

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

Invocation

Pledge of Allegiance

A. Approval of Agenda

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

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

B. Special Presentation:

- 1) Recognition of B. Doyle McSwain on the occasion of his retirement from employment with the City of Shelby 1

C. Public Hearing:

- 1) Consideration of an ordinance to extend the corporate limits of the City of Shelby, North Carolina: Ordinance No. 12-2021 3

D. 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 March 15, 2021 19
- 2) Approval of a resolution supporting the passage of legislation in the General Assembly of North Carolina: Resolution No. 21-2021 29
- 3) Approval of a resolution honoring Amy Edmonson Fredell on the occasion of her retirement from employment with the City of Shelby: Resolution No. 22-2021 43
- 4) Adoption of Fiscal Year (FY) 2020-2021 Budget Ordinance Amendment No. 9: Ordinance No. 13-2021 46

Shelby City Council Agenda
April 5, 2021
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5) Adoption of Fiscal Year (FY) 2020-2021 Budget Ordinance Amendment No. 10: Ordinance No. 14-2021	51
6) Approval of a resolution adopting the City of Shelby's Community Development Block Grant Programs for April 2021 through April 2024: Resolution No. 23-2021	67
7) Adoption of an ordinance authorizing demolition of a dwelling: Ordinance No. 15-2021	125
E. Unfinished Business:	
1) Consideration of appointments to City advisory boards and commissions:	132
a. Alcoholic Beverage Control Board	
F. New Business: None	145
G. City Manager's Report	145
H. Council Announcements and Remarks	145
I. Adjournment:	
<i>To adjourn a meeting of City Council, a majority of the Council Members must vote for a motion to adjourn.</i>	
1) Motion to adjourn	145

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Agenda Item Summary
April 5, 2021
Don Gibson Theater

B. Special Presentation:

Agenda Item B-1

- 1) Recognition of B. Doyle McSwain on the occasion of his retirement from employment with the City of Shelby

Presenting: (Mayor Stan Anthony)

- Resolution No. 9-2021

City Manager's Recommendation / Comments

This time is scheduled on your agenda to recognize Doyle McSwain on the occasion of his retirement from employment. In keeping with policy City Council previously adopted Resolution No. 9-2021 to recognize him for having served the City faithfully for the past 32 years with the Fire and Rescue Department. He is to be congratulated!

Doyle is a dedicated employee who has provided veteran leadership over the past several years in the performance of his duties. He has been a vital part of the team at the Fire and Rescue Department. He will be missed both personally and professionally.

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

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

RESOLUTION NO. 9-2021

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

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

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

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

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Shelby to be affixed this the 1st day of February 2021.

O. Stanhope Anthony III
Mayor

ATTEST:

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

City of Shelby
Agenda Item Summary
April 5, 2021
Don Gibson Theater

C. Public Hearing:

Agenda Item: C-1

- 1) Consideration of an ordinance to extend the corporate limits of the City of Shelby, North Carolina: Ordinance No. 12-2021

Presenting: (Walter Scharer, Planning Director)

Summary of Available Information:

- Memorandum dated March 30, 2021 from Walter Scharer, Planning Director to Rick Howell, City Manager
- Appointed Agent Form and Petition for Voluntary 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
- Certificate of Sufficiency
- Survey of Property
- Notice of Public Hearing
- Ordinance No. 12-2021

City Manager's Recommendation / Comments

This public hearing is being held in accordance with NCGS 160A-58.2. This property consists of 92.25 acres and is proposed for development as a single family neighborhood by the applicant. However, no formal plans have been submitted nor are they required at this point in the process. The property currently meets the statutory requirements for annexation and is noncontiguous with the current corporate limits. This request was reviewed for compliance with city policy that along with state law requires the city to be able to serve the similar services to the proposed annexation parcel as it provides within the existing city limits. In this case staff was asked to review and comment on this matter and found that the city is able to provide similar services.

Upon the conclusion of the public hearing City Council may act upon Ordinance No. 12-2021.

It is my recommendation that Ordinance No. 12-2021 be adopted and approved at this time by City Council.



Memorandum

To: Rick Howell - City Manager

From: Walter Scharer – Planning Director

Date: March 30, 2021

Subject: Voluntary Annexation – 1105 River Road

Executive Summary of issue – Background

North Point Custom Builders have submitted a voluntary annexation petition for this 92.25 acre site. This site is contiguous near the Riverbend Golf Course and is being considered for a residential development.

Review and Comments

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

Recommendation

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

Please schedule a public hearing for this proposed annexation at the next City Council meeting on April 5, 2021.

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



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

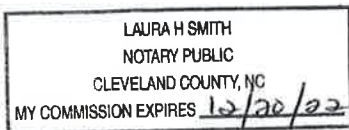
Applicant(s) Name: Jason Lowery
Address: 1531 South Post Road
Shelby, NC 28152
Email: jason@northpointcustombuilders.com
Phone: 704-252-6714

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 28th 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

Chana Cole

(Corp. Seal)

Signature of President/Vice President

Attested by: Alan McWhirter

Signature of Secretary/Assistant Secretary

(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.

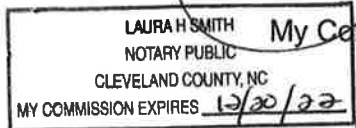
Witness my hand and official seal, this the 28th day of January, 2021.

(SEAL)

Laura H. Smith

Notary Public

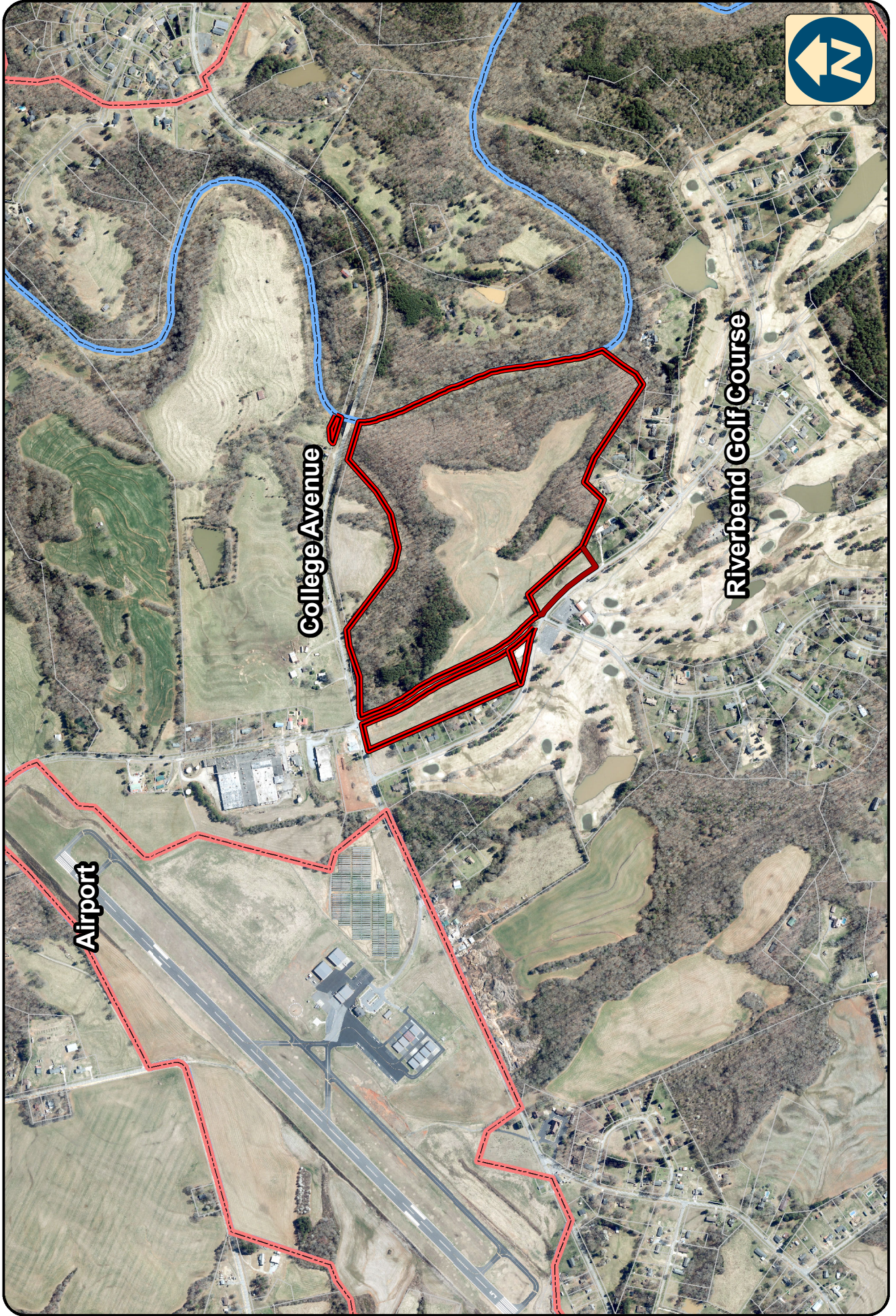
My Commission Expires: 12/22/22





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



Date: 2/4/2021

2,000 Feet

1,000

500

0

1,000 feet

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

§ 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.)



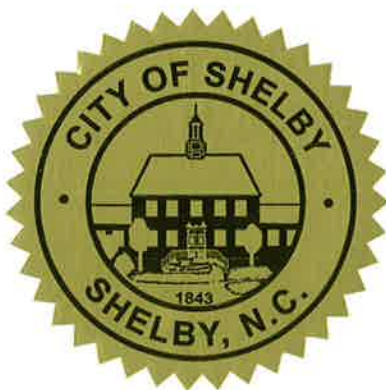
CERTIFICATE OF SUFFICIENCY

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

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

- a. The petition contains an adequate property description of the area proposed for annexation.
- b. The area described in the petition is a satellite annexation to the City of Shelby primary corporate limits, as defined by North Carolina General Statute 160A-58.1 (b).
- c. The petition is signed by and includes the address of the owner of real property lying in the area described therein.

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Shelby, this 5th day of March 2021.



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



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:

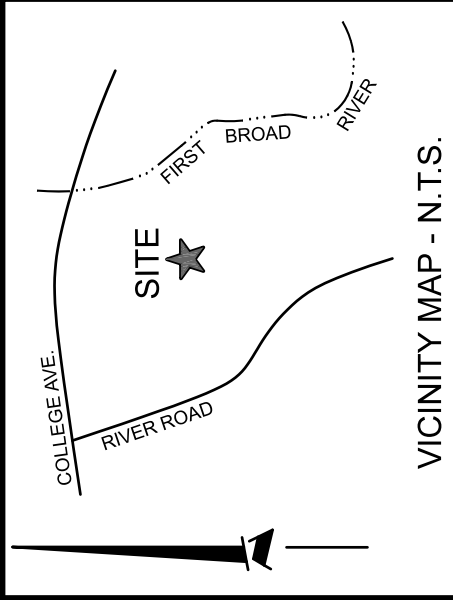
- Electric is available and is Customer Choice.

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

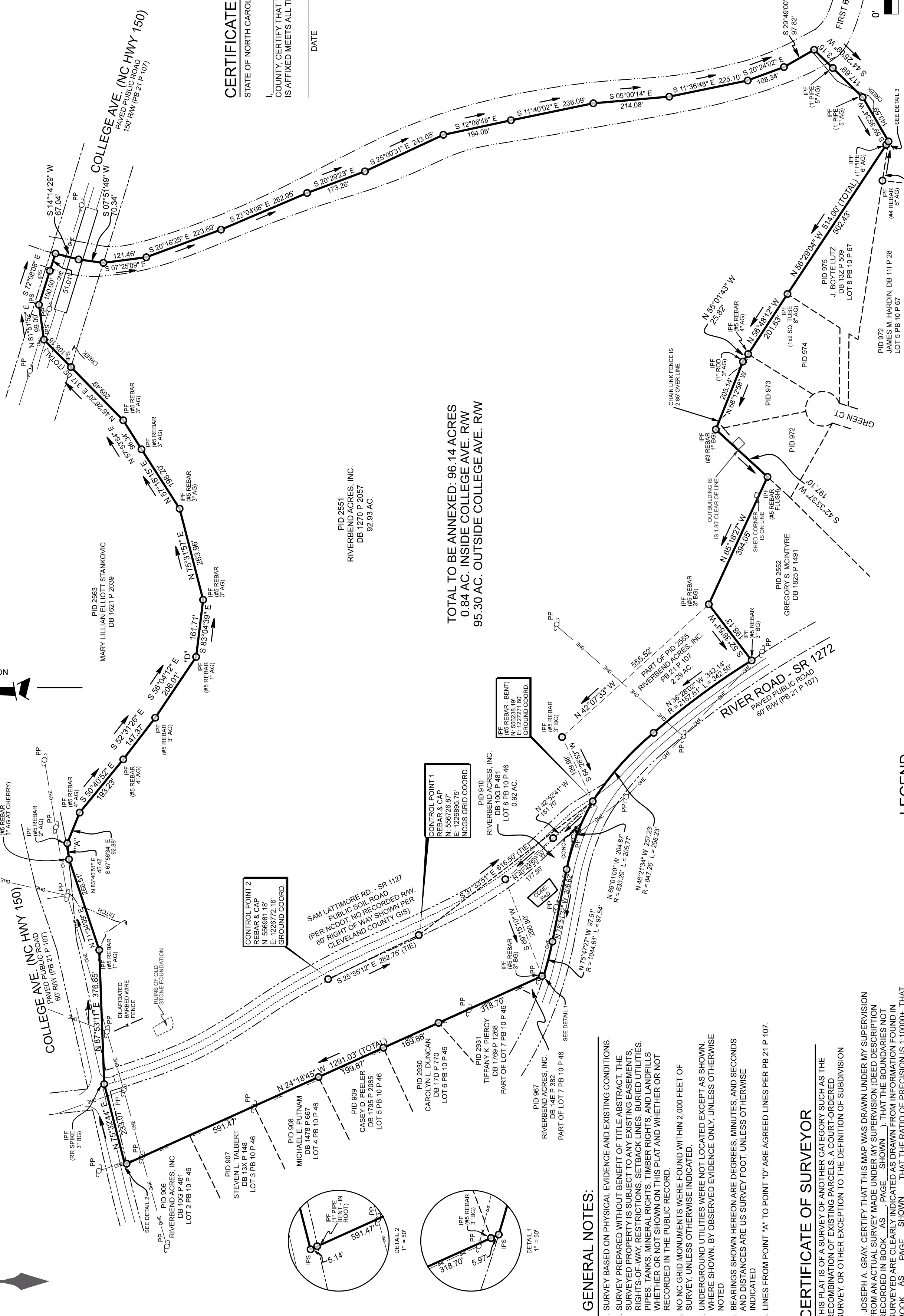
Sincerely,

David W. Hux
Director of Water Resources

NORTH REF: NC GRID NAD 83
 (BY GPS OBSERVATION)
 RTK NETWORK NCGS



VICINITY MAP - N.T.S.



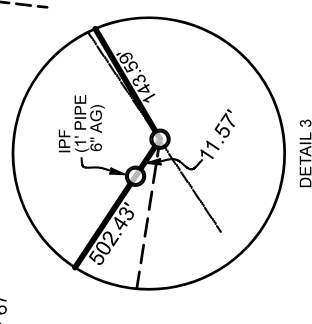
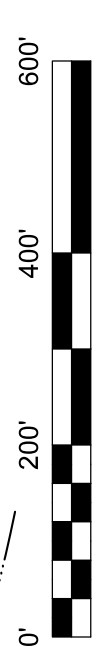
TOTAL TO BE ANNEXED: 96.14 ACRES
 0.84 AC. INSIDE COLLEGE AVE, R/W
 95.30 AC. OUTSIDE COLLEGE AVE, R/W

CERTIFICATE OF REVIEW OFFICER
 STATE OF NORTH CAROLINA, COUNTY OF CLEVELAND
 REVIEW OFFICER OF CLEVELAND COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL THE STATUTORY REQUIREMENTS FOR RECORDING.
 DATE _____ REVIEW OFFICER _____

PID 27984
 ERIC M. BESTER LIVING TRUST
 DB 1777 P 976

PID 2551
 RIVERBEND ACRES, INC.
 DB 1270 P 2057
 92.93 AC.

ANNEXATION SURVEY FOR:
THE CITY OF SHELBY
 PROPERTY OF:
RIVERBEND ACRES, INC.
 CLEVELAND COUNTY, NORTH CAROLINA
 TOWNSHIP NO. 2
 DEED REF: AS SHOWN
 SCALE: 1" = 200'
 DATE: 24 FEBRUARY 2021
 PID: 2551, 910, 2555
 JOB: 2021-078 NPCB RIVERBEND.DWG



GPS NOTES:
 CLASSIFICATION: CLASS A
 TYPE OF GPS FIELD PROCEDURE: RTK NETWORK NCGS
 DATUM/EPOCH: NAD 83, NAD 83
 GEIOD MODEL: GEOID 12 (B)
 COMBINED FACTOR = 0.99887259
 UNITS: US SURVEY FOOT
 POSITIONAL ACCURACY: 0.10'
 DATE OF GPS CONTROL: 19 FEBRUARY 2021
 ALL COORDINATES ARE GROUND UNLESS OTHERWISE NOTED
 COORDINATES ARE LOCALIZED ABOUT CONTROL POINT 1

LEGEND

- IPF ○ IRON PIN FOUND (TYPE NOTED)
- IPSO ○ IRON PIN SET #4 REBAR SET FLUSH (UNLESS OTHERWISE NOTED)
- UNMARKED POINT
- AG ABOVE GROUND
- BG BELOW GROUND
- PP POWER POLE
- SANITARY SEWER MANHOLE
- OVERHEAD ELECTRIC LINE
- FENCE (AS NOTED)
- SURVEYED LINE
- UNSURVEYED LINE (WHEN BEARING & DISTANCE NOT SHOWN)
- ROAD RIGHT-OF-WAY LINE

GENERAL NOTES:

1. SURVEY BASED ON PHYSICAL EVIDENCE AND EXISTING CONDITIONS.
2. SURVEY PREPARED WITHOUT BENEFIT OF TITLE ABSTRACT. THE SURVEYED PROPERTY IS SUBJECT TO ANY EXISTING EASEMENTS, RIGHTS-OF-WAY, RESTRICTIONS, SETBACK LINES, BURIED UTILITIES, PIPES, TANKS, MINERAL RIGHTS, TIMBER RIGHTS, AND LANDFILLS WHETHER OR NOT SHOWN ON THIS PLAT AND WHETHER OR NOT RECORDED IN THE PUBLIC RECORD.
3. NO NC GRID MONUMENTS WERE FOUND WITHIN 2,000 FEET OF SURVEY UNLESS OTHERWISE INDICATED.
4. UNDERGROUND UTILITIES WERE NOT LOCATED EXCEPT AS SHOWN WHERE SHOWN, BY OBSERVED EVIDENCE ONLY, UNLESS OTHERWISE NOTED.
5. BEARINGS SHOWN HEREON ARE DEGREES, MINUTES, AND SECONDS AND DISTANCES ARE US SURVEY FOOT, UNLESS OTHERWISE INDICATED.
6. LINES FROM POINT "A" TO POINT "D" ARE AGREED LINES PER PB 21 P 107.

CERTIFICATE OF SURVEYOR

I, JOSEPH A. GRAY, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ORIGINAL SURVEY MADE UNDER MY SUPERVISION (SEE DESCRIPTION RECORDED IN BOOK _____ PAGE _____) THAT THE BOUNDARIES SHOWN ARE CLEARLY INDICATED AS DRAWN FROM THE ORIGINAL FIELD NOTES. THAT THE AREA WAS CALCULATED BY THE COORDINATE METHOD, THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH S. 47-30, THAT THE SIGNATURE, ORIGINAL SIGNATURE, REGISTRATION NUMBER, AND SEAL THIS _____ DAY OF _____ 2021.

PRELIMINARY PLAT
 NOT FOR RECORDATION,
 CONVEYANCES, OR SALES.

JOSEPH A. GRAY, PLS L-4716 _____ DATE _____

**NOTICE OF PUBLIC HEARING TO ANNEX
92.25 Acres at 1105 River Road**

The public will please take notice that a public hearing will be conducted on the question of a proposed annexation of property owned by Riverbend Acres Inc. on April 5, 2021 at 6:00 p.m. at South Washington Street in accordance with N.C.G.S. 160A-58.2. The area proposed for annexation is described as follows: 1105 River Road with Cleveland County Tax Parcel Numbers 2551.

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

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

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

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

The Shelby Star:

Please publish this notice as a legal line ad on, Thursday, March 25, 2021 and Thursday, April 1, 2021.

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

ORDINANCE NO. 12-2021

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

WHEREAS, the Shelby City Council has been petitioned by the North Point Custom Builders, LLC under G.S. 160A-58.1, as amended, to annex the area described herein; and,

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

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held via Zoom on March 1, 2021 at 6:00 p.m.; and,

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

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

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

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

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

Section 1. By virtue of the authority granted by GS 160A-58.2, as amended, the following described non-contiguous territory is hereby annexed and made part of the City of Shelby as of April 5, 2021:

LYING AND BEING SITUATE IN CLEVELAND COUNTY, NORTH CAROLINA, BEING LOCATED ON THE SOUTH SIDE OF COLLEGE AVENUE (NC HIGHWAY 150) AND WEST OF THE FIRST BROAD RIVER, IN THE NUMBER 2 TOWNSHIP OF CLEVELAND COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN FOUND (#5 REBAR BENT) ON THE NORTHERN RIGHT-OF-WAY OF RIVER ROAD – SR 1272 AND IN THE RUNNING SURFACE OF SAM LATTIMORE ROAD – SR 1127, ALSO BEING LOCATED S37°33'51"E 616.50' FROM CONTROL POINT 1 (REBAR & CAP), HAVING NCGS GRID COORDINATES OF N: 556726.87 E: 1226895.75', AND SHOWN ON SURVEY BY JOSEPH A. GRAY, PLS DATED

FEBRUARY 24, 2021, THENCE FROM SAID BEGINNING POINT, WITH THE RIGHT-OF-WAY FOR RIVER ROAD, THE FOLLOWING THREE COURSES: 1) N69°01'00"W 204.87' ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 633.29' AND ARC LENGTH OF 205.77' TO A POINT, 2) N78°51'32"W 206.62' TO A POINT, AND 3) N75°47'27"W 97.51' ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1044.61' AND ARC LENGTH OF 97.54' TO AN IRON PIN SET (#4 REBAR); THENCE LEAVING THE RIGHT-OF-WAY OF RIVER ROAD, WITH RIVERBEND ACRES AS SHOWN ON PLAT BOOK 10 PAGE 46 N24°18'45"W, PASSING AN IRON PIN FOUND (#5 REBAR) AT 5.97' AND AN IRON PIN FOUND (1" PIPE BENT IN ROOT) AT 1279.92', A TOTAL DISTANCE OF 1291.03' TO AN IRON PIN SET (#4 REBAR) WITHIN THE RIGHT-OF-WAY OF COLLEGE AVENUE (NC HIGHWAY 150), THENCE N75°32'44"E 233.07' TO AN IRON PIN FOUND (RAILROAD SPIKE) IN THE RUNNING SURFACE OF SAM LATTIMORE ROAD, THENCE N87°53'11"E 376.85', CROSSING THE RIGHT-OF-WAY FOR COLLEGE AVENUE, TO AN IRON PIN FOUND (#5 REBAR) NEAR A DITCH, THENCE N71°34'09"E 268.51', CROSSING A DITCH TO AN IRON PIN FOUND (#5 REBAR AT A CHERRY TREE), THENCE N83°40'51"E 45.42' TO AN IRON PIN FOUND (#5 REBAR), THENCE WITH MARY LILLIAN ELLIOTT STANKOVIC THE FOLLOWING NINE COURSES: 1) S67°56'34"E 92.88' TO AN IRON PIN FOUND (#5 REBAR), 2) S50°40'52"E 193.23' TO AN IRON PIN FOUND (#5 REBAR), 3) S52°31'26"E 147.37' TO AN IRON PIN FOUND (#5 REBAR), 4) S56°04'12"E 206.01' TO AN IRON PIN FOUND (#5 REBAR), 5) S83°04'39"E 161.71' TO AN IRON PIN (#5 REBAR), 6) N75°31'57"E 263.96' TO AN IRON PIN FOUND (#5 REBAR), 7) N57°18'15"E 198.20' TO AN IRON PIN FOUND (#5 REBAR), 8) N57°53'54"E 96.34' TO AN IRON PIN FOUND (#5 REBAR), AND 9) N45°28'20"E, PASSING AN IRON PIN SET (#4 REBAR) AT 209.49' ON THE SOUTHERN RIGHT-OF-WAY FOR COLLEGE AVENUE, A TOTAL DISTANCE OF 317.65' TO AN IRON PIN SET (#4 REBAR) INSIDE THE RIGHT-OF-WAY OF COLLEGE AVENUE, THENCE N81°51'52"E 99.00' TO AN IRON PIN SET (#4 REBAR), THENCE S72°08'08"E, PASSING AN IRON PIN SET (#4 REBAR) AT 100.00' NEAR THE BANK OF THE FIRST BROAD RIVER, A TOTAL DISTANCE OF 151.01' TO A POINT IN THE FIRST BROAD RIVER, THENCE WITH THE FIRST BROAD RIVER THE FOLLOWING THIRTEEN COURSES: 1) S14°14'29"W 67.04' TO A POINT ON THE BRIDGE OF THE FIRST BROAD RIVER, 2) S07°51'49"W 70.34' TO A POINT ON THE SOUTHERN RIGHT-OF-WAY FOR COLLEGE AVENUE, 3) S07°25'09"E 121.46' TO A POINT, 4) S20°16'25"E 223.69' TO A POINT, 5) S23°04'08"E 262.95' TO A POINT, 6) S20°29'23"E 173.26' TO A POINT, 7) S25°00'31"E 243.05' TO A POINT, 8) S12°06'48"E 194.08' TO A POINT, 9) S11°40'02"E 236.09' TO A POINT, 10) S05°00'14"E 214.08' TO A POINT, 11) S11°36'48"E 225.10' TO A POINT, 12) S20°24'02"E 108.34' TO A POINT, AND 13) S29°49'00"E 97.82' TO A POINT; THENCE LEAVING THE FIRST BROAD RIVER, ALONG A CREEK, S44°25'09"W, PASSING AN IRON PIN FOUND (1" PIPE) NEAR A CREEK AT 73.15', A TOTAL DISTANCE OF 190.84' TO AN IRON PIN FOUND (1" PIPE) NEAR A CREEK, THENCE S59°35'34"W 143.59' TO A POINT IN A CREEK, ALSO BEING A CORNER OF J. BOYTE LUTZ DEED BOOK 13Z PAGE 509 (PLAT BOOK 10, PAGE 67), THENCE LEAVING THE CREEK WITH LUTZ, N56°29'04"W, PASSING AN IRON PIN FOUND (1" PIPE) AT 11.57, A TOTAL DISTANCE OF 514.00' TO AN IRON PIN FOUND (1/2" SQUARE TUBE), ALSO BEING THE CORNER OF PID 974, THENCE WITH PID 974, N56°48'12"W 201.63' TO AN IRON PIN FOUND (#5 REBAR), ALSO BEING THE CORNER OF PID 973, THENCE WITH PID 973, N55°01'43"W 25.82' TO AN IRON PIN FOUND (1" ROD), THENCE CONTINUING WITH PID 973, N68°12'58"W 205.14' TO AN IRON PIN FOUND (#3 REBAR), ALSO BEING A CORNER OF PID 972, THENCE WITH

PID 972, S42°33'37"W 197.10' TO AN IRON PIN FOUND (#5 REBAR), ALSO BEING A CORNER OF GREGORY S. MCINTYRE IN DEED BOOK 1825 PAGE 1491, THENCE WITH MCINTYRE, N65°16'27"W 394.05' TO AN IRON PIN FOUND (#5 REBAR), THENCE CONTINUING WITH MCINTYRE, S52°38'54"W 198.13' TO AN IRON PIN FOUND (#5 REBAR) ON THE NORTHERN RIGHT-OF-WAY FOR RIVER ROAD, THENCE WITH THE RIGHT-OF-WAY FOR RIVER ROAD TWO COURSES: 1) N36°28'02"W 342.14' ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 2157.61' AND ARC LENGTH OF 342.50' TO A POINT, AND 2) N48°21'34"W 257.23' ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 847.26' AND ARC LENGTH OF 258.23' TO THE POINT AND PLACE OF THE BEGINNING, CONTAINING 96.14 ACRES WITH 0.84 ACRES WITHIN THE ROAD RIGHT-OF-WAY FOR COLLEGE AVENUE.

