

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) City of Shelby 2021 Audited Financial Statements – Tonya L. Thompson, CPA, Manager, Martin Starnes & Associates, CPAs, P. A.

1

C. Public Comment:

3

In accordance with City Council’s policy, public comment is only taken at the second regular meeting each month. Any citizen who wishes to address Council must register with the City Clerk prior to 6:00 p.m. on the meeting night. The Mayor will call upon each individual during this portion of the meeting and will allow three (3) minutes to speak.

D. Public Hearings:

- 1) Consideration of a proposed ordinance to amend the Unified Development Ordinance of the City of Shelby: Ordinance No. 42-2021
- 2) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina (*203 West Warren Street*): Ordinance No. 43-2021
- 3) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina (*325-5 West Dixon Boulevard*): Ordinance No. 44-2021

4

13

26

E. Consent Agenda:

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

- 1) Approval of the Minutes of the Regular Meeting of November 1, 2021 40
- 2) Approval of Special Event Permit Application:
 - a. The Light Ball Dash, requested date: December 19, 2021 47
- 3) Adoption of Fiscal Year (FY) 2021-2022 Budget Ordinance Amendment No. 2: Ordinance No. 45-2021 57

F. Unfinished Business:

- 1) Consideration of appointments to City advisory boards and commissions:
 - a. Shelby Parks and Recreation Advisory Board 69

G. New Business:

- 1) Consideration of an ordinance amending the City of Shelby's Schedule of Fees: Ordinance No. 46-2021 72

H. City Manager's Report 82

I. Council Announcements and Remarks 82

J. Adjournment:

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

- 1) Motion to adjourn 82

City of Shelby
Agenda Item Summary
November 15, 2021
Don Gibson Theatre

B. Special Presentation:

- 1) City of Shelby 2021 Audited Financial Statements – Tonya L. Thompson, CPA, Manager, Martin Starnes & Associates, CPAs, P. A.

Presenting: (Justin Merritt, Assistant City Manager)

Summary of Available Information:

- Memorandum dated October 19, 2021 from Beth B. Beam, Director of Finance to Rick Howell, City Manager

City Manager’s Recommendation / Comments

Tonya L. Thompson, CPA with Martin Starnes & Associates, CPA’s, P.A. is scheduled to attend the meeting to make the obligatory and required report to Council on the annual audit report for the fiscal year ending June 30, 2021.

Ms. Thompson or another representative of the auditor will also be available for a future meeting should you so desire. The audit and preparation of the ACFR are increasingly difficult due to the additional auditing standards that must be met by both the City and the auditing firm. The Governmental Accounting Standards Board (GASB) and reporting standards for both State and Federal grants slow this process even more every year. Mrs. Beam has done an exemplary job shepherding the Finance Department through the process. I think the auditor would agree that the process went as smoothly as can be expected. The audit has been submitted to the NC Local Government Commission as required by law and positive acceptance has been communicated. An audit report should be regarded as a “snapshot” at a moment in time reflecting the overall financial health of the City.

There are general performance indicators that will be noted during the presentation. The first is noted as a material weakness in relation to a prior period adjustment. Mr. Merritt has noted that this adjustment involves the cash and debt associated with the purchase of the Norfolk Southern rail corridor. In the previous fiscal year the cash and subsequent debt were recorded on the balance sheet however the cash used to purchase the corridor was never reclassified as a fixed asset of land. The adjustment simply recognizes the land (rail corridor) purchase in FY 2019-2020.

The second is a new requirement for all local governments transferring money from an enterprise fund to the general fund. The LGC is requiring all units to provide an explanation of why transfers are being made, what they are specifically funding and if the transfer is a one time thing or recurring year to year. I would note that the City has largely held steady on transfers made from the electric and natural gas funds to the general fund operating budget.

The only action necessary at this point is for City Council to proceed with a motion to accept and acknowledge receipt of the annual audit for the year ending June 30, 2021.



To: Rick Howell, City Manager
From: Beth B. Beam, Director of Finance
Date: October 19, 2021
Subject: Audit Presentation for Fiscal Year Ending June 30, 2021

Background:

State law requires that all municipal governments publish a complete set of financial statements presented in conformity with generally accepted accounting principles and those statements must be audited in accordance with generally accepted auditing standards.

Review and Comments:

Martin Starnes and Associates, CPA's, P.A. has audited the City of Shelby's financial statements for the year ending June 30, 2021. The audit firm is required to make a presentation to the Governing Body within 45 days of the submission of the audit to the Local Government Commission.

Recommendation:

The recommendation from staff is to provide the time necessary for the Auditor's presentation of the audit for fiscal year ending June 30, 2021 in the November 15, 2021 agenda.

City of Shelby
Agenda Item Summary
November 15, 2021
Don Gibson Theatre

C. Public Comment:

In accordance with City Council's policy, public comment is only taken at the second regular meeting each month. Any citizen who wishes to address Council must register with the City Clerk prior to 6:00 p.m. on the meeting night. The Mayor will call upon each individual during this portion of the meeting and will allow three (3) minutes to speak.

City of Shelby
Agenda Item Summary
November 15, 2021
Don Gibson Theatre

D. Public Hearing:
Agenda Item D-1:

- 1) Consideration of a proposed ordinance to amend the Unified Development Ordinance of the City of Shelby: Ordinance No. 42-2021

Presenting: (Walter Scharer, Planning Director)

Summary of Available Information:

- Memorandum dated November 9, 2021 from Walter Scharer, Planning Director to Rick Howell, City Manager
- General Application and Staff Report
- Planning and Zoning Board Minutes and Certified Recommendation
- Notice of Public Hearing
- Ordinance No. 42-2021

City Manager's Recommendation / Comments

This time on your agenda is scheduled for Council to conduct a legislative hearing on a proposed text amendment to the UDO. This amendment addresses shipping containers converted to homes, storage buildings and other residential accessory structures. Mr. Scharer has provided the necessary background information for your consideration. This is a legislative hearing. The purpose of a legislative hearing is to secure public comment on the proposed action. Following the hearing City Council may take action either in favor or opposition to Ordinance No. 42-2021. Consideration should be given by City Council to the following section from the Unified Development Ordinance of the City Code when making decisions concerning amendments to the UDO whether they be text or map changes. The certified recommendation from the Planning and Zoning Board Chairperson is included in the agenda packet for your consideration.

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

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

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

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

After the conclusion of the public hearing City Council may act upon Ordinance No. 42-2021.



City of Shelby
Planning and Development Services Department

General Application

Address of Subject Property:

Parcel 19618 + 42681
Adjacent to 35 W Dixon Blvd Shelby

Applicant(s) Name:

Early Holdings LLC

Address:

24730 Half Point Point Rd

Holly Springs NC 27636

Email:

Buyinguy@aol.com

Phone:

240-375-7631

Owner(s) Name:

Early Holdings LLC

Email:

Buyinguy@aol.com

Phone:

240-375-7631

Relationship to Property: Owner

Developer, Contractor, etc.

Other:

Request for (Check all that apply):

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

Project Information (Fill in applicable information):

Parcel Number: 19618-42681

Proposed Zoning: General Business

Proposed Land Use: Retail ship containers

Previous Use: Shop (mechanical shop)

Approx. Building Sq. Ft.: 5000

Approx. Project Acreage: 1.5 ish

Business Name: Evolution Concept NC

Construction Sq. Ft.: 500 (None)

Valuation:

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

Text Amend For Requested Use For Restoring/Recycling
Containers For Eco Friendly Inhabitant

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

Signature of Applicant

Date

8/26/15

Received by:

Date

Staff Report



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

Date: October 14, 2021
Meeting: October 21, 2021

Proposal: A property owner and business owner in Shelby has come to staff with the proposal of a new business. The business, called On Site Building Conversions, takes existing shipping containers, storage buildings, etc. and turns them into homes, workshops, and even different kinds of storage buildings. The applicant proposes allowing this in GB and GB2 with development standards and in GI and LI.

ANALYSIS:

The City of Shelby desires to allow a wide range of commercial uses, however The City wants to ensure those uses are in line with The City's goals.

On Site Building Conversions: The on-site conversion of existing shipping containers, storage buildings, etc. into homes, workshops, storage buildings etc. The construction, conversion, and storage of these buildings takes place on site.

Shipping Containers: A large container, usually of metal, used to store goods in during shipment.

11-1.82 On Site Building Conversions

(A) Where Development Standards are required:

GB and GB2 District

- (B) Any on site building conversion business shall be required to install landscape screening as outlined in Table 14-10.3
- (C) The landscaping screening shall be in the front, rear, and side.
- (D) All outdoor storage areas shall be screened by fencing that meets the requirements in Article 14-10.3 (B)
- (E) All outdoor storage areas shall have a minimum setback of 15 feet from any property line.
- (F) No stacking of shipping containers shall be permitted.

STAFF COMMENTS:

Staff recommends approval of this amendment. If you have any questions, please contact me.



CITY OF SHELBY PLANNING AND ZONING BOARD MINUTES

October 21, 2021

Zoom Virtual Meeting

Item 1. Call to Order/Roll Call

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

Board Present: Rick Washburn, Charles Hamrick, Jeff Aderholdt, Emmanuel Hunt Jr., Scott Bankhead, and Jim Martin

Staff Present: Walter Scharer, Planning Director, Andrea Fite, City Attorney, and Chip Nuhrah, Public Information Officer

Applicants: Caleb Peeler

Item 2. Approval of the September 16, 2021, Minutes

Vice-Chair Washburn asked if there were any questions or comments about the September 16, 2021, minutes. The minutes were approved as submitted.

Item 3. Zoning Map Amendment – 203 W Warren Street

Mr. Scharer presented this proposed zoning map amendment. This .49-acre site is currently a vacant commercial building and a storage building. The property is currently zoned GB. The applicant is requesting the property be zoned CB. The applicant wishes to develop this property due to the proximity to the Rail Trail. Land uses in the area include commercial, recreational, and industrial uses.

The GB business district is established as a district in which to accommodate a wide range of retail; business, professional, and personal services; office; and limited wholesale and warehousing uses. Areas zoned as GB are generally located on the fringe of the central business district and along major highway corridors.

The CB central business district is primarily intended to accommodate a wide variety of commercial activities, particularly those that are pedestrian-oriented, in an intensive development pattern in the city's central business district (CBD). The regulations of this district are intended to preserve the general character and integrity of the current development in the CBD; encourage land uses which provide for a multi-purpose CBD including retail, offices, professional and personal services, entertainment, institutional uses, and living space; encourage land uses which do not require large amounts of outdoor use areas; encourage common or shared off-street parking; and encourage the continued use of land for governmental activities.

Motion: Mr. Hamrick made the motion to recommend approval of the proposed Zoning Map Amendment from GB to CB.

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

Item 4. Major Subdivision – Pinnacle Estates

Mr. Scharer presented this proposed major subdivision. The 25.3-acre in total property is currently undeveloped. Land uses in the area include single-family dwellings, commercial, industrial, and institutional. This is part of the former Hallelujah Acres Development.

This is an RO-CU, which was originally part of the Hallelujah Acres Development. However, these parcels were altered in 2019 (File #1112). This alteration was to allow the construction of single-family dwellings.

This proposed major subdivision is for 93 lots for single-family dwelling units. The proposed lots meet the dimensional requirements and range from 6,000 square feet to 13,000 square feet in size. This project does require a sewer and water extension, stormwater treatment, and the construction of several streets. This project also includes a sidewalk along Joe's Lake Road and within the subdivision and a street connection to the existing subdivision.

Motion: Mr. Hamrick made the motion to approve of the proposed major subdivision

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

Item 5. **On Site Building Conversions – Text Amendment**

Mr. Scharer presented this proposed text amendment. A property owner and business owner in Shelby has come to staff with the proposal of a new business. The business, called On Site Building Conversions, takes existing shipping containers, storage buildings, etc. and turns them into homes, workshops, and even different kinds of storage buildings. The applicant proposes allowing this in GB and GB2 with development standards and in LI.

The discussion amongst board members and staff was focused on the current proposed development standards and the need for more regulations concerning the storage of the containers and buildings being worked on. Details included the stacking of the containers, setbacks, and the buffering requirements.

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

Second: Mr. Bankhead **Action:** This motion passed unanimously.

Item 6. **Announcements.**

Mr. Scharer gave updates concerning future Planning and Zoning Board meetings and The City of Shelby Rail Trail. Mr. Nuhrah gave information concerning the YouTube channel and the streaming of the meetings.

Item 7. **Motion to adjourn.**

Vice-Chair Washburn adjourned the meeting at 12:36 pm.



Respectfully Submitted
Walter Scharer, Planning Director



Certified Recommendation

City of Shelby Planning & Zoning Board

Case File: 1143

Amendment: A Zoning Text Amendment for On Site Building Conversions with Development Standards.

Recommendation: **The Planning and Zoning Board recommends approval of the proposed A Zoning Text Amendment for On Site Building Conversions with Development Standards.**

Findings &

Reasons: 1. The proposed text amendment is consistent with the Comprehensive Land Use Plan.

Motion: Mr. Aderholdt made the motion to recommend approval of this proposed text amendment for On Site Building Conversions.

Second: Mr. Bankhead

Action: This motion passed unanimously.

Signatures: Walter Scharer
Planning and Development Director

Rick Washburn
Planning and Zoning Board Chair

Date: 10/21/2021

Date: 10/21/2021

**NOTICE OF PUBLIC HEARING
APPLICATION #: 1143-2021
TEXT AMENDMENT**

The City Council of Shelby, North Carolina will conduct a public hearing during its regular meeting at 6:00 p.m., Monday, November 15, 2021 at 318 South Washington Street. City Council will consider a proposed text amendment for On Site Building Conversions.

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

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

Persons interested in being heard on this matter are invited to comment on the proposed text 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, IMC-MMC
City Clerk

The Shelby Star:

Please publish this notice as a legal line ad on Sunday, November 7, 2021 and again on Sunday, November 14, 2021.

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

ORDINANCE NO. 42-2021

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

Preamble

Pursuant to the authority conferred by G.S. 160A-381, as amended, and for the purpose of promoting the health, safety, morals, or general welfare of the inhabitants of the city,

**BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF SHELBY THAT THE UNIFIED DEVELOPMENT ORDINANCE OF
THE CITY OF SHELBY BE AMENDED AS FOLLOWS:**

Text Amendment

WHEREAS, The City of Shelby wishes to promote diverse and new businesses.

WHEREAS, The City of Shelby wishes to ensure new businesses are in line with The City of Shelby goals of ensuring the health and safety of all citizens

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

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

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

Table 9-3.1 Permitted Uses Table

Use Type	Zoning Districts												
	R20	R10	R8	R6	RR	RO	NB	CB	GB	GB2	CPD	LI	GI
On Site Building Conversions									D	D		Z	

On Site Building Conversions: The on-site conversion of existing shipping containers, storage buildings, etc. into homes, workshops, storage buildings etc. The construction, conversion, and storage of these buildings takes place on site.

