

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 an ordinance to extend the corporate limits of the City of Shelby, North Carolina: Ordinance No. 1-2021 1
- 2) Consideration of a resolution approving a contract for Uptown Municipal Service District Services between the City of Shelby and Uptown Shelby Association, Inc.: Resolution No. 8-2021 15

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 23
- 2) Approval of the Minutes of the Regular Meeting of January 4, 2021 37
- 3) Approval of a Special Event Permit Application: 46
  - a. Uptown Shelby Carriage Rides for Valentines
- 4) Approval 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 54

Shelby City Council Agenda  
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5) Approval of a resolution approving application to Watch for Me NC: Resolution No. 4-2021	57
6) 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	60
7) Approval of a resolution revising and amending the personnel policies of the City of Shelby to provide for an updated Personnel Policy and Procedural Manual: Resolution No. 6-2021	68
8) Adoption of Fiscal Year (FY) 2020-2021 Budget Ordinance Amendment No. 7: Ordinance No. 2-2021	75
9) Adoption of an ordinance amending the City of Shelby's Schedule of Fees: Ordinance No. 3-2021	80
10) Approval of a resolution honoring B. Doyle McSwain on the occasion of his retirement from employment with the City of Shelby: Resolution No. 9-2021	85
D. Unfinished Business: None	88
E. New Business:	
1) Consideration of a resolution authorizing the Mayor and City Clerk to execute an Assumption Agreement and Subordination Agreement: Resolution No. 7-2021	89
F. City Manager's Report	96
G. Council Announcements and Remarks	96
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	96

City of Shelby  
Agenda Item Summary  
February 1, 2021  
Electronic Meeting

B. Public Hearings:

Agenda Item B-1

- 1) 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 January 25, 2021 from Walter Scharer, Planning Director to Rick Howell, City Manager
- Petition for Annexation
- Plat of property
- Proposed Annexation area map
- Future Land Use Map
- Staff Report
- Planning and Zoning Board Minutes
- Certificate of Sufficiency
- 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 Council must consider whether or not we can provide similar services to the property. In this case City services are available and can be provided with minimal cost.

**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: January 25, 2021  
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 February 1, 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 \_\_\_\_\_, \_\_\_\_\_.

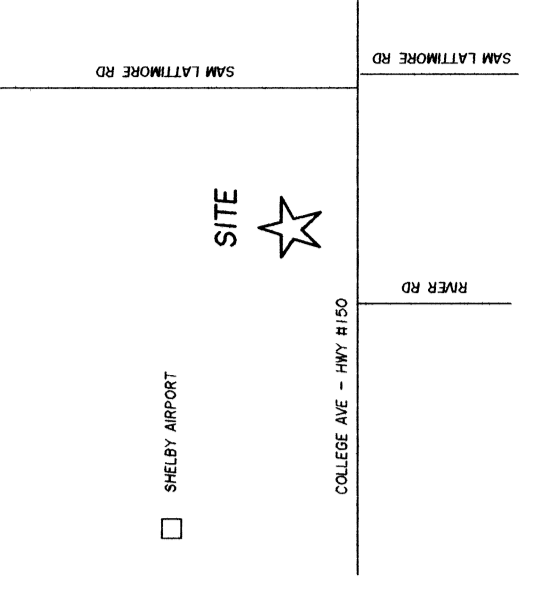
(SEAL)

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

WCDW03 11-03-2011

SURVEY BY  
**BANKHEAD SURVEYING, PA**  
 407 EAST MARION STREET  
 SHELBY, N.C. 28150  
 (704) 481-0440  
 FIRM LICENSE NUMBER - C-0972

VICINITY SKETCH



SITE

SHEDY AMOUNT

COLLEGE AVE - HWY 1150

RIVER RD

SAM LATTIMORE RD

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

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

**Sam Lattimore Road**

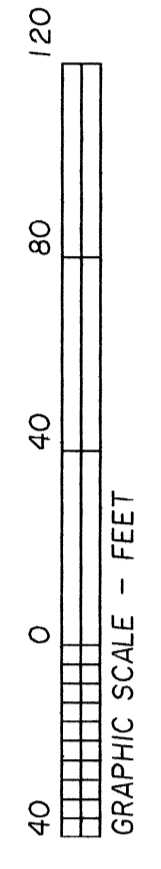
**ANNEXATION SURVEY FOR**  
**The City of Shelby**

**OWNER**  
**Sugar Branch Properties, LLC**

DEED REFERENCE: DEED 1770 PAGE 431; DEED 1754 PAGE 1386  
 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

REF: PLAT BOOK 36 PAGE 34

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

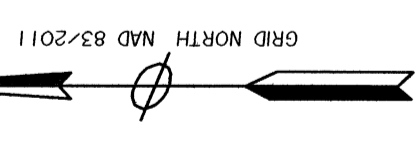
**3.105 Acres Total**

SUGAR BRANCH PROPERTIES, LLC  
 DB 1770 PG 431-42 PAGE 140  
 REFERENCE: PLAT BOOK 42 PAGE 140  
 TAX MAP REF: 3252-1-14  
 PARCEL NUMBER: 2575  
 (2.575 ACRES)  
 INCLUDING LEASE LOT

SOUTHERN BELL  
 TELEPHONE & TELEGRAPH  
 DB 1772 PG 242  
 REF: LOT 7 - B & PG 80

**River Road**

**College Avenue Hwy #150**  
 (NO DEDICATED R/W WIDTH FOUND BY BANKHEAD SURVEYING)



GRID NORTH MD 83/2011

DATE \_\_\_\_\_ REVIEW OFFICER \_\_\_\_\_  
 REVIEW OFFICER OF  
 COUNTY OF CLEVELAND  
 PLAT TO WHICH THIS CERTIFICATION IS APPLIED  
 MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

**GENERAL NOTES**

- AREA CALCULATED BY COORDINATE COMPUTATION
- ALL DISTANCES SHOWN HEREON ARE HORIZONTAL DISTANCES
- NO FEATURES (BUILDING, UTILITIES, ETC) LOCATED EXCEPT AS SHOWN
- UNDERGROUND UTILITIES HAVE NOT BEEN LOCATED
- BANKHEAD SURVEYING WAS NOT PROVIDED WITH ANY TITLE EXCEPTIONS OF RECORD OR UNRECORDED EASEMENTS
- THIS SURVEY IS SUBJECT TO EASEMENTS
- RECORD OR UNRECORDED EASEMENTS
- THIS SURVEY IS SUBJECT TO EASEMENTS
- THIS SURVEY IS SUBJECT TO EASEMENTS

**LEGEND**

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

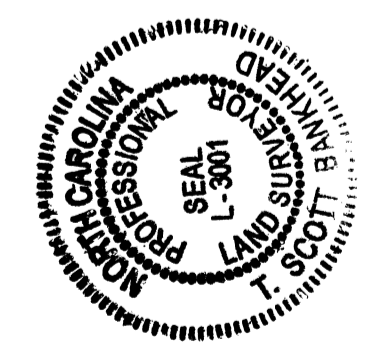
CITY OF SHELBY  
 REF: PLAT BOOK 17 PAGE 44

NGS MONUMENT "APPROX"  
 N 457.21288  
 E 1.02663540  
 MD 85/2011

EXISTING PARCELS

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

T. SCOTT BANKHEAD (PLS)



I, T. SCOTT BANKHEAD, PROFESSIONAL LAND SURVEYOR CERTIFY THAT THIS PLAT WAS DRAWN FROM AN ACTUAL FIELD SURVEY PERFORMED UNDER MY DIRECTION AND NOT SURVEYED BY DASHED LINES DRAWN FROM THE DEED INFORMATION SHOWN HEREON THAT THE RATIO OF PRECISION IS 1:17440, AND THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH GS 47-30 AS AMENDED, WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS

2020

Professional Land Surveyor - License No. L-3001





# 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



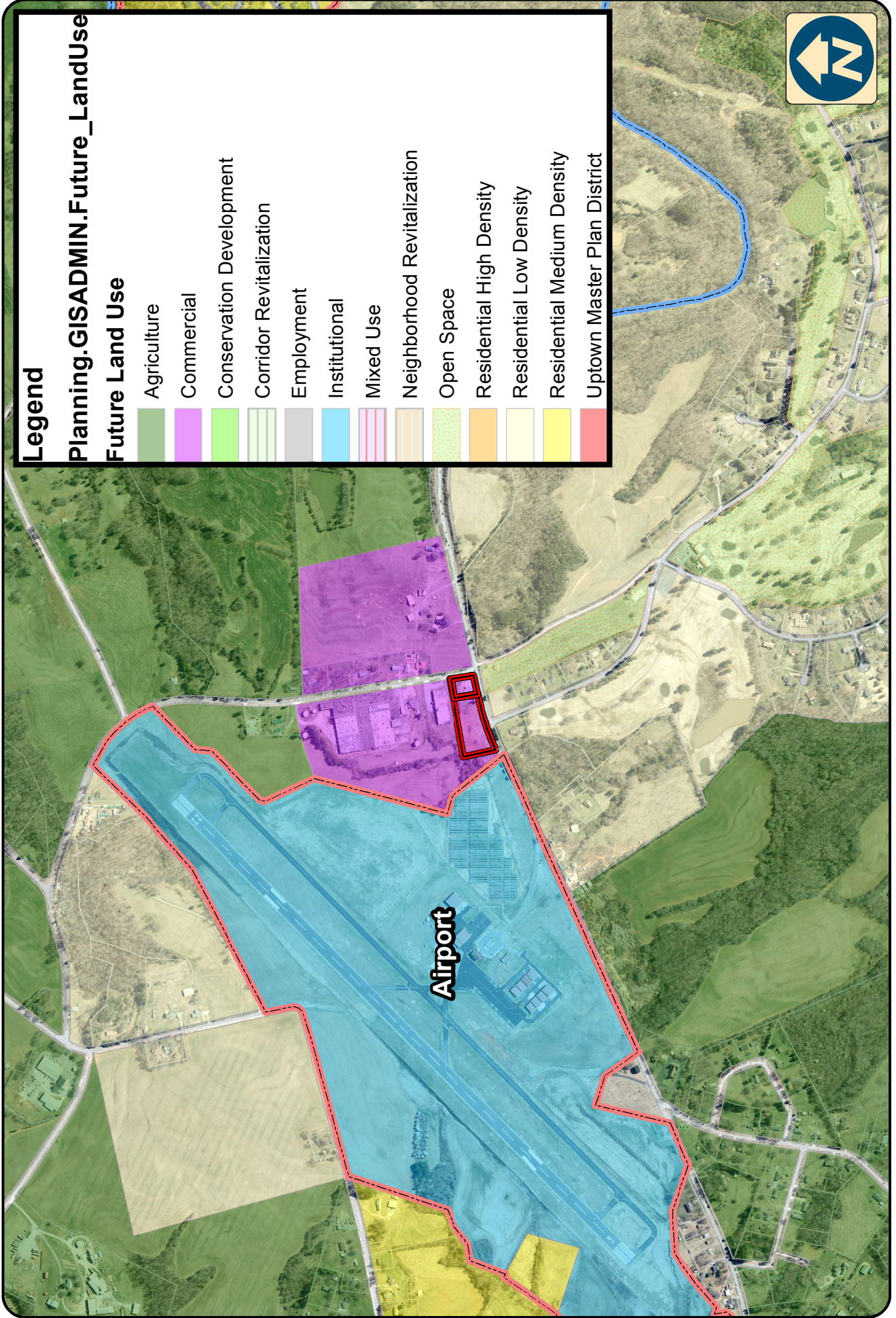
Date: 11/20/2020





# 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



Date: 12/16/2020







# 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.



# 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.



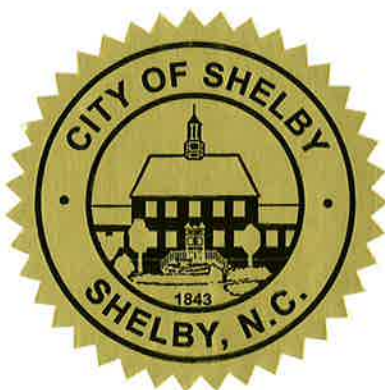
**CERTIFICATE OF SUFFICIENCY**

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

**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 February 1, 2021 at 6:00 p.m. via Zoom 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.

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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, Thursday, January 20, 2021 and Thursday, January 27, 2021.**

**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 1<sup>st</sup> day of February 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  
February 1, 2021  
Electronic Meeting

Agenda Item B-2

- 2) Consideration of a resolution approving a contract for Uptown Municipal Service District Services between the City of Shelby and Uptown Shelby Association, Inc.:  
Resolution No. 8-2021

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

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- Memorandum dated January 25, 2021 from Walter Scharer, Planning Director to Rick Howell, City Manager
- Contract for Uptown Municipal Service District Services
- Notice of Public Hearing
- Resolution No. 8-2021

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City Manager's Recommendation / Comments

In accordance with NCGS 160A-536(d1) the City has solicited proposals for the provision of services within the uptown municipal service district. This public hearing is a requirement in order to seek public input on the proposed contract with the Uptown Shelby Association. The agreement outlines the scope of work, the term (annual renewal for up to 5 years), funding allocation and reporting requirements.

Following the conclusion of the hearing the Council **may not** immediately act on the item under consideration. Under a provision adopted in 2020 modifying (S.L. 2020-3, SB 704) the NC General Statutes the City Council **may not** immediately act on the subject matter following the close of the public hearing held via electronic meeting. It must receive public comment on the issue at hand for at least 24 hours following the close of the hearing. Consideration of the adoption of Resolution No. 8-2021 may take place at your next regularly scheduled meeting to be held on **Monday, February 15, 2021.**

**After the conclusion of the public hearing City Council may not immediately act upon Resolution No. 8-2021**





## **Memorandum**

To: Rick Howell - City Manager  
From: Walter Scharer – Planning Director  
Date: January 25, 2021  
Subject: Municipal Service District Contract

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

North Carolina General Statute 160A-536 authorizes municipalities to create special municipal service districts. The Uptown District here in Shelby is a Municipal Service District. The statute also requires Municipalities to put out a Request for Proposal (RFP) for potential organizations to operate such districts no less than every five years. Staff put out an RFP to service the Uptown District in November of 2019. The Uptown Shelby Association was the only organization to submit a proposal.

Prior to having a contract created and holding a public hearing, the Cyber-attack and COVID-19 occurred. Staff is just now getting this before City Council for the required public hearing.

### **Review and Comments**

Staff, in association with the City Attorney, has created a contract with the Uptown Shelby Association.

Staff recommends this contract.

Please schedule a public hearing for this Municipal Service District Contract with the Uptown Shelby Association for the February 1, 2021, 2021 City Council meeting.

**Attachment: Contract**

**NOTICE OF PUBLIC HEARING FOR AN UPTOWN SHELBY MUNICIPAL SERVICE CONTRACT**

The City Council of Shelby, North Carolina will conduct a public hearing on Monday, February 1, 2021 at 6:00 PM via Zoom to hear those interested in commenting on the proposed contract with the Uptown Shelby Association to provide facilities, functions, and promotional and developmental activities for the Uptown Municipal Service District.

Additional information regarding this proposed contract 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.

**The Shelby Star:**

**Please publish this notice as a legal line ad on Saturday, January 23, 2021; Tuesday, January 26, 2021.  
Mail invoices with affidavits to Walt Scharer, City of Shelby, PO Box 207, Shelby, NC 28151. Thank you.**

## CONTRACT FOR UPTOWN MUNICIPAL SERVICE DISTRICT SERVICES

THIS CONTRACT (“Contract”) is made as of February \_\_\_\_, 2021, by and between the Uptown Shelby Association Incorporated (hereinafter “USA”), a non-profit corporation organized under the laws of the State of North Carolina and a “private agency” as referenced in Article 23 of Chapter 160A of the North Carolina General Statutes, and the City of Shelby, North Carolina, a municipal corporation organized under the laws of the State of North Carolina (hereinafter “City”); collectively “Parties”.

WHEREAS, Shelby City Council under the authority of N.C. Gen. Stat. § 160A-536 may define any number of service districts in order to finance, provide or maintain downtown or uptown revitalization projects;

WHEREAS uptown revitalization includes improvements, services, functions, promotions, and developmental activities intended to further the public health, safety, welfare, convenience, and economic well-being of the central city or uptown area;

WHEREAS the City of Shelby may provide services, facilities, functions, or promotional and developmental activities in a service district with its own forces or through a contract with a private agency or by any combination thereof; and

WHEREAS the purpose of this Contract is to secure services which follow and utilize the Main Street philosophy and Four Point Approach of Organization, Design, Promotion and Economic Vitality. The USA shall provide the following services: Marketing and Communications, Economic Development, Event Management, and Planning and Development;

NOW WHEREFORE, in consideration of the mutual promises contained herein, the Parties agree as follows:

1. **Scope of Work for the Private Agency.** The City establishes the following Scope of Work for USA.
  - a. **Core Program Areas and General Objectives of the Main Street Four Point Approach of Economic Vitality**
    - i. Support existing businesses
    - ii. Recruit new businesses
    - iii. Support new development opportunities
    - iv. Development strategies to increase business activity
    - v. Support the planning and implementation of capital projects
  - b. **Organization – Planning and Development**
    - i. Work to ensure that all organizational resources (locating partners, volunteers, and necessary resources) are mobilized to effectively work together
    - ii. Maintain a viable non-profit structure with a governing board of directors and standing volunteer committees composed of the stakeholders for the uptown community
    - iii. Build consensus and cooperation among various groups and individuals that have a stake in commercial districts
    - iv. Identify sources of funding for revitalization activities

**c. Promotions**

- i. Market uptown as a destination for living, working, shopping, and entertainment
- ii. Market and promote businesses, events, and cultural programs uptown
- iii. Advocate on behalf of uptown stakeholders
- iv. Educate the public on uptown opportunities and issues
- v. Communicate with uptown stakeholders
- vi. Communicate with the public sector
- vii. Support existing events with management services and/or funding support
- viii. Support the production of new events
- ix. Develop strategies to increase the utilization of uptown for cultural programs and events

**d. Design**

- i. Support the planning and implementation of streetscape improvements
- ii. Support the preservation of historic structures
- iii. Provide and support improvements to the uptown aesthetics enhancing the visual quality of the district
- iv. Provide and support place making and street activation enhancement (art installations, street furniture, decorations, signage, etc.)

- 2. **Term.** USA shall perform the scope of work defined above from the date of the Contract until one year thereafter. The Contract shall automatically renew from year to year; not to exceed five years in accordance with G.S. 160A-536(d1) (2). Notwithstanding, the City has the right to terminate the services of USA without cause or justification on 90 days written notice.
- 3. **Limits on Role, Scope, and Authority of USA.** Under no circumstances may the USA commit City funds outside of the program budget to any businesses or projects. USA works in a supportive role with the City to facilitate connections that may result in economic development agreements. USA is an Independent Contractor. The Shelby City Council holds the authority to levy a municipal service district property tax and the full proceeds will be remitted to the USA on an annual basis. The Shelby City Council may appropriate additional City funding to support USA at its sole discretion.
- 4. **Annual Program Budget Allocation.** Budgets beginning July 1<sup>st</sup> and ending June 30<sup>th</sup>, shall be established annually by the City. The anticipated funding amount is subject to annual municipal district tax receipts which may fluctuate over the term of the Contract. An annual budget assessment report must be submitted in writing to the Shelby City Council by March 1 of each year, for the upcoming fiscal year, and must identify “needs of the service district, completed projects, and pending projects”. Before submitting the report, the USA must seek input from property owners and residents in the district about the district’s needs for the upcoming fiscal year. The report shall include documentation of USA’s efforts to obtain and consider this input.
- 5. **Miscellaneous:**
  - a. Complete Agreement. This instrument constitutes the entire agreement between the parties and supersedes any and all prior agreements, arrangements and understandings, whether oral or written, between the Parties. No modifications of

this instrument shall be binding unless in writing, attached hereto, and signed by the party against whom or which it is sought to be enforced.