Section 2. Upon and after April 5, 2021, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Shelby and shall be entitled to the same privileges and benefits as other parts of the City of Shelby. Said territory shall be subject to municipal taxes according to GS 16-A-58.10.

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

Section 4. In accordance with Chapter 160A, Article 19 of the North Carolina General Statutes, as amended, the Shelby Unified Development Ordinance and Shelby Zoning Map (appendix A of the Shelby City Code) is hereby amended to zone 1105 River Road R10 & R6. Said area of zoning as described in Section 1.

Adopted and approved this 5th day of April 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

City of Shelby
Agenda Item Summary
April 5, 2021
Don Gibson Theater

D. 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: D-1

- 1) Approval of the Minutes of the Regular Meeting of March 15, 2021

Consent Agenda Item: (Bernadette Parduski, City Clerk)

Summary of Available Information:

Please read and offer changes as you deem necessary.

- Minutes of the Regular Meeting of March 15, 2021

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

March 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, 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 by electronic means 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

Mrs. Arth Dukes requested that Item D-2 under the Consent Agenda be placed under New Business as Item F-5 as follows:

- Consideration of the approval of Special Event Permit Application:
 - Shelby High School Homecoming Parade, requested date: March 26, 2021

ACTION TAKEN: Upon a motion made by Mrs. Arth Dukes, City Council voted unanimously to approve the agenda as amended.

B. Special Presentation:

1) Public Art in Shelby – Shelby Holmes, Lead for North Carolina Fellow

Mr. Merritt introduced Shelby Holmes as a Lead for North Carolina (LFNC) Fellow who has been working with the City for the past several months on a variety of issues. Miss Holmes is a native of Weaverville, North Carolina, and a graduate of Davidson College. The goal of LFNC is to implement a fellowship program for recent college graduates and is the pilot state affiliate program of Lead for America. The fellowship program seeks to strengthen North Carolina's local governments and to create future public sector leaders. Mr. Merritt stated one topic selected for Miss Holmes to research and develop was a policy and plan development of a public art program, which is the subject matter of her presentation.

Next, Miss Holmes began her presentation entitled, "Public Art in Shelby" by defining public art as vital and accessible to all. A direct or indirect public process includes creation (to make), procurement (to fund), maintenance (to preserve), and meaning-making (to interpret or to define). She provided several examples of public art from sculptures to murals to public performances, etc.

Miss Holmes discussed the reasons to invest in public art including:

- To reflect community values and history
- To create interesting public spaces allowing for interaction
- As potential destinations for visitors as well as residents
- To highlight and to stimulate the local and regional creative economy
- To revitalize deteriorated and/or underutilized spaces, possibly encouraging reinvestment
- To build place-based identity
- To increase sense of ownership and efficacy with community participation in the design and creation of public space

Miss Holmes proposed the formation of the Shelby Public Art Advisory Board. The board will be responsible for advising City Council on matters related to public art policies, programming, resources, and acquisitions. It will consist of seven (7) members, including one (1) representative from the Cleveland County Arts Council, one (1) representative from the Keep Shelby Beautiful Commission, one (1) youth representative, and at least two (2) arts professionals. In addition to the advisory board, review committees and a staff liaison will be included in the structure:

- Review Committees – will make recommendations to the advisory board and provide another opportunity for citizens and the public to provide input on a specific project
- Staff Liaison – to be appointed by the City Manager; will coordinate all the necessary City departments to get public arts projects moving forward

Miss Holmes presented the 10-step general commission process for a public art project as follows:

- The project – define the idea either as a subject matter, artform, and/or location
- Review Committee – Advisory Board appoints a Review Committee of up to five (5) members
- The Method – determine best method of selection
- Call to Artists – publicize the project to appropriate audiences, providing sufficient time for artists to prepare materials
- The Review – Review Committee reviews proposals and makes a recommendation to the Advisory Board
- Council Approval – Advisory Board makes recommendation to Council
- Contract and Final Design – The City Attorney will prepare an artist contract, including schedule of delivery and payment; the artist will prepare a final design proposal with required public input/engagement
- Installation – Artist completes the agreed upon design in a timely manner
- Continuing Impact – Staff will document the artwork in an accession record and will incorporate it into a care and maintenance schedule; Staff will also organize media releases, artwork dedication, and public engagement strategies
- Repeat the process

Miss Holmes mentioned possible funding strategies for public art in the City of Shelby which may include:

- **Public Funding**
 - Percent for Art Ordinance
 - Art Program Administration Funding
 - Travel and Tourism appropriation
 - Raper-Roark Trust appropriation
- **Private Funding**
 - Gifts from individuals, corporations, foundations, institutions, and organizations
 - Monies may be obtained through grants, wills, memorials, or special fundraising campaigns
 - Private development funding
- Grant opportunities

To conclude, Miss Holmes referred to the full City of Shelby Public Art Plan for additional information related to:

- Public engagement strategies
- Gift and loan processes
- Deaccession process
- City considerations for non-City projects
- Maintenance planning
- Examples of successful programs
- Drafted documents
- Opportunities for public art in Shelby

C. Public Comment: None

D. Consent Agenda:

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

1) Approval of the Minutes of the Regular Meeting of March 1, 2021

2) REMOVED AND PLACED UNDER NEW BUSINESS AS ITEM F-5:

Approval of Special Event Permit Application:

a. Shelby High School Homecoming Parade, requested date: March 26, 2021

3) Acceptance of the Certificate of Sufficiency regarding Petition for Annexation of applicant, Jason Lowery of North Point Custom Builders

4) Adoption of an ordinance establishing a capital project ordinance and budgets for the City of Shelby's CDBG-CV Grant Project: Ordinance No. 8-2021

5) Approval of a resolution accepting and approving assignment of an aircraft hangar used by Danny Bridges to Broad River Holdings LLC: Resolution No. 19-2021

E. Unfinished Business:

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

a. Shelby Housing and Redevelopment Advisory Board

Mrs. Parduski reported the terms of three incumbents, Darrell Gerald, Brenda Marable, and Michael Shawn Collins, conclude March 2021. All three incumbents are seeking reappointment to this board.

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

1. Peter Potemkin

Mr. White nominated the incumbents, Darrell Gerald, Brenda Marable, and Michael Shawn Collins, for reappointment.

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

2) Consideration of an ordinance establishing a capital project ordinance and budgets for the City of Shelby's Airport Grant T-Hangar No. 4 Project: Ordinance No. 10-2021

Mr. Merritt introduced Ordinance No. 10-2021 for Council's consideration. If approved, this ordinance would establish a project budget ordinance recognizing \$130,000 in grant funding from the North Carolina Department of Transportation Division of Aviation and appropriating such for the T-Hangar and Taxilane – Phase 2 (Design/Bidding and Construction Phase Services) Project. This project would ultimately add a fourth 10-unit T-Hangar to the Shelby-Cleveland County Regional Airport. This additional hangar would generate monthly rental income for the City in support of airport operations and future capital projects.

Mr. Merritt added City staff is confident the additional proposed 10-unit T-Hangar can be fully rented prior to the completion of construction due to the demand for space which currently exists.

ACTION TAKEN: Upon a motion made by Mr. Hopper, City Council voted unanimously to approve and adopt Ordinance No. 10-2021 entitled, "AN ORDINANCE ESTABLISHING A CAPITAL PROJECT ORDINANCE AND BUDGETS FOR THE CITY OF SHELBY'S AIRPORT GRANT T-HANGAR NO. 4 PROJECT".

F. New Business:

1) Consideration of a resolution approving a marketing agreement for National League of Cities Service Line Warranty Program between the City of Shelby and Utility Service Partners Private Label, Inc.: Resolution No. 20-2021

Mr. Merritt introduced Resolution No. 20-2021 for Council's consideration. If approved, this resolution would authorize the City Manager to enter into an agreement allowing for the marketing of the proposed residential water and

sewer service line warranty program in cooperation with the City. Mr. Merritt stated the City's only obligation is to allow use of the City logo in marketing material and access to the utility customer data base if the City chooses to do so.

Mr. Merritt further stated this program is endorsed by the National League of Cities (NLC) and the North Carolina League of Municipalities (NCLM) and is already in place in several North Carolina cities including Charlotte, Hendersonville, Sanford, Albemarle, and others. The program is a low-cost insurance program that affords residents an affordable option should the replacement of their water service line or sewer lateral need replacement. The residential customer has the responsibility of maintaining the service connection between the mainline and the residence. Failures of the service line may result in large out-of-pocket costs for the homeowner, many times with little warning. The NLC Service Line Warranty Program seeks to allow residential customers to voluntarily contract with Utility Service Partners Private Label, Inc. to purchase a warranty that will help offset these costs, should a failure occur.

Mr. Merritt added there is no cost to the City for this program and it is completely voluntary for a residential customer to participate. The transaction is wholly between the resident and Utility Service Partners Private Label, Inc.

ACTION TAKEN: Upon a motion made by Mrs. Arth Dukes, City Council voted unanimously to approve and adopt Resolution No. 20-2021 entitled, "A RESOLUTION APPROVING A MARKETING AGREEMENT FOR NATIONAL LEAGUE OF CITIES SERVICE LINE WARRANTY PROGRAM BETWEEN THE CITY OF SHELBY AND UTILITY SERVICE PARTNERS PRIVATE LABEL, INC.".

- 2) Consideration of an ordinance establishing a capital project ordinance and budgets for the City of Shelby's General Obligation Bond Referendum Project: Ordinance No. 11-2021

Mr. Merritt introduced Ordinance No. 11-2021 for Council's consideration. If approved, this ordinance would establish a capital project budget for the provision of bond counsel and financial advisory services. Paul Billow of Womble Bond Dickinson (US) LLP and Amy Vitner of First Tryon Securities, LLC d/b/a First Tryon Advisors will be consulted at various times during the process of the City Council considering the placement of a bond referendum for transportation improvements on the November 2021 ballot.

Mr. Howell reiterated financing various street and sidewalk projects will ultimately be a decision of City Council and adoption of the ordinance does not obligate the City to move forward with the referendum. It merely positions the City to expend funds to prepare.

ACTION TAKEN: Upon a motion made by Mr. Webber, City Council voted unanimously to approve and adopt Ordinance No. 11-2021 entitled, “AN ORDINANCE ESTABLISHING A CAPITAL PROJECT ORDINANCE AND BUDGETS FOR THE CITY OF SHELBY’S GENERAL OBLIGATION BOND REFERENDUM PROJECT”.

3) Consideration of an ordinance creating the City of Shelby’s Public Art Advisory Board: Ordinance No. 9-2021

Mr. Merritt introduced Ordinance No. 9-2021 for Council’s consideration. If approved, this ordinance would create a Public Art Advisory Board for the City. He stated the board will act in an advisory capacity to the City Council and will maintain an overview and long-term planning vision that balances diverse perspectives and facilitates the implementation of the Shelby Public Art Plan.

Mr. Merritt added the structure of the Board will consist of seven (7) Council-appointed board members, including at least one (1) representative from the Cleveland County Arts Council, one (1) representative from the Keep Shelby Beautiful Commission, and one (1) youth representative, defined as someone attending 9th through 12th grade. At least two (2) of the board members must be arts professionals. The members should represent a cross-section of the City of Shelby, Cleveland County, the non-profit sector, the private sector, and the local artist community, and should come from a variety of backgrounds with intentional efforts to recruit a diverse field of candidates reflecting the diversity of Shelby’s population.

ACTION TAKEN: Upon a motion made by Mrs. Arth Dukes, City Council voted unanimously to approve and adopt Ordinance No. 9-2021 entitled, “AN ORDINANCE CREATING THE CITY OF SHELBY’S PUBLIC ART ADVISORY BOARD”.

4) Consideration of a resolution adopting the 2021 City of Shelby Public Art Plan: Resolution No. 18-2021

Mr. Merritt introduced Resolution No. 18-2021 for Council’s consideration. If approved, this resolution would adopt the presented public art plan, which like other adopted City plans, will serve as a flexible framework to encourage the creation and placement of public art throughout the City of Shelby.

Mr. Merritt stated the plan details processes for the commission, accession, maintenance, and delivery of public artworks and arts programming. According to the proposed plan, the City’s public art program is to be administered by a citizen advisory board, Public Art Advisory Board, with City staff support.

ACTION TAKEN: Upon a motion made by Mrs. Arth Dukes, City Council voted unanimously to approve and adopt Resolution No. 18-2021 entitled, “A RESOLUTION ADOPTING THE 2021 CITY OF SHELBY PUBLIC ART PLAN”.

5) Consideration of the approval of Special Event Permit Application:

- a. Shelby High School Homecoming Parade, requested date:
March 26, 2021

Mrs. Parduski reported the application for the Shelby High School Homecoming Parade was submitted by Principal David Allen as an annual event in the usual manner. However, no plan to comply with Governor Cooper’s Executive Orders and the North Carolina Department of Health and Human Services COVID-19 Pandemic guidelines was submitted with the application. Subsequently, Mr. Allen did request a time change from 3:30 p.m. to 5:01 p.m.

Discussion followed: Mr. Howell stated that Governor Cooper’s Executive Order No. 195 arguably contains conflicted language. The Executive Order provides for an exception to mass gatherings for “educational institutions and government operations”. The exception is subject to the capacity limits, which makes it difficult for Council to decide. Mr. Howell further stated the later start time presents additional concerns for increased traffic, as opposed to an earlier time in the afternoon, as well as staffing issues. Mrs. Fite advised compliance with the Governor’s orders. Council Members Arth Dukes and Hopper did not want to approve an event that could potentially be non-compliant with the Governor’s orders. Currently, there is a prohibition on mass gatherings, including parades, which bring together more than 50 people in an outdoor space. Mr. Howell added the Governor’s orders are subject to interpretation particularly for educational institutions and governments, and the earlier start time of 3:30 p.m. would most likely bring out less than 50 people. It was also suggested staff contact the Governor’s Office or the Attorney General’s Office to request clarification or clearance to hold the parade as submitted.

Prior to the motion, Mr. Hopper requested that any contingency approval by Council be communicated to Shelby High School in order that the school can prepare an alternate plan for its Homecoming Parade.

ACTION TAKEN: Mr. White moved to approve the Shelby High School Homecoming Parade on March 26, 2021 at 5:01 p.m. The approval is contingent upon Governor Cooper lifting Executive Order No. 195, which currently prohibits mass gatherings of more than fifty (50) people in an outdoor space, including parades, prior to March 26, 2021.

The motion passed 5 (Hendrick, White, Causby, Webber, and Hopper) to 1 (Arth Dukes).

G. City Manager's Report:

- 1) Mr. Howell reported the air curtain burner at the City's Wastewater Treatment Plant is now operational. City staff has begun disposing of yard waste using the new equipment.
- 2) Mr. Howell stated staff continues to explore alternative recycling options. He will provide information from a private vendor regarding a recycling option for Council's consideration.
- 3) Mr. Howell expressed his appreciation to Shelby Holmes for her exceptional work on the City's Public Art Plan and to City Council for their support of the project.

H. Council Announcements and Remarks:

- 1) Mayor Anthony reminded Council that they will return to in-person meetings on April 5, 2021 at the Don Gibson Theatre in the function space.

The Mayor wished all a Happy Easter.

I. Adjournment:

- 1) Motion to adjourn

ACTION TAKEN: Upon a motion made by Mr. Causby, City Council voted unanimously to adjourn the meeting at 7:03 p.m.

Respectfully submitted,

Bernadette A. Parduski, NCCMC, MMC
City Clerk

O. Stanhope Anthony III
Mayor

Minutes of March 15, 2021

City of Shelby
Agenda Item Summary
April 5, 2021
Don Gibson Theater

Agenda Item: D-2

- 2) Approval of a resolution supporting the passage of legislation in the General Assembly of North Carolina: Resolution No. 21-2021

Consent Agenda Item: (Rick Howell, City Manager)

- Resolution No. 21-2021
 - Summary dated March 9, 2021 Investment Authority for Electricities' Nuclear Decommissioning Fund
 - Senate Bill 323
 - NCGS 147-69.2
 - NCGS 159B-18
-

City Manager's Recommendation / Comments

Resolution No. 21-2021 is presented for City Council consideration at this time. If approved this resolution would support the passage of Senate Bill 323. Currently Electricities of North Carolina and the NC Municipal Power Agency #1 (of which the City is a member organization) is limited in its investment options for funds set aside for decommissioning Catawba Nuclear Station by NCGS 159B-18. If approved S323 would expand the type of investments authorized for these funds. Specifically it would allow the decommissioning funds to be invested as provided for by GS 147-69.2 and sections enumerated on the bill.

This legislation provides for the potential of a greater return on investment which would allow the NCMAPA1 to reduce the amount of operational funds committed annually to the decommissioning fund. This could potentially free up these funds in the future to either reduce rates or at least mitigate/reduce future rate increases.

At the request of the City, Senator Ted Alexander, has signed on as a co-sponsor of Senate Bill 323.

It is my recommendation that Resolution No. 21-2021 be adopted and approved by City Council via the Consent Agenda at this time.

Investment Authority for ElectriCities’ Nuclear Decommissioning Fund

March 9, 2021

2021 Session

BACKGROUND — For more than three decades, the 19 cities and towns in the piedmont and western North Carolina that comprise the N.C. Municipal Power Agency #1 (NCMPA1) have owned 37.5% of Catawba Nuclear Station located in Lake Wylie, S.C. As with all nuclear station owners, the Nuclear Regulatory Commission requires the establishment and maintenance of a decommissioning fund to restore the site once the plant is closed. Similar to a pension fund, funds must be accumulated through member contributions and investment earnings to meet projected costs. The annual contributions are ultimately paid for by ratepayers in those communities.

Historically, NCMPA1 has been able to earn a reasonable return on investment utilizing existing investment options under G.S. 159B-18. However, over the last 10 years interest rates have continued to decline and, as a result, NCMPA1 has lowered its earnings assumptions to 2.2%, increasing the contribution amount. With the 2.2% earnings assumption, the required increase could result in a **6% wholesale rate increase to NCMPA1 municipalities.**

NCMPA1 seeks a statutory change that would allow the power agency to invest the decommissioning fund in the existing Ancillary Governmental Participant Investment Program (AGPIP) managed by the State Treasurer. The expanded range of investment options available through AGPIP would

provide NCMPA1 the opportunity to earn higher returns. Assuming current assumptions of revenue, cost, and projected and actual market returns hold true, an assumed rate of return of 5.15% would boost earnings and could result in a **wholesale rate decrease of 8%**. As with any diversified investment portfolio, actual market returns could differ from projections and could result in higher electricity rates.



The 19 member cities of NCMPA1 are Albemarle, Bostic, Cherryville, Cornelius, Drexel, Gastonia, Granite Falls, High Point, Huntersville, Landis, Lexington, Lincolnton, Maiden, Monroe, Morganton, Newton, Pineville, Shelby, and Statesville.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

S

1

SENATE BILL 323

Short Title: Joint Municipal Power Agencies/Investments. (Public)

Sponsors: Senator Newton (Primary Sponsor).

Referred to: Rules and Operations of the Senate

March 22, 2021

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE MONEYS DEPOSITED IN CERTAIN DECOMMISSIONING FUNDS ESTABLISHED BY NORTH CAROLINA MUNICIPAL POWER AGENCY NUMBER 1 TO BE INVESTED THROUGH THE STATE TREASURER'S ANCILLARY GOVERNMENTAL PARTICIPANT INVESTMENT PROGRAM.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 159B-18 reads as rewritten:

"§ 159B-18. Trust funds; investment authority.

(a) Notwithstanding any other provisions of law to the contrary, all moneys received pursuant to the authority of this Chapter, whether as proceeds from the sale of bonds or as revenues, shall be deemed to be trust funds to be held and applied solely as provided in this Chapter. The resolution authorizing the bonds of any issue or the trust agreement securing such bonds may provide that any of such moneys may be temporarily invested and reinvested pending the disbursements thereof in such securities and other investments as shall be provided in such resolution or trust agreement, and shall provide that any officer with whom, or any bank or trust company with which, such moneys shall be deposited shall hold and apply the same for the purposes hereof, subject to such regulation as this Chapter and such resolution or trust agreement may provide.

(b) Any moneys received pursuant to the authority of this Chapter and any other moneys available to a joint agency for investment may be invested:

...

(6) As provided in G.S. 147-69.2(b6), only with respect to funds deposited in the Catawba Unit No. 1 Decommissioning Trust Fund and the Catawba Unit No. 2 Decommissioning Trust Fund, each established pursuant to a Decommissioning Trust Agreement executed by North Carolina Municipal Power Agency Number 1 on June 28, 1990, in accordance with regulations promulgated by the Nuclear Regulatory Commission in Title 10, Chapter 1 of the Code of Federal Regulations, Part 50, as amended from time to time."

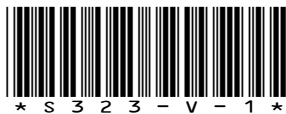
SECTION 1.(b) G.S. 147-69.2 reads as rewritten:

"§ 147-69.2. Investments authorized for special funds held by State Treasurer.

(a) This section applies to funds held by the State Treasurer to the credit of each of the following:

...

(23) The Catawba Unit No. 1 Decommissioning Trust Fund and the Catawba Unit No. 2 Decommissioning Trust Fund established by North Carolina Municipal Power Agency Number 1, as described in G.S. 159B-18(b)(6).



1 ...

2 (b6) In addition to the investments authorized under subdivisions (b)(1) through (6) of this
3 section, the State Treasurer may invest funds deposited in the Catawba Unit No. 1
4 Decommissioning Trust Fund and the Catawba Unit No. 2 Decommissioning Trust Fund in any
5 of the investments authorized under subdivisions (b)(6c) and (b)(8) of this section,
6 notwithstanding the percentage limitations imposed on the Retirement Systems' investments
7 therein. For investments from the Funds made under subdivisions (b)(6c) and (b)(8) of this
8 section, the State Treasurer may require a minimum deposit of up to one hundred thousand dollars
9 (\$100,000) and may assess reasonable fees of up to 15 basis points per annum as a condition of
10 making the investment. The fee may be used to defray the costs of administering the Fund and
11 expenditures authorized under this section.

12"

13 **SECTION 2.** This act is effective when it becomes law.

§ 159B-18. Trust funds; investment authority.

(a) Notwithstanding any other provisions of law to the contrary, all moneys received pursuant to the authority of this Chapter, whether as proceeds from the sale of bonds or as revenues, shall be deemed to be trust funds to be held and applied solely as provided in this Chapter. The resolution authorizing the bonds of any issue or the trust agreement securing such bonds may provide that any of such moneys may be temporarily invested and reinvested pending the disbursements thereof in such securities and other investments as shall be provided in such resolution or trust agreement, and shall provide that any officer with whom, or any bank or trust company with which, such moneys shall be deposited shall hold and apply the same for the purposes hereof, subject to such regulation as this Chapter and such resolution or trust agreement may provide.

(b) Any moneys received pursuant to the authority of this Chapter and any other moneys available to a joint agency for investment may be invested:

- (1) As provided in subsection (a) of this section;
- (2) As provided in G.S. 159-30, except that:
 - a. A joint agency may also invest, in addition to the obligations enumerated in G.S. 159-30(c)(2), in bonds, debentures, notes, participation certificates, or other evidences of indebtedness issued, or the principal of and the interest on which are unconditionally guaranteed, whether directly or indirectly, by any agency or instrumentality of, or corporation wholly owned by, the United States of America.
 - b. For purposes of G.S. 159-30(c)(12), a joint agency may also enter into repurchase agreements with respect to, in addition to the obligations enumerated in G.S. 159-30(c)(12):
 1. Obligations of the Federal Financing Bank, the Federal Farm Credit Bank, the Bank for Cooperatives, the Federal Intermediate Credit Bank, the Federal Land Banks, the Federal Home Loan Banks, the Federal Home Loan Mortgage Corporation, Fannie Mae, the Government National Mortgage Association, the Federal Housing Administration, the Farmers Home Administration, and the United States Postal Service;
 2. Bonds, debentures, notes, participation certificates, or other evidences of indebtedness issued, or the principal of and the interest on which are unconditionally guaranteed, whether directly or indirectly, by any agency or instrumentality of, or corporation wholly owned by, the United States of America;
 3. Mortgage-backed pass-through securities guaranteed by the Government National Mortgage Association, the Federal Home Loan Mortgage Corporation, or Fannie Mae;
 4. Direct or indirect obligations which are collateralized by or represent beneficial ownership interests in mortgage-backed pass-through securities guaranteed by the Government National Mortgage Association, the Federal Home Loan Mortgage Corporation, Fannie Mae; and
 5. Direct or indirect obligations, trust certificates, or other similar instruments which are both: (i) guaranteed by the Government National Mortgage Association, the Federal Home Loan Mortgage Corporation, or Fannie Mae; (ii)

collateralized by or represent beneficial ownership interests in mortgage-backed pass-through securities which are guaranteed by the Government National Mortgage Association, the Federal Home Loan Mortgage Corporation, or Fannie Mae; including, but not limited to, Real Estate Mortgage Investment Conduit Certificates; and (iii) for purposes of the second proviso of G.S. 159-30(c)(12)a., the financial institution serving either as trustee or as fiscal agent for a joint agency holding the obligations subject to the repurchase agreement may also be the provider of the repurchase agreement if the obligations that are subject to the repurchase agreement are held in trust by the trustee or fiscal agent for the benefit of the joint agency;

- (3) In mortgage-backed pass-through securities guaranteed by the Government National Mortgage Association, the Federal Home Loan Mortgage Corporation, or Fannie Mae;
- (4) In direct or indirect obligations which are collateralized by or represent beneficial ownership interests in mortgage-backed pass-through securities guaranteed by the Government National Mortgage Association, the Federal Home Loan Mortgage Corporation, or Fannie Mae; and
- (5) In direct or indirect obligations, trust certificates, or other similar instruments which are (i) guaranteed by the Government National Mortgage Association, the Federal Home Loan Mortgage Corporation, or Fannie Mae, and (ii) collateralized by or represent beneficial ownership interests in mortgage-backed pass-through securities which are guaranteed by the Government National Mortgage Association, the Federal Home Loan Mortgage Corporation, or Fannie Mae, including, but not limited to, Real Estate Mortgage Investment Conduit Certificates. (1975, c. 186, s. 1; 1991 (Reg. Sess., 1992), c. 888, s. 5; 1993, c. 445, s. 1; 1995, c. 412, s. 14; 2001-487, s. 14(n).)

