

Shelby City Council Agenda  
Regular Meeting  
October 17, 2022 at 6:00 p.m.

City Hall Council Chamber  
300 South Washington Street  
Shelby, North Carolina

Welcome and Call to Order by Mayor pro tem Andrew L. Hopper, Sr.

*Invocation*

*Pledge of Allegiance*

**A. Approval of Agenda**

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

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

**B. Public Comment:**

1

*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.*

**C. Public Hearings:**

- 1) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina at Gilliatt Street and East Marion Street: Ordinance No. 55-2022

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**D. Consent Agenda:**

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

- 1) Approval of the Minutes of the Regular Meeting of October 3, 2022
- 2) Adoption of budget ordinance establishing a capital project ordinance and budgets for the City of Shelby's City Hall Annex Renovation Project: Ordinance No. 56-2022

15 - 24

25 - 34

3) 800Mhz Radio Purchase Project for Fire and Police Departments:	35 - 52
a) Approval of a resolution approving a financing agreement authorized by North Carolina General Statute 160A-20: Resolution No. 65-2022	
b) Adoption of Fiscal Year 2022-2023 Budget Ordinance Amendment No. 1: Ordinance No. 57-2022	
E. Unfinished Business:	53
None	
F. New Business:	53
None	
G. City Manager's Report	53
H. Council Announcements and Remarks	53
I. Adjournment:	53
<i>To adjourn a meeting of City Council, a majority of the Council Members must vote for a motion to adjourn.</i>	
1) Motion to adjourn	

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**B. 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.*

*A reminder that it has been past practice of City Council to only listen to public comment without reply except to refer citizens with requests and concerns to the Office of the City Manager so that they may be addressed in a timely fashion or included on a future agenda for consideration by Council. If this is warranted and directed by City Council.*

*Citizens identifying issues during this time are provided with contact information for the City Manager and / or the appropriate department contact so that their issue may be addressed in a timely manner.*

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C. Public Hearings:

Agenda Item: C-1

- 1) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina at Gilliatt Street and East Marion Street:  
Ordinance No. 55-2022

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

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Summary of Available Information:

- Memorandum dated October 10, 2022, from Walter Scharer, Planning Director to Rick Howell, City Manager
  - General Application
  - Staff Report
  - Location Map and Zoning Maps of Gilliatt Street and East Marion Street
  - Planning and Zoning Board Minutes
  - Certified Recommendation
  - Notice of Public Hearing
  - Ordinance No. 55-2022
- 

City Manager's Recommendation / Comments

This time is scheduled on the agenda for City Council to conduct the required public hearing in accordance with the NC General Statutes. 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 **inconsistent** with the City's current land use plan, however it is consistent with development patterns in the area. I have asked Mr. Scharer to specifically address what "consistent with development patterns in the area" actually means in his memorandum. 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. City Council has adopted plans and established an advisory board for the purposes of providing reasonable guidance in the decision-making process.

The following excerpt from the NC General Statutes is provided as a reminder as to the statutory guidance provided to Council when considering changes in zoning and development regulations.

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§ 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 Rezoning.* – 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. 55-2022



## **Memorandum**

To: Rick Howell - City Manager  
From: Walter Scharer – Planning Director  
Date: October 10, 2022  
Subject: Requested zoning map amendment at the corner of Gilliatt Street and East Marion Street

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

Applicant, Don Peeler, is proposing a zoning change on this property to allow for Commercial or Multi-Family development.

### **Review and Comments**

The property is currently zoned R10 and the applicant has proposed GB. The Comprehensive Land Use Plan for this area designates the site as a Medium Density Residential Area. However, the site is adjacent to a Commercial Future Land Use area.

### **Recommendation**

This proposed zoning map amendment is inconsistent with the Comprehensive Land Use Plan. However, the Planning and Zoning Board recognized the various commercial uses on this section of East Marion Street including a produce stand, a butcher shop, a coffee shop, a laundry mat, a self-storage facility, a former automotive repair shop, as well as the shopping center that housed the former Harris Teeter and then Lowes Foods. In addition, the Planning and Zoning Board recognized the recently approved adjacent high density residential development behind the shopping center. Therefore, the Planning and Zoning Board feels the proposed zoning map amendment is consistent with development patterns in the area. The Planning and Zoning Board recommends this proposed zoning amendment.

Please schedule a legislative public hearing for this proposed zoning amendment at the next City Council meeting on October 17, 2022.

**Attachments: Application, Staff Report, Zoning Map, Location Map. Future Land Use Map, Notice of Public Hearing, Planning and Zoning Board September 22, 2022 minutes, Certified P&Z Recommendation, and Ordinance**



City of Shelby  
Planning and Development Services Department

General Application

Address of Subject Property:

4 ALVES/GILLIATT STREET, SHELBY, N.C. 28150

Applicant(s) Name: DON PEELER REALTY, INC.

Address: 101 APPLE HILL DRIVE

SHELBY, N.C. 28152

Email: DONPEELERNC@AOL.COM

Phone: 704-913-1033

Owner(s) Name: CELIL LEE GILLIATT JR.

Email: N/A

Phone: 704-472-4525

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
- Conditional Use Permit or Special Use Permit
- UDO Text Amendment
- Zoning Map Amendment
- Conditional Use Map Amendment
- Zoning Permit or Home Occupation Permit

Project Information (Fill in applicable information):

Parcel Number: 63008

Proposed Zoning: R-6

Proposed Land Use: MULTI-FAMILY APARTMENTS

Previous Use: 12-10 SINGLE FAMILY

Approx. Building Sq. Ft.: 20,000 +/-

Approx. Project Acreage: 4 ALVES

Business Name: DON PEELER REALTY, INC.

Construction Sq. Ft.: 20,000 +/-

Valuation: \$ 2 MILLION +

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

MAXIMUM ALLOWABLE APARTMENT UNITS PER 12-6 ZONING;  
ENGINEERED SITE PLAN TO BE PROVIDED BY PEELER ENGINEERING,  
PLL; STRUCTURAL DRAWINGS TO BE PROVIDED UPON ZONING APPROVAL.

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

8/23/2022  
Date

Received by: \_\_\_\_\_

\_\_\_\_\_ Date

# Staff Report



To: Shelby Planning & Zoning Board  
From: Walter Scharer  
Planning Director

Date: September 9, 2022  
Meeting: September 22, 2022  
File: #

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**OWNER:** Cecil Gilliatt

**APPLICANT:** Don Peeler Reality

**LOCATION:** East Marion Street at the intersection with Gilliatt Street    **PARCEL ID #s:** 63008

**PRESENT ZONING:** R10 and GB

**REQUESTED ZONING:** GB

**SURROUNDING ZONING:**            **North:** R10    **South:** GB    **East:** GB    **West:** LI

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

**ANALYSIS:** The subject property is located on East Marion Street at the intersection with Gilliatt Street. The site is currently vacant and is approximately 8.6 acres in area. The applicant is proposing to rezone the entire parcel to General Business.

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

**STAFF COMMENTS:** The Comprehensive Land Use Plan identifies this property as being in a Medium Density Residential area adjacent to a Commercial area. This proposal is inconsistent with the Comprehensive Future Land Use Plan. However, the proposal is consistent with the built environment and commercial nature of the area.





# Location Map Gilliat Street and East Marion Street

Map Information:  
Datum: NAD 1983  
Coordinate: State Plane  
North Carolina (Meter)  
Projection: Lambert Conformal Conic  
US National Grid  
Contour Designation (GSD): 175  
100,000m Square ID: NV100



