

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

*Invocation*

*Pledge of Allegiance*

**A. Approval of Agenda**

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

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

**B. Public Hearings:**

- 1) Consideration of a resolution granting a Special Use Permit to Southwood Realty Company at South Dekalb Street: Resolution No. 1-2021 1
- 2) Consideration of an ordinance to extend the corporate limits of the City of Shelby, North Carolina: Ordinance No. 1-2021 18
- 3) Consideration of a resolution and order permanently closing an unopened right-of-way between Textile Street and East Shannonhouse Street: Resolution No. 2-2021 32
- 4) Consideration of a resolution approving the submission of City of Shelby's application for North Carolina Housing Finance Agency 2021 Urgent Repair Program: Resolution No. 3-2021 41

**C. Consent Agenda:**

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

- 1) Approval of the Minutes of the Regular Meeting of December 7, 2020 44
- 2) Approval of a resolution approving application to Watch for Me NC: Resolution No. 4-2021 58

**Shelby City Council Agenda**  
**January 4, 2021**  
**Page 2**

3) Approval of a resolution rescinding Resolution No. 55-2020 authorizing agreement between the City of Shelby, North Carolina and White Investments of Shelby, LLC for commissioned mural made for hire: Resolution No. 5-2021	61
4) Adoption of Fiscal Year (FY) 2020-2021 Budget Ordinance Amendment No. 7: Ordinance No. 2-2021	64
D. Unfinished Business: None	69
E. New Business: None	69
F. City Manager's Report	69
G. Council Announcements and Remarks	69
H. Adjournment:	
<i>To adjourn a meeting of City Council, a majority of the Council Members must vote for a motion to adjourn.</i>	
1) Motion to adjourn	69

City of Shelby  
Agenda Item Summary  
January 4, 2021  
Don Gibson Theatre

B. Public Hearings:

Agenda Item B-1- Quasi-Judicial

- 1) Consideration of a resolution granting a Special Use Permit to Southwood Realty Company at South Dekalb Street: Resolution No. 1-2021

**Presenting: (Walter Scharer, Planning Director)**

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- Memorandum dated December 28, 2020 from Walter Scharer, Planning Director to Rick Howell, City Manager
- General Application with Site Plan
- Staff Report
- Location Map and Zoning Map
- City of Shelby Special Use Permit Approval Process
- Resolution No. 1-2021

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City Manager's Recommendation / Comments

This hearing must be conducted in a quasi-judicial fashion by the Mayor and Council. By nature decisions conducted as such involve two key elements 1) there must be a written finding of facts regarding the specific proposal and 2) the exercise of judgment and discretion must apply existing policies to the situation.

As a reminder these hearings must be evidentiary in nature and the decision of Council must be based upon that evidence. The purpose of the hearing is to establish facts, not to gather opinions about the desirability or popularity of the proposed development. Any person offering testimony must do so under oath and cross examination must be allowed. The gathering of evidence outside the hearing by individual members is not permitted and as noted previously a written finding of facts is required.

Information provided by Mr. Scharer within the agenda packet is to be considered evidence to be factored in as part of your decision-making policy. It should be noted that your decision may only be appealed to NC Superior Court within the prescribed time frame in the statute.

In this specific situation the owner is permitted to build up to 25 apartment units under the existing zoning classification. However, in order to build more than 25 units the City Council must issue a Special Use Permit according to the provisions of the Unified Development Ordinance.

**After the conclusion of the public hearing City Council may act upon Resolution No. 1-2021.**



## **Memorandum**

To: Rick Howell - City Manager  
From: Walter Scharer – Planning Director  
Date: December 28, 2020  
Subject: Requested Special Use Permit 312 Unit Multi-Family Development

### **Executive Summary of Issue – Background**

Southwood Realty Company is proposing a Special Use Permit on this property in order to develop a 312 unit multi-family complex.

### **Review and Comments**

The Comprehensive Land Use Plan for this area designates the site as Medium and High Density Residential.

### **Recommendation**

This proposed Special Use Permit is consistent with the Comprehensive Land Use Plan. Staff recommends this proposed Special Use Permit. More information can be found in the Staff Report attached.

Also attached is a white paper describing the SUP approval process here in Shelby as amended in November 2015. This proposal does require a quasi-judicial public hearing because of the Special Use Permit. The rules of procedure for a quasi-judicial public hearing should be followed.

Please schedule a Quasi-Judicial hearing for this proposed Special Use Permit at the next City Council meeting on January 4, 2021.

**Attachments: Application, Site Plan, Staff Report, Location Map, Zoning Map, SUP Approval Process, and Resolution**





City of Shelby
Planning and Development Services Department

General Application

Address of Subject Property:

S. Dekalb Street (no address assigned)

Applicant(s) Name:

Southwood Realty Company

Address:

165 S. York Street

Gastonia, NC 28052

Email:

william.ratchford@southwoodrealty.com

Phone:

(704) 869-6024

Owner(s) Name:

Same

Email:

Phone:

Relationship to Property:

[X] Owner

[ ] Developer, Contractor, etc.

[ ] Other:

Request for (Check all that apply):

- [X] Annexation [Contiguous] & Satellite
[ ] Change in Tenant/Building Use
[ ] Site Plan Review & Zoning Permit
[ ] Street Name Change
[ ] Street/ROW Closing
[X] 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: 2546116179
Proposed Zoning: CPD (no change)
Proposed Land Use: Multi-family
Previous Use:
Approx. Building Sq. Ft.:
Approx. Project Acreage: 29
Business Name: Palisades of Shelby
Construction Sq. Ft.: 362,300 SF +/-
Valuation: 36 million

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

312 Multi-family apartments (13 buildings), garages, and clubhouse

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 11/11/20

Received by:

Date

**Palisades of Shelby**  
**STATEMENT OF REASONABLENESS**

Nov. 17, 2020

**Zoning**

The properties surrounding the area of the proposed project are zoned R8, R10, R20, and CPD commercial. The current zoning for Palisades of Shelby is CPD Commercial (City of Shelby ETJ), which allows multi-family apartments through the Special Use Permit process.

**Compatibility with Land Use Plan**

The Future Land Use Classification for the Site is Medium Density Residential. However, the site is adjacent to a High Density Residential Land Use Classification. See Descriptions below:

**3.5.6 Medium Density Residential (MDR)**

*Medium density residential represents single-family detached development of approximately 4 units per acre. This designation is typical of most of the residential subdivisions in Shelby and Cleveland County developed since the 1960s that are served by City/County water and sewer. Corresponding City of Shelby zoning classifications include R10 and R8.*

**3.5.7 High Density Residential (HDR)**

*The high-density land use designation refers to single-family detached subdivisions of 7 units per acre and more. The multi-family residential use could also be allowed within this use. Multifamily use designation can refer to a variety of attached housing types, including townhouses, condominiums or rental apartments. As used in the Shelby Comprehensive Land Use Plan, this designation refers to developments of up to 19 units per acre, without implying a specific type of housing unit.*

**Neighborhood Compatibility**

The proposed multifamily residential project provides much-needed rental housing in the City of Shelby. While commercial uses are allowed under the current zoning, the proposed residential use is more compatible with the surrounding residential properties. The project will also allow future coordination, connection, and integration with the proposed rail trail multi-use path. The project will have access to a major collector road (S. Dekalb Street), which will minimize traffic impacts. Stormwater management will be provided in accordance with the City of Shelby ordinance to control and treat runoff from the first inch of rain. The measures will discharge the storage volume at a rate equal to or less than the pre-development discharge rate for the one-year, 24-hour storm. The existing streams on the property will be preserved along with a significant amount of the wooded area of the property. Existing vegetation will be preserved to the greatest extent practical along the northern and southern boundaries. Where existing vegetation does not exist or existing vegetation is removed, landscape buffers will be provided.





DATE	DESCRIPTION
11-18-20	City of Shelby Comments



Know what's Below.  
Call before you dig.

PROJECT NUMBER: 20140  
DATE: 8-18-20  
DRAWN BY: TJW  
CHECKED BY: GTJ

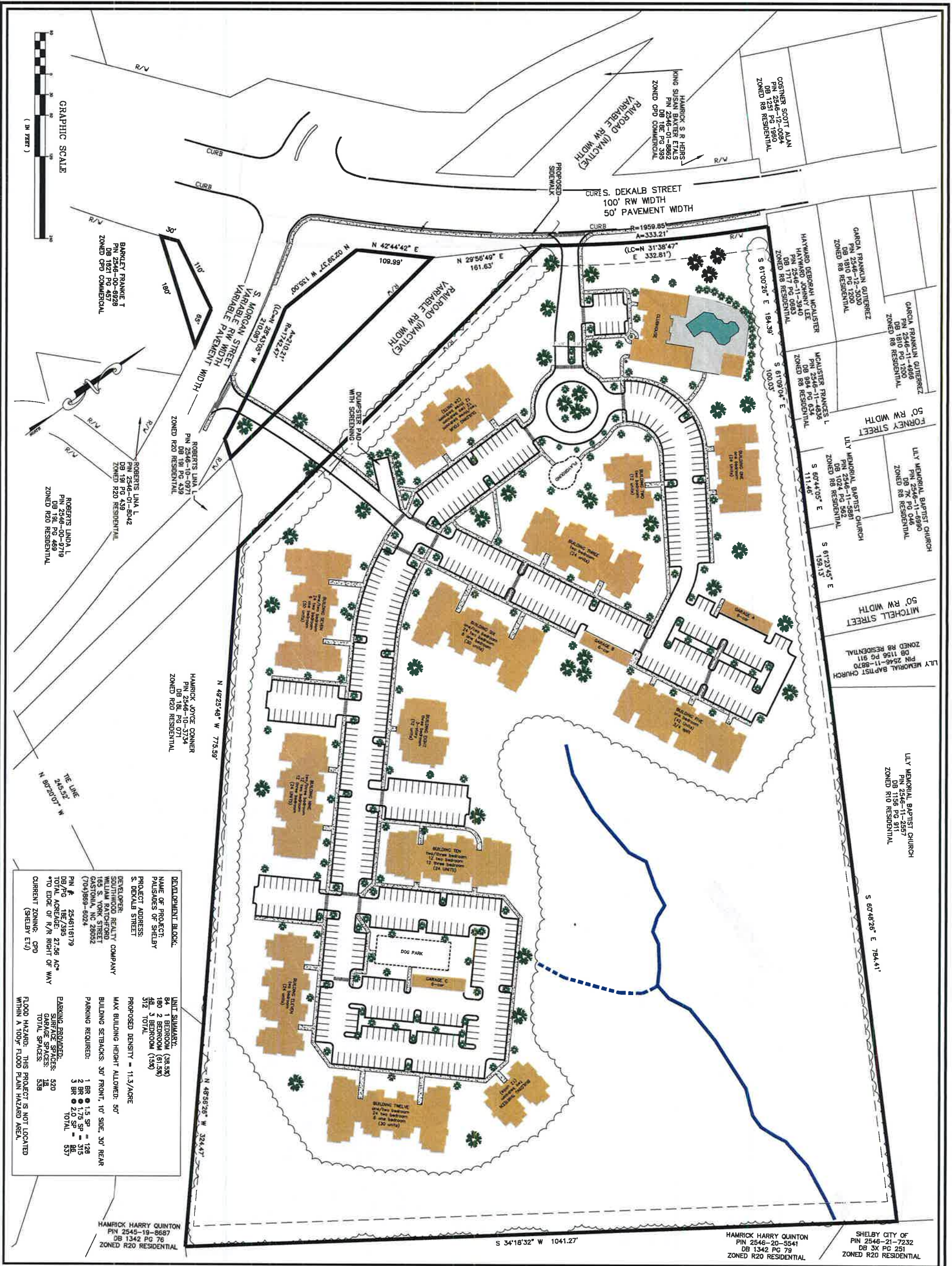
Master  
Plan

C-100

SCALE: 1"=50'







**DEVELOPMENT BLOCK:**  
 NAME OF PROJECT: PALISADES OF SHELBY  
 PROJECT ADDRESS: S. DEKALB STREET  
 DEVELOPER: SOUTHWOOD REALTY COMPANY  
 WILLIAM RATCHFORD  
 165 S. YORK STREET  
 GASTONIA, NC 28052  
 (704)989-6024  
 PIN # 254616179  
 DB/P# 186/285  
 TOTAL ACREAGE: 27.56 AC\*  
 \*TO EDGE OF R/R RIGHT OF WAY  
 CURRENT ZONING: CPD (SHELBY ETJ)

**UNIT SUMMARY:**  
 160 1 BEDROOM (38.5%)  
 40 2 BEDROOM (9.5%)  
 312 3 BEDROOM (15%)  
 512 TOTAL

PROPOSED DENSITY = 11.3/ACRE  
 MAX BUILDING HEIGHT ALLOWED: 50'  
 BUILDING SETBACKS: 30' FRONT, 10' SIDE, 30' REAR  
 PARKING REQUIRED:  
 1 BR ● 1.5 SP = 128  
 2 BR ● 1.75 SP = 315  
 3 BR ● 2.0 SP = 86  
 TOTAL 529  
 GARAGE SPACES: 158  
 TOTAL SPACES: 529

**PARKING REQUIRED:**  
 1 BR ● 1.5 SP = 128  
 2 BR ● 1.75 SP = 315  
 3 BR ● 2.0 SP = 86  
 TOTAL 529

**FLOOD HAZARD:** THIS PROJECT IS NOT LOCATED WITHIN A 100'-FLOOD PLAIN HAZARD AREA.

HAMRICK HARRY QUINTON  
 PIN 2545-19-8687  
 DB 1342 PG 76  
 ZONED R20 RESIDENTIAL

HAMRICK HARRY QUINTON  
 PIN 2546-20-1341  
 DB 1342 PG 79  
 ZONED R20 RESIDENTIAL

SHELBY CITY OF  
 PIN 2546-21-7232  
 DB 3X PG 251  
 ZONED R20 RESIDENTIAL

**WGIA Engineering**  
 WGIA ENGINEERING, PLLC  
 724 5th AVENUE WEST  
 HENDERSONVILLE, NC 28739  
 (828) 887-7177  
 WGIA.COM  
 NC LICENSE P-1342

**Palisades of Shelby**  
 City of Shelby  
 Cleveland County  
 North Carolina



DATE	DESCRIPTION
11-18-20	CITY OF SHELBY COMMENTS

**811**  
 Know what's Below.  
 Call before you dig.

PROJECT NUMBER: 20140  
 DATE: 8/18/20  
 DRAWN BY: TJW  
 CHECKED BY: GTJ

**Preliminary Site Plan**  
**C-200**

SCALE: 1"=50'



# Staff Report



To: Planning and Zoning Board  
From: Walter Scharer  
Planning Director

Date: December 28, 2020  
Meeting: January 4, 2021  
File: 1131

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**OWNER/APPLICANT:** Southwood Realty Company

**LOCATION:** South Dekalb Street      **PARCEL ID #:** 49440

**PRESENT ZONING** Corridor Protection District

**REQUEST:** Special Use Permit for a 312 Unit Multi-Family Development

**SURROUNDING ZONING:**                      **North:** R8 and R10    **South:** R20    **East:** R20    **West:** CPD

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

**ANALYSIS:** For multi-family developments located within the Corridor Protection District (CPD) with 25 or more units, a Special Use Permit is required.

