theatre. The motion was unanimously approved.

Mr. Howell expressed his appreciation to Martha Thompson for stepping into the role of Interim City Attorney. Miss Thompson provided excellent legal services to staff as well as to Mayor and Council. Mayor Anthony and Council members echoed Mr. Howell's comments, adding their compliments to Miss Thompson.

J. Adjournment:

- 1) Motion to recess

ACTION TAKEN: Upon a motion made by Mr. Causby, City Council voted unanimously to recess and reconvene on October 5, 2020 at 6:00 p.m. at the Don Gibson Theatre for an in-person City Council meeting.

The meeting was concluded at 7:27 p.m.

Respectfully submitted,

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

**O. Stanhope Anthony III
Mayor**

Minutes of September 21, 2020

DRAFT

City of Shelby
Agenda Item Summary
October 5, 2020
Don Gibson Theater

Agenda Item: E-2

- 2) Approval of a resolution honoring Roderick Wood on the occasion of his retirement from employment with the City of Shelby: Resolution No. 42-2020

Consent Agenda Item: (Sam Clark, Assistant Finance Director)

- Memorandum dated September 25, 2020 from Sam Clark, Assistant Finance Director/Customer Services Manager to Rick Howell, City Manager
- Resolution No. 42-2020

City Manager's Recommendation / Comments

This time is scheduled on your agenda to consider a resolution recognizing Roderick Wood on the occasion of his retirement from employment. In keeping with policy Resolution No. 42-2020 will recognize him for having served the City faithfully for the past 30.5 years as a Meter Services Technician. He is to be congratulated! Mr. Wood is an experienced employee and will be greatly missed by his coworkers in the Utilities, Customer Services and Finance Departments.

As is in keeping with current policy Mr. Wood will be presented with a framed resolution, a city lapel pin and a key to the City. It is customary and appropriate to recognize Rod Wood for his many years of service to the City. Mr. Woods's dedication to our Customer Service Department, in particular, the Meter Tech division is to be admired.

Rod is a veteran of the U.S. Navy and has served his country and the City of Shelby in a dedicated and honorable manner. It has been my honor to work with him over the years.

Please join me in wishing him a healthy and happy retirement. He is scheduled to attend a future meeting of City Council for a formal presentation.

It is recommended that Resolution No. 42-2020 be adopted and approved via the Consent Agenda.

Retiring or Separating Employee Recognition - Employees leaving City employment in good standing will receive a plaque from the City Manager after they have attained at least their 20th anniversary of service with the City or have attained their 10th anniversary and are at least 60 years of age or over. Employees with 25 or more years of service will receive a key to the City, a framed Council resolution and City lapel pin upon retirement from the City. Separating employees who have attained at least five years of service and are leaving in good standing can be recognized on a Department level with a gift or some other form of recognition.



September 25, 2020

Memorandum:

To: Rick Howell, City Manager
From: Sam Clark, Assistant Director of Finance/Customer Services Manager
Subject: City Council recognition of Roderick Wood on the occasion of his retirement from the City of Shelby.

Background

It is customary practice that longstanding city employees receive a resolution and official recognition by the Mayor and City Council on the occasion of their retirement from the City of Shelby.

Discussion

Roderick Wood announced his retirement from the Customer Services Department after thirty and a half years of dedicated service to the city and its residents having served from October 4, 1989 to May 28, 2020. Upon his conclusion of service with the city a recognition by the city council was delayed due to the council meetings being held remotely during the COVID-19 pandemic.

Action

With this memorandum, it is my recommendations that a resolution honoring Roderick for his longstanding service to the City of Shelby to be approved; and that an appropriate time be reserved on a City Council agenda to publicly recognize and thank him for his dedicated contributions to the City of Shelby.

Enclosures

cc: Bernadette Parduski

RESOLUTION NO. 42-2020

**A RESOLUTION HONORING RODERICK WOOD
ON THE OCCASION OF HIS RETIREMENT
FROM EMPLOYMENT WITH THE CITY OF SHELBY**

WHEREAS, on the occasion of his retirement from employment on May 28, 2020 it is fitting and proper for the City Council to express its sincere appreciation to Roderick Wood for his loyal, dedicated, and committed service to the City of Shelby from October 4, 1989 to May 28, 2020; and,

WHEREAS, Mr. Wood has been a steadfast team member in the continuing development of the City of Shelby's Utilities, Customer Services, and Finance Departments, especially for the assistance and continuity he has provided; and,

WHEREAS, during his tenure of service, Mr. Wood has been a faithful employee for the City of Shelby, beginning as a Meter Services Technician in 1988, and has been an outstanding example of the quality of employee necessary to the development of the good of the City; and,

WHEREAS, Mr. Wood's commitment, leadership, laudatory work effort, and devotion to duty has helped create a winning attitude within the Utilities, Customer Services, and Finance Departments of the City of Shelby; and,

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

WHEREAS, the City Council of the City of Shelby wishes to acknowledge and express its appreciation to Mr. Wood for 30.5 years of his dedicated and devoted duty in the Utilities, Customer Services, and Finance Departments to its citizens, noting that Mr. Wood will be missed both professionally and as a fellow co-worker.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council publicly express their sincere appreciation to Roderick Wood for his performance of duty to the City of Shelby for 30.5 years and extend the very best wishes for a successful retirement.

