

**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 Presentations:**

- 1) Shelby Fire and Rescue 2022 Strategic Plan presentation – Chief William Hunt, presenting 1-12

**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.*

13

**D. Public Hearing:**

- 1) Consideration of a proposed ordinances amending the zoning map of the City of Shelby, North Carolina on 1536 South Lafayette Street and Melrose Drive: Ordinance No. 61-2022 and Ordinance No. 62-2022 14-31

**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.*

32-53

- 1) Approval of the Minutes of the Regular Meeting of November 7, 2022
- 2) Approval of Special Event Application:
  - a) Foothills Farmer’s Market – Holiday Market, requested date: December 3, 2022
- 3) Approval of a resolution adopting the 2022 Fire & Rescue Department Strategic Plan: Resolution No. 70-2022

**F. Unfinished Business:**

None

54

**G. New Business:**

- 1) Approval of a resolution directing the City Clerk to determine sufficiency of a voluntary annexation petition from Helmsman Homes: Resolution No. 71-2022
- 2) Approval of a resolution directing the City Clerk to determine sufficiency of a voluntary annexation petition from Helmsman Homes: Resolution No. 72-2022

55-71

**H. City Manager’s Report**

72

**I. Council Announcements and Remarks**

72

**J. 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).

72

**K. Adjournment:**

72

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

- 1) Motion to adjourn

City of Shelby  
Agenda Item Summary  
November 21, 2022  
City Hall Council Chamber

**B. Special Presentations:**

**Agenda Item B-1**

- 1) Shelby Fire and Rescue 2022 Strategic Plan presentation – Chief William Hunt, presenting

**Presenting: (William Hunt, Fire Chief)**

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- Memorandum dated November 15, 2022, from William Hunt, Fire Chief to Rick Howell, City Manager
- Shelby Fire and Rescue 2022 Strategic Plan presentation

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**City Manager's Recommendation / Comments**

Chief Hunt has requested this time on City Council agenda to provide a brief update on the strategic plan and implementation thereof. The City of Shelby Fire and Rescue Department is proceeding with implementation of Strategic Plan 2022 in accordance with the standards set forth in our accreditation through the Center for Public Safety Excellence. This is an ongoing process that is designed and intended to allow the department to reflect upon progress toward implementation of the plan. An update to the governing body of the City is a requirement and ensures that City management and the responsible elected body is informed regarding the activities of the Fire and Rescue Department.



November 15, 2022

**Memorandum:**

To: Rick Howell, City Manager  
From: William Hunt, Fire Chief  
Subject: Council Agenda Item; Fire & Rescue Department Strategic Plan

Background

Earlier this year, the Fire & Rescue Department initiated a community driven strategic planning process as part of maintaining accredited status through the Center for Public Safety Excellence (CPSE). The process, facilitated by *North Carolina Fire Chief Consulting LLC*, consisted of an analysis of resources and service delivery methods, a series of workshops with department members and city staff, and surveys of the community and service delivery partners. A strategic planning document outlining observations and key recommendations was produced for the department.

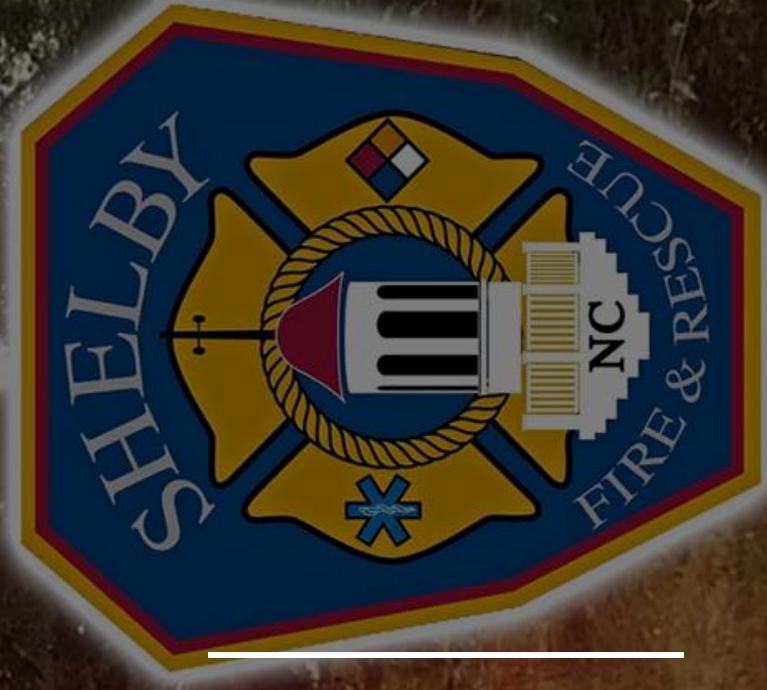
Discussion

Planning is a key element for organizational success. A strategic plan is a management tool that provides short term direction, builds a shared vision, directs the development of goals and objectives, and optimizes the use of resources. In the fire service this involves analyzing community risk, public demand for fire and rescue services, and prioritizing available resources based on local needs and industry best practice. For fire departments engaged in CPSE's strategy of continuous improvement, strategic planning is an integral component. To remain credible, an accredited agency must demonstrate utilization of a contemporary planning processes that are integrated into the organization.

Action

Please place on the next available city council agenda the 2022 Shelby Fire & Rescue Department Strategic Plan and the attached resolution for the council's consideration and approval.

# Strategic Plan 2022





# SHELBY FIRE & RESCUE DEPARTMENT

## 2022 Strategic Plan



## Community-Driven Strategic Plan:

A planning process where an organization examines its priorities, products & services and expectations through the eye of the community (or customer).

## A Management Tool Which:

- Provides direction over time.
- Builds a shared organizational vision.
- Sets goals and objectives
- Optimizes use of resources.

Facilitated  
by:



Current plan review

Service Delivery Analysis

Community Analysis

Internal Stakeholder Review

External Stakeholder Review

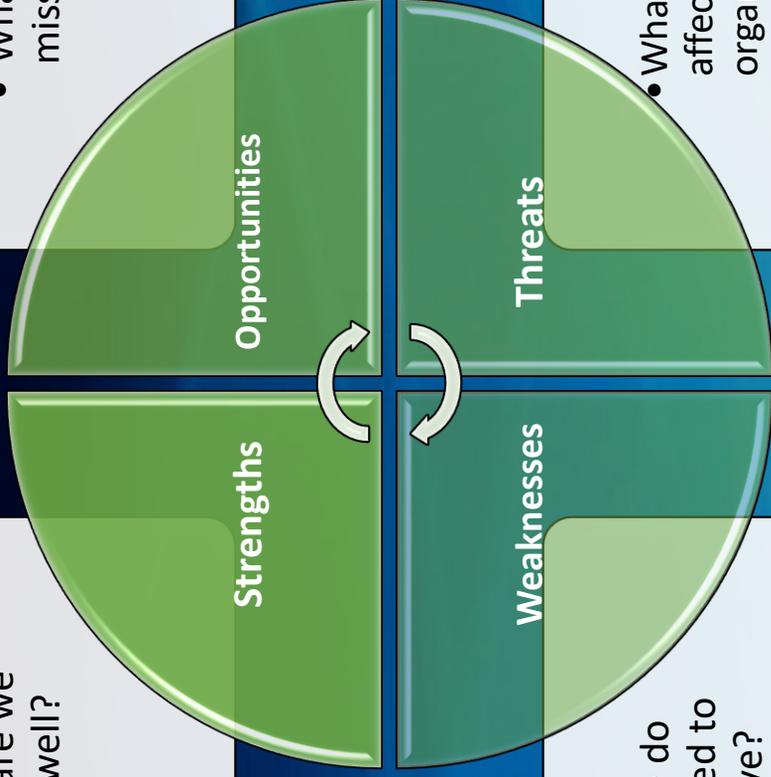
Recommendations

• What are we doing well?

• What are we missing?

• Where do we need to improve?

• What may affect our organization?



S

Strengths

## Fire & Rescue

- Modern apparatus and equipment.\*

## City Departments

- Organized and well-led department.

## Response Partners

- Technically competent across public safety disciplines.

## Community

- Professional and caring staff.

\* Identified across multiple groups.

# W

## Weaknesses

### Fire & Rescue

- Succession planning & leadership development.

### City Departments

- Emergency planning at the city level.

### Response Partners

- Over reliance on automatic and mutual-aid from volunteer agencies.

### Community

- Community outreach and safety education.\*

\* Identified across multiple groups.



**Opportunities**

## Fire & Rescue

- Joint specialty operations with Cleveland County.

## City Departments

- Collaboration with other city dept's & the community.

## Response Partners

- Inter-agency training opportunities.

## Community

- Competitive pay and compensation.\*

\* Identified across multiple groups.

# T

## Threats

### Fire & Rescue

- Health, Wellness & Morale of employees.

### City Departments

- Fire & Rescue services keeping pace with city's growth.\*

### Response Partners

- Split city-county E911 Communications.

### Community

- Recruitment & Retention of quality employees.\*

\* Identified across multiple groups.