The applicant is proposing a 312 unit multi-family development including a variety of one, two, and three bedroom units. The subject property is currently undeveloped.

The CPD Corridor Protection District has as its major objectives to promote a sensitive conversion of vacant land to more urban uses; support development that is compatible with and enhances the visual attractiveness of the area; promote well-planned, economically viable development; ensure safe and efficient traffic flow; and avoid uncoordinated, strip development patterns. Residential uses are permitted at the same density and according to the same dimensional requirements as the R6 Residential District.

The proprietor would have to develop the properties in accordance with the submitted site plan.

When considering a Special Use Permit application, City Council should use the process found in the attached document titled "City of Shelby Special Use Permit Approval Process."

**STAFF COMMENTS:**

The number of dwelling units associated with this project will generate as many, if not more than, 3,120 automobile trips per day. This will significantly impact the intersection of South Dekalb Street and South Morgan Street as it is currently designed. Staff recommends a Traffic Impact Analysis (TIA) be completed and reviewed. If any intersection improvements are recommended they should be required to be completed as a condition of this Special Use Permit. In addition, this project is at a proposed trailhead for the Rail Trail. Staff recommends a condition to negotiate and a trail head site with this project and possibly complete a small section of the Rail Trail. The Rail Trail crossing of South Dekalb Street should also be a condition associated with the intersection improvements.

- The requested permit is within the jurisdiction of the City of Shelby according to the UDO; and
- The application is complete; and
- If completed as proposed in the application, the proposed development will comply with all the requirements of the UDO.
- The Comprehensive Land Use Plan for this area designates this area as Medium to High Density Residential Area.
- The proposed Special Use Permit application is consistent with the Comprehensive Land Use Plan.
- Staff recommends approval of this Special Use Permit.

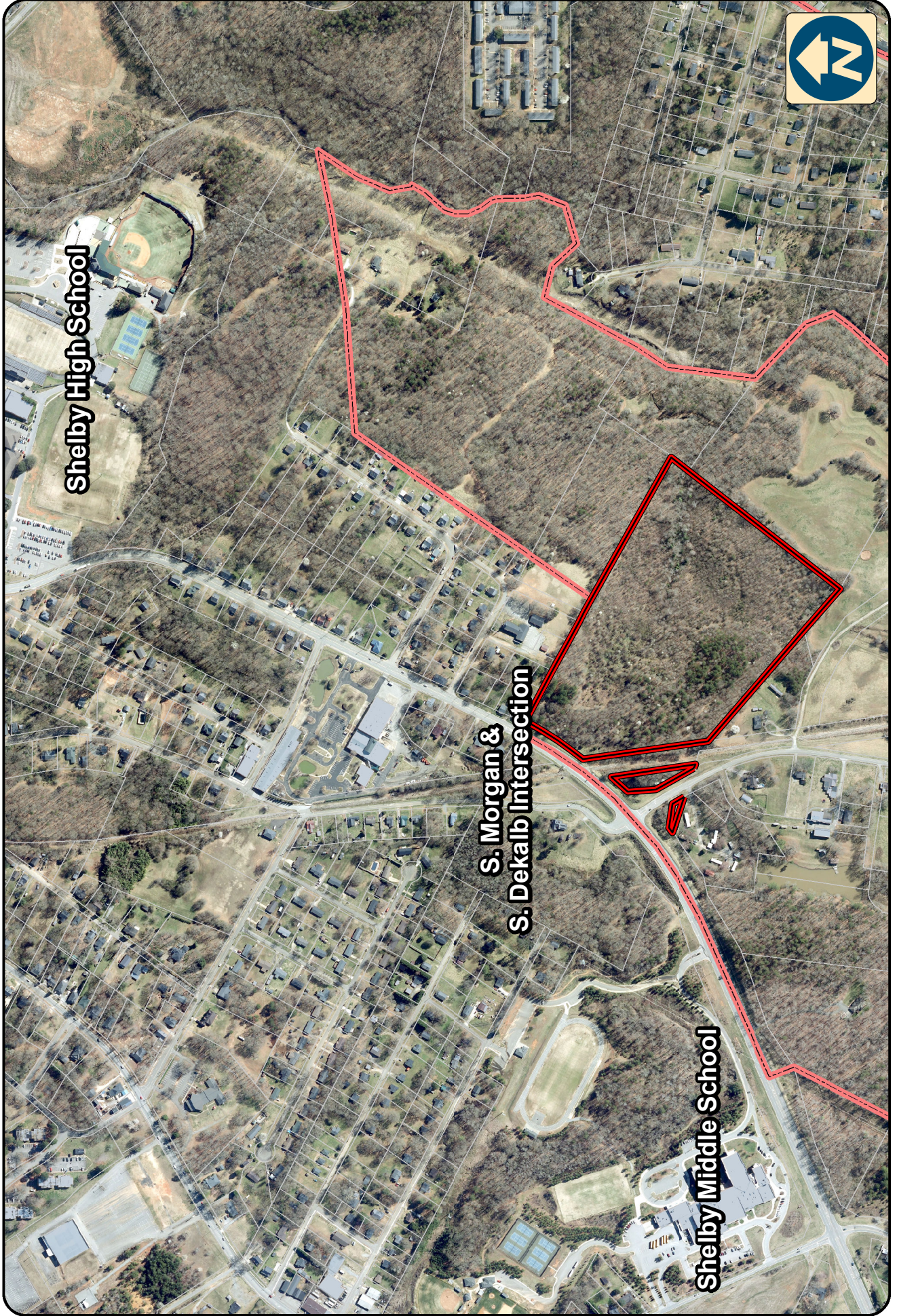




# Location Map

## Proposed Palisades Location

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 1:7,500 1 inch = 625 feet

0 312.5 625 1,250 Feet

Date: 12/28/2020





# Zoning Map

## Proposed Palisades Location

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 1:7,500 1 inch = 625 feet



Date: 12/29/2020



### **City of Shelby Special Use Permit Approval Process**

A Special Use Permit application may be submitted to the City Council by filing a copy of the application with the Planning Department. Applications may be taken no later than 25 days prior to the City Council meeting at which the request will be reviewed. The review process for a Special Use Permit includes:

- Planning Department review and recommendation.
- Public hearing held by the City Council; and
- City Council review and action.

### **Recommendations on Special Use Permit Applications**

- When presented to the City Council, the Special Use Permit application will be accompanied by a report setting forth the Planning & Development Department's proposed findings concerning the application's compliance to the City's UDO, as well as any staff recommendations for additional requirements to be imposed by the City Council.
- If the staff report proposes a finding or conclusion that the application fails to comply with any requirement of the Ordinance, the report will identify the requirement in question and specifically state supporting reasons for the proposed findings or conclusions.
- The City Council may, on a case-by-case basis, refer applications to the Planning and Zoning Board to obtain its recommendations.

### **Public Hearing Requirements and Procedures**

- A public hearing is required in order for City Council to approve a Special Use Permit.
- The Planning Department will mail written notice of the public hearing to the owners of all properties involved in the permit request as well as the owners of all properties any portion of which is within 100 feet of the property involved in the permit request.
- The Planning Department will also post Zoning Hearing signs in the vicinity of the property involved in the permit request and take any other action deemed necessary to be useful or appropriate to give notice of the public hearing.
- At the conclusion of the public hearing, the City Council may proceed to vote on the permit request, refer it to a committee for further study, or take any other action consistent with its usual rules of procedure.
- City Council is not required to take final action on a permit request within any specific period of time, but it should proceed as expeditiously as practicable on permit requests since inordinate delays can result in the applicant incurring unnecessary costs.
- The City Council should approve the requested permit unless it concludes, based upon the information submitted at the hearing, that:
  - (1) The requested permit is not within its jurisdiction according to the Table of Permissible Uses; or
  - (2) The application is incomplete; or

- (3) If completed as proposed in the application, the development will not comply with one or more requirements of this Ordinance; or
- (4) Will not materially endanger the public health or safety; and
- (5) Will not substantially injure the value of adjoining or abutting property; and
- (6) Will be in harmony with the area in which it is to be located; and
- (7) Will be in general conformity with the Comprehensive Land Use Plan or other plans officially adopted by the City Council.

- The burden of persuasion on the issue of whether the development, if completed as proposed, will comply with the requirements seven standards listed above remains at all times on the applicant.
- Even if City Council finds that the application complies with all other provisions of this Ordinance, it may still deny the permit if it concludes, **based upon the information submitted at the hearing**, the development, more probably than not:
  - (1) Will materially endanger the public health or safety; or
  - (2) Will substantially injure the value of adjoining or abutting property; or
  - (3) Will not be in harmony with the area in which it is to be located; or
  - (4) Will not be in general conformity with the Comprehensive Land Use Plan or other plans officially adopted by the City Council.
- The burden of persuasion on the issue of whether the application should be turned down for any of the reasons above rests on the party or parties urging that the requested permit should be denied.

**City Council Voting Procedure on Special Use Permits**

- Upon receipt of a recommendation from the Planning Department, City Council will review the Special Use Permit application and will hold a public hearing.
- Following the public hearing, the City Council may proceed to vote on the permit request, refer it to committee for further study.
- In considering whether to approve Special Use Permit application, City Council should proceed according to the following format:
  - (1) The City Council shall consider whether the application is complete. If no member moves that the application be found incomplete then this shall be taken as an affirmative finding by the City Council that the application is complete.
  - (2) The City Council shall consider whether the application complies with all of the applicable standards of the UDO. If a motion to approve fails or is not made then a motion should be made that the application be found not in compliance with one or more of the standards of the UDO. A motion to disapprove should specify the particular standard the application fails to meet. Separate votes may be taken with respect to each standard not met by the application.

- (3) If the City Council concludes that the application fails to comply with one or more standards of the UDO, the application shall be denied. If the City Council concludes that all such standards are met, it shall issue the permit unless it adopts a motion to deny the application. Such a motion shall propose specific findings, based upon the competent evidence submitted, justifying such a conclusion.

**RESOLUTION NO. 1-2021**

**A RESOLUTION GRANTING A SPECIAL USE PERMIT  
TO SOUTHWOOD REALTY COMPANY  
AT SOUTH DEKALB SREET**

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

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

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

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

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

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

**Section 1.** In accordance with Chapter 160A, Article 19 of the North Carolina General Statutes, as amended, the City of Shelby may approve a Special Use Zoning Permit according to the requirements of the Unified Development Ordinance (Appendix A of the Shelby City Code) at South Dekalb Street. Lying within the City of Shelby in the Corridor Projection District (CPD). Said area is more fully described as follows; PIN # 49440

**Section 2.** In accordance with Section 4-7.7 of the City of Shelby Unified Development Ordinance, a Special Use Zoning Permit is hereby granted to Southwood Realty Company for a

312 Unit Multi-Family Development. The terms and conditions of such permit are stated in Attachment, "A" which is attached hereto and incorporated herein by this reference.

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

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

**ADOPTED AND APPROVED** this the 4<sup>th</sup> day of January 2021.

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O. Stanhope Anthony III  
Mayor

ATTEST:

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

APPROVED AS TO FORM:

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Andrea Leslie-Fite  
City Attorney

ATTACHMENT "A"

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

**NORTH CAROLINA**

**FILE #: 1131**

**CLEVELAND COUNTY**

**THE CITY OF SHELBY, NORTH CAROLINA  
SPECIAL USE ZONING PERMIT**

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

**Record Owner(s):** Southwood Realty Company

**Property Location:** South Dekalb Street

**Deed Reference:** **BOOK** 18E, **PAGE** 395 **Acreage:** 32.02 acres

**Type and Intensity of Use:** 312 Unit Multi-Family Development

**Meeting Date(s):** January 4, 2021

**Approval Date:** January 4, 2021

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

1. The applicant for the property submitted the required application and site plan for special use permit; and
2. According to Article 9-3-1, a multi-family development is permitted in the Corridor Protection District; and
3. The subject parcels lay within the City of Shelby ETJ fronting at S. Dekalb and S. Morgan Street in the Corridor Protection District (CPD); and
4. Land Use in the surrounding area is residential; and
5. The petitioner has declared that the intended use of the property is for multi-family residential; and
6. Other than what is shown on the site plan, no other changes to the site are planned; and
7. To the best of staff's knowledge, no non-conformities currently exist on the property and none will be created by the requested special use permit; and
8. The use will not materially endanger the public health or safety if located where proposed and developed according to the plan; and
9. The use will not substantially injure the value of adjoining or abutting property; and

10. The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Comprehensive Land Use Plan.

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

1. The development of the tract shall proceed in conformity to all plans and design features submitted as part of the special use permit application and kept on file by the City of Shelby Planning Services Department; and
2. A Traffic Impacted Analysis (TIA) shall be completed and any intersection improvements recommended as part of the TIA shall be completed.
3. The proposed Rail Trail crossing of South Dekalb Street shall be included as part of any intersection improvements.
4. The developer shall allocate space and construct a trail head for the City of Shelby Rail Trail. The trail head shall be constructed per City of Shelby specifications.
5. The developer shall construct the section of The Rail Trail from South Dekalb Street to the end of the property line. This section of The Rail Trail shall be constructed based upon the TIA and City of Shelby specifications and requirements.

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

**SECTION 4. SEVERABILITY AND RECORDATION.** Invalidation of any one or more of the conditions set forth herein shall not adversely affect the balance of said conditions, which shall remain in full force and effect. This permit shall become null and void if not recorded in the office of the Register of Deeds, Cleveland County, North Carolina, on or before January 4, 2022.

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O. Stanhope Anthony III  
Mayor

ATTEST:

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

City of Shelby  
Agenda Item Summary  
January 4, 2021  
Don Gibson Theatre

Agenda Item B-2

- 2) Consideration of an ordinance to extend the corporate limits of the City of Shelby, North Carolina: Ordinance No. 1-2021

**Presenting: (Walter Scharer, Planning Director)**

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- Memorandum dated December 28, 2020 from Walter Scharer, Planning Director to Rick Howell, City Manager
- Petition for Annexation
- Plat of property
- Proposed Annexation area map
- Certificate of Sufficiency
- Staff Report
- Future Land Use Map
- Planning and Zoning Board Minutes
- Notice of Public Hearing to Annex
- Ordinance No. 1-2021

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City Manager's Recommendation / Comments

This public hearing is being held in accordance with NCGS 160A-58.2. This property consists of approximately 3.105 acres at 800 and 802 East College Avenue. The property currently meets the statutory requirements for annexation but is not contiguous to existing primary corporate limits. It is being considered for future commercial development and has access to all City utilities. This property lies between the primary city limits and the airport. It is important to note that it is imperative that the City not annex property just to annex but rather we must consider whether or not we can provide similar services to the property.