- b. Waiver. No waiver of any right or remedy shall be effective unless it is in writing and nevertheless shall not operate as a waiver of any other right or remedy or of the same right or remedy on a future occasion.
- c. Caption and Words. The captions and headings contained herein are solely for convenience and reference and do not constitute a part of this Contract. All words and phrases in this Contract shall be construed to include the singular and plural number and the masculine, feminine or neuter gender, as the context requires.
- d. Binding Effect. This Contract shall be binding upon and shall inure to the benefit of the parties and their heirs, successors and permitted assigns.
- e. North Carolina Law. This Contract shall be construed in accordance with the laws of the state of North Carolina without giving effect to its conflict of laws principles.
- f. Forum Selection. The parties agree to the jurisdiction and venue exclusively of the state courts in Cleveland County, North Carolina for any action arising from or to enforce this Contract .
- g. Limitation of liability. No party shall be liable to another party, or to the extent this Contract may limit the same to any third party, for any special, indirect, incidental, exemplary, consequential or punitive damages arising out of or related to the Contract, whether the claims alleges tortious conduct, including negligence, or any other legal authority.
- h. Two Originals. This instrument may be executed in two (2) or more counterparts as the parties may desire, and each counterpart shall constitute an original.
- i. Consumation. Each party will execute and deliver all additional documents and do all such other acts as may be reasonably necessary to carry out the provisions and intent of this instrument.
- j. Authority. Any corporate party or business entities and its designated partners, ventures, or officers have full and complete authority to sell, assign and convey the contracts and assume the obligations referred to herein; said corporations or entities are in good standing under North Carolina law.
- k. Severability. If any one or more of the terms, provisions, covenants or restrictions of this Contract shall be determined by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the terms, provisions, covenants, and restrictions of this Contract shall remain in full force and effect and shall in no way be affected, impaired or invalidated. If, however, any one or more of the provisions contained in the Contract shall for any reason be determined by a court of competent jurisdiction to be excessively broad as to duration, geographical scope, activity or subject, it shall be construed, by limiting or to reducing it, so as to be enforceable to the extent compatible with the then applicable law.

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UPTOWN SHELBY ASSOCIATION, INC.

CITY OF SHELBY, NORTH CAROLINA

_____	_____	_____	_____
Audrey Whetten	Date	Rick Howell	Date
Executive Director		City Manager	

Attest:

Attest:

_____	_____	_____	_____
[Name]	Date	Bernadette Parduski	Date
[Title]		City Clerk	

Pre-Auditing Certification. This instrument has been pre-audited in the many require by the Local Government Budget and Fiscal Control Act to assure compliance with NCGS 159-28.

Approved as to form:

\_\_\_\_\_

Andrea Leslie-Fite  
City Attorney

RESOLUTION NO. 8-2021

A RESOLUTION APPROVING A CONTRACT FOR UPTOWN MUNICIPAL SERVICE DISTRICT SERVICES BETWEEN THE CITY OF SHELBY AND UPTOWN SHELBY ASSOCIATION, INC

WHEREAS, North Carolina General Statute 160A-536 authorizes municipalities to create special municipal service districts and requires municipalities to publicize a Request for Proposal (RFP) for potential organizations to operate such districts no less than every five (5) years; and,

WHEREAS, the City of Shelby received only one (1) proposal from the Uptown Shelby Association, Inc. for consideration; and,

WHEREAS, the staff of the City of Shelby has determined and recommended formalizing and creating a contract with Uptown Shelby Association, Inc., attached hereto as ATTACHMENT A and made a part of this Resolution.

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

Section 1. The City Manager and the City Clerk of the City are hereby authorized and directed to execute the contract set forth as ATTACHMENT A herein.

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

Adopted and approved this the 1<sup>st</sup> day of February 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  
February 1, 2021  
Electronic Meeting

**C. Consent Agenda:**

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

**Agenda Item: C-1**

- 1) Approval of the Minutes of the Regular Meeting of 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  
February 1, 2021  
Electronic Meeting

Agenda Item: C-2

2) Approval of the Minutes of the Regular Meeting of January 4, 2021

**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 January 4, 2021

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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  
Don Gibson Theatre

January 4, 2021  
Monday, 6:00 p.m.

**Present:** Mayor O. Stanhope Anthony III, presiding; Council Members 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, Fire Chief William P. Hunt, MPA, EFO, Director of Planning and Development Services Walter (Walt) Scharer, AICP, Stan Lowery, Executive Director, Don Gibson Theatre; and Jennifer H. Harrill, Social Media Manager, Blue Eyes Social Media Connections

**Absent:** Council Members David W. White, David Causby, and Eric B. Hendrick

Mayor Anthony called the meeting to order at 6:00 p.m. It was noted a location for public access to the meeting was established at the Don Gibson Theatre in accordance with 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 and Mr. Hopper led the Pledge of Allegiance.

### A. Approval of agenda:

Mayor Anthony explained the following item did not require a public hearing. At staff's suggestion, the Mayor requested that Item B-4 under Public Hearings be moved to New Business as Item E-1 as follows:

- 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

#### 1) Motion to adopt the proposed agenda

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

Mayor Anthony provided instructions as to the quasi-judicial process as follows:

**Council conducts a formal evidentiary hearing to find facts; due process requires all parties to present sworn testimony; each finding must be supported by competent, material, and substantial evidence, not unsupported allegations, inadmissible hearsay, or lay opinions; Council must make findings of fact and then apply the existing laws and policies to those facts to arrive at a decision; and information provided by Mr. Scharer within the agenda packet is to be considered evidence to be factored in as part of the decision-making process.**

**Mayor Anthony opened the evidentiary hearing at 6:06 p.m. and sworn testimony was given as follows:**

**Mr. Scharer introduced Resolution No. 1-2021 and the Special Use Permit Application applied for by Southwood Realty Company. He noted the proposed development is located along South Dekalb Street between Shelby High School and Shelby Middle School. The current zoning for the project is Corridor Protection District (CPD) which allows multi-family apartments through the Special Use Permit process. Mr. Scharer further stated staff has reviewed the site plan for the Palisades of Shelby residential development project submitted by the applicant and recommended approval of this Special Use Permit. He added the proposed Special Use Permit request is consistent with the Shelby Comprehensive Land Use Plan.**

**William Ratchford who provided his business address as Southwood Realty Company, 165 South York Street in Gastonia, North Carolina, and appeared on behalf of the same as the applicant. Mr. Ratchford is a licensed engineer and developer in this family-owned business headquartered in Gastonia, North Carolina. He stated Southwood Realty currently manages and operates 20,000 units in three states while building 1,000 to 1,200 units per year. Mr. Ratchford further stated the proposed multi-family residential project will provide much needed workforce rental housing in the City of Shelby with 312 units, garages, and full amenities at a valuation of \$51 million. He mentioned Southwood Realty has owned Madison Park Apartment Homes in Shelby and has had its presence in the City since 2012. Mr. Ratchford added the Palisades brand of apartment communities is very similar to Southwood's most recent project, Groves at Town Center completed in Fletcher, North Carolina.**

**G. Thomas Jones III, PE who provided his business address as WGLA Engineering, PLLC, 724 Fifth Avenue West in Hendersonville, North Carolina, spoke in support of Southwood Realty as a quality developer of apartment complexes. Mr. Jones also stated he has had a longstanding, professional relationship with Triangle Real Estate and Southwood Realty Company, both owned by the Ratchford family.**

Frankie Barkley who resides at 204 Fox Run in Shelby, North Carolina was present and declined to speak.

At the request of Mrs. Fite, the photographs provided by Mr. Ratchford were admitted into evidence and made a part of the record.

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

After hearing all who wished to present testimony on said Special Use Permit request and considering the facts presented in this cause, City Council concluded and made the Findings of Fact and Conclusions of Law which are found in Attachment A of Resolution No. 1-2021.

**ACTION TAKEN:** Mrs. Arth Dukes made a motion to approve and adopt Resolution No. 1-2021 entitled, "A RESOLUTION GRANTING A SPECIAL USE PERMIT TO SOUTHWOOD REALTY COMPANY AT SOUTH DEKALB STREET", based on the proposed Findings and Conditions found in ATTACHMENT A.

The vote was unanimous.

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

Mr. Scharer introduced Ordinance No. 1-2021 for Council's consideration. He stated this annexation site has an area of approximately 3.1 acres. The property lies between the primary City limits and the Shelby Cleveland County Regional Airport. It is being considered for future commercial development and has access to all City utilities. Mr. Scharer further stated staff recommends proceeding with the annexation and the Corridor Protection District (CPD) zoning for these properties. The CPD is intended to provide development that is compatible with a major highway corridor. The Comprehensive Transportation Plan denotes East College Avenue as a major thoroughfare. Mr. Scharer added the proposed zoning map amendment is consistent with the Shelby Comprehensive Land Use Plan.

Mayor Anthony opened the public hearing at 6:21 p.m. and invited comments from the public.

The public offered no comments.

Mayor Anthony closed the public hearing at 6:22 p.m.

**ACTION TAKEN:** Upon a motion made by Mr. Webber, City Council voted unanimously to approve and adopt Ordinance No. 1-2021 entitled, "AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF SHELBY, NORTH CAROLINA".

**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**

Mr. Scharer introduced Resolution No. 2-2021 for Council's consideration. Previously, the City received a request and petition from abutting property owners to permanently close an unopened right-of-way between Textile Street and East Shannonhouse Street. If approved, the resolution and order would permanently close this unopened right-of-way, returning ownership to the abutting property owners. In this case, the properties are owned by three property owner limited liability companies (LLC), a group owned and managed by the same entity. Mr. Scharer stated the request is part of the proposed Cambridge Commons multi-family development. The developer, Cleveland County 2 MMR Limited Partnership, may redesign this part of the project with the right-of-way being closed for better access and parking.

Mayor Anthony opened the public hearing at 6:23 p.m. and invited comments from the public.

The public offered no comments.

Mayor Anthony closed the public hearing at 6:24 p.m.

**ACTION TAKEN:** Upon a motion made by Mrs. Arth Dukes, City Council voted unanimously to approve and adopt Resolution No. 2-2021 entitled, "A RESOLUTION AND ORDER PERMANENTLY CLOSING AN UNOPENED RIGHT-OF-WAY BETWEEN TEXTILE STREET AND EAST SHANNONHOUSE STREET".