# Strategic Initiatives



RECRUITMENT,  
RETENTION &  
WELLNESS



PROFESSIONAL  
READINESS &  
DEVELOPMENT



COMMUNITY  
ENGAGEMENT



LEVERAGING  
PARTNERSHIPS



DEPLOYMENT,  
PLANNING &  
MITIGATION



RESOURCES &  
INFRASTRUCTURE



## Next Steps:

- Review observations and recommendations.
- Develop short- and long-term goals and objectives around the strategic initiatives.
- Formal approval of completed plan.
- Publish the plan documents internally and to the department's section of city website.
- Review and revise goals and objectives at least annually over the life of the plan.

# Questions



City of Shelby  
Agenda Item Summary  
November 21, 2022  
City Hall Council Chamber

**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.*

***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.***

City of Shelby  
Agenda Item Summary  
November 21, 2022  
City Hall Council Chamber

**D. Public Hearings:**

**Agenda Item: D-1**

- 1) Consideration of proposed ordinances amending the zoning map of the City of Shelby, North Carolina at 1536 South Lafayette Street and Melrose Drive
  - a. Ordinance No. 61-2022 Amending the zoning map of the City of Shelby, North Carolina at 1536 South Lafayette Street
  - b. Ordinance No. 62-2022 Amending the zoning map of the City of Shelby, North Carolina at Melrose Drive

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

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Summary of Available Information:

- Memorandum dated November 21, 2022, from Walter Scharer, Planning Director to Rick Howell, City Manager
  - General Application
  - Staff Report
  - Location Map, Zoning Map, and Future Land Use Map of 1536 South Lafayette Street and Melrose Drive
  - Planning and Zoning Board Minutes
  - Certified Recommendation
  - Notice of Public Hearing
  - Ordinance No. 61-2022 and Ordinance No. 62-2022
- 

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 consistency status of these proposed zoning map amendments the City's current land use plan. 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.

**See Next Page**

City of Shelby  
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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 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 Nos. 61-2022 and 62-2022**



## **Memorandum**

To: Rick Howell - City Manager  
From: Walter Scharer – Planning Director  
Date: November 21, 2022  
Subject: Requested zoning map amendment at 1536 South Lafayette Street and Melrose Drive

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

Applicant, BRD Land and Investment, LP, is proposing a zoning change on this property to allow for Multi-Family development.

### **Review and Comments**

The property on the west side of South Lafayette Street is currently zoned R10 and the applicant is proposing R6CZ. The condition associated with the Conditional Zoning is Townhome Development. The Comprehensive Land Use Plan designates this area as medium density residential. The proposal is consistent with the density recommendation of the Comprehensive Land Use Plan but inconsistent with the land use recommendation of the Comprehensive Land Use Plan. The property on Melrose Drive is currently zoned R20 and the applicant is proposing Corridor Protection District. The Comprehensive Land Use Plan for this area designates the site as a Mixed Use Area. This section of the proposal is completely consistent with the Comprehensive Land Use Plan.

### **Recommendation**

However, the Planning and Zoning Board recognized the various commercial and institutional uses on this section of South Lafayette Street including a grocery store, medical offices, storage units, Family Dollar, a church, and the Shelby Middle School. 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. If this zoning amendment is approved the applicant will have to secure a Special Use Permit for the project. The potential Special Use Permit hearing will take place on December 5, 2022.

Please schedule a legislative public hearing for this proposed zoning amendment at the next City Council meeting on November 21, 2022. There are two separate ordinances prepared for this proposal. Council may approve one or the other or both.

**Attachments: Application, Staff Report, Zoning Map, Location Map, Future Land Use Map, Notice of Public Hearing, Planning and Zoning Board October 20, 2022 minutes, Certified P&Z Recommendation, and Ordinance**



City of Shelby  
Planning and Development Services Department

General Application

Address of Subject Property:

1536 S LAFAYETTE ST, 0 S LAFAYETTE ST

Applicant(s) Name: Kyle diPretoro, BRD Land & Investment, LP

Address: 234 Kingsley Park Drive, Suite 110  
Fort Mill, SC 29715

Email: kyle@dp-development.com

Phone: 803-493-0723

Owner(s) Name: LEWIS GENE YARBORO REVOCABLE TRUST, ROBERT EUGENE YARBORO ETAL

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
- 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: 2536613983, 2536810111, 2536902441

Proposed Zoning: R6 CZ, CPD

Proposed Land Use: Townhome community

Previous Use: vacant, wooded

Approx. Building Sq. Ft.: NA

Approx. Project Acreage: 44+ acres

Business Name: NA

Construction Sq. Ft.: NA

Valuation: NA

Provide a detailed description of the proposed project. Attach additional pages or documentation if necessary.  
The zoning request is to accomodate a townhome community

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.

DocuSigned by:  
kyle diPretoro

7/30/2022

Signature of Applicant

Date

Received by:

Date

Legend

-  Existing Trees
-  Townhome Lots
-  Stormwater Management
-  Open Space
-  Stream Buffer



Conceptual Rezoning Rendering

South Lafayette Street



# Staff Report



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

Date: September 9, 2022  
Meeting: September 15, 2022  
File: #

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**OWNER:** Gene Yarboro and Others

**APPLICANT:** BRD Land & Investment, LP

**LOCATION:** 1536 South Lafayette Street and Melrose Drive

**PARCEL ID #s:** 27806 & 49302

**PRESENT ZONING:** R10, GB2, and R20

**REQUESTED ZONING:** R6 CZ & CPD

**SURROUNDING ZONING:** Variety of Surrounding Zoning Districts Please Refer to the Attached Current Zoning Map

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

**ANALYSIS:** The subject property is located on South Lafayette Street and Melrose Drive. The site is currently vacant and is approximately 44 acres in area. The applicant is proposing to rezone the Northern part of the site to R6 CZ and the Southern part of the site to CPD. The applicant is proposing to build a townhome community as shown on the attached site plan. A total of 201 proposed townhome units. The proposed development will have access to South Lafayette Street, Farm Road, and Melrose Drive. Sidewalks are required for the internal street network as well as South Lafayette Street and Melrose Drive.

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.

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. Nonresidential uses permitted within this district include customary accessory, recreational, educational, and institutional land uses that are compatible with the high density residential character of the R6 District.

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 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. Billboards are prohibited.

The CPD Corridor Protection District has as its major objectives to promote a sensitive conversion of vacant land to more urban uses; support development that is compatible with and enhances the visual attractiveness of the area; promote well-planned, economically viable development; ensure safe and efficient traffic flow; and avoid uncoordinated, strip development patterns. Residential uses are permitted at the same density and according to the same dimensional requirements as the R6 Residential District.

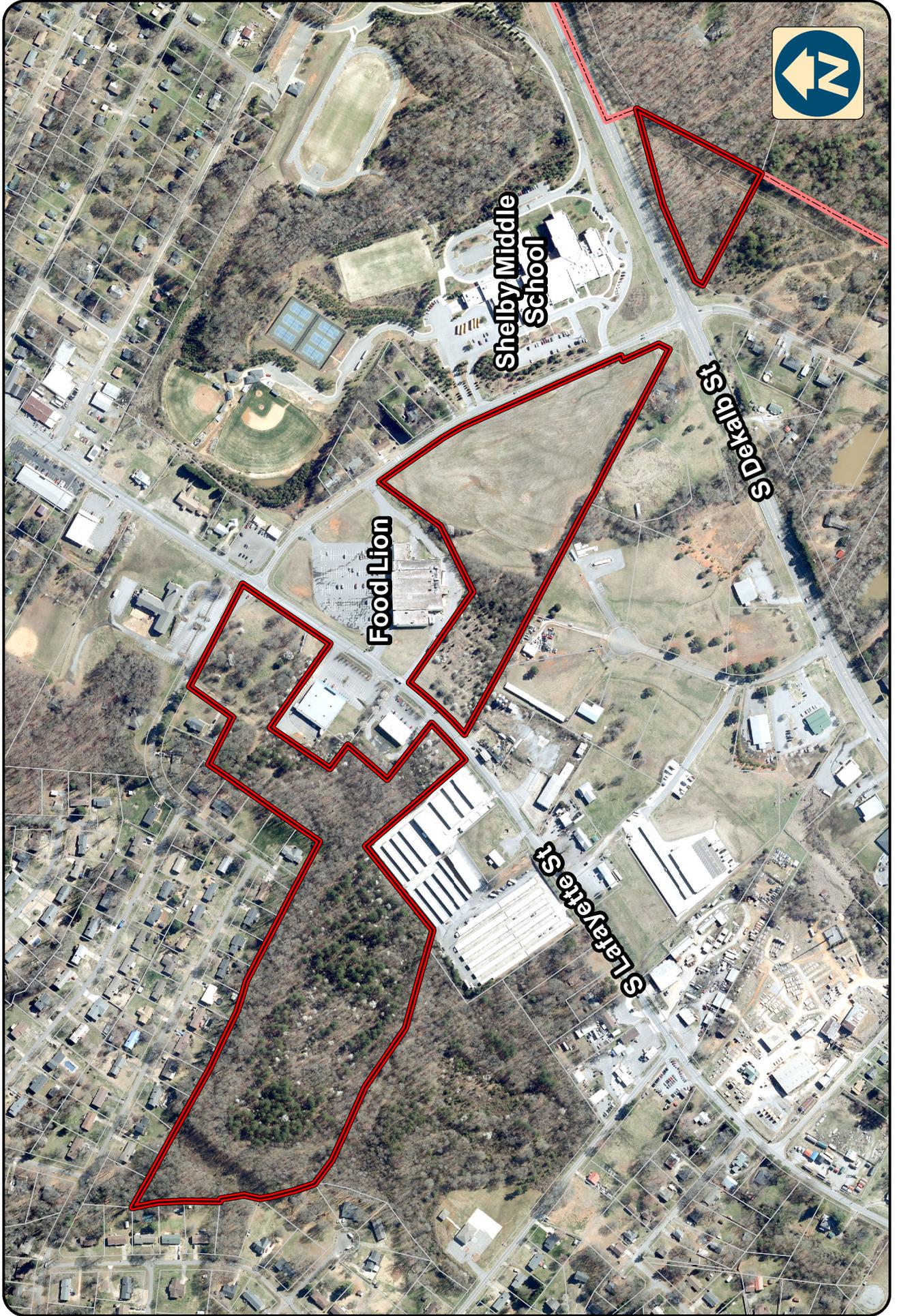
**STAFF COMMENTS:** The Comprehensive Land Use Plan identifies this property as being in a Mixed Use area. This proposal is consistent with the Comprehensive Future Land Use Plan. Staff recommends this proposed Zoning Map Amendment.