**After the conclusion of the public hearing City Council may act upon Ordinance No. 1-2021**





## **Memorandum**

To: Rick Howell - City Manager

From: Walter Scharer – Planning Director

Date: December 28, 2020

Subject: Voluntary Annexation – 800 and 802 East College Avenue

### **Executive Summary of issue – Background**

This annexation site has an area of approximately 3.105 acres. This site is near the airport and is being considered for a commercial development.

### **Review and Comments**

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

### **Recommendation**

The City Clerk has certified sufficiency of the voluntary annexation petition and staff recommends proceeding with the annexation of this property.

Please schedule a public hearing for this proposed annexation at the next City Council meeting on January 4, 2021.

**Attachments: Annexation Petition, Annexation Plat, Area Map, Resolution of Intent, Notice of Public Hearing, and Ordinance**



City of Shelby  
Planning and Development Services Department

Petition for Annexation  
(Satellite or Contiguous)

The undersigned Petitioner(s) requests annexation of the property described in accordance with the provision of NCGS 160A-58 (Satellite Annexations) or NCGS 160A-29 (Contiguous Annexations):

Address of Subject Property:

800 & 802 E. College Ave. Shelby, N.C. 28152

Applicant(s) Name: Sugar Branch Properties, LLC. - Chad Wesson  
Address: 714 Poplar Springs Church Road  
Shelby, N.C. 28152  
Email: ChadWesson@yahoo.com  
Phone: (704) 913-8595

Owner(s) Name: Sugar Branch Properties, LLC. - (Chad & Neal Wesson)  
Email: Chad Wesson @ Yahoo. Com  
Phone: (704) 913-8595

\* If more than one individual owner, attach additional pages with owners' information. \*

Provide a brief description of the subject property. Attach additional pages or documentation if necessary.

Property is at the corner of Sam Lattimore Rd. and College Ave

Signature of Owners:

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

Signature of Owner

Signature of Owner

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

Signature of Owner

Signature of Owner

If Owner is a Corporation:

Sugar Branch Properties, LLC.  
Registered Name of Corporation

(Corp. Seal)

Signature of President/Vice President

Attested by:

Signature of Secretary/Assistant Secretary

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

STATE OF North Carolina  
COUNTY OF Cleveland

I, Quidam M. Wess, a Notary Public for said County and State, do hereby certify that Chad Wesson & Neal Wesson, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 12<sup>th</sup> day of November, 2020.

(SEAL)

Quidam M. Wess  
Notary Public  
My Commission Expires: 03/24/24

**If Owner is a Partnership:**

I, \_\_\_\_\_, a Notary Public for said County and State, do hereby certify that \_\_\_\_\_, being one/all of the partners of the General Partnership known as \_\_\_\_\_, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(SEAL)

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

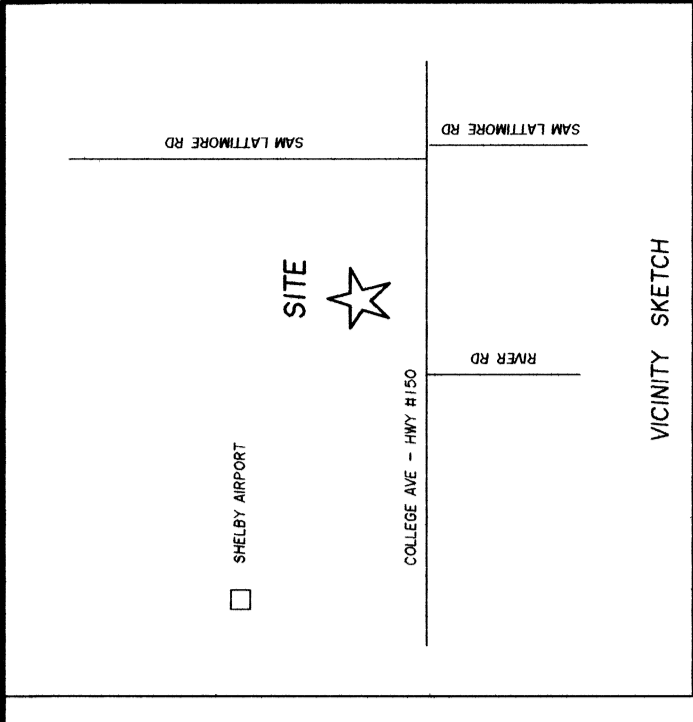
**If Owner is a Corporation:**

I, \_\_\_\_\_, a Notary Public for said County and State, do hereby certify that \_\_\_\_\_, personally appeared before me this day and acknowledged he (or she) is \_\_\_\_\_ of \_\_\_\_\_, a corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its \_\_\_\_\_, sealed with its Corporate Seal and attested by as its \_\_\_\_\_.

Witness my hand and official seal, this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(SEAL)

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_



REF: PLAT BOOK 36 PAGE 34

Sam Lattimore Road S.R. 1127  
(NO DEDICATED R/W WIDTH FOUND BY BANKHEAD SURVEYING)

NOTE  
DIMENSIONS ARE AS SHOWN FROM THE ORIGINAL RECORD OF THE SAM LATTIMORE FARM AS SHOWN ON PLAT BOOK 8 PAGE 80

14.N-798: 15.M-758: 16.O-260: 16.M-819  
REF: PLAT BOOK 8 PAGE 80

3.105 Acres Total

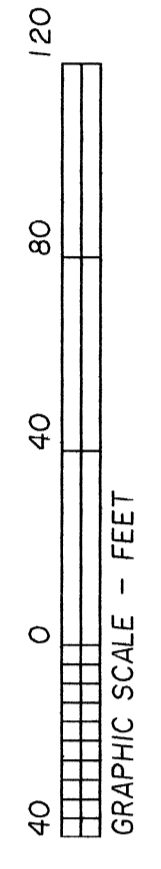
SUGAR BRANCH PROPERTIES, LLC  
DB 1770 PG 49-42 PAGE 140  
REFERENCE: PLAT BOOK 42 PAGE 140  
TAX MAP: 32575  
(2.5898 ACRES)  
INCLUDING LEASE LOT

SUGAR BRANCH PROPERTIES, LLC  
DB 1754 PG 13-35  
DB 1754 PG 13-35  
A PORTION OF LOT 1 OF PLAT BOOK 42 PAGE 140  
TAX MAP: 32575  
(0.6504 ACRES)

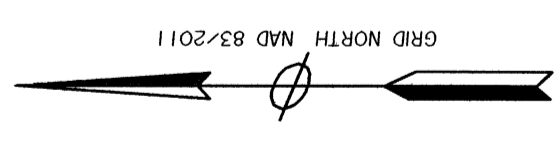
ANNEXATION SURVEY FOR  
**The City of Shelby**  
OWNER  
Sugar Branch Properties, LLC

DEED REFERENCE: DEED 1770 PAGE 431; DEED 1754 PAGE 1336  
REFERENCE: PLAT OF SUGAR BRANCH PROPERTIES, LL - PLAT BOOK 42 PAGE 140  
REFERENCE: LOTS 1 thru 6 OF THE SAM LATTIMORE FARM  
PLAT BOOK 8 PAGE 80

CLEVELAND COUNTY, NORTH CAROLINA  
TAX MAP REF: 3252-1-14 & 15  
PARCEL NUMBER: 2575 & 2576  
SCALE 1" = 40' DATE 01/05/18  
REVISED 04/26/18; REVISED 11/12/20 FOR ANNEXATION



REVISED 12/19/19 TO CORRECT ROAD NAME  
REFERENCE: PLAT BOOK 41 PAGE 192



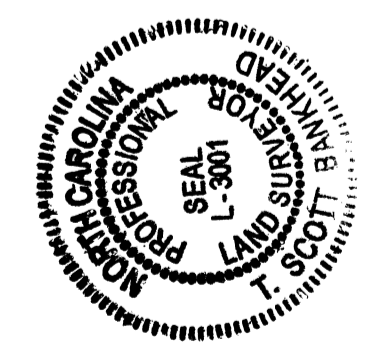
DATE \_\_\_\_\_ REVIEW OFFICER \_\_\_\_\_  
I, T. SCOTT BANKHEAD, PROFESSIONAL LAND SURVEYOR, CERTIFY THAT THIS PLAT WAS DRAWN FROM AN ACTUAL FIELD SURVEY PERFORMED UNDER MY DIRECTION AND THAT THE DIMENSIONS AND AREAS SHOWN HEREON ARE CORRECT AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I HAVE REVIEWED THE ORIGINAL RECORDS OF THIS SURVEY AND THE PLAT MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

GENERAL NOTES  
- AREA CALCULATED BY COORDINATE COMPUTATION, SUBJECT TO ERRORS  
- BANKHEAD SURVEYING WAS NOT PROVIDED WITH ANY TITLE EXCEPTIONS  
- UNDERGROUND UTILITIES HAVE NOT BEEN LOCATED  
- NO FEATURES (BUILDING, UTILITIES, ETC) LOCATED EXCEPT AS SHOWN  
- ALL DISTANCES SHOWN HEREON ARE HORIZONTAL DISTANCES

- LEGEND
- EXISTING IRON MONUMENT
  - UNMARKED POINT
  - WATER METER
  - WATER VALVE
  - WELL
  - UTILITY POLE
  - OVERHEAD UTILITY LINE
  - UNDERGROUND UTILITY LINE
  - SEWER LINE
  - ROAD RIGHT OF WAY LINE
  - (UNLESS SHOWN WITH DIMENSIONS AND DISTANCES)

CITY OF SHELBY  
REF: PLAT BOOK 17 PAGE 44

NGS MONUMENT "APPROX"  
N 457.21288  
E 1.02663540  
MD 82/2011



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

I, T. SCOTT BANKHEAD, PROFESSIONAL LAND SURVEYOR, CERTIFY THAT THIS PLAT WAS DRAWN FROM AN ACTUAL FIELD SURVEY PERFORMED UNDER MY DIRECTION AND THAT THE DIMENSIONS AND AREAS SHOWN HEREON ARE CORRECT AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I HAVE REVIEWED THE ORIGINAL RECORDS OF THIS SURVEY AND THE PLAT MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

12/19/19 T. Scott Bankhead  
Professional Land Surveyor - License No. L-3001



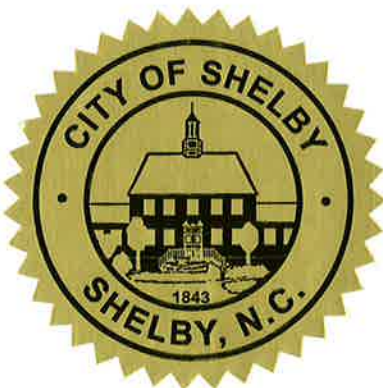
### CERTIFICATE OF SUFFICIENCY

To the City Council of the City of Shelby, North Carolina:

I, Bernadette A. Parduski, City Clerk, do hereby certify that I have investigated the attached petition and hereby make the following findings:

- a. The petition contains an adequate property description of the area proposed for annexation.
- b. The area described in the petition is contiguous to the City of Shelby primary corporate limits, as defined by North Carolina General Statute 160A-31.
- c. The petition is signed by and includes addresses of all owners of real property lying in the area described therein.

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Shelby, this 23<sup>rd</sup> day of November 2020.



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





# Staff Report

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

Date: December 14, 2020  
Meeting: December 17, 2020  
File: 1129

**OWNER:** Sugar Branch Properties LLC      **APPLICANT:** Sugar Branch Properties LLC

**LOCATION:** 800 & 802 College Avenue      **PARCEL ID #:** 2576 & 2575

**PROPOSED ZONING:** Corridor Protection (CPD) **REQUESTED ZONING:** General Business (GB)

**SURROUNDING ZONING:**      **North:** County **South:** County **East:** County **West:** LI

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

**ANALYSIS:** This 3.1 acre property is located at 800 & 802 College Avenue. Currently, this property is primarily vacant, however, it does have a Cellular Communications Tower. Land uses in the area include undeveloped property, single family dwellings, and the airport.

The CPD Corridor Protection District has its major objectives to promote a sensitive conversion of vacant land to more urban uses; support development that is compatible with and enhances the visual attractiveness of the area; promote well-planned, economically viable development; ensure safe and efficient traffic flow; and avoid uncoordinated, strip development patterns. The corridor protection district is intended to provide development that is compatible with a major highway corridor and that enhances the visual attractiveness of major entrances into the city.

The GB Business District is established as a district in which to accommodate a wide range of retail; business, professional, and personal services; office; and limited wholesale and warehousing uses. Areas zoned as GB are generally located on the fringe of the central business district and along major highway corridors. Residential uses are permitted at the same density and according to the same dimensional requirements as the R6 Residential District.

**STAFF COMMENTS:** The Comprehensive Land Use Plan for this area designates the site as a commercial area. The Comprehensive Transportation Plan denotes E College Avenue as a major thoroughfare that operates at a Level of Service F. E College Avenue is also recommended for improvements.

Staff recommends the corridor protection district (CPD) for these properties based on the following:

- The reduction of driveways on College Avenue. The corridor protection district would require any potential driveways to be located on Sam Lattimore Road.
- Signage requirements that are in harmony with the residential and rural character of the area.
- East College Avenue is a heavily traveled corridor with an Average Daily Traffic Count of more than 10,000. In addition, the City’s Comprehensive Transportation Plan denotes East College Avenue with a Transportation Level of Service (LOS) of F and shows East College Avenue as needing improvements. A LOS of F is the worst possible Level of Service.
- NCDOT crash data shows 45 automobile crashes in this area between 2015 and 2019.
- The CPD District promotes good traffic flow and maintains character of the area.

The proposed zoning map amendment is consistent with the Comprehensive Land Use Plan.