Date: 9/7/2022

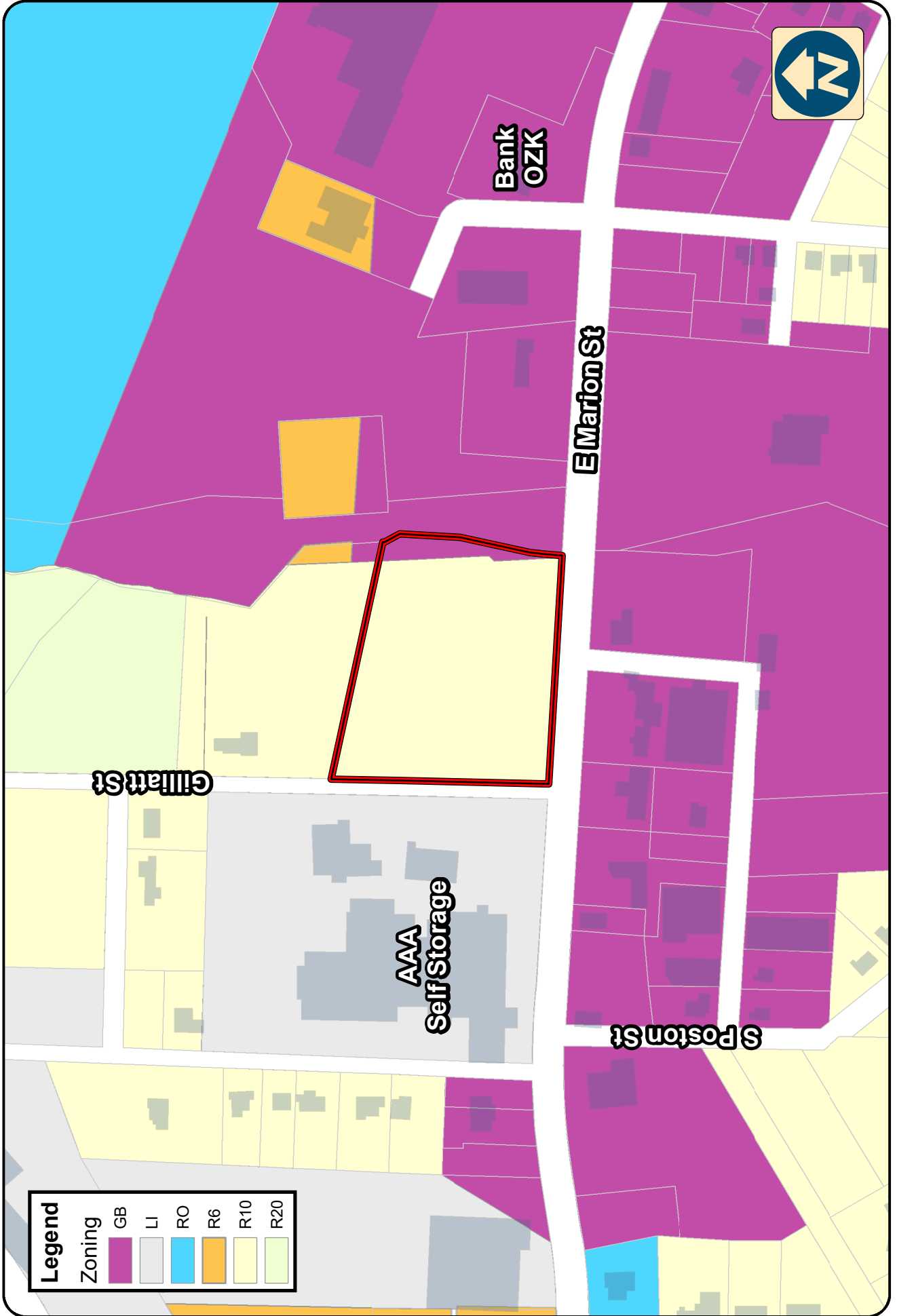
Scale 1:3,000 1 inch = 250 feet 0 125 250 500 Feet





# Zoning Map Gilliatt Street and East Marion Street

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



Legend	
Zoning	GB
	LI
	RO
	R6
	R10
	R20



Date: 9/7/2022



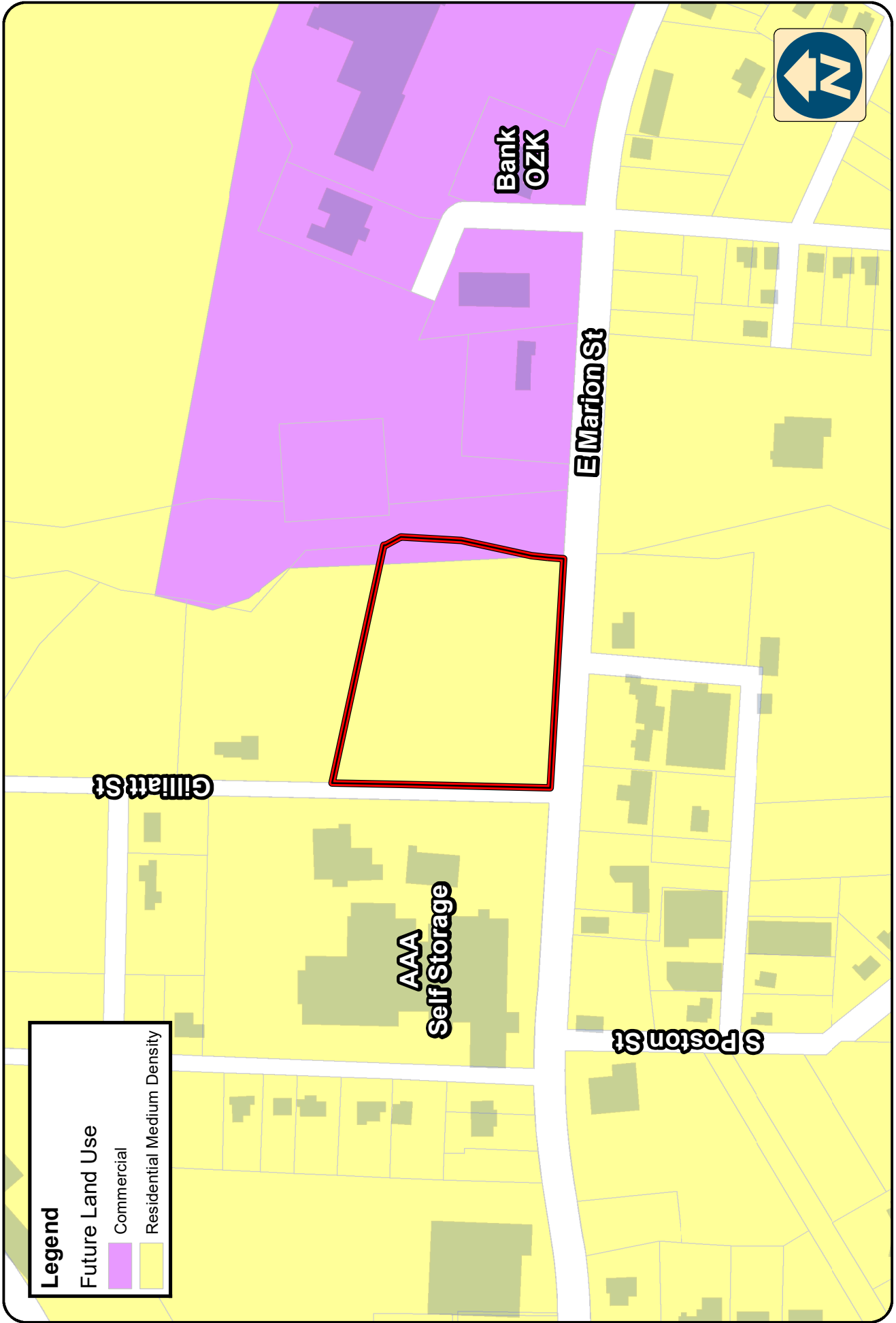
# Future Land Use Map Gilliatt Street and East Marion Street

Map Information:  
Datum: NAD 1983  
Coordinate: State Plane  
North Carolina (Meter)  
Projection: Lambert Conformal Conic  
US National Grid  
GCS: North American 1983  
Datum: North American 1983  
Spheroid: GRS 80  
Datum: North American 1983  
Units: Meter  
Scale: 100,000m Square UTM, NAD 1983

**Legend**

Future Land Use

- Commercial
- Residential Medium Density



Date: 9/7/2022

Scale 1:3,000 1 inch = 250 feet 0 125 250 500 Feet



CITY OF SHELBY PLANNING AND ZONING BOARD MINUTES  
September 22, 2022  
Shelby-Cleveland County Regional Airport

**Item 1. Call to Order/Roll Call**

Mr. Royster called the meeting to order at 12:15 PM and noted that a quorum was present. Mr. Royster also welcomed Ms. Becca Scheppe, the newest Planning Board member, to the meeting.

**Board Present:** Emanuel Hunt, Rick Washburn, Scott Bankhead, Greg Taylor, Bob Cabiness, Charles Hamrick, Becca Scheppe, and Mike Royster.

**Staff Present:** Walter Scharer, Planning Director and Jennifer Allen, Planner.

**Citizens Present:** Don Peeler, Zoning Map Amendment Applicant, and Caleb Peeler, Engineer.

**Item 2. Approval of the August 18, 2022 Minutes**

Mr. Washburn pointed out the proposed zoning map amendment reviewed was inconsistent with the Comprehensive Land Use Plan rather than being consistent. The minutes were approved with Mr. Washburn's change.

**Item 3. Proposed Zoning Map Amendment – Gilliatt Street and East Marion Street**

Mr. Scharer introduced the proposed zoning map amendment for the corner of Gilliatt Street and East Marion Street. The subject property is currently vacant and approximately 4 acres in size. The applicant wishes to rezone the property to General Business for possible commercial or multi-family development.

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

The Comprehensive Land Use Plan designates this site as a medium density residential area. This proposal is inconsistent with the Comprehensive Land Use Plan; however, the proposal is consistent with the development patterns in the area. As noted above, sewer is available to this property currently.

Motion by Mr. Cabiness to recommend this proposed zoning map amendment due to development patterns in the area. Mr. Cabiness added as a statement of reasonableness, this zoning map amendment is reasonable due to the commercial and mixed use nature of the area.

Second by Mr. Bankhead. Motion passed by an unanimous vote.

**Item 5. Motion to adjourn.**

Vice Chair Royster adjourned the meeting at 12:36 pm.

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Respectfully Submitted  
Walter Scharer, Planning Director



## Certified Recommendation

### City of Shelby Planning & Zoning Board

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**Amendment:** A Zoning Map Amendment for property located at the corner of East Marion Street and Gilliat Street with Cleveland County PIN # 63008: from Residential 10 (R10) zoning district to General Business (GB) zoning district.

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**Recommendation:** The Planning and Zoning Board recommends the proposed zoning map amendment for property located at the corner of East Marion Street and Gilliat Street with Cleveland County PIN # 63008: from Residential 10 (R10) zoning district to General Business (GB) zoning district.

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#### Findings &

**Reasons:**

1. The proposed zoning map amendment is inconsistent with the Comprehensive Land Use Plan.
2. The proposed zoning map amendment is consistent with the development patterns and local land uses in the area.