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Shelby to be affixed this the 5th day of October 2020.

O. Stanhope Anthony III
Mayor

ATTEST:

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

City of Shelby
Agenda Item Summary
October 5, 2020
Don Gibson Theater

Agenda Item: E-3

- 3) Approval of a resolution honoring S. Todd McMurry on the occasion of his retirement from employment with the City of Shelby: Resolution No. 43-2020

Consent Agenda Item: (William Hunt, Fire Chief)

- Memorandum dated September 23, 2020 from William Hunt, Fire Chief to Rick Howell, City Manager
- Resolution No. 43-2020

City Manager's Recommendation / Comments

This time is scheduled on your agenda to consider a resolution recognizing Todd McMurry on the occasion of his retirement from employment. In keeping with policy Resolution No. 43-2020 will recognize him for having served the City faithfully for the past 32 years as a Fire and Rescue employee. He is to be congratulated! Todd McMurry is an experienced firefighter and chief and will be greatly missed by his fellow coworkers.

As is in keeping with current policy Assistant Chief McMurry will be presented with a framed resolution, a city lapel pin and a key to the City. It is customary and appropriate to recognize Todd McMurry for his many years of service to the City. Assistant Chief McMurry's dedication to our Fire and Rescue Department is to be admired.

Todd is greatly missed by the Fire and Rescue Department and the City as a whole. He brought a strong work ethic and sense of responsibility that is rare in today's world. His positive attitude and ability to communicate with anyone served the City well.

Please join me in wishing him a healthy and happy retirement. He is scheduled to attend a future meeting of City Council for a formal presentation.

It is recommended that Resolution No. 43-2020 be adopted and approved via the Consent Agenda.

Retiring or Separating Employee Recognition - Employees leaving City employment in good standing will receive a plaque from the City Manager after they have attained at least their 20th anniversary of service with the City or have attained their 10th anniversary and are at least 60 years of age or over. Employees with 25 or more years of service will receive a key to the City, a framed Council resolution and City lapel pin upon retirement from the City. Separating employees who have attained at least five years of service and are leaving in good standing can be recognized on a Department level with a gift or some other form of recognition.



September 23, 2020

Memorandum:

To: Rick Howell, City Manager
From: William Hunt, Fire Chief

Subject: City Council recognition of S. Todd McMurry on the occasion of his retirement from the City of Shelby.

Background

It is customary practice that longstanding city employees receive a resolution and official recognition by the Mayor and City Council on the occasion of their retirement from the City of Shelby.

Discussion

Fire Division Chief S. Todd McMurry announced his retirement from the Fire & Rescue Department after thirty years of dedicated service to the city and its residents having served from October 1, 2000 to June 26, 2020. He concluded his active service with the city on June 26th, however a recognition by the city council was delayed due to the council meetings being held remotely during the COVID-19 pandemic.

Action

With this memorandum, it is my recommendations that a resolution honoring Todd McMurry for his longstanding service to the City of Shelby to be approved; and that an appropriate time be reserved on a City Council agenda to publicly recognize and thank him for his dedicated contributions to the City of Shelby.

Enclosures

cc: Bernadette Parduski

RESOLUTION NO. 43-2020

**A RESOLUTION HONORING S. TODD McMURRY
ON THE OCCASION OF HIS RETIREMENT
FROM EMPLOYMENT WITH THE CITY OF SHELBY**

WHEREAS, on the occasion of his retirement from employment on June 26, 2020, it is fitting and proper for the City Council to express its sincere appreciation to Mr. S. Todd McMurry for his loyal, dedicated, and committed service to the City of Shelby from October 1, 1988 to June 26, 2020; and,

WHEREAS, Mr. McMurry has been a loyal team member in the continuing development and improvement in the delivery of public-safety fire protection and prevention services in the City of Shelby for the benefit of all its citizens; and,