# Location Map

## 1536 South Lafayette Street

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



Scale 1:6,000 1 inch = 500 feet



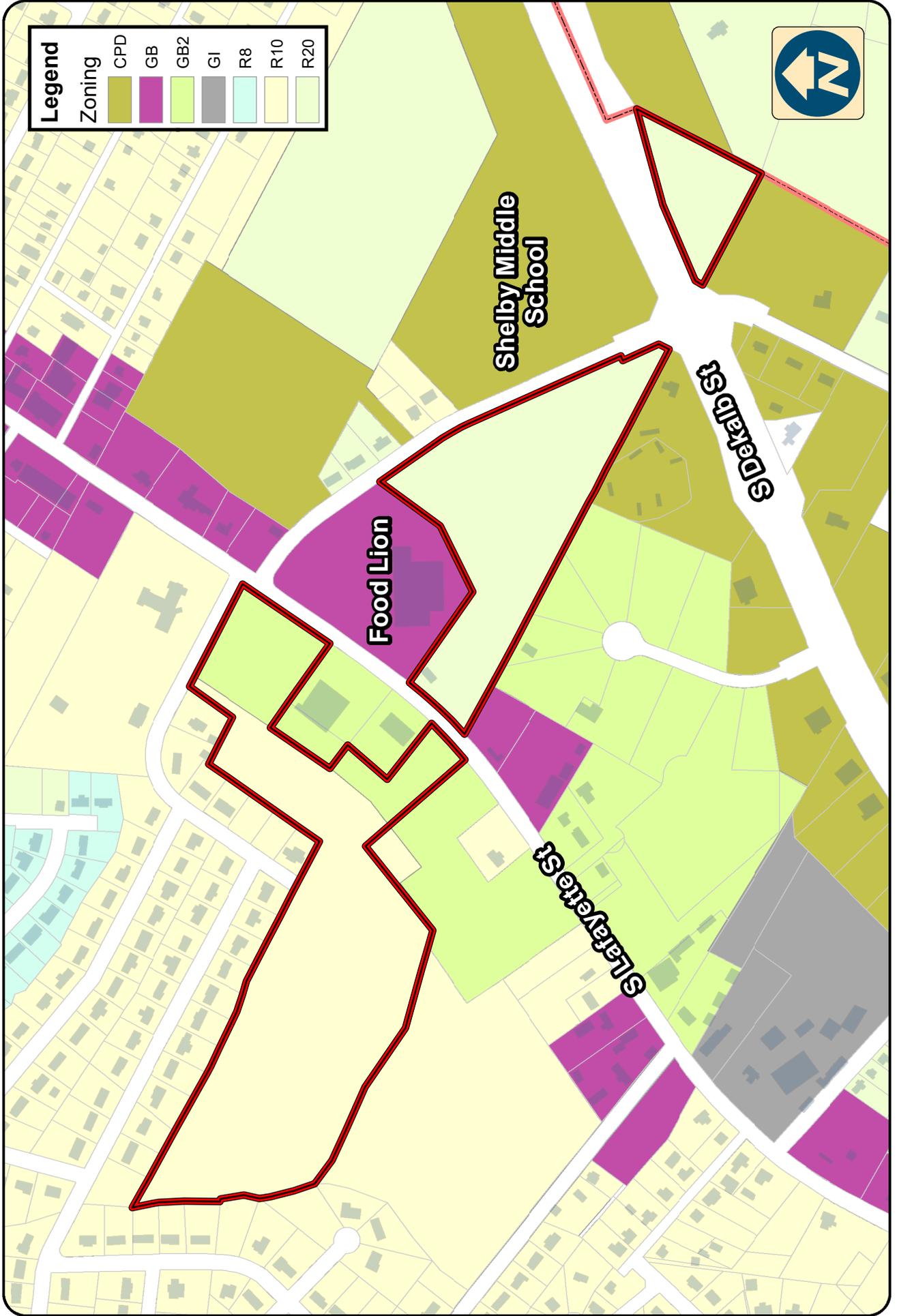
Date: 9/7/2022



# Zoning Map

## 1536 South Lafayette Street

Map Information:  
Datum: NAD 1983  
Coordinate: State Plane  
North Carolina (Meter)  
Projection: Lambert Conformal Conic  
US National Grid  
Grid Zone Designation (GZD): 17S  
Grid Easting Designation (Easting): 100,000m Square ID: NV10M



Date: 9/7/2022

Scale 1:6,000 1 inch = 500 feet



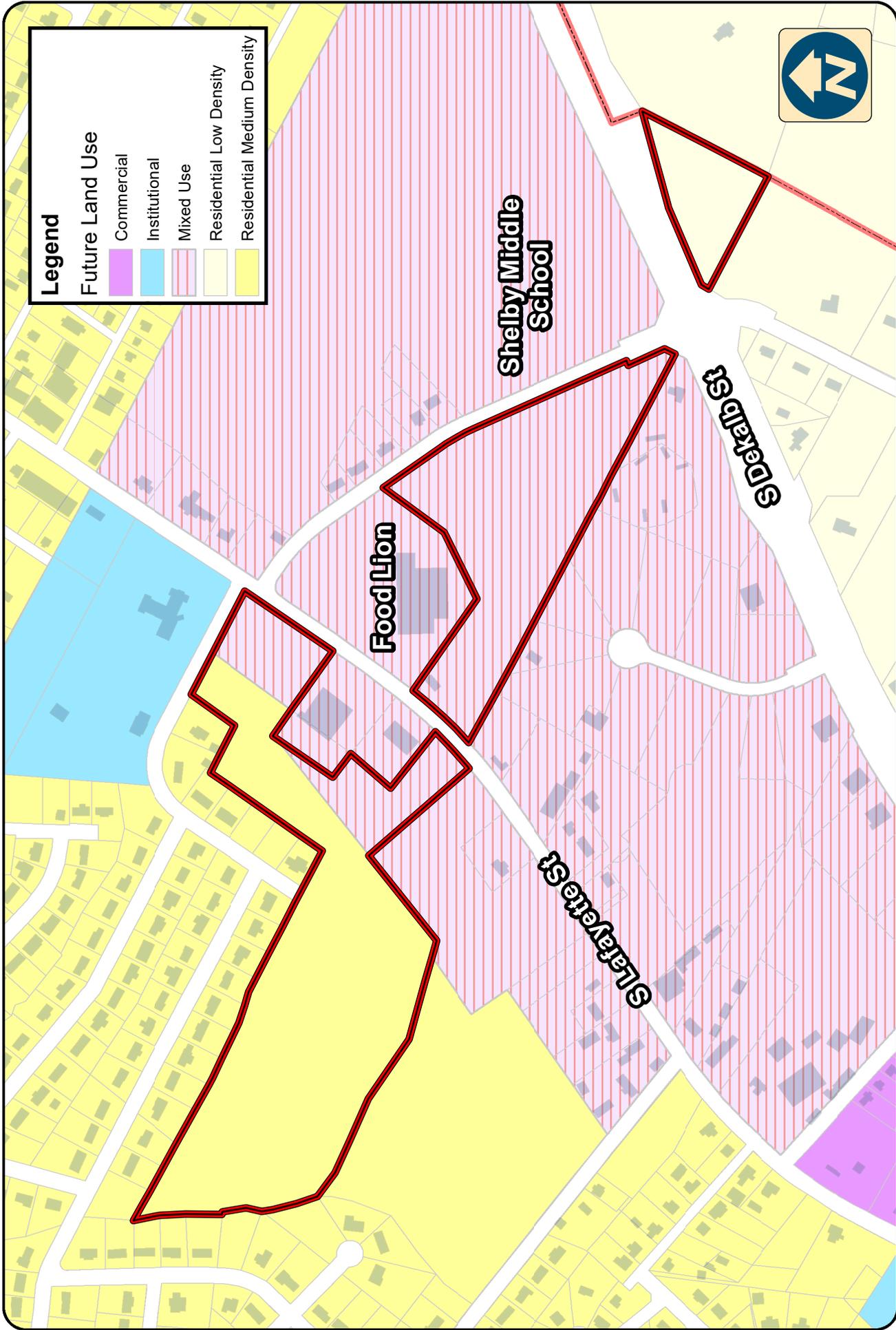
# Future Land Use Map 1536 South Lafayette Street

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

**Legend**

**Future Land Use**

- Commercial
- Institutional
- Mixed Use
- Residential Low Density
- Residential Medium Density



Scale 1:6,000 1 inch = 500 feet 0 250 500 1,000 Feet

Date: 9/7/2022



**CITY OF SHELBY PLANNING AND ZONING BOARD MINUTES**  
**October 20, 2022**  
**Shelby-Cleveland County Regional Airport**

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

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

**Board Present:** Emanuel Hunt, Mark Carter, Rick Washburn, Greg Taylor, Bob Cabiness, Charles Hamrick, Karla Haynes, and Mike Royster.