§ 147-69.2. Investments authorized for special funds held by State Treasurer.

(a) This section applies to funds held by the State Treasurer to the credit of each of the following:

- (1) The Teachers' and State Employees' Retirement System of North Carolina.
- (2) The Consolidated Judicial Retirement System of North Carolina.
- (3) The State Health Plan for Teachers and State Employees.
- (4) Repealed by Session Laws 2016-55, s. 1.3, effective January 31, 2017.
- (5) The Disability Salary Continuation Income Plan of North Carolina.
- (6) The North Carolina Firefighters' and Rescue Squad Workers' Pension Fund.
- (7) The North Carolina Local Governmental Employees' Retirement System.
- (8) The Legislative Retirement System of North Carolina.
- (9) The Escheat Fund.
- (10) The Legislative Retirement Fund.
- (11) The State Education Assistance Authority.
- (12) The State Property Fire Insurance Fund.
- (13) Repealed by Session Laws 2016-55, s. 1.3, effective January 31, 2017.
- (14) Repealed by Session Laws 2016-55, s. 1.3, effective January 31, 2017.
- (15) The State Public Education Property Insurance Fund.
- (15a) Repealed by Session Laws 2020-69, s. 9(b), effective July 1, 2020.
- (16) The Liability Insurance Trust Fund.
- (16a) The University of North Carolina Hospitals at Chapel Hill funds, except appropriated funds, deposited with the State Treasurer pursuant to G.S. 116-37.2.
- (17) Trust funds of The University of North Carolina and its constituent institutions deposited with the State Treasurer pursuant to G.S. 116-36.1.
- (17a) North Carolina Veterans Home Trust Fund.
- (17b) North Carolina National Guard Pension Fund.
- (17c) Retiree Health Benefit Fund.
- (17d) The Election Fund.
- (17e) The North Carolina State Lottery Fund.
- (17f) Funds deposited with the State Treasurer by public hospitals pursuant to G.S. 159-39(g).
- (17g) Funds deposited with the State Treasurer by Local Government Other Post-Employment Benefits Trusts pursuant to G.S. 159-30.1.
- (17h) The Local Government Law Enforcement Special Separation Allowance Fund.
- (17i) The North Carolina Conservation Easement Endowment Fund.
- (17j) The Conservation Grant Fund.
- (17k) The Wildlife Endowment Fund.
- (17l) The Ecosystem Restoration Fund.
- (17m) The Needs-Based Public School Capital Fund.
- (17n) The Riparian Buffer Restoration Fund.
- (18) Any other special fund created by or pursuant to law for purposes other than meeting appropriations made pursuant to the Executive Budget Act.
- (19) The Swain County Settlement Trust Fund.
- (20) Institutional funds of the colleges of the North Carolina Community College System.
- (21) The Disability Income Plan of North Carolina.
- (22) The Lumbee Tribe of North Carolina Trust Fund.

(b) It shall be the duty of the State Treasurer to invest the cash of the funds enumerated in subsection (a) of this section in excess of the amount required to meet the current needs and demands on these funds. The State Treasurer may invest the funds as provided in this subsection in the manner authorized by subsection (e) of this section. If an investment was authorized by this subsection at the time the investment was made or contractually committed to be made, then that investment shall continue to be authorized by this subsection, and none of the percentage or other limitation on investments set forth in this subsection shall be construed to require the State Treasurer to subsequently dispose of the investment or fail to honor any contractual commitments as a result of changes in market values, ratings, or other investment qualifications. For purposes of computing market values on which percentage limitations on investments in this subsection are based, all investments shall be valued as of the last date of the most recent fiscal quarter. Notwithstanding anything in this section to the contrary, the State Treasurer shall categorize investment management arrangements according to the primary investment type or primary strategy utilized under the arrangement authorized under subsection (e) of this section. No investment management arrangement may be categorized in more than one of the subdivisions of this section. The State Treasurer shall select from among the following investments subject to the following limitations and requirements:

- (1) Investments authorized by G.S. 147-69.1(c)(1)-(7).
- (2) General obligations of other states of the United States.
- (3) General obligations of cities, counties and special districts in North Carolina.
- (4) Obligations of any company, other organization or legal entity incorporated or otherwise created or located within or outside the United States, including obligations that are convertible into equity securities, if, when acquired, the obligations are within one of the four highest rating categories regardless of gradations, such as ratings beginning with "AAA," "AA," "A," or either "BBB" or "Baa," of at least one nationally recognized rating service designated by the U.S. Securities and Exchange Commission.
- (5) Repealed by Session Laws 2001-444, s. 2, effective October 1, 2001.
- (6) Asset-backed securities (whether considered debt or equity), if, when acquired, the obligations are within one of the four highest ratings categories regardless of gradations, such as ratings beginning with "AAA," "AA," "A," or either "BBB" or "Baa," of at least one nationally recognized rating service designated by the U.S. Securities and Exchange Commission.
- (6a) In addition to the limitations and requirements with respect to the investments of the Retirement Systems set forth in this subsection, the State Treasurer shall select investments of the assets of the Retirement Systems such that investments made pursuant to subdivisions (b)(1) through (6) of this section shall at all times equal or exceed twenty percent (20%) of the market value of all invested assets of the Retirement Systems.
- (6b) Repealed by Session Laws 2016-55, s. 1.3, effective January 31, 2017.
- (6c) With respect to Retirement Systems' assets referred to in subdivision (b)(8), they may be invested, within or outside the United States, in obligations, debt securities, and asset-backed securities, whether considered debt or equity, including obligations and securities convertible into other securities, that do not meet the requirements of any of subdivisions (b)(1) through (6) of this section nor subdivision (b)(7) of this section. The amount invested under this subdivision shall not exceed seven and one-half percent (7.5%) of the market value of all invested assets of the Retirement Systems.
- (7) Retirement Systems' assets referred to in subdivision (8) of this subsection may be invested in strategies managed primarily for the purpose of owning

real estate or related debt financing, excluding asset-backed financing and timberlands, located within or outside the United States. The amount invested under this subdivision shall not exceed ten percent (10%) of the market value of all invested assets of the Retirement Systems.

- (8) With respect to assets of the Teachers' and State Employees' Retirement System, the Consolidated Judicial Retirement System, the Firefighters' and Rescue Workers' Pension Fund, the Local Governmental Employees' Retirement System, the Legislative Retirement System, the North Carolina National Guard Pension Fund, the Registers of Deeds' Supplemental Pension Fund, and the Retiree Health Benefit Fund (hereinafter referred to collectively as the Retirement Systems), they may be invested in a strategy composed primarily of equity securities traded on a public securities exchange or market organized and regulated pursuant to the laws of the jurisdiction of the exchange or market and issued by any company incorporated or otherwise created or located within or outside the United States as long as the investments meet the conditions of this subdivision. The investments authorized for the Retirement Systems under this subdivision are subject to the following limitations:
- a. Repealed by Session Laws 2016-55, s. 1.3, effective January 31, 2017.
 - a1. The aggregate amount of the investments cannot exceed sixty-five percent (65%) of the market value of all invested assets of the Retirement Systems.
 - b. The aggregate amount of the investment invested through investment companies described in sub-subdivision (e)(4)b. of this section shall not exceed eight and one-half percent (8.5%) of the market value of all invested assets of the Retirement Systems, except that the market value of group trusts and individual, common, or collective trust funds of banks and trust companies shall not be applied against this limit.
 - c. Repealed by Session Laws 2016-55, s. 1.3, effective January 31, 2017.
- (9) With respect to Retirement Systems' assets, as defined in subdivision (b)(8) of this subsection, they may be invested in (i) a strategy composed primarily of private equity, or corporate buyout transactions, within or outside the United States or (ii) an arrangement authorized under subsection (e) of this section with the primary purpose to engage in other strategies not expressly authorized by any other subdivision of this subsection. The amount invested under this subdivision shall not exceed eight and three-quarters percent (8.75%) of the market value of all invested assets of the Retirement Systems.
- (9a) With respect to Retirement Systems' assets, as defined in subdivision (b)(8) of this subsection, they may be invested, within or outside the United States, in obligations, debt securities, asset-backed securities, whether considered debt or equity, and other investments that are acquired by the Treasurer for the primary purpose of providing protection against risks associated with inflation, along with timberland, natural resources, commodities, infrastructure, transportation, agriculture, and other tangible and intangible real assets. The amount invested under this subdivision shall not exceed seven and one-half percent (7.5%) of the market value of all invested assets of the Retirement Systems.
- (10) Recodified as part of subdivision (b)(9) by Session Laws 2000-160, s. 2.
- (10a) With respect to Retirement Systems' assets, as defined in subdivision (8) of this subsection, the market value of any of subdivision (6c) or (7),

sub-subdivision b. of subdivision (8), or subdivision (9) or (9a) of this subsection shall not exceed ten percent (10%) of the market value of all invested assets of the Retirement Systems; and the aggregate market value of all assets invested pursuant to subdivisions (6c) and (7), sub-subdivision b. of subdivision (8), and subdivisions (9) and (9a) of this subsection shall not exceed thirty-five percent (35%) of the market value of all invested assets of the Retirement Systems.

(11) Repealed by Session Laws 2013-360, s. 6.3(c), effective July 1, 2013.

(12) It is the intent of the General Assembly that the Escheat Fund provide a perpetual and sustainable source of funding for the purposes authorized by the State Constitution. Accordingly, the following provisions apply:

a. With respect to assets of the Escheat Fund, in addition to those investments authorized by subdivisions (1) through (6) of this subsection, up to ten percent (10%) of the assets may be invested in the investments authorized under subdivisions (6c) through (9a) of this subsection, notwithstanding the percentage limitations imposed on the Retirement Systems' investments under those subdivisions, and provided that the State Treasurer may invest the assets as provided in subsection (e) of this section.

b. Repealed by Session Laws 2016-55, s. 1.3, effective January 31, 2017.

c. The State Treasurer shall invest, in addition to those investments authorized by sub-subdivision a. of this subdivision, ten percent (10%) of the net assets of the Escheat Fund as authorized under G.S. 147-69.2A.

(b1) The State Treasurer shall appoint an Investment Advisory Committee, which shall consist of seven members: the State Treasurer, who shall be chairman ex officio; two members selected from among the members of the boards of trustees of the Retirement Systems; and four members selected from the general public. All appointed members must have experience in areas relevant to the administration of a large, diversified investment program, including, but not limited to, investment management, securities law, real estate development, or absolute return strategies. The State Treasurer shall also appoint a Secretary of the Investment Advisory Committee who need not be a member of the committee. Members of the committee shall receive for their services the same per diem and allowances granted to members of the State boards and commissions generally. The committee shall have advisory powers only and membership shall not be deemed a public office within the meaning of Article VI, Section 9 of the Constitution of North Carolina or G.S. 128-1.1.

(b2) The State Treasurer may invest funds deposited pursuant to subdivision (a)(17f) of this section in any of the investments authorized under subdivisions (b)(1) through (6), subdivision (b)(6c), and subdivision (b)(8) of this section, notwithstanding the percentage limitations imposed on the Retirement Systems' investments therein. The State Treasurer may require a minimum deposit, up to one hundred thousand dollars (\$100,000), and may assess reasonable fees, not to exceed 15 basis points per annum, as a condition of participation pursuant to this subsection. Funds deposited pursuant to this subsection by a hospital shall remain the funds of that hospital, and interest or other investment income earned thereon shall be prorated and credited to the contributing hospital on the basis of the amounts thereof contributed, figured according to sound accounting principles. Fees assessed by the State Treasurer may be used to defray the cost of administering investments pursuant to this subsection and expenditures authorized under this section.

(b3) The State Treasurer may invest funds deposited pursuant to subdivision (a)(16a) of this section in any of the investments authorized under subdivisions (1) through (6), subdivision

(6c) and subdivision (b)(8) of this section, notwithstanding the percentage limitations imposed on the Retirement Systems' investments therein. The State Treasurer may require a minimum deposit, up to one hundred thousand dollars (\$100,000), and may assess reasonable fees, not to exceed 15 basis points per annum, as a condition of participation pursuant to this subsection. Funds deposited pursuant to this subsection by the University of North Carolina Hospitals at Chapel Hill shall remain the funds of the University of North Carolina Hospitals at Chapel Hill, and interest or other investment income earned thereon shall be prorated and credited to the University of North Carolina Hospitals at Chapel Hill on the basis of the amounts thereof contributed, figured according to sound accounting principles. Fees assessed by the State Treasurer may be used to defray the cost of administering investments pursuant to this subsection and expenditures authorized under this section.

(b4) In addition to the investments authorized under subdivisions (b)(1) through (6) of this section, the State Treasurer may invest funds deposited pursuant to subdivision (17g) of subsection (a) of this section in any of the investments authorized under subdivisions (b)(6c) and (b)(8) of this section, notwithstanding the percentage limitations imposed on the Retirement Systems' investments therein. Funds deposited pursuant to this subsection by a Local Government Other Post-Employment Benefits Trust and interest or other investment income earned from those funds shall be prorated and credited to the contributing trust on the basis of the amounts contributed, figured according to sound accounting principles. For investments under subdivisions (b)(6c) and (b)(8) of this section, the State Treasurer may require a minimum deposit of up to one hundred thousand dollars (\$100,000) and may assess reasonable fees of up to 15 basis points per annum as a condition of participation pursuant to this subsection. Fees assessed by the State Treasurer may be used to defray the costs of administering the Fund and expenditures authorized under this section.

(b5) In addition to the investments authorized under subdivisions (b)(1) through (6) of this section, the State Treasurer may invest funds deposited in the Local Government Law Enforcement Special Separation Allowance Fund in any of the investments authorized under subdivisions (b)(6c) and (b)(8) of this section, notwithstanding the percentage limitations imposed on the Retirement Systems' investments therein. For investments from that Fund made under subdivisions (b)(6c) and (b)(8) of this section, the State Treasurer may require a minimum deposit of up to one hundred thousand dollars (\$100,000) and may assess reasonable fees of up to 15 basis points per annum as a condition of making the investment. The fee may be used to defray the costs of administering the Fund and expenditures authorized under this section.

(c) Repealed by Session Laws 1995, c. 501, s. 2.

(d) The State Treasurer may invest funds deposited pursuant to subdivisions (17i), (17j), (17k), (17l), and (17n) of subsection (a) of this section in any of the investments authorized under subdivisions (1) through (6) and subdivision (8) of subsection (b) of this section. The State Treasurer may require a minimum deposit, up to one hundred thousand dollars (\$100,000), and may assess a reasonable fee, not to exceed 15 basis points, as a condition of participation pursuant to this subsection. Fees assessed by the State Treasurer may be used to defray the costs of administering the funds and expenditures authorized under this section. Funds deposited pursuant to this subsection shall remain the funds of the North Carolina Conservation Easement Endowment Fund, the Conservation Grant Fund, the Ecosystem Restoration Fund, the Riparian Buffer Restoration Fund, or the Wildlife Endowment Fund, as applicable, and interest or other investment income earned thereon shall be prorated and credited to the North Carolina Conservation Easement Endowment Fund, the Conservation Grant Fund, the Ecosystem Restoration Fund, the Riparian Buffer Restoration Fund, or the Wildlife Endowment Fund on the basis of the amounts contributed to the respective Funds, figured according to sound accounting principles.

(e) Investments made pursuant to this section may be made as internally managed investments by the State Treasurer or may be made through third-party investment management arrangements, under the following conditions:

- (1) Internally managed portfolios shall be subject to industry standard portfolio guidelines developed with periodic consultation by the Investment Advisory Committee.
- (2) In assessing whether to invest directly or to utilize indirect third-party investment management arrangements, the State Treasurer shall consider all material factors he or she considers relevant to the decision consistent with the Treasurer's fiduciary duties under G.S. 147-69.7, including financial, operational, and investment expertise and resources, alignment of interests and investor protections, transparency and repeatability of investment process, risk controls, and cost-effectiveness.
- (3) For any third-party investment management arrangements, the investment manager must have total assets under management of at least one hundred million dollars (\$100,000,000) at the inception of the investment management arrangement with the State Treasurer.
- (4) Third-party investment management arrangements may be with persons and legal entities located within or outside the United States, including through any of the following:
 - a. Contractual arrangements in which the investment manager has delegated discretion and authority to invest assets.
 - b. Investment companies as defined under United States generally accepted accounting principles as promulgated by the Financial Accounting Standards Board, including without limitation entities registered under the Investment Company Act of 1940; individual, common, or collective trust funds of banks and trust companies; limited partnerships; limited liability companies or other limited liability investment vehicles; and insurance contracts that provide for participation in individual or pooled separate accounts of insurance companies.

Any limited liability investment vehicles organized by the State Treasurer shall be deemed investment companies for the purposes of this subsection.
- (5) Investment companies shall provide annual audited financial statements to the State Treasurer, unless the State Treasurer waives the requirement after conducting a cost-benefit analysis.
- (6) In connection with any investment otherwise authorized under this section, the State Treasurer may enter into an indemnification agreement provided that, under any agreement, the liability of the State Treasurer will be limited to the amount of the State Treasurer's contractual investment. (1979, c. 467, s. 2; 1983, c. 702, ss. 1-9; 1987, c. 446, s. 1; c. 751, s. 5; 1987 (Reg. Sess., 1988), c. 1070; 1989, c. 770, s. 54; 1989 (Reg. Sess., 1990), c. 813, s. 11; c. 848, s. 5; 1991, c. 542, s. 16; c. 636, s. 3; c. 749, s. 8; 1993 (Reg. Sess., 1994), c. 777, s. 4(i); 1995, c. 346, s. 2; c. 501, s. 2; 1997-456, s. 27; 1999-237, s. 27.16; 1999-251, s. 2; 2000-160, s. 2; 2001-444, ss. 2, 3; 2003-12, s. 2; 2004-124, s. 30.22(b); 2005-144, s. 7; 2005-201, s. 2; 2005-252, s. 1; 2005-276, s. 28.17; 2005-344, s. 10; 2005-417, s. 2; 2007-323, s. 27.7; 2007-384, ss. 2, 3, 7, 8; 2008-13, s. 2; 2008-107, ss. 12.9(b), (c), 12.13; 2009-98, s. 1; 2009-283, s. 2; 2009-451, s. 25.2(a); 2010-175, ss. 3, 4;

2011-145, ss. 6.10(a), 8.20(c); 2011-211, s. 1; 2011-340, s. 4(a), (b); 2012-130, s. 10; 2012-142, s. 6.4; 2012-178, s. 6; 2013-284, s. 1(d); 2013-360, s. 6.3(c); 2013-398, s. 1; 2015-164, s. 3(a); 2015-241, ss. 6.3(a), 14.2; 2016-55, s. 1.3; 2017-57, s. 13A.2(b), (c); 2017-102, s. 28.1(a); 2017-125, s. 6; 2018-5, ss. 5.3(e), 13.5; 2019-162, s. 5; 2019-176, s. 3(e); 2020-69, s. 9(a), (b); 2020-78, s. 7.3(a), (b).)

RESOLUTION NO. 21-2021

A RESOLUTION SUPPORTING THE PASSAGE OF LEGISLATION
IN THE GENERAL ASSEMBLY OF NORTH CAROLINA

WHEREAS, the City of Shelby has provided electric service to its residents since 1912; and

WHEREAS, the City of Shelby is a participant in the North Carolina Municipal Power Agency Number 1 (NCMPA1); and

WHEREAS, NCMPA1 invested in the Catawba Nuclear Station in Lake Wylie, South Carolina in 1978 and has enjoyed stable electric prices from the power plant since 1986; and

WHEREAS, due to its prudent investment in nuclear energy, NCMPA1 is a clean energy leader in the state, providing electricity that is more than 95 percent carbon-free to homes, businesses, and industry in its service territory; and

WHEREAS, the Nuclear Regulatory Commission requires NCMPA1 and other investors in nuclear resources to contribute to a decommissioning trust fund to cover the costs of decommissioning the nuclear resources when the power plants are retired; and

WHEREAS, state law governs the resources in which NCMPA1 may invest contributions to the Catawba Nuclear Station Decommissioning Trust Fund; and

WHEREAS, NCMPA1 seeks a statutory change that would allow NCMPA1 to invest the Catawba Nuclear Station Decommissioning Trust Fund in the existing Ancillary Governmental Participant Investment Program managed by the North Carolina State Treasurer; and

WHEREAS, assuming the current assumptions hold true this statutory change could lead to significantly lower wholesale electric rates to City of Shelby and the other 18 participants in NCMPA1; and

WHEREAS, State Senator Ted Alexander is a co-sponsor of Senate Bill 323 that would make the desired statutory change now.

THEREFORE, BE IT RESOLVED, that the City Council of the City of Shelby does commend this bill to the General Assembly and to the Governor of North Carolina as valuable, necessary, and timely and does recommend its passage into law for the benefit of the citizens of the State.

Adopted this 5th day of April 2021.

O. Stanhope Anthony III
Mayor

ATTEST:

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

City of Shelby
Agenda Item Summary
April 5, 2021
Don Gibson Theater

Agenda Item: D-3

- 3) Approval of a resolution honoring Amy Edmonson Fredell on the occasion of her retirement from employment with the City of Shelby: Resolution No. 22-2021

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

- Memorandum dated March 24, 2021 from Jeffrey H. Ledford, Chief of Police to Rick Howell, City Manager and Bernadette Parduski, City Clerk
- Resolution No. 22-2021

City Manager's Recommendation / Comments

This time is scheduled on your agenda to consider a resolution recognizing Amy Fredell on the occasion of her retirement from employment. In keeping with policy Resolution No. 22-2021 will recognize her for having served the City faithfully for the past 30 years as a Shelby Police Department employee. She is to be congratulated! Amy Fredell is an experienced Telecommunicator and she will be greatly missed by her fellow Police co-workers.

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

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

It is recommended that Resolution No. 22-2021 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 20th anniversary of service with the City or have attained their 10th anniversary and are at least 60 years of age or over. Employees with 25 or more years of service will receive a key to the City, a framed Council resolution and City lapel pin upon retirement from the City. Separating employees who have attained at least five years of service and are leaving in good standing can be recognized on a Department level with a gift or some other form of recognition.

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: Ms. Amy E. Fredell
City Council Resolution

Date: March 24, 2021

Ms. Amy Edmonson Fredell retired as a Telecommunications Supervisor with the City of Shelby on January 1, 2021. At that time, Ms. Fredell had served the City of Shelby, the citizens of Shelby, and the Shelby Police Department for 30 years. Ms. Fredell began her career with the Shelby Police Department January 1992. She began her career as a Telecommunicator, promoted September 1999 and served in a supervisory capacity until her retirement January 2021.

Ms. Fredell worked in various positions throughout her career here at the Shelby Police Department and was also a Communications Training Officer. She served as a Telecommunicator, a Records Clerk, a DCI Instructor, General Instructor, an APCO 9-1-1 NENA Instructor and finished her career as a Telecommunications Supervisor.

Ms. Fredell is being honored for her leadership, her loyalty, her commitment to serve, and her dedication to the civilian community, the law enforcement community, the City of Shelby, and the State of North Carolina. Therefore, her service has been submitted to the NC Governor's Office for the Order of the Long Leaf Pine Award for these qualities.

Ms. Fredell has had a long, successful career with the Shelby Police Department and has demonstrated her dedication, her commitment to public service through her Communications 9-1-1 Center 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. 22-2021

**A RESOLUTION HONORING AMY EDMONSON FREDELL
ON THE OCCASION OF HER RETIREMENT
FROM EMPLOYMENT WITH THE CITY OF SHELBY**

WHEREAS, on the occasion of her retirement from employment on January 1, 2021, it is fitting and proper for the City Council to express its sincere appreciation to Amy Edmonson Fredell for her loyal, dedicated, and committed service to the City of Shelby from January 2, 1992 to January 1, 2021; and,

WHEREAS, Ms. Fredell has been a loyal team member in the continuing development of the Shelby Police Department, especially for her strength in service to the City of Shelby and to all its citizens; and,

WHEREAS, during her tenure of service, Ms. Fredell has been a loyal employee for the City of Shelby, beginning as a Telecommunicator January 1992; becoming a Records Clerk January 1997, receiving a promotion to a telecommunications supervisory position September 1999; and, serving as a Communications Training Officer, a DCI (Division Criminal Information) Instructor, an APCO NENA (National Emergency Number Association) Instructor for the Shelby Police Department's Communication Center, and as a General Instructor; and finishing her career as a Telecommunications Supervisor, and has been an outstanding example of the quality of employee necessary to the development of the good of the City; and,

WHEREAS, Ms. Fredell was Shelby Police Department's Civilian of the Year in 2013 and in 2018, received Merit Awards for Exemplary Customer Service in 2017 and 2018, and received Shelby Police Department's 2019 Leadership Award for Exemplary Leadership for the Communications Division throughout the year. Ms. Fredell completed over 1,400 hours of advanced training, having received her Advanced Telecommunicator Professional Certificate September 2002, in addition to receiving the Advanced Service Award in recognition for 21.5 years of extensive training and dedicated 911 Telecommunicator service in 2019, both from the State of North Carolina; and,

WHEREAS, Ms. Fredell'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 Ms. Fredell 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 Ms. Fredell for her dedicated and devoted duty to Communications service to its citizens, noting that Ms. Fredell 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 Amy Edmonson Fredell for her 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 5th day of April 2021.