**4) REMOVED AND PLACED UNDER NEW BUSINESS AS ITEM E-1**

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

**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 December 7, 2020
- 2) Approval of a resolution approving application to Watch for Me NC:  
Resolution No. 4-2021

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

D. Unfinished Business: None

E. New Business:

- 1) 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

Mr. Howell introduced Resolution No. 3-2021 for Council's consideration. He stated the North Carolina Housing Finance Agency recently announced the availability of funds under the Urgent Repair Program. The Agency proposed to make a total of \$4.5 million available for the 2021 Urgent Repair Program (URP21). Program funding enables recipient organizations to provide deferred, forgiven loans of up to \$10,000 for emergency home repairs and modifications to very low-income owner-occupied homes. Eligible households are those with one or more full-time household members with special needs. Household incomes cannot exceed 50 percent of area median income.

Mr. Howell further stated non-profit organizations, local governments, and regional councils of government with the technical capacity to manage residential construction projects are eligible to apply for funding through a competitive application process. Eligible applicants must cover service areas with a population of 5,000 or greater. The maximum funding amount is \$100,000 for projects serving a single county.

Mr. Howell discussed the goals of the Urgent Repair Program:

- To alleviate housing conditions which pose an imminent threat to the life or safety of very low-income homeowners with special needs; and
- To provide accessibility modifications and other repairs necessary to prevent the imminent displacement of very low-income homeowners with special accessibility needs, such as frail elderly and persons with disabilities.

Next, Mr. Howell discussed the Urgent Repair Program objectives:

- To assist very low-income and low-income owner-occupant households with one or more fulltime household members with special needs (elderly, handicapped or disabled, veteran, single-parent, large households, or households with children who have elevated blood lead levels); and
- To serve households with urgent repair needs that cannot be met through other state or federally funded housing assistance programs; and
- To enable frail elderly homeowners, and other household members with physical disabilities, to remain in their homes by providing essential accessibility modifications.

To conclude, Mr. Scharer stated the City's application is due January 25, 2021 with an application fee of \$75.00. Program awards will be announced in April 2021. He noted no organization in Cleveland County has received URP funds since 2011, classifying the City of Shelby's application as a project servicing an "underserved region".

**ACTION TAKEN:** Upon a motion made by Mrs. Arth Dukes, City Council voted unanimously to approve and adopt Resolution No. 3-2021 entitled, "A RESOLUTION APPROVING THE SUBMISSION OF CITY OF SHELBY'S APPLICATION FOR NORTH CAROLINA HOUSING FINANCE AGENCY 2021 URGENT REPAIR PROGRAM".

**F. City Manager's Report:**

- 1) Mr. Howell previously announced the City of Shelby had been awarded Community Development Block Grant (CDBG) funds for the NC CDBG Coronavirus (CDBG-CV) Program in the amount of \$900,000. He stated the City will focus its award on public service subsistence payments to prevent utility disconnections. Additionally, the City is exploring ways to assist those who have no or limited access to broadband. The priority in this category is broadband services and enhancing internet access that supports increased connectivity to schools, jobs, and healthcare. Mr. Merritt will continue to oversee this grant and monitor the program guidelines on behalf of the City.
- 2) Regarding the Transportation Alternatives Program (TAP) Grant from the North Carolina Department of Transportation (Rail Corridor Acquisition), Mr. Howell informed Council that he and staff continue to work with DOT staff and Dan Gurley of Speaker of the House Tim Moore's office to secure the \$4,160,000 locally administered federal grant awarded to the City of Shelby.



- 3) Mr. Howell informed Council of a request received from Cleveland County for assistance from the City with building inspectors due to a series of retirements within the County's Planning Department. He also recalled for Council a similar request made by the City to the County in December 2014 due to a staffing shortage within the City's Planning and Development Services Department. Mr. Howell added North Carolina General Statutes state a governing board may designate staff from any other city or county to serve as a member of its staff with the approval of the governing board of the other city or county by formally adopted resolution. After consulting with Mrs. Fite, this matter will be brought back to Council for consideration at the appropriate time.
- 4) Regarding Shelby's Water and Sewer System Capital Improvement Plans and Financial Analysis Update, Mr. Howell mentioned the consulting work by Withers Ravenel to project and prioritize the long-term enterprise funds' capital needs and develop a plan for funding those needs while charging equitable rates is ongoing.
- 5) Regarding the First Broad River Wastewater Treatment Plant Biosolids Facility Project, Mr. Howell stated the plant is now fully operational. The only major component of the project is the installation of the air burner. A ribbon cutting ceremony will also be scheduled sometime in February 2021.

#### **G. Council Announcements and Remarks:**

- 1) Citing further concerns about the local spread and increased cases of COVID-19, Mayor Anthony suggested Council consider postponing its retreat which was to be held on Saturday, January 9, 2021.

A brief discussion followed and by consensus, Council cancelled their retreat to a date to be determined.

- 2) Mayor Anthony requested clarification on the expansion of the Christmas lights in Uptown Shelby.

Mr. Howell responded the Uptown Christmas lights are on a phased in plan (Phases 1 – 4 or 5) to be implemented over time and when resources are available. This year's phase was delayed due to the City's financial uncertainties related to the COVID-19 pandemic.

- 3) Mayor Anthony and Council members collectively wished all a Happy New Year with the best of health, urging the public to stay safe.

#### **H. Adjournment:**

**1) Motion to adjourn**

**ACTION TAKEN:** Upon a motion made by Mr. Webber, City Council voted unanimously to adjourn the meeting at 6:42 p.m.

Respectfully submitted,

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

**O. Stanhope Anthony III**  
Mayor

**Minutes of January 4, 2021**

**DRAFT**

City of Shelby  
Agenda Item Summary  
February 1, 2021  
Electronic Meeting

Agenda Item: C-3

3) Approval of a Special Event Permit Application:

- a. Uptown Shelby Carriage Rides for Valentines

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

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- Memorandum dated January 25, 2021 from Bernadette A. Parduski, City Clerk to Rick Howell, City Manager
- Memorandum from Bernadette A. Parduski, City Clerk to Police Chief Jeff Ledford, Fire Chief William Hunt, Fire Marshal Phil Lane, Parks and Recreation Director Charlie Holtzclaw, Public Works Director Danny Darst, Assistant Director Public Works Scott Black, Director of Engineering Services Ben Yarboro, Director of Energy Services Julie McMurry and Planning Director Walter Scharer
- Special Event Permit Application

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City Manager's Recommendation / Comments

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

# Memo

**To:** Rick Howell, City Manager  
**From:** Bernadette A. Parduski, City Clerk  
**Date:** January 25, 2021  
**Re:** Special Event Permit Application

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## BACKGROUND:

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

- ✓ Uptown Shelby Carriage Rides – Valentine’s, requested date: February 13, 2021

## REVIEW:

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

## RECOMMENDATION:

Please place the attached Special Event Permit Application on the Consent Agenda of February 1, 2021 for Council’s review and approval.

## ATTACHMENT:

- A. Special Event Permit Application packet received January 14, 2021

# Memo

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

**From:** Bernadette A. Parduski, City Clerk

**CC:** Rick Howell, City Manager

**Date:** January 25, 2021

**Re:** Special Event Permit Application

All:

Attached you will find a Special Event Permit Application submitted by Tricia Woodland of Uptown Shelby Association, as follows:

- ✓ Uptown Shelby Carriage Rides – Valentine's, requested date: February 13, 2021

Please carefully review the details of this application as it pertains to your department, and let me know of any anticipated problems/objections that you would like to bring to the attention of the City Council. If there are none, please let me know that as well. The event will be considered by City Council at the February 1, 2021 meeting and recommended for approval unless you advise otherwise. If I do not hear from you by January 27, 2021, it will be assumed that you agree with the application as presented.

As always, thanks for your attention and consideration.

Attachment

CITY OF SHELBY  
SPECIAL EVENT PERMIT APPLICATION



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

1. EVENT NAME:

Uptown Carriage Rides - Valentines

2. PURPOSE AND BRIEF DESCRIPTION OF EVENT:

To have a safe activity in Uptown for the Sat Night before Valentines Day. Carriage Rides under the lights

3. LOCATION OF EVENT (ATTACH MAP):

Same route as Christmas Carriage Rides

4. PLEASE INDICATE:

Approximately how many people will attend the event? 13-14 rides - 30-40 people

Approximately how many vehicles will be present? 1 carriage <sup>over</sup> 3 hours.

Approximately how many animals will be present? 1 or 2 horses

If the event is a parade, please indicate the amount of street that will be needed: \*Not parade\*

Single lane \_\_\_\_\_

All lanes in travel direction \_\_\_\_\_

Whole street \_\_\_\_\_



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

Name: Tricia Woodland - Uptown Shelby Assoc.  
Address: 211 South Trade St., Shelby, NC 28150  
Phones: 704-484-3934 704-351-2632  
(Daytime) (Evening)  
twoodland@uptownshelby.com  
E-mail address

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phones: \_\_\_\_\_  
(Daytime) (Evening)  
\_\_\_\_\_  
E-mail address

**6. PLEASE LIST THE FOLLOWING:**

Requested day(s) and date(s) Feb 13 2021  
Alternate day(s) and date(s) \_\_\_\_\_  
Requested hours of operation, from 5:00 AM/PM to 9:00 AM/PM

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

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

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

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

Will alcoholic beverages be served? No

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

Will food and/or no-alcoholic beverages be served? No

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

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

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

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

Name: Tricia Woodland - CPR/First Aid Trained  
Address: \_\_\_\_\_  
Phones: \_\_\_\_\_

Indicate medical services that will be provided for the event.