Shipping Containers: A large container, usually of metal, used to store goods in during shipment.

11-1.82 On Site Building Conversions

- (A) Where Development Standards are required:
GB and GB2 District
- (B) Any on site building conversion business shall be required to install landscape screening as outlined in Table 14-10.3
- (C) The landscaping screening shall be in the front, rear, and side.
- (D) All outdoor storage areas shall be screened by fencing that meets the requirements in Article 14-10.3 (B)
- (E) All outdoor storage areas shall have a minimum setback of 15 feet from any property line.
- (F) No stacking of shipping containers shall be permitted.

SECTION 1. Plan Consistency Statement.

This proposed text amendment is also consistent with the City of Shelby Comprehensive Land Use Plan (2009). This proposed text amendment is also consistent with the City of Shelby Unified Development Ordinance.

SECTION 2. Conflicts With Other Provisions.

Whenever the text of this amendment conflicts with any provision of the ordinance or Code of Ordinances not herein amended or repealed, the more stringent provision or regulation shall prevail.

SECTION 3. Effective Date.

This Ordinance shall become effective upon its adoption and approval.

ADOPTED AND APPROVED this the 15th day of November 2021.

O. Stanhope Anthony III
Mayor

ATTEST:

Bernadette Parduski, NC-MMC, IIMC-MMC
City Clerk

APPROVED AS TO FORM:

Andrea Leslie-Fite
City Attorney

City of Shelby
Agenda Item Summary
November 15, 2021
Don Gibson Theatre

Agenda Item C-2:

- 1) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina (*203 West Warren Street*): Ordinance No. 43-2021

Presenting: (Walter Scharer, Planning Director)

Summary of Available Information:

- Memorandum dated November, 2021 from Walter Scharer, Planning Director to Rick Howell, City Manager
 - General Application
 - Staff Report
 - Location Map, Zoning Map and Future Land Use Map
 - Planning and Zoning Board Minutes and Certified Recommendation
 - Notice of Public Hearing
 - Ordinance No. 43-2021
-

City Manager's Recommendation / Comments

This time on your agenda is scheduled for Council to conduct a legislative hearing on a proposed map amendment. This amendment addresses a proposed zoning district change to allow for development along the future Rail Trail. Mr. Scharer has provided the necessary background information for your consideration. This is a legislative hearing. The purpose of a legislative hearing is to secure public comment on the proposed action. Following the conclusion of the hearing the Council may act on the item under consideration. A certified recommendations from the Planning and Zoning Board is included as part of the packet. I would call attention to Mr. Scharer's memorandum noting that the zoning map amendment is consistent with the City's current land use plan and is recommended by staff and the Planning Board. I would further note that the recommendation of the Planning and Zoning Board is advisory in nature only and that as a legislative matter Council has broad discretion to take action it believes is in the best interests of the City. That being said City Council has adopted plans/standards and established an advisory board for the purposes of providing reasonable guidance in the decision-making process.

§ 160D-605. Governing board statement.

(a) Plan Consistency. – When adopting or rejecting any zoning text or map amendment, the governing board shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive plan. The requirement for a plan consistency statement may also be met by a clear indication in the minutes of the governing board that at the time of action on the amendment the governing board was aware of and considered the planning board's recommendations and any relevant portions of an adopted comprehensive plan. If a zoning map amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending any future land-use map in the approved plan, and no additional request or application for a plan amendment shall be required. A plan amendment and a zoning amendment may be considered concurrently. The plan consistency statement is not subject to judicial review. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the governing board statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the action taken.

(b) Additional Reasonableness Statement for Rezonings. – When adopting or rejecting any petition for a zoning map amendment, a statement analyzing the reasonableness of the proposed rezoning shall be approved by the governing board. This statement of reasonableness may consider, among other factors, (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the governing board statement on reasonableness may address the overall rezoning.

(c) Single Statement Permissible. – The statement of reasonableness and the plan consistency statement required by this section may be approved as a single statement. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).

After the conclusion of the public hearing City Council may act upon Ordinance No. 43-2021.



Memorandum

To: Rick Howell - City Manager
From: Walter Scharer – Planning Director
Date: November 9, 2021
Subject: Requested zoning map amendment 203 West Warren Street

Executive Summary of Issue – Background

This applicant is proposing a zoning change on this property to allow for development along the future Rail Trail.

Review and Comments

The property is currently zoned GB and the applicant has proposed CB. The Comprehensive Land Use Plan for this area designates the site as a Uptown Master Plan Area. -

Recommendation

This proposed zoning map amendment is consistent with the Comprehensive Land Use Plan. The Planning and Zoning Board recommends this proposed zoning amendment due to the property's location and propensity for future redevelopment in the area.

Please schedule a legislative public hearing for this proposed zoning amendment at the next City Council meeting on November 15, 2021.

Attachments: Application, Staff Report, Zoning Map, Location Map. Future Land Use Map, Notice of Public Hearing, Planning and Zoning Board October 21, 2021 minutes, Certified P&Z Recommendation, and Ordinance



City of Shelby
Planning and Development Services Department

General Application

Address of Subject Property:

203 W Warren

Applicant(s) Name: Terri McCartney

Address:

Email: Skip@shelby.net

Phone: 704-473-0921

Owner(s) Name: Same

Email:

Phone:

Relationship to Property: Owner Developer, Contractor, etc. Other:

Request for (Check all that apply):

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

Project Information (Fill in applicable information):

Parcel Number:

Proposed Zoning: CB

Proposed Land Use:

Previous Use:

Approx. Building Sq. Ft.:

Approx. Project Acreage:

Business Name:

Construction Sq. Ft.:

Valuation:

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

Rezoning from GB to CB for future development off Rail Trail

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

Signature of Applicant

Date

Received by:

Date

Staff Report



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

Date: October 13, 2021
Meeting: October 21, 2021
File: #

OWNER: Terry McCartney

APPLICANT: Terry McCartney

LOCATION: 203 W Warren Street

PARCEL ID #s: 17841

PRESENT ZONING: GB

REQUESTED ZONING: CB

SURROUNDING ZONING: **North:** CB **South:** LI **East:** CB **West:** GB

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

ANALYSIS: This .49-acre site is currently a vacant commercial building and a storage building. The property is currently zoned GB. The applicant is requesting the property be zoned CB. The applicant wishes to develop this property due to the proximity to the Rail Trail. Land uses in the area include commercial, recreational, and industrial uses.

The GB business district is established as a district in which to accommodate a wide range of retail; business, professional, and personal services; office; and limited wholesale and warehousing uses. Areas zoned as GB are generally located on the fringe of the central business district and along major highway corridors.

The CB central business district is primarily intended to accommodate a wide variety of commercial activities, particularly those that are pedestrian-oriented, in an intensive development pattern in the city's central business district (CBD). The regulations of this district are intended to preserve the general character and integrity of the current development in the CBD; encourage land uses which provide for a multi-purpose CBD including retail, offices, professional and personal services, entertainment, institutional uses, and living space; encourage land uses which do not require large amounts of outdoor use areas; encourage common or shared off-street parking; and encourage the continued use of land for governmental activities.

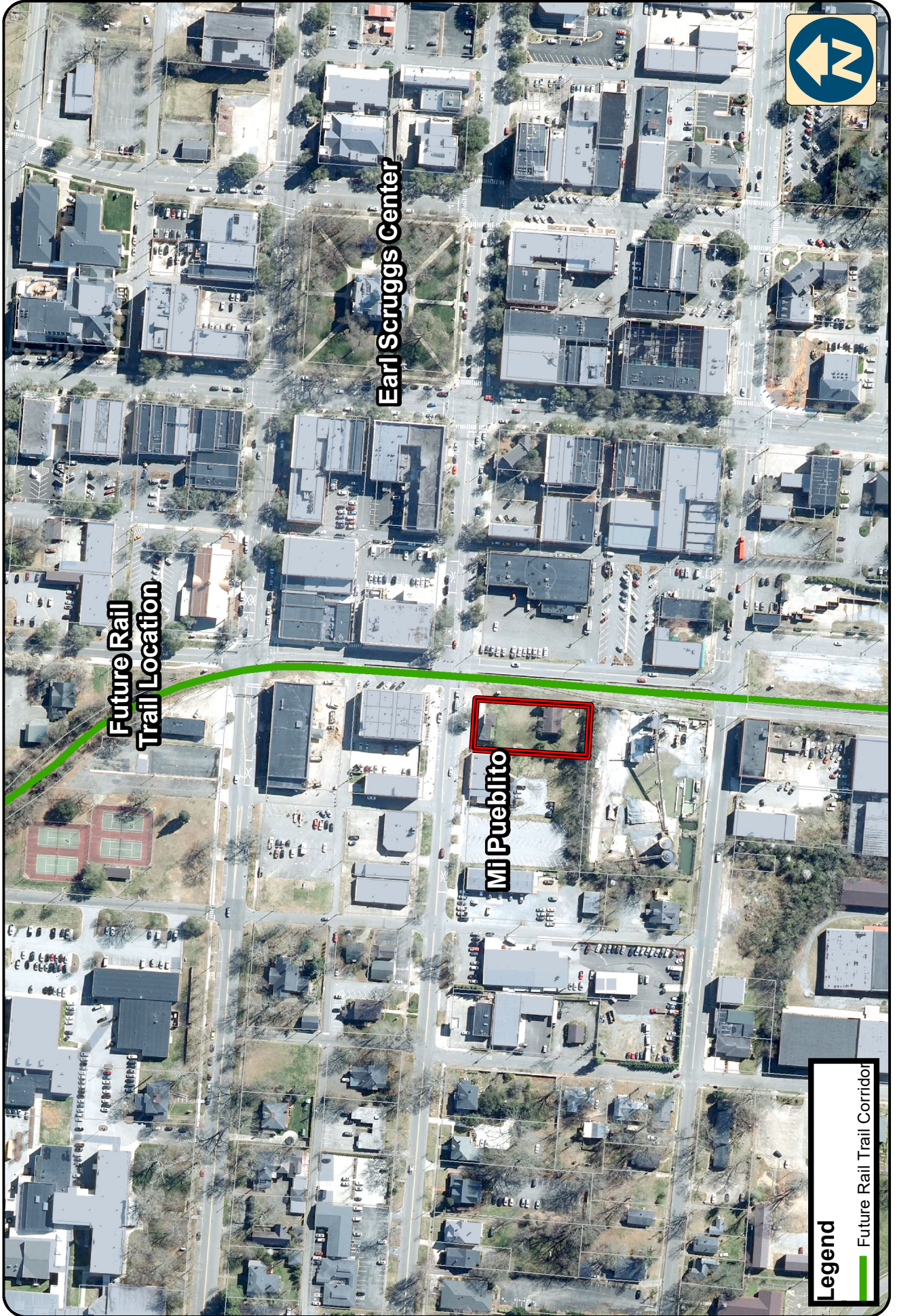
STAFF COMMENTS: The Comprehensive Land Use Plan designates this site as Neighborhood Revitalization. Neighborhood revitalization areas are older, declining neighborhoods that need stabilization and revitalization.

This zoning map amendment is consistent with the comprehensive land use plan.



Location Map 203 W Warren Street

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: MVWU



Legend
Future Rail Trail Corridor

Scale 1:3,000 1 inch = 250 feet

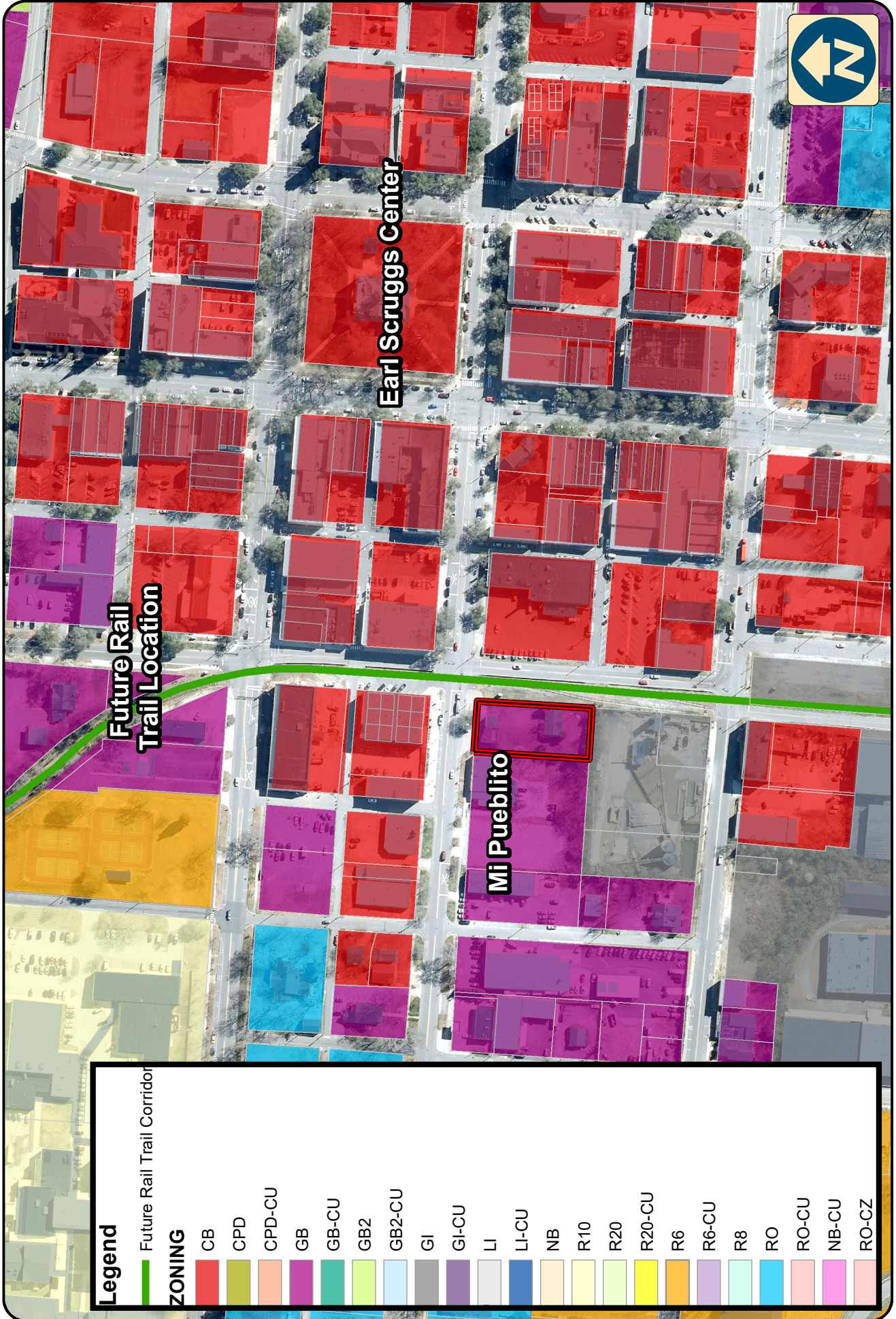
0 125 250 500 Feet

Date: 10/13/2021



Zoning Map 203 W Warren Street

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



Legend	
	Future Rail Trail Corridor
ZONING	
	CB
	CPD
	CPD-CU
	GB
	GB-CU
	GB2
	GB2-CU
	GI
	GI-CU
	LI
	LI-CU
	NB
	R10
	R20
	R20-CU
	R6
	R6-CU
	R8
	RO
	RO-CU
	NB-CU
	RO-CZ