O. Stanhope Anthony III
Mayor

ATTEST:

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

City of Shelby
Agenda Item Summary
April 5, 2021
Don Gibson Theater

Agenda Item: D-4

- 4) Adoption of Fiscal Year (FY) 2020-2021 Budget Ordinance Amendment No. 9:
Ordinance No. 13-2021

Consent Agenda Item: (Rick Howell, City Manager and Jeff Ledford, Chief of Police)

- Memorandum dated February 23, 2021 from Jeffrey H. Ledford, Chief of Police to Rick Howell, City Manager
- Grant Award
- Ordinance No. 13-2021

City Manager's Recommendation / Comments

Ordinance No. 13-2021 is presented for Council approval at this time via the Consent agenda. If adopted this ordinance would simply recognize funding received through these grant programs and appropriate it within the operating budget of the Police Department. These grants are fairly routine and assist the City with providing additional funding to the Police Department. The City has secured a \$24,500 in funding from the Edward Byrne Memorial Justice Assistance Grant Program (JAG) and \$24,500 in funding from the Governor's Crime Commission to allow the Police Department to update and expand the Body Worn Camera and In Car Camera programs. The older body worn cameras currently used by the patrol division will be rotated and used by other divisions within the Police Department. There is no local match required.

It is recommended that Ordinance No. 13-2021 be adopted and approved via the Consent Agenda.



Intradepartmental Communication

To: Mr. Rick Howell, City Manager
From: Chief Jeff Ledford
Date: February 23, 2021
Subject: Budget Amendment Request—NCGCC Grant

Background

The North Carolina Governor's Crime Commission, originally created by the State Legislature in 1968, now serves as the chief advisory body to the governor and the secretary of the Department of Public Safety on crime and justice issues. Forty-four members, along with agency staff, set program priorities, review applications and make recommendations to the governor for the State's Criminal Justice, Crime Victims' Services and Juvenile Justice Federal grants. Federal block grants are awarded each year to government, education and social service agencies to start new and innovative programs and to continue efforts to reduce crime.

Review

In February 2021, the Crime Commission awarded the Shelby Police Department with a \$24,500 grant to cover the purchase of Body Worn and In-Car cameras for our uniformed Patrol Officers. This grant is funded at 100% and with no matching funds required.

Recommendation

We are requesting a budget amendment to cover the funds allocated in the grant to purchase equipment. These funds will be fully reimbursed by the Governors Crime Commission once the equipment has been purchased and deployed.

Thanks for your consideration and please let us know if you need any further.



STATE OF NORTH CAROLINA
DEPARTMENT OF PUBLIC SAFETY
 GOVERNOR'S CRIME COMMISSION
 1201 Front Street, Suite 200
 Raleigh, NC 27609
 Telephone:(919) 733-4564 Fax:(919) 733-4625
 http://www.ncgccd.org

GRANT AWARD

Applicant: City of Shelby
Authorizing Official: Rick Howell
 City Manager
Address: P.O. Box 207
 Shelby, North Carolina 28151-0207
Vendor Number: 566001333

Project Name: 2020 - Shelby Police Department - Equipment Grant
Implementing Agency: Shelby Police Department
Project Director: Brad Fraser
 Captain
Project Number: PROJ014283
Account Manager: Kevin Farrell

Grant Period: 10/01/2020 - 09/30/2021

Budgets

Period	Personnel	Contractual	Travel	Supplies	Equipment	Indirect Costs	Total
Year 1	\$0.00	\$0.00	\$0.00	\$0.00	\$24,500.00	\$0.00	\$24,500.00
Grant Budget Total							\$24,500.00

Source	Federal Grant #	CFDA #	% Funding	Federal Award
2020::Byrne Justice Assistance Grants	2020-DJ-BX-0052	16.738	100%	\$24,500.00

In accordance with the laws and regulations of the United States and the State Of North Carolina, and on the basis of the grantee's application, the Department of Public Safety hereby awards to the foregoing grantee an award in the amount above.

This grant is subject to the conditions listed in the approved grant application as well as all applicable rules, regulations and conditions, as may be described by the Department of Public Safety. Special conditions are attached to this award.

This grant shall become effective, as of the start date of the grant period listed, once this original grant award has been properly executed on behalf of the grantee and returned to the Governor's Crime Commission, attention of the Grants Management Director. The grant award must be returned within 30 days of the date the award is mailed from the Governor's Crime Commission. No alterations of any kind may be made on this grant award.

Authorizing Official

DocuSigned by:

Rick Howell

1/19/2021 | 15:17:05 EST

D013334F2E2B424... izing Official

Date

Rick Howell, City Manager

Name and Title of Authorizing Official

Governor's Crime Commission

DocuSigned by:

Caroline C. Valand

1/15/2021 | 15:58:29

61C239A8A69D412...

Date

Caroline C. Valand, Executive Director

Name and Title of Director

Project Director

DocuSigned by:

Brad Fraser

1/19/2021 | 10:32:44 EST

DCF19119981D4BF... irector

Date

Brad Fraser, Captain

Name and Title of Project Director

This award is subject to the attached conditions, which must be signed by both the authorizing official and the project director, and returned along with this Grant Award. No alterations of any kind may be made on this grant award.

ORDINANCE NO. 13-2021

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

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

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

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

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

Section 1. Ordinance No. 22-2020, the City’s FY 2020-2021 Budget Ordinance, is hereby amended as follows to provide for Budget Amendment No. 9 for the year:

(A) The City of Shelby has been awarded a NC Department of Public Safety Governor’s Crime Commission Grant to be used to purchase equipment. Accordingly, the following budget modifications are approved in accordance with the chart of accounts heretofore established for the City of Shelby.

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

- (a) Increase 11003000-34215-GCC20 Governor’s Crime Commission Grant \$ 24,500
- (b) Increase 110431-41999-GCC20 Non-Capital Equipment \$ 24,500

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

	<u>Current Budget</u>	<u>Amendment No. 9</u>
General Fund	\$ 26,126,413	\$ 26,150,913
Emergency Telephone System Fund	107,000	107,000
Powell Bill Fund	645,000	645,000
Economic Dev. Fund	974,628	974,628
Housing Fund	2,206,180	2,206,180
Cemetery Fund	30,000	30,000
Utilities-Water Fund	6,066,638	6,066,638
Utilities-Sewer Fund	5,536,229	5,536,229
Utilities-Electric Fund	22,538,388	22,538,388
Utilities-Gas Fund	16,437,600	16,437,600
Utilities – Stormwater Fund	868,220	868,220
FY 2020-2021 Budget Total:	<u>\$ 81,536,296</u>	<u>\$ 81,560,796</u>

Ordinance No. 13-2021
April 5, 2021
Page 2

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

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

Adopted and approved this the 5th day of April 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

City of Shelby
Agenda Item Summary
April 5, 2021
Don Gibson Theater

Agenda Item: D-5

- 5) Adoption of Fiscal Year (FY) 2020-2021 Budget Ordinance Amendment No. 10:
Ordinance No. 14-2021

Consent Agenda Item: (Rick Howell, City Manager and Justin Merritt, Assistant City Manager)

- Memorandum dated March 29, 2021 from Justin Merritt, Assistant City Manager to Rick Howell, City Manager
- Copy of Resolution No. 35-2015
- Incentive Agreement with Huesker, Inc.
- Grant Payment Schedule
- Letter from Huesker, Inc to Justin Merritt and email from Cleveland County Tax Office
- Ordinance No. 14-2021

City Manager's Recommendation / Comments

This item is presented for City Council consideration at this time. If approved this amendment would formally appropriate the incentive grant for Tax Year 2020. Future payments will be made as the grant recipient requests payment after complying with the provisions of the adopted agreement. This is year four of a five year agreement with Huesker, Inc. The approved grant covers a five year period at 40% grant incentive payment back to the company.

As a reminder to Council you will recall that companies awarded incentive grants must pay in full all tax and other bills owed to the City prior to making a request. It is the responsibility of the company to certify to the City they have done so with written verification coming from the Cleveland County Tax Office. Council must then approve this budget amendment appropriating the amount due. Only then will the City pay the incentive grant.

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



To: Rick Howell, City Manager
From: Justin Merritt, Finance Director
Date: March 29, 2021
Subject: Huesker, Inc. Incentive Grant Distribution

Background:

As you are aware, the City of Shelby entered into an agreement with Huesker, Inc., via Resolution 35-2015, to provide Industrial Incentive Grants upon completion of certain grant requirements. The agreements are attached and detail the guidelines of the grant program.

Huesker Inc. has now met the requirements for year four of the grant payment and has asked for the distribution to be made.

Recommendation:

The recommendation from staff is to approve the attached budget amendment, which will appropriate funds for year four of the grant incentive.

RESOLUTION NO. 35-2015

A RESOLUTION CONFIRMING THE CITY OF SHELBY'S
INTENT TO OFFER AN ECONOMIC DEVELOPMENT INCENTIVE GRANT

WHEREAS, the City of Shelby has established the practice of offering economic development incentives for the purpose of promoting the economic health and vitality of the community, and,

WHEREAS, the Cleveland County Economic Development Partnership has presented a qualifying economic development project named "Project Stallion" (the "Project") with an total expected investment valued at approximately \$8 Million of net new investment which shall be eligible for incentives through the policy; and,

WHEREAS, the City Council believes that Project Stallion will stimulate and provide stability for the local economy, will provide local economic benefits for the citizens of the City of Shelby through an increase in sales tax revenues, increased personal property tax revenues, increased purchases of local goods and services, increased revenues from having the project as a new customer of the City for water and sewer services and natural gas service, and will result in the eventual creation of a number of new full-time permanent jobs; and

WHEREAS, the City Manager and the Cleveland County Economic Development Partnership have determined that the Project meets the goals set forth by City Council including job creation and capital investment.

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

Section 1. In accordance with the City's economic development incentive practices, the City Council extends to the Project by agreement the offer to provide annual grants with an amount equal to 40 percent of the taxes paid to the City on the net new taxable investment of the project over a period of five (5) years. The grant award is subject to execution of a legal agreement drafted in accordance with the provisions of North Carolina General Statute § 158-7.1, said agreement describing the Project and stating expected benchmarks and recourse for non-compliance. The City Manager and City Attorney are hereby authorized and directed to negotiate the language of said legal agreement for presentation to and final approval by the City Council, and to record the approved agreement in the Office of the Register of Deeds for Cleveland County.

Section 2. The Mayor and City Clerk of the City of Shelby are hereby authorized and directed to execute the agreement specified in Section 1 of this resolution on behalf of the City.


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

Adopted and approved this the 15th day of June 2015.

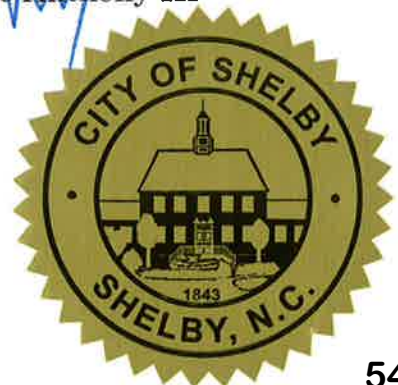


O. Stanhope Anthony III
Mayor

ATTEST:



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



CITY OF SHELBY

STATE OF NORTH CAROLINA

AGREEMENT

This Agreement is made and entered into as of the 15th day of June, 2015, by and between the **CITY OF SHELBY, NORTH CAROLINA**, a Municipal Corporation of the State of North Carolina, hereinafter referred to as "City"; and **HUESKER, INC.**, a North Carolina corporation and its Affiliates (defined below), now or hereafter with property in the City, hereinafter referred to as "Grantee." The location where the new jobs and investment are to be created is 1901 West Dixon Boulevard, City of Shelby, in Cleveland County, North Carolina, and hereinafter referred to as the "Facility."

W I T N E S S E T H

WHEREAS, the Local Development Act of 1925, as amended, (Article 1 of Chapter 158 of the North Carolina General Statutes) grants cities the authority to make appropriations for the purposes of aiding and encouraging the location or expansion of certain business enterprises in the City or for other purposes which the City's governing body finds in its discretion will increase the population, taxable property base and business prospects of the City; and,

WHEREAS, the City of Shelby City Council (the "Council"), pursuant to North Carolina law, has adopted the City of Shelby Industrial Incentive Program (the "Program"), duly adopted and enforced at the time of this Agreement, in order to induce existing industry to expand in the City of Shelby and target new industries to locate in the City of Shelby, through the provision of various incentives including the payment of a stipulated grant amount from the City's General Fund, as determined in accordance with the provisions of the Program; and

WHEREAS, it has been determined by the Council, following a public hearing on June 15, 2015, that Grantee meets the criteria for participation in the Program due to the Grantee's intention to create over the next five (5) years approximately twenty (20) new, permanent full-time jobs with an annual average wage of Forty Five Thousand Dollars (\$45,000.00), and create approximately Eight Million Dollars (\$8,000,000.00) in new total investment, as defined by Chapter 105 of N.C. General Statutes, in building expansion (approximately Four Million, Five Hundred Thousand Dollars), machinery & equipment (approximately Three Million, Five Hundred Thousand Dollars) and other assets of the business (the "Project"), which will increase the population, taxable property base and business prospects for the City, and that certain incentives for the Project (the "Incentives") will encourage the Grantee to expand its operations in the City, and that it is in the public interest to provide assistance as authorized by North Carolina General Statute 158-7.1; and,

WHEREAS, Grantee acknowledges that the Incentives provided pursuant to this Agreement have served as inducement for Grantee to install its capital investment in the City;

NOW, THEREFORE, in consideration of the reasons recited above, and the mutual covenants and agreements hereinafter set forth, and for other good and valuable consideration, the receipt and

sufficiency of which is hereby acknowledged, the parties hereto do each contract and agree with the other as follows:

1. **Grant Criteria.** Grantee shall comply with the following conditions in order to qualify for initial and continuing grant payments pursuant to this Agreement. These conditions shall be referred to hereinafter as the “Grant Criteria.”

- (a) The Grantee shall begin operating the Project within twenty-four (24) months of the execution of this Agreement.
- (b) The Grantee shall maintain the investment in the Project (subject to normal depreciation) in the City for the duration of the Grant Term (hereinafter defined in Section 3).
- (c) The Grantee shall operate the Project substantially in compliance with all laws, rules, regulations, ordinances, and orders of all governmental bodies, agencies, authorities, and courts having jurisdiction.
- (d) The City shall not be responsible for any aspect of the design or construction of the Project.
- (e) The Grantee shall be current in the payment of all ad valorem taxes, utility charges, and fees imposed on the Grantee by the City and Cleveland County.
- (f) The Grantee shall, as of January 1 of each year during the Grant Term, list its buildings, machinery and equipment associated with the Project separately so that the City can identify incentivized vs. non-incentivized investment.

2. **Certification of Grant Criteria by the Grantee.**

(a) In each year of the Grant Term, the Grantee shall request payment of an Incentive Grant from the City. In connection with each request for payment of the Incentive Grant, the Grantee shall deliver to the City’s Finance Director a performance letter certifying that in the prior year, the Grantee (i) satisfied all the Grant Criteria; (ii) agreed to the Assessed Value (hereinafter defined) of the Project as determined by the Cleveland County Tax Assessor; and (iii) paid all applicable local taxes on the Assessed Value of the Project. If the Grantee shall fail to request payment of the Incentive Grant during any year of the Grant Term, the Incentive Grant for that year shall be permanently forfeited.

(b) Upon receipt of such certification from the Grantee, the Cleveland County Tax Assessor shall determine, as of January 1st for each year of the Grant Term, the total investment in the Project that is subject to ad valorem property taxes in the City (the “Taxable Investment”) and the assessed value of the Taxable Investment (the “Assessed Value”).

(c) The Grantee acknowledges that it has been informed by the City that the City is required by law, upon request, to disclose “Public Records” as that term is defined by N. C. Gen. Stat. 132.1. Notwithstanding the immediately preceding sentence, the City acknowledges that some or all of the information made available by the Grantee to the City pursuant to this Agreement may be exempt from disclosure as a “Public Record” pursuant to N. C. Gen. Stat. 132-1.2 or 132-6(d), and that all such information is proprietary. Some or all of the information made available to the City pursuant to this Agreement may be designated by the Grantee as confidential and as a trade secret at the time of disclosure to the City. The City, to the fullest extent allowed by state law, will hold such designated information as confidential. The City shall, if it receives a request for disclosure of any such information, promptly notify the Grantee of such request so that the Grantee may defend any claims or

disputes arising from efforts of others to cause such trade secrets to be disclosed as a Public Record, and the City shall refrain from making any such disclosures unless or until it (i) receives the Grantee's written permission to do so; or (ii) is compelled to do so by the final order of a court of competent jurisdiction. The Grantee shall have the right to direct any litigation of such dispute and shall indemnify the City for any legal fees and expenses incurred by the City in opposing such request for disclosure. The Grantee acknowledges that the City has met the disclosure requirements set forth in N. C. Gen. Stat. 132-1.11(b).

3. Grant Term and Payment.

Grant Term. The Grant Term will begin on January 1, 2018 upon verification that Grantee has (i) satisfied all the Grant Criteria, (ii) agreed to the Assessed Value of the Project as determined by Cleveland County's Tax Assessor; and (iii) paid all applicable local taxes on the Assessed Value. The Grant Term will continue for five (5) consecutive calendar years following verification as long as the Grant Criteria remain satisfied.

(a) **Calculation of Grant Amount.** Upon such verification, Cleveland County's Tax Assessor, as of January 1st of each of the five (5) calendar years of this Agreement, shall determine the "net new taxable investment of the Project". For purposes of determining the net new taxable investment of the Project, the assessed value of the Grantee's property as of January 1, 2015, shall be used as a Base. The Tax Assessor's appraised value of the net new taxable investment of the project as of January 1st of each of the five (5) calendar years of this Agreement shall be multiplied by the City tax rate then in effect (currently .00435) which amount shall then be multiplied by forty percent (40%) and the resulting figure shall be the amount of the grant award to the Grantee for that fiscal year. It is the express intent of the parties that no grant funds shall be paid by City pursuant to this Agreement until Grantee has first paid all applicable taxes due City and Cleveland County.

(b) **Grant Criteria Compliance.** Grant payments shall continue throughout the Grant Term only so long as Grantee continues to satisfy the Grant Criteria. Grantee agrees to cooperate with City by providing such information and such access to Grantee's records as may be necessary to verify and substantiate initial and ongoing compliance with the Grant Criteria. If City is unable to independently verify compliance with the Grant Criteria upon exercise of reasonable effort then City shall provide thirty (30) days written notice to the Grantee of non-compliance. Upon expiration of this thirty (30) day period City may immediately terminate this Agreement.

4. Tax Payments. If the Grantee at any time during the grant term fails to pay all applicable local taxes on the full value of its assets when due, then the City may terminate this Agreement and have no further obligation to Grantee for the payment of any grant award or the provision of any other incentive. Prior to termination on the basis of Grantee's failure to pay applicable taxes when due, City shall provide thirty (30) days written notice to Grantee stating that taxes are delinquent. If the taxes have not been paid upon the expiration of this thirty (30) day period of Grantee's receipt of notice, then City may terminate this Agreement.

5. Notice. Formal notices, demands, and communications between the City and the Grantee shall be sufficiently given if personally delivered or if dispatched by registered or certified mail, postage prepaid, return receipt requested, or by a nationally recognized overnight courier to the principal offices of the City and the Grantee. Such written notices, demands and communications may be sent in the same manner to such other addresses as either Party may from time to time designate by formal notice hereunder.

If to City:

City of Shelby
300 South Washington Street
Shelby, NC 28150
ATTN: City Manager

With copy that shall not constitute notice to:

Robert W. Yelton
Yelton, Farfour & Fite, P.A.
P O Box 1329
Shelby, NC 28151-1329

If to the Grantee:

Albert E. Guarnieri
Parker Poe Adams & Bernstein LLP
401 S. Tryon Street, Suite 3000
Charlotte, NC 28202

6. Grant Payments. Once the Grantee has complied with the grant criteria, payments shall be paid to the Grantee in an annual amount as determined by subparagraph (a) of paragraph 3 above after July 31 of each calendar year for the five (5) calendar years of the Grant Term as long as the Grantee remains compliant with this Agreement.

7. Agreement Terms. This Agreement shall inure to the benefit of and be binding upon the parties hereto and their successors in interest. This Agreement contains the total agreement between the parties and may only be altered or amended by the parties hereto in writing. If this Agreement, or any provision thereof, is determined to be invalid, unlawful or otherwise null and void by any court of competent jurisdiction, then the remainder of this Agreement will remain valid and enforceable.

8. Governing Law. This Agreement shall be construed and enforced in accordance with the laws of the State of North Carolina. Exclusive venue for any disputes arising hereunder is conferred upon the General Courts of Justice of the State of North Carolina sitting in Cleveland County, North Carolina.

9. Paragraph Headings. Any paragraph headings contained in this Agreement are for convenience only and in no way enlarge or limit the scope or meaning of the various and several paragraphs contained herein.

10. Assignment, etc. Grantee shall not assign, sublet or transfer any rights under or interest in this Agreement (including, but without limitation, monies that may become due or monies that are due) without the written consent of City which consent shall not be unreasonably withheld; provided Grantee may assign or transfer any rights or interest under this Agreement to an Affiliate upon notice to the City, but without the City's consent. Unless specifically stated to the contrary in any written consent to assignment, no assignment shall release or discharge the assignor from any duty or responsibility under this Agreement. For purposes of this Agreement, an "Affiliate" shall mean, any current or future Entity (defined below) which controls, is controlled by, or is under common

control with , Grantee. For purposes of this definition only, “control” means (i) direct or indirect ownership of at least fifty percent (50%) of the shares of the subject Entity entitled to vote in the election of directors (or, in the case of an Entity that is not a corporation, for the election of the corresponding managing authority), or (ii) the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of an Entity. “Entity” means a person, corporation, partnership, association, limited liability company, unincorporated organization, firm, or other entity.

11. Default. It shall be an Event of Default if any one or more of the following events shall occur for any reason whatsoever (and whether such occurrence shall be voluntary or involuntary or come about or be effected by operation of law or pursuant to or in compliance with any judgment, decree or order of any court or any order, rule or regulation of any administrative or governmental body):

- (a) If Grantee, except in the event of force majeure, shall fail to fulfill the provisions of this Agreement; or
- (b) If Grantee shall fail to observe and perform any material provision of this Agreement and such failure shall continue for a period of thirty (30) or more days after the giving by the City of written notice of such failure to Grantee; or
- (c) If any material representation, warranty or other statement of fact contained in this Agreement or in any writing, certificate, report or statement furnished by Grantee to the City in connection with the transaction described in this Agreement shall be false or misleading in any material respect when given; or
- (d) If Grantee shall be unable to pay its debts generally as they become due; files a petition to take advantage of any insolvency statute; makes an assignment for the benefit of creditors; commences a proceeding for the appointment of a receiver, trustee, liquidator or conservator of itself or of the whole or any substantial part of its property; files a petition or answer seeking reorganization or arrangement or similar relief under the federal bankruptcy laws or any other applicable law or statute of the United States of America or any state; or
- (e) If a Court of competent jurisdiction shall enter an order, judgment, or decree appointing a custodian, receiver, trustee, liquidator, or conservator of Grantee or of the whole or any substantial part of its properties, or approves a petition filed against Grantee seeking reorganization or arrangement or similar relief under the federal bankruptcy laws or any other applicable law or statute; or if, under the provisions of any other law for the relief or aid of debtors, a court of competent jurisdiction shall assume custody or control of Grantee or of the whole or any substantial part of its properties.

12. Statutory Authority for Incentive Grant. Both Grantee and the City acknowledge that any and all monies appropriated and expended by the City for economic development incentives as provided in this Agreement are for a bona fide public purpose and are expended in good faith reliance on North Carolina General Statute 158-7.1. The City represents and warrants to the Grantee that the City has made all findings and determinations required by law and has taken all action necessary to authorize the approval of the incentives described herein and the execution, delivery and performance of this Agreement, and that this Agreement is a valid, legal and binding obligation of the City, enforceable against it in accordance with its terms. In the event a court of competent jurisdiction, after final appeal, rules in a lawsuit to which either Grantee or the City is a

party, that the monies expended by the City pursuant to this Agreement were not offered and accepted in good faith and pursuant to and in compliance with North Carolina General Statute 158-7.1 and, further, that such monies must be repaid, Grantee will make such repayment. If any incentives provided hereunder, including the Incentive Grants, or any portion thereof, are deemed by a court of competent jurisdiction to be ultra vires or not authorized by the laws or Constitution of the State of North Carolina, then the City will use reasonable efforts to provide to the Grantee equivalent incentives (support having a similar financial net present value) as allowed by law. Further, if any elected officials of the City are found by a court of competent jurisdiction, after final appeal, to be personally liable for any of the monies so expended, and such liability is not covered by the City's public officials' liability insurance, then Grantee will indemnify such elected officials individually to the extent of the monies expended by the City pursuant to this Agreement, but exclusive of court costs and attorney fees. The City agrees to maintain adequate public official liability coverage, consistent with that maintained by other similarly situated cities in North Carolina. City agrees to require that its insurer(s) providing such coverage waive any subrogation rights it or they may have against Grantee in connection with such coverage, and City waives (on behalf of itself and its insurer) any claim or subrogation rights against Grantee to the extent covered by such insurance coverage. In the event one or more lawsuits are brought against the City or any City elected official challenging the legality of this Agreement, then (a) the City shall exercise its best efforts to defend against any and all such lawsuits, including appealing any adverse judgment to the appropriate Court, and (b) the City will promptly notify the Grantee in writing and allow the Grantee to participate in the defense of any challenge, at the Grantee's expense and with counsel of the Grantee's choosing. The indemnification by the Grantee shall not apply if neither the Grantee nor any of its representatives participated in the improper acts of the City officials.

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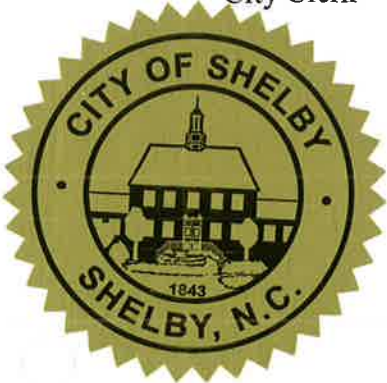
IN WITNESS WHEREOF, the parties hereto, acting under authority of their respective governing bodies, have caused this contract to be duly executed, this the day and year first above written.

**CITY OF SHELBY,
NORTH CAROLINA**

ATTEST:

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

By: O. Stanhope Anthony, III
O. Stanhope Anthony, III,
Mayor



HUESKER, Inc.

By: Sven Schröer 7/6/15

Title: Sven Schröer
CEO

**Huesker, Inc.
City Incentive Grant Payment Schedule**

* Applicable agreement must be reviewed before annual remittance of grant incentive payment. Grant payments to be made after the taxpayer has paid in full all local property taxes. City has option to pay grant to taxpayer between January and March annually.

