

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

*Invocation*

A. Approval of Agenda

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

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

B. Special Presentation:

- 1) Uptown Shelby Association (USA) update – Audrey Whetten  
Godfrey, Executive Director 1

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 February 15, 2021 2
- 2) Approval of a resolution directing the City Clerk to determine sufficiency of a voluntary annexation petition from North Point Custom Builders: Resolution No. 13-2021 14
- 3) Approval of a resolution authorizing the selection of Rummel, Klepper, Kahl, LLC (RK&K) based on qualifications for Corrosion control remediation on the City of Shelby Natural Gas Pipeline: Resolution No. 14-2021 25
- 4) Approval of a resolution honoring Steve Ashley Canipe on the occasion of his retirement from employment with the City of Shelby: Resolution No. 15-2021 29

D. Unfinished Business:

- 1) Consideration of appointments to City advisory boards and commissions: 32

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<i>To adjourn a meeting of City Council, a majority of the Council Members must vote for a motion to adjourn.</i>	
1) Motion to adjourn	76

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

**B. Special Presentation:**

**Agenda Item B-1**

- 1) Uptown Shelby Association Update – Audrey Whetten Godfrey, Executive Director

**Presenting: (Mayor Stan Anthony)**

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- No documentation provided

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City Manager's Recommendation / Comments

This time is scheduled on your agenda to allow Audrey Whetten Godfrey, Executive Director of Uptown Shelby Association, to update the City Council. I've asked Mrs. Godfrey to update City Council on a quarterly basis. I would also note that USA is required by the contract approved by City Council (Resolution 8-2021) to provide an annual report that identifies ongoing needs of the service district as well as completed and pending projects. This must be done allowing for and considering the input of the property owners and residents of the Municipal Service District.

City of Shelby  
Agenda Item Summary  
March 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 February 15, 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 February 15, 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

February 15, 2021  
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, CPA, Director of Human Resources Deborah C. (Deb) Jolly, Director of Energy Services Julie R. McMurry, Director of Water Resources David W. Hux, Police Chief Jeffrey H. (Jeff) Ledford, Fire Chief William P. Hunt, MPA, EFO, Director of Parks and Recreation Charlie Holtzclaw, Director of Planning and Development Services Walter (Walt) Scharer, AICP, 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 of City Council was present. It was noted the meeting was being held electronically pursuant to General Statute 166A-19.24. 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.

**A. Approval of agenda:**

- 1) Motion to adopt the proposed agenda

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

**B. Public Comment: None**

**C. Public 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 and their discretion is limited; due process requires all witnesses to swear or affirm their testimony; each finding must be supported by competent, relevant, and substantial evidence in the record, not personal preference or opinion; 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 and his presentation are to be considered evidence and factored in as part of the decision-making process.**

**Mayor Anthony opened the evidentiary hearing for consideration of an application for a Special Use Permit to Southwood Realty Company at South Dekalb Street at 6:06 p.m. 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.**

**Mayor Anthony admitted Mr. Scharer's presentation as part of the record.**

**Next, the applicant, Southwood Realty Company, presented evidence and legal arguments in support of the request:**

**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.

Mayor Anthony closed the public hearing at 6:11 p.m.

After hearing all who wished to present testimony on said Special Use Permit request and considering the facts presented in this case, 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:** Mr. Hopper 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", including the accompanying Findings of Fact and Conclusions of Law which are based upon competent, substantial, and material evidence of the following:

- The requested permit is within its jurisdiction according to the Table of permitted uses; and
- The application is complete; and
- If completed as proposed in the application, the development will comply with the requirements of the ordinance; and
- It will not materially endanger the public health or safety; and
- It will not substantially injure the value of adjoining or abutting property; and
- Will be in harmony with the area in which it is located; and
- Will be in general conformity with the Comprehensive Land Use Plan or other plans officially adopted by the City Council.

The vote was unanimous.

2) 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 6:17 p.m. and invited comments from the public.

The public offered no comments.

Mayor Anthony closed the public hearing at 6:18 p.m.

The Mayor explained at the conclusion of the public hearing that Council may not immediately act on the item under consideration. Under a provision adopted in 2020 modifying the North Carolina General Statutes, when Council holds a virtual meeting with a public hearing, public comment is required to be accepted at a minimum of 24 hours after the scheduled meeting. Therefore, consideration of the adoption of Resolution No. 2-2021 may take place at Council's next regularly scheduled meeting of March 1, 2021.

**3) Consideration of a proposed ordinance to amend the Unified Development Ordinance of the City of Shelby: Ordinance No.4-2021**

Mr. Scharer presented this proposed zoning text amendment to create Conditional Zoning District in the Unified Development Ordinance (UDO) of the City Code. As background information, he stated in 2019 the North Carolina General Assembly passed a new set of land development regulations in 160D of the North Carolina General Statutes. This legislation requires local governments in North Carolina to amend their land development regulations to follow the new 160D land development statute.

Mr. Scharer further stated this proposed text amendment to the City's UDO follows the new requirements found in 160D. Specifically, the amendment eliminates Conditional Use District Zoning and replaces it with Conditional Zoning. These zoning districts are similar, but the new Conditional Zoning eliminates the need for a quasi-judicial hearing that was previously necessary with Conditional Use District Zoning. Conditional Zoning Districts should be established to allow 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. 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 District is not subject to all 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



developed in accordance with the site plan approved by City Council in the zoning map amendment ordinance.

Mr. Scharer noted Conditional Zoning Districts will replace all future and past Conditional Use Zoning Districts.

Mr. Scharer concluded by stating staff and the Planning and Zoning Board recommended the zoning text amendment as proposed.

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.

The Mayor explained at the conclusion of the public hearing that Council may not immediately act on the item under consideration. Under a provision adopted in 2020 modifying the North Carolina General Statutes, when Council holds a virtual meeting with a public hearing, public comment is required to be accepted at a minimum of 24 hours after the scheduled meeting. Therefore, consideration of the adoption of Ordinance No. 4-2021 may take place at Council's next regularly scheduled meeting of March 1, 2021.

#### **D. Consent Agenda:**

Mayor Anthony presented the consent agenda. Mrs. Arth Dukes moved to approve the consent agenda and following items were unanimously adopted:

- 1) Approval of the Minutes of the Regular Meeting of February 1, 2021
- 2) Approval of a resolution approving the contract for the performance of the City of Shelby's annual audit and preparation of financial statements for the Fiscal Year ending June 30, 2021: Resolution No. 10-2021
- 3) Adoption of Fiscal Year (FY) 2020-2021 Budget Ordinance Amendment No. 8: Ordinance No. 5-2021
- 4) Adoption of an ordinance establishing a capital project ordinance and budgets for the City of Shelby's Transportation Asset Management Plan Update Project: Ordinance No. 6-2021

#### **E. Unfinished Business:**

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

**a. Firefighters' Relief Fund Board of Trustees**

Mrs. Parduski stated the City Council appointed members to the Board of Trustees serve at the pleasure of their respective governing board until they resign and/or are reappointed. She reported a vacancy has been created due to the retirement and relocation of Jimmy Wellmon.

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

- Brian Alexander Hawkins

Mr. White nominated Brian Alexander Hawkins for appointment.

**ACTION TAKEN:** Upon a motion made by Mr. White, City Council voted unanimously to close the nominations and accept the nominee for appointment by acclamation.

**b. Shelby Cleveland County Regional Airport Advisory Board**

Mrs. Parduski reported the terms of four incumbents, Richard Fletcher, Eric Bester, Paul Hounshell, Jr., and Billy Wright, conclude February 2021. All the incumbents wish to continue their service on this board.

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

- Robert Farrow

Mr. White nominated Richard Fletcher, Eric Bester, Paul Hounshell, Jr., and Billy Wright, for reappointment.

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

**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**

Mr. Howell introduced Resolution No. 8-2021 and the proposed Contract for Uptown Municipal Service District Services. In accordance with North Carolina General Statute 160A-536, the City solicited proposals for the provision of services within the Uptown Municipal Service District. A public hearing, as required, was held on Monday, February 1, 2021, to seek public input on the proposed contract with Uptown Shelby Association, Inc., the only organization to submit a proposal. Because the hearing was held

electronically, Council was not able to act immediately on this resolution because of a provision adopted by the North Carolina General Assembly in 2020 modifying the North Carolina General Statutes requiring acceptance of public comment on the issue at hand for at least 24 hours following the close of the hearing.

Mr. Howell recommended the approval and adoption of Resolution No. 8-2021 together with the Contract between the City of Shelby and Uptown Shelby Association, Inc.

**ACTION TAKEN:** Upon a motion made by Mrs. Arth Dukes, City Council voted unanimously to approve and adopt Resolution No. 8-2021 entitled, “A RESOLUTION APPROVING A CONTRACT FOR UPTOWN MUNICIPAL SERVICE DISTRICT SERVICES BETWEEN THE CITY OF SHELBY AND UPTOWN SHELBY ASSOCIATION, INC.”.

**F. New Business:**

- 1) Consideration of a resolution awarding the residuals services management contract to EMA Resources, Inc.: Resolution No. 11-2021

Mr. Howell introduced Resolution No. 11-2021 together with a Professional Service Agreement between the City of Shelby and EMA Resources, Inc. He stated the First Broad River Wastewater Treatment Plant is in the final stages of a major upgrade to the solids (residuals) handling facilities where the solids are removed through the treatment of wastewater and are processed for disposal. The previous process utilized a composting operation for the treatment and where the final product was distributed to the public as mulch. Mr. Howell reminded Council the compost facility was in very bad condition and on the verge of failure.

With the new upgrades, Mr. Howell said the City has demolished the compost facilities and is operating the new processes for treatment. This new operation requires a contractor to land apply the solids through a permit issued by the State of North Carolina. The City of Shelby applied for this permit and received same in January 2021.

Mr. Howell further stated the proposed agreement would contract with EMA Resources Inc. of Mocksville, North Carolina to annually handle biosolids or sludge from both the Wastewater Treatment Plant and the Water Treatment Plant. He added the estimated annual costs for both plants is \$120,000. This will be a recurring annual cost that is offset by the operational savings at the treatment plants because of the capital upgrades.

**ACTION TAKEN:** Upon a motion made by Mr. Hendrick, City Council voted unanimously to approve and adopt Resolution No. 11-2021 entitled, “A

**RESOLUTION AWARDING THE RESIDUALS SERVICES MANAGEMENT CONTRACT TO EMA RESOURCES, INC.”.**

- 2) Consideration of a resolution requesting the North Carolina State Legislature to approve a local bill to remove the cap on satellite annexations for the City of Shelby: Resolution No. 12-2021

Mr. Howell introduced Resolution No. 12-2021 for Council’s consideration. If approved, the resolution would request members of the local delegation to the General Assembly to add the City of Shelby to House Bill 24 sponsored by Representative John Torbett of Gaston County. Mr. Torbett’s bill added the Town of Stanley to a list of 115 municipalities already included in this exemption. Mr. Howell will then contact Representative and Speaker of the House Tim Moore, Senator Ted Alexander, and Representative Kelly Hastings to provide them with this request by City Council.

Mr. Howell explained the North Carolina General Statutes require that non-contiguous (satellite) areas proposed for annexation must meet certain standards. One of standards requires that the area within the proposed satellite corporate limits, when added to the area within all other corporate limits, may not exceed 10 percent of the area within the primary corporate limits of the annexing city. The total sum of satellite annexed areas cannot exceed 10 percent of the size of the primary city limits. This was nearly an issue when voluntary annexations were agreed upon by the Cleveland County and Clearwater Paper Corporation a few years ago. The City was able to annex a North Carolina Department of Transportation property along the new Bypass, making that area contiguous with the Walmart Distribution Center property which is within the primary corporate limits. The City does still have areas such as the Shelby Cleveland County Regional Airport, the Foothills Commerce Center, the Wastewater Treatment Plant, the former Hallelujah Acres, Pebble Creek subdivision and some others that are smaller satellite annexations. This area equals 5.4 percent of the total primary corporate limits at present. Currently, there are 730 acres satellite and 13,520 acres primary corporate limits. Mr. Howell stated this could be a limiting factor as development occurs to future voluntary annexation requests.

Mr. Howell further explained this does have some importance as the City’s utility systems have grown and now serve areas close but not contiguous to the primary City limits. There have been some recent inquiries from residential, commercial, and industrial developments requesting the possibility of connecting to City utilities, in particular sewer, and receiving public safety services. The current City policy requires annexation for property owners wishing to connect to sewer only if the City can provide like or similar service as in the primary corporate limits.

**ACTION TAKEN:** Upon a motion made by Mr. Hopper, City Council voted unanimously to approve and adopt Resolution No. 12-2021 entitled, “A RESOLUTION REQUESTING THE NORTH CAROLINA STATE LEGISLATURE TO APPROVE A LOCAL BILL TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE CITY OF SHELBY”.

**G. City Manager’s Report:**

- 1) Regarding the Rail Corridor equipment and material removal, Mr. Howell stated Norfolk Southern Corporation has terminated its agreement with the contractor removing the equipment and material from the corridor and is in the process of hiring a new, more experienced contractor. Mr. Howell met with the new contractor and he hopes to be complete with all the removal of the cross ties, signal equipment (overhead signals, signal boxes), and remaining rails under roadway crossings by the end of June 2021. This would include the removal of the rest of the rails that have been paved over and asphalt repair. Norfolk Southern has been very apologetic about this entire issue and he is optimistic the work will start shortly.
- 2) Mr. Howell updated Council about two private donors who wish to donate to the construction of the Shelby Rail Trail Depot Park Segment Phase I Project.
- 3) Mr. Howell mentioned the City has been approached by hotel developers recently requesting information specific to a market analysis for Shelby. The last market analysis was completed prior to the construction of the Fairfield Inn & Suites, which is currently outdated. In the past the City has secured a grant from ElectriCities of North Carolina to assist with the cost of this market analysis. If the market analysis is positive, then there may be a real opportunity to attract private investment for the development of a hotel.
- 4) Mr. Howell reported the City will likely be notified of the expected group health insurance increase which would be effective July 1, 2021. The North Carolina League of Municipalities Municipal Insurance Trust Board is expected to meet this month and the City should receive notice shortly afterwards. New rates will be based upon the calendar year 2020 experience. As a comparison, the January 2021 Loss Ratio is 76.0 percent versus the January 2020 Loss Ratio is 163.5 percent for utilization purposes. Mr. Howell reiterated this is a key number for budget preparations.
- 5) Mr. Howell informed Council the Merry Go Round Festival Committee reviewed the potential for holding the annual event in April 2021 and after

careful, thoughtful discussions have decided to cancel due to the ongoing COVID-19 pandemic.