WHEREAS, during his tenure of service, Mr. McMurry has been a loyal employee for the City of Shelby, beginning as a reserve Firefighter in October 1988, receiving a promotion to full-time Firefighter in June 1990, receiving a promotion to Fire Inspector in February 4, 1996, receiving a promotion to Captain in June 2006, receiving a promotion to Assistant Fire Chief in January 2015, retitled to Fire Division Chief in 2018, and finishing his career as a Fire Division Chief in the Fire and Rescue Department, and has been an outstanding example of the quality of employee necessary to the development of the good of the City; and,

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

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

WHEREAS, the City Council of the City of Shelby wishes to acknowledge and express its appreciation to Mr. McMurry for his 32 years of dedicated and devoted duty to its citizens in providing public safety services with the Fire & Rescue Department; noting that Mr. McMurry will be missed both professionally and as a fellow co-worker.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council publicly express their sincere appreciation to Mr. McMurry for his performance of duty to the City of Shelby during the past 32 years and extend the very best wishes for a successful retirement.

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Shelby to be affixed this the 5th day of October 2020.

O. Stanhope Anthony III
Mayor

ATTEST:

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

City of Shelby
Agenda Item Summary
October 5, 2020
Don Gibson Theater

Agenda Item: E-4

- 4) Approval of a resolution accepting property from Daniel Taylor: Resolution No. 44-2020

Consent Agenda Item: (Walter Scharer, Planning Director)

- Memorandum dated September 28, 2020 from Walter Scharer, Planning Director to Rick Howell, City Manager
- Letter from Daniel Taylor
- Location Map
- Title Search and copy of Deed
- Resolution No. 44-2020

City Manager's Recommendation / Comments

Past City practices and protocol require the formal acceptance by City Council upon the offering and receipt of real property. This applies to property that is acquired through donation and purchase. Obviously the intent of the process is to ensure knowledge and acceptance of properties by the City Council who are representatives of the citizenry in order to allow for proper due diligence that the property is necessary for the provision of an authorized and funded public purpose. In keeping with past practices and the Neighborhood Action Plan the City routinely confers with property owners who have expressed interest in donating properties in specific neighborhood where blight and deterioration is present. Oftentimes these properties are located in areas where crime is a significant issue and the property owner either cannot or will not spend financial resources to repair the home

It is recommended that Resolution No. 44-2020 be adopted and approved via the Consent Agenda.



Memorandum

To: Rick Howell - City Manager
From: Walter Scharer – Planning Director
Date: September 28, 2020
Subject: Property Acceptance

Executive Summary of Issue – Background

The City has been offered a property at 319 Grice Street. This property, owned by Daniel Taylor, has a vacant single-family dwelling. The structure is currently in the process of being demolished as a result of a Minimum Housing action. This part of Shelby has been identified by City Council as a distressed neighborhood as defined in the Neighborhood Action Plan. The City of Shelby Housing Authority is close to this property. There are no outstanding nuisance liens or taxes on these properties.

Review and Comments

This property offers an excellent opportunity to continue land banking for future redevelopment. Land banking this property is supported by the Comprehensive Land Use Plan 2009, the City Center Master Plan 2007 and the Neighborhood Action Plan 2006.

Recommendation

Please place this item on the consent agenda for the October 5, 2020 City Council Meeting.

Attachments: Donation letter, Location Map, Title Opinion, and Resolution

02/14/2020

To Whom it may Concern:

Walt Scharer,

I Daniel Taylor would like to donate the property and house at 319 Grice Street, Shelby NC to the city of Shelby. If you have any questions please call 828-974-6304.

Thank you,

A handwritten signature in black ink that reads "Daniel Taylor". The signature is written in a cursive style with a large, stylized initial "D".

Daniel Taylor



Location Map

319 Grice Street

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



Scale 1:3,000 1 inch = 250 feet



Date: 2/21/2020

Parcel # 18425

319 Grice Street

PRELIMINARY OPINION ON TITLE FOR

CITY OF SHELBY, NORTH CAROLINA

The undersigned has examined the record title on the Cleveland County records (and municipal tax and assessment records if within a municipality) for the period shown below relative to title to the real property described below, and gives the following opinion of status:

Owner(s): Hugh H. Taylor, Jr., 319 Grice Street, Shelby, NC 28152

Interest or estate: Fee Simple

Property Description: (or attach copy of legal description)

See Attached copy of Deed Recorded in Book 1445 at Page 1027 of the Cleveland County Registry.

Subject to the uninitiated STANDARD EXCEPTIONS on reverse side hereof.

Also subject to the following SPECIAL INFORMATION AND EXCEPTIONS:

Taxes:

- 1. Ad valorem taxes are paid through and including those for the year: 2018
2. Taxes now due and payable: 2019
3. Taxes, a lien, deferred or otherwise, but not yet due and payable: 2020
4. Special levies or assessments now due or payable in future installments: None
5. Estate or inheritance taxes: None

Restrictive Covenants? Yes []; No [X] (Attach Copy).