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**Motion:** Mr. Cabiness made the motion to recommend this proposed zoning map amendment from Residential 10 (R10) zoning district to General Business (GB) zoning district.

**Second:** Mr. Bankhead

**Action:** This motion passed by a Unanimous vote.

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**Signatures:** Walter Scharer  
Planning and Development Director

Mike Royster  
Planning and Zoning Board Vice Chair

\_\_\_\_\_  
Date: 9/15/2022

\_\_\_\_\_  
Date: 9/15/2022

## **NOTICE OF PUBLIC HEARING 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 17, 2022, at 300 South Washington Street. City Council will consider a proposed zoning map amendment from Residential 10 (R10) to General Business (GB) Zoning District for property located on East Marion Street with Cleveland County Parcel Number 63008.

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.

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Carol Williams  
City Clerk

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### **The Shelby Star:**

**Please publish this notice as a legal line ad on Wednesday, October 5, 2022 and again on Wednesday, October 12, 2022.**

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

**ORDINANCE NO. 55-2022**

**A PROPOSED ORDINANCE AMENDING THE ZONING MAP OF  
THE CITY OF SHELBY, NORTH CAROLINA AT GILLIAT STREET AND EAST  
MARION STREET**

**WHEREAS**, the City of Shelby has received an application requesting the rezoning of property at the corner of Gilliatt Street and East Marion Street 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 inconsistent 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 October 17th 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 inconsistent 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), the corner of Gilliatt Street and East Marion Street is hereby amended from R10 Zoning District to General Business. Said area of zoning is more fully described as the parcel listed by the Cleveland County Tax Office as Parcel Identification Number 63008.

**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 17th day of October 2022.

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Andrew L. Hopper, Sr.  
Mayor pro tem

ATTEST:

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Carol Williams  
City Clerk



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D. Consent Agenda:

Agenda Item: D-1

- 1) Approval of the Minutes of the Regular Meeting of October 3, 2022

**Consent Agenda Item: (Carol Williams, City Clerk)**

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Summary of Available Information:

Please read and offer changes as you deem necessary.

- Minutes of the Regular Meeting of October 3, 2022

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City Manager's Recommendation / Comments

**Approve the minutes as presented or as amended by the Mayor and City Council via the Consent Agenda.**

## MINUTES

Regular Meeting  
City Hall Council Chamber

October 3, 2022  
Monday, 6:00 p.m.

Present: Mayor O. Stanhope Anthony III, presiding; Council Members Andrew L. Hopper Sr., David White, David Causby, Charles Webber, Violet Arth and Emilie Bullock.; City Manager Rick Howell, MPA, ICMA-CM, Assistant City Manager Justin S. Merritt, Assistant City Manager Benjamin (Ben) Yarboro, City Clerk Carol Williams, Deputy City Clerk Breanna Jones, Public Information and Communications Officer, Chip Nuhrah, Director of Finance Elizabeth (Beth) B. Beam, Director of Human Resources Deborah (Deb) Jolly, Police Chief Jeffrey (Jeff) Ledford, Fire Chief William P. Hunt, MPA, EFO, Interim Director of Public Works Scott Black, and Jennipher H. Harrill, Social Media Manager, Blue Eyes Media Connections

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

Mrs. Bullock led the Pledge of Allegiance.

### A. Approval of agenda:

- 1) Motion to allow Mr. Hopper permission to leave City Council meeting around 6:40 p.m.

**ACTION TAKEN:** Upon a motion by Mr. White, City Council voted unanimously to approve Mr. Hopper permission to leave early.

- 2) Motion to adopt the agenda as presented.

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

### B. Special Presentations:

- 1) Recognition of Steven Maurice Seate on the occasion of his retirement from employment with the City of Shelby.

Mayor Anthony called upon Captain Steven Seate. The Mayor formally read and presented framed Resolution No. 45-2022 to Capt. Seate. He then presented a key to the City along with a City lapel pin in honor of and with heartfelt appreciation for his years of dedicated service to the Shelby Police Department.

Humbled by the recognition, Capt. Seate recognized his wife in attendance and stated he appreciated all the support and opportunities the City gave him

through the years. He particularly thanked Chief Ledford for being a great leader of the Police Department.

- 2) Recognition of Julie Reynolds McMurry on the occasion of her retirement from employment with the City of Shelby.

Mayor Anthony called upon Julie McMurry. The Mayor formally read and presented framed Resolution No. 59-2022 to Mrs. McMurry. He then presented a custom shadowbox in honor of and with heartfelt appreciation for her 30+ years of dedicated service to the City of Shelby.

City Manager Rick Howell recognized Mrs. McMurry as well as being the first Department Director to retire since he became City Manager in 2005. Mr. Howell expressed examples of Mrs. McMurry's willingness to be a team player, how she was always reliable and up to the task that was asked of her.

Humbled by the recognition, Julie McMurry recognized her husband, brother and sister-in-law in attendance. Mrs. McMurry stated she is "pro-Shelby" and appreciated all the support and opportunities the City gave her through the years. She further stated Mr. Howell trusted her in times that she didn't even trust herself.

- 3) Recognition of Assistant Chief David Vanhoy graduate of the National Fire Academy's Executive Fire Officer Program.

Mayor Anthony called upon David Ryan Vanhoy. The Mayor formally read the Executive Fire Officer certificate and presented it to Mr. Vanhoy. Mayor Anthony expressed the City is honored to have a recipient of this certificate in our City.

Chief Vanhoy recognized his wife, Kelly Vanhoy, and thanked her for her support and encouragement during his studies. Chief Vanhoy explained the extensive program, courses, and research papers involved in obtaining this designation.

Chief Vanhoy thanked Chief Hunt for his leadership. He further stated that in North and South Carolina there are only about 145 to obtain the Executive Fire Officer certificate, and only three from Cleveland County to receive this certificate.

Chief Vanhoy concluded by saying he appreciated the support of the City administration, the opportunity, and the investment to obtain this certification. He hopes to pay the investment back to the City for many years.

- 4) Charlie Holtzclaw, Director of Parks and Recreation facility usage and tournaments update.

Mr. Holtzclaw thanked City Council and the City Manager for the opportunity to present an update. Mr. Holtzclaw stated there are two sides to his department: the program side (the pool, the golf course, the classes), and the facility usage side (the events, and tournaments). Mr. Holtzclaw highlighted the following that pertain to the facility usage/tournaments:

- **Shelby City Parks are Cleveland County's #1 Visitor Attraction**
- **City Parks Special Events**
  - Merry Go Round Festival
  - Independence Day Fireworks Extravaganza
  - Cleveland County Sports Hall of Fame
  - Senior Games
  - Carrousel Christmas
  - Easter Egg Hunts
  - Valentines Day at the Carrousel
  - Holly Oak Park Reunion
  - Juneteenth at Holly Oak Park
  - Movie Nights at the Aquatics Center and Amusements
  - Golf Tournaments
- **Rental Events**
  - Shelby Parks and Recreation facilities are rented 800 to 1000 times annually ranging from small birthday parties to large corporate events. People from North Carolina, Virginia, Maryland, Georgia and Rhode Island are a few examples of people that have rented our facilities.
  - **Top Summer Rentals:**
    - Holly Oak Park Activity Center – 65
    - Hanna Park Dogwood Shelter – 56
    - Hanna Park Magnolia Shelter – 51
    - Hanna Park Cherry Shelter – 39
    - Holly Oak Park Picnic Shelter – 33
    - City Park Civitan Shelter – 32
    - City Park Jaycee Shelter – 27
    - Hanna Park Crepe Myrtle Shelter – 25
    - Hanna Park Elm Shelter – 22
    - City Park Gym – 17
    - Bobby Bell Pavilion – 14
    - Holly Oak Park Gym – 12
  - **Major Annual Rental Events:**
    - Shelby Alive
    - DCC & USA Events at Bobby Bell Pavilion
    - GCCBA Greatest Treat Festival
    - Donald McCluney Karate Tournament
    - Academy of Performing Arts Dance Recital
    - Walmart Distribution Employee Appreciation
- **Sporting Events**

- 37 Weekend Baseball and Softball Tournaments
- 4 Weekend Soccer Tournaments
- 2 Weekend Swim Meets
- Teams mainly come from North Carolina, South Carolina, Virginia, Georgia and Tennessee

Mr. Holtzclaw continued his presentation by giving the annual number of sporting events/spectators that come to the City of Shelby and use the sporting facilities, but he acknowledged these figures are conservative:

- Number of Tournaments/Events annually – 43
- Number of Teams – 750
- Number of Players/Swimmers – 12,000
- Number of Spectators – 23,000
- Total Number of Visitors to Shelby – 35,0000

Mr. Holtzclaw announced future sporting events that are on the calendar:

- Oct 15 – 16 Carolina Champions League (82 soccer matches on Saturday and Sunday)
- December 1 – 2 Alliance Soccer Showcase (college coaches come to watch high school soccer players)
- March 11 – 12, April 2, May 13-14 – another Carolina Champions League
- July 20 – 23 – Tarheel Leagues Girls' State Softball Tournament
- GCCSA Tournaments TBD
- Cleveland Cup 5K – October 14
- Cleveland County Rescue Mission Fun Run October 21
- C.A.R.E 5K and Fun Run November 19

Mr. Holtzclaw bragged about the facilities the City of Shelby provides and thanked City Council for their continued support in providing and maintaining these fields and parks.

Mr. Holtzclaw announced that the Cleveland County Sports Hall of Fame is getting an update with an electronic display. This update is funded by the Hall of Fame and is really going to be a great addition to the lobby at City Park.