Date: 10/13/2021

500 Feet

0 125 250

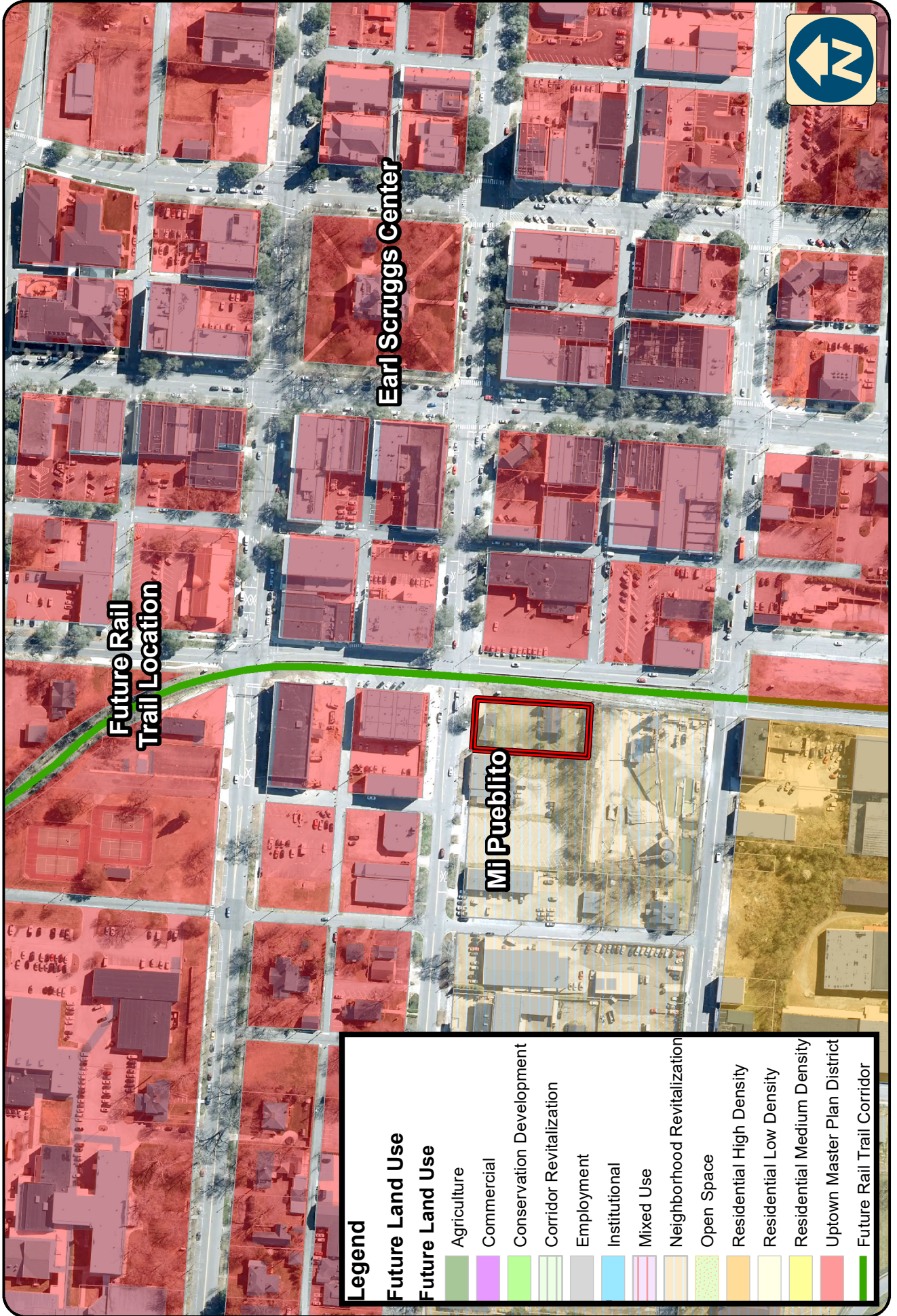
Scale 1:3,000 1 inch = 250 feet

18



Future Land Use Map 203 W Warren Street

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



Legend

Future Land Use

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

Date: 10/13/2021

500 Feet

0 125 250

Scale 1:3,000 1 inch = 250 feet



CITY OF SHELBY PLANNING AND ZONING BOARD MINUTES

October 21, 2021

Zoom Virtual Meeting

Item 1. Call to Order/Roll Call

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

Board Present: Rick Washburn, Charles Hamrick, Jeff Aderholdt, Emmanuel Hunt Jr., Scott Bankhead, and Jim Martin

Staff Present: Walter Scharer, Planning Director, Andrea Fite, City Attorney, and Chip Nuhrah, Public Information Officer

Applicants: Caleb Peeler

Item 2. Approval of the September 16, 2021, Minutes

Vice-Chair Washburn asked if there were any questions or comments about the September 16, 2021, minutes. The minutes were approved as submitted.

Item 3. Zoning Map Amendment – 203 W Warren Street

Mr. Scharer presented this proposed zoning map amendment. This .49-acre site is currently a vacant commercial building and a storage building. The property is currently zoned GB. The applicant is requesting the property be zoned CB. The applicant wishes to develop this property due to the proximity to the Rail Trail. Land uses in the area include commercial, recreational, and industrial uses.

The GB business district is established as a district in which to accommodate a wide range of retail; business, professional, and personal services; office; and limited wholesale and warehousing uses. Areas zoned as GB are generally located on the fringe of the central business district and along major highway corridors.

The CB central business district is primarily intended to accommodate a wide variety of commercial activities, particularly those that are pedestrian-oriented, in an intensive development pattern in the city's central business district (CBD). The regulations of this district are intended to preserve the general character and integrity of the current development in the CBD; encourage land uses which provide for a multi-purpose CBD including retail, offices, professional and personal services, entertainment, institutional uses, and living space; encourage land uses which do not require large amounts of outdoor use areas; encourage common or shared off-street parking; and encourage the continued use of land for governmental activities.

Motion: Mr. Hamrick made the motion to recommend approval of the proposed Zoning Map Amendment from GB to CB.

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

Item 4. Major Subdivision – Pinnacle Estates

Mr. Scharer presented this proposed major subdivision. The 25.3-acre in total property is currently undeveloped. Land uses in the area include single-family dwellings, commercial, industrial, and institutional. This is part of the former Hallelujah Acres Development.

This is an RO-CU, which was originally part of the Hallelujah Acres Development. However, these parcels were altered in 2019 (File #1112). This alteration was to allow the construction of single-family dwellings.

This proposed major subdivision is for 93 lots for single-family dwelling units. The proposed lots meet the dimensional requirements and range from 6,000 square feet to 13,000 square feet in size. This project does require a sewer and water extension, stormwater treatment, and the construction of several streets. This project also includes a sidewalk along Joe's Lake Road and within the subdivision and a street connection to the existing subdivision.

Motion: Mr. Hamrick made the motion to approve of the proposed major subdivision

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

Item 5. **On Site Building Conversions – Text Amendment**

Mr. Scharer presented this proposed text amendment. A property owner and business owner in Shelby has come to staff with the proposal of a new business. The business, called On Site Building Conversions, takes existing shipping containers, storage buildings, etc. and turns them into homes, workshops, and even different kinds of storage buildings. The applicant proposes allowing this in GB and GB2 with development standards and in LI.

The discussion amongst board members and staff was focused on the current proposed development standards and the need for more regulations concerning the storage of the containers and buildings being worked on. Details included the stacking of the containers, setbacks, and the buffering requirements.

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

Second: Mr. Bankhead **Action:** This motion passed unanimously.

Item 6. **Announcements.**

Mr. Scharer gave updates concerning future Planning and Zoning Board meetings and The City of Shelby Rail Trail. Mr. Nuhrah gave information concerning the YouTube channel and the streaming of the meetings.

Item 7. **Motion to adjourn.**

Vice-Chair Washburn adjourned the meeting at 12:36 pm.



Respectfully Submitted
Walter Scharer, Planning Director



Certified Recommendation

City of Shelby Planning & Zoning Board

Case File: 1144

Amendment: A Zoning Map Amendment for property located at 203 W Warren Street with PIN #: 17841 from General Business (GB) zoning district to Central Business (CB) zoning district.

Recommendation: **The Planning and Zoning Board recommends approval of the proposed zoning map amendment for property located at for property located at 203 W Warren Street with PIN #: 17841 from General Business (GB) zoning district to Central Business (CB) zoning district.**

Findings &

Reasons: 1. The proposed zoning map amendment is consistent with the Comprehensive Land Use Plan.

Motion: Mr. Hamrick made the motion to recommend approval of this proposed zoning map amendment from General Business (GB) zoning district to Central Business (CB) zoning district.

Second: Mr. Martin

Action: This motion passed unanimously.

Signatures: Walter Scharer
Planning and Development Director

Rick Washburn
Planning and Zoning Board Chair

Date: 10/21/2021

Date: 10/21/2021

**NOTICE OF PUBLIC HEARING
APPLICATION #: 1144-2021
ZONING MAP AMENDMENT**

The City Council of Shelby, North Carolina will conduct a public hearing during its regular meeting at 6:00 p.m., Monday, October 18, 2021 at 318 South Washington Street. City Council will consider a proposed zoning map amendment from General Business (GB) Zoning District to Central Business (CB) Zoning District for property located at 203 W Warren Street with the Cleveland County Parcel Number 17841.

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

The City Council may change the existing zoning classification of the entire area covered by the petition or any part thereof, without the withdrawal or modification of the petition or further publication of notice.

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

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

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

The Shelby Star:

Please publish this notice as a legal line ad on Sunday, November 7, 2021 and again on Sunday, November 14, 2021.

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

ORDINANCE NO. 43-2021

**A PROPOSED ORDINANCE AMENDING THE ZONING MAP OF
THE CITY OF SHELBY, NORTH CAROLINA**

WHEREAS, the City of Shelby has received an application requesting the rezoning of property located within the City or its Area of Extraterritorial Jurisdiction; and,

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

WHEREAS, the Shelby Planning and Zoning Board found that the zoning change is consistent with the Comprehensive Land Use Plan; and,

WHEREAS, in accordance with GS 160D-602, a public hearing on this proposed rezoning was held by City Council on November 15, 2021 after due publication of said hearing as required by law; and,

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

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

Section 1. This zoning change is consistent with the City of Shelby Comprehensive Land Use Plan.

Section 2. This zoning change is reasonable and in the public interest based on being consistent with the built environment.

Section 3. In accordance with Chapter 160D, Article 6 and Article 7 of the North Carolina General Statutes, as amended, the Shelby Unified Development Ordinance and Shelby Zoning Map (Appendix A of the Shelby City Code), 203 W Warren Street is hereby amended from GB Zoning District to CB Zoning District. Said area of zoning is more fully described as the parcel listed by the Cleveland County Tax Office as Parcel Identification Number 17841.

Section 4. The City Clerk of the City of Shelby is hereby authorized and directed to cause the provisions of Section 2 of this ordinance to be properly codified, and the City Clerk is further authorized and directed to cause her official records and the Official Zoning Map of the City of Shelby to be properly amended to reflect the approved zoning changes.

Section 5. This ordinance shall become effective upon its adoption and approval.

ADOPTED AND APPROVED this the 15th day of November 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
November 15, 2021
Don Gibson Theatre

Agenda Item C-3:

- 1) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina (325-5 West Dixon Boulevard): Ordinance No. 44-2021

Presenting: (Walter Scharer, Planning Director)

Summary of Available Information:

- Memorandum dated November 9, 2021 from Walter Scharer, Planning Director to Rick Howell, City Manager
- General Application
- Staff Report
- Location Map, Zoning Map and Future Land Use Map
- Planning and Zoning Board Minutes and Certified Recommendation
- Notice of Public Hearing
- Ordinance No. 44-2021

City Manager's Recommendation / Comments

This time on your agenda is scheduled for Council to conduct a legislative hearing on a proposed map amendment. This amendment addresses a proposed zoning district change to allow for commercial development toward rear of the property. Mr. Scharer has provided the necessary background information for your consideration. This is a legislative hearing. The purpose of a legislative hearing is to secure public comment on the proposed action. Following the conclusion of the hearing the Council may act on the item under consideration. A certified recommendations from the Planning and Zoning Board is included as part of the packet. I would call attention to Mr. Scharer's memorandum noting that the zoning map amendment is consistent with the City's current land use plan and is recommended by staff and the Planning Board. I would further note that the recommendation of the Planning and Zoning Board is advisory in nature only and that as a legislative matter Council has broad discretion to take action it believes is in the best interests of the City. That being said City Council has adopted plans/standards and established an advisory board for the purposes of providing reasonable guidance in the decision-making process.

§ 160D-605. Governing board statement.

(a) Plan Consistency. – When adopting or rejecting any zoning text or map amendment, the governing board shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive plan. The requirement for a plan consistency statement may also be met by a clear indication in the minutes of the governing board that at the time of action on the amendment the governing board was aware of and considered the planning board's recommendations and any relevant portions of an adopted comprehensive plan. If a zoning map amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending any future land-use map in the approved plan, and no additional request or application for a plan amendment shall be required. A plan amendment and a zoning amendment may be considered concurrently. The plan consistency statement is not subject to judicial review. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the governing board statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the action taken.

(b) Additional Reasonableness Statement for Rezonings. – When adopting or rejecting any petition for a zoning map amendment, a statement analyzing the reasonableness of the proposed rezoning shall be approved by the governing board. This statement of reasonableness may consider, among other factors, (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the governing board statement on reasonableness may address the overall rezoning.

(c) Single Statement Permissible. – The statement of reasonableness and the plan consistency statement required by this section may be approved as a single statement. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)

After the conclusion of the public hearing City Council may act upon Ordinance No. 44-2021.



Memorandum

To: Rick Howell - City Manager
From: Walter Scharer – Planning Director
Date: November 9, 2021
Subject: Requested zoning map amendment 325-5 West Dixon Boulevard

Executive Summary of Issue – Background

This applicant is proposing a zoning change on this property to allow for commercial development toward rear of the property.

Review and Comments

The property is currently zoned GB and R6. The applicant has proposed a zoning map amendment to have the remainder of the site zoned GB2. The Comprehensive Land Use Plan for this area designates the site as a Corridor Revitalization area.

Recommendation

This proposed zoning map amendment is consistent with the Comprehensive Land Use Plan. The Planning and Zoning Board recommends this proposed zoning amendment due to the property's location and propensity for future redevelopment in the area.