# Proposed Annexation 800 & 802 E College Avenue

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



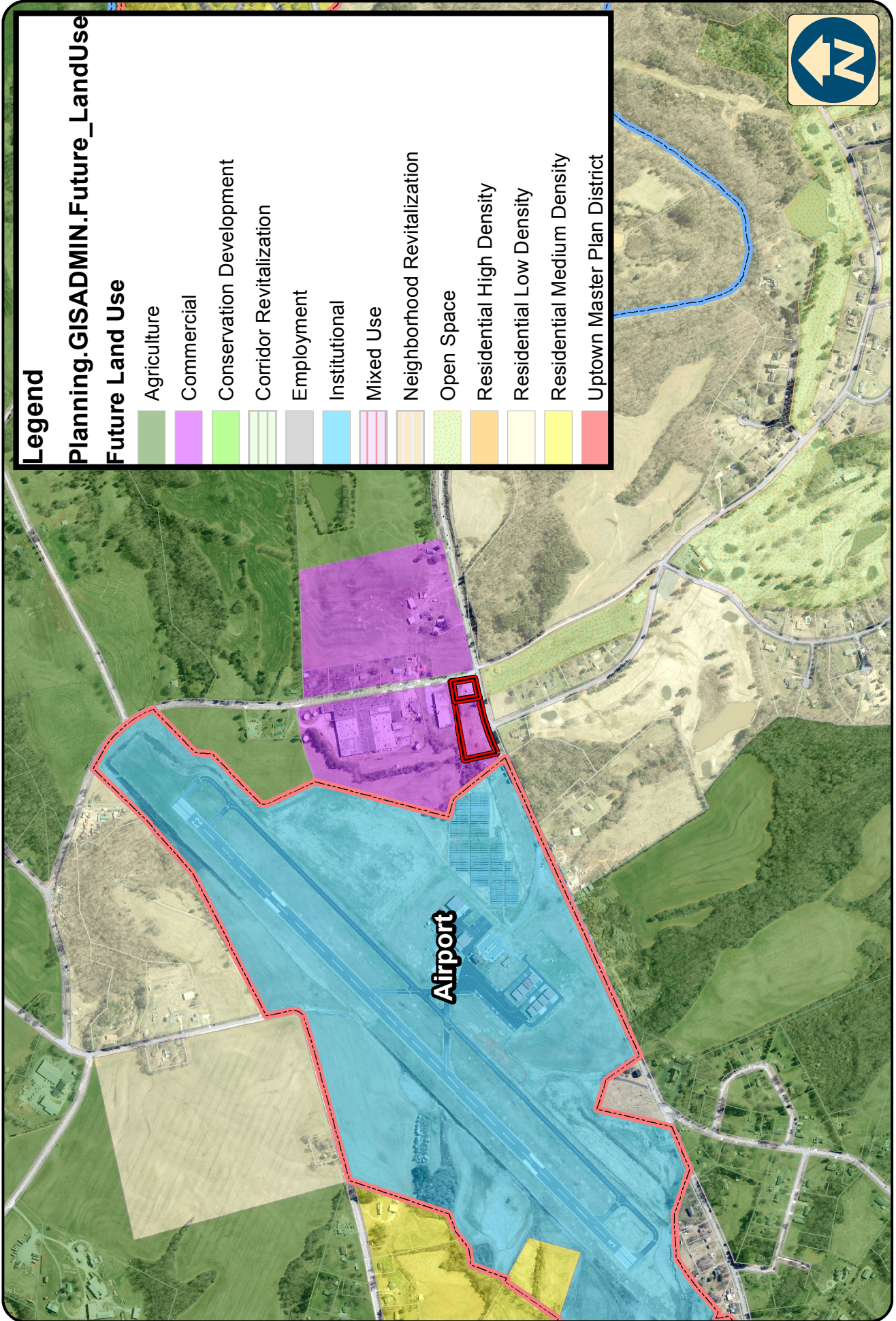
Date: 11/20/2020





# Future Land Use Map 800 & 802 College Avenue







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

### Planning.GISADMIN.Future\_LandUse

#### Future Land Use

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

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

2,000 Feet

Date: 12/16/2020





CITY OF SHELBY PLANNING AND ZONING BOARD MINUTES

December 17, 2020
Zoom Virtual Meeting

Item 1. Call to Order/Roll Call

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

Board Present: Marlene Peeler, Rick Washburn, Charles Hamrick, Greg Taylor, Jeff Aderholdt, Jim Martin, and Emmanuel Hunt Jr..

Staff Present: Walter Scharer, Planning Director, Alan Toney, Planner, Hatteras Stella, Planner, and Andrea Fite, City Attorney

Item 2. Conditional Zoning District Text Amendments

Mr. Scharer presented this proposed zoning text amendment to create Conditional Zoning Districts in the UDO. Conditional Zoning Districts should be established to allow the City of Shelby City Council to consider proposed uses and tailor the zoning to accommodate those uses and promote innovative design while addressing anticipated problems that may arise from the establishment of the proposed uses. The following items will be the core of the Conditional Zoning Districts:

- Each general use district set forth in 9-1.1, 9-1.2, 9-1.3, and 9-1.4 shall have a corresponding conditional zoning district.
No use shall be permitted within a conditional zoning district except pursuant to the conditions imposed as part of approval. The permitted uses shall be limited to those permitted in the corresponding base or general use zoning district unless otherwise restricted.
The Conditional Zoning District is not subject to all of the traditional ordinance standards. Instead, design elements are determined for the specific development and written into the zoning map amendment ordinance, which becomes law.
A site plan must be submitted with any Conditional Zoning District application and the site developed in accordance with the site plan approved by City Council in the zoning map amendment ordinance.

Conditional Zoning Districts will replace all future and past Conditional Use Zoning Districts.

Motion: Mr. Hamrick made the motion to recommend approval of this proposed text amendment

Second: Mr. Martin Action: This motion passed unanimously.

Item 3. 800 & 802 College Avenue - Annexation

Mr. Scharer presented this proposed zoning map amendment. This 3.1 acre property is located at 800 & 802 College Avenue. Currently, this property is primarily vacant, however, it does have a Cellular Communications Tower. Land uses in the area include undeveloped property, single family dwellings, and the airport.

The CPD Corridor Protection District has its major objectives to promote a sensitive conversion of vacant land to more urban uses; support development that is compatible with and enhances the visual attractiveness of the area; promote well-planned, economically viable development; ensure safe and efficient traffic flow; and avoid uncoordinated, strip development patterns. The corridor protection district is intended to provide development that is compatible with a major highway corridor and that enhances the visual attractiveness of major entrances into the city.

The GB Business District is established as a district in which to accommodate a wide range of retail; business, professional, and personal services; office; and limited wholesale and warehousing uses. Areas zoned as GB are

generally located on the fringe of the central business district and along major highway corridors. Residential uses are permitted at the same density and according to the same dimensional requirements as the R6 Residential District.

The Comprehensive Land Use Plan for this area designates the site as a commercial area. The Comprehensive Transportation Plan denotes E College Avenue as a major thoroughfare that operates at a Level of Service F. E College Avenue is also recommended for improvements.

Staff recommends the corridor protection district (CPD) for these properties based on the following:

- The reduction of driveways on College Avenue. The corridor protection district would require any potential driveways to be located on Sam Lattimore Road.
- Signage requirements that are in harmony with the residential and rural character of the area.
- East College Avenue is a heavily traveled corridor with an Average Daily Traffic Count of more than 10,000. In addition, the City's Comprehensive Transportation Plan denotes East College Avenue with a Transportation Level of Service (LOS) of F and shows East College Avenue as needing improvements. A LOS of F is the worst possible Level of Service.
- NCDOT crash data shows 45 automobile crashes in this area between 2015 and 2019.
- The CPD District promotes good traffic flow and maintains character of the area.

Mr. Hamrick asked for clarification of Level of Service.

**Motion:** Mr. Hamrick made the motion to recommend CPD and approval of this proposed zoning map amendment

**Second:** Mr. Martin

**Action:** This motion passed unanimously

**Item 4.**            **Announcements**

Mr. Scharer shared 160D Updates and when they would be before City Council.

**Item 5.**            **Motion to adjourn.**

Chair Peeler adjourned the meeting at 12:32 pm.

**NOTICE OF PUBLIC HEARING TO ANNEX  
3.1 ACRES AT 800 & 802 College Avenue**

The public will please take notice that a public hearing will be conducted on the question of a proposed annexation of property owned by Sugar Branch Properties, LLC on January, 4, 2021 at 6:00 p.m., in the Don Gibson Theatre at 318 South Washington Street, Shelby, North Carolina, in accordance with N.C.G.S. 160A-58.2. The area proposed for annexation is described as follows: 800 & 802 College Avenue with Cleveland County Tax Parcel Number 2576 & 2575.

A map of the property is on file and available for inspection at the City of Shelby Planning & Development Services office, 315 South Lafayette Street, Shelby, North Carolina.

Persons interested in being heard on this matter are invited to comment on the proposed ordinance amendment 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, IIMC-MMC  
City Clerk

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**The Shelby Star:**

**Please publish this notice as a legal line ad on, Monday, December, 21, 2020 and Monday, December, 28, 2020.**

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

**ORDINANCE NO. 1-2021**

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS  
OF THE CITY OF SHELBY, NORTH CAROLINA**

**WHEREAS**, the Shelby City Council has been petitioned by the Sugar Branch Properties, LLC under G.S. 160A-58.1, as amended, to annex the area described herein; and,

**WHEREAS**, the City Council has by resolution directed the City Clerk to investigate the sufficiency of said petition; and,

**WHEREAS**, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at City Hall Council Chambers, 300 South Washington Street, Shelby, North Carolina on January 4, 2021 at 6:00 p.m.; and,

**WHEREAS**, the City Council further finds that the area described herein meets the standards of GS 160A-58.1 (b), to wit:

- a. The nearest point on the proposed satellite corporate limits is no more than three miles from the primary corporate limits of the City.
- b. No point on the proposed satellite corporate limits is closer to another city than to the City of Shelby.
- c. The area described is so situated that the City will be able to provide services on the same basis within the proposed satellite corporate limits that it provides within the primary corporate limits.
- d. No subdivision, as defined in GS 160A-376, will be fragmented by this proposed annexation.
- e. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, does not exceed ten per cent (10%) of the area within the primary corporate limits of the City; and,

**WHEREAS**, the City Council does hereby find as a fact that said petition has been signed by all owners of real property in the area who are required by law to sign and all other requirements of GS 160A-58.1, as amended, have been satisfied; and,

**WHEREAS**, the City Council further finds that the petition is otherwise valid, and that the public health, safety and welfare of the City and of the area proposed for annexation, will be best served by annexing the area described herein:

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

**Section 1.** By virtue of the authority granted by GS 160A-58.2, as amended, the following described non-contiguous territory is hereby annexed and made part of the City of Shelby as of January 4, 2021:

Being a 3.105 acre tract, and recorded in Deed Book 1770, Page 431 and Deed Book 1754, Page 1336 and described as follows:

Lying in Cleveland County, North Carolina and being all of lots 1 thru 6 of the Sam Lattimore farm as shown on plat book 8 page 80 and being the property shown on plat book 42 page 140; being bounded on the east by Sam Lattimore Road, on the south by College Avenue, on the west by Southern Bell (deed 17,z page 242), and on the north by Spaleco, Inc. (deeds 15,j-758; 16,q-260; 16,m-819) , and being described according to a survey by T. Scott Bankhead dated 04/25/18 and revised on 11/12/20 as follows:

Beginning on a rebar on the north side of College Avenue, the southeast corner of Southern Bell, said rebar being located s 88-34-12e 1611.58' from NCGS monument "airport", and runs thence with the Southern Bell line n10-24-45e 271.67' to a pipe located 1.62' from a concrete monument; thence with the Spaleco, Inc. Line n80-36'46e 600.00' to a rebar on the west side of Sam Lattimore Road; thence with the west side of said road s9-17-38e 200.00' total (crossing a rebar at 15.00') to a rebar at the intersection of right of ways of Sam Lattimore Road and College Avenue; thence with the north right of way of College Avenue the following four calls: (1) s76-27-22w 150.00' to a rebar; (2) s76-27-22w 215.00' to a rebar; (3) s71-57-22w 100.00' to a rebar; (4) s67-45-06w 135.31' to a rebar, the place of beginning and containing 3.105 acres more or less and being according to an actual annexation survey by Bankhead Surveying dated January 5, 2018 and attached.

**Section 2.** Upon and after January 4, 2021, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Shelby and shall be entitled to the same privileges and benefits as other parts of the City of Shelby. Said territory shall be subject to municipal taxes according to GS 16-A-58.10.

**Section 3.** The Mayor of the City of Shelby shall cause to be recorded in the office of the Register of Deeds of Cleveland County, and in the office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this ordinance. Such map shall also be delivered to the Cleveland County Board of Elections as required by GS 163-288.1.

**Section 4.** 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) is hereby amended to zone 800 & 802 College Avenue Corridor Projection District. Said area of zoning as described in Section 1.

Adopted and approved this 4th day of January 2021.

---

O. Stanhope Anthony III  
Mayor

ATTEST:

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

APPROVED AS TO FORM:

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Andrea Leslie-Fite  
City Attorney

City of Shelby  
Agenda Item Summary  
January 4, 2021  
Don Gibson Theatre

**Agenda Item B-3**

- 3) Consideration of a resolution and order permanently closing an unopened right-of-way between Textile Street and East Shannonhouse Street: Resolution No. 2-2021

**Presenting: (Walter Scharer, Planning Director)**

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- Memorandum dated December 28, 2020 from Walter Scharer, Planning Director to Rick Howell, City Manager
- Letter dated September 4, 2020 from Cleveland County 2 MMR Limited Partnership
- Proposed Alley Closing/Abandonment plat and map
- Copy of Resolution No. 54-2020
- Notice of Hearing
- Resolution No. 2-2021

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City Manager's Recommendation / Comments

This public hearing is being conducted in accordance with NCGS 160A-299 and is a required step prior to Council taking formal action on the petition. The purpose is to allow any member of the public to offer comment either for or against the proposed closure. Resolution No. 2-2021 is presented for your consideration and if approved would permanently close this unopened right of way returning ownership to the abutting property owners. In this case properties are owned by three property owner LLC groups owned and managed by the same entity.

The plat indicates this unopened right of way is approximately 15 feet wide and 650 feet long.

**After the conclusion of the public hearing City Council may act upon Resolution No. 2-2021**



**Memorandum**

**To:** Rick Howell - City Manager  
**From:** Walter Scharer – Planning Director  
**Date:** December 28, 2020  
**Subject:** Request to close an unopened right-of-way between Textile Street and East Shannonhouse Street

**Executive Summary of issue – Background**

There is an unopen right-of-way for an alley between Textile Street and East Shannonhouse Street. The property owners adjacent to this unopened right-of-way have petitioned the City to close the right-of-way. A location map showing this site is attached.

**Review and Comments**

On December 7, 2020 City Council approved Resolution No. 54-2020, declaring the intent to close the unopened right-of-way between Textile Street and East Shannonhouse Street and establishing a public hearing for this right of way closing on January 4, 2021. The resolution of intent was published once a week for 4 weeks in the Shelby Star and the abutting property owners were notified of this right-of-way closing by certified mail and the notice of public hearing was posted in the affected area.

**Recommendation**

Please schedule a public hearing for this right of way closing on the January 4, 2021 City Council agenda.

**Attachments: Application, Petition, Resolution of Intent to close an Unopened ROW between Textile Street and East Shannonhouse Street, Public Hearing Notice, Location Map, Resolution Order to Close an unopened ROW between Textile Street and East Shannonhouse Street, and Plat.**

Cleveland County 2 MMR Limited Partnership  
Post Office Box 4503  
Greensboro, NC 27404

September 4, 2020

Mr. Walt Scharer  
Planning Director  
City of Shelby  
315 South Lafayette Street  
Shelby, NC 28150

Re: Alleyway Closure  
Cleveland County 2 MMR Limited Partnership  
Cleveland County MMR Limited Partnership  
Ella Mill Properties, LLC

Dear Mr. Scharer,

I am writing on behalf of the entities listed above to respectfully request that the alley between the properties located at 1000 – 1026 S. Dekalb Street, 1001 – 1027 S Washington Street, and 201 E. Shannonhouse Street be closed.