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

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


12-15 cones + 2 Barricade to Block  
1 Lane of Washington Street

**12. ANY ADDITIONAL COMMENTS:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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



SIGNATURE

Patricia Woodland-USA 704-351-2832

APPLICANT

PHONE

211 South Trade Street, Shelby

PHYSICAL ADDRESS

+ woodland@uptownshelby.com

E-MAIL ADDRESS

1/14/21

DATE

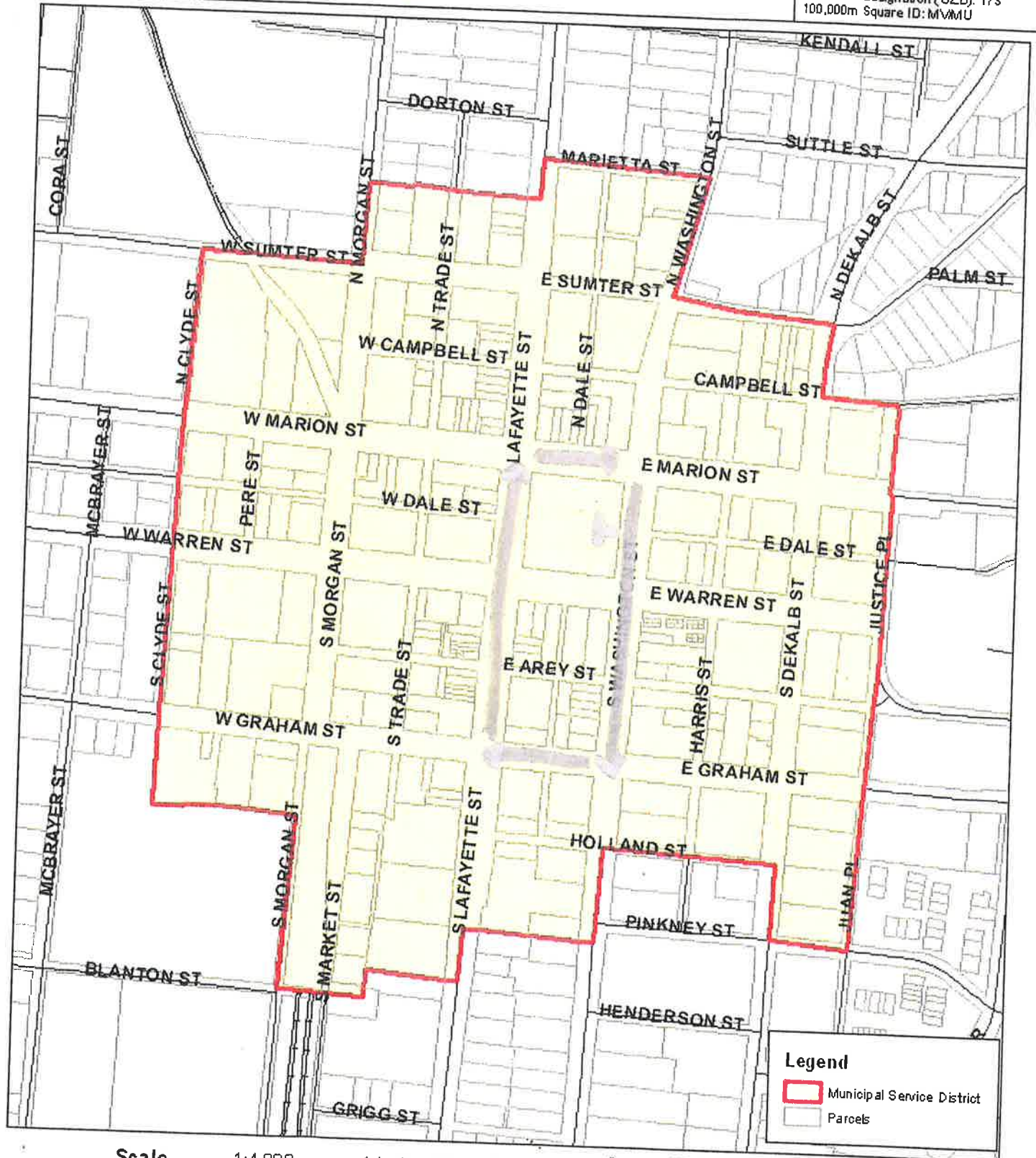




# City of Shelby Municipal Service District



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



**Legend**

- Municipal Service District
- Parcels

Scale 1:4,800 1 inch = 400 feet  
0 200 400 800 Feet

City of Shelby  
Agenda Item Summary  
February 1, 2021  
Electronic Meeting

Agenda Item: C-4

- 4) Approval 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

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

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- Memorandum dated January 25, 2021 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: January 25, 2021

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.

Please place this item on the consent agenda for February 1, 2021.

**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 1<sup>st</sup> day of February 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  
February 1, 2021  
Electronic Meeting

Agenda Item: C-5

- 5) 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: January 25, 2021  
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 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 February 1, 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 1<sup>st</sup> day of February 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  
February 1, 2021  
Electronic Meeting

Agenda Item: C-6

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

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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

**AGREEMENT**

**Between the**

**CITY OF SHELBY, NORTH CAROLINA**

**And**

**WHITE INVESTMENTS OF SHELBY, LLC**

**For**

**COMMISSIONED MURAL MADE FOR HIRE**

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This Agreement is made and entered into this \_\_\_day of [November], 2020, by and between the City of Shelby, North Carolina, a municipal corporation organized under the laws of the State of North Carolina and hereinafter referred to as the “City” and the White Investments of Shelby LLC, a limited liability company organized under the laws of North Carolina, hereinafter the “Property Owner”;

**WHEREAS**, Owner is the owner of record for parcel number 17111, hereinafter “Property” 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;

**WHEREAS**, the City 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;

**WHEREAS**, the Property Owner hereby recognizes that the purpose of the project is to enhance the community and encourage tourism and commerce in the City and increase tourism in the area. The project will strive for diversity of style, scale, and media represented;

**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;

**NOW THEREFORE**, in consideration of the mural covenants hereinafter contained, it is mutually agreed between the parties as follows:

1. **LOCATION.** The Property Owner hereby agrees to allow the City to paint the entire east facing wall as identified as Cleveland County Tax Parcel Number 17111. Property Owner expressly agrees the mural shall be the only image located on the aforementioned wall.

2. **COMPENSATION.** The Parties expressly agree that no compensation of any kind will be paid to the Property Owner, its members, associates or affiliates for use of its Property as described herein.
3. **TERM.** The mural shall be allowed to remain on the wall for a period of ten (10) years.
4. **RENEWALS.** The Agreement may be renewed for successive five (5) year periods upon mutual written agreement between the Property Owner and the City prior to the end of the initial ten-year period.
5. **SALE OR LEASE OF PROPERTY.** During the term, or any extension thereof, at such time as property is being offered for sale or lease, or the building on such property is being demolished or expanded where the mural is located, or the mural otherwise interferes with the Property Owners' use, occupancy, or control of the property, then at the Property Owner's sole discretion, the Property Owner has the right to cancel this Agreement upon six (6) months written notice to the City. Notwithstanding, if the Property Owners cancels the Agreement before the expiration of the initial term of the Agreement, the Owner shall pay the City an amount equal to ten percent (10%) of the mural's total cost for each year remaining in the Agreement.

Balance of years remaining in Agreement for early termination	Percentage Owed to the City
10	100%
9	90%
8	80%
7	70%
6	60%
5	50%
4	40%
3	30%
2	20%
1	10%

6. **ARTIST COMPENSATION.** The City agrees that it shall compensate the selected artist for the use of materials and services rendered for the execution and completion of the mural; including but not limited to the application of the mural to a pre-primed surface provided for the artist.
7. **ACCESS.** The Property Owner agrees to provide the City with reasonable access to the site for such work as may be required but that will not interfere with the Property Owner's business operations.



8. **MAINTENANCE.** The City shall bear the cost of properly maintaining the mural through routine maintenance and shall not allow the mural to deteriorate.
9. **COPYRIGHT.** The Property Owner understands and agrees that the placement of the copyrighted artwork (mural) on the site in no way entitles the Property Owner to use, at its discretion, the artwork for advertising/profit making purposes or any other publicity, except under conditions in which the artwork has been released by both the artist and the City. The Owner shall obtain consent from the City for use of the image in any manner for advertising or other profit-making endeavor.
10. **INDEMNIFICATION.** The Property Owner agrees to indemnify and hold harmless the City, including but not limited to the governing board, all departments, directors, employees, representatives, contractors, subcontractors, or their employees harmless from all liabilities, third party claims, causes of action, judgments, damages, losses and expenses (including reasonable attorney's fees) arising out of any breach of the Property Owner's representations, promises or performance of obligations under the Agreement.
11. **SELECTION OF ARTIST.** The selection of the artist and subject matter shall be the sole responsibility of the City.
12. **ASSIGNMENT OF RIGHTS.** No rights under this Agreement shall be assigned to any other party except as expressly agreed upon by the parties, reduced to writing, and signed by both Parties.
13. **DISPUTE RESOLUTION.** Any dispute hereunder between the parties shall be resolved by binding arbitration to be conducted in Cleveland County North Carolina by an arbitrator approved by mutual agreement and certified by the American Arbitration Association.
14. **GOVERNING LAW.** This Agreement shall be subject to and is governed by the laws of the state of North Carolina.
15. **NOTICES.** Any notices required pursuant to this Agreement shall be served at the following addresses:

<p><b>CITY OF SHELBY, NORTH CAROLINA</b>  Mr. Rick Howell  City Manager  300 South Washington, St.  Shelby, NC 28150</p>	<p><b>WHITE INVESTMENTS OF SHELBY, LLC</b>  Mr. David White  Managing Member  PO Box 1420  Shelby, NC 28151-1420</p>
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16. **SEVERABILITY.** In the event any provision in this Agreement shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall remain in full effect.
17. **COMPLETE AGREEMENT.** This Agreement represents the complete understanding between the parties with respect to the matters set forth herein. No amendment or modification of the Agreement shall be valid unless evidenced in writing and executed by the parties hereto.