Column1 Tax Year (Fiscal Yr.)	Column2 2017-18	Column3 2018-19	Column4 2019-20	Column5 2020-21	Column6 2021-22	Column7 Totals
% authorized	40%	40%	40%	40%	40%	N/A
Estimated net new investment	\$ 8,000,000	\$ 8,000,000	\$ 8,000,000	\$ 8,000,000	\$ 8,000,000	N/A
Current City Tax Rate per \$100	0.004972	0.005225	0.005225	0.005225	0.005225	N/A
Estimated City Tax Levy	\$ 39,776	\$ 41,800	\$ 41,800	\$ 41,800	\$ 41,800	\$ 206,976
Calculated Grant Incentive Payment	\$ 15,910.40	\$ 16,720	\$ 16,720	\$ 16,720	\$ 16,720	\$ 49,350
Actual net new investment#	\$ 6,730,162	\$ 7,644,791	\$ 7,851,361	\$ 8,328,712		N/A
Current City Tax Rate per \$100	0.004972	0.005225	0.005225	0.005225	0.005225	N/A
Actual City Tax Levy#	\$ 33,462	\$ 39,944	\$ 41,023	\$ 43,518	\$ -	\$ 114,430
Actual Grant Incentive Payment	13,384.95	15,977.61	16,409.34	17,407.01	0.00	45,771.90
Difference	\$ 6,314	\$ 1,856	\$ 777	\$ (1,718)	\$ 41,800	N/A

To be reported and confirmed by Cleveland County Tax Office annually to the City Manager and Finance Director.

Requirements for remittance: (This list is not exhaustive. Please refer to agreement.)

- 1 - Company must have paid all local property taxes in full.
- 2 - Company must be current on all utility accounts with the City.
- 3 - Company must be current on all fees and charges owed to the City.
- 4 - Company must request in writing during the fiscal year to be eligible to receive the City grant. Grants not requested are forfeited for that fiscal year.**
- 5 - Company must meet the minimum stated net new investments.
- 6 - Company must be in compliance with all federal, state and local laws. (Including zoning, nuisance and other applicable ordinances)

Merritt, Justin

From: Sherry Lavender <Sherry.Lavender@clevelandcountync.gov>
Sent: Friday, March 19, 2021 8:14 AM
To: Merritt, Justin
Subject: RE: Confidential: Business Incentives

Huesker Inc – Payer ID 1314059 BPP account was originally billed \$41,533.91 for 2020 and paid same amount as of 12/31/2020. **Assessed Value 3,038,882**

Huesker Property Co – Payer ID 1238596 Real Property located at 1901 W Dixon Blvd was originally billed \$80,392.68 and paid same amount as of 12/31/2020. **Assessed Value 6,470,236**



Sherry Lavender
Tax Administrator at Cleveland County NC
Phone 704-476-3038 Mobile 704-473-0216
Web www.clevelandcounty.com
Email sherry.lavender@clevelandcountync.gov
311 E Marion Street, Shelby NC 28150



Cleveland County
NORTH CAROLINA

From: Merritt, Justin <Justin.Merritt@cityofshelby.com>
Sent: Thursday, March 18, 2021 3:31 PM
To: Sherry Lavender <Sherry.Lavender@clevelandcountync.gov>
Subject: RE: Confidential: Business Incentives

Shelly,

The only other piece of information I need is the assessed valuation, for each payer ID, that was used to generate the bill.

Thanks,

Justin S. Merritt, MPA
Assistant City Manager
City of Shelby
P.O. Box 207
Shelby, NC 28151
Office-704-484-6834

From: Sherry Lavender <Sherry.Lavender@clevelandcountync.gov>
Sent: Wednesday, March 17, 2021 3:15 PM
To: Merritt, Justin <Justin.Merritt@cityofshelby.com>
Subject: RE: Confidential: Business Incentives

Huesker Inc – Payer ID 1314059 BPP account was originally billed \$41,533.91 for 2020 and paid same amount as of 12/31/2020.

February 8, 2021

Justin Merritt, Finance Director
City Hall
300 South Washington Street
Shelby, NC 28150

Dear Mr. Merritt,

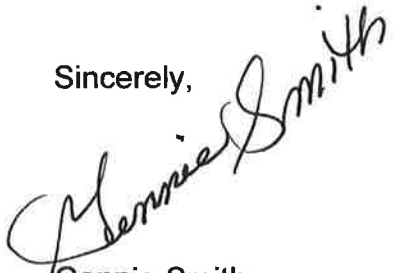
Referencing our Incentives Agreement between HUESKER Inc and Cleveland County dated June 15, 2015, we are requesting payment of the Incentive Grant for year 2020. Regarding this request, we are certifying the following:

- All Grant criteria have been satisfied;
- We agree to the assessed value as determined by the County Tax Assessor;
- All applicable local taxes on the assessed value have been paid.

Please direct any questions and payment to:

HUESKER Inc
3701 Arco Corporate Drive, Suite 525
Charlotte, NC 28273
Attn: Gennie Smith

Sincerely,



Gennie Smith
Accounting/Office Manager

/gls

ORDINANCE NO. 14-2021

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

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

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

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

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

Section 1. Ordinance No. 22-2020, the City’s FY 2020-2021 Budget Ordinance, is hereby amended as follows to provide for Budget Amendment No. 10 for the year:

(A) The City of Shelby, via resolution 35-2015, approved incentive agreements and awarded Industrial Incentive Grants to Huesker, Inc. Huesker, Inc. has now met the requirements for distribution of grant funds for the fourth year of their incentive. Accordingly, the following budget modifications are approved in accordance with the chart of accounts heretofore established for the City of Shelby.

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

- | | |
|-----------------------------------------------------------------------|----------|
| (a) Increase 11001000-39900
Fund Balance Appropriated | \$17,407 |
| (b) Increase 110495-49230
Transferred to Economic Development Fund | \$17,407 |

(2) The following Econ. Development Funds Line Items are amended:

- | | |
|-------------------------------------------------------------|----------|
| (a) Increase 23009000-39000
Transferred from Other Funds | \$17,407 |
| (b) Increase 230590-42006
Economic Development | \$17,407 |

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

	<u>Current Budget</u>	<u>Amendment No. 10</u>
General Fund	\$ 26,150,913	\$ 26,168,320
Emergency Telephone System Fund	107,000	107,000
Powell Bill Fund	645,000	645,000
Economic Dev. Fund	974,628	992,035
Housing Fund	2,206,180	2,206,180
Cemetery Fund	30,000	30,000
Utilities-Water Fund	6,066,638	6,066,638
Utilities-Sewer Fund	5,536,229	5,536,229
Utilities-Electric Fund	22,538,388	22,538,388
Utilities-Gas Fund	16,437,600	16,437,600
Utilities – Stormwater Fund	<u>868,220</u>	<u>868,220</u>
FY 2020-2021 Budget Total:	<u>\$ 81,560,796</u>	<u>\$ 81,595,610</u>

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

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

Adopted and approved this the 5th day of April 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

City of Shelby
Agenda Item Summary
April 5, 2021
Don Gibson Theater

Agenda Item: D-6

- 6) Approval of a resolution adopting the City of Shelby's Community Development Block Grant Programs for April 2021 through April 2024: Resolution No. 23-2021

Consent Agenda Item: (Walter Scharer, Planning Director)

- Memorandum dated March 30, 2021 from Walter Scharer, Planning Director to Rick Howell, City Manager
- CDBG Policy Documents
- Resolution No. 23-2021

City Manager's Recommendation / Comments

Resolution No. 23-2021 is presented for City Council consideration via the consent agenda. If approved this resolution would adopt and update a required federal policies relating to the Community Development Block Grant program. These policies seek to protect those qualified persons who are to benefit from the program and to ensure the City meets federal requirements in a variety of areas. These policies specifically apply when CDBG grant funding or other federal grant funding is applied for and received by the City.

It is recommended that Resolution No. 23-2021 be adopted and approved via the Consent Agenda.



To: Rick Howell - City Manager
From: Walter Scharer – Planning Director
Date: March 30, 2021
Subject: Adoption of Updated CDBG Policy Documents

Executive Summary of issue – Background

The City of Shelby has received a Community Development Block Grant funds from the N.C. Department of Commerce.

It is a standard CDBG policy for a grant recipient to adopt several Policy Documents as part of the CDBG program.

Review and Comments

Although the City has adopted many of these policies in the past of other CDBG projects, it's prudent to update the policies to current CDBG standards. A description and a copy of the policies are attached. Staff recommends adopting these policies.

Recommendation

Please place these items on the consent agenda for the next City Council meeting on April 5, 2021.

Attachments: CDBG Policy Documents and Adopting Resolution



**CITY OF SHELBY
RECIPIENT’S PLAN TO FURTHER FAIR HOUSING
MARCH 2021 –MARCH 2024**

Grantee: City of Shelby

Recipient’s Address: P.O. Box 207, Shelby, NC 28151

Contact Person: Walter Scharer

Contact Phone #: 704-484-6829

Contact Email: walt.scharer@cityofshelby.com

TDD #: 1-800-735-8262

I. Indicate if the Recipient will be affirmatively furthering fair housing for the first time or has implemented specific activities in the past.

First Time _____

Past Activities X _____

II. Identify and analyze obstacles to affirmatively furthering fair housing in recipient’s community. (Use additional pages as necessary)

The basic obstacle is a lack of knowledge among housing agencies in the community concerning Title VIII requirements.

III. Will the above activities apply to the total municipality or county?

Yes X _____ No _____

If no, provide an explanation.
(Use additional pages as necessary)

IV. Briefly describe the quarterly activities that the recipient will undertake over the active period of the grant to affirmatively further fair housing in their community. A time schedule and estimated cost for implementation of these activities must be included. Activities must be scheduled for implementation at least on a quarterly basis. (Use attached table)

The City will adopt a Fair Housing Resolution and a Complaint Procedure in the 1st quarter of 2013, which will designate the Planning Services Director as the official to receive complaints regarding housing discrimination. These complaints will then, by formal agreement, be referred to the North Carolina Human Relations Commission for investigation, conciliation and resolution within ten (10) calendar days from the date of receipt. The Planning Services Director also will submit written response to the individual, which filed the complaint to summarize the action being taken. This response will be made within ten (10) calendar days from the date the complaint was received. The Planning Services Director will place an advertisement in the local newspaper, which will inform residents of the City’s Fair Housing Resolution and who to contact for information and filing complaints. The City will distribute fair housing pamphlets in the 3rd quarter of 2014, which summarizes the Title VIII requirements, to various agencies in the community involved in housing services. This would include financial institutions and area nonprofits.

Grantee Name: City of Shelby

Quarterly Fair Housing Activity	Months	Year	Estimated Cost	Actual Cost
Adopt a new Fair Housing Plan and add the contact information for the City's designee for housing complaints and Section 504 grievance complaints to the City's website. <i>(Two activities to cover Oct.-Dec. 2012 before the FH Plan was adopted and Jan.-Mar. 2013.)</i>	Jan.-Mar.	2021	\$270	
Request Fair Housing posters and pamphlets from the N.C. Human Relations Commission (NCHRC) and post the Fair Housing posters in both English and Spanish at an appropriate location at the City Hall Building to be visible to the public.	Apr.-June	2021	\$45	
Advertise both the Fair Housing Resolution and Complaint Procedure. This notice will include the State's TDD/TTY number.	July-Sept.	2021	\$225	
Establish a current list of local realtors that are available to assist in locating housing for anyone needing assistance.	Oct.-Dec.	2021	\$375	
Host a Fair Housing Workshop in collaboration with another agency.	Jan.-Mar.	2022	\$300	
Post Fair Housing posters at other public buildings visited by its citizens.	Apr.-June	2022	\$80	
Distribute City-specific Fair Housing pamphlets to lending institutions throughout the City.	July-Sept.	2022	\$400	
Distribute City-specific Fair Housing pamphlets to housing-related nonprofit organizations throughout the City.	Oct.-Dec.	2022	\$400	
Advertise again the Fair Housing Resolution and the Complaint Procedure. This notice also will include the State's TDD/TTY number.	Jan.-Mar.	2023	\$150	
Review and update the current list of local realtors that are available to assist in locating housing for anyone needing assistance.	Apr.-June	2023	\$270	
Distribute Fair Housing pamphlets from the N.C. Human Relations Commission to local lending institutions and nonprofits throughout the City for display in public areas.	July-Sept.	2023	\$270	
Reassess its Fair Housing strategy to see how the plan has worked to date.	Oct.-Dec.	2023	\$270	

V. **Describe recipient’s method of receiving and resolving housing discrimination complaints. This may be either a procedure currently being implemented or one to be implemented under this CDBG grant. Include a description of how the recipient informs the public about the complaint procedures.** (Use additional pages as necessary)

- 1) Any person or persons wishing to file a complaint of housing discrimination in the City may do so by **informing** the Planning Services Director of the facts and circumstance of the alleged discriminatory acts or practice.
- 2) Upon receiving a housing discrimination complaint, the Planning Services Director shall **acknowledge the complaint within 10 days in writing** and inform the Division of Community Assistance and the North Carolina Human Relations Commission about the complaint.
- 3) The Planning Services Director shall **offer assistance** to the Commission in the investigation and reconciliation of all housing discrimination complaints, which are based on events occurring in the City.
- 4) The Planning Services Director shall **publicize**, in the local newspaper with the TDD#, information for the local agency to contact with housing discrimination complaints.

Adopted this 5th day of April, 2021.

O. Stanhope Anthony, III, Mayor

ATTEST: _____
Bernadette A. Parduski, City Clerk, NCCMC, MMC



**CITY OF SHELBY
FAIR HOUSING COMPLAINT PROCEDURE
APRIL 2021 – APRIL 2024**

Housing discrimination is prohibited by Title VIII of the Civil Rights Act of 1968 and by the North Carolina State Fair Housing Act. In an effort to promote fair housing and to ensure that the rights of housing discrimination victims are protected, the City of Shelby has developed the following procedures for receiving and resolving housing discrimination complaints:

1. Any person or persons wishing to file a complaint of housing discrimination in the City of Shelby may do so by informing the Planning Services Director of the facts and circumstances of the alleged discriminatory acts or practice.
2. Upon receiving a housing discrimination complaint, the Planning Services Director shall acknowledge the complaint within 10 days in writing and inform the North Carolina Human Relations Commission about the complaint.
3. When a housing complaint cannot be resolved at the local level, the Planning Services Director shall offer assistance to the North Carolina Human Relations Commission in the investigation and reconciliation of all housing discrimination complaints, which are based on events occurring in the City of Shelby.
4. The City of Shelby shall publicize in the local paper and on the City's website that the Planning Services Director is the local official to contact with housing discrimination complaints.



CITY OF SHELBY
Equal Employment and Procurement Plan
APRIL 2021 – APRIL 2024

The City of Shelby maintains the policy of providing equal employment opportunities for all persons regardless of race, color, religion, sex, national origin, handicap, age, political affiliation, or any other non-merit factor, except where religion, sex, national origin, or age are bona fide occupation qualifications for employment.

In furtherance of this policy, the City of Shelby prohibits any retaliatory action of any kind taken by any employee of the locality against any other employee or applicant for employment because that person made a charge, testified, assisted or participated in any manner in a hearing, proceeding or investigation of employment discrimination.

The City of Shelby shall strive for greater utilization of all persons by identifying previously underutilized groups in the workforce, such as minorities, women, and the handicapped, and making special efforts toward their recruitment, selection, development and upward mobility and any other term, condition, or privilege of employment.

Responsibility for implementing equal opportunities and affirmative action measures is hereby assigned to the Mayor to assist in the implementation of this policy statement.

City of Shelby shall development a self-evaluation mechanism to provide for periodic examination and evaluation. Periodic reports as requested on the progress of Equal Employment Opportunity and Affirmative Action will be presented to the Mayor.

The City of Shelby is committed to this policy and is aware that with its implementation, the City will receive positive benefits through the greater utilization and development of all its human resources.

Adopted this 5th day of April , 20 21 .

O. Stanhope Anthony, III, Mayor

ATTEST:

Bernadette A. Parduski, City Clerk, NCCMC, MMC



**CITY OF SHELBY PROCUREMENT
POLICY FOR THE
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAMS
APRIL 2021 – APRIL 2024**

In the procurement of supplies, equipment or services in the City of Shelby’s Community Development Block Grant Program, the following policies shall apply:

- 1) Small purchase procedures. These are relatively simple and informal procurement methods that are sound and appropriate for a procurement of services, supplies, or other property, costing in the aggregate not more than \$25,000. Under this procurement method, price or rate quotations shall be obtained from an adequate number of qualified sources. Miscellaneous professional services, office supplies and equipment may be secured by this method.
- 2) In competitive sealed bids (formal advertising), sealed bids shall be publicly solicited and a firm, fixed, price contract shall be awarded to the responsible bidder whose bid, conforming with all of the material terms and conditions of the invitation for bids, is lowest in price.
- 3) In competitive negotiations proposals shall be requested from a number of sources and the Request for Proposals shall be publicized. All aspects of the competitive negotiations shall be carried out in conformance with 24 CFR Part 85. The general administrative contract, appraisal contract, surveying contract and all other required services related to the program implementation shall be awarded utilizing this method. Under this method special consideration shall be given to experience, technical abilities, and familiarity with the services to be provided. Price shall not be the sole consideration for award of contract.

All procurement efforts shall include the solicitation of bids from qualified small, female, and minority-owned business firms.

In all cases, procurement under this Policy must conform to the requirements for procurement set forth in 24 CFR Part 85.

An adequate record of procurement must be maintained to ensure that these policies and the requirements of 24 CFR Part 85 have been followed in their entirety.



CITY OF SHELBY
Local Economic Benefit for Low- and Very Low-Income Persons Plan
Section 3 Plan
April 2021 – April 2024

To ensure that, to the greatest extent possible, contracts for work are awarded to business concerns located or owned in substantial part by persons residing in the Section 3 covered area, as required by Section 3 of the Housing and Urban Development Act of 1968, the City of Shelby has developed and hereby adopts the following Plan:

This Section 3 Plan shall apply to services needed in connection with the grant including, but not limited to, businesses in the fields of planning, consulting, design, building construction/renovation, maintenance and repair, etc.

This Section 3 covered project area for the purposes of this grant program shall include the City of Shelby and portions of the immediately adjacent area.

When in need of a service, the City will identify suppliers, contractors or subcontractors located in the Section 3 area. Resources for this identification shall include the Minority Business Directory published through the State Department of Commerce, local directories and Small Business Administration local offices. Word of mouth recommendation shall also be used as a source.

The City will include this Section 3 clause in all contracts executed under this CDBG Program. Where necessary, listings from any agency noted above deemed shall be included as well as sources of subcontractors and suppliers.

The prime contractor selected for major public works facility or public construction work will be required to submit a Section 3 Plan which will outline his/her work needs in connection with the project. Should a need exist to hire any additional personnel, the local Employment Security Commission shall be notified and referred to the contractor.

Each contract for housing rehabilitation under the program, as applicable, for jobs having contracts in excess of \$100,000 shall be required to submit a Section 3 Plan. This Plan will be maintained on file in the grant office and shall be updated from time to time or as the grant staff may deem necessary.

Early in our project, prior to any contracting, major purchases or hiring, we will develop a listing of jobs, supplies and contracts likely to be utilized during the project. We will then advertise in our local newspaper an advertisement, prominently located as a display advertisement, the pertinent information regarding the project including all Section 3 required information.

Adopted this 5th day of April , 20 21 .

_____ O. Stanhope Anthony, III, Mayor

ATTEST: _____ Bernadette A. Parduski, City Clerk, NCCMC, MMC



**CITY OF SHELBY RESIDENTIAL ANTI-
DISPLACEMENT AND RELOCATION
ASSISTANCE PLAN APRIL 2021 – APRIL
2024**

In order to comply with the requirements of Section 104(d) of the Housing and Community Development Act of 1974, the City of Shelby adopts the following plan:

The City of Shelby will replace all occupied and vacant occupiable very-low or low-income dwellings units demolished or converted to a use other than low/moderate-income housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended, as described in 24 CFR 570.606 (b)(1).

All replacement housing will be provided within three years of the commencement of the demolition or rehabilitation relating to conversion. Before obligating or expending funds that will directly result in such demolition or conversion, the City will make public and submit to HUD the following information in writing:

1. A description of the proposed assisted activity;
2. A general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low/moderate-income dwelling units as a direct result of the assisted activity;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;
5. The source of funding and a time schedule for the provision of replacement dwelling units; and
6. The basis for concluding that each replacement dwelling unit will remain a low/moderate-income dwelling unit for at least 10 years from the date of initial occupancy.

The City will provide relocation assistance, as described in 570.606 (b)(2), to each low/moderate-income household displaced by the demolition of housing or by the conversion of a low/moderate-income dwelling to another use as a direct result of assisted activities.



**CITY OF SHELBY CITIZENS
PARTICIPATION PLAN APRIL 2021 –
APRIL 2024**

The City of Shelby provides for and encourages citizen participation, with particular emphasis on participation by persons of low and moderate income that are residents of low and moderate-income neighborhoods and/or slum and blight areas. The City provides citizens with reasonable and timely access to local information and records relating to the grantee's proposed use of funds. This is done through City Council meetings, which are advertised in the local newspaper.

The City provides technical assistance to facilitate citizen participation, when requested. Such assistance is provided to groups representative of persons of low-and moderate-income that request assistance in developing proposals. The level and type of type of assistance will be determined by the applicant.

The City provides for public hearings to obtain citizens views and to respond to proposals and questions at all stages of the community development program, including one hearing to receive citizen input as to the housing, community and economic development needs of its citizens, one hearing prior to the submission of any application for CDBG funding from the North Carolina Division of Community Assistance, and one hearing at the close-out of the grant program. Adequate notice is given for these meetings at times and locations convenient to potential or actual beneficiaries, and with accommodation for the handicapped. Any published advertisement issued by the City of Shelby includes the State TDD telephone number (1-800-735-2962).

The City of Shelby provides for timely written answers to written complaints and grievances. A response will be made within 10 calendar days. (See attached Complaint Procedure)

The City of Shelby will provide a translator for non-English speaking residents for public hearings when the City is notified that any non-English speaking resident will attend the public hearing. An interpreter will be provided for hearing impaired residents. A minimum of 48-hour notice to the City Clerk is required for interpretation services, which may be needed for all City public hearings.



**CITY OF SHELBY CITIZEN
PARTICIPATION PROCEDURE
FOR COMPLAINTS APRIL 2021-
APRIL 2024**

The City of Shelby has developed a procedure to process complaints, which may be received involving the 2011 CDBG N.C. Catalyst Project or any other HUD-funded program. There are two basic forms of complaint procedures: 1) verbal complaints which will be dealt with informally by the Department of Planning & Development (DPD), and 2) written complaints which will be dealt with formally with a set of procedures including appeals.

All written complaints received by Congressional staff, local elected officials, the City Clerk, and the Planning Services Director will be logged in as received by the DPD. Within a ten-day period following the receipt of this complaint, a response will be developed by the DPD, reviewed by the City Clerk, and mailed to the party who wrote the complaint. This response will include property documentation and background of the case in question, the proposed action, and the time frame in which the complaint will be addressed.

In the event this response is unsatisfactory to the person making the complaint, that party will be referred to the North Carolina Division of Community Assistance (CA), specifically the CA Representative serving the City. The CA Representative will respond in writing to the complaint and the City with a decision or recommendation for resolution. The written recommendation made by the CA staff will be final in all cases.

It is the responsibility of the person making the complaint to furnish documents, provide documentation to support allegations, provide counsel if desired, inform in writing to the DPD if they are represented by a third party, and attend the meeting involving a review of their complaint.



**CITY OF SHELBY
COMMUNITY DEVELOPMENT CODE OF CONDUCT
APRIL 2021 – APRIL 2024**

HATCH ACT

No employee or agent of the City may perform any function during work hours that is considered political activity. This includes: soliciting votes, transporting voters, distributing campaign materials, working on or developing campaign materials, etc.

DISCRIMINATION

No person shall, on the grounds of race, color, religion, national origin, handicap or familial status, Vietnam Era Veteran status or sex be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity funded in whole or in part with federal funds.

ENGAGEMENT IN PROCUREMENT

No employee, officer or agent of the City shall participate in the selection or award of administration of a contract supported by federal funds if a conflict of interest, real or apparent would be involved. Such a conflict would arise when:

- a) The employee, officer, or agent;
- b) Any member of his immediate family;
- c) His or her partner; or
- d) An organization which employs or is about to employ, any of the above, has a financial or other interest in the firm selected for award.

The grantee's officers, employees, or agent shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to sub-agreements.

CONFLICT OF INTEREST

No employee or agent shall influence or attempt to influence the outcome of any case or matter in which he has a direct interest either personally or in the person of any relative by blood or marriage. Employees or agents so involved shall abstain from dealing with such matters; they may provide information at the request of the City Council, but shall not attempt to influence the decisions of the City Council.



**CITY OF SHELBY
SECTION 504
COMPLIANCE OFFICER/GRIEVANCE PROCEDURE
APRIL 2021 – APRIL 2024**

City of Shelby, North Carolina, hereby designates Walter Scharer, Planning Services Director, or his designee, to serve as Section 504 Compliance Officer throughout the implementation of the City of Shelby’s Community Development Block Grant Programs.

Citizens may file Section 504 grievances at any point in the program. The City will respond in writing to written citizen grievances. Citizen grievances should be mailed to Walter Scharer, Planning Services Director, City of Shelby, P.O. Box 207, Shelby, NC 28151. The City will respond to all written citizen grievances within ten (10) calendar days of receipt of the comments.

Should any individual, family, or entity have a grievance concerning any action prohibited under Section 504, a meeting with the compliance officer to discuss the grievance will be scheduled. The meeting date and time will be established within five (5) calendar days of receipt of the request. Upon meeting and discussing the grievance, a reply will be made, in writing, within five (5) calendar days.

If the citizen is dissatisfied with the local response, they may write to the North Carolina Division of Community Assistance (CA), 4313 Mail Service Center, Raleigh, NC 27699. CA will respond only to written comments within ten (10) calendar days of the receipt of the comments.



**FAIR HOUSING RESOLUTION CITY
OF SHELBY, NORTH CAROLINA
APRIL 2021 – APRIL 2024**

WHEREAS, the City of Shelby seeks to protect the health, safety and welfare of its residents; and

WHEREAS, citizens seek safe, sanitary, and habitable dwellings in all areas of the City; and

WHEREAS, the City of Shelby finds the denial of equal housing opportunities because of religion, race, color, sex, familial or handicap status, or national origin legally wrong and socially unjust; and

WHEREAS, the denial of equal housing opportunities in housing accommodations is detrimental to public welfare and public order; and

WHEREAS, the City of Shelby finds the practice of discrimination against a citizen in housing a denial of his equal rights and his equal opportunity to seek a better living and develop community pride;

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Shelby, North Carolina, that

- Section 1. The City of Shelby has declared it an official policy that there shall not be discrimination in the terms or conditions for buying or renting housing within the City.
- Section 2. All business groups and individual citizens of the City are urged to respect and implement this policy.
- Section 3. The Planning Services Director or his designate, of the City of Shelby is the official authorized by the City to (1) receive and document complaints regarding housing discrimination in the City; and (2) refer such complaints to the North Carolina Human Relations Commission for investigation, conciliation and resolution.