A check in the amount of \$750 is enclosed.

Please let me know if you need any additional information.

Thank you,

Cleveland County 2 MMR Limited Partnership  
By: Cleveland County 2 MMR GP, LLC

By: Maida M. Pearson, Manager

Cleveland County MMR Limited Partnership  
By: Cleveland County MMR GP, LLC

By: Maida M. Pearson, Manager

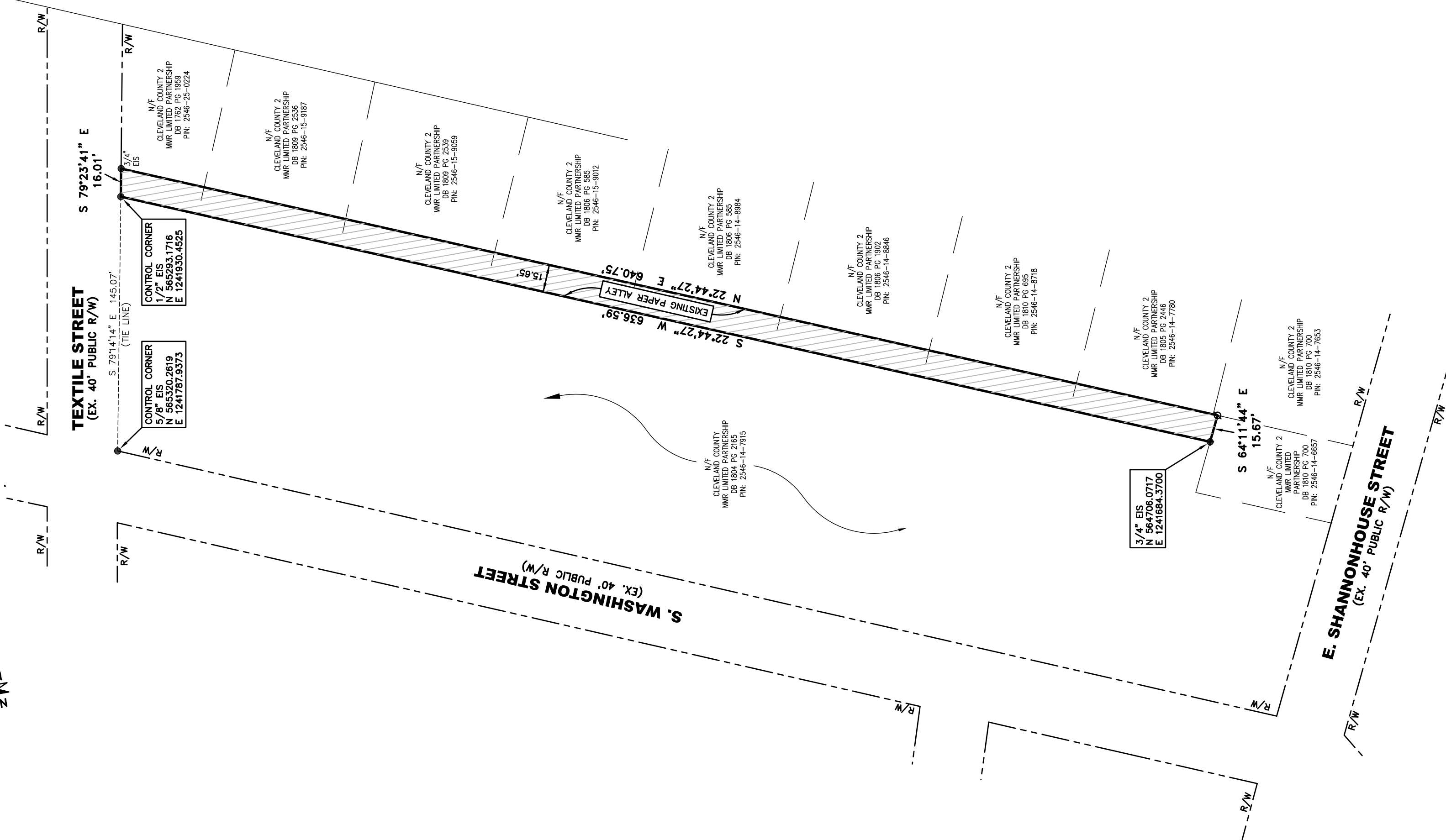
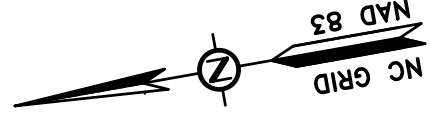
Ella Mill Properties, LLC

By: Maida M. Pearson, Manager



**SURVEY LEGEND**

- EXISTING IRON STAKE/PIPE
- ⊗ COMPUTED POINT



**CONTROL CORNER**  
 3/8" I.B.S.  
 N 1241737.9373 E  
 1241737.9373

**CONTROL CORNER**  
 1/2" I.B.S.  
 N 1241830.4525 E  
 1241830.4525

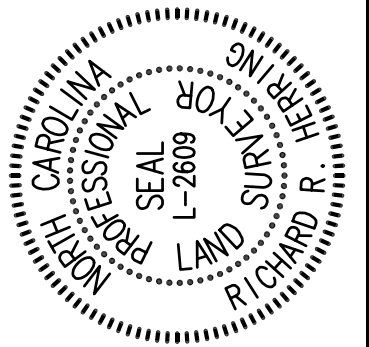
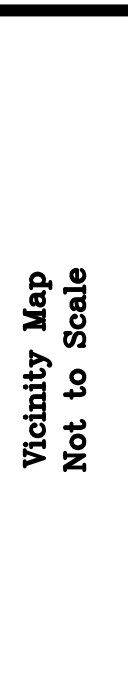
**TEXTILE STREET**  
 (EX. 40' PUBLIC R/W)  
 S 79°23'41" E  
 16.01'

**S. WASHINGTON STREET**  
 (EX. 40' PUBLIC R/W)

**E. SHANNONHOUSE STREET**  
 (EX. 40' PUBLIC R/W)

**Vicinity Map**  
 Not to Scale

**SITE NOTES:**  
 TRACT IS OUTSIDE OF ANY FEMA DESIGNATED FLOOD HAZARD AREA ACCORDING TO MAP NUMBER 371025-6000 DATED FEBRUARY 20, 2008.  
 ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.  
 AREA COMPUTED BY COORDINATE METHOD.



THIS 22nd DAY OF DECEMBER, 2020  
 Robert H. Herring  
 12/23/20  
 1544-2009

PROPERTY REFERENCE: PB 7 Pg 8  
 I, ROBERT H. HERRING, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY PERSONAL SUPERVISION AND THAT THE DATA AND INFORMATION THEREON WERE OBTAINED FROM THE ORIGINAL SOURCE OR FROM A SOURCE THAT THE BOUNDARIES NOT SURVEYED WERE INDICATED AS DRAWN FROM A SOURCE THAT MEETS THE REQUIREMENTS OF THE NORTH CAROLINA LAND SURVEY ACT AS PER THE REQUIREMENTS OF THE NORTH CAROLINA (21 NCAC 06A000)  
 THIS 22nd DAY OF DECEMBER, 2020

**REVIEW OFFICER CERTIFICATE**

STATE OF NORTH CAROLINA  
 COUNTY OF CLEVELAND  
 I, \_\_\_\_\_, REVIEW OFFICER FOR CLEVELAND COUNTY, CERTIFY THAT THE MAP OR SET OF MAPS AND CERTIFICATION IS AFFIRMED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER \_\_\_\_\_ DATE \_\_\_\_\_

PREPARED IN ACCORDANCE WITH:  
 SECTION 1701, PROCEDURE FOR PERMANENTLY CLOSING STREETS AND ALLEYS  
 SUBSECTION (G) UPON THE CLOSING OF A STREET OR ALLEY IN ACCORDANCE WITH THIS SECTION SUBJECT TO THE PROVISIONS OF SECTION 1701, THE RIGHT-OF-WAY SHALL BE CONCLUSIVELY PRESUMED TO BE VESTED IN THE CITY OF CLEVELAND AND THE TITLE OF SUCH ALLOYMENT SHALL EXTEND TO THE ENTIRE LINE OF SAID STREET OR ALLEY.  
 THE PROVISIONS OF THIS SUBSECTION REGARDING DIVISIONS OF RIGHT-OF-WAY IN STREET OR ALLEY CLOSINGS MAY BE ALTERED AS TO PROPERTY OWNERS TAKING TITLE TO A CLOSED STREET OR ALLEY BY THE PORTION OF THE CLOSED STREET OR ALLEY TO BE TAKEN BY EACH OWNER'S SURVEY. A SURVEY SHALL BE SUBMITTED BY EACH OWNER, UNDER THE SUPERVISION OF AN UNDERWRITER, TO BE FILED WITH THE CITY OF CLEVELAND, IN CONNECTION WITH THE CLOSING OF A STREET OR ALLEY.

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

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

**Herring-Sutton & Associates, P.A.**  
 Engineers - Surveyors - Planners

2201 Nash Street NW, Wilson, North Carolina 27896 (252) 291-8887

**The City of Shelby**  
 Cleveland County, NC

**Proposed Alley**  
 Closing / Abandonment

Revision	Date	By

Scale : 1" = 50'  
 Date : December, 2020  
 Map No. : 15-1761B  
 Sheet No. : 1 of 1

**RESOLUTION NO. 54-2020**

**A RESOLUTION DECLARING THE INTENT OF THE CITY COUNCIL  
OF THE CITY OF SHELBY TO CONSIDER THE PERMANENT CLOSURE  
OF AN UNOPENED RIGHT OF WAY BETWEEN TEXTILE STREET AND  
EAST SHANNONHOUSE STREET**

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

**WHEREAS**, the City has received a request and petition from abutting property owners to permanently close an unopened right of way between Textile Street and East Shannonhouse Street; and,

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

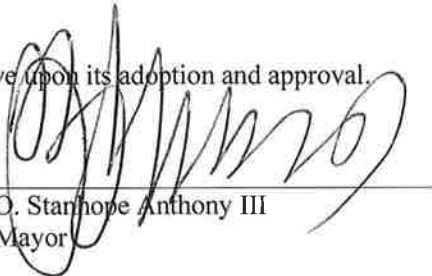
**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHELBY, NORTH CAROLINA:**

Section 1. That a public hearing on the matter will be held at 6:00 PM, on the 4th day of January 2021 in the Council Chamber at the City Hall in Shelby, North Carolina to consider an order closing an unopened right of way between Textile Street and East Shannonhouse Street.


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

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

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

  
\_\_\_\_\_  
O. Stanhope Anthony III  
Mayor

ATTEST:

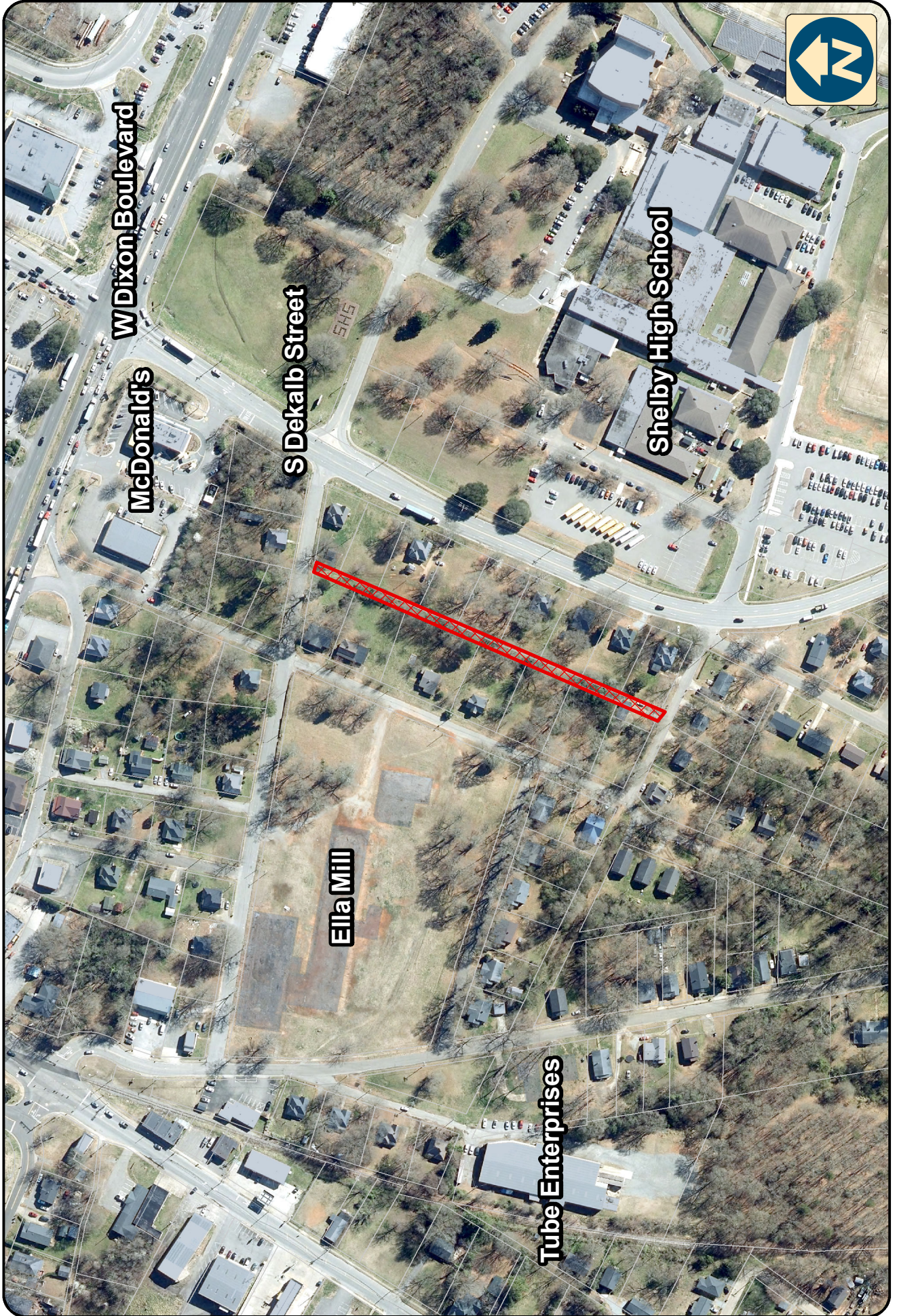
  
\_\_\_\_\_  
Bernadette A. Parduski, NC-CMC, IIMC-MMC  
City Clerk





# Proposed Alley Closure Cambridge Commons Project

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: 11/23/2020



**NOTICE OF PUBLIC HEARING TO CLOSE THE UNOPENED RIGHT-OF-WAY FOR BETWEEN TEXTILE STREET AND EAST SHANNONHOUSE STREET**

The City Council of Shelby, North Carolina will conduct a public hearing on Monday, January 4, 2021 at 6:00 PM in the Don Gibson Theatre at 318 South Washington Street to discuss an order closing an unopened right-of-way for between Textile Street and East Shannonhouse Street.