- 6) Regarding the Marion Street sinkhole repair and as previously reported to Council, the property owner at 1500 East Marion Street was provided notice in Fall 2020 to repair a sinkhole, which was determined to be a public nuisance on private property at this address. The property owner was afforded due process and chose to ignore the City's multiple notices. The City proceeded with making the repairs which are largely complete and will be placing a lien on the property to cover the costs.
- 7) Regarding the First Broad River Trail and Bridge repairs, Mr. Howell informed Council the work on the trail to repair the damage from the February 2020 flood has begun and should be complete within several weeks depending upon weather. The bridge design is being finalized and the work is expected to begin in early April. Mr. Howell is hopeful for a May 1, 2021 reopening of the First Broad River Trail with a new suspension bridge.
- 8) Mr. Howell mentioned a plan to conduct Council's annual planning retreat via Zoom. The format would include two two-hour sessions comprised of staff presentations along with an updated video of City projects. A final follow-up meeting would be scheduled to allow for Council's 2021-2022 goal-setting discussion.

#### H. Council Announcements and Remarks:

- 1) Mr. Causby announced that David White has written a book entitled, Making of a God Man, from My Story to His Story, now available for purchase and for the reading pleasure of all readers.
- 2) Mayor Anthony strongly encouraged all to visit the Earl Scruggs Center to view special exhibits entitled, "African American Builders and Architects" and "Redefining Builders: The African American Communities of Cleveland County", both on display in honor of February as Black History Month.

#### I. Adjournment:

- 1) Motion to adjourn

**ACTION TAKEN:** Upon a motion made by Mr. Hendrick, City Council voted unanimously to adjourn the meeting at 6:56 p.m.

**Respectfully submitted,**

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

**O. Stanhope Anthony III  
Mayor**

**Minutes of February 15, 2021**

**DRAFT**

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

Agenda Item: C-2

- 2) Approval of a resolution directing the City Clerk to determine sufficiency of a voluntary annexation petition from North Point Custom Builders:  
Resolution No. 13-2021

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

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- Memorandum dated February 23, 2021 from Walter Scharer, Planning Director to Rick Howell, City Manager
- Appointed Agent Form and Petition for Annexation
- Location Map
- Statute 160A-58.1 and 160A-58.2
- Memorandum dated February 23, 2021 from David Hux, Director of Water Resources to Walt Scharer
- Resolution No. 13-2021

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City Manager's Recommendation / Comments

This petition is submitted by North Point Custom Builders on behalf of the property owner, Riverbend Acres, Inc. This parcel is vacant and is adjacent to the Riverbend golf course neighborhood. It is identified as parcel # 2551 on County tax records containing 92.25 acres. It is my understanding that this property will ultimately be developed into a residential neighborhood.

In accordance with NC General Statute 160A-58.2 the attached Resolution No. 13-2021 is presented for your consideration at this time. If approved it would direct the City Clerk to review the documentation submitted by the petitioner to the Planning Department and simply determine its sufficiency in meeting the required statutory standard. If determined as sufficient a required public hearing would be scheduled to allow for appropriate public comments. This hearing would likely be scheduled for either Monday, March 15 or Monday, April 5.

**It is my recommendation that Resolution No. 13-2021 be adopted and approved by City Council via the Consent Agenda at this time. The City Clerk will report her finding to you at your regular meeting to be held Monday, March 15, 2021.**





## **Memorandum**

To: Rick Howell - City Manager  
From: Walter Scharer – Planning Director  
Date: February 23, 2021  
Subject: Annexation – 1105 River Road Annexation

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

North Point Custom Builders, has submitted a satellite annexation petition for 1105 River Road. This property will be developed residentially.

### **Review and Comments**

This site is approximately 92.25 acres in area. 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.

In addition, if the City is proceeding under the satellite annexation statute, the resolution must affirm the five statutory standards for satellite annexation. Once the City Council adopts the resolution of sufficiency, it follows the same procedure for annexing city-owned property as it does for privately owned property.

The five standards a satellite annexation must meet are set out in G.S. 160A-58.1(b) as follows:

1. Some part of the annexation area must be within three miles of the annexing City's corporate limits.
2. No point in the annexation area may be closer to the primary corporate limits of another city than to the primary corporate limits of the annexing city.
3. The annexing city must be able to provide the same services to the annexation area that it provides to areas within its primary corporate limits.
4. If the area is a subdivision, the entire subdivision must be annexed.
5. The total area of a city's satellites may not exceed 10 percent of the area within its primary corporate limits.

Staff recommends proceeding with the annexation process for this property. Please place this item on the agenda for the March 1, 2021 City Council meeting.

**Attachments: NCGS 160A-58.1 and 58.2, Annexation Petition, Location Map, Resolution of Sufficiency and Plat**



City of Shelby  
Planning and Development Services

Appointed Agent Form

Address of Subject Property:

1105 River Road

I, Cam Corder, President of River Bend Acres Inc., owner of the property located at said address and identified by the Cleveland County Tax Assessor's Office as PIN: 2551, located in Cleveland County, North Carolina, do hereby appoint Jason Lowery to represent me in filing an application for a permit with the City of Shelby Planning and Development Services Department.

I further authorize Jason Lowery to act as my agent in all matters, formal and informal, and to receive all official correspondence as it relates to the ZONING PERMIT REVIEW and APPROVAL PROCESS.

Cameron Corder  
Signature of Property Owner

1/28/21  
Date

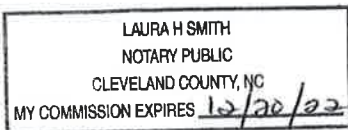
Applicant(s) Name: Jason Lowery  
Address: 1531 South Post Road  
Shelby, NC 28152  
Email: jason@northpointcustombuilders.com  
Phone: 704-252-6714

STATE OF North Carolina  
COUNTY OF Cleveland

I, Laura H Smith, a Notary Public for said County and State, do hereby certify that Cameron Corder, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 28<sup>th</sup> day of January, 2021.

(SEAL)



Laura H Smith  
Notary Public  
My Commission Expires: 12/20/22



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:

1105 River Road

Applicant(s) Name: Jason Lowery - North Point Custom Builders
Address: 1531 South Post Road
Shelby, NC 28152
Email: jason@northpointcustombuilders.com
Phone: 704-252-6714

Owner(s) Name: River Bend Acres Inc.
Email: ccorder@clevecoymca.org
Phone: 704-473-8830

\* 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.

92.25 acres, Tax Parcel ID 2551

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:

River Bend Acres Inc.
Registered Name of Corporation
Chuan Cole
Signature of President/Vice President
Attested by: Alan McWhorter
Signature of Secretary/Assistant Secretary

(Corp. Seal)

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

STATE OF \_\_\_\_\_

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

I, \_\_\_\_\_, a Notary Public for said County and State, do hereby certify that \_\_\_\_\_, 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 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:**

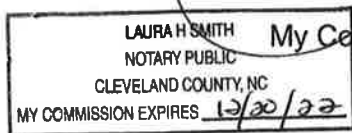
I, Laura H. Smith, a Notary Public for said County and State, do hereby certify that Cameron Corder, personally appeared before me this day and acknowledged he (or she) is President of River Bend Acres Inc., a corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its Corporate Seal and attested by as its Secretary.

Witness my hand and official seal, this the 28<sup>th</sup> day of January, 2021.

(SEAL)

Laura H. Smith  
Notary Public

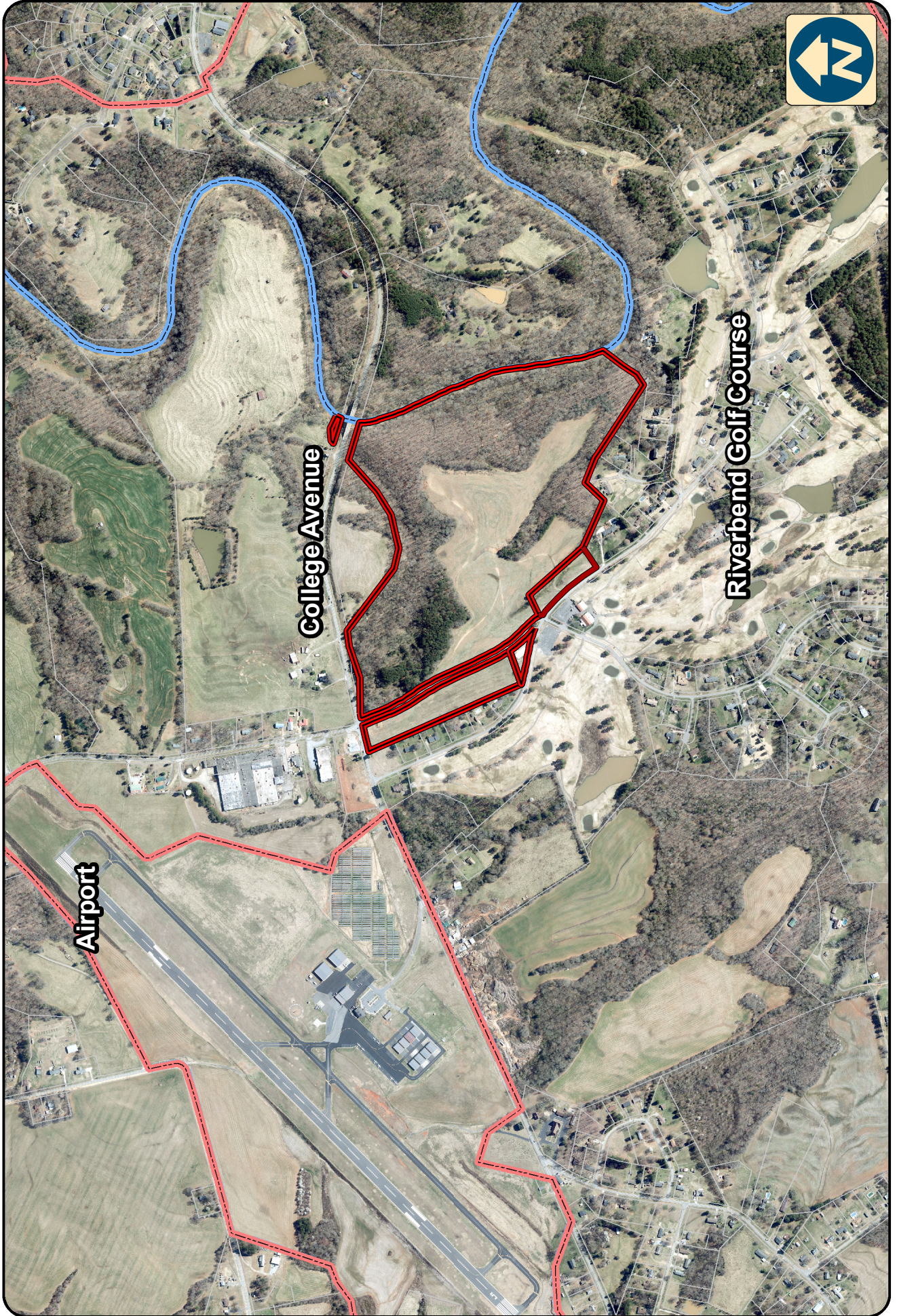
My Commission Expires: 12/22/22





# Location Map Proposed Annexation

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



Date: 2/4/2021

**§ 160A-58.1. Petition for annexation; standards.**

(a) Upon receipt of a valid petition signed by all of the owners of real property in the area described therein, a city may annex an area not contiguous to its primary corporate limits when the area meets the standards set out in subsection (b) of this section. The petition need not be signed by the owners of real property that is wholly exempt from property taxation under the Constitution and laws of North Carolina, nor by railroad companies, public utilities as defined in G.S. 62-3(23), or electric or telephone membership corporations. A petition is not valid in any of the following circumstances:

- (1) It is unsigned.
- (2) It is signed by the city for the annexation of property the city does not own or have a legal interest in. For the purpose of this subdivision, a city has no legal interest in a State-maintained street unless it owns the underlying fee and not just an easement.
- (3) It is for the annexation of property for which a signature is not required and the property owner objects to the annexation.

(b) A noncontiguous area proposed for annexation must meet all of the following standards:

- (1) The nearest point on the proposed satellite corporate limits must be not more than three miles from the primary corporate limits of the annexing city.
- (2) No point on the proposed satellite corporate limits may be closer to the primary corporate limits of another city than to the primary corporate limits of the annexing city, except as set forth in subsection (b2) of this section.
- (3) The area must be so situated that the annexing city will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits.
- (4) If the area proposed for annexation, or any portion thereof, is a subdivision as defined in G.S. 160A-376, all of the subdivision must be included.
- (5) The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, may not exceed ten percent (10%) of the area within the primary corporate limits of the annexing city.