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

**Citizens Present:** Kyle diPreto, Applicant and Sara Shirley, Senior Planner.

**Item 2. Approval of the September 15, 2022 Minutes**

The minutes for the September 15, 2022 meeting were approved as submitted.

**Item 3. Proposed Zoning Map Amendment – 1536 South Lafayette Street and Melrose Drive**

Mr. Scharer introduced the proposed zoning map amendment for 1536 South Lafayette Street and Melrose Drive. The subject properties, in total, are currently vacant and approximately 44 + acres in size. The applicant wishes to rezone the property in order to apply for a Special Use Permit for a multi-family dwelling development.

There are two distinct portions of the proposal. The portion on the western side of South Lafayette Street is primarily zoned R10 adjacent to the Old Farm Subdivision. However, the part of this property fronting South Lafayette Street is zoned GB2. The R10 area is the part being submitted for a proposed zoning change to R6 CZ. The condition associated with this new zoning is multi-family development for Townhomes at a density of no more than 4 dwelling units per acre.

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 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 Comprehensive Land Use Plan designates this site as a medium density residential area. This proposal is inconsistent with the Comprehensive Land Use Plan as to the proposed use on Multi-Family dwellings, however, the proposal is consistent with the Comprehensive Land Use Plan for dwelling unit density. In addition, the proposal is consistent with the development patterns in the area. As noted above, sewer is available to this property currently.

The portion of this proposal on the eastern side of South Lafayette Street and along Melrose Drive would change the zoning from R20 to Corridor Protection District.

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 CPD Corridor Protection District has as its major objectives to promote a sensitive conversion of vacant land to more urban uses; support development that is compatible with and enhances the visual attractiveness of the area; promote well-planned, economically viable development; ensure safe and efficient traffic flow; and avoid uncoordinated, strip development patterns. 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 mixed use area. This proposal is consistent with the Comprehensive Land Use Plan. In addition, 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 these proposed zoning map amendments due to development patterns in the area, proximity to shopping and schools. 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. Hunt. Motion passed by an unanimous vote.

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

Chair Carter adjourned the meeting at 12:31 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 1536 South Lafayette Street with Cleveland County PIN # 49302: from Residential 10 (R10) zoning district to Residential 6 Conditional Zoning district (R6CZ). In addition, for property located on Melrose Drive with Cleveland County PIN # 27806: from R20 to Corridor Protection District.

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**Recommendation:** **The Planning and Zoning Board recommends the proposed zoning map amendment for property located at 1536 South Lafayette Street with Cleveland County PIN # 49302: from Residential 10 (R10) zoning district to Residential 6 Conditional Zoning district (R6CZ). In addition, the Planning and Zoning Board recommends the proposed zoning map amendment for property located on Melrose Drive with Cleveland County PIN # 27806: from R20 to Corridor Protection District.**

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### Findings &

**Reasons:**

1. The proposed zoning map amendment along Melrose Drive is consistent with the Comprehensive Land Use Plan.
2. The proposed zoning map amendment at 1536 South Lafayette Street for the portion of property that is currently zoned R10 is inconsistent with the Comprehensive Land Use Plan.
3. 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 Residential 6 Conditional Zoning District (R6CZ) and from Residential 20 (R20) zoning district to Corridor Protection District (CPD).

**Second:** Mr. Hunt

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

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

Mark Carter  
Planning and Zoning Board Chair

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Date: 10/20/2022

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Date: 10/20/2022

## **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, November 21, 2022, at 300 South Washington Street. City Council will consider a proposed zoning map amendment from Residential 10 (R10) to Residential 6CZ (R6CZ) Zoning District for property located on South Lafayette Street with Cleveland County Parcel Tax Number 49302 and Residential 20 (R20) to Corridor Protection District (CPD) on Melrose Street with Cleveland County Tax Parcel Number 27806.

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, November 16, 2022 and again on Sunday, November 20, 2022.**

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

**ORDINANCE NO. 61-2022**

**A PROPOSED ORDINANCE AMENDING THE ZONING MAP OF  
THE CITY OF SHELBY, NORTH CAROLINA AT 1536 SOUTH LAFAYETTE STREET**

**WHEREAS**, the City of Shelby has received an application requesting the rezoning of property at 1536 South Lafayette Street adjacent to the Old Farm Subdivision 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 for the proposed land use; and,

**WHEREAS**, in accordance with GS 160D-602, a public hearing on this proposed rezoning was held by City Council on November 21st 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 for the proposed land use.

**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 property at 1536 South Lafayette Street is hereby amended from R10 Zoning District to R6 Conditional Zoning. Said area of zoning is more fully described as the portion of the parcel listed by the Cleveland County Tax Office as Parcel Identification Number 49302 that is currently zoned R10.

**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.

Ordinance No. 61 – 2022

November 21, 2022

Page 2

**ADOPTED AND APPROVED** this the 21st day of November 2022.

---

O. Stanhope Anthony III  
Mayor

ATTEST:

---

Carol Williams  
City Clerk

APPROVED AS TO FORM:

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John Kubis  
Interim City Attorney

**ORDINANCE NO. 62-2022**

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

**WHEREAS**, the City of Shelby has received an application requesting the rezoning of property on Melrose Drive 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 21st 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), the property on Melrose Drive is hereby amended from R20 Zoning District to Corridor Protection District. Said area of zoning is more fully described as the parcel listed by the Cleveland County Tax Office as Parcel Identification Number 27806.

**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.

Ordinance No. 62 – 2022

November 21, 2022

Page 2

**ADOPTED AND APPROVED** this the 21st day of November 2022.

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O. Stanhope Anthony III  
Mayor

ATTEST:

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Carol Williams  
City Clerk

APPROVED AS TO FORM:

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John Kubis  
Interim City Attorney

City of Shelby  
Agenda Item Summary  
November 21, 2022  
City Hall Council Chamber

**E. Consent Agenda:**

**Agenda Item: E-1**

- 1) Approval of the Minutes of the Regular Meeting of November 7, 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 November 7, 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

November 7, 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, and Emilie Bullock.; 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 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

**Absent:** Council member Violet Arth, and City Manager Rick Howell

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

Mr. Hopper led the Pledge of Allegiance.

### A. Approval of agenda:

Mayor Anthony requested the removal of the Closed Session (Item H) due to Mr. Howell's absence.

- 1) Motion to adopt the agenda as amended.

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

### B. Special Presentations:

- 1) Sunset Cemetery Project Presentation - Zach Dressel and Chavis Gash, presenting

Mayor Anthony called upon and welcomed Mr. Dressel and Mr. Gash. Mr. Gash thanked City Council and City staff for allowing them to present their project regarding Sunset Cemetery.

Mr. Dressel stated this project came about in May, 2020 when a historic map from 1886 was found in Cleveland County's historic collection. Some focuses of this project are the following:

- I. Brief Overview of the Project:

- **Sunset Cemetery, which has served as Shelby’s most prominent cemetery for nearly 200 years, has an unmarked section with graves of African Americans that date back to at least 1876.**
- **This section lies on the western side of the old section of the cemetery and is currently a large open grassy field.**
- **A committee of concerned citizens was formed in January of 2021 with the express purpose of investigating the site and working through options for raising awareness of its historical and cultural value.**

**II. Purpose of the Project:**

- **To memorialize those whose remains are buried in the section of the cemetery that are known and unknown.**
- **To use the space as an educational opportunity about the history of our local community and its ancestors, which will further create equality in the historical narrative of Shelby.**
- **To create connections with the local community through focus groups and public projects engaging local churches, youth organizations, and civic groups.**

**III. Desired Outcomes:**

- **To memorialize individuals at Sunset Cemetery’s identified section and share historical information found.**
- **To develop educational programming around the information found and have on-going community engagement surrounding information found about the cemetery.**

**IV. Our proposal for the section of the cemetery:**

- **Put directional markers and educational markers at the cemetery.**
- **Monument to recognize those buried.**
- **Clean up the forest area in partnership with the Episcopal Church for another GPR study on that site between the church and the cemetery.**

**V. Current Partnerships:**

- **The Project Committee has engaged the Episcopal Church as possible burials seem to extend to their property.**
- **The church has been very cooperative in pursuit of the purpose of the project.**
- **The Friends of the Park have served as our partner to manage any donations collected for expenses such the GPR study, and other research expenses.**