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

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.

North Carolina General Statute 160A-299 requires that a copy of the City’s resolution of intent to permanently close a street or alley be published once a week for four (4) successive weeks prior to the hearing. A copy of Resolution No. 54-2020 adopted by City Council on December 7th, 2020 follows:

**RESOLUTION NO. 54 – 2020**

**A RESOLUTION DECLARING THE INTENT OF THE CITY COUNCIL OF THE CITY OF SHELBY TO CONSIDER THE PERMANENT CLOSURE OF AN UNOPENED RIGHT OF WAY BETWEEN TEXTILE STREET AND EAST SHANNONHOUSE STREET**

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

**WHEREAS**, the City has received a request and petition from abutting property owners to permanently close an unopened right of way between Textile Street and East Shannonhouse Street; and,

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

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

Section 1. That a public hearing on the matter will be held at 6:00 PM, on the 4th day of January 2021 in the Council Chamber at the City Hall in Shelby, North Carolina to consider an order closing an unopened right of way between Textile Street and East Shannonhouse Street.

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

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

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

**Adopted and Approved this 7<sup>th</sup> day of December 2020.**

**The Shelby Star:**

**Please publish this notice as a legal line ad on WEDNESDAY, December 16, 2020; WEDNESDAY, December 23, 2020; and Wednesday, December 30, 2020, and Sunday, January 3, 2021.**

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

**RESOLUTION NO. 2-2021**

**A RESOLUTION AND ORDER PERMANENTLY CLOSING AN UNOPENED  
RIGHT-OF-WAY BETWEEN TEXTILE STREET AND  
EAST SHANNONHOUSE STREET**

**WHEREAS**, on December 7, 2020 the City Council of the City of Shelby directed the City Clerk to publish a Resolution of Intent of the City Council to consider closing an unopened right-of-way between Textile Street and East Shannonhouse Street; and,

**WHEREAS**, said publication was to be accomplished in The Shelby Star once a week for four (4) successive weeks advising the public that a public hearing would be conducted on January 4, 2021; and,

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

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

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

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

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

**Section 1.** The unopened right-of-way as displayed on the plat titled Proposed Alley Closing/Abandonment and completed by Herring-Sutton and Associates, P.A., as situated within the City of Shelby is hereby permanently closed and all rights, title, and interest that may be vested in the public to said area for street purposes is hereby released to the abutting property owners in accordance with Chapter 160A-299, as amended, of the North Carolina General Statutes.

Resolution No. 2-2021

January 4, 2021

Page 2

**Section 2.** The City Clerk is hereby authorized and directed to file in the Office of the Register of Deeds in Cleveland County a certified copy of this resolution ordering a closure of West Stadium Street.

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

Adopted and Approved this the 4th day of January 2021.

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O. Stanhope Anthony III  
Mayor

ATTEST:

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

APPROVED AS TO FORM:

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Andrea Leslie-Fite  
City Attorney

City of Shelby  
Agenda Item Summary  
January 4, 2021  
Don Gibson Theatre

Agenda Item B-4

- 4) Consideration of a resolution approving the submission of City of Shelby's application for North Carolina Housing Finance Agency 2021 Urgent Repair Program: Resolution No. 3-2021

**Presenting: (Walter Scharer, Planning Director)**

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- Memorandum dated December 28, 2020 from Walter Scharer, Planning Director to Rick Howell, City Manager
- Resolution No. 3-2021

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City Manager's Recommendation / Comments

Resolution No. 3-2021 is presented for City Council consideration via the Consent Agenda. If approved this resolution would simply allow management to make application on behalf of the City to the NC Housing Finance Agency for a grant up to \$100,000. This grant program would allow the City to assist income eligible homeowners with qualifying urgent home repairs. Examples of urgent repairs include such basic things as roof repairs, heating systems, plumbing/electrical system improvements, some weatherization, disability accessibility as well as others that are essential for the safe occupancy of the home.

This grant requires no matching city funds. The grant maximum is \$100,000 and no more than \$10,000 can be spent per home unless specific authorization is received for the NCHFA. This would be the fourth URP grant the City has secured since 2006. This would compliment the goals set forth in the City Strategic Growth Plan and Neighborhood Action Plan both respectively adopted in 2005 and 2006. These grant funds not only assist those eligible low income homeowners with critical needs but also help to stabilize some of our more challenged neighborhoods.

**It is my recommendation that Resolution No. 3-2021 be adopted and approved by City Council at this time via the Consent Agenda.**



To: Rick Howell, City Manager

From: Walt Scharer, City Planner

Date: December 28, 2020

Subject: Application to the North Carolina Housing Finance Agency’s Urgent Repair Program

**Background:**

In early December 2020, the North Carolina Housing Finance Agency (NCHFA) announced the availability of funds for the Urgent Repair Program in 2021. The funding enables organizations to provide deferred loans of up to \$10,000 for emergency home repairs and modifications to very low-income owner-occupied homes. To be eligible, (1) households must have one or more full-time members with special needs (e.g. elderly, disabled, veteran status, or a child under 6 years of age living in a home with lead hazards) and (2) household incomes cannot exceed 50% of area median income. NCHFA will make a total of \$4.5 million available, with the maximum funding for projects serving a single county placed at \$100,000. No organization in Cleveland County has received URP funds since 2011, classifying the City of Shelby application as a project servicing an “underserved region.”

The application is due January 25<sup>th</sup>, 2021, with notification in late spring of 2021. There is a \$75 application fee.

**Recommendation:**

The recommendation from staff is to adopt the attached resolution, which will allow the City Manager to submit the application to the North Carolina Housing Finance Agency.



**RESOLUTION NO. 3-2021**

**A RESOLUTION APPROVING THE SUBMISSION OF CITY OF SHELBY'S  
APPLICATION FOR NORTH CAROLINA HOUSING FINANCE AGENCY  
2021 URGENT REPAIR PROGRAM**

**WHEREAS**, the City of Shelby's Strategic Growth Plan prioritizes "the protection and rehabilitation of viable neighborhoods...to ensure their continued existence as a housing resource, as an integral part of the uninterrupted cityscape, and to undergird Shelby's attractiveness and livability;" and,

**WHEREAS**, the City of Shelby's City Council has previously indicated its desire to support access to safe and affordable housing within the City, including preservation of existing housing stock; and,

**WHEREAS**, the City Council wishes the City to pursue a formal application for Urgent Repair Program funding to benefit very low-income eligible homeowners and will invest monies in the amount of \$100,000 into the project as committed to in the application; and,

**WHEREAS**, the City Council certifies it will meet all regulatory and statutory requirements of the Urgent Repair Program,

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

**Section 1.** The City Manager of the City of Shelby is authorized to execute all documents necessary to apply for the North Carolina Housing Finance Agency Urgent Repair Program for 2021.

**ADOPTED AND APPROVED** this the 4<sup>th</sup> day of January 2021.

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O. Stanhope Anthony III  
Mayor

ATTEST:

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

City of Shelby  
Agenda Item Summary  
January 4, 2021  
Don Gibson Theatre

**C. Consent Agenda:**

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

**Agenda Item: C-1**

- 1) Approval of the Minutes of the Regular Meeting of December 7, 2020

**Consent Agenda Item: (Bernadette Parduski, City Clerk)**

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Summary of Available Information:

Please read and offer changes as you deem necessary.

- Minutes of the Regular Meeting of December 7, 2020

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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  
City Hall and Don Gibson Theatre

December 7, 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, City Attorney Andrea Leslie-Fite, City Clerk Bernadette A. Parduski, Public Information and Communications Officer Chip Nuhrah, Director of Finance Elizabeth B. (Beth) Beam, Director of Human Resources Deborah C. (Deb) Jolly, Director of Energy Services Julie R. McMurry, Director of Engineering Services Benjamin (Ben) Yarboro, Police Chief Jeffrey H. (Jeff) Ledford, Division Chief – Operations and Personnel David Vanhoy, CFO, Director of Parks and Recreation Charlie Holtzclaw, Lead for North Carolina Fellow Shelby Holmes, Stan Lowery, Executive Director, Don Gibson Theatre; and Jennipher H. Harrill, Social Media Manager, Blue Eyes Social Media Connections

Mayor Anthony called the meeting to order at 6:00 p.m. and certified a quorum was present. It was noted a location for public access to the meeting was established at the Don Gibson Theatre. A maximum of 10 persons would be allowed to attend, following the current Executive Orders of Governor Cooper and the North Carolina Department of Health and Human Services COVID-19 guidelines.

The Mayor delivered the 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) City of Shelby 2020 Audited Financial Statements – Matthew (Matt) Braswell, CPA, Senior Manager, Martin Starnes & Associates, CPAs, P. A.

Mrs. Beam introduced Matt Braswell with Martin Starnes & Associates as the presenter of the annual audit report and Comprehensive Annual Financial Report (CAFR) for Fiscal Year (FY) ended June 30, 2020. She referred to the audit report as a "snapshot" in time, reflecting the overall financial health of the City of Shelby. Mrs. Beam stated the audit and preparation of the CAFR are increasingly stringent due to the additional auditing standards that must

be met by both the City and the auditing firm. This year was made even more challenging by the COVID-19 pandemic.

Mrs. Beam concluded by stating the audit report was submitted to and accepted by the Local Government Commission prior to the deadline of October 31, 2020.

Next, as included in the audit highlights, Mr. Braswell stated the Martin Starnes' report yielded an unmodified opinion, meaning the City's financials are not materially misstated. Martin Starnes has issued its report in which no questioned costs or findings were noted. Mr. Braswell also acknowledged the assistance and cooperation of Mrs. Beam and the Finance Department's staff during the audit process, noting it was a very good year even with the challenges brought about by the pandemic.

Mr. Braswell commented the 2020 property tax revenues showed an increase from the prior year of approximately \$1,684,456 or 15.69 percent; however, the collection rate is down from 2019.

Mr. Braswell summarized and compared General Fund revenues and expenditures for 2019 and 2020. In 2020, revenues increased by \$1,842,331 or 8.6 percent and expenditures increased by \$464,310 or 1.9 percent. He noted these amounts do not include other financing sources and uses such as transfers and capital financing.

Mr. Braswell stated fund balance includes these five categories: Non-spendable, restricted, committed, assigned, and unassigned classifications, and serves as a measure of the City's available financial resources.

Currently, the City has:

- \$500,000 in Non-spendable fund balance
- \$3.8 million in Restricted fund balance which includes Stabilization by State statute, Powell Bill, public safety funds, and unspent debt proceeds
- \$662,000 in Assigned fund balance
- \$4.5 million in Unassigned fund balance

Regarding total fund balance for the General Fund, Mr. Braswell noted there was an increase of \$1,861,073 or approximately 24.5 percent from the prior year.

Mr. Braswell stated available fund balance as defined by the Local Government Commission (LGC) is calculated as Total Fund Balance less Non-spendable, less Stabilization by State Statute (restricted) which then equals Available Fund Balance. This calculation is utilized as the basis for comparing Shelby to other units of similar size as well as calculating fund balance percentages.

Mr. Braswell reviewed Shelby's Fund Balance position in the General Fund:

Total Fund Balance	\$ 9,461,584
Non-spendable	(490,492)
Stabilization by State statute	(3,462,954)
Available Fund Balance 2020	\$ 5,508,138
Available Fund Balance 2019	\$ 3,899,715
Change in Available Fund Balance	\$ 1,608,423

He noted an increase of 41.2 percent from the prior year, which is due to an increase in overall fund balance in the current year. Stabilization by State Statute refers to accounts receivable at June 30, 2020, not yet available per State statute because the money has not been received. It is not in cash spendable form. The non-spendable amount represents \$129,000 in inventories and \$360,000 in prepaids, reiterating these items are not in spendable form.

Mr. Braswell stated available fund balance represents 22.26 percent of total General Fund expenditures and transfers out to other funds, which represents an increase from the prior year and approximately three months' worth of fund balance. The Local Government Commission recommendation is 8 percent of fund balance or one month's worth of expenditures.

Mr. Braswell reported the top three sources of revenue include property taxes, other taxes and licenses, and other revenues which comprise \$19.2 million or 83 percent of the total revenues. The total revenues equal \$23,300,327.

As previously mentioned regarding property taxes, Mr. Braswell further stated there was an increase of \$1,684,456 or 15.7 percent.

Regarding other taxes and licenses, Mr. Braswell noted an increase, stating the City had an increase in local option sales tax dollars comparable to the prior year.

Regarding unrestricted intergovernmental, there was a decrease of

\$27,493 or 1.2 percent comparable to the prior year. Mr. Braswell explained this revenue consists mostly of utility franchise tax and alcohol beverage control (ABC) revenues.

Mr. Braswell reported the General Fund expenditures include public safety, other expenditures, cultural and recreation, and general government, including environmental protection and debt service for a total of \$25,309,482.

Mr. Braswell said public safety had a decrease of \$287,462 or 2.2 percent due to decreased expenditures for Police and Fire Departments.

Regarding general government, Mr. Braswell commented expenditures increased by \$635,536 or 23.5 percent due to increases in Finance, Purchasing, Administration, and General Expenditures.

Mr. Braswell said cultural and recreation had an increase of \$138,682 or 4.8 percent due to the increased spending for parks and recreation and mainly due to increases in salaries and repairs and maintenance.

Regarding the City's enterprise funds, Mr. Braswell reported an increase in total net position of \$8,148,364. There was an overall \$8.1 million positive change in net position.

He explained net investment in capital assets is the total capital assets less all outstanding debt related to acquiring those assets plus any unspent debt proceeds. For enterprise funds, unrestricted net position is similar to fund balance available for appropriation.

Regarding the Water Fund, the unrestricted net position is up \$3,330,888 due to a decrease in net investment in capital assets. Cash flows were down 67 percent due to increases in cash paid for goods and services.

Mr. Braswell stated there was an overall negative change in net position of \$2.17 million due to capital contributions of project funds.

Regarding the Sewer Fund, the unrestricted net position is down \$808,000 due to an increase in net investment in capital assets. Cash flows were up 103 percent due to an increase in cash paid for goods and services.

Mr. Braswell stated there was an overall negative change in net position of \$1.28 million, mainly due to capital contributions of the project funds.

Regarding the Electric Fund, the unrestricted net position is up \$2.7 million due to a decrease in net investment in capital assets. Cash flows were up 64 percent due to a decrease in cash paid for goods and services.

Mr. Braswell stated there was an overall positive change in net position of \$3.6 million, due to transfers to other funds being less than the prior year.

Regarding the Natural Gas Fund, the unrestricted net position is down \$131,000 due to a decrease in capital assets. Cash flows were down 11 percent and comparable to the previous year. Mr. Braswell stated there was an overall negative change in net position of \$561,000.