Please schedule a legislative public hearing for this proposed zoning amendment at the next City Council meeting on November 15, 2021.

Attachments: Application, Staff Report, Zoning Map, Location Map, Future Land Use Map, Notice of Public Hearing, Planning and Zoning Board September 16, 2021 minutes, Certified P&Z Recommendation, and Ordinance



City of Shelby
Planning and Development Services Department

General Application

Address of Subject Property:

Parcels 19618 + 42681
ADJACENT to 325 W. Dixon Blvd Shelby NC

Applicant(s) Name:

Earley Holdings LLC

Address:

24730 Half Bone Point Rd

Hollywood MO 64116

Email:

Buying@401.com

Phone:

240-375-7631

Owner(s) Name:

Earley Holdings LLC

Email:

Buying@401.com

Phone:

240-375-7631

Relationship to Property: Owner

Developer, Contractor, etc.

Other:

Request for (Check all that apply):

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

Project Information (Fill in applicable information):

Parcel Number: 19618 + 42681

Proposed Zoning: General Business

Proposed Land Use: to be text amended

Previous Use: Shop / mechanical work shop

Approx. Building Sq. Ft.: 5,000

Approx. Project Acreage: 1.5 ish

Business Name: EcoTainer Concept, NC

Construction Sq. Ft.: -

Valuation: -

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

After change in zoning to General Business we need
a text amendment to allow for EcoTainer to do their
Business on site

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

Signature of Applicant

Date

8/25/21

Received by:

Date

Staff Report



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

Date: September 8, 2021
Meeting: September 16, 2021
File: #

OWNER: Earley Holdings LLC

APPLICANT: Earley Holdings LLC

LOCATION: 325-5 W Dixon

PARCEL ID #s: 19618 & 42681

PRESENT ZONING: R6

REQUESTED ZONING: GB2

SURROUNDING ZONING: **North:** GB **South:** R6 **East:** R6 **West:** R8

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

ANALYSIS: This 2.3-acres in total site is currently the site of garage. The property is currently zoned R6. The applicant is requesting all properties be rezoned to GB2 so the applicant can expand his business uses. Land uses in the area include single-family dwellings and commercial uses.

The R6 Residential District is primarily intended to accommodate a variety of high density single-family detached dwellings, modular homes, apartments, townhomes, and condominiums. Maximum densities within the R6 District range from approximately 7 dwelling units per gross acre for single-family detached dwellings to over 19 dwellings per gross acre for multifamily dwellings. Public water and sewer service is generally available in areas zoned as R6.

The GB2 Business District is established as a district in which to accommodate a wide range of retail; business, professional, and personal services; office; and limited wholesale and warehousing uses. Areas zoned as GB2 are generally located on the fringe of the central business district and along major highway corridors. Residential uses are permitted at the same density and according to the same dimensional requirements as the R6 Residential District. The GB2 General Business District is established as a district in which the permitted uses are identical to the GB District *except* that billboard (outdoor advertising signs) are not permitted in the GB2 District.

STAFF COMMENTS: The Comprehensive Land Use Plan designates these sites are Corridor Revitalization District. Corridor revitalization areas are portions of heavily traveled corridors that either, have a large presence of automobile-oriented retail uses or declining uses that leave these areas as blighted or under-utilized. Land uses in such areas could include a mix of retail, office, and residential with higher intensity uses close to the intersection of major roads. The development form in these areas could respond to the surrounding conditions. A corridor going through an urban setting could be redeveloped as an urban arterial road with buildings fronting the street, sidewalks, and possibly on-street parking.

This zoning map amendment is consistent with the comprehensive land use plan.



Location Map

325-5 W Dixon

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



Scale 1:6,000 1 inch = 500 feet

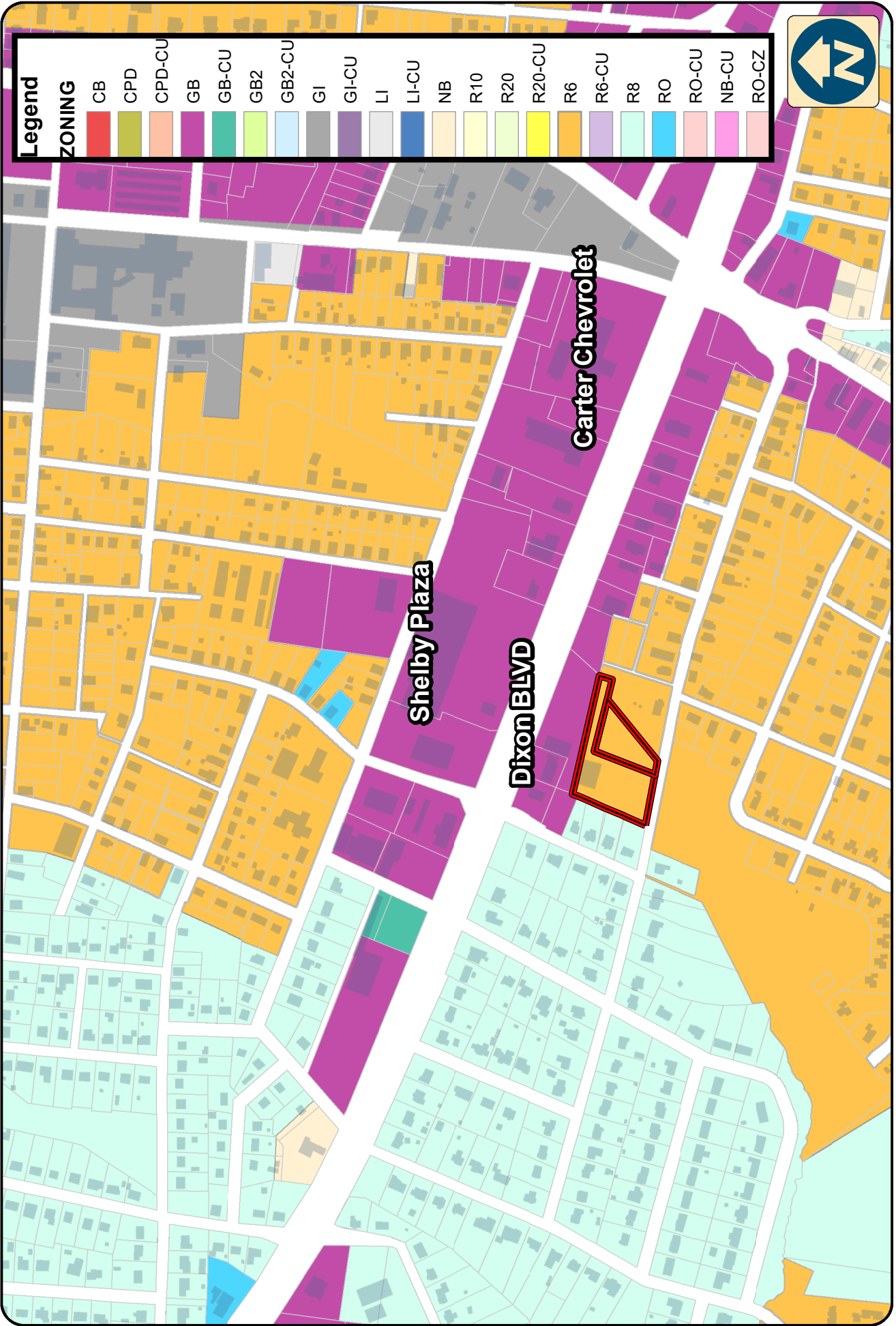


Date: 9/8/2021



Zoning Map 325-5 W Dixon

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



Legend	
ZONING	
CB	[Red]
CPD	[Olive Green]
CPD-CU	[Light Orange]
GB	[Purple]
GB-CU	[Teal]
GB2	[Light Green]
GB2-CU	[Light Blue]
GI	[Grey]
GI-CU	[Dark Purple]
LI	[Light Grey]
LI-CU	[Blue]
NB	[Light Orange]
R10	[Yellow]
R20	[Light Green]
R20-CU	[Yellow]
R6	[Orange]
R6-CU	[Light Purple]
R8	[Light Green]
RO	[Light Blue]
RO-CU	[Light Orange]
NB-CU	[Pink]
RO-CZ	[Light Orange]



1,000 Feet

0 250 500

Scale 1:6,000 1 inch = 500 feet

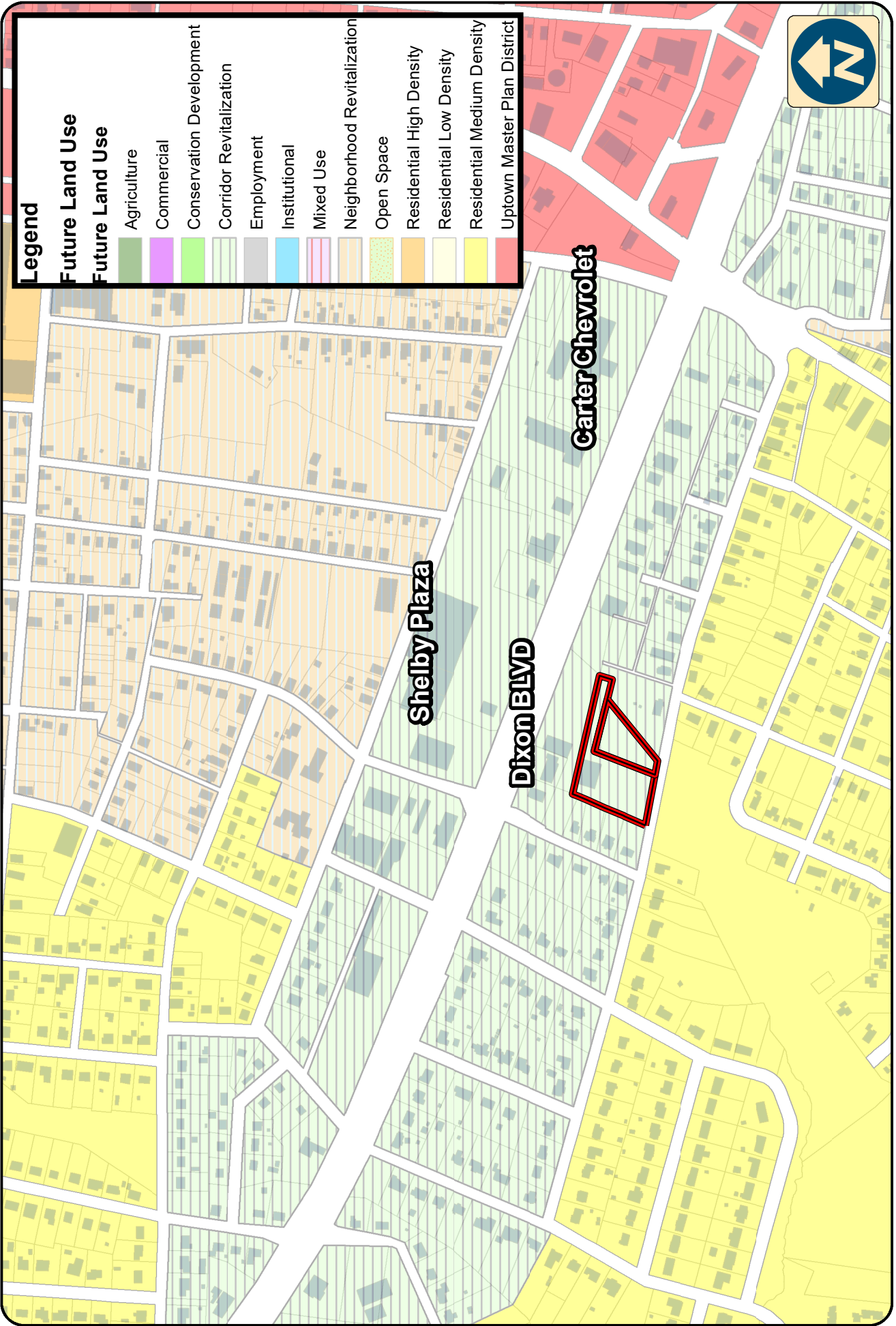
Date: 9/8/2021



Future Land Use Map

325-5 W Dixon

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



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



1,000 Feet

0 250 500

Scale 1:6,000 1 inch = 500 feet

Date: 9/8/2021



CITY OF SHELBY PLANNING AND ZONING BOARD MINUTES
September 16, 2021
Zoom Virtual Meeting

Item 1. Call to Order/Roll Call

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

Board Present: Rick Washburn, Charles Hamrick, Jeff Aderholdt, Emmanuel Hunt Jr., Bob Cabaniss, Mike Royster, and Jim Martin

Staff Present: Walter Scharer, Planning Director, Alan Toney, Planner, Andrea Fite, City Attorney, and Chip Nuhrah, Public Information Officer

Applicants: Benny Smith

Item 2. Moment of Silence – Marlene Peeler

Vice-Chair Washburn held a moment of silence for the late Marlene Peeler. Marlene Peeler passed away Thursday, September 2nd after a courageous battle with cancer. Marlene Peeler honorably served The City of Shelby and The Planning and Zoning Board for over 35 years.

Item 3. Approval of the August 19, 2021, Minutes

Vice-Chair Washburn asked if there were any questions or comments about the August 19, 2021, minutes. The minutes were approved as submitted.

Item 4. Zoning Map Amendment – Mid Street

Mr. Scharer presented this proposed zoning map amendment. This 2-acres in total site is currently home to 6 single-family dwellings. The property is currently zoned R20. The applicant is requesting all properties be rezoned to R10. Land uses in the area include single-family dwellings and commercial uses.

The R20 Residential District is primarily intended to accommodate very low density single-family detached dwellings, modular homes, two-family dwellings, and manufactured homes on individual lots in areas that generally do not have access to public water supplies and are dependent upon septic tanks for sewage disposal. Maximum densities within the R20 District are approximately 2 dwelling units per gross acre for single-family and two-family dwellings. Manufactured home parks are permitted within the R20 District by conditional use permit. Nonresidential uses permitted within this district include customary accessory, recreational, educational, and institutional land uses that are compatible with the low-density residential character of the R20 District.

The R10 Residential District is primarily intended to accommodate low density moderate density single-family detached dwellings and modular homes at a maximum density of approximately 4 dwelling units per gross acre. Public water and sewer service is generally available in areas zoned as R10. Nonresidential uses permitted within this district include customary accessory, recreational, educational, and institutional land uses that are compatible with the low-density residential character of the R10 District.

A lengthy discussion among board members and staff occurred. This discussion was focused on sewer availability in the area and the lot size requirements for lots with septic tanks.

Motion: Mr. Royster made the motion to recommend disapproval of the proposed Zoning Map Amendment due to sewer not being readily available in this area.

Second: Mr. Martin

Action: This motion passed unanimously.

Item 5. Zoning Map Amendment – 2431 Kings Road Extension

Mr. Toney presented this proposed zoning map amendment. This .39-acre site is currently home to a single-family dwelling. The applicant is requesting the property be zoned RO. Land uses in the area include single-family dwellings and institutional uses.