[The remainder of this page is intentionally blank]

**IN WITNESS THEREOF**, the City and the Property Owner have executed this Agreement on the date and year set forth above

**WHITE INVESTMENTS OF SHELBY,  
LLC**

**CITY OF SHELBY, NORTH CAROLINA**

_____	_____	_____	_____
David White Managing Member	Date	James R. Howell, Jr. City Manager	Date

Approved as to Form:

_____	_____
Andrea Leslie-Fite City Attorney	Date

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 1<sup>st</sup> day of February 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  
February 1, 2021  
Electronic Meeting

Agenda Item: C-7

- 7) Approval of a resolution revising and amending the personnel policies of the City of Shelby to provide for an updated Personnel Policy and Procedural Manual:  
Resolution No. 6-2021

**Consent Agenda Item: (Deb Jolly, Director of Human Resources)**

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- Memorandum dated January 26, 2021 from Deborah Jolly, Director of Human Resources to Rick Howell, City Manager
- Response to Coronavirus/Employee Safeguard policy
- Resolution No. 5-2021

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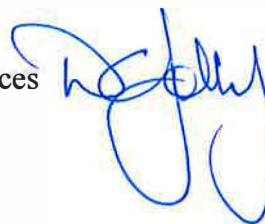
City Manager's Recommendation / Comments

Resolution No. 5-2021 is presented for City Council consideration via the Consent Agenda. If approved this resolution would adopt the proposed policy governing the City's "Response to Coronavirus / Employee Safeguards". This policy sets forth the City's policy position on this subject matter, defines the responsibilities of the City and its employees (including the wearing of a face covering), medical monitoring, as well as standards applying to use of sick leave and COVID19 exposure.

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

# Memorandum

**TO:** Rick Howell, City Manager  
**FROM:** Deborah Jolly, Director of Human Resources  
**RE:** Addition to the Personnel Policy Manual  
**DATE:** January 26, 2021



**BACKGROUND:**

The Personnel Policy Manual was first written in August 1998. Major revisions were made in 2009. The current Personnel Policy Manual contains 51 separate policies that govern the City of Shelby workforce while complying with local, State and Federal Laws.

**REVIEW:**

In response to the COVID-19 emergency including the Department of Labor's Families First Coronavirus Response Act (FFCRA), the City of Shelby set forth administrative guidelines to follow on March 18, 2020. These guidelines were developed to encourage employees to stay home when sick or exposed. The circumstances surrounding the pandemic have changed often and likewise, the guidelines have been revised and communicated to employees' multiple times.

**RECOMMENDATION:**

It is recommended that the administrative guidelines that have been governing our response to the Coronavirus become part of the City of Shelby's Personnel Policy Manual. Thank you for your consideration. Please let me know if you have questions.



## **Response to Coronavirus / Employee Safeguards**

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### ***I. POLICY***

In response to the COVID-19 emergency the City of Shelby is implementing the following guidelines in efforts to guard against workplace exposure to the coronavirus. The circumstances around the pandemic are changing often, likewise this policy will be revised as needed and communicated to the Department Directors. This policy follows the Department of Labor's Families First Coronavirus Response Act (FFCRA) which went into effect April 1, 2020, for all employees with a minimum of 30 days of employment with the City. The FFCRA Leave Entitlement expired on December 31, 2020, but the employee tax credit remains effective through March 31, 2021. This policy including the usage of the 2 weeks paid leave granted under the original Act will be extended through March 31, 2021. At that time, the policy will be re-evaluated based on the severity of the pandemic, community spread, and the impact on the City's workforce.

### ***II. RESPONSIBILITY***

This policy has been developed to encourage employees to stay home when sick or exposed to the coronavirus. Employees should be reminded often to wash and/or sanitize their hands frequently; wear a cloth face covering; and maintain social distancing (6 feet) when possible during the workday. It is important to review each work environment and establish protocols so that employees are not grouped close together whenever possible.

The Center for Disease Control has listed a wide range of symptoms for the coronavirus including fever or chills; cough; shortness of breath or difficulty breathing; fatigue; muscle or body aches; headache; loss of taste or smell; sore throat; congestion or runny nose; nausea or vomiting; and diarrhea. Symptoms may appear 2-14 days after exposure to the virus. Department Directors and Supervisors should pay close attention to employees and send them home if they are sick. Employees should alert their Supervisor promptly if they start experiencing any symptoms listed above during the workday. Additionally, employees are to inform their Supervisor if anyone in their home has



symptoms, been tested, tested positive or is exposed to a person who tested positive for COVID-19.

**Medical Monitoring** - A Supervisor (wearing appropriate PPE – cloth face covering and gloves) will conduct a brief medical monitoring on all employees before each shift. This will include a temperature check and several questions for medical monitoring purposes. This same process should be completed prior to contract workers entering city buildings. A Medical Monitoring Log should be completed for each employee prior to the beginning of their work shift and/or preferably before entering the building. Please only document the employee's name and YES or NO to the questions. Do not document specific temperatures. The thermometer provided should not touch the skin while temperatures are being taken. Be as discrete as possible and use these steps to complete the log each day:

1. Write the employee's name.
2. Take his/her temperature. If the reading is less than 100.4 then put NO. If the reading is 100.4 or higher then conduct a second test. If the second reading is 100.4 or higher then document YES and send the employee home immediately and contact Human Resources.
3. Ask the employee if he/she (or anyone in their home) has had a fever or chills; cough; shortness of breath or difficulty breathing; fatigue; muscle or body aches; headache; loss of taste or smell; sore throat; congestion or runny nose; nausea or vomiting; and diarrhea? Document YES or NO depending on his/her response. If the response is YES, then send the employee home and contact Human Resources.
4. Ask the employee if he/she (or anyone in their home) has been tested (awaiting results), tested positive or been exposed to someone who has tested positive for COVID-19? Document YES or NO depending on his/her response. If the response is YES, then send the employee home and contact Human Resources.

It is the responsibility of Department Directors and Supervisors to monitor the practices outlined in this policy to ensure ongoing compliance with established guidelines.

**Department Directors or Supervisors are to notify Human Resources when employees are sick; have possible exposures; travel out of the country; are caring for a sick immediate (living in the home) family; and/or caring for children due to school/daycare cancellations for specific reasons related to COVID-19. The Human Resources Director working closely with City Administration and will complete the necessary paperwork to ensure employees are paid as outlined under the FFCRA.**

### **III. STANDARDS**

**Sick employees** – Employees should stay home if they are sick until they are fever and symptom free for a minimum of 3 days (72 hours) without the use of fever reducing or other symptom relieving medications, and it has been at least 7 days since the symptoms first appeared. Employees exposed to sick family members who have not tested positive

for COVID-19 should stay home and self-monitor for 5 days and be symptom free for a minimum of 3 days (72 hours) themselves prior to returning to work. Employees may be required to test for COVID-19 and show proof of a negative result prior to returning to work. Refusal to do so can result in disciplinary action up to and including discharge. In compliance with the FFCRA, employees will receive 2 weeks of COVID-19 time, but sick time must be used if/when COVID-19 time is exhausted.

**Exposed to COVID-19** – Employees who tests positive for or have been exposed (within 6 feet for at least 10 minutes) to someone who tests positive for COVID-19 must notify their Department Director immediately and must stay home for at least 14 days and/or cleared by the testing authority that his/her quarantine period is over. Prior to returning to work the employee must be fever and symptom free for 3 days (72 hours) without the use of fever reducing or other symptom relieving medications and it has been at least 7 days since the symptoms first appeared. Such employees are not to return to work without the verbal approval from Human Resources working closely with City Administration. Employees who have “second-hand exposure” or have been exposed to a family member or friend who has been exposed to someone who test positive for COVID-19 must stay at home for 5 days and be fever and symptom free for a minimum of 24 hours without the use of fever reducing or other symptom relieving medications. Employees may be required to test for COVID-19 and show proof a negative result prior to returning to work. Refusal to do so can result in disciplinary action up to and including discharge. In compliance with the FFCRA, employees will receive 2 weeks of COVID-19 time, but the employee’s sick time must be used if/when COVID-19 time is exhausted.

**Personal Travel** – Travel out of the country is strongly discouraged and if an employee elects to do so, he/she must inform their Department Director and Human Resources prior to going. Such employees will not be allowed to return to work for a minimum of 5 days after arriving back in North Carolina and must not return to work without the verbal approval of Human Resources working closely with City Administration. Employees will be required to use United Way days, compensatory time, or accrued vacation time in order to receive pay for the waiting period described herein.

**Caring for sick immediate (living in the home) family members for specific reasons related to COVID-19** – Employees may request and be allowed to stay home and care for sick family members. This must be approved by Human Resources working closely with City Administration. In compliance with the FFCRA, employees will receive 2 weeks of COVID-19 time, but sick time must be used if/when COVID-19 time is exhausted.

**Childcare needs due to school/daycare cancellations for specific reasons related to COVID-19** – Employees may request and be allowed to stay home to care for child(ren) as needed due to school or daycare cancellations. This must be approved by Human Resources working closely with City Administration. In compliance with the FFCRA,

employees will receive 2 weeks of COVID-19 time. Up to an additional 10 weeks of pay may be granted as outlined in the FFCRA for expanded family and medical leave.

Additional modifications:

- New employees will be allowed to take United Way days, compensatory time, or accrued vacation and/or sick leave during his/her probationary period for the reasons listed above related to COVID-19.
- Time away from work for the COVID-19 will not initially be counted toward Family Medical Leave of Absence (FMLA) until the employee is out for 30 consecutive calendar days. At that time, the Family Medical Leave of Absence (FMLA) policy will be followed; FMLA paperwork will be completed; and the beginning of the FMLA period will be retroactive to the first day the employee was away from work.

RESOLUTION NO. 6-2021

A RESOLUTION REVISING AND AMENDING THE PERSONNEL POLICIES  
OF THE CITY OF SHELBY TO PROVIDE FOR  
AN UPDATED PERSONNEL POLICY AND PROCEDURE MANUAL

WHEREAS, the City of Shelby has heretofore enacted a policy governing the personnel system of the City; and,

WHEREAS, to keep in compliance with Federal and State Laws this policy will be utilized by City management consistently in handling employee issues.

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

Section 1. The City's original Personnel Policy dated July 1998 and adopted in August 1998 is hereby amended to include the addition or revision of the following: "Response to Coronavirus / Employee Safeguards", a copy of which is attached hereto as ATTACHMENT A and made a part of this resolution.

Section 2. The City Manager is hereby authorized and directed to implement and administer the policies set forth in Section I of this resolution. The City Clerk is likewise authorized and directed to cause the provisions of this policy to be properly recorded into the Personnel Policy document, as may be applicable.