Regarding the Stormwater Fund, the unrestricted net position is up \$316,000. Cash flows were up \$221,000 and comparable to the previous year. Mr. Braswell stated there was an overall positive change in net position of \$289,000.

Regarding the Housing Fund, the unrestricted net position is up \$97,000. Cash flows were down 10 percent compared to the previous year and comparable to the prior year. Mr. Braswell stated there was an overall positive change in net position of \$214,000.

Mr. Howell added the following comments:

- Regarding the onset of the COVID-19 pandemic and the related economic downturn, Mr. Howell stated the City's spending was frozen for non-mission critical expenditures and the hiring of certain staff positions was frozen or delayed.
- The first full year of Clearwater Paper Corporation Site 2 operations positively influenced the City's net position. Also, Clearwater Paper was annexed voluntarily into the City and is served by City utilities.
- Within the General Fund, expenditures exceed revenues as the numbers do not reflect the transfers from the Natural Gas and Electric Funds made annually to balance the budget.
- The City's capital assets for its governmental and business-type activities include buildings, land, improvements, equipment, cash, etc.

Council accepted and acknowledged receipt of the annual audit for the year ending June 30, 2020. No other action by Council was necessary.

#### C. Consent Agenda:

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

- 1) Approval of the Minutes of the Regular Meeting of November 16, 2020
- 2) Approval of Special Event Permit Applications:

- a. **Uptown Shelby Carriage Rides, requested dates: December 11 and December 18, 2020**
  - b. **Drive Thru Santa and Friends, requested date: December 12, 2020**
  - 3) **Approval of a resolution scheduling a public hearing for a voluntary annexation petition from Sugar Branch Properties, LLC: Resolution No. 53-2020**
  - 4) **Approval of a resolution declaring the intent of the City Council of the City of Shelby to consider the permanent closure of an unopened right of way between Textile Street and East Shannonhouse Street: Resolution No. 54-2020**
  - 5) **Approval of a resolution authorizing an agreement between the City of Shelby, North Carolina and White Investments of Shelby, LLC for commissioned mural made for hire: Resolution No. 55-2020**
  - 6) **Approval of a resolution approving a financing agreement authorized by North Carolina General Statute 160A-30: Resolution No. 56-2020**
  - 7) **City of Shelby's Ames Copper Natural Gas System Infrastructure Improvement Project:**
    - a. **Adoption of an ordinance establishing a capital project ordinance and budgets for the City of Shelby's Ames Copper Natural Gas System Infrastructure Improvement Project: Ordinance No. 36-2020**
    - b. **Approval of a resolution awarding the engineering for natural gas line improvements along Old Boiling Springs Road and Highway 74 West: Resolution No. 57-2020**
  - 8) **Natural Gas Line Rehabilitation Hobbs Avenue Area Project:**
    - a. **Adoption of Fiscal Year (FY) 2020-2021 Budget Ordinance Amendment No. 6: Ordinance No. 37-2020**
    - b. **Approval of a resolution awarding the bid for replacement of natural gas lines in the Hobbs Avenue area: Resolution No. 58-2020**
  - 9) **Approval of Notice of Cancellation in the Regular Meeting Schedule of Shelby City Council**
- D. Unfinished Business:**



**1) Consideration of a resolution authorizing selection of WithersRavenel based on qualifications for civil engineering services to update a Transportation Asset Management Plan for Shelby, North Carolina: Resolution No. 59-2020**

Mr. Howell introduced the subject matter of Mr. Yarboro's presentation entitled, "Transportation Asset Management Plan (TAMP) Update". He stated in 2015 City Council adopted the (TAMP) Transportation Asset Management Plan which set forth the results of an evaluation of the condition of the City's streets, sidewalks and associated storm drain facilities. The purpose of the plan was to establish a data driven prioritization for maintenance and determine funding needs for infrastructure improvements within the system. It was recommended that this plan be updated every five years to provide Council and staff timely information regarding progress that had been made and to reprioritize based upon actual on the ground conditions.

Next, Mr. Yarboro began his presentation by reviewing the principles of a Transportation Asset Management Plan with the goal to create an objective prioritization of projects as:

- A strategic and systematic process of operating, maintaining, and upgrading the City's transportation assets including streets, culverts, public parking lots, and sidewalks.
- A third-party engineering firm collects and evaluates data that shows the overall conditions along with a priority order of the assets.
- It helps guide maintenance of assets through condition ratings, cost estimates, and professional solutions to problem areas.
- It develops a 10-year Capital Improvement Plan and funding models in order to maintain and upgrade assets.

Mr. Yarboro provided the history of the Transportation Asset Management Plan which included street condition assessments in 2007 and 2012 completed by the North Carolina State Institute for Transportation Research and Education Program. The condition assessment was completed in 2013 with that data still referenced regularly in the City's Geographic Information System (GIS). The Transportation Asset Management Plan was published in February 2015, which established a rating system and prioritization for projects.

Mr. Yarboro discussed the assets included in the Transportation Asset Management Plan:

- Streets

The City owns and maintains 124.89 miles of public street, including 1,277 street segments. Mr. Yarboro explained a segment is a roadway or alley that

is located between two intersections. Regarding street maintenance, asphalt typically lasts 20 to 35 years. The factors impacting asphalt condition and longevity include: Quality of initial construction, soil conditions, traffic (volume, weights, and speed), drainage, maintenance, and utility and other construction impacts.

Utilizing the City of Shelby Street Ratings maps for illustrative purposes, Mr. Yarboro explained the Street Condition Ratings:

Grade A – Excellent  
 Grade B – Very good  
 Grade C – Good  
 Grade D – Fair  
 Grade E – Poor  
 Grade F – Very poor

Mr. Yarboro then provided the Resurfacing Project history as follows:

- The City has resurfaced an average of 2.57 miles per year over the last 11 years.
- In Fiscal Year 2014-2015 the Stormwater Program started to provide funds for milling along gutters.
- In 2019 an additional 0.84 miles was added when an additional \$100,000 was included to the resurfacing budget.
- Based on projects from the last five years:
  - Average age of asphalt is 34.2 years old
  - Average miles paved per year is 2.96
  - Average project cost is \$407,500
  - Average cost per mile is \$136,000
  - The paving cycle for all streets at current rate is 42.2 years.
- Public Parking Lots

Mr. Yarboro stated the City owns and maintains six parking lots with an area of approximately 105,000 square feet, accommodating approximately 195 vehicles. Since the TAMP was completed in 2015, improvements have been made to five of the six public parking lots.

- Creek Culverts

Mr. Yarboro stated the City owns and maintains 74 creek culverts under streets. The City also maintains approximately 2,100 total pipe culvert segments. Creek culvert attributes include diameters ranging from 24 inches to 136 inches, with depths from one to 30 feet, and the materials are various.

He added creek culvert maintenance is the highest priority in the City's Stormwater System. City staff utilizes prioritization and inspections from the TAMP for maintenance and planning projects. Mr. Yarboro further stated 12 culverts have been replaced and 14 culverts have had major repair and shared several photographs to illustrate both repairs and replacement projects.

Regarding funding, the State of North Carolina Street-Aid Program Powell Bill allocation is funding received annually and that funding has decreased each of the last six years. The City's Stormwater Utility Fee was established in 2014 in response to NPDES (National Pollutant Discharge Elimination System) Phase II Stormwater Permit.

To sum up, Mr. Yarboro stated the City of Shelby advertised a Request for Qualifications statement for professional civil engineering services to update its Transportation Asset Management Plan. The City received six Statement of Qualifications for consideration. A selection committee consisting of five City staff members was formed who individually reviewed and rated the Statements in accordance with the evaluation criteria outlined in the RFQ advertisement. Mr. Yarboro further stated the selection committee unanimously recommended the Professional Engineering Services contract to update Shelby's Transportation Asset Management Plan be awarded to WithersRavenel of Asheville, North Carolina.

Mr. Howell added the following comments:

- The paving cycle for all City streets at the current rate is more than 42 years, which is unacceptable.
- Asphalt typically can hold up between 20 to 35 years.
- The State's Powell Bill funding has been decreasing.
- City staff wishes to accelerate the pavement schedule in the future.
- In order to fund a resurfacing budget, the City may consider borrowing capital from its new and future revenue.
- It is anticipated these budget recommendations will be included in the updated TAMP.
- It is a Public Infrastructure goal priority of the North Carolina League of Municipalities (NCLM) to seek legislation to ensure that the amount of Powell Bill funds appropriated by the state are sustained and distributions to municipalities are increased and grow over time.

**ACTION TAKEN:** Upon a motion made by Mr. Causby, City Council voted unanimously to approve and adopt Resolution No. 59-2020 entitled, "A RESOLUTION AUTHORIZING SELECTION OF WITHERSRAVENEL BASED ON QUALIFICATIONS FOR CIVIL ENGINEERING SERVICES TO UPDATE A TRANSPORTATION ASSET MANAGEMENT PLAN FOR SHELBY, NORTH CAROLINA".

**E. New Business:****1) Consideration of proposed Shelby Parks and Recreation sports tournament fee recommendations**

Mr. Howell introduced the subject matter of Mr. Holtzclaw's presentation for discussion purposes. He stated the City has focused on attracting a variety of sports tournaments at City Park and Hanna Park in order to bring out-of-town visitors to the area. The obvious benefit to the City is increased revenue to local businesses as well as to the local occupancy tax collected by local motels/hotels. Mr. Holtzclaw has surveyed some of the surrounding cities regarding fees/rates paid for City facility use and has developed the included recommendation for Council's consideration. If Council agrees with the recommendations, then an amendment to the Supplemental Budget Ordinance of the Schedule of City Fees and Charges will be brought before Council at the January 4, 2021 regular meeting for consideration and approval. No action is expected at this time.

Mr. Holtzclaw stated over the last ten years City Council has invested heavily in developing athletic facilities to benefit the local community, as well as creating championship caliber facilities to draw regional visitors through youth and adult sports tournaments. To recap, this began in 2011 with the opening of the Shelby City Park Recreation and Sports Complex, followed by Hanna Park Multipurpose Sports Complex which opened for play in 2019. During these years, tournament organizers have paid a longstanding set fee for individual field rentals and associated staffing costs that can add up to a significant cost. Mr. Holtzclaw presented the example of the Matthews, North Carolina based Carolina Champions League Soccer organization which held a 92-team event at Hanna Park in October 2020 bringing over 2,000 people to this community. Without discounts, it would have cost the organizers \$3,275 in rental and staffing fees to use our facilities.

Mr. Holtzclaw explained times have changed as relates to costs passed on to sports tournaments to bring their events to a community. Many of our neighboring competitors are seeing the value of having dozens of events in their communities and have begun offering very significant discounts and incentives to the organizers. This is due to recognizing that the visitor impact of having sports tournaments are much more than rental fees collected by the facility, but rather the economic impact potential for local businesses. The City of Shelby has long understood this value by supporting the American Legion World Series and the semi-annual Tar Heel Leagues State Tournaments held at City Park. The City also supports the Sharks Aquatics Club and their efforts to bring very large regional swim events to Shelby. In 2019, Shelby City Park hosted over 30 sports tournaments with over 400 teams and an estimated 15,000 visitors to our community that undoubtedly had a positive impact on the local businesses.

Looking toward 2021, Mr. Holtzclaw is convinced the City is sitting in a great position to continue building and increasing the number and size of sports tournaments. This is based on several factors that are very important to the players, parents, coaches, and organizers. The City's facilities and customer service are viewed by people to be outstanding, they have taken notice of the other things they can do while at City Park such as the carrousel, train, playground, pool, and a quick round of golf when they have a break, and City Park's close proximity to a beautiful Uptown with several good dining options. The City checks all the boxes except for the current fees as compared to some other competitors. Organizers have many other options in the surrounding area, and the City's total package needs to be inviting to them. In addition to the fee recommendation, City staff is actively seeking partnerships with the hospitality industry to host more regional athletic events, looking specifically to the City's Park and Recreation amenities as a tourism draw.

To sum up, Mr. Howell requested and recommended that consideration be given to the proposed Shelby Parks and Recreation tournament fee recommendations and time be allowed on a future agenda for adoption.

- 2) Consideration of a resolution approving the submission of City of Shelby's application for North Carolina Civil Rights Trail Marker Program:  
Resolution No. 60-2020

Mr. Merritt introduced Resolution No. 60-2020 for Council's consideration. If approved, this resolution would authorize the submittal of an application to the North Carolina African American Heritage Commission for consideration that a historical marker be erected as part of the North Carolina Civil Rights Trail Marker Program. The program, funded by the William G. Pomeroy Foundation, seeks to recognize up to 50 sites significant to the organization and protest to advance the civil rights of people of color across the State of North Carolina.

Mr. Merritt stated Shelby Holmes, Lead for North Carolina Fellow, working with the Earl Scruggs Center and Uptown Shelby Association, drafted an application to recognize the sit-in protests that took place along East Warren Street in February 1960. Specifically, the site located at 104 East Warren Street was known as Smith's Drug Store and currently known as the Buffalo Creek Gallery.

Mr. Merritt provided the historical background for the commemoration of the location beginning with the sit-in campaigns of 1960 after the Greensboro Four sat down at Woolworth's lunch counter and demonstrated the strength of grassroots organizing for achieving civil rights across the South. The protest strategy was taken up by Shelby youth, mostly students from Cleveland High School, who sat down at Smith's Drug Store and the lunch

counter of the local bus station. Mr. Merritt noted the make-up of the protestors is of interest as many other similar protests were organized by activists who were typically university students. The protests that took place in Shelby were a significant part of local and North Carolinian history but have remained largely unrecognized. The student-protestors in Shelby sought to highlight and disrupt racial oppression in their immediate community and to raise support for equal rights for people of color through direct action.

Mr. Merritt concluded by stating the application is due January 1, 2021 and notification anticipated in February 2021. If the application is successful, the placement of the trail marker and a dedication ceremony must take place by the end of 2021.

**ACTION TAKEN:** Upon a motion made by Mr. Hopper, City Council voted unanimously to approve and adopt Resolution No. 60-2020 entitled, “A RESOLUTION APPROVING THE SUBMISSION OF CITY OF SHELBY’S APPLICATION FOR NORTH CAROLINA CIVIL RIGHTS TRAIL MARKER PROGRAM”.

**F. City Manager’s Report:**

- 1) Regarding yard waste collection, especially the leaves at this time of year, Mr. Howell reported Public Works Director Danny Darst informed him the Public Works Department is back on its routine schedule. The short delay was due to weather and staffing issues.
- 2) Regarding the Job Ready Shell Building No. 3 Project, Mr. Howell informed Council the construction activities are anticipated to be completed by the end of this year, weather permitting.
- 3) Mr. Howell shared information received from County Manager Brian Epley related to an agenda item scheduled for December 15, 2020 at the Cleveland County Commissioners meeting. The Cleveland County Health Department Director, Tiffany Hansen, will present the COVID-19 update and mass vaccination planning efforts to the public at the LeGrand Center that evening.
- 4) Mr. Howell mentioned staff is considering an application to the 2021 Urgent Repair Program (URP21) through the North Carolina Housing Finance Agency. Program funding enables recipient organizations to provide deferred, forgiven loans for emergency home repairs and modifications to very low-income owner-occupied homes.