Adopted this the 5th day of April, 2021.

O. Stanhope Anthony, III, Mayor

Attest: Bernadette A. Parduski, City Clerk, NCCMC, MMC



**CITY OF SHELBY
SECTION 504/SELF-EVALUATION SURVEY
ATTACHMENTS**

Attachment A

The City uses newspaper advertisements and posts information on publicly accessible bulletin board to notify all persons including the disabled of their rights under the City-funded or directed government projects. The City informs all job applicants that the City is an Equal Employment Opportunity Employer and does not discriminate against anyone for any reason including the disabled in considering the applicant for employment.

There are presently no organizations representing disabled persons located within the City. The City plans to establish contact with organizations in surrounding jurisdictions that may be formed to serve the City in the future. The City will continue to consult with individuals interested in the special needs of handicapped and disabled persons.

The City has hiring policies to assure that no person, disabled or otherwise, is discriminated against when being considered for employment with the City.

Attachment B

The City provides for translators, people to sign for the hearing impaired, and any other auxiliary services necessary to participate if notified prior to meetings, visits, or hearings in the City's office.

The City utilizes the State's Relay Number for the Deaf – TDD Number (1-800-735-8262) to make City services available to the hearing impaired.

Attachment C

A copy of the City's personnel manual, which includes this HR policy, has been placed in the CDBG program files.

SELF-EVALUATION SURVEY

CDBG/HUD RECIPIENT INFORMATION

CDBG/HUD RECIPIENT NAME City of Shelby, North Carolina

CDBG/HUD RECIPIENT ADDRESS P.O. Box 207
Shelby, North Carolina 28150

NAME OF HR STAFF PERSON
RESPONSIBLE FOR SELF-EVALUATION SURVEY: Walter Scharer

EMAIL: walt.scharer@cityofshelby.com

PHONE NUMBER: 704-484-6829

DATE SELF-EVALUATION WAS COMPLETED: 8/5/2016

SECTION 504 COMPLIANCE

Please list the HR personnel responsible for the coordination of Section 504 compliance.

SECTION 1. PROGRAM OUTREACH AND COMMUNICATION

For each question in this section circle either Yes or No. If your response to a question is No, then identify what modification to policies and practices will be undertaken or what corrective action will be taken to remedy any discrimination found. In some cases, a Yes answer will also require that additional information be supplied to complete the evaluation process.

NOTIFICATION

Has the HR taken steps to notify participants, applicants, employees, and unions or professional organizations that it does not discriminate on the basis of disability? **Yes**
No

Yes – Briefly describe the methods used to notify the public about non-discrimination policies.

Printed Materials

No – Modification or corrective action:

Has the HR adopted special procedures to notify persons with disabilities, especially those with vision and hearing impairments? **Yes** No

Yes – Briefly describe the methods used to ensure program participation by those who have visual or hearing impairments. (Methods include, but are not limited to, qualified sign language and oral interpreters, readers, or the use of taped and Braille materials.)

Qualified sign language and oral interpreters.

No – Modification or corrective action:

PRINTED MATERIALS

- Are written materials including posters with non-discrimination notices placed in physically accessible locations? **Yes** No
- Can small print of posted announcements be read from a wheelchair? **Yes** No
- Are all words in printed materials clearly legible? **Yes** No

- Would color blind individuals be able to distinguish all contents in printed materials? Yes No
- Are representations of disabled individuals free of patronizing stereotypes? Yes No
- Do graphics in printed material permit easy reading of the contents? Yes No
- Is all necessary program information included in printed material? Yes No
- Are procedures for providing program access to disabled individuals stated clearly? Yes No
- Do all appropriate HR documents now include policy statements about non-discrimination on the basis of disabilities? Yes No
- Are the Section 504 contact person's name, address, and phone number listed in printer material? Yes No

NO to any question above – Modification or corrective action:

INFORMATION DISSEMINATION

- Can copies of written materials be reasonably obtained by individuals with disabilities? Yes No
- Have disability groups been included in the dissemination process? Yes No
- Does the HR use all available print and broadcast media to ensure that all individuals with disabilities receive appropriate notification? Yes No
- Does the HR disseminate information to all agencies or organizations that deal with persons with disabilities in the HR service jurisdiction? Yes No
- Does all of the information disseminated by the HR include current non-discrimination policies? Yes No

No to any questions above? Modification or corrective action:

COMMUNICATION

- Has the HR taken appropriate steps to ensure effective communication with applicants, program participants, and members of the public by providing auxiliary aids where necessary so that individuals with disabilities (particularly persons with impaired vision or hearing) can have the opportunity to participate in, and enjoy the benefits of HR programs and activities? **Yes** No

No? Modification or corrective action:

- Has the HR installed a telecommunications device (TDD) to communicate with hearing impaired and deaf persons? **Yes** No

No? Modification or corrective action:

- If the HR has a TDD, is the number listed in the commercial telephone or TDD directories? **Yes** No

No? Modification or corrective action:

- Has the HR installed a reader, developed Braille materials, audio recordings or other similar services and devices for person with impaired vision? **Yes** No

No? Modification or corrective action:

- Has the HR adopted procedures that incorporate due process standards and allow for prompt resolution of any complaints of alleged discrimination based on disabilities? **Yes** No

Yes?-Attach a copy of your current grievance procedures and the name of the person or unit responsible for receiving and processing complaints.

No?-Modification or corrective action:

- Has the HR notified staff and program participants about the grievance procedure? **Yes** No

No? Modification or corrective action:

SECTION 2. COMPLAINT PROCESSING PROCEDURES

For each question in this section circle either Yes or No. If your response to a question is No, then identify what modification to policies and practices will be undertaken or what corrective action will be taken to remedy any discrimination found. In some cases, a Yes answer will also require that additional information be supplied to complete the evaluation process.

- Does the HR have a written policy for handling complaints of discrimination based on disability? Yes No

Yes? Attach a copy of the current HR policy which should include the date the policy was established, the date the policy was distributed to staff, and the citation for the policy.

No? Modification or corrective action:

- Has the HR adopted procedures that incorporate due process standards and allow for prompt resolution of any complaints or alleged discrimination based on disabilities? Yes No

Yes?-Attach a copy of your current grievance procedures and the name of the person or unit responsible for receiving and processing complaints.

No?-Modification or corrective action:

- Has the HR notified staff and program participants about the grievance procedures? Yes No

Self Evaluation

No? Modification or corrective action:

SECTION 3. ELIGIBILITY AND ADMISSION CRITERIA

For each question in this section circle either Yes or No. If our response to a question is No, then identify what modification to policies and practices will be undertaken or what corrective action will be taken to remedy any discrimination found. In some cases, a Yes answer will also require that additional information be supplied to complete the evaluation process.

- Has the HR examined all policies pertaining to program eligibility and admission criteria to determine if they had the purpose or effect of excluding or limiting the participation of individuals with disabilities in HR programs and activities? Yes or No

No? Modification or corrective action:

- Has the HR, in examining its policies on program eligibility and admission criteria, paid particular attention to those incorporating or establishing: (1) physical or mental fitness or performance requirements; (2) safety standards; (3) testing requirements; (4) educational requirements; (5) work experience requirements; (6) income level requirements; (7) credit rating requirements; (8) requirements based on disability; (9) requirements that prohibit participation because of disability; and (10) insurability requirements? Yes No

No? Modification or corrective action:

- Has the HR altered or eliminated policies that have the direct or indirect effect of excluding or limiting the participation of individuals with disabilities in HR programs and activities? Yes No N/A (explain below then skip to next section)

Yes? List any policies that have been altered or eliminated.

No? Modification or corrective action:

N/A Explain (e.g.) no such policies found in review)

No such policies found in review

- Has the HR communicated the policy changes to staff members and the public?
Yes No N/A

No? Modification or corrective action:

SECTION 4. EMPLOYMENT POLICY AND PRACTICE

For each question in this section circle either Yes or No. If your response to a question is No, then identify what modification to policies and practices will be undertaken or what corrective action will be taken to remedy any discrimination found. In some cases, a Yes answer will also require that additional information be supplied to complete the evaluation process.

REASONABLE ACCOMMODATION

- Has the HR made a reasonable accommodation (an accommodation which does not impose an undue hardship on the HR operation) to the known physical or mental

limitations of an otherwise qualified applicant with disabilities or employee with disabilities? **Yes** No

No? Modification or corrective action:

IMPORTANT INFORMATION

Reasonable accommodation would include making Facilities used by employees accessible to and usable by individuals with disabilities; job restructuring, job relocation, part-time or modified work schedules, acquisition or modification of equipment and devices, the provision of readers or interpreters, and other similar actions.

- In determining whether an accommodation imposed an undue hardship on the operation of a HR program were the following factors considered?
 - The overall size of the HR program with respect to the number of employees, number and type of facilities, and size of budget? **Yes** No
 - The type of the HR operation, including the composition and structure of the work force? **Yes** No
 - The nature and cost of the accommodation? **Yes** No

No to any question above? Modification or corrective action:

EMPLOYMENT CRITERIA

IMPORTANT INFORMATION

The HR may not deny any employment opportunity to a qualified handicapped or disabled employee or applicant if the basis for the denial is the need to make reasonable accommodation to the physical or mental limitations of the employee or applicant.

- If the HR uses an employment test or other criteria for selection that screens out or tends to screen out individuals with disabilities, can the HR show that the test score or other selection criteria is job related? Yes No N/A

No? Modification or corrective action:

- Has the HR obtained information from the appropriate HUD official that demonstrates that alternative job related tests or criteria that tend to screen out fewer individuals with disabilities are unavailable? Yes No

No? Modification or corrective action:

- Does the HR administer tests which accurately reflect the applicant's or employee's job skills or aptitude rather than the applicant's or employee's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test is designed to measure)? Yes No

PRE-EMPLOYMENT INQUIRIES

- Is the HR aware that it can not make a pre-employment inquiry or conduct a medical examination of an applicant to determine whether the individual is a person with disability unless the HR is undertaking affirmative action efforts or conditioning an offer of employment on the results of a medical examination given to all prospective employees in the same job category? Yes No

No? Modification or corrective action:

IMPORTANT INFORMATION

A HR may make pre-employment inquiry into an applicant's ability to perform job-related functions.

- When the HR is undertaking affirmative action efforts, voluntary or otherwise, and inviting applicants for employment to indicate whether and to what extent they are disabled, does the HR meet the following conditions:
 - State clearly either orally or in writing that the requested information is intended for the HR's affirmative action efforts? Yes No

- State clearly that the information is being requested on a voluntary basis, that it will be kept confidential and that refusal to give the information will not be subject the applicant or employee to any adverse treatment? Yes No

No to any questions above? Modification or corrective action:

- Has the HR informed job applicants that an employment offer may be conditioned on the results of a medical examination if all entering employees in a job category must take an examination regardless of disability, and the examination accurately reflects the employee’s job skills? Yes No

No? Modification or corrective action:

- Has the information obtained by the HR concerning the medical condition or history or job applicants been collected and maintained on separate forms and accorded confidentiality as medical records? Yes No

No? Modification or corrective action:

IMPORTANT INFORMATION

Supervisors and managers may be informed of restrictions on the work or duties of individuals with disabilities and informed of necessary accommodations; first aid and safety personnel may be informed if the medical condition might require emergency treatment; and Section 504 compliance officers can have access to relevant medical information upon request.

SECTION 5. PHYSICAL ACCESSIBILITY OF BUILDINGS AND FACILITIES

For each question in this section, circle either Yes or No. If a question does not apply to your HR, then write “NA” next to the question. If your response to a question is No, then identify what modification to policies and practices will be undertaken or what corrective action will be taken to remedy any discrimination found. In some cases, a Yes answer

will also require that additional information be supplied to complete the evaluation process.

REASONABLE ACCOMMODATION

- Has the HR made a reasonable accommodation (any accommodation which does not place an undue financial and administrative burden on the HR) to the known physical and mental limitations of qualified persons with disabilities to allow access to facilities, program and services? **Yes** No

No? Modification or corrective action:

- In determining whether an accommodation imposed an undue financial or administrative burden on the operation of a HR program were the following factors considered:
 - The overall size of the HR's program with respect to the number of employees, number and type of facilities, and the size of budget: **Yes** No
 - The type of the HR operation, including the composition and structure of the workforce? **Yes** No
 - The nature and cost of the accommodation? **Yes** No

No to any question above? – Modification or corrective action:

- Has the HR identified the individual responsible for making the final decision about undue financial and administrative burdens? **Yes** No

Yes? – Please identify the individual responsible for making the final decision:

CITY MANAGER

No? – Modification or corrective action:

- Has the HR adopted a procedure for ensuring that decisions about undue financial and administrative burdens are made properly and quickly? **Yes** No

Yes? – **Attach** a copy of the current HR policy, which should include the date the policy was established, the date the policy was distributed to staff, and the citation for the policy.

No? – Modification or corrective action:

NON-HOUSING FACILITIES

- Has the HR designed or constructed any new non-housing facilities since July 11, 1988? Yes **No**

No? – Proceed to next question.

Yes? – Are these new HR non-housing facilities designed and constructed to be readily accessible to and usable by individuals with disabilities? Yes No

No? – Proceed to next question.

Yes? – Are these new HR non-housing facilities designed and constructed to be readily accessible to and usable by individuals with disabilities? Yes No

No? – Modification or corrective action:

- Has the HR otherwise altered any existing HR non-housing facilities or designed any alterations to existing HR non-housing facilities since July 11, 1988. **Yes** No

No? – Proceed to next question.

Yes? – Have these alterations or designs for alterations existing HR non-housing facilities, to the maximum extent feasible, been made so that the facilities are readily accessible to and usable by individuals with disabilities? **Yes** No

No? – Modification or corrective action:

IMPORTANT INFORMATION

HUD Recipients are not necessarily required to make each of its existing non-housing facilities accessible to and usable by individuals with disabilities. In the case of historic preservation programs or activities, HR are not required to take any action that would result in a substantial impairment of significant historic features of a historic property. A HR is not required to take any action that it can demonstrate would result in a fundamental alteration in the nature of its program or activity. A HR is not required to take any action if the change would impose undue financial and administrative burdens. If the HR determines that making a facility accessible would result in significant or fundamental alterations or would cause undue financial or administrative burdens, the HR should use other methods of providing accessibility to ensure that individuals with disabilities receive program or activity benefits and services.

- Does the HR operate each non-housing program or activity receiving Federal financial assistance so that the program or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities? **Yes** No

No? – Modification or corrective action:

- Does the HR need to make structural changes to non-housing facilities to achieve program accessibility? Yes **No**

No? – Proceed to next question.

Has the HR developed a transition plan setting forth the steps necessary to complete such changes? Yes No

No? – Modification or corrective action:

Yes? – Does the transition plan include the following?

- Identification of the physical obstacles in the HR's non-housing facilities that limit accessibility to programs? Yes No

- Detailed description of the methods that will be used to make the facilities accessible? Yes No

- A schedule for taking the steps necessary to achieve compliance in making facilities accessible? Yes No

- A schedule for each year of the plan if the time period of the transition plan is longer than one year? Yes No

- The name of the official responsible for implementation of the plan? Yes No

- The name(s) of the persons or groups who assisted with the preparation of the plan? Yes No

No to any question above? – Modification or corrective action:

Has the HR determined that making a non-housing facility accessible to individuals with disabilities would result in a fundamental alteration or would pose an undue financial or administrative burden? Yes **No**

No? – Proceed to next section

Have other methods of providing accessibility been considered? Yes No

No? – Modification or corrective action:

Self Evaluation

Yes? – Please answer the following questions.

- Have services been reassigned to accessible facilities or accessible portions of facilities?
Yes No

- Have aides been assigned to beneficiaries? Yes No

- Have home visits been conducted? Yes No

- Has equipment been added or redesigned? Yes No

- Have changes been made in management policies and procedures? Yes No

- Have additional accessible facilities been acquired or constructed? Yes No

- Have alterations to existing facilities on a selective basis been completed? Yes
No

- Have other methods been employed? Yes No

No to any question above? – Modification or corrective action:

IMPORTANT INFORMATION

A HR is not required to make structural changes in existing facilities where other methods are effective in achieving compliance for program accessibility in non-housing environments. In choosing among available methods for meeting the requirements, the HR shall give priority to those methods that offer programs and activities to qualified individuals with disabilities in the most integrated setting appropriate.

EXISTING HOUSING FACILITIES AND PROGRAMS

IMPORTANT INFORMATION

This section applies to the Rental Rehabilitation and Section 8 Moderate Rehabilitation Programs.

- Has the HR made any substantial alterations to existing housing facilities since July 11, 1988 (that is, made to a facility with 15 or more units and costing an amount equal to 75% or more of the replacement cost of the completed facility?) Yes No N/A

Yes? – Do the facilities with the substantial alterations meet the same accessibility requirements as those for new construction? Yes No

No? – Modification or corrective action:

Has the HR made other alterations to dwelling units since July 11, 1988? Yes No

Yes? – Have the altered units been made accessible to and usable by individuals with disabilities to the maximum extent feasible? Yes No

No? – Modification or corrective action:

Has the HR made alterations of single elements or spaces of dwelling unit(s) which, when considered all together, amount to an alteration of the unit(s) since July 11, 1988? Yes No

Yes – In these unit(s), has the entire dwelling unit(s) been made accessible? Yes No

No? – Modification or corrective action:

IMPORTANT INFORMATION

HUD recipients should operate each existing housing program receiving federal financial assistance so that when viewed in its entirety, the program is readily accessible to an usable by persons with disabilities. HUD recipients are not necessarily required to make each of its existing facilities accessible. A HR is not required to take any action if the change would impose undue financial and administrative burdens. If the HR determines

that making a city accessible would result in significant or fundamental alterations or would cause undue financial or administrative burdens, the HR should use other methods of providing accessibility to ensure that individuals with disabilities receive program or activity benefits and services.

- Are a minimum of five percent of the dwelling units altered since July 11, 1988 (or more based on a higher need prescribed by HUD) readily accessible to individuals with mobility impairments? Yes No

No? – Modification or corrective action:

- Have alterations to common areas or parts of existing facilities been made (since July 11, 1988) to the maximum extent feasible, so that the areas are accessible to and usable by individuals with disabilities? Yes No

No? – Modification or corrective action:

- Has the HR determined that making an existing facility accessible to individuals with disabilities would result in a fundamental alteration or would pose an undue financial or administrative burdens? Yes No

Yes? – Have the following options been considered:

-Have services been reassigned to accessible facilities or accessible portions thereof? Yes No

- Have aides been assigned to beneficiaries? Yes No

- Have home visits been conducted? Yes No

- Has equipment been added or redesigned? Yes No

- Have changes been made in management policies and procedures? Yes No

- Have additional accessible facilities been acquired or constructed? Yes No

- Have alterations to existing facilities on a selective basis been completed? Yes No

- Have other methods been employed? Yes No

No to any question above? – Modification or corrective action:

IMPORTANT INFORMATION

A HR is not required to make structural changes in existing facilities where other methods are effective in achieving compliance for program accessibility in housing environments or to provide supportive services that are not part of the program. In choosing among available methods for meeting the requirements, the HR shall give priority to those methods that offer programs and activities to qualified individuals with disabilities in the most integrated setting appropriate.

U. S. Department of Justice
Civil Rights Division
Coordination and Review Section

TECHNICAL ASSISTANCE GUIDE

SUPPLEMENTAL INFORMATION ABOUT THE SECTION 504 TRANSITION PLAN REQUIREMENTS

TAG-88-11

SELF-EVALUATION SURVEY

CDBG/HUD RECIPIENT INFORMATION

CDBG/HUD RECIPIENT NAME City of Shelby, North Carolina

CDBG/HUD RECIPIENT ADDRESS P.O. Box 207
Shelby, North Carolina 28150

NAME OF HR STAFF PERSON
RESPONSIBLE FOR SELF-EVALUATION SURVEY: Walter Scharer

EMAIL: walt.scharer@cityofshelby.com

PHONE NUMBER: 704-484-6829

DATE SELF-EVALUATION WAS COMPLETED: 8/5/2016

SECTION 504 COMPLIANCE

Please list the HR personnel responsible for the coordination of Section 504 compliance.

SECTION 1. PROGRAM OUTREACH AND COMMUNICATION

For each question in this section circle either Yes or No. If your response to a question is No, then identify what modification to policies and practices will be undertaken or what corrective action will be taken to remedy any discrimination found. In some cases, a Yes answer will also require that additional information be supplied to complete the evaluation process.

NOTIFICATION

Has the HR taken steps to notify participants, applicants, employees, and unions or professional organizations that it does not discriminate on the basis of disability? **Yes**
No

Yes – Briefly describe the methods used to notify the public about non-discrimination policies.

Printed Materials

No – Modification or corrective action:

Has the HR adopted special procedures to notify persons with disabilities, especially those with vision and hearing impairments? **Yes** No

Yes – Briefly describe the methods used to ensure program participation by those who have visual or hearing impairments. (Methods include, but are not limited to, qualified sign language and oral interpreters, readers, or the use of taped and Braille materials.)

Qualified sign language and oral interpreters.

No – Modification or corrective action:

PRINTED MATERIALS

- Are written materials including posters with non-discrimination notices placed in physically accessible locations? **Yes** No
- Can small print of posted announcements be read from a wheelchair? **Yes** No
- Are all words in printed materials clearly legible? **Yes** No

- Would color blind individuals be able to distinguish all contents in printed materials? Yes No
- Are representations of disabled individuals free of patronizing stereotypes? Yes No
- Do graphics in printed material permit easy reading of the contents? Yes No
- Is all necessary program information included in printed material? Yes No
- Are procedures for providing program access to disabled individuals stated clearly? Yes No
- Do all appropriate HR documents now include policy statements about non-discrimination on the basis of disabilities? Yes No
- Are the Section 504 contact person's name, address, and phone number listed in printer material? Yes No

NO to any question above – Modification or corrective action:

INFORMATION DISSEMINATION

- Can copies of written materials be reasonably obtained by individuals with disabilities? Yes No
- Have disability groups been included in the dissemination process? Yes No
- Does the HR use all available print and broadcast media to ensure that all individuals with disabilities receive appropriate notification? Yes No
- Does the HR disseminate information to all agencies or organizations that deal with persons with disabilities in the HR service jurisdiction? Yes No
- Does all of the information disseminated by the HR include current non-discrimination policies? Yes No

No to any questions above? Modification or corrective action:

COMMUNICATION

- Has the HR taken appropriate steps to ensure effective communication with applicants, program participants, and members of the public by providing auxiliary aids where necessary so that individuals with disabilities (particularly persons with impaired vision or hearing) can have the opportunity to participate in, and enjoy the benefits of HR programs and activities? Yes No

No? Modification or corrective action:

- Has the HR installed a telecommunications device (TDD) to communicate with hearing impaired and deaf persons? Yes No

No? Modification or corrective action:

- If the HR has a TDD, is the number listed in the commercial telephone or TDD directories? Yes No

No? Modification or corrective action:

- Has the HR installed a reader, developed Braille materials, audio recordings or other similar services and devices for person with impaired vision? Yes No

No? Modification or corrective action:

- Has the HR adopted procedures that incorporate due process standards and allow for prompt resolution of any complaints of alleged discrimination based on disabilities?
Yes No

Yes?-Attach a copy of your current grievance procedures and the name of the person or unit responsible for receiving and processing complaints.

No?-Modification or corrective action:

- Has the HR notified staff and program participants about the grievance procedure?
Yes No

No? Modification or corrective action:

SECTION 2. COMPLAINT PROCESSING PROCEDURES

For each question in this section circle either Yes or No. If your response to a question is No, then identify what modification to policies and practices will be undertaken or what corrective action will be taken to remedy any discrimination found. In some cases, a Yes answer will also require that additional information be supplied to complete the evaluation process.

- Does the HR have a written policy for handling complaints of discrimination based on disability? Yes No

Yes? Attach a copy of the current HR policy which should include the date the policy was established, the date the policy was distributed to staff, and the citation for the policy.

No? Modification or corrective action:

- Has the HR adopted procedures that incorporate due process standards and allow for prompt resolution of any complaints or alleged discrimination based on disabilities? Yes No

Yes?-Attach a copy of your current grievance procedures and the name of the person or unit responsible for receiving and processing complaints.

No?-Modification or corrective action:

- Has the HR notified staff and program participants about the grievance procedures? Yes No

Self Evaluation

No? Modification or corrective action:

SECTION 3. ELIGIBILITY AND ADMISSION CRITERIA

For each question in this section circle either Yes or No. If our response to a question is No, then identify what modification to policies and practices will be undertaken or what corrective action will be taken to remedy any discrimination found. In some cases, a Yes answer will also require that additional information be supplied to complete the evaluation process.

- Has the HR examined all policies pertaining to program eligibility and admission criteria to determine if they had the purpose or effect of excluding or limiting the participation of individuals with disabilities in HR programs and activities? Yes or No

No? Modification or corrective action:

- Has the HR, in examining its policies on program eligibility and admission criteria, paid particular attention to those incorporating or establishing: (1) physical or mental fitness or performance requirements; (2) safety standards; (3) testing requirements; (4) educational requirements; (5) work experience requirements; (6) income level requirements; (7) credit rating requirements; (8) requirements based on disability; (9) requirements that prohibit participation because of disability; and (10) insurability requirements? Yes No

No? Modification or corrective action:

- Has the HR altered or eliminated policies that have the direct or indirect effect of excluding or limiting the participation of individuals with disabilities in HR programs and activities? Yes No

Yes? List any policies that have been altered or eliminated.

No? Modification or corrective action:

- Has the HR communicated the policy changes to staff members and the public?
Yes No

No? Modification or corrective action:

SECTION 4. EMPLOYMENT POLICY AND PRACTICE

For each question in this section circle either Yes or No. If your response to a question is No, then identify what modification to policies and practices will be undertaken or what corrective action will be taken to remedy any discrimination found. In some cases, a Yes answer will also require that additional information be supplied to complete the evaluation process.

REASONABLE ACCOMMODATION

- Has the HR made a reasonable accommodation (an accommodation which does not impose an undue hardship on the HR operation) to the known physical or mental limitations of an otherwise qualified applicant with disabilities or employee with disabilities? Yes No

No? Modification or corrective action:

IMPORTANT INFORMATION

Reasonable accommodation would include making Facilities used by employees accessible to and usable by individuals with disabilities; job restructuring, job relocation, part-time or modified work schedules, acquisition or modification of equipment and devices, the provision of readers or interpreters, and other similar actions.