The R10 Residential District is primarily intended to accommodate low density moderate density single-family detached dwellings and modular homes at a maximum density of approximately 4 dwelling units per gross acre. Public water and sewer service is generally available in areas zoned as R10. Nonresidential uses permitted within this district include customary accessory, recreational, educational, and institutional land uses that are compatible with the low-density residential character of the R10 District.

The RO Residential-Office District is primarily intended to accommodate high density multifamily residences; offices; public and institutional; business, professional, and personal services; and limited support retail businesses.

A discussion among board members and staff occurred. This discussion was focused on the Community College and the necessary site improvements for the project to be compliant with The City of Shelby UDO.

Motion: Mr. Cabaniss made the motion to recommend approval of the proposed zoning map amendment.

Second: Mr. Hamrick **Action:** This motion passed unanimously.

Item 6. Zoning Map Amendment – 325-5 West Dixon Boulevard

Mr. Toney presented this proposed zoning map amendment. This 2.3-acres in total site is currently the site of garage. The property is currently zoned R6. The applicant is requesting all properties be rezoned to GB2. Land uses in the area include single-family dwellings and commercial uses.

The R6 Residential District is primarily intended to accommodate a variety of high density single-family detached dwellings, modular homes, apartments, townhomes, and condominiums. Maximum densities within the R6 District range from approximately 7 dwelling units per gross acre for single-family detached dwellings to over 19 dwellings per gross acre for multifamily dwellings. Public water and sewer service is generally available in areas zoned as R6.

The GB2 Business District is established as a district in which to accommodate a wide range of retail; business, professional, and personal services; office; and limited wholesale and warehousing uses. Areas zoned as GB2 are generally located on the fringe of the central business district and along major highway corridors. Residential uses are permitted at the same density and according to the same dimensional requirements as the R6 Residential District. The GB2 General Business District is established as a district in which the permitted uses are identical to the GB District *except* that billboard (outdoor advertising signs) are not permitted in the GB2 District.

A discussion among board members and staff occurred. This discussion was focused on the proximity to the adjacent residential properties as well as the drive locations.

Motion: Mr. Cabaniss made the motion to recommend approval of the proposed zoning map amendment.

Second: Mr. Aderholdt **Action:** This motion passed unanimously.

Item 7. On Site Building Conversions – Text Amendment

Mr. Scharer and Mr. Toney presented this proposed text amendment. A property owner and business owner in Shelby has come to staff with the proposal of a new business. The business, called On Site Building Conversions, takes existing shipping containers, storage buildings, etc. and turns them into homes, workshops, and even different kinds of storage buildings. The applicant proposes allowing this in GB and GB2 with development standards and in GI and LI.

The discussion amongst board members and staff was focused on the current proposed development standards and the need for more regulations concerning the storage of the containers and buildings being worked on.

Motion: Mr. Hamrick made the motion to table this text amendment until the October Meeting.

Second: Mr. Royster **Action:** This motion passed unanimously.

Item 6. **Announcements.**

Mr. Scharer and Mr. Toney gave updates concerning future Planning and Zoning Board meetings, The City of Shelby Rail Trail, and completion of commercial projects in The City.

Item 7. **Motion to adjourn.**

Vice-Chair Washburn adjourned the meeting at 12:49 pm.



Respectfully Submitted
Walter Scharer, Planning Director

DRAFT



Certified Recommendation

City of Shelby Planning & Zoning Board

Case File: 1142

Amendment: A Zoning Map Amendment for property located at 325-5 W Dixon BLVD with PIN #: 42681 & 19618 from Residential 6 (R6) zoning district to General Business 2 (GB2) zoning district.

Recommendation: **The Planning and Zoning Board recommends approval of the proposed zoning map amendment for property located at for property located at 325-5 W Dixon BLVD with PIN #: 42681 & 19618 from Residential 6 (R6) zoning district to General Business 2 (GB2) zoning district.**

Findings &

Reasons: 1. The proposed zoning map amendment is consistent with the Comprehensive Land Use Plan.

Motion: Mr. Cabaniss made the motion to recommend approval of this proposed zoning map amendment from Residential 6 (R6) zoning district to General Business 2 (GB2) zoning district.

Second: Mr. Aderholdt

Action: This motion passed unanimously.

Signatures: Walter Scharer
Planning and Development Director

Rick Washburn
Planning and Zoning Board Chair

Date: 9/16/2021

Date: 9/16/2021

**NOTICE OF PUBLIC HEARING
APPLICATION #: 1142-2021
ZONING MAP AMENDMENT**

The City Council of Shelby, North Carolina will conduct a public hearing during its regular meeting at 6:00 p.m., Monday, November 15, 2021 at 318 South Washington Street. City Council will consider a proposed zoning map amendment from Residential 6 (R6) Zoning District to general Business 2 (GB2) Zoning District for property located at 325-5 W Dixon BLVD with the Cleveland County Parcel Numbers 19618 & 42681.

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

The City Council may change the existing zoning classification of the entire area covered by the petition or any part thereof, without the withdrawal or modification of the petition or further publication of notice.

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

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

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

The Shelby Star:

Please publish this notice as a legal line ad on Sunday, November 7, 2021 and again on Sunday, November 14, 2021.

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

ORDINANCE NO. 44-2021

**A PROPOSED ORDINANCE AMENDING THE ZONING MAP OF
THE CITY OF SHELBY, NORTH CAROLINA**

WHEREAS, the City of Shelby has received an application requesting the rezoning of property located within the City or its Area of Extraterritorial Jurisdiction; and,

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

WHEREAS, the Shelby Planning and Zoning Board found that the zoning change is consistent with the Comprehensive Land Use Plan; and,

WHEREAS, in accordance with GS 160D-602, a public hearing on this proposed rezoning was held by City Council on November 15, 2021 after due publication of said hearing as required by law; and,

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

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

Section 1. This zoning change is consistent with the City of Shelby Comprehensive Land Use Plan.

Section 2. This zoning change is reasonable and in the public interest based on being consistent with the built environment.

Section 3. In accordance with Chapter 160D, Article 6 and Article 7 of the North Carolina General Statutes, as amended, the Shelby Unified Development Ordinance and Shelby Zoning Map (Appendix A of the Shelby City Code), 325-5 W Dixon Boulevard is hereby amended from R6 Zoning District to GB2 Zoning District. Said area of zoning is more fully described as the parcel listed by the Cleveland County Tax Office as Parcel Identification Numbers 42681 & 19618.

Section 4. The City Clerk of the City of Shelby is hereby authorized and directed to cause the provisions of Section 2 of this ordinance to be properly codified, and the City Clerk is further authorized and directed to cause her official records and the Official Zoning Map of the City of Shelby to be properly amended to reflect the approved zoning changes.

Section 5. This ordinance shall become effective upon its adoption and approval.

ADOPTED AND APPROVED this the 15th day of November 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
November 15, 2021
Don Gibson Theatre

E. Consent Agenda:

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

Agenda Item: E-1

- 1) Approval of the Minutes of the Regular Meeting of November 1, 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 November 1, 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

November 1, 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, and Andrew Hopper, Sr.; City Manager Rick Howell, MPA, ICMA-CM, 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 Water Resources David W. Hux, Director of Engineering Services Benjamin (Ben) Yarboro, Police Chief Jeffrey H. (Jeff) Ledford, Fire Chief William P. Hunt, MPA, EFO, and Director of Planning and Development Services Walter (Walt) Scharer, AICP; Stan Lowery, Executive Director, Don Gibson Theatre, and Jennipher H. Harrill, Social Media Manager, Blue Eyes Social Media Connections

Absent: Council Member Charles Webber

Mayor Anthony called the meeting to order at 6:00 p.m. and delivered the invocation.

Mr. Hendrick led the Pledge of Allegiance.

A. Approval of agenda:

1) Motion to adopt the proposed agenda

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

B. Consent Agenda:

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

1) Approval of the Minutes of the Regular Meeting of October 18, 2021

2) Approval of Special Event Permit Applications:

a. Pinnacle Classical Academy's Homecoming Parade, requested date: December 3, 2021

b. Uptown Shelby Carriage Rides, requested dates: November 26, December 3, December 10, and December 17, 2021

- c. **Shelby Christmas Parade, requested date: December 19, 2021**
- 3) **Approval of a resolution honoring Eric Byron Hendrick for his service to the City of Shelby: Resolution No. 63-2021**
- 4) **Approval of a resolution authorizing a lien release pursuant to North Carolina General Statute Chapter 44A-21.13: Resolution No. 64-2021**
- 5) **Management Reports:**
 - a. **Monthly Financial Summary – September 2021**
 - a. **Planning and Development Monthly Summary – September 2021**

C. Unfinished Business: None

D. New Business:

- 1) **Consideration of a resolution authorizing the execution of an Interlocal Agreement for sewer connection with Cleveland County Water: Resolution No. 65-2021**

Mr. Howell introduced Resolution No. 65-2021 for Council’s consideration. As background information, he stated Cleveland County Water (CCW) has purchased a tract of land at 715 Polkville Road between Grover Street and the new Highway 74 Bypass with plans in place to build a new operations center for relocation from its existing location in Lawndale. The Polkville Road location is currently located within the Extraterritorial Jurisdiction (ETJ) of the City; however, gravity sewer is not available without a major extension to the Brushy Creek Outfall from the Walmart Lift Station. Cleveland County Water has requested to connect to the force main located along Highway 226 (Polkville Road). It should be noted that the Interlocal Agreement would allow connection to the existing 8-inch sewer force main beyond the last air release valve. Previously, that sewer project was designed to serve the Town of Kingstown’s collection system. By policy, the City does not allow any connection to the force main in order to prevent decreases in operational reliability, which can threaten the integrity of the system as a whole.

Mr. Howell further stated staff has reviewed this request and has considered it in efforts to serve another governmental entity and because Cleveland County Water is located within the Extraterritorial Jurisdiction. Based upon the projected flow amounts and the ability to permit such connection through the State of North Carolina Division of Water Quality, the City has reviewed and agrees to allow this connection with the stipulation that Cleveland County Water agrees to an Interlocal

Agreement with the City. With this agreement, Cleveland County Water would bear all responsibility of design, construction, and operations/maintenance of this private connection in accordance with City and State guidelines.

ACTION TAKEN: Upon a motion made by Mr. Hendrick, City Council voted unanimously to approve and adopt Resolution No. 65-2021 entitled, “A RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT FOR SEWER CONNECTION WITH CLEVELAND COUNTY WATER”.

2) Consideration of a resolution adopting the City of Shelby Standard Details: Resolution No. 66-2021

Mr. Howell introduced Resolution No. 66-2021 for Council’s consideration. If approved, the resolution would adopt the referenced document “City of Shelby Standard Details” for use by management and staff in implementing City policy and ordinances. He stated the “Details” set forth the guidelines and requirements for the design and construction of projects, especially facilities that are publicly owned or are proposed to be publicly dedicated within the City’s jurisdiction.

Next, Mr. Yarboro stated the City of Shelby maintains a set of Standard Details that set forth the general guidelines and requirements for design and construction of projects within the City limits and the Extraterritorial Jurisdiction (ETJ). The purpose of these standards is to establish a level of quality and consistency in construction. These Standard Details, combined with inspections of construction projects, increase the longevity and function of development in Shelby.

Mr. Yarboro further stated the Standard Details must be periodically updated to reflect changes in construction practices, materials, and applicable regulations. The City’s existing Standard Details were adopted by City Council in November 2009 and replaced previous Standard Details that were adopted in April 2000. In 2017, City staff began reviewing the existing Standard Details and identifying changes that were necessary. Engineering staff worked closely with the other City departments over the last several months to develop these proposed Standard Details and ensure that they met their needs and provided as much guidance as possible for our citizens, developers, contractors, engineers, and architects.

Mr. Yarboro added the proposed Standard Details include details that address the following areas of construction:

- Engineering
- Stormwater

- Water
- Sewer
- Natural Gas
- Electric

Mr. Yarboro concluded with it is important to note that these updated Standard Details will better assist developers in the preparation of design plans, allowing for a more efficient design and review process.

ACTION TAKEN: Upon a motion made by Miss Arth, City Council voted unanimously to approve and adopt Resolution No. 66-2021 entitled, “A RESOLUTION ADOPTING THE CITY OF SHELBY STANDARD DETAILS”.

E. City Manager’s Report:

- 1) Mr. Howell mentioned he is anticipating several retirements from key positions in 2022. Although the City will lose talent, knowledge, and experience, he views these changes as an opportunity to evaluate the organization, to undergo a succession planning process, and to reorganize departments. Mr. Howell will provide more details about these changes in early 2022.
- 2) Mr. Howell reminded Council the City of Shelby and Mountain BizWorks established the Shelby1Fund to provide rapid financial assistance to small businesses in Shelby that had been impacted by the COVID-19 crisis. He plans to evaluate and provide recommendations regarding the future of the emergency loan program.
- 3) Regarding the 2017 Comprehensive Classification and Pay Plan for City employees, Mr. Howell reported Phase 1 in 2018, Phase 2 in 2019, and Phase 3 in 2021 of the pay plan have been implemented. Currently, approximately one-third of the City positions are under review and will be evaluated for market rate increases due to be implemented on July 1, 2022. Further information about Year 2 positions and Year 3 positions and the recommendations regarding this phase of the pay plan will be shared in the near future.
- 4) Mr. Howell announced he has been nominated for a seat on the ElectriCities of North Carolina Board of Directors and the election, among the 19 cities of the North Carolina Municipal Power Agency 1 (NCMPA1), will be held on November 16, 2021.
- 5) Mr. Howell informed Council the City submitted a successful application to the North Carolina Civil Rights Trail Marker Program and received its Civil Rights Marker for installation. The marker recognizes the sit-in protests by Cleveland High School students that took place along East Warren Street

in February 1960. The site located at 104 East Warren Street was known as Smith's Drug Store and is currently known as the Buffalo Creek Gallery. The installation of the marker and a ceremony will be scheduled in the near future.

- 6) Regarding the matter between the Town of Kingstown and the City of Shelby for past due sewer operations, Mr. Howell reported the City of Shelby continues negotiations through the Local Government Commission of the North Carolina Department of the State Treasurer to resolve this issue and to settle this past due amount.

F. Council Announcements and Remarks:

- 1) Mayor Anthony urged voters to vote on Election Day, November 2, 2021, and to favorably consider the City of Shelby Street and Sidewalk Improvement Bonds Referendum on the ballot.
- 2) Council members collectively reminded voters to vote on Election Day and to consider the importance of the City of Shelby Street and Sidewalk Improvement Bonds Referendum.

G. Closed Session:

- 1) To approve the Minutes and General Account of the Closed Session of March 2, 2020
- 2) To approve the Minutes and General Account of the Closed Session of April 19, 2021
- 3) To approve the Minutes and General Account of the Closed Session of June 21, 2021
- 4) To establish or instruct staff concerning the position to be taken by or on behalf of City Council in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease pursuant to North Carolina General Statute 143-318.11(a) (5)

ACTION TAKEN: Mr. White made a motion to enter a closed session pursuant to the appropriate North Carolina General Statute as cited. Mayor Anthony consulted with Mrs. Fite who advised the topic met the statutory requirements for a closed session. The Mayor invited all Council members present along with Mr. Howell, Mrs. Fite, and Mrs. Parduski to attend. The motion passed unanimously, and Council moved into closed session at 6:33 p.m.