- 1. Book, Page
2. Does survey and/or public record indicate a violation? Yes []; No []; Unknown []
3. Contain reversionary or forfeiture clause? Yes []; No []
4. Building Setback Line(s) of feet from front; feet from side; feet from side street; feet from rear.
5. Easements/Other Matters:

Survey and Inspection Report Attached? Yes []; No [X].

Recorded Plat? Yes []; No [X].

- 1. Book, Page
2. Building Setback Line(s) of feet from front; feet from side; feet from side street; feet from rear.
3. Violated? Yes []; No []; Unknown []
4. Easements/Other Matters:

Access to Public Right of Way? Yes [X]; No [].

Direct [X]; or over a private easement [] (if private easement, attach copy).

If over a private easement, has a search been made of adjoining property on which easement crosses? Yes []; No [].

Property Occupied By: Owner []; Tenant []; Unimproved []; Unknown [X].

Updating From Previous Title Insurance Policy? Yes []; No [X] (Attach Copy). If "Yes", has a search of the

public records been accomplished for such period of time within which judgements, liens or other matters could affect the property, regarding

the owner(s) of the property on and after the date of said policy? Yes []; No [].

Other Easements, Liens, Deeds of Trust, Objections or Defects:

A Deed of Trust dated July 2, 2018, to Christopher Logue, Trustee for Fifth Third Bank (5050 Kingsley Dr., Cincinnati, OH 45263), and being of record in Book 1773 at Page 1929 of the Cleveland County Registry.

(Continue on back if necessary)

This opinion of title is for the parties to whom it is furnished, is not transferable, and may not be used by any other person or entity without the prior written consent of the undersigned.

The Search Period was from March 21, 2005 to January 30, 2020 at 8:00 A.M.

Telephone: 704-482-7718

Address: P. O. Box 1329

Shelby, NC 28151-1329

By: Robert W. Yelton, Attorney

TITLE INSURANCE APPLICATION

- 1. Owner's Insurance: \$ (purchase price/value)
a) Insured:
b) Use of Property: Commercial []; Residential []; Unknown []; or Other []
2. Mortgagee Insurance: \$ (loan amount)
a) Insured:
b) Loan Is: Permanent []; Temporary []; Construction []; FHA []; VA []; Conventional []; Other []
c. The following Standard ALTA Endorsements are requested:

Send original Binder to:

INTERNET COPY

INTERNET COPY

INTERNET COPY

FILED in CLEVELAND County, NC
on Mar 30 2005 at 10:10:18 AM
by: BONNIE E. REECE
REGISTER OF DEEDS
BOOK 1445 PAGE 1027

Issued Mar 30 2005
\$33.00
State of CLEVELAND
North Carolina County
Real Estate Excise Tax

49700

RECORDING FEE \$ 17.00 REVENUES 33.00

Tax Lot No. _____ Parcel Identifier No. _____
Verified by _____ County on the _____ day of _____, 20____
By _____

Mail after recording to Mark D. Loakey, Attorney, P.O. Box 2644, Shelby, NC 28151-2644.
This instrument was prepared by Mark D. Loakey, Attorney, Shelby, North Carolina

Brief Description for the index

NORTH CAROLINA SPECIAL WARRANTY DEED

THIS DEED made this 21st day of March, 2005, by and between

GRANTOR	GRANTEE
AMERICAN BUSINESS MORTGAGE SERVICES, INC.	HUGH H. TAYLOR, JR. 108 CROBLE RD. BREASLE NC 28712

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g., corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in or near the City of Shelby, Number Six (6) Township, Cleveland County, North Carolina and more particularly described as follows:

Lying and being in the Southeastern Section of the City of Shelby, North Carolina and lying East of South Dekalb Street, and being described by metes and bounds as follows:

BEGINNING on an iron stake, the Northeast corner of Lot No. 2; runs thence North 1 East 150 feet to an iron stake; thence North 83 East 81 1/2 feet to an iron stake; thence South 1 West 180 feet to an iron stake; thence South 83 West 81 1/2 feet to the place of BEGINNING. Together with improvements located thereon; said property being located at 319 Grice Street, Shelby, North Carolina.

Parcel Number 18425

Title Reference: Book 1423, Page 1206, Cleveland County Registry.