## **VI. Community/Events/Programs:**

- **Social Media Post & Videos**
- **Field Trips to the property**
- **Focus groups with the community**
- **Collect stories, memories, documents/information**

**Mr. Hopper remembered that Reverend Sam Raper, a longtime City Council member, often spoke of the African American church and cemetery located in that vicinity.**

**Mayor Anthony and City Council commended Mr. Dressel and Mr. Gash on their work on this project. Assistant City Manager Justin Merritt mentioned that City staff along with Mr. Dressel and Mr. Gash could draft a resolution to direct how City Council moves forward with this project. Council was in consensus of this proposal.**

### **2) Uptown Shelby Association update – Audrey Whetten Godfrey, Executive Director**

**Mayor Anthony called upon Audrey Whetten Godfrey. The Mayor recognized that Mrs. Godfrey is leaving Uptown Shelby Association after nine years, however, she is joining the City of Shelby in the Planning Department.**

**Mrs. Godfrey recognized Kaitlyn McNeilly, Community Engagement Manager at Uptown Shelby Association, in attendance; and acknowledged she handles events, volunteers and marketing.**

**The highlights of Mrs. Godfrey's presentation are:**

- **Thank you for investing in the twinkling lights on South Lafayette Street**
- **Awarded two façade grants for Queen Bee Home & Décor and Angie Brooke Boutique**
- **New businesses include a retail store, a bakery/restaurant, and a nano-brewery**
- **Many upcoming holiday events are scheduled**

**Mrs. Godfrey recapped what Uptown Shelby Association is and what they do. She stated USA is not part of the City of Shelby or the Cleveland County Chamber, they are a 501©(3) nonprofit organization that follows the Main Street Approach which is an intentional structure that works to grow a stronger, more viable district through promotion, partnerships, economic vitality, and design.**

**Mrs. Godfrey also listed a few ways Uptown Shelby Association has thrived during her tenure and a list of things that need to be focused on in the future.**

**Mrs. Godfrey concluded by stating she is thrilled to be coming to work for the City of Shelby's Planning Department as the Senior Planner.**

**Mr. White expressed his sadness of her leaving Uptown Shelby Association but so happy she's coming to the City of Shelby's Planning Department. Mayor Anthony agreed with Mr. White's sentiments.**

**C. 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 17, 2022**
- 2) Approval of Special Event Application:**
  - a) Uptown Shelby carriage rides and tree lighting – requested date: November 25th, December 2nd, 9th, and 16<sup>th</sup>**
  - b) Shelby Christmas Parade – requested date: Sunday, December 18, 2022**
  - c) Atrium Health Family Holiday Celebration - requested date: December 7, 2022**
- 3) Adoption of Fiscal Year 2022-2023 Budget Ordinance Amendment No. 2: Ordinance No. 58-2022**
- 4) Approval of a resolution approving the contract modification for the performance of the City of Shelby's annual audit and preparation of financial statements for the fiscal year ended June 30, 2022: Resolution No. 67-2022**
- 5) Adoption of an ordinance authorizing demolition of a dwelling at 501 West Graham Street: Ordinance No. 59-2022**
- 6) Management Reports:**
  - a) Financial Summary – September 2022**

**D. Unfinished Business:**

**None**

## **E. New Business**

- 1) Approval of a resolution authorizing project allocations for North Carolina State appropriations for Water and Wastewater projects: Resolution No. 68-2022**

**Mr. Merritt stated this resolution approves the funding allocation plan for the \$10.2 million appropriated from the state budget last year. Mr. Merritt reported that the intent of this resolution is to ensure that City Council is fully informed as to the specific use of these funds and the reasoning behind the recommendation.**

**Mr. Merritt directed Council to a list of projects selected:**

- 24” waterline to South Tank and Forest Hill Dr.**
- Hickory Creek Sewer from Windsor Dr. to Holly Oak**
- Water Treatment Plant filter rehabilitation**
- Water/Sewer improvements to promote residential development**
- Existing water and sewer system repairs and maintenance**

**ACTION TAKEN: Upon a motion made by Mr. Causby, City Council voted unanimously to adopt Resolution No. 68-2022 entitled, “CITY OF SHELBY AUTHORIZATION OF PROJECT ALLOCATIONS FOR NORTH CAROLINA STATE APPROPRIATIONS FOR WATER AND WASTEWATER PROJECTS”**

- 2) Pinnacle Estates Subdivision Underground Electric Installation Project:**

- a) Adoption of Fiscal Year Budget Ordinance Amendment No. 3: Ordinance No. 60-2022**
- b) Approval of a resolution awarding the construction contract for the Pinnacle Estates Subdivision Underground Electric Project: Resolution No. 69-2022**

**Mr. Merritt introduced the Pinnacle Estates Subdivision Underground Electric Installation Project that contains two items:**

**Ordinance No. 60-2022 if approved would fund the budget ordinance in the amount of \$106,000 from the Electric fund balance for the extension of the electric system to serve the residential development known as Pinnacle Estates.**

**Resolution No. 69-2022 if approved would award the project to Utility Partners of America so they can begin construction of this project. According to Mr. Merritt, City policy states that the City is responsible for providing electric and gas infrastructure into a residential neighborhood; the developers are responsible for water and sewer infrastructure.**

**ACTION TAKEN:** Upon a motion made by Mrs. Bullock, City Council voted unanimously to adopt Ordinance No. 60-2022 entitled, “ADOPTION OF FISCAL YEAR BUDGET ORDINANCE AMENDMENT NO. 3” and Resolution No. 69-2022 entitled, “A RESOLUTION AWARDED THE CONSTRUCTION CONTRACT FOR THE PINNACLE ESTATES SUBDIVISION UNDERGROUND ELECTRIC PROJECT”.

**F. City Manager’s Report:**

- **Aquatics Center**

Work on removing the interior finish of the Olympic size pool and the deck. Roof replacement began last week. Bathrooms have been torn out and flooring is being put back in place. Everything is on schedule so far.

- **Shell Building #4**

Walls are up, and rafters are up. Everything is on schedule with a completion date is set for January or February 2023.

- **Water and Sewer Projects:**

Several projects are ongoing or in the planning phase.

- **Paving Projects**

Asphalt Paving of Shelby will be back around Thanksgiving to start that project back up and hopefully will be able to finish the project before moving on.

**G. Council Announcements and Remarks:**

Mayor Anthony reminded Council of several events such as the Veteran’s luncheon scheduled for November 8<sup>th</sup> at the Don Gibson Theater, and the Veteran’s Day parade scheduled for Friday, November 11<sup>th</sup>.

Mayor Anthony, Mr. Causby and Mr. Webber reminded and encouraged everyone to vote tomorrow in the elections. Mr. Webber stated the word vote comes from the word voice, and that many men and women have fought hard for our right to vote.

**Mr. White thanked our Interim City Attorney, Julie Hooten, for attending the meeting. Mr. White reiterated his appreciation to Audrey Whetten Godfrey for all her hard work at Uptown Shelby Association.**

**Mr. Hopper was proud to say that when he was on City Council many years ago and Mr. Webber was the Human Resource Director for the City of Shelby, they were instrumental in getting the Veteran’s Day holiday for the city employees.**

**H. Adjournment:**

**1) Motion to adjourn**

**ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to adjourn the meeting at 6:37 p.m.**

**Respectfully submitted,**

**Carol Williams  
City Clerk**

**O. Stanhope Anthony III  
Mayor**

**Minutes of November 7, 2022**

City of Shelby  
Agenda Item Summary  
November 21, 2022  
City Hall Council Chamber

**Agenda Item: E-2**

2) Approval of Special Event Application:

- a) Foothills Farmer's Market – Holiday Market, requested date: December 3, 2022

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

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Summary of Available Information:

- Memorandum dated November 10, 2022, from Carol Williams, City Clerk to Rick Howell, City Manager
- Special Event Application

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City Manager's Recommendation / Comments

These events are 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.

I do want to make Council aware that after the first of the year I will be proposing a revised special event ordinance that formalizes the City's process and more clearly spells out the City's expectations of those submitting applications that require additional City services including the closure of streets and sidewalks. Special events require a great deal of resources often including employee work hours (Public Works, Police, Fire & Rescue and Parks and Recreation) as well as equipment. These events which provide important activities for citizens/visitors do require staff to divert from their usual duties even if only for a brief period in some cases. As you have heard me say each employee is budgeted for 2,080 hours per year. Each hour committed to special events takes away from the core purpose of that employee. I am not suggesting that the City no longer allow special events but do believe a more clear and formal policy will assist in helping us to manage our resources. Look for a recommendation in early 2023.