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

Adopted and approved this the 1st day of February 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  
February 1, 2021  
Electronic Meeting

Agenda Item: C-8

- 1) 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

Ordinance No. 2-2021 is presented for City Council consideration via the Consent Agenda. This is a recurring annual agenda item considered routine for the receipt and appropriation of restricted federal funding. 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) for Capital Facilities Fund 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>							
			✓							
			10-31-2020	11-06-2020	\$258,926.00	\$258,926.00	100%	\$258,926.00	\$258,926.00	100%
<u>NC19P034501-16</u>	04-12-2018		✓							
			11-30-2020	12-07-2020	\$258,926.00	\$258,926.00	100%	\$258,926.00	\$258,926.00	100%
			✓							
			10-31-2020	11-06-2020	\$272,416.00	\$272,416.00	100%	\$0.00	\$272,416.00	100%
<u>NC19P034501-17</u>	08-15-2020		✓							
			11-30-2020	12-07-2020	\$272,416.00	\$272,416.00	100%	\$0.00	\$272,416.00	100%
			✓							
			10-31-2020	11-06-2020	\$417,439.00	\$417,438.00	99%	\$0.00	\$0.00	0%
<u>NC19P034501-18</u>	05-28-2021		✓							
			11-30-2020	12-07-2020	\$417,439.00	\$417,438.00	99%	\$0.00	\$0.00	0%
			✓							
<b>2019 HUD Revenues</b>										
			10-31-2020	11-06-2020	\$435,140.00	\$0.00	0%	\$0.00	\$0.00	0%
<u>NC19P034501-19</u>	04-15-2022		✓							
			11-30-2020	12-07-2020	\$435,140.00	\$0.00	0%	\$0.00	\$0.00	0%
			✓							
			10-31-2020	11-06-2020	\$468,859.00	\$0.00	0%	\$0.00	\$0.00	0%
<u>NC19P034501-20</u>	03-25-2023		✓							
			11-30-2020	12-07-2020	\$468,859.00	\$0.00	0%	\$0.00	\$0.00	0%
			✓							

Menu



[Privacy Statement](#)

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	868,220	868,220
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 1<sup>st</sup> day of February 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  
February 1, 2021  
Electronic Meeting

Agenda Item: C-9

- 9) Adoption of an ordinance amending the City of Shelby's Schedule of Fees:  
Ordinance No. 3-2021

**Consent Agenda Item: (Charlie Holtzclaw, Director Parks and Recreation)**

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- Memorandum dated November 29, 2020 from Charlie Holtzclaw, Director Parks and Recreation to Justin S. Merritt, Assistant City Manager and Rick Howell, City Manager
- Chart showing Rental Fees
- Ordinance No. 3-2021

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City Manager's Recommendation / Comments

Ordinance No. 3-2021 is an amendment to the Supplemental Budget Ordinance – Schedule of Fees and Charges and is presented for City Council consideration via the Consent Agenda. This information was previously presented to City Council at your December 7, 2020 regular meeting. As you know 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 consideration. As you know 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. If Council is in agreement with the recommendations then it can proceed to act at this time.

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



## Memorandum

To: Rick Howell, City Manager  
Cc: Justin Merritt, Assistant City Manager  
Bernadette Parduski, City Clerk  
From: Charlie Holtzclaw, Director Parks & Recreation  
Date: November 29, 2020  
Subject: Parks and Recreation Sports Tournament Recommendations

### Executive Summary of issue – Background

Over the last 10 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. This began in 2011 with the opening of the Shelby City Park Recreation & Sports Complex, followed by Hanna Park Multi-Purpose Sports Complex which opened for play in 2019. A presentation demonstrating the impact of sports tournaments was previously given to Council in October 2019.

During these year's tournament organizers have paid a long standing set fee for individual field rentals, and associated staffing costs that can add up to a significant cost.

A good example would be the Matthews, NC based Carolina Champions League Soccer organization held a 92-team event at Hanna Park in October bringing over 2,000 people to our community. While we cannot pinpoint exactly how many dined at our restaurants or stayed in our hotels, it is safe to conclude a significant number did. Without discounts, it would have cost the organizers \$3,275 in rental and staffing fees to use our facilities.

### Review and comments

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 some 15,000 visitors to our community that undoubtedly had a positive impact on our local businesses.

As we look toward 2021, I am convinced we are sitting in great position to continue building and increasing the number and size of sports tournaments. This is based on several things that are very important to the players, parents, coaches and organizers. Our 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 take in a quick round of golf when they have a break, and our close proximity to a beautiful Uptown with several good dining options. In other words, we check all the boxes except for our current fees as compared to some other competitors. Organizers have a lot of other options in the surrounding area, and our total package needs to be inviting to them. In addition to the fee recommendation, we are working closely with the Chamber, Uptown Shelby, Cleveland County Tourism, and local hotel managers to provide all of our visitors with information about restaurants, motels, things to do and discount programs to make people feel appreciated and entice them to come back to Shelby.

#### Tie in to current policy and/or adopted planning documents

- Action 11.4.1: Actively seek partnerships with the hospitality industry to host more regional athletic events
- Action 11.4.2: Look specifically to the City's Park and Recreation amenities as a tourism draw

#### Recommendation

It is my request to you that consideration be given to the proposed Shelby Parks and Recreation Sports Tournament fee recommendations, and time be allowed in the near future on a City Council agenda to be considered for adoption. This would require approval of the attached ordinance amend the current City of Shelby fee schedule.

**Shelby Parks & Recreation Sports Field Rental Fees**  
**Tournaments Only**

Current	Rental	Staff	Total	Proposed	Rental	Day 2	
One field	\$100	\$216	\$316	One field	\$200	\$150	
Two fields	\$200	\$216	\$416	Two fields	\$250	\$200	
Three Fields	\$300	\$216	\$516	Three Fields	\$375	\$300	
Four Fields	\$400	\$216	\$832	Four Fields	\$500	\$400	
Five Fields	\$500	\$432	\$932	Five Fields	\$625	\$500	
Six Fields	\$600	\$432	\$1,032	Six Fields	\$750	\$600	
Seven Fields	\$700	\$432	\$1,132	Seven Fields	\$875	\$700	
* Includes initial field prep				* Includes initial field prep			
* Includes lights				* Includes lights			
* Does not include staff. \$18/hr				* Includes one staff			
** Additional field prep \$35/field				** Additional field prep - \$25/field			
** Additional staff \$18/hr				** Additional staff - \$18/hr			
** Security \$25/hr				** Security - \$25/hr			
** Hourly Rental \$25/hr				** Hourly Rental - \$25/hr			
** No discounts				*** 20 or more teams - 20% Discount of Total Fee			
*** Day 2 Same costs as day 1							

ORDINANCE NO. 3-2021

AN ORDINANCE AMENDING THE CITY OF SHELBY'S SCHEDULE OF FEES

WHEREAS, the City of Shelby has adopted a Fee Schedule for the purpose of establishing uniform fees for services charged to its citizens; and

WHEREAS, the City of Shelby has established Parks and Recreation Fees; and,

WHEREAS, the City of Shelby now desires to revise its Fee Schedule, specifically the Parks and Recreation Schedule contained within.

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

Section 1. The City of Shelby Fee Schedule is amended to revise current Parks and Recreation Fee Schedule as set forth in the attached City of Shelby Fee Schedule for Fiscal Year 2021, which may, from time to time, be modified by City Council.

Section 2. This ordinance shall be come effective upon its adoption and approval.

Adopted and approved this the 1st day of February 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  
February 1, 2021  
Electronic Meeting

Agenda Item: C-10

- 10) Approval of a resolution honoring B. Doyle McSwain on the occasion of his retirement from employment with the City of Shelby: Resolution No. 9-2021

**Consent Agenda Item: (William Hunt, Fire Chief)**

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- Memorandum dated January 27, 2021 from William Hunt, Fire Chief to Rick Howell, City Manager
- Resolution No. 9-2021

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City Manager's Recommendation / Comments

This time is scheduled on your agenda to consider a resolution recognizing Doyle McSwain on the occasion of his retirement from employment. In keeping with policy Resolution No. 9-2021 will recognize him for having served the City faithfully for the past 32 years as a Fire and Rescue employee. He is to be congratulated! Mr. McSwain is an experienced Firefighter and Engineer and will be greatly missed by his fellow firefighters.

As is in keeping with current policy Mr. McSwain will be presented with a framed resolution, a city lapel pin and a key to the City. It is customary and appropriate to recognize Doyle McSwain for his many years of service to the City. Mr. McSwain's dedication to our Fire and Rescue Department is to be admired. Mr. McSwain brought a sincere dedication to the job and provided a solid example of what a firefighter should be to many young and inexperienced new hires. His experience and knowledge will definitely be missed.

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

**It is recommended that Resolution No. 9-2021 be adopted and approved via the Consent Agenda.**

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



January 27, 2021

**Memorandum:**

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

Subject: City Council recognition of B. Doyle McSwain on the occasion of his retirement from the City of Shelby.

**Background**

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

**Discussion**

Engineer B. Doyle McSwain recently announced his retirement from the Fire & Rescue Department after thirty-two years of dedicated service to the city and its residents. He served from March 3, 1988 to December 28, 2020 which was effective on the 28<sup>th</sup>.

**Action**

With this memorandum, it is my recommendations that a resolution to be prepared honoring B. Doyle McSwain for his longstanding service to the City of Shelby as an Engineer, and placed on the next available consent agenda for approval by council. An appropriate date for him to later be publicly recognized by the Mayor and City Council for his service to the City of Shelby will be coordinated once council returns to in-person meetings.