Tax Map Reference: S12-3-40

INTERNET COPY INT

RESOLUTION NO. 44-2020

A RESOLUTION ACCEPTING PROPERTY FROM DANIEL TAYLOR

WHEREAS, the City Council of the City of Shelby, North Carolina, desires to accept the conveyance of property from Daniel Taylor; and,

WHEREAS, the City Council of the City of Shelby, North Carolina, desires to promote the Neighborhood Action Plan; and,

WHEREAS, the City of Shelby acknowledges receipt of Tax Parcel No. 18425 situated in the City of Shelby, Cleveland County, North Carolina, and known as 319 Grice Street;

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

Section 1. The City of Shelby properly acknowledges the land conveyance of Daniel Taylor and accepts conveyance of Tax Parcel No. 18425 (319 Grice Street, Shelby, North Carolina).

Section 2. This Resolution 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

City of Shelby
Agenda Item Summary
October 5, 2020
Don Gibson Theater

Agenda Item: E-5

5) West Marion Street Streetscape Project:

- a. Adoption of Fiscal Year (FY) 2020-2021 Budget Ordinance Amendment No. 1: Ordinance No. 30-2020
- b. Approval of a resolution awarding the contract for the West Marion Street Streetscape Project: Resolution No. 45-2020

Consent Agenda Item: (Rick Howell, City Manager)

- Memorandum dated September 29, 2020 from Ben Yarboro, Engineering Services Director to Rick Howell, City Manager
- Streetscape drawings
- Bid Tab sheet
- Ordinance No. 30-2020
- Resolution No. 45-2020

City Manager's Recommendation / Comments

As background Council will recall that it approved a Downtown Development Agreement with TGS Engineers on September 17, 2018 following a public hearing. The agreement included a provision where the City agreed to construct a section of streetscape and sidewalk along the frontage of Marion Street from Morgan Street to Clyde Street.

Ordinance No. 30-2020 is presented for City Council consideration at this time via the Consent Agenda. If approved this ordinance would appropriate \$151,400 from the General Fund – Fund Balance for the West Marion Streetscape Project.

Resolution No. 45-2020 is presented for City Council for consideration at this time via the Consent Agenda. If approved this resolution would award a bid in the amount of \$151,400 to Lawndale Sand LLC for the construction of the streetscape improvements along West Marion Street from the intersections of Morgan Street to Clyde Street.

It is my recommendation that Ordinance No. 30-2020 and Resolution No. 45-2020 be adopted and approved by Council via the Consent Agenda.

Memorandum

To: Rick Howell, City Manager
From: Ben Yarboro, Engineering Services Director
RE: Recommendation of Award of the Construction Contract for the W. Marion St. Streetscape Project
Date: September 29, 2020

Background

The City of Shelby contracted with The Dodd Studio to assist City Staff in preparing plans and specifications for the W. Marion St. Streetscape Project. Some elements included in the design of this project are:

- Replacing portions of curb and gutter
- Constructing 2 ADA compliant wheelchair ramps
- Installing areas of concrete sidewalk
- Installing areas of pavers
- Landscaping
- Installation of irrigation

This design was completed with the goal of improving accessibility in this area while also providing aesthetic enhancement (see attached plan for reference).

Review

The City of Shelby advertised for the W. Marion St. Streetscape Project and bids for the project were due to the City by 10:00am on September 29, 2020. Six submittals were received and are as follows:

Lawndale Sand LLC	\$151,400.00
Piedmont Utility Group Inc.	\$159,557.95
Sossamon Construction Company, Inc.	\$208,900.00
Morrison Construction	No Bid
Greene Building Corporation	No Bid
Paradise Landscaping	No Bid