Council returned to the regular session at 7:15 p.m.

H. Adjournment:

1) Motion to adjourn

ACTION TAKEN: Upon a motion made by Mr. Hendrick, City Council voted unanimously to adjourn the meeting at 7:21 p.m.

Respectfully submitted,

Bernadette A. Parduski, NCCMC, MMC
City Clerk

O. Stanhope Anthony III
Mayor

Minutes of November 1, 2021

DRAFT

City of Shelby
Agenda Item Summary
November 15, 2021
Don Gibson Theatre

Agenda Item: E-2

2) Approval of Special Event Permit Application:

- a. The Light Ball Dash, requested date: December 19, 2021

Consent Agenda Item: (Bernadette Parduski, City Clerk)

Summary of Available Information:

- Memorandum dated November 8, 2021 from Bernadette A. Parduski, City Clerk, to Rick Howell, City Manager
- Memorandum dated October 26, 2021 from Bernadette A. Parduski, City Clerk to Police Chief Jeff Ledford, Fire Chief William Hunt, Fire Marshal Phil Lane, Parks and Recreation Director Charlie Holtzclaw, Public Works Director Danny Darst, Assistant Director Public Works Scott Black, Planning and Development Services Director Walt Scharer, Director of Water Resources David W. Hux, Director of Engineering Services Ben Yarboro, Director or Energy Services Julie McMurry
- Event application

City Manager's Recommendation / Comments

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

Memo

To: Rick Howell, City Manager

From: Bernadette A. Parduski, City Clerk

Date: November 8, 2021

Re: Special Event Permit Application

BACKGROUND:

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

- ✓ The Light Ball Dash, requested date: December 19, 2021

REVIEW:

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

RECOMMENDATION:

Please place the attached Special Event Permit Application on the Consent Agenda of November 15, 2021 for Council's review and approval.

ATTACHMENT:

- A. Special Event Permit Application packet received October 25, 2021

Memo

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

From: Bernadette A. Parduski, City Clerk

CC: Rick Howell, City Manager

Date: October 26, 2021

Re: Special Event Permit Application

All:

Attached you will find a Special Event Permit Application submitted by Mitch, Suzanne and Hattie Hensley as follows:

- ✓ The Light Ball Dash, requested dated: December 19, 2021

Please carefully review the details of these applications as it pertains to your department, and let me know of any anticipated problems/objections that you would like to bring to the attention of the City Council. If there are none, please let me know that as well. The events will be considered by City Council at the November 15, 2021 meeting and recommended for approval unless you advise otherwise. If I do not hear from you by November 5, 2021, it will be assumed that you agree with the applications as presented.

As always, thanks for your attention and consideration.

Attachment

criminal in nature, shall be subject to the maximum penalty authorized by G.S. 14-4, as amended.



CITY OF SHELBY SPECIAL EVENT PERMIT APPLICATION

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

1. EVENT NAME:

The Light Ball Dash

2. PURPOSE AND BRIEF DESCRIPTION OF EVENT:

A one-mile race to enjoy the Christmas Lights and benefit Feeding Kids Cleveland County

3. LOCATION OF EVENT (ATTACH MAP):

Peach Street Neighborhood
the race begins at Marion Elementary School and ends on Peach St.

4. PLEASE INDICATE:

Approximately how many people will attend the event? 200-300

Approximately how many vehicles will be present? 0

Approximately how many animals will be present? 0

If the event is a parade, please indicate the amount of street that will be needed:

Single lane _____

All lanes in travel direction _____

Whole street ✓

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

Name: Mitch, Suzanne, and Hattie Hensley

Address: 604 Peach St, Shelby, NC 28150

Phones: Mitch - 704-477-3004 Suzanne 336-327-6503
(Daytime) (Evening) Hattie - 704-974-6759

hensuzie@yahoo.com or hattie.e.hen@gmail.com
E-mail address

Name: _____

Address: _____

Phones: _____
(Daytime) (Evening)

E-mail address

6. PLEASE LIST THE FOLLOWING:

Requested day(s) and date(s) 12/19/21

Alternate day(s) and date(s) _____

Requested hours of operation, from 5:00 AM/PM to 8:00 AM/PM

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

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

9. AVAILABILITY OF FOOD, BEVERAGES, AND/OR

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

Will alcoholic beverages be served? no

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

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

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

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

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

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

Name: _____

Address: _____

Phones: _____

Indicate medical services that will be provided for the event.

AMBULANCE: _____

DOCTOR (S): _____

PARAMEDICS: _____

11. CITY SERVICES/EQUIPMENT REQUESTED FOR THIS EVENT:

Streets blocked to prevent car traffic,
needed at Peach St & Forest Hill, Brookdale Rd & Forest
Hill Rd, Hillside & Brookdale, Montrose cir &
Montrose Drive

Event Power Request Form and Pricing

To utilize the event panels for power in Uptown Shelby, this form must be submitted with event application and payment made at time of application.

Please use the map below for event panel locations, circle the event panels that you need for your event. If you have questions about the electrical requirements for your event, please contact the Electric Superintendent at 704-669-6649.

Name of Special Event: _____

Authorize Event/Vendor Coordinator: _____

Phone No.: _____ Mobile No.: _____

Email: _____

Event panel (EP) cost is \$15.00 per day per event panel.

Stage panel (STG PAN) cost is \$110.00 per day per stage panel.

Full Day Rentals only

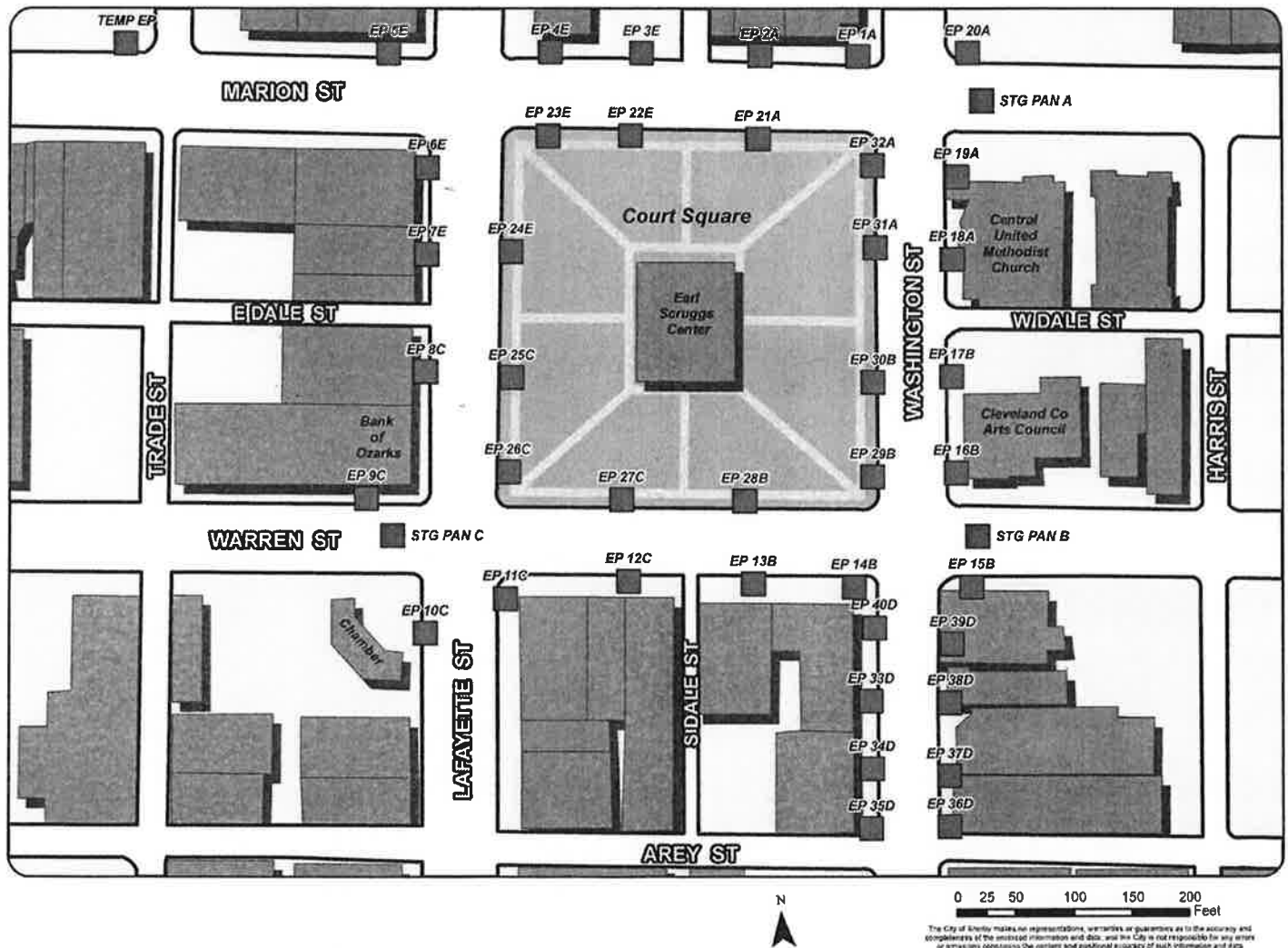
Total Number of Event Panels:
_____ x \$15.00 x Number of Days _____ = \$ _____

Total Number of Stage Panels:
_____ x \$110.00 x Number of Days _____ = \$ _____

All fees must be paid at the time of event application.

Any event panel not requested and paid for in advance and requested the day of the event will be subject to an after-hours charge.

City of Shelby Uptown Event Panels



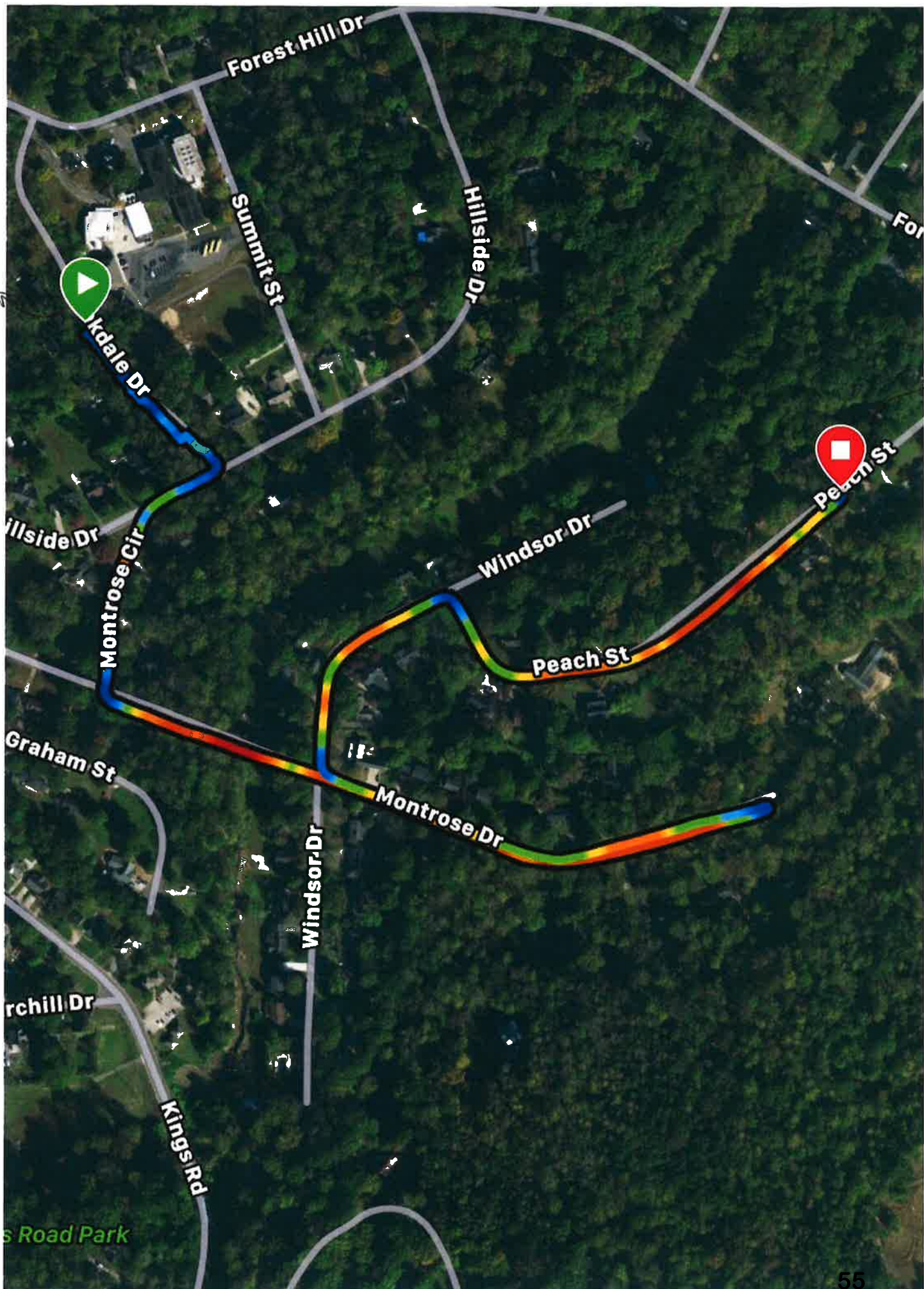
Legend

■ Event Panel

■ Stage Panel

Start

Stop



City of Shelby
Agenda Item Summary
November 15, 2021
Don Gibson Theatre

Agenda Item: E-3

- 3) Adoption of Fiscal Year (FY) 2021-2022 Budget Ordinance Amendment No. 2:
Ordinance No. 45-2021

**Consent Agenda Item: (Justin Merritt, Asst City Manager and Julie McMurry,
Director of Energy Services)**

Summary of Available Information:

- Memorandum dated October 25, 2021 from Julie McMurry, Director of Energy Services, to Rick Howell, City Manager
- Scope of service, project schedule, fee estimates, and terms of conditions from RK&K
- Ordinance No. 45-2021

City Manager's Recommendation / Comments

Ordinance No. 45-2021 is presented for City Council consideration via the Consent Agenda. It is considered routine and funding is available to be appropriated from the Natural Gas Fund Net Retained Earnings. Ms. McMurry has summarized the need to proceed with this expenditure. Approval of this ordinance would appropriate a total of \$89,350 for Phases 3 and 4 of the Corrosion Control Remediation Plan completed by RK&K. LLC and subsequently presented to Council in 2020.