- In determining whether an accommodation imposed an undue hardship on the operation of a HR program were the following factors considered?
 - The overall size of the HR program with respect to the number of employees, number and type of facilities, and size of budget? Yes No
 - The type of the HR operation, including the composition and structure of the work force? Yes No
 - The nature and cost of the accommodation? Yes No

No to any question above? Modification or corrective action:

EMPLOYMENT CRITERIA

IMPORTANT INFORMATION

The HR may not deny any employment opportunity to a qualified handicapped or disabled employee or applicant if the basis for the denial is the need to make reasonable accommodation to the physical or mental limitations of the employee or applicant.

- If the HR uses an employment test or other criteria for selection that screens out or tends to screen out individuals with disabilities, can the HR show that the test score or other selection criteria is job related? Yes No

No? Modification or corrective action:

- Has the HR obtained information from the appropriate HUD official that demonstrates that alternative job related tests or criteria that tend to screen out fewer individuals with disabilities are unavailable? Yes No

No? Modification or corrective action:

- Does the HR administer tests which accurately reflect the applicant's or employee's job skills or aptitude rather than the applicant's or employee's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test is designed to measure)? Yes No

PRE-EMPLOYMENT INQUIRIES

- Is the HR aware that it can not make a pre-employment inquiry or conduct a medical examination of an applicant to determine whether the individual is a person with disability unless the HR is undertaking affirmative action efforts or conditioning an offer of employment on the results of a medical examination given to all prospective employees in the same job category? Yes No

No? Modification or corrective action:

IMPORTANT INFORMATION

A HR may make pre-employment inquiry into an applicant's ability to perform job-related functions.

- When the HR is undertaking affirmative action efforts, voluntary or otherwise, and inviting applicants for employment to indicate whether and to what extent they are disabled, does the HR meet the following conditions:
 - State clearly either orally or in writing that the requested information is intended for the HR's affirmative action efforts? Yes No
 - State clearly that the information is being requested on a voluntary basis, that it will be kept confidential and that refusal to give the information will not be subject the applicant or employee to any adverse treatment? Yes No

No to any questions above? Modification or corrective action:

- Has the HR informed job applicants that an employment offer may be conditioned on the results of a medical examination if all entering employees in a job category must take an examination regardless of disability, and the examination accurately reflects the employee’s job skills? Yes No

No? Modification or corrective action:

- Has the information obtained by the HR concerning the medical condition or history or job applicants been collected and maintained on separate forms and accorded confidentiality as medical records? Yes No

No? Modification or corrective action:

IMPORTANT INFORMATION

Supervisors and managers may be informed of restrictions on the work or duties of individuals with disabilities and informed of necessary accommodations; first aid and safety personnel may be informed if the medical condition might require emergency treatment; and Section 504 compliance officers can have access to relevant medical information upon request.

SECTION 5. PHYSICAL ACCESSIBILITY OF BUILDINGS AND FACILITIES

For each question in this section, circle either Yes or No. If a question does not apply to your HR, then write “NA” next to the question. If your response to a question is No, then identify what modification to policies and practices will be undertaken or what corrective action will be taken to remedy any discrimination found. In some cases, a Yes answer will also require that additional information be supplied to complete the evaluation process.

REASONABLE ACCOMMODATION

- Has the HR made a reasonable accommodation (any accommodation which does not place an undue financial and administrative burden on the HR) to the known physical

and mental limitations of qualified persons with disabilities to allow access to facilities, program and services? Yes NO

No? Modification or corrective action:

- In determining whether an accommodation imposed an undue financial or administrative burden on the operation of a HR program were the following factors considered:

- The overall size of the HR's program with respect to the number of employees, number and type of facilities, and the size of budget: Yes No

- The type of the HR operation, including the composition and structure of the workforce? Yes No

- The nature and cost of the accommodation? Yes No

No to any question above? – Modification or corrective action:

- Has the HR identified the individual responsible for making the final decision about undue financial and administrative burdens? Yes No

Yes? – Please identify the individual responsible for making the final decision:

No? – Modification or corrective action:

- Has the HR adopted a procedure for ensuring that decisions about undue financial and administrative burdens are made properly and quickly? Yes No

Yes? – Attach a copy of the current HR policy, which should include the date the policy was established, the date the policy was distributed to staff, and the citation for the policy.

No? – Modification or corrective action:

NON-HOUSING FACILITIES

- Has the HR designed or constructed any new non-housing facilities since July 11, 1988? Yes No

No? – Proceed to next question.

Yes? – Are these new HR non-housing facilities designed and constructed to be readily accessible to and usable by individuals with disabilities? Yes No

No? – Proceed to next question.

Yes? – Are these new HR non-housing facilities designed and constructed to be readily accessible to and usable by individuals with disabilities? Yes No

No? – Modification or corrective action:

- Has the HR otherwise altered any existing HR non-housing facilities or designed any alterations to existing HR non-housing facilities since July 11, 1988. Yes No

No? – Proceed to next question.

Yes? – Have these alterations or designs for alterations existing HR non-housing facilities, to the maximum extent feasible, been made so that the facilities are readily accessible to and usable by individuals with disabilities? Yes No

No? – Modification or corrective action:

IMPORTANT INFORMATION

HUD Recipients are not necessarily required to make each of its existing non-housing facilities accessible to and usable by individuals with disabilities. In the case of historic preservation programs or activities, HR are not required to take any action that would result in a substantial impairment of significant historic features of a historic property. A HR is not required to take any action that it can demonstrate would result in a fundamental alteration in the nature of its program or activity. A HR is not required to take any action if the change would impose undue financial and administrative burdens. If the HR determines that making a facility accessible would result in significant or fundamental alterations or would cause undue financial or administrative burdens, the HR should use other methods of providing accessibility to ensure that individuals with disabilities receive program or activity benefits and services.

- Does the HR operate each non-housing program or activity receiving Federal financial assistance so that the program or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities? Yes No

No? – Modification or corrective action:

- Does the HR need to make structural changes to non-housing facilities to achieve program accessibility? Yes No

No? – Proceed to next question.

Has the HR developed a transition plan setting forth the steps necessary to complete such changes? Yes No

No? – Modification or corrective action:

Yes? – Does the transition plan include the following?

- Identification of the physical obstacles in the HR's non-housing facilities that limit accessibility to programs? Yes No

- Detailed description of the methods that will be used to make the facilities accessible? Yes No

- A schedule for taking the steps necessary to achieve compliance in making facilities accessible? Yes No

- A schedule for each year of the plan if the time period of the transition plan is longer than one year? Yes No

- The name of the official responsible for implementation of the plan? Yes No

- The name(s) of the persons or groups who assisted with the preparation of the plan? Yes No

No to any question above? – Modification or corrective action:

Has the HR determined that making a non-housing facility accessible to individuals with disabilities would result in a fundamental alteration or would pose an undue financial or administrative burden? Yes No

No? – Proceed to next section

Have other methods of providing accessibility been considered? Yes No

No? – Modification or corrective action:

Self Evaluation

Yes? – Please answer the following questions.

- Have services been reassigned to accessible facilities or accessible portions of facilities? Yes No

- Have aides been assigned to beneficiaries? Yes No
- Have home visits been conducted? Yes No
- Has equipment been added or redesigned? Yes No
- Have changes been made in management policies and procedures? Yes No
- Have additional accessible facilities been acquired or constructed? Yes No
- Have alterations to existing facilities on a selective basis been completed? Yes No
- Have other methods been employed? Yes No

No to any question above? – Modification or corrective action:

IMPORTANT INFORMATION

A HR is not required to make structural changes in existing facilities where other methods are effective in achieving compliance for program accessibility in non-housing environments. In choosing among available methods for meeting the requirements, the HR shall give priority to those methods that offer programs and activities to qualified individuals with disabilities in the most integrated setting appropriate.

EXISTING HOUSING FACILITIES AND PROGRAMS

IMPORTANT INFORMATION

This section applies to the Rental Rehabilitation and Section 8 Moderate Rehabilitation Programs.

- Has the HR made any substantial alterations to existing housing facilities since July 11, 1988 (that is, made to a facility with 15 or more units and costing an amount equal to 75% or more of the replacement cost of the completed facility?) Yes No

Yes? – Do the facilities with the substantial alterations meet the same accessibility requirements as those for new construction? Yes No

No? – Modification or corrective action:

Has the HR made other alterations to dwelling units since July 11, 1988? Yes No

Yes? – Have the altered units been made accessible to and usable by individuals with disabilities to the maximum extent feasible? Yes No

No? – Modification or corrective action:

Has the HR made alterations of single elements or spaces of dwelling unit(s) which, when considered all together, amount to an alteration of the unit(s) since July 11, 1988? Yes No

Yes – In these unit(s), has the entire dwelling unit(s) been made accessible? Yes No

No? – Modification or corrective action:

IMPORTANT INFORMATION

HUD recipients should operate each existing housing program receiving federal financial assistance so that when viewed in its entirety, the program is readily accessible to an usable by persons with disabilities. HUD recipients are not necessarily required to make each of its existing facilities accessible. A HR is not required to take any action if the change would impose undue financial and administrative burdens. If the HR determines that making a city accessible would result in significant or fundamental alterations or would cause undue financial or administrative burdens, the HR should use other methods of providing accessibility to ensure that individuals with disabilities receive program or activity benefits and services.

- Are a minimum of five percent of the dwelling units altered since July 11, 1988 (or more based on a higher need prescribed by HUD) readily accessible to individuals with mobility impairments? Yes No

No? – Modification or corrective action:

- Have alterations to common areas or parts of existing facilities been made (since July 11, 1988) to the maximum extent feasible, so that the areas are accessible to and usable by individuals with disabilities? Yes No

No? – Modification or corrective action:

- Has the HR determined that making an existing facility accessible to individuals with disabilities would result in a fundamental alteration or would pose an undue financial or administrative burdens? Yes No

Yes? – Have the following options been considered:

-Have services been reassigned to accessible facilities or accessible portions thereof? Yes No

- Have aides been assigned to beneficiaries? Yes No

- Have home visits been conducted? Yes No

- Has equipment been added or redesigned? Yes No

- Have changes been made in management policies and procedures? Yes No

- Have additional accessible facilities been acquired or constructed? Yes No

- Have alterations to existing facilities on a selective basis been completed? Yes No

- Have other methods been employed? Yes No

No to any question above? – Modification or corrective action:

IMPORTANT INFORMATION

A HR is not required to make structural changes in existing facilities where other methods are effective in achieving compliance for program accessibility in housing environments or to provide supportive services that are not part of the program. In choosing among available methods for meeting the requirements, the HR shall give priority to those methods that offer programs and activities to qualified individuals with disabilities in the most integrated setting appropriate.

U. S. Department of Justice
Civil Rights Division
Coordination and Review Section

TECHNICAL ASSISTANCE GUIDE

SUPPLEMENTAL INFORMATION ABOUT THE SECTION 504 TRANSITION PLAN REQUIREMENTS

TAG-88-11

Language Access Plan

City of Shelby

The purpose of this Plan is to ensure compliance with Title VI of the Civil Rights Act of 1964, and other applicable federal and state laws and their implementing regulations with respect to persons with limited English proficiency (LEP). Title VI of the Civil Rights Act of 1964 prohibits discrimination based on the ground of race, color or national origin by any entity receiving federal financial assistance. Administrative methods or procedures, which have the effect of subjecting individuals to discrimination or defeating the objectives of these regulations, are prohibited.

In order to avoid discrimination on the grounds of national origin, all programs or activities administered by the Agency must take adequate steps to ensure that their policies and procedures do not deny or have the effect of denying LEP individuals with equal access to benefits and services for which such persons qualify. This Plan defines the responsibilities the Agency has to ensure LEP individuals can communicate effectively.

This policy and plan is effective April 5th, 2021.

I. Scope of Policy

These requirements will apply to the City of Shelby Community Development Program(s)(herein referred to as “the Agency”) including subcontractors, vendors, and subrecipients.

The Agency will ensure that LEP individuals are provided meaningful access to benefits and services provided through contractors or service providers receiving subgrants from the Agency.

II. Definitions

- A. Limited English Proficient (LEP) individual – Any prospective, potential, or actual recipient of benefits or services from the Agency who cannot speak, read, write or understand the English language at a level that permits them to interact effectively with the Agency.
- B. Vital Documents – These forms include, but are not limited to, applications, consent forms, all compliance plans, bid documents, fair housing information, citizen participation plans, letters containing important information regarding participation in a program; notices pertaining to the reduction, denial, or termination of services or benefits, the right to appeal such actions, or that require a response from beneficiary notices advising LEP persons of the availability of free language assistance, and other outreach materials.

- C. Title VI Compliance Officer: The person or persons responsible for compliance with the Title VI LEP policies.
- D. Substantial number of LEP: 5% or 1,000 people, whichever is smaller, are potential applicants or recipients of the Agency and speak a primary language other than English and have limited English proficiency.

III. Providing Notice to LEP Individuals

- A. The Agency will take appropriate steps to inform all applicants, recipients, community organizations, and other interested persons, including those whose primary language is other than English, of the provisions of this plan. Such notification will also identify the name, office telephone number, and office address of the Title VI compliance officer(s).
- B. List the current name, office telephone number and office address of the Title VI compliance officers:

Yvonne Janssen 1-800-650-3925
PO Box 430, 118 South Main Street, Kannapolis NC 28081
- C. The Agency will post and maintain signs in regularly encountered languages other than English in waiting rooms, reception areas and other initial points of contact. These signs will inform applicants and beneficiaries of their right to free language services and invite them to identify themselves as persons needing such services.

Identify areas within the Agency where these signs will be posted: These will be posted at Shelby City Hall

- D. The Agency will include statements of the right to free language assistance in Spanish and other significant languages in all outreach material that is routinely disseminated to the public (including electronic text).
The Agency will also prepare a brochure which will advise LEP individuals of this policy. This brochure will be available at City Hall and will be distributed to any LEP individuals inquiring about the agency's Services.

The Agency will also disseminate information in the following manner:

The Agency will also prepare a brochure which will advise LEP individuals of this policy. This brochure will be available at City Hall and will be distributed to any LEP individuals inquiring about the agency's Services.

IV. Provision of Services to LEP Applicants/Recipients

- A. Assessing Linguistic Needs of Potential Applicants and Recipients
 - 1. The Agency will assess the language needs of the population to be served, by identifying:
 - a. the language needs of each LEP applicant/recipient

- b. the points of contact where language assistance is needed; and
- c. the resources needed to provide effective language assistance, including location, availability and arrangements necessary for timely use.
- d. Other : None

2. Determining the Language Needs of the Population to be Served

The Agency is responsible for assessing the needs of the population to be served. Such assessment will include, but not be limited to the following:

- a. The non-English languages that are likely to be encountered in its program will be identified.
- b. An estimate of the number of people in the community for whom English is not the primary language used for communication will be completed and updated annually. To identify the languages and number of LEP individuals local entities should review:
 - i. census data
 - ii. school system data
 - iii. reports from federal, state, and local governments
 - iv. community agencies' information, and
 - v. data from client files
 - vi. Other: None
- c. The points of contact in the program or activity where language assistance is likely to be needed will be identified.

3. Determining the Language Needs of Each Applicant/Recipient

The Agency will determine the language needs of each applicant/recipient. Such assessment will include, but not be limited to the following:

- a. At the first point of contact, each applicant/recipient will be assessed to determine the individual's primary language.

Check all methods that will be used:

- multi-language identification cards, a poster-size language list, or the use of "I speak" peel-off language identification cards for indicating preferred languages
- English proficiency assessment tools, provided they can be administered in a manner that is sensitive to and respectful of individual dignity and privacy
- Other: none

- b. If the LEP person does not speak or read any of these languages, the Agency will use a telephone interpreting service to identify the client's primary language.

- c. Staff will not solely rely on their own assessment of the applicant or recipient's English proficiency in determining the need for an interpreter. If an individual requests an interpreter, an interpreter will be provided free of charge. A declaration of the client will be used to establish the client's primary language.
- d. When staff places or receives a telephone call and cannot determine what language the other person on the line is speaking, a telephone interpreting service will be utilized in making the determination.
- e. If any applicant/recipient is assessed as LEP, they will be informed of interpreter availability and their right to have a language interpreter at no cost to them with a notice in writing in the languages identified in Section C. Provisions of Written Translations.

B. Provision of Bilingual/Interpretive Services

- 1. The Agency will ensure that effective bilingual/interpretive services are provided to serve the needs of the non-English speaking population. The provision of bilingual/interpretive services will be prompt without undue delays. In most circumstances, this requires language services to be available during all operating hours.

This requirement will be met by: The Agency will utilize community resources as well as qualified employees of Cleveland County's Social Services Department for this service.

- 2. The Agency will provide language assistance at all level of interaction with LEP individuals, including telephone interactions.

Describe how this requirement will be met:

The Agency will utilize community resources as well as qualified employees of the County's Social Services Department for this service.

3. Interpreter Standards

- a. Those providing bilingual/interpretive services will meet the linguistic and cultural competency standards set forth below. The Agency will ensure that interpreters and self-identified bilingual staff, have first been screened to ensure that the following standards are met before being used for interpreter services:
 - i. Can fluently and effectively communicate in both English and the primary language of the LEP individual
 - ii. Can accurately and impartially interpret to and from such languages and English
 - iii. Has a basic knowledge of specialized terms and concepts used frequently in the provision of the Agency's services
 - iv. Demonstrates cultural competency
 - v. Understands the obligation to maintain confidentiality
 - vi. Understands the roles of interpreters and the ethics associated with being an interpreter

Describe how the Agency ensures the competency of bilingual staff and interpreters:
Interpreter Employees of the County will be deemed qualified for this purpose.

- b. When staff members have reason to believe that an interpreter is not qualified or properly trained to serve as an interpreter, the staff member will request another interpreter.

4. Using Family Members or Friends as Interpreters

- a. Applicants/recipients may provide their own interpreter; however the Agency will not require them to do so.
- b. The Agency will first inform an LEP person, in the primary language of the LEP person, of the right to free interpreter services and the potential problems for ineffective communication. If the LEP person declines such services and requests the use of a family member or friend, the Agency may utilize the family member or friend to interpret only if the use of such person would not compromise the effectiveness of services or violate the LEP person's confidentiality. The Agency will monitor these interactions and again offer interpreter services, if it appears there are problems with this arrangement.
- c. The Agency will indicate in the LEP individual's file that an offer of interpreter services was made and rejected; that the individual was informed of potential problems associated with using friends or family members and the name of the person serving as an interpreter at the LEP individual's request.
- d. Only under extenuating circumstances shall the Agency allow a minor (under the age of 18 years) to temporarily act as an interpreter. The Agency will keep a written record of when it has used a minor as an interpreter, and this information will be shared with the DCA upon request.

- 5. The Agency will **not** require the applicant/recipient to pay for bilingual/interpretive services.

C. Provision of Written Translations

- 1. The Agency must provide written materials in languages other than English where a substantial number or percentage of the population eligible to be served or likely to be directly affected by the program needs services or information in a language other than English to communicate effectively.
- 2. Translation of Vital Documents
 - a. The Agency will ensure that vital documents for locally designed programs are translated into Spanish.
 - b. When DCA forms and other written material contain spaces in which the local entity is to insert information, this inserted information will also be in the individual's primary language. When such forms are completed by applicants/recipients in their primary language, the information must be accepted.
 - c. If, as a result of the local language assessment, it appears there are a substantial number of potential applicants or recipients of the Agency (defined as 5% or

1,000 people whichever is less) who are LEP and speak a language other than Spanish, the Agency will translate and provide vital documents in the appropriate language.

d. The Agency will keep a record of all vital documents translated, and will submit this information to DCA at their request.

3. If the primary language of an LEP applicant or recipient is a language other than Spanish AND the language does not meet the threshold for translation as defined in the preceding paragraph, the LEP individual will be informed in their own language of the right to oral translation of written notices. The notification will include, in the primary language of the applicant/recipient, the following language: **IMPORTANT: IF YOU NEED HELP IN READING THIS, ASK THE AGENCY FOR AN INTERPRETER TO HELP. AN INTERPRETER IS AVAILABLE FREE OF CHARGE.**

D. Documentation of Applicant/Recipient Case Records

1. The Agency will maintain case record documentation in sufficient detail to permit a reviewer to determine the Agency's compliance with this policy.
2. The Agency will ensure that case record documentation, including computerized records if appropriate, identifies the applicants/recipient's ethnic origin and primary language. In those cases where the applicant/recipient is non-English speaking, the Agency will:
 - a. Document the individual's acceptance or refusal of forms or other written materials offered in the individual's primary language.
 - b. Document the method used to provide bilingual services, e.g., assigned worker is bilingual, other bilingual employee acted as interpreter, volunteer interpreter was used, or client provided interpreter. When a minor is used as interpreter, the Agency will document the circumstances requiring temporary use of a minor and will provide this information to DCA upon request.
3. Consent for the release of information will be obtained from applicants/recipients when individuals other than Agency employees are used as interpreters and the case record will be so documented.

E. Staff Development and Training

1. The Agency will provide staff training at new employee orientation and continuing training programs. The training will include, but not be limited to:
 - a. Language assistance policies and procedures, resources available to support such procedures, methods of effective use of interpreters, and familiarization with the discrimination complaint process.
 - b. Cultural awareness information, including specific cultural characteristics of the groups served by the Agency to provide a better understanding of, and sensitivity to, the various cultural groups to ensure equal delivery of services.
2. The Agency will provide or ensure training is provided for bilingual staff and interpreters employed or utilized by the Agency. This includes the ethics of interpreting, including confidentiality; methods of interpreting; orientation to the organization; specialized terminology used by the Agency; and cultural competency.

3. The Agency will ensure that applicable grantees, contractors, cooperative agreement recipients and other entities receiving state or federal dollars are trained in the requirements of this policy.

Describe how this provision will be met: Agency staff who are not bilingual will attend all DCA workshops and training sessions on this topic. County Social Services interpreters will meet these training requirements under their Agency's LAP.

4. The Agency will collect and maintain the following information about training provided to staff: the date(s) of such training, the content of such training, the number and types of credit hours awarded; and the names and identifying information of each attendee at the training. The Agency will ensure that grantees, contractors, cooperative agreement recipients and other applicable funded entities collect and maintain such information as well.

V. Compliance Procedures, Reporting and Monitoring

A. Reporting

1. The Agency will complete an annual compliance report and send this report to DCA. (Format will be supplied by DCA)

B. Monitoring

1. The Agency will complete a self-monitoring report on a quarterly basis, using a standardized reporting system providing by the DCA. These reports will be maintained and stored by the Title VI compliance officer and will be provided to the DCA upon request.
2. The Agency will cooperate, when requested, with special review by the DCA .

VI. Applicant/Recipient Complaints of Discriminatory Treatment

A. Complaints

1. The Agency will provide assistance to LEP individuals who do not speak or write in English if they indicate that they would like to file a complaint. A complaint will be filed in writing, contain the name and address of the person filing it or his/her designee and briefly describe the alleged violation of this policy.
2. The Agency will maintain records of any complaints filed, the date of filing, actions taken and resolution.
3. The Agency will notify the appropriate Agency or Division within DCA of complaints filed the date of filing, actions taken and resolution. This information will be provided within 30 days of resolution.

B. Investigation

1. The DCA Compliance Office will conduct an investigation of the allegations of the complaint. The investigation will afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to the complaint.

2. The investigation will not exceed 30 days, absent a 15-day extension for extenuating circumstances.

C. Resolution of Matters

1. If the investigation indicates a failure to comply with the Act, the local unit of government, Agency Director or his/her designee will so inform the recipient and the matter will be resolved by informal means whenever possible within 60 days.
2. If the matter cannot be resolved by informal means, then the individual will be informed of his or her right to appeal further to the Department of Justice. This notice will be provided in the primary language of the individual with Limited English Proficiency.
3. If not resolved by DCA, then complaint will be forwarded to DOJ, HUD Field Office.

SUBMITTED AND APPROVED BY:

O. Stanhope Anthony, III
Name of Mayor

Signature of Mayor

Date



RESOLUTION NO. 23-2021
CITY OF SHELBY'S
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAMS
APRIL 2021 – APRIL 2024

WHEREAS, the City of Shelby has been awarded Community Development Block Grant funds from the North Carolina Department of Commerce, Division of Community Assistance; and

WHEREAS, the City of Shelby desires to adopt and maintain current Community Development Program Policies, Procedures, and Plans as listed in Attachment A and individually attached to this Resolution; and

NOW, THEREFORE, BE IT RESOLVED, the City of Shelby hereby adopts Community Development Program Policies, Procedures, and Plans as herein contained.

Adopted this the 5th day of April 2021.

O. Stanhope Anthony III
Mayor

ATTEST:

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

ATTACHMENT A

Policies, Procedures, Plans, etc. for the City of Shelby's CDBG Programs

1. Fair Housing Plan and the Fair Housing Complaint Procedure - This plan states how the City will affirmatively further fair housing and the procedure states how the City will handle complaints of housing discrimination and the steps that will be undertaken to resolve these complaints.
2. Equal Employment Opportunity and Procurement Plan - This plan certifies that the City will comply with all nondiscrimination laws and regulations in employment, and will take action in the areas of enforcement, education and removal of barriers and impediments that affirmatively further equal access in procurement.
3. Procurement Policy – This policy outlines the three methods of procurement to be used within this project for the award of contracts and for purchases made.
4. Section 3-Local Economic Benefit for Low and Very Low Income Persons Plan - This plan explains the City's strategy for identifying opportunities in employment arising out of a CDBG-assisted project and for making these jobs available for low-income residents in the project area. It also states that the project activities will try to utilize local suppliers.
5. Residential Anti-Displacement and Relocation Plan - This plan states how the City will replace all occupied and vacant occupiable low/moderate income dwelling units demolished or converted to a use other than low/moderate income housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974 and what steps the City will take to replace these units.
6. Citizens Participation Plan - This plan states that the City will provide for and encourage citizen participation and will provide technical assistance to groups representative of persons of low and moderate income.
7. Citizens Participation Procedure for Complaints - This plan states the procedures developed by the City to handle complaints received involving the Community Development Block Grant or any HUD-funded programs.
8. Code of Conduct - This policy states that no public official, employee, officer or agent of the City shall participate in the selection, the award or the administration of a contract supported by federal funds if a conflict of interest, real or apparent, is involved.
9. Section 504 Plan & the 504 Grievance Procedure – The City's 504 Self Evaluation and the 504 Grievance Procedure documents the hiring policies and practices of the City and describes how citizens can file a grievance. Section 504 preceded the American's with Disabilities Act (ADA) and deals with handicapped access to public facilities.
10. Language Access Plan - The purpose of this Policy and Plan is to ensure compliance with Title VI of the Civil Rights Act of 1964, and other applicable federal and state laws and their implementing regulations with respect to persons with limited English proficiency (LEP). Title VI of the Civil Rights Act of 1964 prohibits discrimination based on the ground of race, color or national origin by any entity receiving federal financial assistance.