Mr. Holtzclaw concluded by declaring the Keys to Ongoing Success:

- Awesome facilities
- Commitment to Maintaining
- Dedicated Staff and Outstanding Customer Service – Mr. Holtzclaw stated he's very proud of his staff. They have brought new ideas and enthusiasm to the Parks and Recreation department
- Promote, Promote, Promote – There's so many avenues to promote the facilities and events

- **Community Pride – People love to come to Shelby and Shelby embraces the visitors by being friendly and accommodating.**

**Mr. Holtzclaw finished his presentation with one thought: If it weren't for City Council none of this is possible. He invited City Council to come out to some of the events to see for themselves what they have helped provide to the citizens and visitors.**

**Ms. Arth thanked Mr. Holtzclaw and acknowledged that he is a forward-thinking Director of our Parks and Recreation Department. Mayor Anthony and City Council agreed with Ms. Arth's remarks.**

#### **C. Consent Agenda:**

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

- 1) Approval of the Minutes of the Regular Meeting of September 19, 2022**
- 2) Approval of Special Event Application:**
  - a) Central United Methodist Church – Fall Festival, request date: Sunday, October 30, 2022**
  - b) The Light Ball Dash 5K – requested date, Sunday, December 18, 2022**
- 2) Management Reports:**
  - a) Monthly Financial Summary – August 2022**

#### **D. Unfinished Business:**

- 1) Approval of a resolution appointing the Interim City Attorney: Resolution No. 64-2022**

**Mr. Howell introduced the resolution appointing the law firm of Teague, Campbell, Dennis, and Gorham, LLP to serve in an interim capacity month to month until the City Attorney position is filled. Mr. Howell stated our principal contact will be Natalia Isenberg who has extensive municipal experience.**

**ACTION TAKEN: Upon a motion made by Mr. Webber, City Council voted unanimously to approve Resolution No. 64-2022 entitled, "A RESOLUTION APPOINTING AN INTERIM CITY ATTORNEY."**

**E. New Business**

None

**MR. HOPPER EXCUSED HIMSELF FROM THE MEETING AT 6:40 P.M.**

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

- **Carolina Harmony Trail (Rail Trail)**

Phase IA of the Carolina Harmony Trail is scheduled for work to commence the week of October 17<sup>th</sup>. The contractor will mobilize and begin installation of erosion control measures. Construction materials are scheduled on site the first week of November. This bid was awarded to Piedmont Utilities Group in June. The scheduled completion date is still March 2023.

- **Shell Building #4**

Hickory Construction continues on the building. Grading is complete and wall panel erection began last week. Wall panels should be complete by October 14<sup>th</sup>. Installation of the steel roofing structure will begin the week of October 17<sup>th</sup>. Completion date is set for February 2023.

- **Depot Park**

The City continues to negotiate with Destination by Design on the engineering and architectural services contract for construction of Depot Park. It is my intention to have something for City Council to consider before the end of the calendar year.

- **Aquatics Center**

Construction on this project began the week of September 7<sup>th</sup>. Work on removing the interior finish is complete on the small pool and will continue this week on the main pool. Sossamon Construction (sub - Paddock Pools) is the contractor on this project. It is expected that this project will be complete in April 2023 prior to the traditional Memorial Day opening.

- **TAMP Phase I**

Phase I of the implementation of the Transportation Asset Management Plan has begun. Approximately \$2.8 million of the \$10 million street improvement bonds passed by voters last November are to be used in this phase of street resurfacing. Approximately 17 miles of streets will be resurfaced prior to the end of the calendar year. Planning for Phase II is in process as staff continues plans for viable utility improvements prior to the start of resurfacing in March/April 2023. Staff has worked hard to ensure that utility work that is necessary be completed prior to street resurfacing.

- **County Home Road Replacement**

A Request for Qualifications (RFQ) for engineering and design services for the replacement connector road (for the now closed County Home Road) between the US Hwy 74 frontage road and Kings Road was issued and staff completed the selected process. TGS Engineers was selected to design the project and work is underway. Construction on the project is anticipated for January 2023. This time frame is in sync with the completion of the new SECU and demolition of the old structure.

- **Cross Town Water Main Transmission Line Phase II**

This project has been designed and submitted to NCDEQ for approval. Approval is expected before the end of the calendar year. This project will extend the 24" diameter water main from the intersection of Marion Street/Morgan Street along S. Morgan Street to Graham Street to the intersection with Forest Hill Drive/Beaumonde Avenue. This is the second of a multiphase project to improve water supply to the south, east and north of the uptown area. It is intended to improve fire flow, water volume/pressure and water quality overall in the system. This project is funded with an appropriation in the state budget. It is expected to be bid in January 2023.

- **Hickory Creek Sewer Outfall (Windsor Drive to Holly Oak Park)**

The design of this project has been approved by NCDEQ. A letter will be sent to NCDEQ verifying availability of funding should bids come in over budgeted funds. These funds would likely come from allocated ARP grants. This project would replace an existing sewer outfall that has been plagued with Sanitary Sewer Overflows due to infiltration and inflow. It has been on a long list of priorities for quite some time and needs to be completed. This project is funded with an appropriation in the state budget. It is expected to be bid in January 2023.

- **Randolph Road Industrial Park Sewer Project**



**This project is under construction. A majority of the gravity sewer main and force main have been installed. The wet well is complete. The contractor is currently waiting on delivery of additional materials for the actual sewer lift station. This project is being developed to specifically serve the Randolph Road business park and more specifically Shell Building #4. It does have some capability to serve some adjoining properties. This project was funded by a grant from the NC Department of Commerce Industrial Development Fund and a required local match.**

**Mr. Howell mentioned Deputy Clerk Brenna Jones provided a list of upcoming events to Council, in hopes, that they can participate when their schedules allow.**

**Mr. Howell thanked Charlie Holtzclaw for his presentation and proudly stated that there is not a better cheerleader than Mr. Holtzclaw for Shelby City Parks and Recreation and commended him on his leadership.**

**Mr. Webber asked Mr. Howell about the streams that run through properties and asked who is responsible for the possible erosion behind someone's home. Mr. Howell stated in most situations it is the responsibility of the property owner unless there is a utility line or easement causing that erosion. Mr. Howell asked Mr. Webber to have the property owner contact him and he would look into the situation.**

**Mr. Howell concluded by stating that since Hurricane Ian came through our area this weekend, the City has experienced some water quality issues. Customers indicated that there is an earthy taste or smell to the water. He also acknowledged that there were some equipment issues at the water plant. Director of Water Resources David Hux and his staff have tested and run samples of the water and it is safe to drink and use. The City is flushing the system and the issue should be improving but will take a few days.**

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

**Mayor Anthony mentioned that on Tuesday, October 4<sup>th</sup> there will be about seven hundred cyclists coming through Shelby as part of the Cycle NC. They will be using the Courtsquare and Earl Scruggs Center as a rest stop. Mayor Anthony encouraged Council to come out and help give out drinks and sandwiches to the cyclists.**

**Mayor Anthony also reminded everyone of the Cleveland Cup 5K at Hanna Park on October 14<sup>th</sup> and to please register if you plan to participate.**

**Mayor Anthony appreciated Breanna Jones for getting the new City lapel pins ordered.**

Mrs. Bullock mentioned on October 22<sup>nd</sup> there will be a 5K at Gardner Webb University that will benefit the Children's Home of Cleveland County.

Ms. Arth mentioned that the Shelby Junior Charity League is selling poinsettias that will benefit the Clothing Room for children in Cleveland County.

**G. Closed Session:**

To establish, or to 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. The Mayor invited all Council members present along with Mr. Howell, Mrs. Williams, and Mrs. Jones to attend. The motion passed unanimously, and Council moved into closed session at 6:54 p.m.

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

**H. Adjournment:**

**1) Motion to adjourn**

**ACTION TAKEN:** Upon a motion made by Mr. White, City Council voted unanimously to adjourn the meeting at 7:16 p.m.

Respectfully submitted,

Carol Williams  
City Clerk

O. Stanhope Anthony III  
Mayor

Minutes of October 3, 2022

City of Shelby  
Agenda Item Summary  
October 17, 2022  
City Hall Council Chamber

Agenda Item: D-2

- 2) Adoption of budget ordinance establishing a capital project ordinance and budgets for the City of Shelby's City Hall Annex Renovation Project:  
Ordinance No. 56-2022

**Consent Agenda Item: (Justin Merritt, Assistant City Manager)**

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Summary of Available Information:

- Memorandum dated October 10, 2022, from Justin Merritt, Assistant City Manager to Rick Howell, City Manager
- Proposal for Architectural Services from Upland Architects
- Ordinance No. 56-2022

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City Manager's Recommendation / Comments

Ordinance No. 56-2022 is presented for City Council consideration via the Consent Agenda. If approved this ordinance would appropriate \$114,000 of the previous Council allocation of ARP funds for engineering/architectural services associated with the City Hall Annex renovation project. The City previously solicited statements of qualifications from architectural firms to oversee the renovation of the City Hall Annex (former SPD building). After sending out a request for statements of qualifications (RFQ) and receiving responses from two qualified firms City Council authorized contracting with Upland Architects to perform this work.