Memorandum

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

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

RE: Natural Gas - Corrosion Control Remediation Budget
Amendment Request

Date: October 25, 2021

Executive Summary of issue -Background

In February 2021 Council approved selection of Rummel, Klepper, Kahl, LLC (RK&K) develop a Corrosion Control Remediation Plan for the City of Shelby's Natural Gas System. The project scope was developed and broken into four (4) phases.

- Phase 1 – Preliminary Assessment involved meetings with natural gas staff, review of cathodic protection records and development of list to field verify.
- Phase 2 – Field Investigation involved the verification in the field of the data found in records and data analysis and report of findings. It also includes cost estimates for repairs identified.

Phase 1 and Phase 2 have been completed. Staff has reviewed and concur with the findings.

Staff would like to request funding to proceed with Phase 3 and Phase 4 of this project.

Phase 3 will use the findings of Phase 1 and 2 to develop a report with the detailed remedial actions necessary to address corrosion control related deficiencies. Specific details of the report can be found in the attached proposal. The cost of Phase 3 is \$24,400.

Phase 4 will consist of implementation of the remedial actions, bid services including preparation of bid/construction documents, construction phase services, and supplementary testing. The details of Phase 4 can be found in the attached proposal. The cost of Phase 4 is \$64,910.00.

There will be costs associated with the construction of this plan and staff will come back to Council once estimates are established.

Tie in to current policy and/or adopted planning documents

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

Recommendation

City staff would like to request a budget amendment in the amount of \$89,310 for the completed of Phase 3 and Phase 4 of the corrosion control remediation plan by Rummel, Kelpper & Kahl, LLP (RK&K).

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

October 28, 2021

Ms. Julie McMurry
Director of Energy Services
City of Shelby Utilities
P.O. Box 207
Shelby, NC 28151-0207

**Reference: Shelby Natural Gas System Corrosion Control Remediation Plan
Proposal #: NG001-2021**

Dear Ms. McMurry:

Rummel, Klepper & Kahl, LLP (RK&K) is pleased to submit this proposed scope of services, project schedule, fee estimate and Standard Terms and Conditions for engineering services related to the Shelby Natural Gas System Corrosion Control Remediation Plan Project.

GENERAL

RK&K intends to perform the work in accordance with our Proposal, dated February 4, 2021. The scope of services for the project are expected to be completed in a phased approach in accordance with the original proposal and with revisions as discussed during our September 20, 2021 meeting and subsequent correspondence. This document presents the scopes and not to exceed fees for Phase 3 – Corrosion Control Remedial Action Plan and Phase 4 – Corrosion Control Remedial Action Plan Implementation.

SCOPE OF SERVICES

Introduction

This section provides a brief description of the services RK&K will provide for Phase 3 and Phase 4 of this project, including all the services listed in the RFQ. The Phase 3 approach addresses commencement of the work to develop the Corrosion Control Remedial Plan (CCRP) and the Phase 4 approach addresses the tasks associated with the successful implementation of the CCRP.

Phase 3: Corrosion Control Remedial Action Plan

The findings of the preliminary assessment (Phase 1), the field investigations (Phase 2), and input from the City will be used to develop the Corrosion Control Remedial Plan. The plan will detail remedial actions necessary to address corrosion control related deficiencies and ensure that the City has a safe and reliable natural gas distribution system. The remediation plan will be presented in report format detailing recommended remedial activities and will include:

- Defect Identification/Direct Examination Recommendations
 - Locate coating defects/pipeline anomalies
 - Prioritize direct assessments
- CP Optimization Recommendations
- CP System Design
 - System current requirements
 - Groundbed design
 - Rectifier specifications
 - Monitoring devices
- Non-Compliant Pipeline Cover
- Cost Estimates

Phase 4: Corrosion Control Remedial Action Plan Implementation

Phase 4 will consist of implementation of the of the remedial actions, bid services including preparation of bid/construction documents, construction phase services, and supplementary testing.

- New Ground Bed Bid/Construction Documents
 - Bid/IFC plans and details
 - Project specifications
 - Bills of Materials
 - Cost estimates
 - Contract Documents
- New Ground Bed Bid Services
- Direct Examination/Coating Repair and Pipe Lowering Bid/Construction Documents
 - Bid/IFC plans and details
 - Project specifications
 - Bills of Materials
 - Cost estimates
 - Contract Documents
- Direct Examination/Coating Repair and Pipe Lowering Bid Services
- Construction/Repair Phase Services
 - Review contractor submittals and shop drawings
 - Provide corrosion inspector to ensure proper installation of ground bed and associated equipment



- On-site testing/inspection services during coating repair digs and repair activities, including weekly inspection reports
- Perform acceptance testing of completed systems
- Generate final acceptance test reports and provide record/as-built drawings
- Review and provide recommendations for invoices submitted by the contractor(s)
- Review and provide recommendations for contractor initiated change orders
- Develop and negotiate City initiated change orders
- CP System Adjustment/Optimization and Commissioning
- Verification Surveys
 - Test point surveys
 - Close Interval Surveys (CIS) in areas of concern (if needed)

PROJECT SCHEDULING

We estimate that RK&K will complete the engineering services required for Phase 3 of the Shelby Natural Gas System Corrosion Control Remediation Plan within five (5) weeks from the date of authorization. The table below provides estimated schedule for *Phase 3*.

PROJECT SCHEDULE

MILESTONE	EST. COMMENCEMENT	EST. COMPLETION
Phase 3		
<i>CCRP (Draft)</i>	11/8/2021	11/19/2021
<i>Review of CCRP by the City</i>	11/22/2021	12/3/2021
<i>CCRP (Final)</i>	12/6/2021	12/10/2021
Phase 4	TBD	TBD

To ensure the completion of this project to the satisfaction of the City, RK&K plans to meet/communicate with City staff on a regular basis throughout the project. While some of the meetings or conversations are expected to be informal, RK&K will schedule meetings with the City for the following milestones:

1. CCRP Draft – RK&K will submit the CCRP Draft to the City for review. After the City has completed their review of the CCRP draft, a meeting will be scheduled. This meeting will also allow an opportunity for utilities staff to provide any recommendations and/or feedback/input prior to the finalization of the Corrosion Control Remediation Plan.
2. CCRP Implementation – The purpose of this meeting, if necessary, will be to coordinate work for the implementation of the CCRP, confirm RK&K’s proposed services, discuss development of engineering proposals for bidding and bid services, and schedule.



PROJECT FEE ESTIMATES

Phase 3

We propose to perform Phase 3 work for an estimated fee of ***Twenty-Four Thousand Four Hundred Dollars (\$24,400)***. This will be the Phase 3 upset limit and will not be exceeded without written authorization from the City of Shelby. Below is a fee breakdown by tasks.

Shelby Natural Gas System Corrosion Control Remediation Plan	
Task	Fee
Project Management	\$1,095
Locate Coating Defects/Pipeline Anomalies and Prioritize Direct Assessments	\$2,705
CP Design	\$7,330
Non-Compliant Pipeline Cover	\$385
Construction Estimates	\$2,230
CCRP Plan (Draft)	\$9,115
CCRP (Final)	\$1,540
TOTAL	\$24,400

Phase 4

We propose to perform Phase 4 work for an estimated fee of ***Sixty-Four Thousand Nine Hundred Ten Dollars (\$64,910)***. This will be Phase 4 upset limit and will not be exceeded without written authorization from the City of Shelby. Below is a fee breakdown by tasks.

Shelby Natural Gas System Corrosion Control Remediation Plan	
Task	Fee
Project Management	\$2,500
Ground Bed Bid/Construction Documents	\$7,130
Ground Bed Bid Services	\$5,975
Direct Examinations/Coating Repair and Pipe Lowering Bid/Construction Documents	\$7,130
Direct Examinations/Coating Repair and Pipe Lowering Bid Services	\$5,975
Construction/Repair Services	
Submittal Review	\$770
Acceptance Testing	\$2,285
Final Report and As-builts	\$3,085
Project Manager Support	\$5,950
Groundbed Install Inspection (\$1,180/day, estimated 5 days)	\$5,900
Direct Exam/Coating and Pipe Lowering Inspection (\$1,180/day, estimated 10 days)	\$11,800
CP System Commissioning and Optimization	\$3,425
Verification Surveys	
TS Surveys (\$995/day, estimated 3 days)	\$2,985
CIS (\$2,735/day, if needed)	TBD (if needed)
TOTAL	\$64,910



TERMS & CONDITIONS

RK&K's Standard Terms and Conditions (Attachment 1) are incorporated by reference into and are part of this Proposal. If the City directs RK&K to proceed without signing this Proposal, both the Proposal and the Terms and Conditions are deemed accepted as soon as RK&K commences work at the direction of the City.

Agreed to:

Company Name	City of Shelby	RK&K
Signer's Name (Typed or Printed)		William Snyder
Authorized Signature		
Title		Director, Energy & Corrosion
Date		

Please indicate acceptance of the project scope, schedule, fee and Standard Terms and Conditions by signing and returning this proposal to RK&K.

CONCLUSION

We look forward to working with the City of Shelby on this project and assisting in your efforts to ensure the continued reliability of the City's natural gas system. If you have any questions or comments regarding this proposal and fee, please contact Bill Snyder or Kenroy Tavernier by email at wsnyder@rkk.com / ktavernier@rkk.com or by phone at 980-235-0011.

Sincerely,
Rummel, Klepper & Kahl, LLP

William Snyder, PE
Director, Energy & Corrosion



ATTACHMENT 1: TERMS AND CONDITIONS

**STANDARD TERMS AND CONDITIONS TO PROPOSAL FOR
CONSULTING ENGINEERING AND SURVEYING SERVICES
BETWEEN RUMMEL, KLEPPER & KAHL, LLP AND THE CITY OF SHELBY, NC**

1. These Terms and Conditions apply to and are a part of Rummel, Klepper & Kahl, LLP's (RK&K) Proposal to Client dated October 28, 2021. In the event of conflict between these Terms and Conditions and the terms established in the body of the Proposal, the latter shall govern.
2. RK&K will perform its professional services in accordance with the prevailing standard of professional care for similar services in relation to projects of similar scope, size and complexity. No warranties regarding the fitness, timeliness or quality of professional services or work product are offered and no such warranties are implied.
3. Client agrees to pay all invoices on receipt. After thirty days, interest shall accrue at the rate of one percent per month (simple). After forty-five days from receipt, RK&K may suspend services or terminate for default. Client shall defend, indemnify and hold RK&K harmless from all claims, liability and damages incurred by Client or others in the event of suspension for non-payment or termination for default. If, after a suspension for non-payment, RK&K is paid and agrees to resume services, Client shall compensate RK&K for all start-up and remobilization costs associated therewith. In the event that legal action or other collection efforts are required to secure payment, Client shall be liable for all reasonable costs, expenses and attorney fees associated therewith.
4. RK&K's services are performed solely and exclusively for Client. No third-party beneficiaries are or will be recognized.
5. *DELETED.*
6. Any construction cost or time estimates offered by RK&K represent the opinion of RK&K as an engineer having familiarity with general construction costs and practices. RK&K does not warrant and shall not be responsible for actual construction costs or construction time.
7. Client shall immediately bring to the attention of RK&K any errors or omissions observed in the services or work product of RK&K.
8. *DELETED.*
9. *DELETED.*
10. Client and RK&K waive all claims against each other and shall require similar waivers from their respective contractors and consultants to the extent of any losses covered by builder's risk or other property insurance covering the property or the Project.
11. No set-offs are permitted except with respect to claims for which RK&K has been adjudicated liable.

12. *DELETED*

13. If Client directs RK&K to perform services that are beyond the scope of the Proposal without first negotiating a lump fee, all such additional services shall be performed at 3.0 times direct personnel costs plus expenses.

14. RK&K shall be entitled to rely on Owner-furnished information, including information relating to the program, scope and budget for the Project. If the Owner-furnished information is incorrect, or if it changes, RK&K shall be entitled to additional services compensation at 3.00 times direct personnel costs plus expenses based on the actual time required to adapt to the correct or new information and/or revise work product in connection therewith.

15. RK&K retains ownership of, and all intellectual property rights in, its instruments of service. Client shall be entitled to use this work produce for this Project only and provided that RK&K is paid in accordance with the Proposal and these Terms and Conditions.

16. Client and RK&K agree to look exclusively to each other in the event or a claim arising out of the Proposal. Neither party will look to or make a claim against the principals or employees of the other.

17. Client and RK&K agree to waive all claims against the other for consequential damages arising out of, or relating to, the Proposal or the services. Consequential damages include, without limitation, loss of profits, loss of use, loss of opportunities and any other expectation losses.

18. The Proposal and these Terms and Conditions, and all services performed in connection therewith, shall be governed by the substantive law of the State in which the Project is situated.

19. The Proposal and these Terms and Conditions are an integrated document. If any one or more of these Terms and Conditions is held to be invalid, the balance shall survive.

ORDINANCE NO. 45-2021

CITY OF SHELBY
FISCAL YEAR (FY) 2021-2022 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 2021-2022; 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. 23-2021, the City’s FY 2021-2022 Budget Ordinance, is hereby amended as follows to provide for Budget Amendment No. 2 for the year:

(A) The City of Shelby has identified a need to make improvements to certain Natural Gas Utility infrastructure. Accordingly, the following budget modifications are approved in accordance with the chart of accounts heretofore established for the City of Shelby.

(1) The following Natural Gas Fund line items are amended:

(a) Increase 64006000-39900 Fund Balance Appropriated	\$89,350
(b) Increase 640743-42500 Contracted Services	\$89,350

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. 2</u>
General Fund	\$ 28,794,000	\$ 28,794,000
Emergency Telephone System Fund	107,000	107,000
Powell Bill Fund	515,000	515,000
Economic Dev. Fund	687,000	687,000
Housing Fund	1,836,751	1,836,751
Cemetery Fund	30,000	30,000
Utilities-Water Fund	6,438,171	6,438,171
Utilities-Sewer Fund	6,942,644	6,942,644
Utilities-Electric Fund	22,039,455	22,039,455
Utilities-Gas Fund	16,486,900	16,576,250
Utilities – Stormwater Fund	840,520	840,520
FY 2021-2022 Budget Total	<u>\$ 84,717,441</u>	<u>\$ 84,806,791</u>

Ordinance No. 45-2021
November 15, 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 15th day of November 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
November 15, 2021
Don Gibson Theatre

F. Unfinished Business

Agenda Item: F-1

- 1) Consideration of appointments to City advisory boards and commissions:
 - a. Shelby Parks and Recreation Advisory Board

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

Summary of Available Information:

- Memorandum dated October 11, 2021 from Bernadette A. Parduski, City Clerk, to Rick Howell, City Manager
- Shelby Parks and Recreation Advisory Board Roster

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: November 8, 2021
Re: Appointments to City Advisory Boards

BOARD REVIEW:

SHELBY PARKS AND RECREATION ADVISORY BOARD –

The terms of five incumbents, Marie Hendrick (2020), Craig Ferree (2020), Juan Cherry (2021), Michael Shawn Collins (2021), and Shanda Hoskins (2021), concluded July 2020 and July 2021, respectively. All the incumbents wish to continue their service.