This subdivision does not apply to the Cities of Belmont, Claremont, Concord, Conover, Durham, Elizabeth City, Gastonia, Greenville, Hickory, Kannapolis, Locust, Marion, Mount Airy, Mount Holly, New Bern, Newton, Oxford, Randleman, Roanoke Rapids, Rockingham, Sanford, Salisbury, Southport, Statesville, and Washington and the Towns of Ahoskie, Angier, Apex, Ayden, Benson, Bladenboro, Bridgeton, Burgaw, Calabash, Catawba, Clayton, Columbia, Columbus, Cramerton, Creswell, Dallas, Dobson, Four Oaks, Fuquay-Varina, Garner, Godwin, Granite

Quarry, Green Level, Grimesland, Holly Ridge, Holly Springs, Huntersville, Jamestown, Kenansville, Kenly, Knightdale, Landis, Leland, Lillington, Louisburg, Maggie Valley, Maiden, Mayodan, Middlesex, Midland, Mocksville, Morrisville, Mount Pleasant, Nashville, Oak Island, Ocean Isle Beach, Pembroke, Pine Level, Princeton, Ranlo, Richlands, Rolesville, Rutherfordton, Shallotte, Smithfield, Spencer, Stem, Stovall, Surf City, Swansboro, Taylorsville, Troutman, Troy, Wallace, Warsaw, Watha, Waynesville, Weldon, Wendell, Windsor, Yadkinville, and Zebulon.

(b1) Repealed by Session Laws 2004-203, ss. 13(a) and 13(d), effective August 17, 2004.

(b2) A city may annex a noncontiguous area that does not meet the standard set out in subdivision (b)(2) of this section if the city has entered into an annexation agreement pursuant to Part 6 of this Article with the city to which a point on the proposed satellite corporate limits is closer and the agreement states that the other city will not annex the area but does not say that the annexing city will not annex the area. The annexing city shall comply with all other requirements of this section.

(c) The petition shall contain the names, addresses, and signatures of all owners of real property within the proposed satellite corporate limits (except owners not required to sign by subsection (a)), shall describe the area proposed for annexation by metes and bounds, and shall have attached thereto a map showing the area proposed for annexation with relation to the primary corporate limits of the annexing city. When there is any substantial question as to whether the area may be closer to another city than to the annexing city, the map shall also show the area proposed for annexation with relation to the primary corporate limits of the other city. The city council may prescribe the form of the petition.

(d) A city council which receives a petition for annexation under this section may by ordinance require that the petitioners file a signed statement declaring whether or not vested rights with respect to the properties subject to the petition have been established under G.S. 160A-385.1 or G.S. 153A-344.1. If the statement declares that such rights have been established, the city may require petitioners to provide proof of such rights. A statement which declares that no vested rights have been established under G.S. 160A-385.1 or G.S. 153A-344.1 shall be binding on the landowner and any such vested rights shall be terminated. (1973, c. 1173, s. 2; 1989 (Reg. Sess., 1990), c. 996, s. 4; 1997-2, s. 1; 2001-37, s. 1; 2001-72, s. 1; 2001-438, s. 1; 2002-121, s. 1; 2003-30, s. 1; 2004-203, s. 13(a), (c); 2004-57, s. 1; 2004-99, s. 1; 2004-203, ss. 13(a)-(d); 2005-52, s. 1; 2005-71, s. 1; 2005-79, s. 1; 2005-173, s. 1; 2005-433, s. 9; 2006-62, s. 1; 2006-122, s. 1; 2006-130, s. 1; 2007-17, s. 1; 2007-26, ss. 1, 2(a); 2007-62, s. 1; 2007-225, s. 1; 2007-311, s. 1; 2007-342, s. 1; 2008-24, s. 1; 2008-30, s. 1; 2009-40, s. 2; 2009-53, s. 1; 2009-111, s. 1; 2009-156, s. 1; 2009-298, s. 1; 2009-323, s. 1; 2011-57, s. 1; 2012-96, s. 1.)

**§ 160A-58.2. Public hearing.**

Upon receipt of a petition for annexation under this Part, the city council shall cause the city clerk to investigate the petition, and to certify the results of his investigation. If the clerk certifies that upon investigation the petition appears to be valid, the council shall fix a date for a public hearing on the annexation. Notice of the hearing shall be published once at least 10 days before the date of hearing.

At the hearing, any person residing in or owning property in the area proposed for annexation and any resident of the annexing city may appear and be heard on the questions of the sufficiency of the petition and the desirability of the annexation. If the council then finds and determines that (i) the area described in the petition meets all of the standards set out in G.S. 160A-58.1(b), (ii) the petition bears the signatures of all of the owners of real property within the area proposed for annexation (except those not required to sign by G.S. 160A-58.1(a)), (iii) the petition is otherwise valid, and (iv) the public health, safety and welfare of the inhabitants of the city and of the area proposed for annexation will be best served by the annexation, the council may adopt an ordinance annexing the area described in the petition. The ordinance may be made effective immediately or on any specified date within six months from the date of passage. (1973, c. 1173, s. 2.)





Post Office Box 207 · Shelby, NC 28151-0207

## ***Memorandum***

**To: Walt Scharer**

**From: David Hux; Director of Water Resources**

**Cc: Ben Yarboro; Director of Engineering Services, Julie McMurry; Director of Energy Services**

**Re: Utility Availability for Riverbend Development Annexation**

**Date: 2/23/2021**

Walt,

This is to confirm the City of Shelby's utility availability for parcel 2551 located off College Avenue (NC-150), Shelby, North Carolina. Please see below for a look at the services provided.

Sewer:

- Sewer available with a public extension. System would require a lift station and forcemain that will connect to an existing forcemain along River Road. Capacity is available in the existing forcemain.

Water:

- Water available with a public extension with a connection point to the existing waterline along College Avenue (NC-150).

Natural Gas:

- Natural Gas available with extension of main from College Avenue (NC-150) or River Road.

Electric:

- Electric is available and is Customer Choice.

If you have any further questions, please feel free to contact me at 704-484-6840.

Sincerely,

David W. Hux  
Director of Water Resources

RESOLUTION NO. 13-2021

A RESOLUTION DIRECTING THE CITY CLERK TO DETERMINE  
SUFFICIENCY OF A VOLUNTARY ANNEXATION PETITION FROM  
NORTH POINT CUSTOM BUILDERS

**WHEREAS**, the City of Shelby has received a petition for voluntary annexation from North Point Custom Builders; and,

**WHEREAS**, North Carolina General Statute 160A-31 set forth standards allowing for contiguous annexation; and,

**WHEREAS**, the subject property, at 1105 River Road, as identified within the petition meets the standards set forth in the above referenced statute; and,

**WHEREAS**, North Carolina General Statute 160A-58.2 set forth standards allowing for a public hearing to annex contiguous property.

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

Section 1. The City Clerk is hereby directed to investigate this petition and to certify the results of such investigation in writing to City Council at the regular meeting on March 15, 2021.

Section 2. That upon receipt of a favorable report as to the sufficiency of the petition from the City Clerk a public hearing is hereby scheduled to receive public comment on said petition in accordance to GS 160A-58.2 on April 5, 2021.

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

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

Agenda Item: C-3

- 3) Approval of a resolution authorizing the selection of Rummel, Klepper, Kahl, LLC (RK&K) based on qualifications for Corrosion control remediation on the City of Shelby Natural Gas Pipeline: Resolution No. 14-2021

**Consent Agenda Item: (Julie McMurry, Director of Energy Services)**

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- Memorandum dated February 19, 2021 from Julie R. McMurry, Director of Energy Services to Rick Howell, City Manager and Justin S. Merritt, Assistant City Manager
- Resolution No. 14-2021

---

City Manager's Recommendation / Comments

The Natural Gas Distribution System Assessment completed in early 2020 and presented to City Council in September that same year identified a number of maintenance related needs within the system to be addressed. One of these is improvement in the cathodic protection efforts within the system. Cathodic protection is a vital part of protecting the integrity of the distribution system through a rectifier (or external power source) which applies an electric current to the steel natural gas line which inhibits corrosion.

In order to implement this portion of the plan for Corrosion Control Remediation the City will need to contract with an engineering firm to provide the civil engineering services. As such I authorized city staff to move forward with a Request for Qualifications process that would lead to the selection of a qualified professional engineering firm. Six (6) proposals were received from engineering firms interested in performing the work associated with this project. The qualification statements were reviewed by city staff and it is their recommendation that Rummel, Klepper, Kahl, LLC is the most qualified firm to perform and provide the services as outlined in the Request for Qualifications.

If approved this resolution would authorize selection this firm and negotiation of a contract price and terms in lines with the scope of services outlined in the RFQ. A contract document will be brought before Council for approval at that time.

**It is recommended that Resolution No. 14-2021 be adopted and approved via the Consent Agenda.**

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## *Memorandum*

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

**From:** Julie R. McMurry, Director of Energy Services

**RE:** Natural Gas - Corrosion Control Remediation Engineering  
Firm Selection Award

**Date:** February 19, 2021

### Executive Summary of issue -Background

The City of Shelby Energy Services Department completed an assessment of the natural gas system in March 2020. This assessment identified some areas of deficiencies in cathodic protection in areas of the natural gas system.

Pursuant to North Carolina General Statute 143-64.31, the City of Shelby utilizes a Qualification Based Selection process without consideration of fee proposals to initially select an engineering, architectural or surveying firm when contracts will exceed \$50,000. The selection criteria were as follows:

- Technical approach/Understanding of the project – 20%
- Relevant experience of proposed personnel – 15%
- Availability of staff and resources – 10%
- Familiarity with state natural gas requirements and processes – 20%
- Relevant natural gas corrosion control experience – 30%
- Location of the firm relative to the project – 5%

### Review and Comments

On January 5, 2021, the City of Shelby submitted Request for Qualifications for Corrosion Control Remediation. We received 6 responses on February 4, 2021. Responses were received from the following firms (listed in alphabetical order):

- Allied Corrosion Industries – Marietta, GA
- Integrity Solutions Field Services – East Lansing, MI
- Magnolia River – Charlotte, NC
- Pond & Company – Norcross, GA

- RK&K – Charlotte, NC
- Weston & Sampson – Portsmouth, NH

A review committee consisting of 4 city staff was established to complete independent reviews and scoring of the 6 responses received. After scoring was completed, the review committee met and agreed that Rummel, Kelpper & Kahl, LLP (RK&K) was the most qualified firm to perform the corrosion control remediation.

Tie in to current policy and/or adopted planning documents

The results of the corrosion control remediation will ensure that our natural gas pipeline is accurately protected from corrosion and will protect the integrity of the pipe.

**Recommendation**

City staff recommends that the Shelby City Council approve the resolution selecting Rummel, Kelpper & Kahl, LLP (RK&K) as the firm to perform the natural gas corrosion control remediation. This resolution will authorize the City Manager to negotiate and execute an agreement that establishes the scope of work and fees associated with the professional services that are to be completed.

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

RESOLUTION NO. 14-2021

A RESOLUTION AUTHORIZING THE SELECTION OF  
RUMMEL, KLEPPER, KAHL, LLC (RK&K) BASED ON QUALIFICATIONS FOR  
CORROSION CONTROL REMEDIATION ON THE CITY OF SHELBY NATURAL GAS PIPELINE

WHEREAS, the City of Shelby owns and operates a natural gas system and as a result of a recent natural gas system assessment has identified cathodic protection deficiencies in areas of the system; and,

WHEREAS, the staff issued a Request for Qualifications to professional engineering firms interested in providing corrosion control remediation to the areas of the natural gas system identified as being deficient; and,

WHEREAS, six (6) proposals were received from firms interested in performing the work associated with the project in accordance with North Carolina's General Statute 143-64.31; and,

WHEREAS, City staff has reviewed the proposals and determined that Rummel, Klepper, Kahl, LLC (RK&K) is the most qualified firm to perform and provide the services as outlined in the Request for Qualifications.

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

Section 1. The City Council of the City of Shelby hereby desires for the City Manager to enter into negotiations with Rummel, Klepper, Kahl, LLC (RK&K) in accordance with North Carolina's General Statute 143-64.31 to negotiate a contract for the above referenced project.

Section 2. If a fair and reasonable fee cannot be negotiated with the best qualified firm, negotiations will be terminated and initiated with the next best qualified firm.

Section 3. The City Manager is hereby authorized to execute a contract with a firm after successful negotiations.

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

Adopted and approved this the 1<sup>st</sup> day of March 2021.

---

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  
March 1, 2021  
Electronic Meeting

Agenda Item: C-4

- 4) Approval of a resolution honoring Steve Ashley Canipe on the occasion of his retirement from employment with the City of Shelby: Resolution No. 15-2021

**Consent Agenda Item: (Jeff Ledford, Chief of Police)**

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- Memorandum dated February 22, 2021 from Jeffrey H. Ledford, Chief of Police to Rick Howell, City Manager
- Resolution No. 15-2021

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City Manager's Recommendation / Comments

This time is scheduled on your agenda to consider a resolution recognizing Steve Canipe on the occasion of his retirement from employment. In keeping with policy Resolution No. 15-2021 will recognize him for having served the City faithfully for the past 30 years as a Shelby Police Department employee. He is to be congratulated! Capt. Canipe is an experienced Police Officer and Captain. He will be greatly missed by his fellow Police Officers.

As is in keeping with current policy Capt. Canipe will be presented with a framed resolution, a city lapel pin and a key to the City. It is customary and appropriate to recognize Steve Canipe for his many years of service to the City. Capt. Canipe's dedication to our Police Department is to be admired.

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. 15-2021 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.

# Shelby Police Department



## SHELBY POLICE DEPARTMENT

JEFFREY H. LEDFORD  
CHIEF OF POLICE



CALEA Accredited  
2001



CALEA Accredited  
2014



To: Rick Howell, City Manager  
Bernadette Parduski, City Clerk

From: Jeffrey H. Ledford, Chief of Police

Re: Captain Steve Ashley Canipe  
City Council Resolution

Date: February 22, 2021

Captain Steve Ashley Canipe retired as a law enforcement officer with the City of Shelby on September 1, 2020. At that time, Captain Canipe had served the City of Shelby, the citizens of Shelby and the Shelby Police Department for 30 years. Captain Canipe began his career with the Shelby Police Department August 1990. He was promoted to the rank of Sergeant July 1995, Lieutenant, January 2000, and then to Captain, December 2009 and served in that role until his retirement September 2020.