As you know the intent of these renovations is to reconfigure the interior of the building to house the Planning and Development Services Department (Zoning, Code Enforcement, Building Inspections, Planning) and the Human Resources Department. There would also be meeting space created to accommodate a number of other City purposes. Once the scope and design are determined the project will be put out to bid and subsequently brought to City Council for contract award. A portion of the funding for this project is budgeted in the current operating budget with the remaining allocated from the ARP funds.

**It is my recommendation Ordinance No. 56-2022 be adopted and approved by City Council at this time via the Consent Agenda.**



To: Rick Howell, City Manager

From: Justin Merritt, Assistant City Manager

Date: October 10, 2022

Subject: City Hall Annex Renovation Project Architectural Services Recommendation

Background:

The City Hall Annex, which formerly housed the Police Department, located at 311 S. Lafayette Street, was constructed in 1981, and needs renovations to return it to use by City staff. In 2017, the City conducted a space needs assessment of the facilities on the City hall campus, which are comprised of the City Hall, City Hall Annex and the Planning and Zoning Offices. The results of that assessment indicated that the Planning and Zoning office did not provide adequate space to support departmental needs and the City Hall facility had also reached its service capacity. The report further recommended that Planning and Zoning Offices and Human Resources Offices be relocated to the City Hall Annex once adequate renovations had been completed. This study will be revisited through the architectural design process to ensure that it remains the best use of the facility.

In August 2022, the City requested proposals from qualified architectural and engineering firms to assist with the roof replacement and other facility maintenance items. The City received 2 proposals, which were subsequently evaluated by City staff. In September 2022, City Council authorized the City Manager to negotiate a contract for engineering services with Upland Architects (attached) and develop a construction cost estimate for the work to be completed. This has been completed and the proposed budget amendment will appropriate funding to allow the process to move toward construction.

Recommendation:

The recommendation from staff is to approve the attached Project Budget Ordinance.



PROPOSAL FOR ARCHITECTURAL SERVICES

Issued: October 7, 2022

Justin Merritt  
Assistant City Manager  
City of Shelby  
P.O. Box 207  
Shelby, NC 28150

Re: Architectural Design Services for City Hall Annex Renovations

Dear Justin,

It is with pleasure that Upland Architects, Inc. submit to you our detailed proposal for design, architectural and engineering services for Design Services for City Hall Annex Renovations.

This is a simple form we often use to submit proposals to clients. It explains what our services are and what our fee will be. You may prefer another form which we will be glad to provide. We can certainly use the AIA standard contract for design services between the Owner and Architect.

Thank you for this opportunity. Please let me know if you have any questions.

Sincerely,

*Mark B. Patterson*

Mark B. Patterson  
Upland Architects, Inc.



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## 1. Project Summary

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This project is to provide architectural and engineering services for the renovations of the existing City Hall Annex Building (formerly the Police Station Building) located at 311 Lafayette St. in Shelby, NC, including construction documents for permitting, bidding and construction administration.

## 2. Project Phases

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Professional services and deliverables are outlined in below under the following Project Phases.

### **SURVEYING THE EXISTING BUILDING**

Measuring the existing building in order to create drawing files of the existing conditions.

### **PROGRAMMING**

Meeting with the appropriate people from the City to develop a written list of the needs and spaces required.

### **SCHEMATIC DESIGN**

Based on the approved Program develop floor plans and elevations for review by the City.  
Make revisions based on input from the City.

### **DEVELOPMENT**

Based on the approved Schematic Design develop the design to include more detailed decisions about plumbing, mechanical, electrical and other support systems.



## CONSTRUCTION DOCUMENTS

Develop construction documents required for acquiring necessary permits and putting the project out to public bid.

Our services will include structural, plumbing, mechanical, and electrical engineering designs as required.

## BIDDING

Distribute bid documents to qualified bidders.

Respond to questions from bidders.

Conduct a Prebid Conference.

Conduct a bid opening.

Facility qualifying bids.

Develop contracts for construction.

## CONSTRUCTION ADMINISTRATION

Provide construction observation.

Conduct regular on site construction meetings.

Review pay applications.

Oversee project close out.

### 3. Fee Summary

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#### FEE SUMMARY

Based on the scope of work described and an estimated construction budget of \$1,100,000.00 our fee would be 7.6% of the actual cost of construction. Our fee would be capped at a cost of construction of \$1,500,000.00 even if the actual cost of construction exceeded that amount.



**REIMBURSABLES**

The only reimbursable would be 1.1 times the cost required for printing and distributing documents for bidding and permit reviews.

**4. Exclusions**

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Our proposal excludes the following items (unless otherwise noted above):

Civil engineering
Computer and network systems design
Security systems design
Furniture selection and procurement
Permitting fees
Special Inspections fees
VR 3D Renderings

**5. Additional Services**

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Services not included in the PROJECT PHASES will be considered additional services subject to a separate agreement for additional compensation by hourly rate, flat fee or other agreed compensation.

Principal	\$175 / hr	Project Manager	\$125 / hr
Administrative	\$60 / hr	Designer	\$100 / hr
Drafter	\$75 / hr		





## 6. Standard Conditions for Engagement

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**1. CONTRACT** — The Contract is the Proposal or Contract document that is signed and dated by Upland Architects, Inc.. (UAI) and City of Shelby (CLIENT) and to which these Standard Conditions for Engagement are appended by reference. The Contract is valid for 30 Days from October 7, 2022

**2. COMPENSATION FOR SERVICES AND PAYMENT TERMS** — The CLIENT agrees to pay UAI in accordance with the payment terms provided in the Contract.

Invoices will be submitted monthly or upon completion of a specified scope of service, as described in the accompanying contract or signed proposal. In contracts on the time and materials basis (non-lump sum contracts) UAI will be compensated for the following cost items:

*Transportation* — Automobile expenses for UAI or employee- owned cars will be charged at a cost of \$0.42 per mile plus tolls and parking charges.

*Expenses and Outside Services* — All expenses and outside services incurred by UAI personnel related to this project are billed at cost plus as noted in "REIMBURSABLE EXPENSES"

*Outside Services and Other Expenses* — Examples of Outside Services and Other Expenses ordinarily charged to projects are subcontractors, chemical laboratory charges; printing and reproduction; shipping charges for samples, express or overnight mail, disposal of samples; rental vehicles; fares of public carriers; special fees for insurance certificates, permits, licenses, etc.; fees for restoration of paving or land due to field exploration, etc.; and state sales and use taxes and state taxes on UAI fees, where applicable.

Invoices are due and payable in full thirty (30) days after the date on the invoice. An interest charge of one and one-half percent (1 1/2 %) of the invoice amount will be added automatically to each invoice if payment is not received on the thirty- first day. Thereafter, interest on the cumulative outstanding balance will be added at a rate of one and one-half percent (1 1/2%) per month. All payments received shall be applied to the oldest invoices first.

**2. OWNERSHIP OF DOCUMENTS** — All reports, design drawings, field data and notes, laboratory test data, calculations, estimates, and other documents that UAI prepares as instruments of service shall remain the property of UAI. Copies of these documents (paper or electronic) will be provided to the CLIENT, in accordance with the terms of the Contract. The CLIENT agrees that UAI's services are on behalf of and for the exclusive use of the CLIENT and that all reports and other documents furnished to the CLIENT or its agents shall be utilized solely for this project. The CLIENT agrees to indemnify and hold UAI harmless from all claims, demands, and expenses including reasonable attorney's fees, arising out of such unauthorized reuse of documents by the CLIENT. UAI will retain pertinent records related to the services performed for a period of five (5) years following submission of our report or other documents. The CLIENT agrees that all reports and other work that UAI provides, which are not paid for, will be returned upon demand and will not be used for any purpose whatsoever.

**3. STANDARD OF CARE** — UAI's services will be performed in accordance with generally accepted practices of the architects providing similar services at the same time, in the same locale, or and under like circumstances. The CLIENT agrees that the services provided will be rendered without any other warranty, expressed or implied.

**4. LIMITATION OF PROFESSIONAL LIABILITY** — The CLIENT agrees to limit the liability and require a like limitation from any construction contractor or subcontractor who performs work for which UAI has provided reports, plans, and specifications, to an



amount of \$50,000 or UAI's fee, whichever is greater. UAI and its subcontractors and subconsultants shall in no event be liable to the CLIENT, any successors in interest, or any beneficiary or assignee of this Contract for any special or punitive damages arising out of any breach of this Contract.

**5. INSURANCES** — UAI is protected by Worker's Compensation Insurance and Employer's Liability Insurance. UAI will furnish certification upon written request. The CLIENT agrees that UAI will not be liable or responsible to the CLIENT for any loss, damage, or liability beyond the amounts, limits, exclusions, and conditions of such insurance.

**6. TERMINATION, SUSPENSION OR ABANDONMENT OF WORK** — In the event of termination, suspension or abandonment of the Project by the CLIENT, UAI shall be compensated for services performed. The CLIENT'S failure to make payments in accordance with this Agreement shall be considered substantial nonperformance and sufficient cause for UAI to suspend or terminate services. Either UAI or the CLIENT may terminate this Agreement after giving no less than seven days written notice if the Project is suspended for more than 90 days, or if the other party substantially fails to perform in accordance with the terms of this Agreement. Except as otherwise expressly provided herein, this Agreement shall terminate one year from the date of Substantial Completion.

AGREEMENT PROPOSED BY:

*Mark B. Patterson*

10 / 07 / 2022

\_\_\_\_\_  
Mark B. Patterson  
Upland Architects, Inc.