# Memo

**To:** Rick Howell, City Manager

**From:** Carol Williams, City Clerk

**Date:** November 10, 2022

**Re:** Special Event Permit Application

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## BACKGROUND:

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

- ✓ Foothills Farmer's Market - Holiday Market, Saturday, December 3, 2022

## 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 21, 2022 for Council's review and approval.

## ATTACHMENT:

- A. Special Event Permit Application packet received November 8, 2022



TO: SPECIAL EVENT SPONSORS

PLEASE COMPLETE THE ATTACHED SPECIAL EVENT PERMIT APPLICATION AND RETURN IT, ALONG WITH THE \$20 PROCESSING FEE PAYABLE TO THE CITY OF SHELBY, TO THE CITY CLERK'S OFFICE AT LEAST THIRTY (30) DAYS PRIOR TO THE SCHEDULED EVENT. YOUR APPLICATION WILL BE REVIEWED BY THE APPROPRIATE CITY DEPARTMENTS AND ULTIMATELY APPROVED BY CITY COUNCIL AT A REGULARLY SCHEDULED MEETING. THE CITY CLERK WILL MAIL A CONFIRMING PERMIT LETTER TO YOU PRIOR TO THE EVENT DATE.

IF YOU HAVE ANY QUESTIONS OR NEED ADDITIONAL INFORMATION, PLEASE CALL THE CITY CLERK AT 704 669-6588.

**CITY OF SHELBY  
SPECIAL EVENT PERMIT  
APPLICATION INSTRUCTIONS**

1. **EVENT NAME:** Provide the common name by which the event is to be known.
2. **PURPOSE AND BRIEF DESCRIPTION OF EVENT:** Please explain what type of event will be held. For example: A parade, fundraiser, festival, etc.
3. **LOCATION OF EVENT:** Please explain where you plan to hold your event. A map containing the event location and the event layout is required.
4. **PERSONS/VEHICLES/ANIMALS:** Please explain the number of people expected to attend the event. In addition, estimate the number of vehicles that will be at the event and list any animals, which will be present.
5. **RESPONSIBLE PARTIES:** Please list the individual(s) who will be responsible for the well being of the event.
6. **DATE, HOURS, TIME OF ASSEMBLY:** The date of the event must be at least thirty (30) days after the date of submittal of the application. Activities on a weekday will be prohibited from taking place during the peak rush periods 7-9 a.m. and 4-7 p.m. to the extent that the activity uses a major thoroughfare. Please list an alternate date that would be appropriate for the event in case a conflict arises.
7. **EVENT NOTIFICATION TO RESIDENTS AND BUSINESSES:**

Events that require temporarily closing streets or sidewalks require event notification to nearby residents and businesses. **You are responsible for notifying the neighbors and businesses in the surrounding area of your event** at least thirty (30) days prior to the event application. Please show respect to our local neighbors and businesses by giving them notice about any impact the event may have on them. Please plan to notify both the property owner and the tenants. Common factors to consider are traffic, noise, and any temporary street closures.

**At a minimum, you should provide direct notification (typically door-to-door visits) to:**

- Residents and businesses on and adjacent to a proposed temporary street closure
- Residents and businesses who may be seriously impacted by the temporary street closure (especially those whose primary access to their property is affected by the closure)

8. **SANITATION:** You will need to explain your plan of action to promote and maintain a sanitary environment. Include number and location of trash containers to be provided for the event. Include number and location of trash containers to be provided for the event. Indicate who will be responsible for making sure the event location is cleaned after the event. Describe the number and type location of portable toilets to be provided for the event (or toilets to be used for the event).
9. **FOOD/BEVERAGES/ENTERTAINMENT:** Please explain your proposed use of any and all beverages/foods at the event.
10. **SECURITY AND SAFETY PROCEDURES:** This section will ensure the safety of the event participants, property, and staff. In certain circumstances a building permit and fire department permit will need to be obtained. A description of first aid staffing may also be needed. Additionally medical services may need to be provided.
11. **CITY SERVICES/EQUIPMENT REQUESTED FOR THIS EVENT:** Please indicate what services or equipment the event will request from the City of Shelby.
12. **FALSE STATEMENT; PENALTY:** Any person who shall willfully make any false statement in any application for a license under any section of this article or schedule shall be guilty of a misdemeanor, and upon conviction shall be fined and/or imprisoned subject to the general penalty provisions in section 1-4.
  - a. Whenever in this Code or in any ordinance of the city any act is prohibited or is declared to be unlawful or a civil offense or the doing of any act is required, or the failure to do any act is declared to be unlawful or a civil offense, and no specific civil penalty is provided, the violation of any such provision of this Code or ordinance shall be punished by assessment of an initial civil fine of \$50.00. Upon the levy of the initial fine, a subsequent period of 20 days will be granted within which to comply with the Code. Should the offense not be resolved before the expiration of such period, additional and daily penalties of \$25.00 for each day that the offense continues shall be levied for a maximum of ten additional days, for a possible cumulative total penalty of \$300.00. Should the offense continue at the end of the penalty period, the city may then employ civil suit in a court of competent jurisdiction to compel compliance and payment of accrued civil penalties. The city may cite and pursue any continuing or repeated offense of separate charges. Each such charge shall be subject to the penalty provisions of this section without limitation as to number.
  - b. This section shall have no application to any ordinance, which may allow criminal sanctions for its violation. All violations of this Code, which are

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:**

Foothills Farmers Market - Holiday Market

**2. PURPOSE AND BRIEF DESCRIPTION OF EVENT:**

Foothills Farmers Market's Annual Holiday Market - fundraiser for FFM featuring 120 local artisans, farmers & local small businesses

**3. LOCATION OF EVENT (ATTACH MAP):**

Bobby Bell Pavilion, Pavilion lot & Campbell Street

**4. PLEASE INDICATE:**

Approximately how many people will attend the event? ~3500

Approximately how many vehicles will be present? ~1000 throughout the day

Approximately how many animals will be present? ~200

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

Not a parade, but we request Campbell St. between

Single lane N. Trade & N. Morgan be closed. (small area that

All lanes in travel direction runs by McArthur Park & the tag office)

campbell st. is one way, single lane

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

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

Name: Emma Budzinski

Address: 130 N. Post Rd (Suite 2) Shelby NC 28152

Phones: 704 470 7603 (Daytime) 704 477 7469 (Evening)

E-mail address: info@foothillsfarmersmarket.com

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

Address: \_\_\_\_\_

Phones: \_\_\_\_\_ (Daytime) \_\_\_\_\_ (Evening)

E-mail address \_\_\_\_\_

**6. PLEASE LIST THE FOLLOWING:**

Requested day(s) and date(s) Saturday Dec. 3rd 2022

Alternate day(s) and date(s) \_\_\_\_\_

Requested hours of operation, from 9:00 ~~AM~~ PM to 1:00 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. Will Notify surrounding businesses door to door.

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

Plan for clean up includes utilizing Pavilion trash cans. FFM's standard Pavilion cleanup will extend to Campbell St. No additional toilets needed

**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 - not in road closure area

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? yes, but not in road closure area

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

*Music, food & beverages will all take place in FFEM's regular location & in accordance to existing permits*  
**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.

*N/A*

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.

*N/A*

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: Shelby Rescue  
Address: \_\_\_\_\_  
Phones: \_\_\_\_\_

Indicate medical services that will be provided for the event.

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

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

*None* *Baricades & Road closure*  
*signage*

**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.

*N/A*

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**

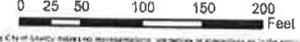
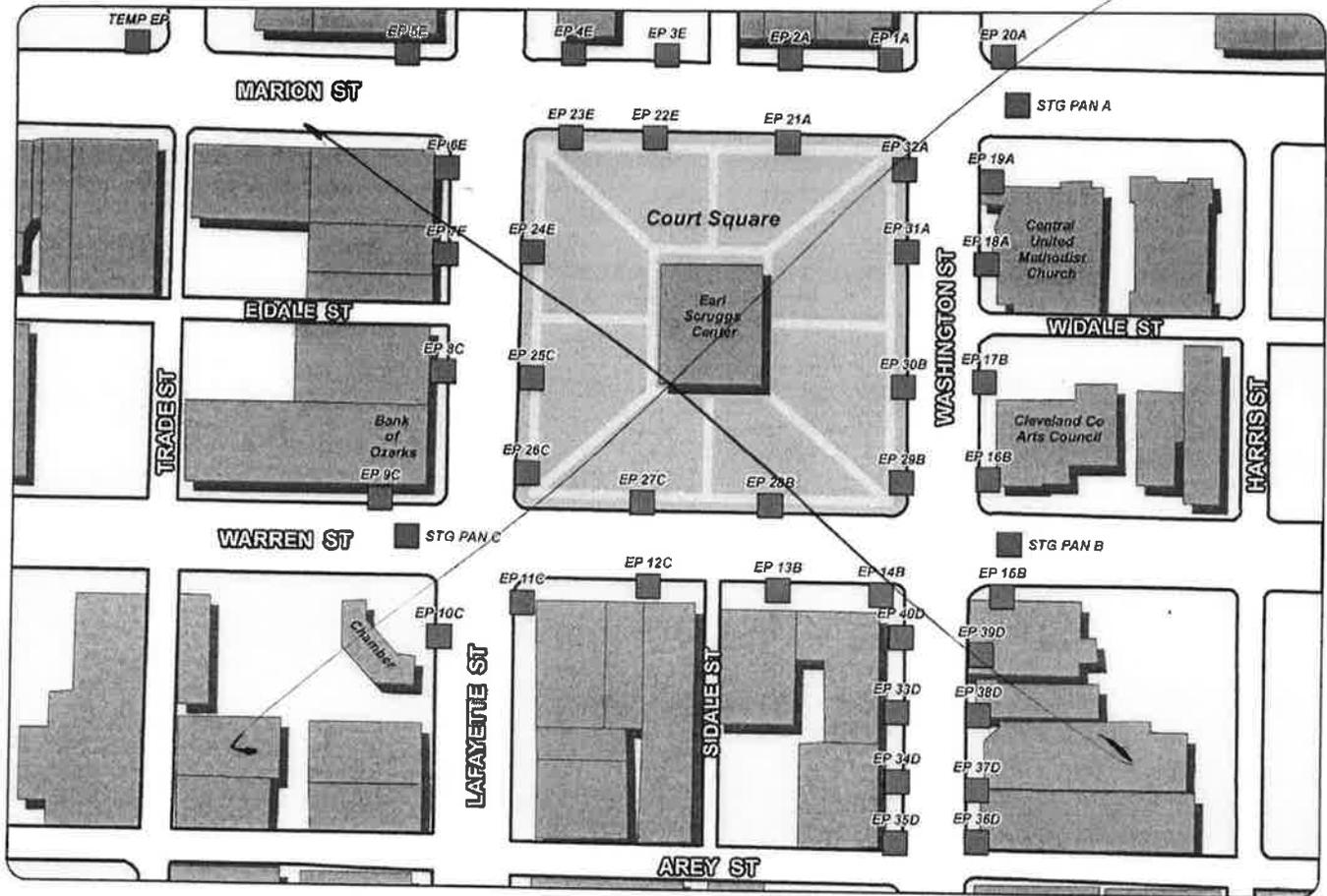
Total Number of Event Panels:  
\_\_\_\_\_ x \$15.00 x Number of Days \_\_\_\_\_ = \$ \_\_\_\_\_