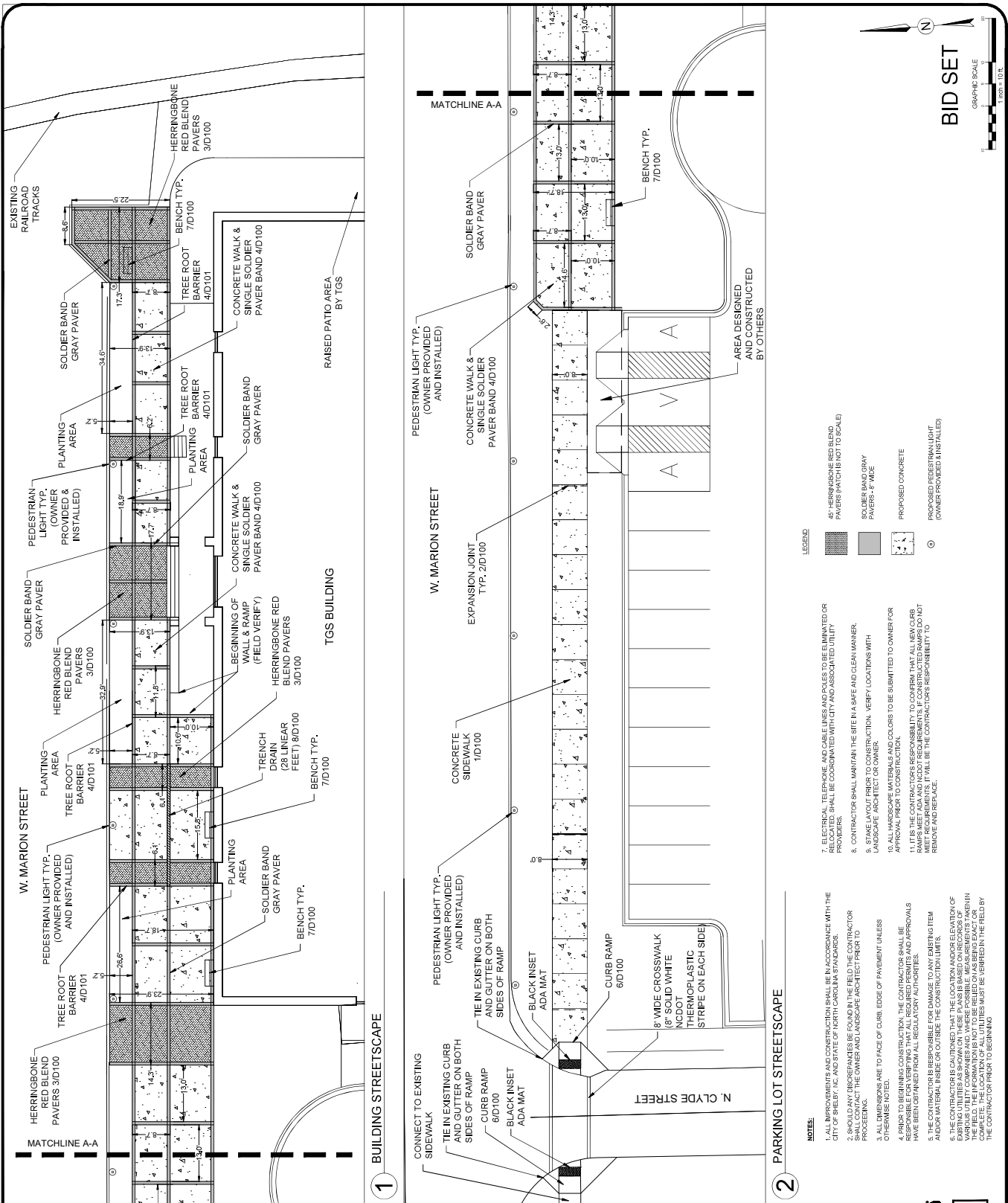
After a review of the submitted bids, the lowest responsive bidder was Lawndale Sand LLC with a base bid of \$151,400.00. If approved by Council, construction on this project is anticipated to commence within approximately 30 calendar days and have a contract duration of 45 calendar days.

Recommendation

Staff recommends award of the construction contract for the W. Marion St. Streetscape Project in the amount of \$151,400.00 to Lawndale Sand LLC.

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

Attachments



- LEGEND**
- 45° HERRINGBONE RED BLEND PAVERS (PATCHES NOT TO SCALE)
 - SOLDIER BAND GRAY PAVERS 4" WIDE
 - PROPOSED CONCRETE
 - PROPOSED PEDESTRIAN LIGHT (OWNER PROVIDED & INSTALLED)

7. ELECTRICAL, TELEPHONE, AND CABLE LINES AND POLES TO BE REMOVED OR RELOCATED. SHALL BE COORDINATED WITH CITY AND ASSOCIATED UTILITY PROVIDERS.
8. CONTRACTOR SHALL MAINTAIN THE SITE IN A SAFE AND CLEAN MANNER. APPROVAL PRIOR TO CONSTRUCTION.
9. STAKE LAYOUT PRIOR TO CONSTRUCTION. VERIFY LOCATIONS WITH LANDSCAPE ARCHITECT OR OWNER.
10. ALL LANDSCAPE MATERIALS AND COLORS TO BE SUBMITTED TO OWNER FOR APPROVAL PRIOR TO CONSTRUCTION.