Captain Canipe worked in and led various divisions throughout his career here at the Shelby Police Department. He served as a member of the department's Selective Enforcement Team, as a Patrol Watch Commander, a Problem Policing Unit Commander, and a Lieutenant over the Professional Standard Division. He was also a Law Enforcement General Instructor, a Crisis Intervention Instructor, a Less Lethal Instructor, and a Firearms Range Master Instructor; and receiving a promotion to Police Captain in December 2009 and finished his career as the Operations Division Commander,

Captain Canipe is being honored for his leadership, his loyalty, his commitment to protect and serve, and his dedication to the civilian community, the law enforcement community, the City of Shelby, and the State of North Carolina, therefore his service has been submitted to the NC Governor's Office for the Order of the long Leaf Pine Award for these qualities.

Captain Canipe is well-known, and very much respected by the community, and assisted them in any way possible. He has had a long, successful career with the Shelby Police Department and has demonstrated his dedication, his commitment to public service through his Law Enforcement career over the past 30+ years, deserving to be honored with a Shelby City Council Resolution and the NC Governor's Order of the Long Leaf Pine Award.

Thank you.



**RESOLUTION NO. 15-2021**

**A RESOLUTION HONORING STEVE ASHLEY CANIPE  
ON THE OCCASION OF HIS RETIREMENT  
FROM EMPLOYMENT WITH THE CITY OF SHELBY**

**WHEREAS**, on the occasion of his retirement from employment on September 1, 2020, it is fitting and proper for the City Council to express its sincere appreciation to Steve Ashley Canipe for his loyal, dedicated, and committed service to the City of Shelby from August 24, 1990 to September 1, 2020; and,

**WHEREAS**, Mr. Canipe has been a loyal team member in the continuing development of the Shelby Police Department, especially for his strength, courage, and bravery exhibited in providing protection and service to the City of Shelby and to all its citizens; and,

**WHEREAS**, during his tenure of service, Mr. Canipe has been a loyal employee for the City of Shelby, beginning as a Patrol Officer August 1990; receiving a promotion to Police Sergeant in July 1995; and, receiving a promotion to Police Lieutenant in January 2000; serving also as a member of Shelby Police Department's Selective Enforcement Team, a Patrol Watch Commander, a Problem Policing Unit Commander, and a Lieutenant over the Professional Standard Division; including a Law Enforcement General Instructor, a Crisis Intervention Instructor, a Less Lethal Instructor, and a Firearms Range Master Instructor; and receiving a promotion to Police Captain in December 2009; and finishing his career as the Operations Division Commander, and has been an outstanding example of the quality of employee necessary to the development of the good of the City; and,

**WHEREAS**, Mr. Canipe is a successful graduate of the North Carolina Justice Academy's Management Development Program February 2000, and completed over 2,000 hours of advanced law enforcement training, having received his Law Enforcement Advanced Certificate August 2003, which is the highest certification that a Law Enforcement Officer can receive from the State of North Carolina; and,

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

**WHEREAS**, the City of Shelby is most grateful for the devoted, community, and personal contributions Mr. Canipe 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. Canipe for his dedicated and devoted duty to law enforcement service to its citizens, noting that Mr. Canipe 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 Steve Ashley Canipe for his performance of duty to the City of Shelby, 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 March 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  
March 1, 2021  
Electronic Meeting

**D. Unfinished Business**

**Agenda Item D-1**

- 1) Consideration of appointments to City advisory boards and commissions:
  - a. Keep Shelby Beautiful Commission

**Unfinished Business Item: (Bernadette A. Parduski, City Clerk)**

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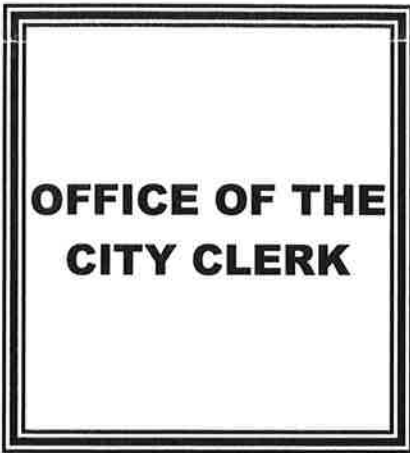
- Memorandum dated February 23, 2021 from Bernadette A. Parduski, City Clerk to Rick Howell, City Manager
- Keep Shelby Beautiful Commission Roster 2021
- Application for Cheryl Yates

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City Manager's Recommendation / Comments

Volunteers are an essential part of the work the City performs each year. As always this is just a reminder that we all should work to recruit qualified and quality people to serve whenever possible. Solicitation of both qualified and interested citizens to serve on these important advisory boards remains a priority for 2021. I would challenge each of you to recruit viable candidates that possess the knowledge and willingness to serve during the coming months.

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



# Memo

To: Rick Howell, City Manager  
From: Bernadette A. Parduski, City Clerk  
Date: February 23, 2021  
Re: Appointments to City Advisory Boards

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**BOARD REVIEW:**

KEEP SHELBY BEAUTIFUL COMMISSION –

The terms of five incumbents, Patrick McMurry, Wiley Smith, Don Costner, Patti Ellis McMurry, and Dana White, concluded in January 2021. All five incumbents wish to continue their service on this board.

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

- Cheryl Yates

**POSSIBLE ACTION:**

KEEP SHELBY BEAUTIFUL COMMISSION –

Council can begin the nominating process or take appointive action for five new terms concluding January 2024.

**Attachments:**

- A. Keep Shelby Beautiful Commission Roster
- B. Application of Cheryl Yates

**KEEP SHELBY BEAUTIFUL (KSB) COMMISSION ROSTER 2021**

<b>MEMBERS</b>	<b>ADDRESS</b>	<b>TERM EXPIRATION</b>	<b>PHONE NUMBER</b>
Audrey Whetten Godfrey Executive Director <a href="mailto:awhetten@uptownshelby.com">awhetten@uptownshelby.com</a>	211 South Trade Street Shelby, NC 28150	USA Representative	W: 704 484-3100
Linda G. Bridges <a href="mailto:Kbridges3@carolina.rr.com">Kbridges3@carolina.rr.com</a>	1204 Brookwood Drive Shelby, NC 28150	January 2023	704 482-3722
Charles Hamrick <a href="mailto:Mrcharles911@gmail.com">Mrcharles911@gmail.com</a>	PO Box 1356 Shelby, NC 28151	January 2023	704 996-3114
Laurie Hendrick <a href="mailto:laurieh@carolina.rr.com">laurieh@carolina.rr.com</a>	926 Elizabeth Road Shelby, NC 28150	January 2023	H: 704 487-5103 C: 704 418-4984
Modestenia Bush <a href="mailto:Modesteniabush71@yahoo.com">Modesteniabush71@yahoo.com</a>	1338 N. Lafayette St. Shelby, NC 28150	January 2023	H: 704 471-9702 C: 704 472-6556
A. Patrick McMurry <a href="mailto:apmcmurry@gmail.com">apmcmurry@gmail.com</a>	600 Peach Street Shelby, NC 28150	January 2021	704 692-1819
Wiley Smith Jr. <a href="mailto:Wileysmith29@gmail.com">Wileysmith29@gmail.com</a>	861 West Marion St. Shelby, NC 28150	January 2021	C: 704 418-5070
Don Costner <a href="mailto:Don.costner@allentate.com">Don.costner@allentate.com</a>	814 East Marion St. Shelby, NC 28152	January 2021	H: 704 480- 1989 W: 704 472-8052
Patti Ellis McMurry <a href="mailto:Patti.mcmurry@hospicecares.cc">Patti.mcmurry@hospicecares.cc</a>	905 Elizabeth Road Shelby, NC 28150	January 2021	H: 980 522-1340 W: 704 487-4677
Dana White <a href="mailto:danawhite@hotmail.com">danawhite@hotmail.com</a>	1007 Queens Circle Shelby, NC 28150	January 2021	H: 704 487-1757 W: 704 487-8627
Joe Linton Suttle IV <a href="mailto:Joesuttle4@gmail.com">Joesuttle4@gmail.com</a>	909 Elizabeth Road Shelby, NC 28150	January 2022	H: 704 300-1516 W: 704 484-6295
Kellie Ledford <a href="mailto:Kellie.j.ledford@gmail.com">Kellie.j.ledford@gmail.com</a>	219 Windsor Road Shelby, NC 28150	January 2022	704 473-6676
Linda Price <a href="mailto:Lp044404@gmail.com">Lp044404@gmail.com</a>	427 Windsor Drive Shelby, NC 28150	January 2022	H: 704 487-666
Richard F. (Dick) Baker Jr. <a href="mailto:Rbaker51@carolina.rr.com">Rbaker51@carolina.rr.com</a>	1810 Country Garden Drive Shelby, NC 28150	January 2022	W: 980 487-3787 C: 704 574-1443
Chris Carter	1342 Harvest Moon Drive Shelby, NC 28150	January 2023	W: 704 482-4341 C: 704 692-9437

**Meetings held on the 1<sup>st</sup> Wednesday of each month;** 11:45 – 1:00pm; Don Gibson Theatre, 318 S. Washington Street Shelby, NC 28150

**City Council Liaison:** David White; 1717 Arbor Way Drive Shelby, NC 28150; 704 482-9240 or 704 487-8627; email: [dwalt50@carolina.rr.com](mailto:dwalt50@carolina.rr.com)

**Advisor:** Fred Blackley. 504 S. Dekalb St. Shelby, NC 28150 W: 704 484-1731; [fred504@bellsouth.net](mailto:fred504@bellsouth.net)

**Staffed by Planning and Development Services Department (704 484-6829):** Walt Scharer, Director and KSB Coordinator, [walt.scharer@cityofshelby.com](mailto:walt.scharer@cityofshelby.com)



**APPLICATION FOR APPOINTMENT TO BOARDS AND COMMISSIONS**

The Shelby City Council believes that all citizens should have the opportunity to actively participate in governmental decisions. One way of participating is by serving as a voluntary member of one of the City's Boards, Commissions or Committees as outlined below. If you have interest in being considered for appointment, please complete the form below and mail it to the City Clerk, City of Shelby, and P.O. Box 207, Shelby, North Carolina 28151-0207.

- Shelby-Cleveland County Regional Airport Advisory Commission
- Shelby Alcoholic Beverage Control Board
- Shelby Appearance Advisory Commission
- Shelby Zoning Board of Adjustment
- Shelby Community Relations Council
- Shelby Fireman's Relief Fund Board of Trustees
- Shelby Housing & Redevelopment Advisory Board
- Shelby Parks & Recreation Advisory Commission
- Shelby Planning & Zoning Advisory Board
- \*Other committees that may be formed by the Mayor and City Council

DATE 4-27-18

NAME Cheryl Yates

ADDRESS (No PO Boxes, please) 405 Edgewood Rd

CITY / STATE / ZIP Shelby NC 28150

Trd 4

TELEPHONE (Home) 704-418-1065 (Work) \_\_\_\_\_

EMAIL ADDRESS yatescheryl09@gmail.com

OCCUPATION Retired

EDUCATIONAL BACKGROUND High School

BOARD OR COMMISSION INTERESTED IN:

1. Keep Shelby Beautiful
2. \_\_\_\_\_
3. \_\_\_\_\_

OTHER COMMENTS:

I love to volunteer and have an interest  
in keeping our city beautiful.

SIGNATURE Cheryl Yates DATE 4-27-18

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

Agenda Item D-2

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

**Unfinished Business Item: (Walter Scharer, Planning Director)**

---

- Memorandum dated February 22, 2021 from Walter Scharer, Planning Director to Rick Howell, City Manager
- Letter from Cleveland County 2 MMR Limited Partnership
- Copy of Resolution No. 54-2020
- Proposed Alley Closure maps
- Resolution No. 2-2021

---

City Manager's Recommendation / Comments

City Council previously held a public hearing on this matter on Monday, February 15<sup>th</sup>. In accordance with NC General Statute 160A-299 Resolution No. 2-2021 is presented for your consideration and if approved would permanently close this unopened right of way returning ownership to the abutting property owners. In this case properties are owned by three property owner LLC groups owned and managed by the same entity.

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

**It is recommended that Resolution No. 2-2021 be adopted and approved by Council at this time.**



## **Memorandum**

**To:** Rick Howell - City Manager  
**From:** Walter Scharer – Planning Director  
**Date:** February 22, 2021  
**Subject:** Request to close an unopened right-of-way between Textile Street and East Shannonhouse Street

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

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

### **Review and Comments**

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

A public hearing for this proposed Street Closure was held on February 15, 2021 with no public comment submitted. State law authorizes public bodies to conduct public hearings during a remote meeting and take action based on those hearings. It adds a requirement that written comments may be submitted at any time between the notice of the public hearing and 24 hours after the public hearing. A consequence of this requirement is that the City Council was not be able to take action on the matter immediately following the public hearing. Action to close this ROW, if Council so chooses, may take place at the March 1, 2021 City Council meeting.

### **Recommendation**

Please place this item on the March 1, 2021 City Council meeting for consideration.

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



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

September 4, 2020

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

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

Dear Mr. Scharer,

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

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

Please let me know if you need any additional information.

Thank you,

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

By: Maida M. Pearson, Manager

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

By: Maida M. Pearson, Manager

Ella Mill Properties, LLC

By: Maida M. Pearson, Manager

**RESOLUTION NO. 54-2020**

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

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

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

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

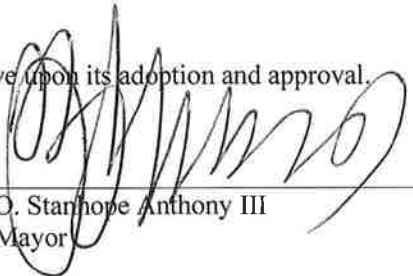
**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHELBY, NORTH CAROLINA:**

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


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

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

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

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

ATTEST:

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

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

The City Council of Shelby, North Carolina will conduct a public hearing on Monday, February 15, 2021 at 6:00 PM via Zoom to discuss an order closing an unopened right-of-way for between Textile Street and East Shannonhouse Street.