AGREEMENT ACCEPTED BY:

\_\_\_\_\_  
Authorized Representative  
City of Shelby

ORDINANCE NO. 56-2022  
 AN ORDINANCE ESTABLISHING A CAPITAL PROJECT ORDINANCE AND BUDGETS FOR  
 THE CITY OF SHELBY'S CITY HALL ANNEX RENOVATION PROJECT

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 establish a capital project ordinance and budgets for the City of Shelby's City Hall Annex Renovation Project; and

WHEREAS, it is necessary for the City to establish a budget for this capital project and appropriate applicable funds needed for the administration and construction of this project in order to comply with applicable provisions of the North Carolina Local Government Budget and Fiscal Control Act; and,

WHEREAS, G.S. 159-13.2 provides that a City may undertake the construction and renovation of a capital asset such as city hall facilities, by way of a capital project ordinance providing the necessary balanced budget and funding for the life of the project;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHELBY, NORTH CAROLINA: The City of Shelby has identified a need to make certain renovations to the existing City Hall Annex facility. Accordingly, the following budget modifications are approved in accordance with the chart of accounts heretofore established for the City of Shelby.

Section 1. Appropriating Revenues:

ARP Funds-Federal	25002000-34550	\$ 114,000
Transfer to General Capital Projects	250550-49111	\$ 114,000

Section 2. The following revenues are available and amounts are hereby appropriated:

Revenues:		
Transferred from ARP Fund	11101000-39250-CHARP	\$114,000
Appropriation:		
Engineering	111427-42004-CHARP	\$114,000

Section 3. The provisions of this capital project ordinance shall be entered in the minutes of the Shelby City Council and copies filed with the City Manager as Budget Officer, the Finance Director, and the City Clerk for their direction and guidance in receiving revenues and expending the monies due thereunder.

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

Ordinance No. 56-2022  
October 17, 2022  
Page 2

Adopted and Approved this the 17th day of October, 2022.

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Andrew L. Hopper, Sr.  
Mayor pro tem

ATTEST:

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Carol Williams  
City Clerk

City of Shelby  
Agenda Item Summary  
October 17, 2022  
City Hall Council Chamber

**Agenda Item: D-3**

- 3) 800Mhz Radio Purchase Project for Fire/Rescue and Police Departments:
- a) Approval of a resolution approving a financing agreement authorized by North Carolina General Statute 160A-20: Resolution No. 65-2022
  - b) Adoption of Fiscal Year 2022-2023 Budget Ordinance Amendment No. 1: Ordinance No. 57-2022

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

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Summary of Available Information:

- Memorandum dated October 10, 2022, from Justin Merritt, Assistant City Manager to Rick Howell, City Manager
- Finance Proposal for the purchase and finance of new radios
- Repayment Schedule
- Quote packet from Motorola Solutions
- Resolution No. 65-2022
- Ordinance No. 57-2022

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City Manager's Recommendation / Comments

These items are both related to the proposed purchase of replacement 800Mhz digital radios for the Police and Fire/Rescue Departments. Most of the current radio stock are or will soon be obsolete and require replacement to ensure continued reliability for both departments.

- a) Resolution No. 65-2022 if approved would approve a financing agreement with United Financial (a division of Hometrust Bank) in the amount of \$1,150,000 for a term of 59 months at a rate of 2.89%. This agreement would finance the purchase of approximately XX handheld and mobile radio units.
- b) Ordinance No. 57-2022 if approved would appropriate the proceeds from the financing agreement authorized by Resolution No. 65-2022 in the amount of \$1,150,000 for the actual purchase of the handheld and mobile radio equipment. This purchase is part of the Capital Improvements Program set forth for the systematic replacement of key capital assets by the City over the next several years.

**It is recommended that Resolution No. 65-2022 and Ordinance No. 57-2022 be adopted and approved via the Consent Agenda.**



To: Rick Howell, City Manager

From: Justin S. Merritt, Assistant City Manager

Date: October 10, 2022

Subject: 800Mhz Radio and Accessory Equipment Financing

Please find attached to this memo a resolution approving a financing agreement with United Financial (A Division of HomeTrust Bank) for the purchase of 800Mhz radios and necessary accessories for Police and Fire Department communications. The total amount of the request is \$1,150,000. Banks request that this type of financing be awarded as soon as possible after the proposals are submitted, as a result of market volatility. It is my recommendation that United Financial (A Division of HomeTrust Bank) be awarded this contract with a 2.89% interest rate, for 59 months, with annual payments in arrears.



## United Financial

A Division of HomeTrust Bank

876 Brevard Rd  
Asheville, NC. 28806

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September 22, 2022

City of Shelby, NC  
300 Washington Street  
Shelby, NC 28151  
ATT: Justin Merritt  
Assistant City Manager

Re: Finance proposal for: The purchase and finance of new radios.

Dear Justin,

As per your request, we are enclosing under same cover our proposal for the above captioned transaction. As we discussed in our last conversation this transaction is structured on an annual basis with five (5) annual payments beginning one year after funding and each 12 months thereafter. See Repayment Schedule B for specific payment details. This transaction is calculated at an annual percentage rate of 2.89% which assumes a Bank Qualified Tax-Exempt structure.

United Financial will take a security interest only in the vehicles and equipment we are financing. There are no direct bank closing costs or origination fees related to the transaction and the rate is fixed for the duration of the financial commitment. Please review the PAYMENTS section of the attached proposal regarding rate lock-in periods and rate adjustment terms. While the transaction does not have a prepayment penalty, the concluding payment is calculated at 102.5% of the outstanding principal balance for the first three years. The concluding payment is calculated at 100% of the outstanding principal for the remaining two years.

If you have any questions or need additional information, please contact me at your convenience. I would be happy to come to your next board meeting and discuss this transaction further with your board. Thank you for the opportunity to provide this proposal to you.

Very truly yours,

John M. Tench  
Senior Vice President  
Director of Municipal Finance

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Ph. #/828-684-5643  
Fax #/828-684-5616

September 22, 2022

City of Shelby, NC  
300 South Washington Street  
Shelby, NC 280150  
ATT: Justin Merritt  
Assistant City Manager

**Proposal for Acquisition & Finance of:** New Portable Radios

Dear Justin,

As a follow-up to your recent request for a proposal regarding the above referenced transaction, United Financial is pleased to offer a finance proposal as follows:

**LESSOR:** United Financial, *A Division of HomeTrust Bank*

**LESSEE:** City of Shelby, NC

**COLLATERAL:** Equipment described above.

**AMOUNT:** Up to \$1,150,000

**START DATE:** Immediately upon funding

**TERM:** 5 Years

**PAYMENTS:** Lease payments- See Attached Repayment Schedule B

Terms will be held for six months from the date of the proposal (also subject to Expiration and Acceptance terms below). If the transaction is not fully funded within six months of the date of this proposal, terms will then be based upon market rates at that time (defined as the T-Bill associated to the amortized term of the transaction plus 1.0%), limited to a maximum increase in the interest rate of 3.0% for a period or 18 months from the date of the proposal. If the transaction is not fully funded within 18 months of the proposal date, the terms will be based on the T-Bill associated to the amortized term of the transaction plus 1.0% with no maximum rate guaranty.

**EXPIRATION:** Lease payment terms quoted herein are subject to transaction being documented by 11/22/2022.

**LEGAL TITLE:** Legal Title to the Equipment during the Lease Term shall vest in the Lessee with Lessor perfecting a first security interest through Equipment Title, UCC, or other filing instruments as may be required by law.



**NET LEASE:** The Lease will be a net lease, under which all cost and responsibility of maintenance, insurance, taxes and other items of a similar nature shall be for the account of Lessee.

**INSURANCE:** Lessee shall provide evidence of insurance coverage at the time of delivery of the Equipment, in accordance with the provisions of the Lease.

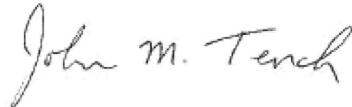
**FINANCIALS:** Lessee shall furnish Lessor with its last three, (3) fiscal years financial statements and its latest interim financial statements, plus such other pertinent information as Lessor may reasonably request.

**APPROVAL:** Closing of the transaction(s) described herein, and the implementation hereof is expressly conditioned upon approval of Lessor's Senior Loan Committee, the receipt, review and acceptance of properly executed documentation acceptable to Lessor, and the absence of any material adverse change in Lessee's financial condition prior to deliver and acceptance of the Equipment.

**ACCEPTANCE:** Lessee acknowledges that the terms and conditions of this proposal are satisfactory and that upon execution hereof by Lessee this proposal shall constitute a valid and binding obligation of Lessee. As further condition to Lessor's approval hereof, Lessee must acknowledge its acceptance of this proposal by signing below in the space provided and returning it to the Lessor by 10/22/2022.

If you determine that this finance structure meet the needs of your organization, please have the appropriate officer indicate the chosen option, place their signature at the bottom of this page, and return it to us via fax, email or US Postal Service. Upon receipt of the signed proposal, we will be in touch with you to make provision for documenting the finance. Thank you for the opportunity to submit this proposal letter for your review and approval. Should you have any question or comments regarding the terms and conditions, or if we can be of any further assistance to you, please do not hesitate to call.