Enclosures

cc: Bernadette Parduski



**RESOLUTION NO. 9-2021**

**A RESOLUTION HONORING B. DOYLE McSWAIN  
ON THE OCCASION OF HIS RETIREMENT  
FROM EMPLOYMENT WITH THE CITY OF SHELBY**

**WHEREAS**, on the occasion of his retirement from employment on December 28, 2020, it is fitting and proper for the City Council to express its sincere appreciation to Mr. McSwain for his loyal, dedicated, and committed service to the City of Shelby from March 2, 1988 to December 28, 2020; and,

**WHEREAS**, Mr. McSwain has been a loyal team member in the continuing development and improvements in the delivery of and fire and rescue services to the City of Shelby and to all its citizens; and,

**WHEREAS**, during his tenure of service, Mr. McSwain has been a loyal employee for the City of Shelby, beginning as a Firefighter in 1988, receiving a promotion to Engineer in 2000 and finishing his career as an Engineer with the Fire and Rescue Department in 2020, and has been an outstanding example of the quality of employee necessary to the development of the good of the City; and,

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

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

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

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

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

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the City of Shelby to be affixed this the 1<sup>st</sup> day of February 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  
February 1, 2021  
Electronic Meeting

**D. Unfinished Business**

None

City of Shelby  
Agenda Item Summary  
February 1, 2021  
Electronic Meeting

E. New Business

Agenda Item E-1

- 1) Consideration of a resolution authorizing the Mayor and City Clerk to execute an Assumption Agreement and Subordination Agreement: Resolution No. 7-2021

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

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- Resolution No. 7-2021

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City Manager's Recommendation / Comments

Resolution No. 7-2021 is presented to City Council for consideration as New Business. If approved this resolution would authorize the Mayor and City Clerk to execute an agreement that would allow Western North Carolina Rescue Ministries Corporation to assume the current loan agreement with the City and also authorize subordination of the current deed of trust to WNC Rescue Ministries Corporation.

As background the City received a Community Development Block Grant (CDBG) from the State of NC in 2013. A portion of this grant (\$90,000) was targeted at assisting the Interfaith Alliance with the upfit and renovation/construction of the current men's shelter at the corner of Buffalo and Fullerton Street. In adhering to conditions set by the CDBG program the City entered into a loan agreement with the Interfaith Alliance and placed a deed of trust on the property. This loan was in essence a forgivable loan in equals amount annually over the 10 year period ending in 2023. In order for WNCRMC to proceed City Council must approve its assumption of the loan and agree to subordinate this loan. The loan subordination would allow them to pursue additional bank funding for the project. After the 10 year period the loan would be fully forgiven and neither the City nor WNCRMC would have any financial liability to pay the money back to the State of NC.

**It is recommended that Resolution No. 7-2021 be adopted and approved via the Consent Agenda.**

**Prepared by and After Recording Return to:  
Andrea Leslie-Fite  
City Attorney's Office  
Post Office Box 207  
Shelby, NC 28150**

### ASSUMPTION AGREEMENT

WHEREAS the City of Shelby, a municipal corporation, hereinafter "Beneficiary" advanced **INTER-FAITH ALLIANCE CORPORATION**, a North Carolina non-profit corporation hereinafter "Grantor" a sum of Ninety Thousand Dollars (\$90,000.00), the same to be non-interest bearing, for purchase of equipment and materials to be installed on real property owned by the Grantor, as evidenced by a Deed of Trust dated September 18, 2013 and recorded in Book 1685 at Pages 804- 807 of the Public Record in Cleveland County, North Carolina.

WHEREAS, said Borrower has sold the property to the undersigned Western Carolina Rescue Ministries, hereinafter "Purchaser". Purchaser desires to assume and pay said indebtedness and perform all the obligations of Borrower(s) and said Borrower(s) desire to be released from said obligations and Lender is willing to accept said assumption and release said original Borrower(s).

THEREFORE, for and in consideration of the promises set forth herein and other good and valuable consideration the undersigned Purchaser hereby assumes and agrees to pay the indebtedness evidenced by said deed of trust and perform all of the obligations therein and understand that as of the date of this date said indebtedness is Thirty Thousand Dollars (\$30,000.00), and that all terms and conditions of said deed of trust shall remain in full force and effect, and Lender hereby releases and discharges Inter-Faith Alliance, Corporation upon their personal obligations upon said indebtedness.

This assumption by said Purchaser is joint and several and shall bind its heirs, personal representatives, successors, and assigns.

IN TESTIMONY WHEREOF, the parties have hereunto executed this instrument this \_\_\_\_day of February, 2021

CITY OF SHELBY, NORTH CAROLINA

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

ATTEST: \_\_\_\_\_  
Bernadette A. Parduski, NCCMC, MMC  
City Clerk

WESTERN CAROLINA RESCUE MINISTRIES (WCRM)

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Office: \_\_\_\_\_

ATTEST:  
\_\_\_\_\_

Secretary

STATE OF NORTH CAROLINA

COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, a Notary Public in and for said County and State, do hereby certify that \_\_\_\_\_ personally appeared before me this day and acknowledged the due execution of the foregoing Assumption Agreement

Witness my hand and seal this \_\_\_\_day of February, 2021.

My Commission expires:  
\_\_\_\_\_

## SUBORDINATION AGREEMENT

STATE OF NORTH CAROLINA

COUNTY OF CLEVELAND

THIS AGREEMENT, made and entered into this \_\_\_\_day of February, 2021, by and between The City of Shelby, North Carolina (“Subordinating Lender”) and \_\_\_\_\_ (“New Lender”) and Western Carolina Rescue Ministries (“Borrower”)

### WITNESSETH:

THAT WHEREAS, by Deed of Trust recorded in Book 1665, Page 804 of the Cleveland County Registry of Deeds (the “Existing Deed of Trust”) Inter-Faith Alliance Corporation conveyed to Robert W. Yelton as Trustee for the **City of Shelby, North Carolina**, Beneficiary said real estate located in Cleveland County, North Carolina, as more particularly described in said Existing Deed of Trust to secure certain indebtedness therein set out; and

WHEREAS, the Borrower assumed the Existing Deed of Trust pursuant to an Assumption Agreement recorded at Book\_\_\_\_ Page\_\_\_\_ of the Cleveland County Registry of Deeds; and

WHEREAS, the City of Shelby, North Carolina is the sole holder and owner of the indebtedness secured by the existing Deed of Trust; and

WHEREAS, [insert new lender] has agreed to lend to Borrower in the amount of [insert loan amount], said loan to be secured by a Deed of Trust upon real estate, upon the condition that the Existing Deed of Trust be subordinate to the lien of the [insert new lender] Deed of Trust to be executed by the Borrower; and

WHEREAS, pursuant to N.C.G.S. §39-6.6, the Trustee is not a necessary party to this subordination.

NOW, THEREFORE the City of Shelby, North Carolina, for valuable consideration to it in hand paid, does hereby contract and agree with [insert new lender] that the Deed of Trust from Borrower to [insert new lender] hereafter recorded, shall be a lien upon lands superior to the Existing Deed of Trust recorded in Book 1665, Page 804 of the Cleveland County Registry; and to carry out said purpose, the City of Shelby, North Carolina, hereby releases, remises, and forever quitclaims unto [insert new lender], its successors and assigns the title to and lien upon said lands to the extent, but to the extent only that the Existing Deed of Trust now held by it shall subordinate to a Deed of Trust in the maximum amount of [insert amount] to [insert lender] heretofore or hereafter recorded in the Cleveland County Registry, conveying that property described attached hereto and incorporated by reference herein.

It is expressly understood and agreed that except for such subordination, the Existing Deed of Trust now held by the City of Shelby, North Carolina and all and singular terms and conditions thereof shall be and remain in full force and effect.

IN TESTIMONY WHEREOF, Parties, have caused this instrument to be signed in their corporate names as of the day and year first above written.

CITY OF SHELBY, NORTH CAROLINA

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

ATTEST: \_\_\_\_\_  
Bernadette A. Parduski, NCCMC, MMC  
City Clerk

WESTERN CAROLINA RESCUE MINISTRIES

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Office: \_\_\_\_\_

ATTEST:  
\_\_\_\_\_

Secretary

STATE OF NORTH CAROLINA

COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_. A Notary Public in and for the State of North Carolina, hereby certify that Stanhope Anthony III, Mayor of the City of Shelby, North Carolina; Bernadette Parduski, City Clerk; and [insert WCRM President and Secretary] personally appeared before me and being duly authorized, executed the foregoing document on behalf of the municipal corporation.

WITNESS my hand and notarial seal, this \_\_\_\_ day of February, 2021.

\_\_\_\_\_  
Notary Public

RESOLUTION NO. 7-2021

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN ASSUMPTION AGREEMENT AND SUBORDINATION AGREEMENT

WHEREAS, the Inter-Faith Alliance Corporation, the governing board of the Cleveland County Rescue Mission, is in the process of selling the Cleveland County Rescue Mission; and,

WHEREAS, the City of Shelby advanced Inter-Faith Alliance Corporation a Ninety Thousand Dollar (\$90,000.00) non-interest-bearing loan for purchase of equipment and materials to be installed at a public homeless shelter, recorded at the Cleveland County Register of Deeds in Deed Book 1665 and Page 804; and

WHEREAS said advancement is administered by and through the City of Shelby's Community Development program pursuant to a Community Development Block Grant issued to the City of Shelby under the provisions of Title I of the Housing and Community Development Act of 1974 by the North Carolina Department of Commerce; and

WHEREAS, as part of the consideration for receiving said advancement for building improvements, the Inter-Faith Alliance Corporation is required to obtain City of Shelby approval prior to the property being sold; and

WHEREAS, the Western Carolina Rescue Ministries desires to assume the aforementioned non-interest-bearing loan obligation contained in the Inter-Faith Alliance Deed of Trust; and

WHEREAS, the Western Carolina Rescue Ministries is currently securing a loan through \_\_\_\_\_; and

WHEREAS, currently a \_\_\_\_ Deed of Trust is in the first lien, and the City of Shelby Catalyst grant is in the **second** lien position; and,

WHEREAS, the Western Carolina Rescue Ministries requested the City of Shelby subordinate their lien to \_\_\_\_\_, consequently placing the City of Shelby in the **second** position.

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

SECTION 1. The Mayor and City Clerk of the City of Shelby be authorized to sign the attached: Assumption Agreement and Subordination Agreement between the city of Shelby and Western Carolina Rescue Ministries Corporation attached draft hereto as EXHIBITS A and B respectively.

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



Adopted and approved this 1<sup>st</sup> day of February, 2021.

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O. Stanhope Anthony III  
Mayor

ATTEST:

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

DRAFT

City of Shelby  
Agenda Item Summary  
February 1, 2021  
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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