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

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

**The Shelby Star:**

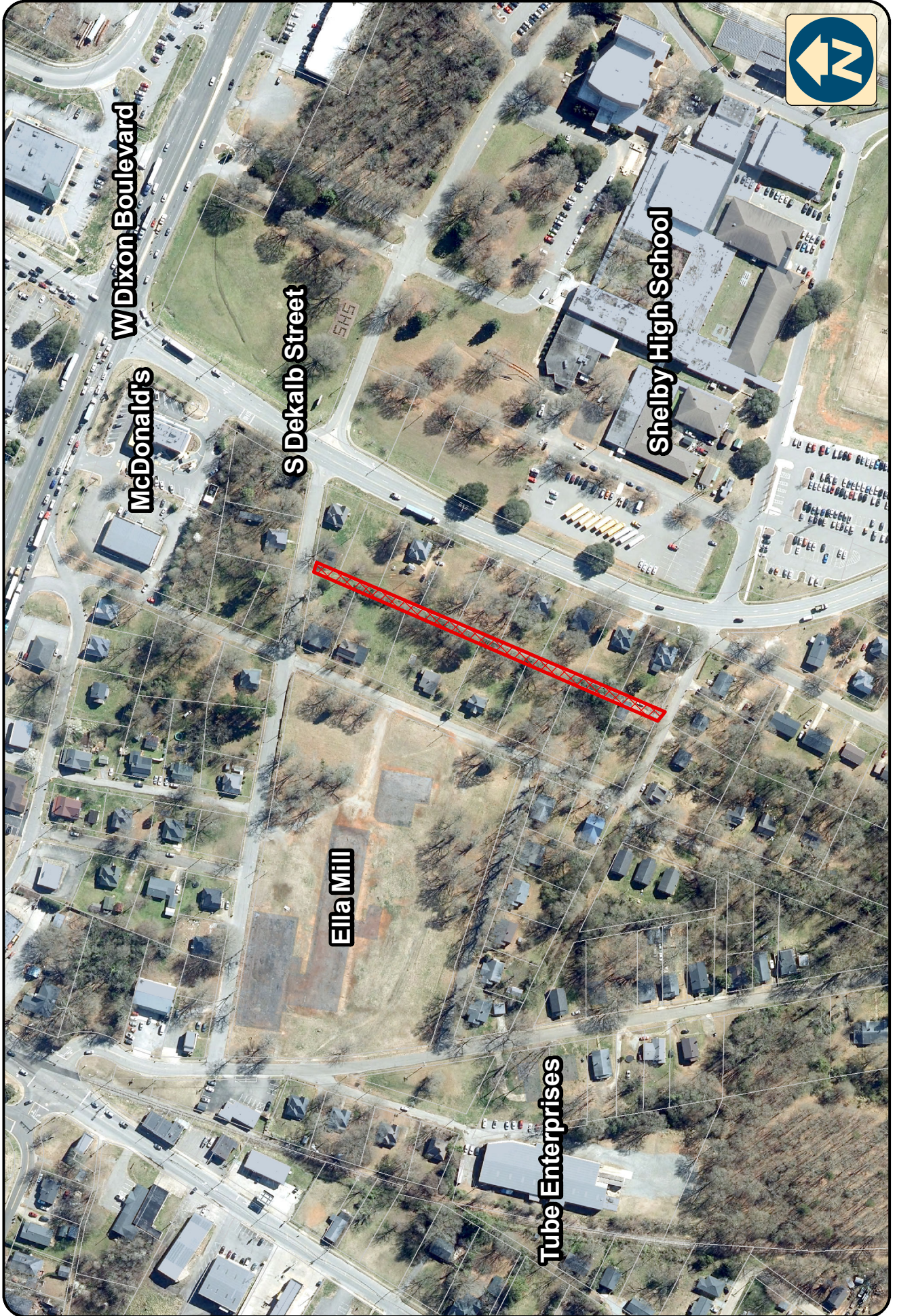
**Please publish this notice as a legal line ad on Tuesday, January 18, 2021; Tuesday, January 26, 2021; and Tuesday, February 2, 2021, and Tuesday, February 9, 2021.**

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



# Proposed Alley Closure Cambridge Commons Project

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



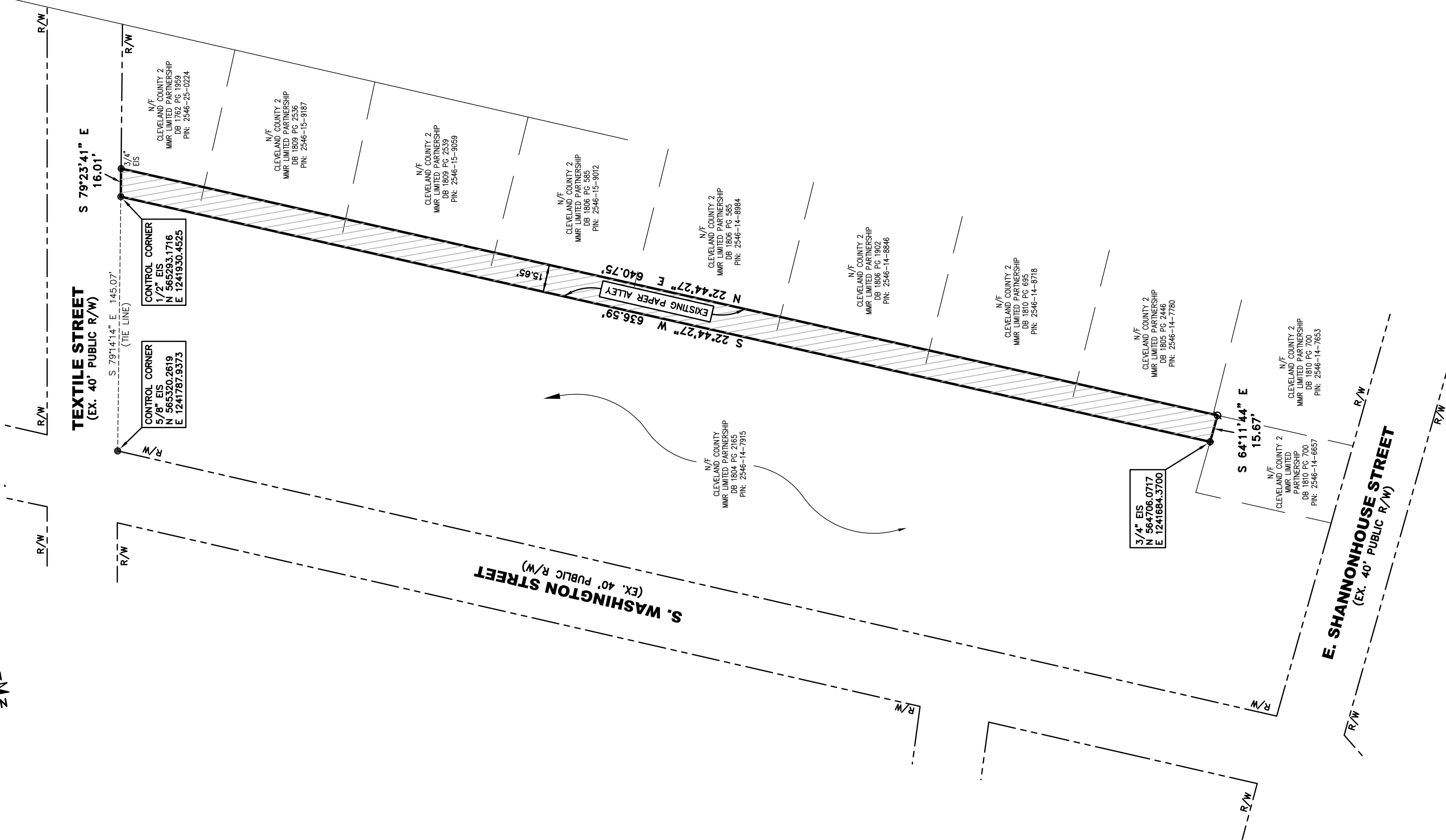
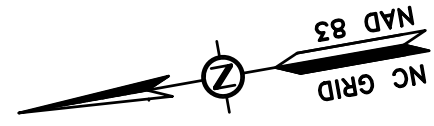
Scale 1:3,000 1 inch = 250 feet



Date: 11/23/2020

**SURVEY LEGEND**

- EXISTING IRON STAKE/PIPE
- ⊗ COMPUTED POINT



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

S 79°23'41" E  
16.01'

CONTROL CORNER  
1/2" IRON  
E 1241830.4525

CONTROL CORNER  
3/8" IRON  
E 1241787.9373

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

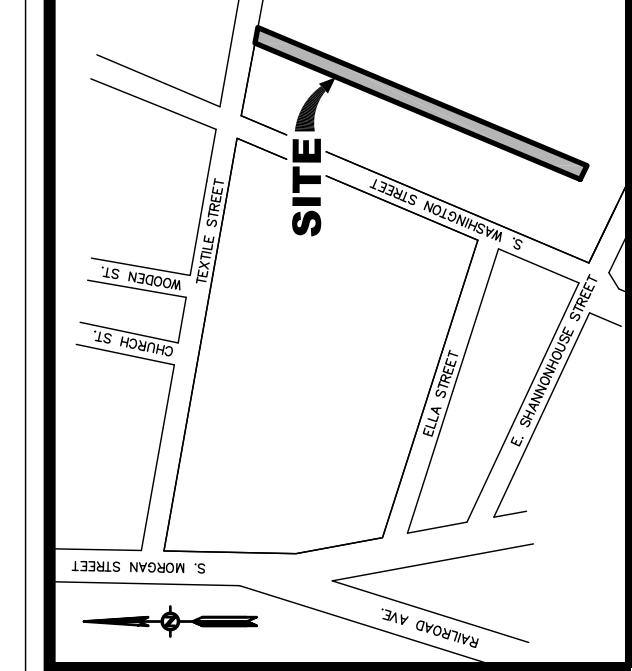
N 22°44'27" E 840.75'

S 22°44'27" W 836.59'

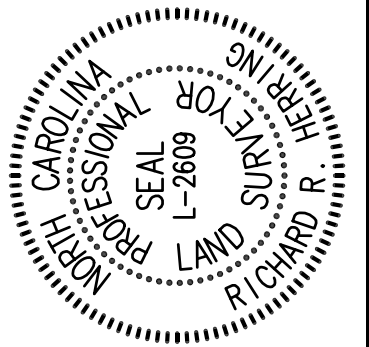
**E. SHANNONHOUSE STREET**  
(EX. 40' PUBLIC R/W)

S 64°11'44" E  
15.97'

**Vicinity Map**  
Not to Scale



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



THIS 22nd DAY OF DECEMBER, 2020  
12/23/20

ROBERT H. HERRING  
1544-2009

**REVIEW OFFICER CERTIFICATE**

STATE OF NORTH CAROLINA  
COUNTY OF CLEVELAND  
I, \_\_\_\_\_, REVIEW OFFICER FOR CLEVELAND COUNTY, CERTIFY THAT THE MAP OR PLAN OF CLOSURE/ABANDONMENT OF STREET OR ALLEY SUBMITTED TO ME FOR RECORDING MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

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

PREPARED IN ACCORDANCE WITH SECTION 1602 OF THE GENERAL STATUTES OF NORTH CAROLINA, WHICH PROVIDES THE PROCEDURE FOR PERMANENTLY CLOSING STREETS AND ALLEYS.  
SUBSECTION (G) UPON THE CLOSING OF A STREET OR ALLEY IN ACCORDANCE WITH THIS SECTION SUBJECT TO THE PROVISIONS OF SUBSECTION (H), THE RIGHT-OF-WAY SHALL BE CONCLUSIVELY PRESUMED TO BE VESTED IN THE ADJACENT PROPERTY OWNERS OF THE LOTS BOUNDING THE STREET OR ALLEY, AND THE TITLE OF SUCH ADJACENT PROPERTY OWNERS SHALL EXTEND TO THE ENTIRE LINE OF THE STREET OR ALLEY.  
THE PROVISIONS OF THIS SUBSECTION REGARDING DIVISIONS OF RIGHT-OF-WAY IN STREET OR ALLEY CLOSURES MAY BE ALTERED AS TO PROPERTY OWNERS TAKING TITLE TO A CLOSED STREET OR ALLEY BY THE PORTION OF THE CLOSED STREET OR ALLEY TO BE TAKEN BY EACH PROPERTY OWNER, PROVIDED THAT THE SAME BE ASSIGNED BY EACH OWNER UNDER THE SAME PLAN AND UNDER THE SAME DEED, AND THE CLOSED STREET OR ALLEY.

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

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

PROPERTY REFERENCE PB 7 PG 8

I, ROBERT H. HERRING, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY PERSONAL SUPERVISION AND THAT THE INFORMATION CONTAINED THEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I AM A LICENSED PROFESSIONAL SURVEYOR IN THE STATE OF NORTH CAROLINA. THE INFORMATION CONTAINED HEREIN IS BASED ON THE REFERENCE SOURCE. REFERENCE SOURCE: DEEDS AND PLANS OF RECORD IN THE PUBLIC RECORDS OF THE CLERK OF SUPERIOR COURT, CLEVELAND COUNTY, NORTH CAROLINA (21 NCAC 06A000) THIS 22nd DAY OF DECEMBER, 2020

Revision	Date	By

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

**Proposed Alley Closing / Abandonment**

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

**Herring-Sutton & Associates, P.A.**  
Engineers - Surveyors - Planners  
2201 Nash Street NW, Wilson, North Carolina 27896 (252) 291-8887

**RESOLUTION NO. 2-2021**

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

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

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

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

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

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

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

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

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

Resolution No. 2-2021

March 1, 2021

Page 2

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

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

Adopted and approved this the 1<sup>st</sup> day of March 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:

---

Andrea Leslie-Fite  
City Attorney

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

Agenda Item D-3

- 3) Consideration of a proposed ordinance to amend the Unified Development Ordinance of the City of Shelby: Ordinance No. 4-2021

**Unfinished Business Item: (Walter Scharer, Planning Director)**

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- Memorandum dated February 22, 2021 from Walter Scharer, Planning Director to Rick Howell, City Manager
- Staff Report
- Planning and Zoning Board Minutes
- Notice of Public Hearing
- Ordinance No. 4-2021

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City Manager's Recommendation / Comments

City Council previously held the required public hearing on this matter on Monday, February 15. Ordinance 4-2021 is an amendment that eliminates Conditional Use District zoning and replaces it with Conditional Zoning. Mr. Scharer has provided the necessary background information for your consideration. Consideration should be given by City Council to the following section from the Unified Development Ordinance of the City Code when making decisions concerning amendments to the UDO whether they be text or map changes. The certified recommendation from the Planning and Zoning Board Chairperson is included in the agenda packet for your consideration.