- 5) Mr. Howell reminded Council their annual retreat is scheduled for January 9, 2021 at the Don Gibson Theatre. He requested that retreat items be submitted for possible consideration and inclusion on the agenda.

**G. Council Announcements and Remarks:**

- 1) Mayor Anthony reminded the public that we are in the middle of a pandemic, pleading with the community to wear their masks correctly and to continue to follow the guidelines of the health officials. The Mayor also requested support for local businesses and restaurants.
- 2) Mayor Anthony and Council members collectively wished all a Merry Christmas and a Happy New Year.

**H. Adjournment:**

- 1) Motion to adjourn

**ACTION TAKEN:** Upon a motion made by Mr. Hendrick, City Council voted unanimously to adjourn the meeting at 7:26 p.m.

Respectfully submitted,

Bernadette A. Parduski, NCCMC, MMC  
City Clerk

O. Stanhope Anthony III  
Mayor

Minutes of December 7, 2020

City of Shelby  
Agenda Item Summary  
January 4, 2021  
Don Gibson Theatre

Agenda Item: C-2

- 2) Approval of a resolution approving application to Watch for Me NC: Resolution No. 4-2021

**Consent Agenda Item: (Walter Scharer, Planning Director)**

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- Memorandum dated December 28, 2020 from Walter Scharer, Planning Director to Rick Howell, City Manager
- Resolution No. 4-2021

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City Manager's Recommendation / Comments

Resolution No. 4-2021 is presented for City Council consideration at this time via the Consent Agenda. If approved this resolution would authorize the City to make application on behalf of the City to again apply to this NCDOT program in 2021. Below is an excerpt from a 2019 press release put out by NCDOT explaining the program.

**It is my recommendation Resolution No. 4-2021 be adopted and approved by City Council at this time via the Consent Agenda.**

RALEIGH – North Carolina communities interested in participating in the 2019 Watch for Me NC safety program may now submit applications to the N.C. Department of Transportation.

The nationally-recognized program focuses on bicycle and pedestrian safety, education and enforcement. The 2019 campaign is supported by the Governor's Highway Safety Program in partnership with the NCDOT Division of Bicycle and Pedestrian Transportation.

“Watch for Me NC delivers hands-on training to law enforcement while also educating the public as both must be engaged and informed in the process to improve bicycle and pedestrian safety,” said Ed Johnson, Watch for Me NC program manager. “Our goal is to reduce severe crashes and injuries in our communities through law enforcement training, public education, materials and technical support.”

Communities selected to participate will receive free law enforcement training, technical assistance and safety tools provided by NCDOT and the UNC Highway Safety Research Center.

Some materials include bicycle lights, reflective arm bands, bumper stickers, brochures, posters and banners with pedestrian and bicycle safety messages. Communities may also be eligible to receive advertising such as radio, transit ads, and sidewalk stencils. Local government applicants should be able to demonstrate support from local law enforcement agencies, and if applicable campus police, plus the capacity to participate fully in the program.





## Memorandum

To: Rick Howell - City Manager  
From: Walter Scharer – Planning Director  
Date: December 28, 2020  
Subject: Watch for Me NC Program

### Executive Summary of issue – Background

Communities throughout North Carolina have begun to place more emphasis on providing facilities for biking and walking. A desire for improved modal choices, the demand for more bikeable and walkable communities and a focus on smart growth initiatives have combined to highlight the need for better, more complete bicycle and pedestrian transportation systems. However, each year, approximately 3,000 pedestrians and 850 bicyclists are hit by cars on North Carolina Streets. Watch for Me NC is a comprehensive program, run by the North Carolina Department of Transportation (NCDOT) in partnership with local communities, aimed at reducing the number of pedestrians and bicyclists hit and injured in crashes with vehicles.

The Watch for Me NC program involves two key elements: 1) safety and educational messages directed toward drivers, pedestrians and bicyclists, and 2) high visibility enforcement efforts by area police to reduce violations of traffic safety laws. Local programs are typically led by municipal, county, or regional government staff with the involvement of many others, including pedestrian and bicycle advocates, city planners, law enforcement agencies, engineers, public health professionals, elected officials, school administrators, and others.

### Review and Comments

The City of Shelby was first accepted into the Watch for Me NC program in 2019. The rail trail will provide a great opportunity to incorporate bicycle facilities into the transportation thread of the community. Staff recommends continuing the Watch for Me NC program to continue education of safely being a Bicyclist and Pedestrian as well as a safe Driver.

Policy 1.7 of the Strategic Growth Plan (2005) supports bicycle and pedestrian safety. “Pedestrian and bikeway facilities shall be encouraged as energy-efficient, healthful, and environmentally sound alternatives to the automobile.”

The Watch for Me NC program is also consistent with the policies and recommendations found in the Comprehensive Pedestrian Plan as well as the Comprehensive Land Use Plan.

Staff recommends this resolution authorizing an application for the Watch for Me NC Program in 2021.

Please place this item on the agenda for the January 4, 2021 City Council meeting.

**Attachment: Resolution**

**RESOLUTION NO. 4-2021**

**A RESOLUTION APPROVING APPLICATION TO WATCH FOR ME NC**

**WHEREAS**, The Watch for Me NC program is aimed at reducing the number of pedestrians and bicyclists hit and injured in crashes with vehicles; and,

**WHEREAS**, Watch for Me NC will assist the City in meeting Goal 6 of the Shelby Comprehensive Land Use Plan; and,

**WHEREAS**, Watch for Me NC will assist the City in meeting the goals of the Shelby Comprehensive Pedestrian Plan; and,

**WHEREAS**, Watch for Me NC will assist the City in meeting the Strategic Growth Plan Policy 1.7. Pedestrian and bikeway facilities shall be encouraged as energy-efficient, healthful, and environmentally sound alternatives to the automobile in the SGP; and,

**WHEREAS**, Watch for Me NC will assist the City in meeting the Strategic Growth Plan Policy 13.3. The City of Shelby shall encourage growth and development patterns that work to reduce dependence on the automobile, thereby reducing air pollution emissions in the SGP; and,

**WHEREAS**, Watch for Me NC will assist the City in meeting the NC Vision Zero initiative of eliminating roadway deaths and injuries.

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

**Section 1.** The City Manager of the City of Shelby is authorized to execute all documents necessary to apply to Watch for Me NC.

**ADOPTED AND APPROVED** this the 4<sup>th</sup> day of January 2021.

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O. Stanhope Anthony III  
Mayor

ATTEST:

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

City of Shelby  
Agenda Item Summary  
January 4, 2021  
Don Gibson Theatre

Agenda Item: C-3

- 3) Approval of a resolution rescinding Resolution No. 55-2020 authorizing agreement between the City of Shelby, North Carolina and White Investments of Shelby, LLC for commissioned mural made for hire: Resolution No. 5-2021

**Consent Agenda Item: (Rick Howell, City Manager)**

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- Resolution No. 5-2021
- Copy of unsigned Resolution No. 55-2020

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City Manager's Recommendation / Comments

After further conversation and discussion with the City Attorney it is recommended that the City Council rescind this agreement between the City and White Investments of Shelby, LLC.

**It is my recommendation Resolution No. 5-2021 be adopted and approved by City Council at this time via the Consent Agenda.**

RESOLUTION NO. 55-2020

A RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF SHELBY, NORTH CAROLINA AND WHITE INVESTMENTS OF SHELBY, LLC FOR COMMISSIONED MURAL MADE FOR HIRE

WHEREAS, the City of Shelby, North Carolina seeks to promote and commemorate the City's rich cultural heritage, reinforce the growth of arts and culture within the City, and increase tourism to the area; and,

WHEREAS, the property owner, White Investments of Shelby LLC, also recognizes that the purpose of the Bobby Bell Mural Project is to enhance the community and encourage tourism and commerce in the City of Shelby and increase tourism in the area; and,

WHEREAS, White Investments of Shelby LLC is the owner of record for Parcel Number 17111 and is vested with all rights and privileges incident to ownership of said property including but not limited to full use of said property, namely the placement of a mural on it; and,

WHEREAS, the nature of the Bobby Bell Mural Project is such that it is necessary and desirable to enter into an Agreement expressly setting forth the respective rights, duties, and obligations of the parties, City of Shelby, North Carolina and White Investments of Shelby LLC. Said Agreement is attached hereto as Attachment A; and,

WHEREAS, the Bobby Bell Mural Project will strive for diversity of style, scale, and media represented.

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

Section 1. The City Manager of the City of Shelby, North Carolina is hereby authorized and directed to execute the aforementioned Agreement with White Investments of Shelby LLC.

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

Approved and adopted this the 7th day of December 2020 in Shelby, North Carolina.

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O. Stanhope Anthony III  
Mayor

ATTEST:

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

RESOLUTION NO. 5-2021

A RESOLUTION RESCINDING RESOLUTION NUMBER 55-2020 AUTHORIZING AGREEMENT BETWEEN THE CITY OF SHELBY, NORTH CAROLINA AND WHITE INVESTMENTS OF SHELBY, LLC FOR COMMISSIONED MURAL MADE FOR HIRE

WHEREAS, the City of Shelby, North Carolina and White Investments, LLC (hereinafter “Parties”) previously contemplated entering into an agreement for placement of a mural on property owned by White Investments of Shelby, LLC (hereinafter “Property”);

WHEREAS, no compensation of any kind was ever contemplated for placement of said mural on the Property; however, the proposed Agreement was intended to clarify the Parties’ duties and responsibilities;

WHEREAS, the Parties did not execute the Agreement;

WHEREAS, the Parties no longer desire to execute said Agreement.

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

Section 1. The Shelby City Council hereby rescinds Resolution Number No. 55-2020.

Section 2. The City Manager or his designee is authorized to forward a copy of this resolution and notice of cancelation as outlined in Section 1.

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

Approved and adopted this the 4<sup>th</sup> day of January 2021 in Shelby, North Carolina.

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O. Stanhope Anthony III  
Mayor

ATTEST:

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



City of Shelby  
Agenda Item Summary  
January 4, 2021  
Don Gibson Theatre

Agenda Item: C-4

- 4) Adoption of Fiscal Year (FY) 2020-2021 Budget Ordinance Amendment No. 7:  
Ordinance No. 2-2021

**Consent Agenda Item: (Beth Beam, Finance Director)**

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- Memorandum dated December 28, 2020 from Justin S. Merritt, Assistant City Manager to Rick Howell, City Manager
- Ordinance No. 2-2021

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City Manager's Recommendation / Comments

The above referenced budget amendment provides for the recognition of a grant received by the City from the US Department of Housing and Urban Development (HUD) and the corresponding expenditures within the City Housing Department. The grant (\$435,140) is an annual grant received from HUD that is primarily used for facility improvements on the 172 public housing units owned by the City. This amendment simply recognizes the revenue and appropriates the funding to the Housing Department.

**It is my recommendation Ordinance No. 2-2021 be adopted and approved by City Council at this time via the Consent Agenda.**



To: Rick Howell, City Manager  
From: Justin S. Merritt, Assistant City Manager  
Date: December 28, 2020  
Subject: BA #7 – Recognizing 2019 HUD Revenues in FY 2021

Background:

As you know, the City Housing Department receives annual Capital Facilities Funding from the Department of Housing and Urban Development (HUD). These funds are used to make various repairs and updates to our Housing facilities.

Recommendation:

Seek Council approval of Budget Amendment #7 for FY 2021.

		<b>2020</b> ✓							
<u>NC19P034501-16</u>	04-12-2018	10-31-2020 ✓	11-06-2020	\$258,926.00	\$258,926.00	100%	\$258,926.00	\$258,926.00	100%
		11-30-2020 ✓	12-07-2020	\$258,926.00	\$258,926.00	100%	\$258,926.00	\$258,926.00	100%
<u>NC19P034501-17</u>	08-15-2020	10-31-2020 ✓	11-06-2020	\$272,416.00	\$272,416.00	100%	\$0.00	\$272,416.00	100%
		11-30-2020 ✓	12-07-2020	\$272,416.00	\$272,416.00	100%	\$0.00	\$272,416.00	100%
<u>NC19P034501-18</u>	05-28-2021	10-31-2020 ✓	11-06-2020	\$417,439.00	\$417,438.00	99%	\$0.00	\$0.00	0%
		11-30-2020 ✓	12-07-2020	\$417,439.00	\$417,438.00	99%	\$0.00	\$0.00	0%
<b>2019 HUD Revenues</b>									
<u>NC19P034501-19</u>	04-15-2022	10-31-2020 ✓	11-06-2020	\$435,140.00	\$0.00	0%	\$0.00	\$0.00	0%
		11-30-2020 ✓	12-07-2020	\$435,140.00	\$0.00	0%	\$0.00	\$0.00	0%
<u>NC19P034501-20</u>	03-25-2023	10-31-2020 ✓	11-06-2020	\$468,859.00	\$0.00	0%	\$0.00	\$0.00	0%
		11-30-2020 ✓	12-07-2020	\$468,859.00	\$0.00	0%	\$0.00	\$0.00	0%

Menu



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ORDINANCE NO. 2-2021

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. 7 for the year:

(A) The City of Shelby has identified a need to appropriate 2019 Housing Capital Facilities Funds to allow for various facility improvements in FY 2021. Accordingly, the following budget modifications are approved in accordance with the chart of accounts heretofore established for the City of Shelby.

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

(a) Increase 34006000-34827 2019 HUD Revenues	\$ 435,140
(b) Increase 340530-65035 2019 HUD Expenditures	\$ 435,140

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. 7</u>
General Fund	\$ 26,094,413	\$ 26,094,413
Emergency Telephone System Fund	107,000	107,000
Powell Bill Fund	645,000	645,000
Economic Dev. Fund	974,628	974,628
Housing Fund	1,771,040	2,206,180
Cemetery Fund	30,000	30,000
Utilities-Water Fund	6,066,638	6,066,638
Utilities-Sewer Fund	5,536,229	5,536,229
Utilities-Electric Fund	22,538,388	22,538,388
Utilities-Gas Fund	16,437,600	16,437,600
Utilities – Stormwater Fund	<u>868,220</u>	<u>868,220</u>
FY 2020-2021 Budget Total:	<u>\$ 81,069,156</u>	<u>\$ 81,504,296</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 4th day of January 2021.

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O. Stanhope Anthony III  
Mayor

ATTEST:

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

APPROVED AS TO FORM:

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Andrea Leslie-Fite  
City Attorney



City of Shelby  
Agenda Item Summary  
January 4, 2021  
Don Gibson Theatre

D. Unfinished Business

None

E. New Business

None

Agenda Item: F

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: G

Council Announcements and Remarks

H. Adjournment:

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

- 1) Motion to adjourn