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



The City of Shelby makes no representations, warranties or guarantees as to the accuracy and completeness of the attached information and plans, and the City is not responsible for any errors or omissions concerning the content and positional accuracy of such information and data.



## Legend

- Event Panel
- Stage Panel

12. ANY ADDITIONAL COMMENTS:

N/A

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

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

*Emma Budzinski*

SIGNATURE

*Emma Budzinski (Foothills Farmers Market) 704 470 7603*

APPLICANT

PHONE

*130 A. Post Rd. Suite I, Shelby NC 28152 (office)*

PHYSICAL ADDRESS

*info@foothillsfarmersmarket.com*

E-MAIL ADDRESS

*11/8/22*

DATE

City of Shelby  
Agenda Item Summary  
November 21, 2022  
City Hall Council Chamber

**Agenda Item: E-3**

- 1) Approval of a resolution adopting the 2022 Fire & Rescue Department Strategic Plan: Resolution No. 70-2022

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

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Summary of Available Information:

- Resolution No. 70-2022

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City Manager's Recommendation / Comments

Resolution No. 70-2022 is presented for City Council consideration via the Consent Agenda. If approved this resolution would formally adopt the 2022 City Fire and Rescue Department Strategic Plan. Adoption of this resolution is City Council's statement that it understands the plan and endorses the mission and goals and objectives set forth within it. Chief Hunt will be expected to routinely provide Council and update on the progress being made toward achieving the goals contained therein.

**It is recommended that Resolution No. 70-2022 be adopted and approved via the Consent Agenda.**

RESOLUTION NO. 70-2022

A RESOLUTION ADOPTING THE 2022 FIRE & RESCUE DEPARTMENT  
STRATEGIC PLAN

WHEREAS, the City of Shelby is committed to providing its resident and business community with effective public safety services; and,

WHEREAS, the Shelby City Council recognizes that the City's quality of life and economic prosperity is linked to providing the community with responsible fire and rescue services; and,

WHEREAS, the Shelby Strategic Growth Plan states the City's commitment to excellence in its public safety services by participating in national accreditation programs (SGP Policy 10.1); and,

WHEREAS, the Center for Public Safety Excellence (CPSE) is the accrediting body for fire departments in the United States; and,

WHEREAS, the Fire & Rescue Department is a duly recognized accredited agency with the Center for Public Safety Excellence as conferred by the Commission on Fire Accreditation International on August 7, 2019; and,

WHEREAS, a current strategic planning document that is adopted by the local governing body is required to remain in good standing as an accredited agency; and,

WHEREAS, the Fire & Rescue Department engaged in a community driven strategic planning process with internal and external stakeholders to assess current capabilities of the Department and provide insight for future public safety needs in the City; and,

WHEREAS, a strategic planning document has been produced for the Fire & Rescue Department based upon; a shared vision, a comprehensive set of recommendations, and optimization of resources; and,

WHEREAS, this document will foster a continuous drive for excellence by helping the Department focus on the needs and expectations, both spoken and unspoken, of customers, both present and future, in delivering and improving fire & rescue services in the City;

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

Section 1: The Mayor and City Council of the City of Shelby hereby adopt the 2022 Shelby Fire & Rescue Department Strategic Plan.

Section 2: The City Manager specifically tasks the Fire Chief with developing strategies toward incorporating the said plan into the Fire & Rescue Department's continued efforts toward organizational improvement.

Section 3: The Fire Chief shall provide periodic progress reports to the City Manager for inclusion in the city managers report to City Council as appropriate.

Section 4: This resolution shall be spread upon the permanent minutes of the Shelby City Council.

Adopted and approved this the 21<sup>st</sup> day of November 2022.

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O. Stanhope Anthony III  
Mayor

ATTEST:

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Carol Williams  
City Clerk

City of Shelby  
Agenda Item Summary  
November 21, 2022  
City Hall Council Chamber

Agenda Item: F

Unfinished Business

None

City of Shelby  
Agenda Item Summary  
November 21, 2022  
City Hall Council Chamber

G. New Business:

Agenda Item: G-1

- 1) Approval of a resolution directing the City Clerk to determine sufficiency of a voluntary (contiguous) annexation petition from Helmsman Homes: Resolution No. 71-2022

**New Business Item: (Walt Scharer, Planning Director)**

Summary of Available Information:

- Memorandum dated November 15, 2022, from Walt Scharer, Planning Director to Rick Howell, City Manager
- Petition for Annexation
- Location Map for Hubbard Terrace – Contiguous Annexation
- Resolution No. 71-2022

---

City Manager's Recommendation / Comments

This petition is submitted by Helmsman Homes LLC on behalf of the property owner, Nest Homes LLC. This parcel is vacant and is located on the southern side of Wesson Road. It is identified as parcel (#49469) on County tax records containing .66 acres. It is my understanding that this property will ultimately be developed as residential.

In accordance with NC General Statute 160A-58.2 the attached Resolution No. 71-2022 is presented for your consideration at this time. If approved, it would direct the City Clerk to review the documentation submitted by the petitioner to the Planning Department and simply determine its sufficiency in meeting the required statutory standard. If determined as sufficient a required public hearing would be scheduled to allow for appropriate public comments. This hearing would likely be scheduled for Monday, January 9, 2023.

**It is my recommendation that Resolution No. 71-2022 be adopted and approved by City Council at this time. The City Clerk will report her finding to you at your regular meeting to be held December 5, 2022, and the required public hearing would be held January 9, 2023 assuming the petition is determined to be sufficient.**



**Memorandum**

To: Rick Howell - City Manager  
From: Walter Scharer – Planning Director  
Date: November 14, 2022  
Subject: Contiguous Annexation – Hubbard Terrace

**Executive Summary of issue – Background**

Helmsman Homes has submitted an annexation petition for two parcels on Hubbard Terrace. These properties will be developed for single family dwelling units.

**Review and Comments**

This annexation site has approximately 1.12 acres in area. This site is contiguous to the current corporate limits of the City of Shelby. North Carolina General Statute 160A-58.2 states that upon receipt of a petition for annexation the City Council shall cause the City Clerk to investigate the petition and certify the results of the investigation.

Staff recommends proceeding with the annexation process for this property. Please place this item on the agenda for the November 21, 2021 City Council meeting.

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



STATE OF North Carolina  
COUNTY OF Iredell

I, Laketa Davis, a Notary Public for said County and State, do hereby certify that Eric M Wood, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 2 day of AUGUST, 2022.



Laketa Davis  
Notary Public  
My Commission Expires: June 22, 2027

**If Owner is a Partnership:**

I, \_\_\_\_\_, a Notary Public for said County and State, do hereby certify that \_\_\_\_\_, being one/all of the partners of the General Partnership known as \_\_\_\_\_, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(SEAL)

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

**If Owner is a Corporation:**

I, \_\_\_\_\_, a Notary Public for said County and State, do hereby certify that \_\_\_\_\_, personally appeared before me this day and acknowledged he (or she) is \_\_\_\_\_ of \_\_\_\_\_, a corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its \_\_\_\_\_, sealed with its Corporate Seal and attested by as its \_\_\_\_\_.