**It is recommended that Ordinance No. 4-2021 be adopted and approved by Council at this time.**

*Sec. 8-6. Ultimate issue before city council on amendments.*

*In deciding whether to adopt a proposed amendment to this ordinance, the central issue before the city council is whether the proposed amendment advances the public health, safety, or welfare. All other issues are irrelevant, and all information related to other issues at the public hearing may be declared irrelevant by the chairman and excluded. When considering proposed map amendments:*

*(A) Except for rezoning requests submitted in accordance with section 8-7, the city council shall not consider any representations made by the petitioner that, if the change is granted, the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the city council shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification.*

*(B) The city council shall not regard as controlling any advantages or disadvantages to the individual requesting the change but shall consider the impact of the proposed change on the public at large.*





## **Memorandum**

To: Rick Howell - City Manager  
From: Walter Scharer – Planning Director  
Date: February 22, 2021  
Subject: GS-160D Enabling Legislation

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

In 2019 the General Assembly passed a new set of land development regulations in 160D of the General Statutes. This legislation requires local governments in North Carolina to amend their land development regulations to follow the new 160D land development statute.

### **Review and Comments**

This proposed text amendment to the City of Shelby UDO follows the new requirements found in 160D. This amendment eliminates Conditional Use District zoning and replaces it with Conditional Zoning. These zoning districts are similar, but the new Conditional Zoning eliminates the need for a Quasi-Judicial Hearing that was previously necessary with Conditional Use District zoning.

A public hearing for this proposed Zoning Text Amendment was held on February 15, 2021 with no public comment submitted. State law authorizes public bodies to conduct public hearings during a remote meeting and take action based on those hearings. It adds a requirement that written comments may be submitted at any time between the notice of the public hearing and 24 hours after the public hearing. A consequence of this requirement is that City Council was not able not be able to take action on the matter immediately following the public hearing. City Council, if it so chooses, may take action on this matter at the March 1, 2021 City Council meeting.

### **Recommendation**

Please place this item on the March 1, 2021 City Council meeting for consideration.

**Attachments: Staff Report, Planning and Zoning Board Minutes, Notice of Public Hearing, and Ordinance**



# Staff Report

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

Date: October 20, 2020  
Meeting: December 17, 2020

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**Proposal:** To replace the Conditional Use District Rezoning's in 8-7 with Conditional Zoning Districts to be compliant with NC GS 160D Requirements.

## **ANALYSIS:**

The following is the proposed Conditional Zoning Districts for 8-7:

### **8-7 Conditional Zoning Districts**

- (A) The conditional zoning districts are established to allow the 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.
- (B) The conditional zoning district approval process allows the City Council to approve a proposal for a specific use with reasonable conditions to assure the compatibility of the use with surrounding properties. This is a voluntary procedure intended for firm development proposals. Uses that may be proposed and considered for a conditional zoning district shall be restricted to those uses permitted in the underlying general zoning district.
- (C) The conditional zoning process shall be made utilizing the same procedures that apply to text amendment and map amendments, as set forth in Article 8-2 to 8-5.
- (D) No conditional zoning district shall be established until after the person proposing the district has submitted a petition for the reclassification of the district and the City Council has approved such a petition in accordance with the procedures delineated in Sections 8-2 to 8-5. Every petition for the reclassification of a property to a conditional zoning district shall be accompanied by a site plan containing the requisite information specified in Appendix A. Every petition shall also be accompanied by a list of proposed uses within the proposed conditional zoning district.
- (E) If a petition is approved under this Section, the district that is established, the approved petition and all conditions which may have been attached to the approval are binding on the property as an amendment to this Ordinance and to the zoning map. All subsequent development and use of the property shall be in accordance with the standards for the approved conditional district, the approved petition, and all conditions attached to the approval. Only those uses and structures indicated in

the approved petition and site plan shall be allowed on the subject property. Any development in the district shall comply with all provisions of and conditions to the approved petition and site plan.

- (F) Following the approval of the petition for a conditional zoning district, the subject property shall be identified on the zoning map by the appropriate district designation.
- (G) Minor changes in the detail of the site plan which will not alter the basic relationship of the proposed development to surrounding properties or the standards and requirements of these regulations or to any conditions attached to the approval may be approved by the Planning & Development Services Director without going through the amendment process or a public hearing. The Planning & Development Services Director, at his discretion, may forward any application for changes in detail to the City Council for its consideration as an amendment to this Ordinance or the zoning map. The applicant may appeal the decision of the Planning & Development Services Director to the Board of Adjustment for review and decision as to whether an amendment to the approved district shall be required.
- (H) It is intended that property shall be reclassified to a conditional zoning district only in light of firm plans to develop the property. Therefore, if all applicable permits are not obtained within one year from the date of approval of the rezoning petition to a conditional zoning district or if any owner of the property rezoned challenges a condition applicable to the case, the Planning & Development Services Director shall either initiate a reclassification of the property in accordance with the procedures established in this Article or shall forward a report to the City Council recommending that the property be reclassified to the original zoning district or to another district.
- (I) After a certificate of occupancy has been issued for the development approved as a conditional zoning district, the Planning & Development Services Director shall periodically inspect the use and maintenance of the subject property to ensure continued compliance with this Ordinance, the approved petition and site plan, and any conditions attached by the City Council to approval of the petition.



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

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

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

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

Mr. Hamrick asked for clarification of Level of Service.

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

**Second:** Mr. Martin

**Action:** This motion passed unanimously

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

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

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

Chair Peeler adjourned the meeting at 12:32 pm.

**NOTICE OF PUBLIC HEARING  
ZONING TEXT  
AMENDMENT**

The City Council of Shelby, North Carolina will conduct a public hearing via a Zoom meeting at 6:00 p.m., Monday, February 15, 2021. City Council will consider a proposed text amendment to amend Conditional Use Districts of Article 8-7 & 9-1.5 of the City of Shelby Unified Development Ordinance.

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

The City Council may change the text covered by the petition or any part thereof, without the withdrawal or modification of the petition or further publication of notice.

Persons interested in commenting on this matter are invited to attend the public comment station in the Don Gibson Theatre at 318 South Washington Street, Shelby, NC at 6 pm on Monday February 15, 2021. Persons may also comment on this matter by submitting written comments no later than 5pm, February 15, 2021.

Members of the public wishing to attend this meeting should contact the City Clerk (704 484-6800) at least 24 hours prior to the meeting.

---

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

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**The Shelby Star:**

**Please publish this notice as a legal line ad on Wednesday February 3, 2021 and repeat the same ad on Wednesday February 10, 2021.**

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

**ORDINANCE NO. 4-2021**

**A PROPOSED ORDINANCE TO AMEND  
THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF SHELBY**

**WHEREAS**, the State of North Carolina General Legislature adopted North Carolina General Statute 160D in 2019; and,

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

**WHEREAS**, the Shelby Planning and Zoning Board found that the text amendment is consistent with the Comprehensive Land Use Plan; and,

**WHEREAS**, in accordance with GS 160A-364, a public hearing on this proposed text amendment was held by City Council on February 15, 2021 after due publication of said hearing as required by law; and,

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

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

**Section 1.** In accordance with Chapter 160A, Article 19 of the North Carolina General Statutes, as amended, the Shelby Unified Development Ordinance is amended as shown in Exhibit A.

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

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

**ADOPTED AND APPROVED** this the 1<sup>st</sup> day of March 2021.

---

O. Stanhope Anthony III  
Mayor

ATTEST:

---

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

APPROVED AS TO FORM:

---

Andrea Leslie-Fite  
City Attorney

## Exhibit A:

### ~~8-7 CONDITIONAL USE DISTRICT REZONINGS~~

- ~~(A) There are circumstances in which a general zoning district designation allowing a use by right would not be appropriate for a particular property even though the use itself could, if properly planned, be appropriate for the property consistent with the objectives of this Ordinance and the adopted Land Development Plan. The review process established in this Section provides for the accommodation of such uses by a reclassification of property into a conditional use district, subject to specific conditions which ensure compatibility of the use with the use and enjoyment of neighboring properties.~~
- ~~(B) The conditional use district approval process is established to address those situations when a particular use may be acceptable but the general zoning district which would allow that use would not be acceptable. It allows the City Council to approve a proposal for a specific use with reasonable conditions to assure the compatibility of the use with surrounding properties. Any use permitted under this process must also conform to the development regulations for the corresponding general zoning district. This is a voluntary procedure that is intended for firm development proposals. It is not intended or suited for securing early zoning for tentative proposals that may not be undertaken for some time. Uses that may be proposed and considered for a conditional use district shall be restricted to those uses permitted in the underlying general zoning district either by right or by conditional or special use permit. If the proposed use is one allowed by conditional use permit, it shall be reviewed and approved by the City Council rather than the Board of Adjustment. Approval of a petition for conditional use district zoning shall result in (i) the zoning classification being changed to the requested conditional use district designation and (ii) the issuance of a special use permit for the approved use.~~

~~The conditional use district rezoning process essentially combines the map amendment and the special use permit review and approval processes. The conditional use district rezoning review and approval process shall include the following steps:~~

- ~~(1) Review by the Planning and Zoning Board and recommendation to the City Council.~~
- ~~(2) Public hearing by the City Council using quasi-judicial hearing procedures as delineated in Section 4-7.7.~~
- ~~(3) Decision by the City Council on the rezoning request.~~
- ~~(4) If the rezoning request is approved, decision by the City Council on the special use permit request.~~



- (C) ~~No conditional use district shall be established until after the person proposing the district has submitted a petition for the reclassification of property and the City Council has approved such petition in accordance with the procedures delineated in Sections 8-2 through 8-4. A conditional use district zoning petition shall be signed by all of the owners of the property(ies) included in the petition. Every petition for the reclassification of property to a conditional use district shall be accompanied by a site plan containing the requisite information specified in Appendix A and by an application for a special use permit. In the course of evaluating the proposed use, the City Council may request additional information deemed appropriate to provide a complete analysis of the proposal.~~
- (D) ~~The City Council may approve the reclassification of property to a conditional use district only upon determining that the proposed use will meet all standards and requirements in these regulations that are applicable to the proposed use. In approving a petition for the reclassification of property to a conditional use district, the Planning and Zoning Board may recommend and the City Council may attach reasonable and appropriate conditions to approval of the petition. Any such conditions should relate to the relationship of the proposed use to surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer improvements, stormwater drainage, the provision of open space, and other matters that the City Council may find appropriate or that the petitioner may propose. Such conditions to approval of the petition may include dedication of any rights-of-way or easements for streets, water, sewer, or other public utilities necessary to serve the proposed development. The petitioner shall have a reasonable opportunity to consider and respond to any such conditions prior to final action by the City Council.~~
- (E) ~~If a petition is approved under this Section, the district that is established, the approved petition, the approved special use permit, and all conditions which may have been attached to the approval are binding on the property as an amendment to this Ordinance and to the zoning map. All subsequent development and use of the property shall be in accordance with the standards for the approved conditional district, the approved petition, and all conditions attached to the approval. Only those uses and structures indicated in the approved petition and site plan shall be allowed on the subject property. Any development in the district shall comply with all provisions of and conditions to the approved petition and site plan. Any uses and structures on the subject property shall also comply with all standards and requirements for development in the underlying general zoning district.~~
- (F) ~~Following the approval of the petition for a conditional use district, the subject property shall be identified on the zoning map by the appropriate district designation. A conditional use district shall be identified by the same designation as the underlying general zoning district followed by the letters 'CU' [for example, GB-CU]. An accompanying special use permit shall be issued to the applicant upon approval of the petition.~~
- (G) ~~Except as provided in subsection (H), changes to the approved petition or to the conditions attached to the approval shall be treated the same as amendments to this Ordinance or to the zoning map and shall be processed in accordance with the procedures in this Article.~~

- ~~(H) Minor changes in the detail of the site plan which will not alter the basic relationship of the proposed development to surrounding properties or the standards and requirements of these regulations or to any conditions attached to the approval may be approved by the Zoning Administrator without going through the amendment process or a public hearing. The Zoning Administrator, at his discretion, may forward any application for changes in detail to the City Council for its consideration as an amendment to this Ordinance or the zoning map. The applicant may appeal the decision of the Zoning Administrator to the Board of Adjustment for review and decision as to whether an amendment to the approved district shall be required.~~
- ~~(I) It is intended that property shall be reclassified to a conditional use district only in light of firm plans to develop the property. Therefore, if all applicable permits are not obtained within one year from the date of approval of the rezoning petition to a conditional use district or if any owner of the property rezoned challenges a condition applicable to the case, the Zoning Administrator shall either initiate a reclassification of the property in accordance with the procedures established in this Article or shall forward a report to the City Council recommending that the property be reclassified to the original zoning district or to another district.~~
- ~~(J) After a certificate of occupancy has been issued for the development approved as a conditional use district, the Zoning Administrator shall periodically inspect the use and maintenance of the subject property to ensure continued compliance with this Ordinance, the approved petition and site plan, and any conditions attached by the City Council to approval of the petition.~~

## **8-7 Conditional Zoning Districts**

- (A) The conditional zoning districts are established to allow City Council, as part of its legislative decision making, 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.
- (B) The conditional zoning district approval process allows City Council to approve a proposal for a specific use with reasonable conditions to assure the compatibility of the use with surrounding properties. The conditional zoning district process is a voluntary procedure intended for firm development proposals. Proposed uses for a conditional zoning district shall be restricted to permitted uses in the underlying general zoning district.
- (C) The conditional zoning process shall utilize the same procedures that apply to text amendment and map amendments, as set forth in Article 8-2 to 8-5.
- (D) No conditional zoning district shall be established until: (1) a petition for reclassification of the district has been submitted and (2) City Council has approved the petition in accordance with the procedures delineated in Sections 8-2 to 8-5. Every petition for the reclassification of a property to a conditional zoning district shall be accompanied by: (1) a site plan containing the requisite information specified in Appendix A; and (2) a list of proposed uses within the proposed conditional zoning district.