Sincerely,



John M. Tench  
Senior Vice President  
Director of Municipal Finance

**ACCEPTED BY:**

**SIGNATURE:** \_\_\_\_\_

**NAME:** \_\_\_\_\_ **TITLE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_



## SHELBY POLICE DEPT, CITY OF

09/06/2022

09/06/2022

SHELBY POLICE DEPT, CITY OF  
PO BOX 207  
SHELBY, NC 28151

Dear Jeff Ledford,

Motorola Solutions is pleased to present SHELBY POLICE DEPT, CITY OF with this quote for quality communications equipment and services. The development of this quote provided us the opportunity to evaluate your requirements and propose a solution to best fulfill your communications needs.

This information is provided to assist you in your evaluation process. Our goal is to provide SHELBY POLICE DEPT, CITY OF with the best products and services available in the communications industry. Please direct any questions to Jody Johnson at [jodyjohnson@callmc.com](mailto:jodyjohnson@callmc.com).

We thank you for the opportunity to provide you with premier communications and look forward to your review and feedback regarding this quote.

Sincerely,

Jody Johnson

Motorola Solutions Manufacturer's Representative

Billing Address:  
 SHELBY POLICE DEPT, CITY  
 OF  
 PO BOX 207  
 SHELBY, NC 28151  
 US

Quote Date:09/06/2022  
 Expiration Date:12/05/2022  
 Quote Created By:  
 Jody Johnson  
 jodyjohnson@callmc.com

End Customer:  
 SHELBY POLICE DEPT, CITY OF  
 Jeff Ledford  
 jeff.ledford@cityofshelby.com

Line #	Item Number	Description	Qty	List Price	Sale Price	Ext. Sale Price
	APX™ 6000 Series	APX6000 XE				
1	H98UCF9PW6BN	APX6000 700/800 MODEL 2.5 PORTABLE	2	\$3,595.00	\$2,696.25	\$5,392.50
1a	H869BZ	ENH: MULTIKEY	2	\$363.00	\$272.25	\$544.50
1b	Q361AR	ADD: P25 9600 BAUD TRUNKING	2	\$330.00	\$247.50	\$495.00
1c	QA02006AA	ENH: APX6000XE RUGGED RADIO	2	\$880.00	\$660.00	\$1,320.00
1d	Q58AL	ADD: 3Y ESSENTIAL SERVICE	2	\$121.00	\$121.00	\$242.00
1e	QA00580AC	ADD: TDMA OPERATION	2	\$495.00	\$371.25	\$742.50
1f	QA09008AA	ADD: GROUP SERVICES	2	\$165.00	\$123.75	\$247.50
1g	QA09000AA	ADD: DIGITAL TONE SIGNALING	2	\$165.00	\$123.75	\$247.50
1h	H38BT	ADD: SMARTZONE OPERATION	2	\$1,320.00	\$990.00	\$1,980.00
1i	Q806BM	ADD: ASTRO DIGITAL CAI OPERATION	2	\$567.00	\$425.25	\$850.50
1j	Q629AK	ENH: AES ENCRYPTION AND ADP	2	\$523.00	\$392.25	\$784.50
2	LSV00Q00202A	DEVICE PROGRAMMING	2	\$49.00	\$49.00	\$98.00
	APX™ 6000 Series	APX6000 XE				



Any sales transaction following Motorola's quote is based on and subject to the terms and conditions of the valid and executed written contract between Customer and Motorola (the "Underlying Agreement") that authorizes Customer to purchase equipment and/or services or license software (collectively "Products"). If no Underlying Agreement exists between Motorola and Customer, then Motorola's Standard Terms of Use and Motorola's Standard Terms and Conditions of Sales and Supply shall govern the purchase of the Products.

Motorola Solutions, Inc.: 500 West Monroe, United States - 60661 ~ #: 36-1115800

Line #	Item Number	Description	Qty	List Price	Sale Price	Ext. Sale Price
3	H98UCF9PW6BN	APX6000 700/800 MODEL 2.5 PORTABLE	41	\$3,595.00	\$2,696.25	\$110,546.25
3a	H869BZ	ENH: MULTIKEY	41	\$363.00	\$272.25	\$11,162.25
3b	Q361AR	ADD: P25 9600 BAUD TRUNKING	41	\$330.00	\$247.50	\$10,147.50
3c	QA02006AA	ENH: APX6000XE RUGGED RADIO	41	\$880.00	\$660.00	\$27,060.00
3d	Q58AL	ADD: 3Y ESSENTIAL SERVICE	41	\$121.00	\$121.00	\$4,961.00
3e	QA00580AC	ADD: TDMA OPERATION	41	\$495.00	\$371.25	\$15,221.25
3f	QA09008AA	ADD: GROUP SERVICES	41	\$165.00	\$123.75	\$5,073.75
3g	QA09000AA	ADD: DIGITAL TONE SIGNALING	41	\$165.00	\$123.75	\$5,073.75
3h	H38BT	ADD: SMARTZONE OPERATION	41	\$1,320.00	\$990.00	\$40,590.00
3i	Q806BM	ADD: ASTRO DIGITAL CAI OPERATION	41	\$567.00	\$425.25	\$17,435.25
3j	Q629AK	ENH: AES ENCRYPTION AND ADP	41	\$523.00	\$392.25	\$16,082.25
4	LSV00Q00202A	DEVICE PROGRAMMING	41	\$49.00	\$49.00	\$2,009.00
5	PMMN4106CBLK	AUDIO ACCESSORY-REMOTE SPEAKER MICROPHONE,XE500 REMOTE SPKR MIC WITH CHANNEL KNOB, HIGH IMPACT BLACK	2	\$665.28	\$498.96	\$997.92
6	PMMN4106D	AUDIO ACCESSORY-REMOTE SPEAKER MICROPHONE,XE500 REMOTE SPKR MIC WITH CHANNEL KNOB, HIGH IMPACT GREEN	41	\$665.28	\$498.96	\$20,457.36
7	NNTN8860A	CHARGER, SINGLE-UNIT, IMPRES 2, 3A, 115VAC, US/NA	20	\$169.56	\$127.17	\$2,543.40





Line #	Item Number	Description	Qty	List Price	Sale Price	Ext. Sale Price
8	NNTN8844A	CHARGER, MULTI-UNIT, IMPRES 2, 6-DISP, NA/LA-PLUG, ACC USB CHGR	4	\$1,420.20	\$1,065.15	\$4,260.60
9	PMNN4547A	BATT IMPRES 2 LIION TIA4950 R IP68 3100T	43	\$203.00	\$152.25	\$6,546.75
	APX™ 4500 Enhanced					
10	M22URS9PW1BN	APX4500 ENHANCED 7/800 MHZ MOBILE	20	\$2,036.00	\$1,527.00	\$30,540.00
10a	G24AX	ENH: 3 YEAR ESSENTIAL SVC	20	\$145.00	\$145.00	\$2,900.00
10b	GA09008AA	ADD: GROUP SERVICES	20	\$165.00	\$123.75	\$2,475.00
10c	GA00580AA	ADD: TDMA OPERATION	20	\$495.00	\$371.25	\$7,425.00
10d	G67DQ	ADD: REMOTE MOUNT O2 APXM	20	\$327.00	\$245.25	\$4,905.00
10e	QA02756AD	ADD: 3600 OR 9600 TRUNKING BAUD SINGLE SYSTEM	20	\$1,727.00	\$1,295.25	\$25,905.00
10f	GA01606AA	ADD: NO GPS/WI-FI ANTENNA NEEDED	20	\$0.00	\$0.00	\$0.00
10g	B18CR	ADD: AUXILIARY SPKR 7.5 WATT APX	20	\$66.00	\$49.50	\$990.00
10h	G843AH	ADD: AES ENCRYPTION AND ADP	20	\$523.00	\$392.25	\$7,845.00
10i	GA00804AA	ADD: APX O2 CH (GREY)	20	\$541.00	\$405.75	\$8,115.00
10j	GA01770AA	ENH: ENHANCEMENT LEVEL 1	20	\$220.00	\$165.00	\$3,300.00
10k	G444AH	ADD: APX CONTROL HEAD SOFTWARE	20	\$0.00	\$0.00	\$0.00
10l	W22BA	ADD: STD PALM MICROPHONE APX	20	\$79.00	\$59.25	\$1,185.00
10m	W969BG	ADD: MULTIKEY OPERATION	20	\$363.00	\$272.25	\$5,445.00
10n	G174AD	ADD: ANT 3DB LOW-PROFILE 762-870	20	\$47.00	\$35.25	\$705.00
11	LSV00Q00202A	DEVICE PROGRAMMING	20	\$49.00	\$49.00	\$980.00