There is one vacancy for a new term concluding July 2024.

There are no applications on file in the Clerk's Office.

POSSIBLE ACTION:

SHELBY PARKS AND RECREATION ADVISORY BOARD –

Council can begin the nominating process or take appointive action for five new terms concluding July 2023 and July 2024, respectively.

Attachments:

- A. Shelby Parks and Recreation Advisory Board Roster

PARKS AND RECREATION ADVISORY BOARD 2021

MEMBERS	ADDRESS	TERM EXPIRATION	PHONE NUMBER
Juan L. Cherry juancherry07@gmail.com	307 Goldfinch Court Shelby, NC 28150	July 2021	H: 704 300-8617 W: 704 476-8386
VACANCY		July 2024	
Michael Shawn Collins shawn.collins@ncdps.gov	100 Buck Landing Drive Shelby, NC 28150	July 2021	H: 704 472-2694 W: 704 480-5648
Shanda Hoskins hoskins.34@hotmail.com	115 Ashley Street Shelby, NC 28150	July 2021	H: 704 482-7717 W: 704 472-2460
Marie Hendrick	1309 Stone Gate Drive Shelby, NC 28150	July 2020	704 487-1012
Craig Ferree	914 Blanton Street Shelby, NC 28150	July 2020	H: 704 487-1498 W: 704 482-6384
Allen Langley, Chair	306 Windsor Drive Shelby, NC 28150	July 2022	704 482-3741
David Carl Lynn, Vice Chair davidclynn@yahoo.com	243 Country Club Circle Shelby, NC 28150	July 2022	H: 704 482-6233 W: 704 482-4331
Robert Coleman rcoleman006@carolina.rr.com	315 Windsor Drive Shelby, NC 28150	July 2022	H: 704 297-2947 W: 704 487-0035

Meetings are held on the third Wednesday of each month at 12:00 noon, Shelby City Park Aquatic Center Conference Room

Three (3) year appointments

City Council Liaison: Eric Hendrick – Ward 1
926 Elizabeth Road, Shelby, NC 28150
704 418-5688
E-mail: eric.hendrick@cityofshelby.com

Staffed by: Charlie Holtzclaw, Director, Parks & Recreation Department
Lydia Eaker, Secretary to the Board, Parks & Recreation Department
Office: 704 484-6811

City of Shelby
Agenda Item Summary
November 15, 2021
Don Gibson Theatre

G. New Business

Agenda Item G-1

- 1) Consideration of an ordinance amending the City of Shelby's Schedule of Fees:
Ordinance No. 46-2021

New Business Item: (Julie R. McMurry, Director of Energy Services)

Summary of Available Information:

- Memorandum dated October 21, 2021 from Julie R. McMurry, Director of Energy Services, to Rick Howell, City Manager
- Memorandum dated November 9, 2021 from Julie R. McMurry, Director of Energy Services, to Rick Howell, City Manager
- Fee Schedule change for Small/Medium Firm Gas Service and Economic Development Rider
- Ordinance No. 46-2021

City Manager's Recommendation / Comments

Ordinance No. 46-2021 is presented at this time to City Council as New Business. If adopted this ordinance would do the following.

- 1) It would add a new natural gas rate schedule to the Schedule of Fees and Charges. This new rate schedule is entitled "Natural Gas Small/Medium Industrial Customers" and would add an eighth schedule for commercial/industrial natural gas customers qualifying at the noted level of consumption.
- 2) It would further add an Economic Development Rider for new electric customers qualifying under the terms of the schedule. It essentially offers an initial reduction of electric charges for new commercial customers over a 48 month period. The rider discounts the electric non coincident peak rate by 20% for the first 12 months, 15% for months 13-24, 10% for months 25-36 and 5% for months 37-48. After the 48th month the discount is discontinued. I would note that this ED Rider very closely mirrors a rider offered by Duke Energy. Adoption will provide the City with a more effective tool in recruitment of commercial/industrial customers.

It is my recommendation that Ordinance No. 46-2021 be adopted and approved by City Council at this time.



Memorandum

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

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

RE: New Rate Request for Natural Small/Medium
Industrial Customers

Date: October 21, 2021

Background

The City of Shelby currently offers seven (7) natural gas rates for its customers based on customer class (residential or commercial) and the volume of natural gas usage. We have one residential rate and 6 commercial/industrial rates. Attached is a chart that shows the commercial volumes by customer type and how many of each type of customer we currently have.

With feedback from recent economic development requests, we felt a review of our rates was warranted. Brian Heath with Direct Energy, Scott Heath with Heath and Associates and City staff conducted a review of the current rates available to our natural gas commercial/industrial customers. The review was to ensure that we had competitive rates in place for different size customers based on their natural gas usage. It was found that there is a gap in the rate structure for industrial customers.

An evaluation was completed for the small/medium industrial customer. Attached is a recommended rate for this size customer that is fair and competitive. This rate, if approved, would benefit financially several of our current customers and would be offered to any future customers that meet the qualifications.

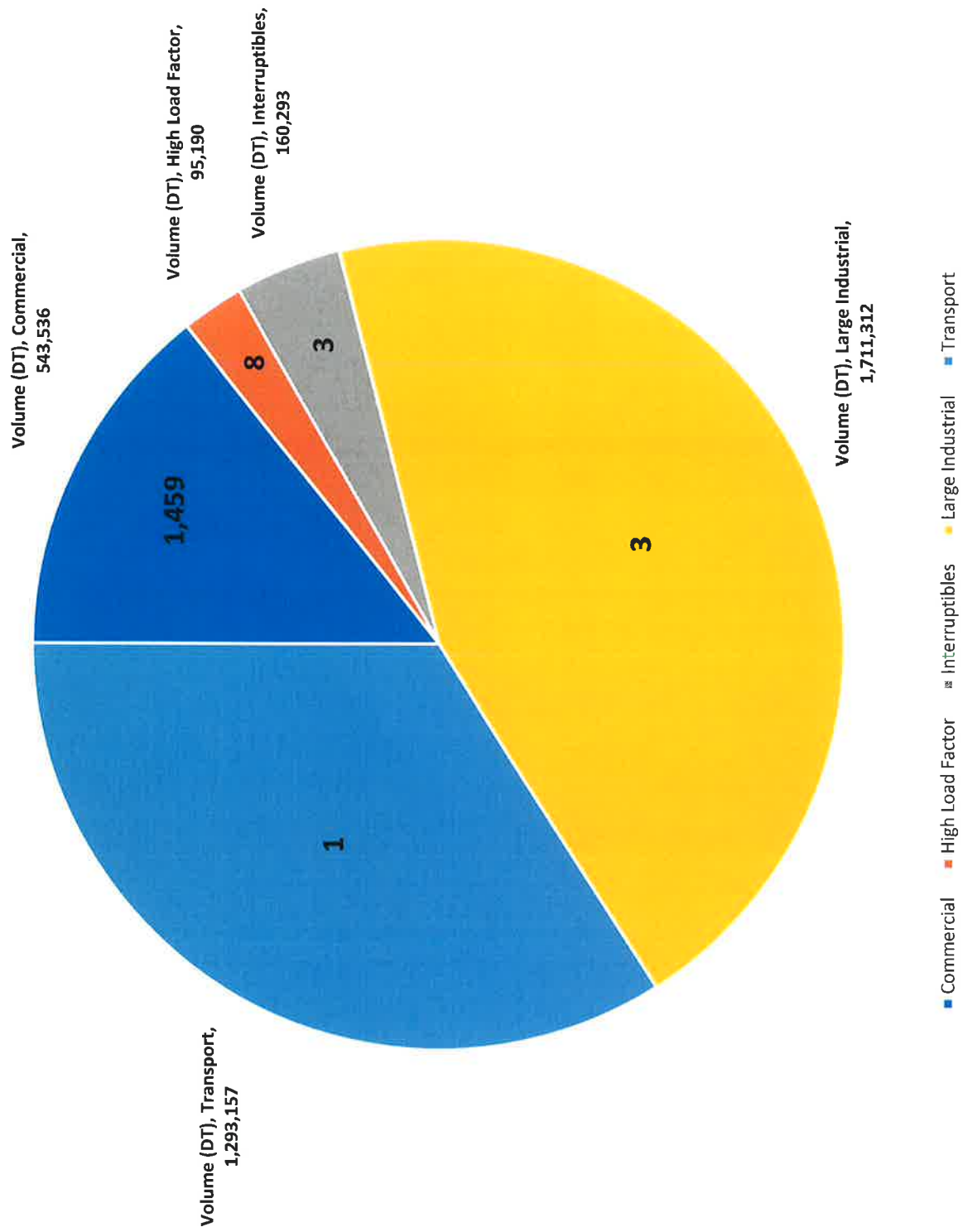
Recommendation

Staff would like to request the addition of the attached rate structure (Small/Medium Industrial Firm Gas Service) to the rates offered to our natural gas customers.

Please let me know if more information is needed.

Attachments

Natural Gas Commercial Volumes (DT) By Rate Class





Effective December 1, 2021
Schedule SMI

SMALL/MEDIUM INDUSTRIAL FIRM GAS SERVICE

AVAILABILITY

Gas service under this rate schedule is available to eligible industrial consumers, whose use of gas is principally for process purposes, and where space heating is incidental only. This service is offered only to customers whose average daily gas usage is reasonably anticipated to equal or exceed 100 dekatherms per day. Existing customer's consumption must be equal to or greater than 36,500 dekatherms per year to qualify for this rate.

- A. To the extent that the City and Customer have adequate facilities and equipment available and in place for transporting and delivery of such volumes of gas;
- B. When a Customer has executed a Service Agreement with the City, wherein the City agrees to transport and deliver volumes of gas received for the Customer as specified therein.

CHARACTER OF SERVICE

Natural gas supplied under this schedule is sold on a firm basis only and shall be supplied through a single delivery point and be separately metered. Commingling of gas purchased under this schedule with gas purchased under other rate schedules is prohibited. All natural gas delivered under this rate is for the exclusive use of the customer and shall not be resold.

MEASUREMENT, BILLING AND PAYMENT

For measurement purposes, the volume of natural gas delivered under this rate schedule shall be measured in cubic foot units. Volumes of gas hereunder will be determined in accordance with the City's measurement base.

MONTHLY RATE

The customer's total bill is calculated using the following components.

$$\text{Total Bill} = \text{FC} + (\text{U} \times \text{CR})$$

- FC = Monthly Facilities Charge
- U = Customer Monthly Usage in CCF
- CR = Total Commodity Rate for the current period in CCF

The Total Commodity Rate is adjusted for each billing period by adding the Base Commodity Rate to the average incremental cost of gas supply for the current period. This value is computed on a per dekatherm basis and converted to a per hundred cubic feet basis using the current heating value content of the gas. The average incremental cost of gas supply shall be estimated upon the current monthly billing, and trued up to match actual costs in the following month. The cost of gas true up may result in additional charges or a credit due the customer. The base commodity rate is shown below.

Small/Medium Industrial Firm Gas Service

<u>Monthly Facilities Charge</u>	<u>Base Commodity Rate</u>	
\$200.00	First 5,000 dekatherms	\$2.80/dekatherm
	Next 5,000 dekatherms	\$1.80/dekatherm
	All over 10,000 dekatherms	\$1.00/dekatherm

Any applicable North Carolina state or local sales tax will be added to the customer's total charges.

LATE PAYMENT CHARGE

Unless bill is paid on or before ten (10) days after the due date as shown on bill, the account will be assessed late fees as outlined in the City's fee schedule.



Memorandum

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

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

RE: Request for Consideration of a New Electric Economic
Development Rider

Date: November 9, 2021

Background

The City of Shelby currently offers nine (9) electric rates for its customers based on customer class (residential or commercial) and the volume of electric usage. It is common practice for electric utilities to offer economic development riders to new companies locating on their system. The City of Shelby currently does not have a rider in place.

Recent economic development activity has shown that having a rider in place would make locations on our electric system more attractive. City staff worked with Electricities rate staff to develop a rider for consideration.

Recommendation

Staff would like to request the addition of the attached economic development rider (EDR) to the rates offered to our electric customers.

Please let me know if more information is needed.

Attachments



**Effective December 1, 2021
EDR**

Economic Development Rider

APPLICABILITY

The Economic Development Rider is applicable to customer accounts receiving permanent electric service from the City of Shelby ("City"), after December 1, 2021, that meet the following criteria:

- 1) New commercial or industrial customers which enter into a service agreement with the city where the noncoincident peak demand of the new load must exceed 500 kW.
- 2) Existing commercial or industrial customers which enter into a new service agreement with the city for either a new or expanded separately metered service where the noncoincident peak demand of the new or expanded service load exceeds 500 kW.

This rider is available in conjunction with service under any of the City's applicable Commercial or Industrial rate schedules.

Any Customer desiring to receive service under this rider shall provide written notification to the City of such desire. Such notice shall provide the City with information concerning the load to be served. The Customer's information shall provide the basis to the City that the characteristics of the load will meet the minimum eligibility requirements of this rider and the electric rate schedule to which this rider applies.

The Discount Schedule applicable below will be based on the information provided by the customer in the written notification and agreed to by the city.

All terms and conditions of the electric rate schedule, whichever is applicable to the Customer, shall apply to service supplied to the Customer except as modified by this Rider.

MONTHLY CREDIT

The Customer will receive a Monthly Credit on the bill calculated on the then-effective electric rate, whichever is applicable to the Customer. The schedule of Monthly Credits will be calculated as described below under the heading "Application of Credit".

ECONOMIC DEVELOPMENT RIDER
Effective December 1, 2021
EDR

APPLICATION OF CREDIT

Beginning with the date on which service under the then-effective electric rate is to commence for the eligible load, a Monthly Credit based on the applicable discount schedule below will be applied to the total bill, including the Customer Charge, Demand Charges, Energy Charges, or Minimum Bill, excluding other applicable riders and special charges, if any.

Discount Period	Discount
Months 1-12	20%
Months 13-24	15%
Months 25-36	10%
Months 37-48	5%
After Month 48	0%

Contract Period

Customers receiving service under this rider will be subject to a ten-year contract period.

ORDINANCE NO. 46-2021

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

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

WHEREAS, the City of Shelby has established Electric Utility Rates and Natural Gas Utility Rates; and,

WHEREAS, the City of Shelby now desires to revise its Fee Schedule, specifically the Electric Utility and Natural Gas Utility Rate Schedules contained within.

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

Section 1. The City of Shelby Fee Schedule is amended to revise current Electric Utility and Natural Gas Utility Rate Schedules as set forth in the attached City of Shelby Fee Schedule for Fiscal Year 2022 and accompanying documents, which may, from time to time, be modified by City Council.

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

Adopted and approved this the 15th day of November 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
November 15, 2021
Don Gibson Theatre

Agenda Item: H

City Manager's Report

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

Agenda Item: I

Council Announcements and Remarks

J. Adjournment:

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

- 1) Motion to adjourn