- (E) Conditional zoning district decisions are a legislative process. If a petition is approved under this Section, the district that is established shall be governed by the approved petition and all conditions which may have been attached thereto. Any additional approved rules, regulations and conditions to the approval are binding on the property as an amendment to this Ordinance and to the zoning map. All subsequent development and use of the property shall be in accordance with the standards for the approved conditional district, the approved petition, and all conditions attached to the approval. Only those uses and structures indicated in the approved petition and site plan shall be allowed on the subject property. Any development in the district shall comply with all provisions of and conditions to the approved petition and site plan.
- (F) Following the approval of the petition for a conditional zoning district, the subject property shall be identified on the zoning map by the appropriate district designation.
- (G) Significant changes to an approved petition or to the conditions attached to the approved petitions shall be treated as amendments to the regulations or to the zoning maps and shall be processed in accordance with this Section. Examples of significant changes include: increasing the number of buildings; increasing the number of dwelling units more than five units or ten percent of the total approved, whichever is less; adding driveways to throughfares; reducing parking spaces below the minimum standards; reducing buffers or yards; moving structures closer to adjacent properties in a residential district or when abutting a residential use; reducing open space; changing owner occupied units to rental if noted on the site plan; increasing the mass of buildings; or any other change which the planning director determines should be reviewed by City Council prior to approval. Minor changes in the detail of the site plan which will not alter the basic relationship of the proposed development to surrounding properties or the standards and requirements of these regulations or to any conditions attached to the approval may be approved by the Planning & Development Services Director without going through the amendment process or a public hearing. The Planning & Development Services Director, at his discretion, may forward any application for changes in detail to City Council for its consideration as an amendment to this Ordinance or the zoning map. The applicant may appeal the decision of the Planning & Development Services Director to the Board of Adjustment for review and decision as to whether an amendment to the approved district shall be required. Appeals to the Board of Adjustment shall be conducted in accordance with Article VII.
- (H) It is intended that property shall be reclassified to a conditional zoning district only in light of firm plans to develop the property. Therefore, if all applicable permits are not obtained within one year from the date of approval of the rezoning petition to a conditional zoning district or if any owner of the property rezoned challenges a condition applicable to the case, the Planning & Development Services Director shall either initiate a reclassification of the property in accordance with the procedures established in this Article or shall forward a report to City Council recommending that the property be reclassified to the original zoning district or to another district.

- (I) After a certificate of occupancy has been issued for the development approved as a conditional zoning district, the Planning & Development Services Director shall periodically inspect the use and maintenance of the subject property to ensure continued compliance with this Ordinance, the approved petition and site plan, and any conditions attached by City Council to approval of the petition.

### **9-1.5 Conditional Use Districts**

~~In addition to the general use zoning districts established in Sections 9-1.1 through 9-1.4, a corresponding Conditional Use District, bearing the designation ‘CUD’, may be established in accordance with the provisions of Section 8-7, Conditional Use District Rezoning. Accordingly, the following Conditional Use Districts may be designated upon approval by the City Council of a petition by the property owners to establish a Conditional Use District:~~

~~R20(CUD), R10(CUD), R8(CUD), R6(CUD), RR(CUD), RO(CUD), CB(CUD), NB(CUD), GB(CUD), GB2(CUD), CPD(CUD), LI(CUD), and GI(CUD).~~

~~All regulations which apply to a general use zoning district also apply to the corresponding conditional use district. All other regulations which may be offered by the property owner and approved by the City Council as part of the rezoning process shall also apply.~~

### **9-1.5 Conditional Zoning Districts**

**(A) Purpose and Intent:**

The conditional zoning districts are 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.

**(B) District**

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.

**(C) Allowable Use**

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.

**(D) Zoning Standards**

The Conditional 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.

**(E) Site Plan Submittal**

A site plan must be submitted with any Conditional Zoning District application and developed in accordance with the site plan approved by City Council in the zoning map amendment ordinance.

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

E. New Business

Agenda Item E-1

- 1) Consideration of a resolution adopting the 2021 Parks and Recreation Comprehensive Master Plan and Capital Improvement Plan:  
Resolution No. 16-2021

**New Business Agenda Item: (Rick Howell, City Manager and Charlie Holtzclaw, Director Parks and Recreation)**

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- Memorandum dated February 17, 2021 from Charlie Holtzclaw, Director Parks and Recreation to Rick Howell, City Manager and Justin S. Merritt, Assistant City Manager, and Bernadette Parduski, City Clerk
- 3-year Capital Improvement Plan
- Resolution No. 16-2021

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City Manager's Recommendation / Comment

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Resolution No. 16-2021 is presented for Council consideration under new business. If approved the proposed master plan will serve as road map for investment in future parks and recreation facilities for the City over the next 10-20 years. This plan, like most, is not intended to be set in stone. It is merely a road map that reflects the comments received by the public over the course of the planning process. As time passes and the opinions and needs of the community change so may the plan change and be amended by Council. Adoption of the plan is also necessary for the City to qualify for valuable points when submitting grant applications to the NCPARTF grant program as well as others. Also included is an update to the City's overall General Fund Capital Improvement Plan (CIP) that incorporates recommendations from the parks master plan.

**It is recommended that Resolution No. 16-2021 be adopted and approved by City Council at this time.**



## Memorandum

To: Rick Howell, City Manager  
Cc: Justin Merritt, Assistant City Manager and Bernadette Parduski, City Clerk  
From: Charlie Holtzclaw, Director Parks and Recreation  
Date: Wednesday, February 17, 2021  
Subject: 2021 Parks and Recreational Master Plan and Capital Improvement Plan (CIP)

### Executive Summary of issue – Background

On April 20, 2020 City Council adopted Resolution No. 12-2020 approving the 2020 Comprehensive Shelby Parks and Recreation Master Plan including the new Shelby Rail Trail Depot Park Segment Phase 1 in Uptown Shelby, as well as recommendations for existing parks including City Park, Holly Oak Park, Palmer Park and Optimist Park. This was required to submit a Parks and Recreation Trust Fund (PARTF) Grant Application for Depot Park Segment Phase 1.

Ultimately the 2020 grant request was not funded, and it was later determined to make certain revisions to the adopted Master Plan consisting of additional Parks and Recreation facility inventory such as schools and other nearby recreational facilities not located within the City limits to better the application submission for the next PARTF grant request.

In addition, the PARTF scoring system awards additional points for applications that have an adopted Citywide Capital Improvement Plan as part of their grant request.

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

The 2021 Master Plan addresses the following City of Shelby Strategic Growth Plan Policies:

- Action 11.1.1: Review and update the 1999 (2008, 2020) Recreation Master Plan
- Action 11.4.2: Look specifically to the City's Park and Recreation amenities as a tourism draw
- Comprehensive Pedestrian Plan – providing trail and greenway opportunities
- Neighborhood Action Plan – improving recreational/leisure activity facilities in City neighborhoods
- Center City Master Plan – strengthening recreation/leisure activities in the Center City

### Recommendation

Based on the proven success in quality of life and measurable economic impact that communities have realized in the development of similar parks and recreational facilities, and the immediate need for the citizens of Shelby, it is my recommendation and request to you that consideration be given to the adoption of a Resolution approving the 2021 Comprehensive Parks and Recreation Master Plan and City of Shelby Capital Improvement Plan at the March 1<sup>st</sup> City Council Meeting.

City of Shelby  
Citywide - General Fund  
3-Year Capital Improvement Plan (CIP)

Department	Description	FY 2021-2022	FY 2022-2023	FY 2023-2024
City Hall:				
	New Roof (City Hall)	\$ 345,000		
Customer Services:				
	800Mhz Mobile Radios		\$ 22,125	\$ 22,125
Information Technology:				
	MSA Network Storage Units	\$ 42,000	\$ 45,000	
Police:				
	800Mhz Mobile Radios		\$ 206,000	\$ 206,000
	Police Station HVAC			\$ 100,000
Fire:				
	2000gpm Pumper Truck	\$ 725,000		
	800Mhz Mobile Radios		\$ 100,000	\$ 100,000
	Aerial Ladder Platform Truck			\$ 1,500,000
Streets:				
	Medium Duty Dump Truck	\$ 100,000		\$ 100,000
Sanitation:				
	Leaf Vacuum Truck		\$ 180,000	
	Front End Loader	\$ 200,000		
	Clamshell Grapple Truck	\$ 180,000		
	Automated Garbage Truck		\$ 350,000	
	Rear Loading Garbage Truck			\$ 135,000
Garage:				
	New Roof (Public Works Facility)	\$ 35,000	\$ 60,000	\$ 95,000
Parks and Recreation:				
	Depot Park Phase 1	\$ 301,942	\$ 995,485	\$ 417,373
	Golf Carts (20)	\$ -	\$ 36,000	\$ 36,000
	City Park Gym Lights	\$ 48,000		\$ 48,000
	Maintenance Lawn Mowers (2)	\$ 21,000		
	6-Passenger Van	\$ 25,000		
	Fairway Mower		\$ 50,000	
	Compact Tractor		\$ 34,000	
	Light Duty 4x4 Truck		\$ 27,000	
	Compact Track Loader			\$ 40,000
	Light Duty 4x4 Truck			\$ 28,000
<b>Annual General Fund Totals:</b>		<b>\$ 2,022,942</b>	<b>\$ 2,105,610</b>	<b>\$ 2,827,498</b>

Funding Stream			
General Revenues	\$ 607,988	\$ 811,664	\$ 458,148
Loan Funds	\$ 1,341,000	\$ 1,050,125	\$ 2,267,125
Grant Funds	\$ 73,954	\$ 243,821	\$ 102,225
<b>Annual Funding Totals:</b>	<b>\$ 2,022,942</b>	<b>\$ 2,105,610</b>	<b>\$ 2,827,498</b>

RESOLUTION NO. 16-2021

A RESOLUTION ADOPTING THE 2021 PARKS AND RECREATION  
COMPREHENSIVE MASTER PLAN AND CAPITAL IMPROVEMENT PLAN

WHEREAS, the City of Shelby Purchased 137.8 acres of land from Norfolk Southern Railroad Company for the expressed purpose of public recreation; and

WHEREAS, the Shelby City Council adopted Resolution No. 12-2020 on April 20, 2020 approving a parks and recreation master plan, and

WHEREAS, the Shelby City Council recognizes the need for an updated comprehensive parks and recreation master plan that will address current and future community needs and grant application requirements; and

WHEREAS, the Shelby City Council recognizes the need for an updated Citywide Capital Improvement Plan, and

WHEREAS, the Shelby City Council approved a citizen steering committee representing varied recreational interests in the community for the purpose of advising city staff on public input process as well as the end product; and

WHEREAS, comments, suggestions and input were obtained from the citizens through mass surveys and public meetings; and,

WHEREAS, the master plan recommendation addresses existing and future park and recreation needs for programming and facilities for all citizens; and,

WHEREAS, this plan affords the citizens of Shelby with tremendous opportunities for future recreational and leisure activities; and,

WHEREAS, the City appreciates the quality of life benefits that parks and recreation provides to the community; and,

WHEREAS, the City recognizes the importance of parks and recreation for all its citizens.

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

Section 1. The Mayor and City Council of the City of Shelby hereby adopt the proposed 2021 City of Shelby Parks and Recreation Master Plan and City of Shelby Capital Improvement Plan.

Section 2. The City Manager is specifically directed to develop a strategy for funding and implementation of said plan to be presented to City Council for review consideration.

Section 3. That this resolution be spread upon the permanent minutes of the City Council.



Resolution No. 16-2021  
March 1, 2021  
Page 2

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

Agenda Item E-2

- 2) Consideration of a resolution authorizing submittal of an application for a Parks and Recreation Trust Fund Grant: Resolution No. 17-2021

**New Business Agenda Item: (Rick Howell, City Manager and Charlie Holtzclaw, Director Parks and Recreation)**

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- Memorandum dated February 17, 2021 from Charlie Holtzclaw, Director Parks and Recreation to Rick Howell, City Manager and Justin S. Merritt, Assistant City Manager, and Bernadette Parduski, City Clerk
- Resolution No. 17-2021

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City Manager's Recommendation / Comments

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Resolution No. 17-2021 is presented for City Council consideration at this time. If approved this resolution would authorize the City to submit a grant application to the NCPARTF grant program for the purpose of design and construction of Shelby Rail Trail Depot Park.

**It is recommended that Resolution No. 17-2021 be adopted and approved by City Council at this time.**



## Memorandum

To: Rick Howell, City Manager  
Cc: Justin Merritt, Assistant City Manager and Bernadette Parduski, City Clerk  
From: Charlie Holtzclaw, Director Parks and Recreation  
Date: February 17, 2021  
Subject: 2021 NC Parks and Recreation Trust Fund (PARTF) Grant Application

### Executive Summary of issue – Background

On April 20, 2020 City Council adopted Resolution No. 12-2020 authorizing the City Manager to apply for a \$420,000 North Carolina Parks and Recreation Trust Fund (PARTF) matching grant to fund the Shelby Rail Trail Depot Park Segment Phase 1 Project. Unfortunately, the grant request was not funded by the Authority in that grant cycle.