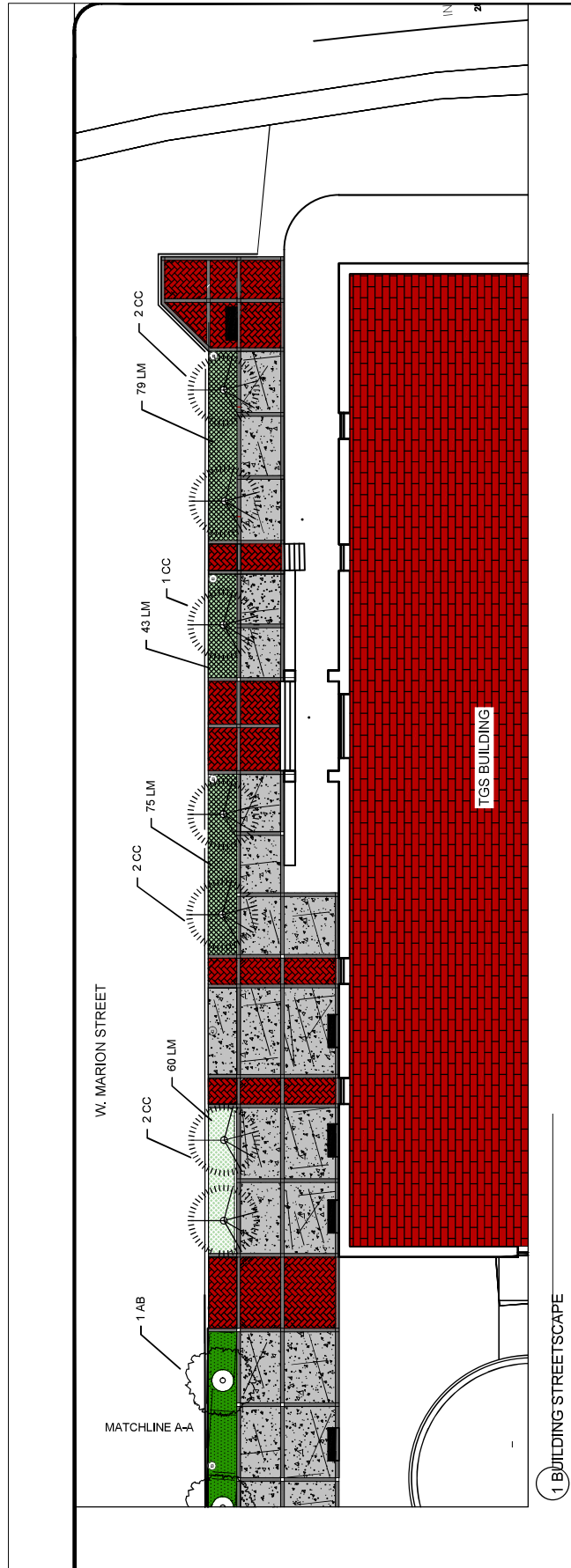
- NOTES:**
1. ALL UTILITIES AND CONDUITS SHALL BE IN ACCORDANCE WITH THE CITY OF SHELBY AND STATE OF NORTH CAROLINA STANDARDS.
 2. SHOULD ANY PROBLEMS BE FOUND IN THE FIELD, THE CONTRACTOR SHALL CONTACT THE OWNER AND LANDSCAPE ARCHITECT PRIOR TO PROCEEDING.
 3. ALL DIMENSIONS ARE TO FACE OF CURB EDGE OF PAVEMENT UNLESS OTHERWISE NOTED.
 4. PRIOR TO BEGINNING CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS HAVE BEEN OBTAINED FROM ALL REGULATORY AUTHORITIES.
 5. THE CONTRACTOR IS RESPONSIBLE FOR DAMAGE TO ANY EXISTING ITEM AND/OR MATERIAL INSIDE OR OUTSIDE THE CONSTRUCTION LIMITS.
 6. THE CONTRACTOR IS CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETELY ACCURATE. THE CONTRACTOR SHALL VERIFY THIS INFORMATION IN THE FIELD PRIOR TO BEGINNING CONSTRUCTION.

2 PARKING LOT STREETSCAPE








1 BUILDING STREETSCAPE



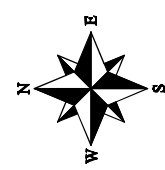
CONTRACTOR SHALL VERIFY ALL UTILITIES AND CONDUITS PRIOR TO BEGINNING CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS HAVE BEEN OBTAINED FROM ALL REGULATORY AUTHORITIES. THE CONTRACTOR IS RESPONSIBLE FOR DAMAGE TO ANY EXISTING ITEM AND/OR MATERIAL INSIDE OR OUTSIDE THE CONSTRUCTION LIMITS.