City of Shelby
Agenda Item Summary
April 5, 2021
Don Gibson Theater

Agenda Item: D-7

- 7) Adoption of an ordinance authorizing demolition of a dwelling:
Ordinance No. 15-2021

Consent Agenda Item: (Walter Scherer, Planning Director)

- Memorandum dated March 25, 2021 from Walter Scherer, Planning Director to Rick Howell, City Manager
- Location Map of 319 Grice Street
- Photo of Property
- Tax Card for 2020
- Ordinance No. 15-2021

City Manager's Recommendation / Comments

Please note that the Building Inspector has duly conducted enforcement of the minimum housing code in accordance with the NC General Statutes and City Code. I do want to emphasize that it is the common practice of the City to err on the side of the property owner in most all cases giving them the benefit of the doubt when action is initiated. A thorough and fair due process is followed in all cases. Demolition of these homes is always the last resort after efforts to persuade a property owner to make these minimum standards have failed. As you all know once this ordinance is passed the City is empowered to enter onto the property to demolish the building. All associated demolition costs and administrative costs are then filed by the City Attorney as a lien against the property. This lien is normally only satisfied to the City's benefit upon the sale of the property.

Excerpt from Strategic Growth Plan

4. Community Appearance & Image

POLICY 4.4: Vacant and abandoned sites and buildings shall be properly cared for or removed, thereby preventing a blighting impact on the area in which they are located.

Action 4.4.1: Examine and implement standards for maintaining undeveloped or vacant lots and for repairing or removing abandoned structures and sites.

It is recommended that Ordinance No. 15-2021 be adopted and approved via the Consent Agenda.



Memorandum

To: Rick Howell - City Manager
From: Walter Scharer – Planning & Development Director
Date: March 25th, 2021
Subject: Minimum Housing Demolition of Structure at 319 Grice Street

Executive Summary of issue – Background

The dwelling associated with this proposed demolition action is in a dilapidated condition and should be removed for the safety of the citizens of Shelby. Initial complaints came from residents, the Shelby Police Department and City Code Enforcement. The property owner has been given due process and has failed to comply with the City's Minimum Housing Code.

Review and Comments

Due to dilapidation this dwelling is unfit for human habitation and has the potential of increasing the hazards of fire, accident, and other calamities; it is dangerous and detrimental to the health, safety, and welfare of the citizens of the City of Shelby. The estimated cost of demolition and removal is approximately \$5,000.00. Budgeted minimum housing funds will be used for this demotion.

Removal of this structure is in compliance with the City of Shelby Minimum Housing Code pursuant to N.C.G.S. 160A-441.

Removal of this structure is supported by the following Strategic Growth Plan Policies and Actions:

POLICY 4.4: Vacant and abandoned sites and buildings shall be properly cared for or removed, thereby preventing a blighting impact on the area in which they are located.

Action 4.4.1: Examine and implement standards for maintaining undeveloped or vacant lots and for repairing or removing abandoned structures and sites.

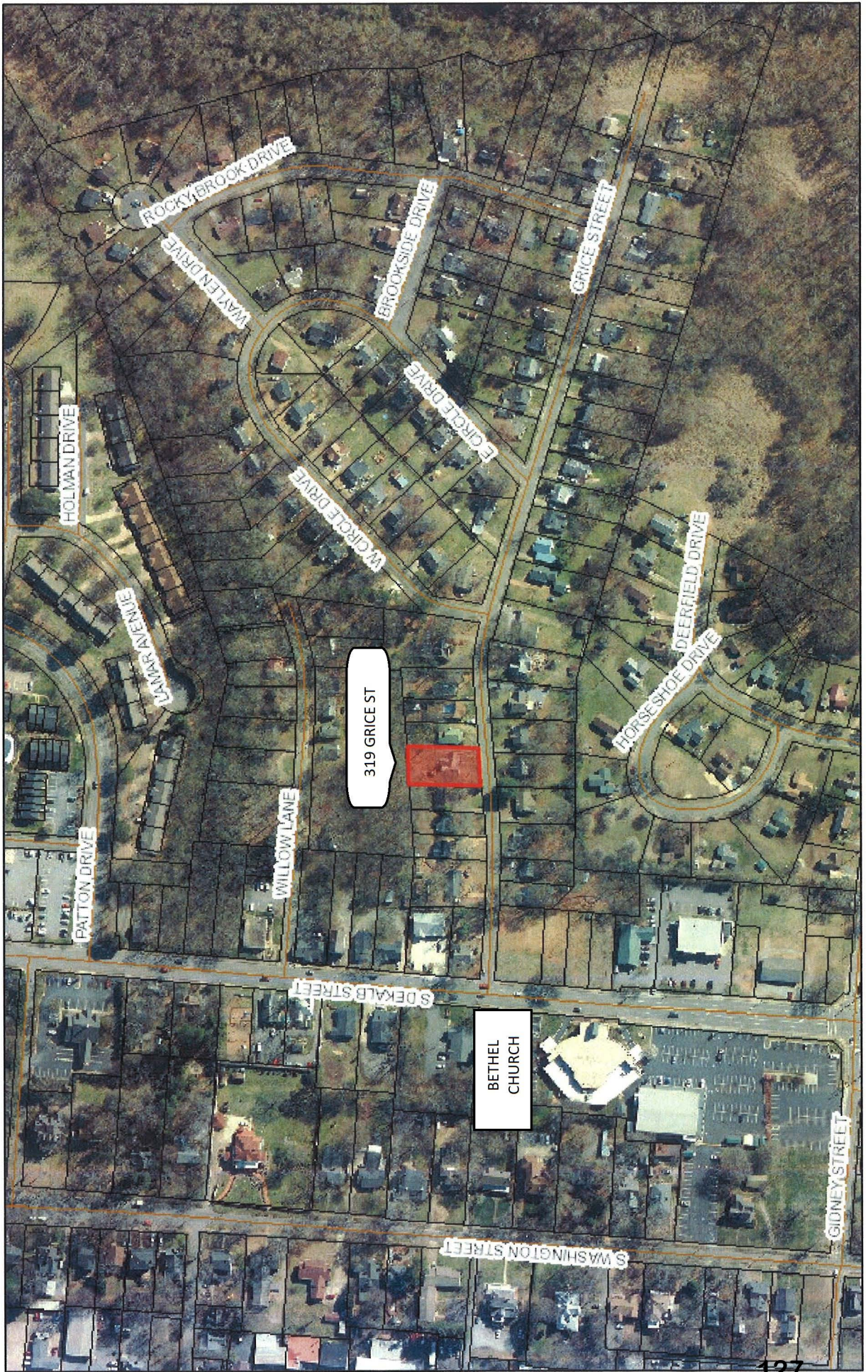
POLICY 9.2: Consistent, reliable enforcement of well written housing and nuisance abatement codes shall be employed to eliminate instances of unlawful activity and urban blight within the planning area of Shelby.

Recommendation

Please place this item on the consent agenda for the next City Council meeting on April 5th, 2021. Staff recommends this minimum housing action.

Attachments: Photo of Structure, Location Map, Tax Card and Ordinance.

LOCATION MAP - 319 GRICE STREET





USER MATTCAPPS

FOR YEAR 2020

TAYLOR HUGH H JR

PARCEL ID.. 18425
 LOCATION... 319 GRICE ST
 DEED YEAR/BOOK/PAGE.. 2005 1445 1027
 PLAT BOOK/PAGE..
 LEGAL DESC:319 GRICE ST

PIN... S12 3 40
 SHELBY
 ASSESSMENT RECY
 OWNER ID.. 1217631
 DISTRICT.. 6 CITY OF SHELBY

319 GRICE ST

TOWNSHIP... 6 SHELBY
 NC 28152-

NBRHOOD... 244 S12 #06
 RESIDENTIAL

SHELBY
 DESCRIPTION

MAINTAINED.. 4/04/2019 BY MAYES VALUED.. 4/10/2019 BY MAYES
 VISITED..... 10/07/1998 BY
 PARCEL STATUS... ACTIVE

ROUTING#..
 CATEGORY.. GROUP 100

SALES HISTORY

DEED BK/PAGE	SALE DATE	SALES INSTRUMENT	DISQUALIFIED	SALE AMOUNT	STAMP AMOUNT	DEED NAME
1445 1027	3/30/2005	DEED	QUALIFIED	16,500	33.00	TAYLOR HUGH H JR
1423 1206	8/16/2004	TRUSTEES DEED	LENDOR, GOVERNME	39,000	78.00	AMERICAN BUSINESS MORTGAGE SER
1267 0713	3/07/2000	DEED	NO STAMPS ON DE			RUSSELL LIZZIE MAE
1237 0225	12/07/1998	DEED	QUALIFIED	32,000	64.00	MOORE LIZZIE M
0981 0192	1/01/1987	SALE	QUALIFIED		18.00	

LAND SEGMENTS

LND #	ZONE	STRAT CODE	LAND TYPE/CODE	LAND QTY	LAND RATE	DPT%	SHP%	LOC%	SIZ%	OTH%	TOP%	TOT ADJ	CURRENT FMV
1		02	FF F DPTH..	81.000 150	54.00	100.00	.00	100.00	.00	.00	.00	.00	4,374
TOTAL ACRES..												.000	
TOTAL LAND FMV..												4,374	

IMPROVEMENT # 1 MAJOR IMPR-M

MAIN FIN AREA.. 932.00 ACT/EFF YR/AGE.. 1904 1980 36 VISITED.. BY
 STRAT..... 02 DESCRPT.... SINGLE FAMILY DWELLING-WF MAINTAINED.. 4/04/2019 BY MAYES
 MAIN PERIM..... 162.00 MAIN GROUND SF.... 932.000
 LOCATION #..... 319 GRICE ST

COMPONENT	TYPE/CODE/DESC	PCT	UNITS	RATE	STR#	STR%	SIZ%	HGT%	PER%	CDS%	COST	%CMPL
AC 06	COVERED PORCH	100	175.00	13.19			107.00					2,469
AC 08	ENCLOSED FRAME PORCH	100	72.00	19.66			165.00					2,335
MA 37W	SINGLE FAMILY DWELL	100	932.00	62.11	1.00		102.00			100		59,044
EW 06	WOOD SIDING	100	162.00	.00								0
- FD 04	PERIMETER FOOTING	100	932.00	.00								0
- HC 05	FORCED HOT AIR	100	932.00	.00								0
- PL R	RES PLUMB-EXTRA FIXT	100	5.00	717.00								0

RCN... PCT COMPLETE 100 x 63,848
 QUAL.. QG D1 D+10 92.00 x 58,740
 DEPR.. D4 36 YEARS OLD 52.00 - 30,544 T
 --FMV... MA 244 244 MARKET ADJ 70.00 x 19,737

DATE 10/10/19
 TIME 9:17:25
 USER MATTCAPPS

CLEVELAND COUNTY
 PROPERTY CARD
 FOR YEAR 2020

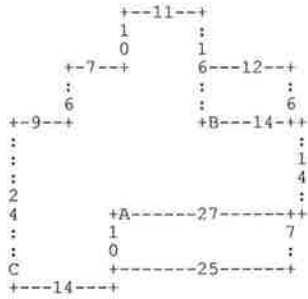
PAGE 2
 PROG# AS2006

TAYLOR HUGH H JR

PARCEL ID.. 18425

PIN... S12 3 40

----- IMPROVEMENT # 1 MAJOR IMPR-M -----



AC 06 COVERED PORCH				----- TRAVERSE -----							
M R	14.00	M U	10.00	D R	25.00	D D	7.00	D L	25.00	D U	7.00
AC 08 ENCLOSED FRAME PORCH				----- TRAVERSE -----							
M U	24.00	M R	9.00	M U	6.00	M R	7.00	M U	10.00	M R	11.00
M D	16.00	D R	12.00	D U	6.00	D L	12.00	D D	6.00		
MA 37W SINGLE FAMILY DWELLI FLOOR: 1.00				----- TRAVERSE -----							
D U	24.00	D R	9.00	D U	6.00	D R	7.00	D U	10.00	D R	11.00
D D	16.00	D R	14.00	D D	14.00	D L	27.00	D D	10.00	D L	14.00

----- IMPROVEMENT # 2 MISC IMPR-Y -----

MAIN FIN AREA.. ACT/EFF YR/AGE.. 1984 1998 18 VISITED.. BY
 STRAT..... 02 DESCRIP..... GARAGE MAINTAINED.. 4/04/2019 BY MAYES
 LOCATION #..... 319 GRICE ST

COMPONENT	TYPE/CODE/DESC	PCT	UNITS	RATE	STR#	STR%	SIZ%	HGT%	PER%	CDS%	COST	%CML
MS 10	GARAGE		1.00									
	QUAL.. QG	100	MISC IMPR	QUALITY 10			100.00	x				0
	DEPR.. 40		*INVALID				.00	-		0		0 T
	--FMV...		PCT COMPLETE				100					0

TOTAL PARCEL VALUES----	LAND /	OVR	IMPROVEMENTS /	OVR	TOTAL LAND/IMPROVE	2019 VALUE
FMV.....	4,374		19,737		24,111	24,111
APV.....	4,374		19,737		24,111	24,111

----- COMMENTS - -----

ORDINANCE NO. 15-2021

AN ORDINANCE AUTHORIZING DEMOLITION OF A DWELLING

WHEREAS, pursuant to the provisions of Chapter 160A, Article 19, Part 6, of the North Carolina General Statutes, the single family dwelling located at **319 Grice Street.**, Shelby, North Carolina, has been inspected and found to be unfit for human habitation and to otherwise constitute a danger to persons and a threat to the health and welfare of the citizens within the City; and,

WHEREAS, according to the procedure provided by law, the owner(s) of said property, **Hugh Taylor Heirs** has or have been given notice of the aforesaid inspection, determination, and orders to bring said property into compliance with the housing standards of the City of Shelby by appropriate repair or removal of said dwelling; and,

WHEREAS, no action of any kind has been taken or initiated by the owner(s), or any party on behalf of said owner(s), to achieve compliance with said ordinances within the periods allowed by law; and,

WHEREAS, the said dwellings remain at this time unfit for human habitation, dilapidated, and a danger to the health and safety of the citizens of the City of Shelby, and should be removed by demolition in order to prevent and alleviate such continuing danger and dilapidated conditions.

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

Section 1. The dwellings on the property known as **319 GRICE ST**, Shelby, and described in the Cleveland County records as **Tax Parcel No. 18425** be demolished forthwith, the remnants thereof disposed, and a lien for the costs of such demolition and removal, less any credits due the owner(s), be filed against the property and collected pursuant to the provisions of North Carolina General Statutes § 160A-443, et seq.; and,

Section 2. Said lien bear interest until paid, as allowed in Article 10 of Chapter 160A of the N.C. General Statutes, at the rate of eight percent (8.0%) per annum.

Adopted and approved this 5th day of April 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

City of Shelby
Agenda Item Summary
April 5, 2021
Don Gibson Theater

E. Unfinished Business

Agenda Item E-1

- 1) Consideration of appointments to City advisory boards and commissions:
 - a. Alcoholic Beverage Control Board

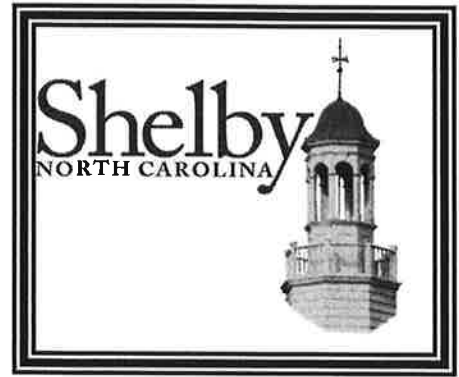
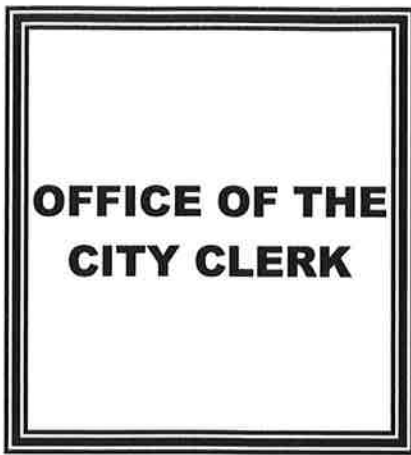
Unfinished Business Item: (Bernadette A. Parduski, City Clerk)

- Memorandum dated March 29, 2021 from Bernadette A. Parduski, City Clerk to Rick Howell, City Manager
- Alcoholic Beverage Control Board Roster 2021
- Applications for Kevin Karner, Peter Potemkin, James Phillip Reid, and Jeffrey Yates

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: March 29, 2021
Re: Appointments to City Advisory Boards

BOARD REVIEW:

ALCOHOLIC BEVERAGE CONTROL BOARD –

Due to the departure of Carl Dockery for health reasons, there is a vacancy on this board. In the event a member is removed or leaves the Board for any reason, the new member appointed to the Board shall fill the remainder of the unexpired term to April 2022.

The incumbent, David Schweppe's term will conclude April 2021. He wishes to continue his service and is seeking reappointment.

Applications on file in the Clerk's Office include:

- Kevin Karner
- Peter Potemkin
- James Phillip Reid
- Jeffrey Yates

Also, House Bill 1841, which increased the number of members on the Shelby ABC Board in 2006, reiterates the appointing authority, City Council, shall designate one member of the local board as chair.

POSSIBLE ACTION:

Council can begin the nominating process or take appointive action for one unexpired term concluding April 2022 and one new term concluding April 2024.

Attachments:

- A. Alcoholic Beverage Control Board Roster
- B. Application of Kevin Karner
- C. Application of Peter Potemkin
- D. Application of James Phillip Reid
- E. Application of Jeffrey Yates
- F. House Bill 1841

ALCOHOLIC BEVERAGE CONTROL BOARD 2021

MEMBERS	ADDRESS	TERM	PHONE
David M. Schweppe david@lawshelby.com	104 Lynhurst Lane Shelby, NC 28150	April 2021	H: 704 472-9826 W: 704 487-7204
Gerald L. Weathers weathersgerald@yahoo.com	326 Woodside Drive Shelby, NC 28150	April 2023	704 487-8008
Sallie M. Craig scraig@nextlevelcpa.com	910 Meadowbrook Lane Shelby, NC 28150	April 2023	H: 704 484-2014 W: 704 487-5111
VACANT		April 2022	
Page D. Morgan	1225 Brookwood Drive Shelby, NC 28150	April 2022	H: 704 482-1027 W: 704 864-3482

Meetings are held on the fourth Monday of the month at 9:00 a.m., ABC Store, 824 West Warren Street, Shelby, NC

Three-year (3) appointments

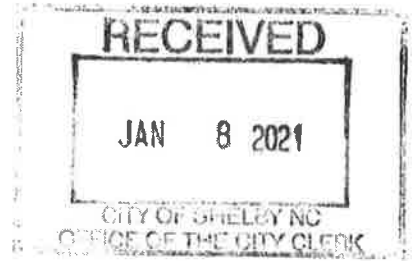
City Council Liaison: Violet Arth Dukes – Ward 4
922 West Sumter Street
Shelby, NC 28150
C: 704 477-9577

E-mail: violet@cityofshelby.com

This Board was appointed by action taken by the City Council at a Special Meeting held on March 29, 1975. General Assembly of NC House Bill 1841 increased members on the Shelby ABC Board from three to five members beginning July 1, 2006.

Staffed by: Roland Webber, General Manager; Kelly Carpenter, Financial Officer, ABC Store, 824 West Warren Street, Shelby, NC 28150; 704 482-7921; dshelbyabcboar@carolina.rr.com

ABC Officer Detective Scott Hamrick, Shelby Police Department, 130 West Warren Street, Shelby, NC 28150, Office: 704 484-7166 or scott.hamrick@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 1/8/2021

NAME Kevin Karner

ADDRESS (No PO Boxes, please) 181 Appian Way

CITY / STATE / ZIP Shelby, NC 28150 - Jurisdictional limits -

TELEPHONE (Home) 704 472 9036 (Work) Cleveland County

EMAIL ADDRESS KjKarner@gmail.com

OCCUPATION Mortgage Loan officer @ Movement Mortgage

EDUCATIONAL BACKGROUND Agricultural Business Management

Bachelors Degree. NC State University

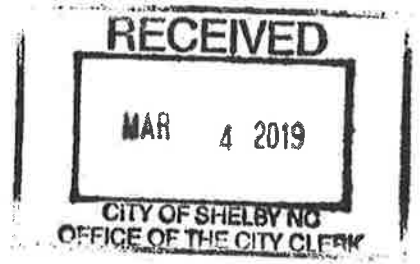
Handwritten signature and date: 1/8/2021

BOARD OR COMMISSION INTERESTED IN:

1. ABC Board
2. _____
3. _____

OTHER COMMENTS:

SIGNATURE Ki Kerner DATE 1/8/2021



APPLICATION FOR APPOINTMENT TO BOARDS AND COMMISSIONS

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- Shelby Parks & Recreation Advisory Commission
- Shelby Planning & Zoning Advisory Board
- *Other committees that may be formed by the Mayor and City Council

DATE March 4 2019

NAME Peter Potemkin

ADDRESS (No PO Boxes, please) 711 Ridgeview Drive 2/ard!

CITY / STATE / ZIP Shelby NC 28150

TELEPHONE (Home) 704 600 5990 (Work) _____

EMAIL ADDRESS ppotemkin@gmail.com

OCCUPATION Real Estate Broker

EDUCATIONAL BACKGROUND Queens College

BOARD OR COMMISSION INTERESTED IN:

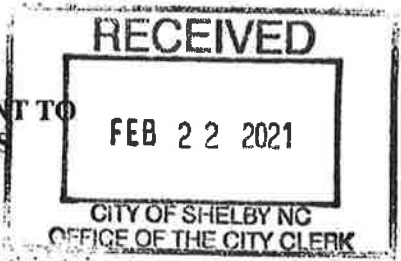
1. Shelby Alcoholic Beverage Control Board
2. Shelby Housing and Redevelopment
3. _____

OTHER COMMENTS:

SIGNATURE Peter Potemkin DATE 03/04.2019



APPLICATION FOR APPOINTMENT TO
BOARDS AND COMMISSIONS



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

DATE 02/22/2021

NAME James Phillip Reid (Phil)

ADDRESS (No P O Boxes please) 1010 Kelly Circle

CITY / STATE / ZIP Shelby, NC 28150

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

DO YOU RESIDE WITHIN THE CITY OF SHELBY'S EXTRATERRITORIAL JURISDICTION (ETJ)?

WARD 1

PHONE NUMBERS: Home - 704-481-1213 / 704-692-4994 (Mobile) Work 704-487-4677

EMAIL ADDRESS philreid@bellsouth.net (personal) phil.reid@hospicecares.cc (work)

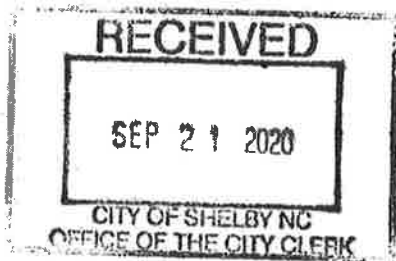
OCCUPATION Dir of IT - Hospice Cleveland County, Inc Shelby, NC

EDUCATIONAL BACKGROUND Masters degree - Instructional Technology

- BOARD OR COMMISSION INTERESTED IN:
1. Shelby Alcoholic Beverage Control Board
 2. _____
 3. _____

OTHER COMMENTS:
Updated Application

SIGNATURE  DATE 02/22/2021



APPLICATION FOR APPOINTMENT TO BOARDS AND COMMISSIONS

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- 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 9/16/20

NAME Jeffrey Yates

ADDRESS (No PO Boxes, please) 405 Edgewood Rd

CITY / STATE / ZIP Shelby NC 28150

TELEPHONE (Home) 704-418-5432 (Work) _____

EMAIL ADDRESS irhgtw@gmail.com

OCCUPATION Retired police officer


EDUCATIONAL BACKGROUND Some college

Hand 4 sep 10 9/21/2020

BOARD OR COMMISSION INTERESTED IN:

1. ABC Board
2. _____
3. _____

OTHER COMMENTS:

SIGNATURE  DATE 9/16/20

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

**SESSION LAW 2006-9
HOUSE BILL 1841**

AN ACT TO INCREASE THE NUMBER OF MEMBERS ON THE SHELBY ABC BOARD.

The General Assembly of North Carolina enacts:

SECTION 1. Section 9 of Chapter 832 of the 1969 Session Laws reads as rewritten:

"**Sec. 9.** In the event that a majority of the votes cast shall be for municipal liquor stores, the governing body of said municipality shall certify the results immediately to the State Board of Alcoholic Control and shall immediately create a municipal board of alcoholic control, to be composed of a chairman and two members who shall be well known for their character, ability, and business acumen. The members of the board shall be appointed by the governing body. At the time of the original appointments, one of said members shall be appointed for three years, one for two years, and one for one year, and as their terms expire their successors shall be appointed for terms of three years each. In the event any of the cities covered by this local act is allowed to increase the size of its Board, the governing body shall appoint the new members. The new members' terms shall begin on the same date, and their terms shall expire at the same time. Vacancies shall be filled by the governing body for the unexpired term. The board shall be known as the "~~(name of city) Board of Alcoholic Control~~". "(name of city) Alcoholic Beverage Control Board". The governing body of the municipality shall designate one of the members of the Board to serve as chairman, and the compensation of the chairman and all members of the Board shall be fixed by the governing body."

SECTION 2. G.S. 18B-700(a) reads as rewritten:

"(a) Membership. – A local ABC board shall consist of ~~three~~ five members appointed for three-year terms, unless a different membership or term is provided by a local act enacted before the effective date of this Chapter, or unless the board is a board for a merged ABC system under G.S. 18B-703 and a different size membership has been provided for as part of the negotiated merger. One member of the initial board of a newly created ABC system shall be appointed for a three-year term, one member for a two-year term, and one member for a one-year term. As the terms of initial board members expire, their successors shall each be appointed for three-year terms. The appointing authority shall designate one member of the local board as chairman."

SECTION 3. Section 2 of this act applies to the City of Shelby only.

SECTION 4. Notwithstanding Section 9 of Chapter 832 of the 1969 Session Laws, as amended by Section 1 of this act, the governing body of the City of Shelby shall appoint two additional members, as authorized by this act, to serve initial terms that will be effective on or after July 1, 2006. One additional member's term shall expire on April 1, 2007, and the other shall expire on April 1, 2008. At the expiration of these terms, each new member's term shall be for three-year terms thereafter. Members currently appointed to the board shall continue to serve their terms until the terms expire. In the event a member is removed or leaves the Board for any reason, the new member appointed to the Board shall fill the remainder of the unexpired term.

SECTION 5. This act is effective when it becomes law.
In the General Assembly read three times and ratified this the 12th day of
June, 2006.

s/ Marc Basnight
President Pro Tempore of the Senate

s/ James B. Black
Speaker of the House of Representatives

City of Shelby
Agenda Item Summary
April 5, 2021
Don Gibson Theater

F. New Business

None

Agenda Item: G

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: H

Council Announcements and Remarks

I. 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