Line #	Item Number	Description	Qty	List Price	Sale Price	Ext. Sale Price
	APX™ 6000 Series	APX6000				
12	H98UCF9PW6BN	APX6000 700/800 MODEL 2.5 PORTABLE	86	\$3,595.00	\$2,696.25	\$231,877.50
12a	H869BZ	ENH: MULTIKEY	86	\$363.00	\$272.25	\$23,413.50
12b	QA05570AA	ALT: LI-ION IMPRES 2 IP68 3400 MAH	86	\$110.00	\$82.50	\$7,095.00
12c	Q361AR	ADD: P25 9600 BAUD TRUNKING	86	\$330.00	\$247.50	\$21,285.00
12d	Q58AL	ADD: 3Y ESSENTIAL SERVICE	86	\$121.00	\$121.00	\$10,406.00
12e	QA00580AC	ADD: TDMA OPERATION	86	\$495.00	\$371.25	\$31,927.50
12f	QA09008AA	ADD: GROUP SERVICES	86	\$165.00	\$123.75	\$10,642.50
12g	H38BT	ADD: SMARTZONE OPERATION	86	\$1,320.00	\$990.00	\$85,140.00
12h	Q806BM	ADD: ASTRO DIGITAL CAI OPERATION	86	\$567.00	\$425.25	\$36,571.50
12i	Q629AK	ENH: AES ENCRYPTION AND ADP	86	\$523.00	\$392.25	\$33,733.50
13	LSV00Q00202A	DEVICE PROGRAMMING	86	\$49.00	\$49.00	\$4,214.00
14	PMMN4084A	AUDIO ACCESSORY- HEADSET, PLUS RSM NC IP54 THRD 3.5MM JACK RX	66	\$102.60	\$76.95	\$5,078.70
15	PMNN4486A	BATT IMPRES 2 LIION R IP67 3400T	86	\$179.30	\$134.48	\$11,565.28
16	NNTN8860A	CHARGER, SINGLE-UNIT, IMPRES 2, 3A, 115VAC, US/NA	86	\$169.56	\$127.17	\$10,936.62
17	RLN6554A	APX WIRELESS RSM W/ DUC US/NA/JP/TW	20	\$324.00	\$243.00	\$4,860.00
	APX™ 4500 Enhanced					
18	M22URS9PW1BN	APX4500 ENHANCED 7/800 MHZ MOBILE	40	\$2,036.00	\$1,527.00	\$61,080.00
18a	G24AX	ENH: 3 YEAR ESSENTIAL SVC	40	\$145.00	\$145.00	\$5,800.00



Line #	Item Number	Description	Qty	List Price	Sale Price	Ext. Sale Price
18b	GA09008AA	ADD: GROUP SERVICES	40	\$165.00	\$123.75	\$4,950.00
18c	GA00580AA	ADD: TDMA OPERATION	40	\$495.00	\$371.25	\$14,850.00
18d	G67DQ	ADD: REMOTE MOUNT O2 APXM	40	\$327.00	\$245.25	\$9,810.00
18e	QA02756AD	ADD: 3600 OR 9600 TRUNKING BAUD SINGLE SYSTEM	40	\$1,727.00	\$1,295.25	\$51,810.00
18f	GA01606AA	ADD: NO GPS/WI-FI ANTENNA NEEDED	40	\$0.00	\$0.00	\$0.00
18g	B18CR	ADD: AUXILIARY SPKR 7.5 WATT APX	40	\$66.00	\$49.50	\$1,980.00
18h	G843AH	ADD: AES ENCRYPTION AND ADP	40	\$523.00	\$392.25	\$15,690.00
18i	GA00804AA	ADD: APX O2 CH (GREY)	40	\$541.00	\$405.75	\$16,230.00
18j	GA01770AA	ENH: ENHANCEMENT LEVEL 1	40	\$220.00	\$165.00	\$6,600.00
18k	G89AC	ADD: NO RF ANTENNA NEEDED	40	\$0.00	\$0.00	\$0.00
18l	G444AH	ADD: APX CONTROL HEAD SOFTWARE	40	\$0.00	\$0.00	\$0.00
18m	W22BA	ADD: STD PALM MICROPHONE APX	40	\$79.00	\$59.25	\$2,370.00
18n	W969BG	ADD: MULTIKEY OPERATION	40	\$363.00	\$272.25	\$10,890.00
19	LSV00Q00202A	DEVICE PROGRAMMING	40	\$49.00	\$49.00	\$1,960.00

**Grand Total** **\$1,148,594.38(USD)**

### Notes:

- Unless otherwise noted, this quote excludes sales tax or other applicable taxes (such as Goods and Services Tax, sales tax, Value Added Tax and other taxes of a similar nature). Any tax the customer is subject to will be added to invoices.





<b>Purchase Order Checklist</b>	
<b>Marked as PO/ Contract/ Notice to Proceed on Company Letterhead (PO will not be processed without this)</b>	
<b>PO Number/ Contract Number</b>	
<b>PO Date</b>	
<b>Vendor = Motorola Solutions, Inc.</b>	
<b>Payment (Billing) Terms/ State Contract Number</b>	
<b>Bill-To Name on PO must be equal to the <i>Legal</i> Bill-To Name</b>	
<b>Bill-To Address</b>	
<b>Ship-To Address (If we are shipping to a MR location, it must be documented on PO)</b>	
<b>Ultimate Address (If the Ship-To address is the MR location then the Ultimate Destination address must be documented on PO )</b>	
<b>PO Amount must be equal to or greater than Order Total</b>	
<b>Non-Editable Format (Word/ Excel templates cannot be accepted)</b>	
<b>Bill To Contact Name &amp; Phone # and EMAIL for customer accounts payable dept</b>	
<b>Ship To Contact Name &amp; Phone #</b>	
<b>Tax Exemption Status</b>	
<b>Signatures (As required)</b>	

**REPAYMENT SCHEDULE B**

Compound Period: Annual  
 Nominal Annual Rate: 2.890%

CASH FLOW DATA

AMORTIZATION SCHEDULE - Transitional Amortization, 360 Day Year

	Date	Payment	Interest	Principal	Concluding Payment
Loan	1/5/2023				
1	1/5/2024	\$ 158,235.00	\$ 33,235.00	\$ 125,000.00	\$ 1,050,625.00
2	1/5/2025	\$ 275,027.74	\$ 29,622.50	\$ 245,405.24	\$ 799,084.63
3	1/5/2026	\$ 275,027.74	\$ 22,530.29	\$ 252,497.45	\$ 540,274.74
4	1/5/2027	\$ 275,027.74	\$ 15,233.11	\$ 259,794.63	\$ 267,302.68
5	1/5/2028	\$ 275,027.74	\$ 7,725.06	\$ 267,302.68	\$ -
Grand Totals		\$ 1,258,345.96	\$ 108,345.96	\$ 1,150,000.00	

Last interest amount increased by 0.01 due to rounding.

RESOLUTION NO. 65-2022  
A RESOLUTION APPROVING A FINANCING AGREEMENT AUTHORIZED  
BY NORTH CAROLINA GENERAL STATUTE 160A-20

WHEREAS, the City of Shelby, North Carolina (the “City”) has previously determined to undertake a project for purchase of 800Mhs radios and necessary accessories (the “Project”), and the Finance Officer has now presented a proposal for the financing of such Project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHELBY, NORTH CAROLINA, meeting in regular session on the 17th day of March 2022 makes the following findings of fact:

Section 1. The City hereby determines to finance the Project through United Financial (A Division of HomeTrust Bank), in accordance with the proposal dated September 22, 2022. The amount of the financing shall not exceed \$1,150,000.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 2.89%, and the financing term shall not exceed fifty-nine (59) months from closing.

Section 2. All financing contracts and all related documents for the closing of the financing (the “Financing Documents”) shall be consistent with the foregoing terms. All officers and employees of the City are hereby authorized and directed to execute and deliver all Financing Documents, and to take any such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement and Deed of Trust and a Project Fund Agreement as United Financial (A Division of HomeTrust Bank) may request.

Section 3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for delivery of the Financing Documents have

been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by City officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Documents for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.

Section 4. The City shall not take or omit to take any action, the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purpose of the registered owners on the interest payment obligations. The City hereby designates its obligations to make principal and interest payments under the Financing Document as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3) if applicable.

Section 5. All prior actions of City officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict.

This resolution is effective upon its adoption the 17th day of October A. D. 2022.

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Andrew L. Hopper, Sr.  
Mayor pro tem

ATTEST:

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Carol Williams  
City Clerk

ORDINANCE NO. 57-2022

CITY OF SHELBY  
 FY 2022-2023 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 2022-2023; 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. 34-2022, the City’s FY 2022-2023 Budget Ordinance, is hereby amended as follows to provide for Budget Amendment No. 1 for the year:

(A) The City of Shelby has identified a need to replace 800MHz radio communication equipment for Public Safety, to include the Police and Fire Departments. Accordingly, the following budget modifications are approved in accordance with the chart of accounts heretofore established for the City of Shelby.

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

(a) Increase 11001000-38001 Proceeds from Financing	\$1,150,000
(b) Increase 110431-51000 Capital Equipment	\$ 734,000
Increase 110434-51000 Capital Equipment	\$ 416,000

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. 1</u>
General Fund	\$ 30,014,271	\$ 31,164,271
Emergency Telephone System Fund	107,000	107,000
Powell Bill Fund	679,000	679,000
Economic Dev. Fund	711,250	711,250
Housing Fund	2,485,707	2,485,707
Cemetery Fund	30,000	30,000
Utilities-Water Fund	6,370,517	6,370,517
Utilities-Sewer Fund	6,621,100	6,621,100
Utilities-Electric Fund	20,806,000	20,806,000
Utilities-Gas Fund	24,154,747	24,154,747
Utilities – Stormwater Fund	<u>1,363,405</u>	<u>1,363,405</u>
FY 2022-2023 Budget Total	<u>\$ 93,342,997</u>	<u>\$ 94,492,997</u>

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

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

Adopted and approved this the 17th day of October A. D. 2022.

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Andrew L. Hopper, Sr.  
Mayor pro tem

ATTEST:

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Carol Williams  
City Clerk

City of Shelby  
Agenda Item Summary  
October 17, 2022  
City Hall Council Chamber

Agenda Item: E

Unfinished Business

None

Agenda Item: F

New Business

None

Agenda Item: G

City Manager's Report

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

Agenda Item: H

Council Announcements and Remarks

I. Adjournment:

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

- 1) Motion to adjourn