Legend

-  Herringbone 45 Degree Paver
-  Proposed Concrete
-  Proposed Liriope
-  Sod Fescue
-  Shurmart Oak
-  Trident Maple
-  American Hornbeam

**W. Marion Streetscape
Paver Concept
Date: 09/02/2020**





Post Office Box 207 · Shelby, NC 28151-0207

BID TAB

Project:
W. Marion St. Streetscape

Bid Opening:
9/29/2020 at 10:00am

<u>Company Name</u>	<u>Submitted Bid</u>
Lawndale Sand LLC	\$151,400.00
Piedmont Utility Group Inc.	\$159,557.95
Sossamon Construction Group	\$208,900.00
Greene Building Corportation	"No Bid" Submittal
Paradise Landscaping	"No Bid" Submittal
Morrison Construction	"No Bid" Submittal

Bid Opening Attendees:

Larry Sossamon

Todd Frashier

Jonathon Walker

Gary Spangler

Jason Hamrick

Justin Wright

ORDINANCE NO. 30-2020

CITY OF SHELBY
FISCAL YEAR (FY) 2020-2021 BUDGET ORDINANCE AMENDMENT

WHEREAS, in accordance with applicable provisions of the North Carolina Budget and Fiscal Control Act, the City of Shelby finds it advisable and necessary to revise and amend its annual budget for FY 2020-2021; and,

WHEREAS, the City Manager (Budget Officer) has recommended certain amendments to the budget which the governing body finds acceptable; and,

WHEREAS, City Council now desires to act on the recommended budget amendments and approve same for implementation and compliance with the Fiscal Control Act;

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

Section 1. Ordinance No. 22-2020, the City’s FY 2020-2021 Budget Ordinance, is hereby amended as follows to provide for Budget Amendment No. 1 for the year:

(A) The City of Shelby has identified a need to improve certain pedestrian and related infrastructure along West Marion Street in Shelby, NC. Accordingly, the following budget modifications are approved in accordance with the chart of accounts heretofore established for the City of Shelby.

(1) The following General Fund line items are amended:

- (a) Increase 11001000-39900 Fund Balance Appropriated \$151,400
- (b) Increase 110451-42510 Contracted Construction \$151,400

Section 2. That the revenues, expenditures and amendments set forth in Section 1 of this ordinance are hereby summarized as follows:

	<u>Current Budget</u>	<u>Amendment No. 1</u>
General Fund	\$ 25,874,835	\$ 26,026,235
Emergency Telephone System Fund	107,000	107,000
Powell Bill Fund	645,000	645,000
Economic Dev. Fund	680,450	680,450
Housing Fund	1,771,040	1,771,040
Cemetery Fund	30,000	30,000
Utilities-Water Fund	6,050,138	6,050,138
Utilities-Sewer Fund	5,519,729	5,519,729
Utilities-Electric Fund	22,538,388	22,538,388
Utilities-Gas Fund	16,137,600	16,137,600
Utilities – Stormwater Fund	<u>868,220</u>	<u>868,220</u>
FY 2019-2020 Budget Total	<u>\$ 80,222,400</u>	<u>\$ 80,373,800</u>

Section 3. Copies of this Budget Ordinance Amendment shall be furnished to the City Manager as Budget Officer and to the Finance Director to be kept on file by them for their direction in the collection and disbursement of funds. Said officials are hereby authorized to receive and expend funds as herein set forth in accordance with the Shelby City Code, the General Statutes of North Carolina, and the provisions of the original budget ordinance; inclusive of GS 159-28 governing budgetary accounting of appropriations.

Section 4. This ordinance 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:

Andrea Leslie-Fite
City Attorney

RESOLUTION NO. 45-2020

**A RESOLUTION AWARDING THE CONTRACT FOR THE
WEST MARION STREET STREETScape PROJECT**

WHEREAS, the City of Shelby contracted with The Dodd Studio to develop plans and specifications for the W. Marion St. Streetscape Project; and

WHEREAS, the designed plans detail infrastructure, hardscape, and landscape improvements on the section of W. Marion St. between N. Clyde St. and S. Morgan St.; and

WHEREAS, the City of Shelby in accordance with applicable provisions of NCGS 143-129, as amended, received six (6) informal proposals for the W. Marion St. Streetscape in accordance with priorities heretofore established by City Council; and,

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

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

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

Section 1. The contract for the W. Marion St. Streetscape Project, as outlined in the bid specifications for this offering, is hereby awarded to the lowest responsive bidder, Lawndale Sand LLC for a bid price of \$151,400.00 as stated in their official proposal for this bidding, and in accordance with the City's official bid specifications for this project.

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

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

Adopted and approved this the 5th day of October 2020.

O. Stanhope Anthony III
Mayor

ATTEST:

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

City of Shelby
Agenda Item Summary
October 5, 2020
Don Gibson Theater

F. Unfinished Business

None

G. New Business

None

Agenda Item: H

City Manager's Report

I will report to Mayor and Council on a number of ongoing projects and issues. The projects and issues reported upon are intended to be for your information and do not require action by Council.

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.

- 1) Motion to adjourn