After conferring with our consultants and NC Recreation and Resource Services it was decided to update the 2020 Parks and Recreation Comprehensive Master Plan to include other local recreational facilities, and to prepare a City of Shelby Capital Improvement Plan with the goal to secure additional points on the PARTF grant scoring system.

In addition, presentations specific to the Shelby Rail Trail Depot Park Segment Phase 1 Project were again made to local civic organizations, Parks and Recreation Advisory Board, and a Public Meeting was held on January 26<sup>th</sup> at Shelby City Park for questions and comments from the public.

Lastly, on March 1, 2021 City Council adopted Resolution No. 16-2021 approving the new 2021 Parks and Recreation Master Plan and City of Shelby Capital Improvement Plan, thereby putting the City in position to make a new request for matching funds from Parks and Recreation Trust Fund for Shelby Rail Trail Depot Park Segment Phase 1.

### Tie into current policy and/or adopted planning documents

The 2021 Master Plan addresses the following City of Shelby Strategic Growth Plan Policies:

- Action 11.1.1: Review and update the 1999 (2008, 2020) Recreation Master Plan
- Action 11.4.2: Look specifically to the City's Park and Recreation amenities as a tourism draw
- Comprehensive Pedestrian Plan – providing trail and greenway opportunities
- Neighborhood Action Plan – improving recreational/leisure activity facilities in City neighborhoods
- Center City Master Plan – strengthening recreation/leisure activities in the Center City

## Recommendation

Based on the proven success in quality of life and measurable economic impact that communities have realized in the development of similar parks and recreational facilities, and the immediate need for the citizens of Shelby, it is my recommendation and request to you that consideration be given to the adoption of a Resolution authorizing an application for a 2021 NC Parks and Recreation Trust Fund Grant at the March 1<sup>st</sup>, 2021 City Council Meeting.

RESOLUTION NO. 17-2021

A RESOLUTION AUTHORIZING SUBMITTAL OF AN APPLICATION  
FOR A PARKS AND RECREATION TRUST FUND GRANT

WHEREAS, the City of Shelby undertook an extensive master planning process for its parks and recreation system during 2019,2020 and 2021; and

WHEREAS, the City solicited and received significant input and support from a steering committee, civic groups, individual citizens, the Shelby Parks and Recreation Advisory Board, as well as many other interested parties; and

WHEREAS, the City held a public meeting January 26, 2021 specifically to present the Shelby Rail Trail Depot Park Segment Phase 1 for public comment, and

WHEREAS, the City Council unanimously adopted the Comprehensive Parks and Recreation Master Plan, and City of Shelby Capital Improvement Plan on March 2021 via Resolution No. 16-2021; and

WHEREAS, the master plan recommendation addresses existing and future park and recreation needs for programming and facilities for all citizens; and

WHEREAS, this plan affords the citizens of Shelby with tremendous opportunities for future recreational and leisure activities; and

WHEREAS, the City appreciates the quality of life benefits that parks and recreation provides to the community; and

WHEREAS, the City recognizes the importance of parks and recreation for all its citizens; and

WHEREAS, the NC Parks and Recreation Trust Fund was established by the NC General Assembly on July 16, 1994 to fund improvements for local governments with dollar for dollar grants to be used for acquisition of land and/or to develop parks and recreation projects that serve the general public; and

WHEREAS, the City Manager is requesting authorization to submit an application to the NC Parks and Recreation Trust Fund that would lead to the design and construction of Shelby Rail Trail Depot Park Segment Phase 1 in Uptown Shelby.

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

Section 1. The Shelby City Council hereby authorizes the City Manager to submit a grant application to the NC Parks and Recreation Trust Fund on behalf of the City of Shelby for the proposed project.

Resolution No. 17-2021  
March 1, 2021  
Page 2

Section 2. The City Manager is hereby authorized to sign all necessary documents in relation to this grant application. The City Manager shall also report periodically to Council as to the progress and status of this effort.

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

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

Agenda Item E-3

- 3) Consideration of an ordinance amending the City of Shelby's Schedule of Fees:  
Ordinance No. 7-2021

**New Business Agenda Item: (Julie McMurry, Energy Services Director)**

- Memorandum dated February 19, 2021 from Julie R. McMurry, Director of Energy Services to Rick Howell, City Manager and Justin S. Merritt, Assistant City Manager
- Outdoor Lighting Schedule and Rental Lighting Options
- Ordinance No. 7-2021

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City Manager's Recommendation / Comments

Ordinance No. 7-2021 is presented for City Council consideration at this time. If approved this recommendation would amend the current Schedule of Fees and Charges to allow electric customers additional options for outdoor rental lighting. Mrs. McMurry outlines the changes within her memorandum.

**It is recommended that Ordinance No. 7-2021 be adopted and approved by City Council at this time.**



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## *Memorandum*

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

**From:** Julie R. McMurry, Director of Energy Services

**RE:** Electric – Rental Lighting Fee Schedule Amendment  
Recommendation

**Date:** February 9, 2021

### Background

The City of Shelby Energy Services Department offers rental lighting. Rental lights are available for private streets and/or back yard security lighting. Currently the rental lighting option for private streets is a wooden pole and current fixture available for City streets. Anything other than that standard was handled in one of two ways:

- 1) purchased by the person requesting, installed by them and usage was calculated through their existing meter or a meter specifically for the lights (maintenance was up to the owner of the light)
- 2) purchased by the person requesting, installed by City staff and billed a fee per light for the energy costs and maintenance

The cost of decorative poles and fixtures are more expensive than our standard wooden pole and fixture, however we are finding that our customers would like to have more options. We have had several requests over the last few months to rent decorative lights like we have along the City streets uptown and in neighborhoods who have decorative lights along their streets.

We have selected poles and fixtures that can be interchanged to allow multiple options for our customers without adding to our current stock options. The poles and fixtures selected are based on inventory of the styles of fixtures and poles that are in neighborhoods and uptown Shelby. All fixtures selected are LED (those currently in the field are not, with exception of uptown). We gathered current pricing.



With the help of Electricities staff we have a spreadsheet that allows us to enter costs associated with the purchase and installation of poles and fixtures, it takes into account the life of the fixture and pole and also the energy consumed based on the wattage of the fixture. Once all data is entered into the spreadsheet, we can determine the monthly fee to be associated with each combination that will allow for a reasonable payback period. We used this spreadsheet to determine the monthly charges included in the revised fee schedule.

### **Recommendation**

City Staff recommends adoption of the additional rental light options for our customers and the associated monthly fee based on selection of pole and fixture. Attached are the fixtures and poles that we recommend being options for our customers, and the fees associated with each.

#### Attachments:

- Fee Schedule
- Fixture and pole options



**Effective March 1, 2021**  
Replaces schedule effective 7/1/2020

**OUTDOOR LIGHTING SCHEDULE**

Standard Outdoor LED Lighting Rental Rate

<b><u>Road Focus Fixture</u></b>	<b><u>Monthly Rate</u></b>
40 Watt 30' Wooden Pole	\$10.97
73 Watt 30' Wooden Pole	\$12.58
161 Watt 30' Wooden Pole	\$16.05

Specialty Outdoor LED Lighting Rental Rate

<b><u>American Revolution Fixture</u></b>	<b><u>Monthly Rate</u></b>
Wadsworth Pole	\$22.76
Hadco Pole	\$18.89
Shakespeare Pole 15'	\$15.13
Shakespeare Pole 18'	\$15.39
<b><u>Washington Fixture</u></b>	
Wadsworth Pole	\$30.97
Hadco Pole	\$27.11
Shakespeare Pole 15'	\$23.34
Shakespeare Pole 18'	\$23.61
<b><u>Independence Fixture</u></b>	
Wadsworth Pole	\$29.99
Hadco Pole	\$26.12
Shakespeare Pole 15'	\$22.36
Shakespeare Pole 18'	\$22.62

**Outdoor Lighting Schedule**  
**Effective March 1, 2021**

**Granville III Fixture**

**Monthly Rate**

Burlington Pole	\$35.06
Wadsworth Pole	\$29.22
Hadco Pole	\$25.35
Shakespeare Pole 15'	\$21.58
Shakespeare Pole 18'	\$21.85

**Road Focus Fixture**

40 Watt 26' Fiberglass Pole	\$16.78
40 Watt 35' Fiberglass Pole	\$18.03
73 Watt 26' Fiberglass Pole	\$18.38
73 Watt 35' Fiberglass Pole	\$19.63
161 Watt 26' Fiberglass Pole	\$21.86
161 Watt 35' Fiberglass Pole	\$23.11

**Additional Equipment Cost Due Before Installation**

Additional 30' Standard Wooden Pole	Actual Cost
Additional 35' Standard Wooden Pole	Actual Cost
Additional Bracket 6 ft, 8 ft, 12 ft or 20 ft	Actual Cost
	Actual Cost
	Actual Cost
	Actual Cost
Additional Down Guy	Actual Cost
Additional Span Guy	Actual Cost
Underground Secondary Conductor	Actual Cost
House Shield – American Revolution	Actual Cost
House Shield – Independence Fixture	Actual Cost



**RoadFocus Fixture**  
(40, 73 and 161 Watt)



**American Revolution Fixture**  
(64 Watt)



**Washington Fixture**  
(Best suited with Wadsworth pole)  
(56 Watt)



**Granville III Fixture**  
(Best suited with Burlington Pole;  
As seen on the Court Square in Uptown Shelby)  
(40 Watt)



**Independence Fixture**  
(79 Watt)



**Wadsworth Pole**  
12' Anchored with Direct Bury Base



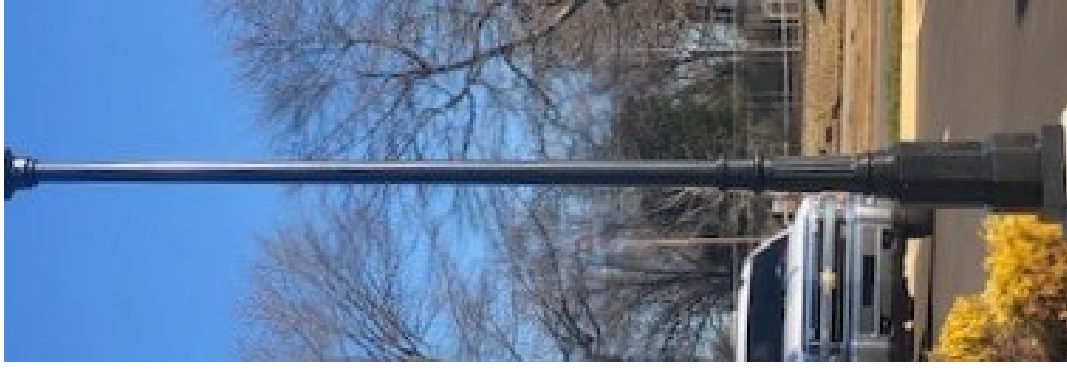
**Hadco P1521 Pole**  
12' Anchored



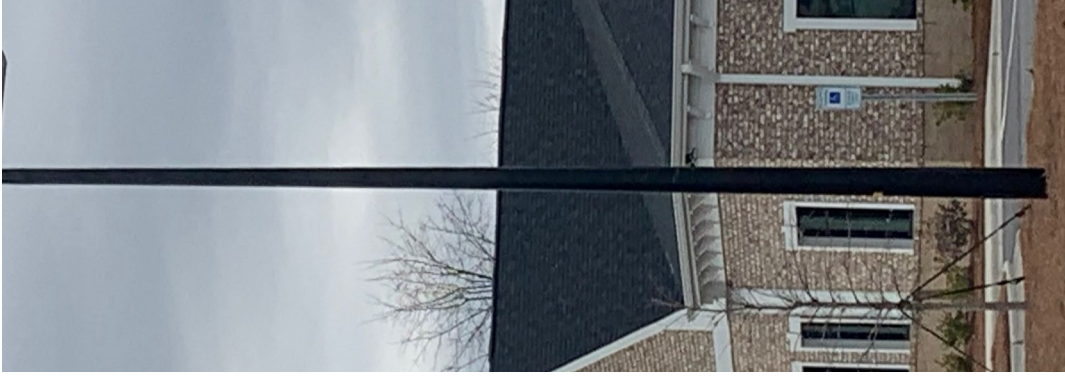
**Shakespeare Pole**  
15' Direct Buried with 12' Visible  
18' Direct Buried with 14' Visible



**Burlington Pole**  
12' Anchored



**Standard Wooden Pole**  
30' Dir



**Smooth Fiberglass Pole**  
26' Anchored  
35' Anchored

<b>American Revolution Fixture with</b>	<b>Washington Fixture with</b>	<b>Independence Fixture with</b>	<b>Granville III Fixture with</b>	<b>RoadFocus Fixture with</b>
Wadsworth \$22.76	Wadsworth \$30.97	Wadsworth \$29.99	Burlington \$35.06	40W 26' Fiberglass \$16.78
Hadco \$18.89	Hadco \$27.11	Hadco \$26.12	Wadsworth \$29.22	40W 35' Fiberglass \$18.03
Shakespeare 15' \$15.13	Shakespeare 15' \$23.34	Shakespeare 15' \$22.36	Hadco \$25.35	73W 26' Fiberglass \$18.38
Shakespeare 18' \$15.39	Shakespeare 18' \$23.61	Shakespeare 18' \$22.62	Shakespeare 15' \$21.58	73W 35' Fiberglass \$19.63
			Shakespeare 18' \$21.85	161W 26' Fiberglass \$21.86
				161W 35' Fiberglass \$23.11

House shields available for the American Revolution and Independence Fixtures

ORDINANCE NO. 7-2021

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 Electric Utility Fees; and, WHEREAS, the City of Shelby now desires to revise its Fee Schedule, specifically the Outdoor Lighting Rental Fees 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 Outdoor Lighting Rental 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 become effective upon its adoption and approval.

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

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 necessarily 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