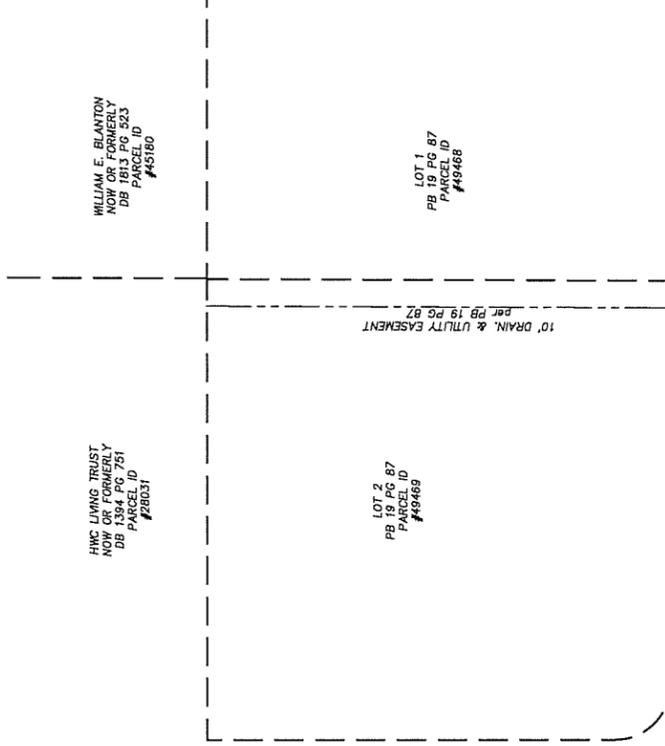
Witness my hand and official seal, this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(SEAL)

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

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	60.00'	96.31'	68.34'	N 39°02'04" W	87°03'28"
C2	60.00'	31.11'	24.94'	N 77°51'15" E	9°55'09"
C3	101.47'	148.12'	146.94'	N 77°51'15" E	9°55'09"

LINE	BEARING	DISTANCE
L1	N 25°04'00" W	30.75'



**ABBREVIATIONS:**

R/W RIGHT-OF-WAY  
SF SQUARE FEET  
MB MAP BOOK  
DB DEED BOOK  
PG PAGE  
S SEWER MANHOLE

**LINE LEGEND:**

BOUNDARY LINE  
ADJOINER LINE  
RIGHT OF WAY  
EASEMENT LINE  
SEWER LINE

**REVIEW OFFICER CERTIFICATION:**

STATE OF NORTH CAROLINA  
CITY OF SHELBY  
CLEVELAND COUNTY

I CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

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

**PURPOSE STATEMENT:**

THE PURPOSE OF THIS PLAT IS TO ANNEX TAX PARCELS #64042 & 64043 INTO THE CITY LIMITS OF SHELBY.

**ANNEXATION PLAT**

AT PROPERTIES KNOWN AS  
LOTS 6 & 7, HAMRICK EAST-SECTION 2  
PB 19 PG 87, PB 40 PG 185  
DB 1788 PG 209  
PARCEL ID #64042 & #64043  
CITY OF SHELBY, CLEVELAND COUNTY, NC  
OWNER: HELMSMAN HOMES

**AROLINA GEOMATICS, PLLC**  
LAND SURVEYING & MAPPING  
409 HOSPITAL DR., STE D  
GASTONIA, NC 28054  
P: (980) 329-3382  
CKING@CAROLINAGEOMATICS.COM  
NC #P-1965  
WWW.CAROLINAGEOMATICS.COM

**CERTIFICATION:**

STATE OF NORTH CAROLINA, CLEVELAND COUNTY

I, CHEVIS L. KING, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOKS 1394, PAGE 751 & 1788 PG 209) THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK 1394, PAGE 751 & 1788 PG 209. THIS PLAT IS SUBJECT TO ANY AND ALL APPLICABLE DEED RESTRICTIONS, EASEMENTS, COVENANTS, AND PRELIMINARY PLANS WHICH MAY BE OF RECORD.

THIS 28TH DAY OF JULY, A.D. 2022.



PROFESSIONAL LAND SURVEYOR  
L-5188B

This plat is of a survey that creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.

**NOTES:**

- AREA CALCULATED BY COORDINATE COMPUTATION. HORIZONTAL DISTANCES MEASURED FROM CLEVELAND COUNTY TAX OFFICE RECORDS, AND ARE CONSIDERED AS NOW OR FORMERLY.
- IRON RODS AT ALL CORNERS UNLESS NOTED.
- THIS MAP IS SUBJECT TO ANY AND ALL APPLICABLE DEED RESTRICTIONS, EASEMENTS, COVENANTS, AND PRELIMINARY PLANS WHICH MAY BE OF RECORD.
- ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES. MEASURED WITH ELECTRONIC MEASURING DEVICES.
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- ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES. MEASURED WITH ELECTRONIC MEASURING DEVICES.

**PARCELS BEING ANNEXED**

1. PARCEL #64042  
LOT 6 PLAT BOOK 40, PAGE 185  
DEED BOOK 1788, PAGE 209  
NO ASSIGNED ADDRESS

2. PARCEL #64043  
LOT 7 PLAT BOOK 40, PAGE 185  
DEED BOOK 1788, PAGE 209  
1410 HUBBARD TERRACE

**GRAPHIC SCALE**  
( IN FEET )  
1 inch = 40 ft.

Job No.: 63-22-020  
Drawn: AYD  
Checked: CLK  
Date: 07/28/22



# Location Map Hubbard Terrace - Contiguous Annexation

Map Information:  
Datum: NAD 1983  
Coordinate: State Plane  
North Carolina (Meter)  
Projection: Lambert Conformal Conic  
US National Grid  
Contour Interval: 100 feet  
Scale: 1 inch = 750 feet  
100,000m Square ID: NV/MU

**Legend**

- Proposed Contiguous Annexation
- Current City Limits



Scale 1:9,000 1 inch = 750 feet 0 250 500 1,000 Feet

Date: 11/14/2022

**§ 160A-58.2. Public hearing.**

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

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

**RESOLUTION NO. 71-2022**

**A RESOLUTION DIRECTING THE CITY CLERK TO DETERMINE  
SUFFICIENCY OF A VOLUNTARY ANNEXATION PETITION FROM  
HELMSMAN HOMES**

**WHEREAS**, the City of Shelby has received a petition for voluntary annexation from Helmsman Homes; and,

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

**WHEREAS**, the subject property, Hubbard Terrace, as identified within the petition meets the standards set forth in the above referenced statute; and,

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

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

Section 1. The City Clerk is hereby directed to investigate this petition and to certify the results of such investigation in writing to City Council at the regular meeting on December 5th, 2022.

Section 2. That upon receipt of a favorable report as to the sufficiency of the petition from the City Clerk a public hearing is hereby scheduled to receive public comment on said petition in accordance to GS 160A-58.2 on January 9<sup>th</sup>, 2023.

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

Adopted and approved this the 21<sup>st</sup> day of November 2022.

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O. Stanhope Anthony  
Mayor

ATTEST:

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Carol Williams  
City Clerk

City of Shelby  
Agenda Item Summary  
November 21, 2022  
City Hall Council Chamber

Agenda Item: G-2

- 2) Approval of a resolution directing the City Clerk to determine sufficiency of a voluntary (non-contiguous) annexation petition from Helmsman Homes:

Resolution No. 72-2022 New Business Item: (Walt Scharer, Planning Director)

Summary of Available Information:

- Memorandum dated November 14, 2022, from Walt Scharer, Planning Director to Rick Howell, City Manager
- Petition for (non-contiguous) Annexation
- Location Map for Hubbard Terrace – Non-Contiguous Annexation
- Resolution No. 72-2022

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City Manager's Recommendation / Comments

This petition is submitted by the property owner Helmsman Homes LLC. This parcel is vacant and is located on the southern side of Wesson Road. It is identified as parcel (#64042) on County tax records containing .46 acres. It is my understanding that this property will ultimately be developed as residential.

In accordance with NC General Statute 160A-58.2 the attached Resolution No. 72-2022 is presented for your consideration at this time. If approved it would direct the City Clerk to review the documentation submitted by the petitioner to the Planning Department and simply determine its sufficiency in meeting the required statutory standard. If determined as sufficient a required public hearing would be scheduled to allow for appropriate public comments. This hearing would likely be scheduled for Monday, January 9, 2023.

**It is my recommendation that Resolution No. 72-2022 be adopted and approved by City Council at this time. The City Clerk will report her finding to you at your regular meeting to be held December 5, 2022 and the required public hearing would be held January 9, 2023 assuming the petition is determined to be sufficient.**



## **Memorandum**

To: Rick Howell - City Manager  
From: Walter Scharer – Planning Director  
Date: November 15, 2022  
Subject: Non-Contiguous Annexation – Hubbard

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

Helmsman Builders, has submitted a non-contiguous annexation petition for one parcel on Hubbard Terrace. This property will be developed for a single family dwelling unit.

### **Review and Comments**

This annexation site has approximately .660 acres in area. North Carolina General Statute 160A-58.2 states that upon receipt of a petition for annexation the City Council shall cause the City Clerk to investigate the petition and certify the results of the investigation.

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

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

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

Staff recommends proceeding with the annexation process for this property. Please place this item on the agenda for the November 21, 2022. City Council meeting.

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



**City of Shelby**  
Planning and Development Services Department

**Petition for Annexation  
(Satellite or Contiguous)**

The undersigned Petitioner(s) requests annexation of the property described in accordance with the provision of NCGS 160A-58 (Satellite Annexations) or NCGS 160A-29 (Contiguous Annexations):

**Address of Subject Property:**

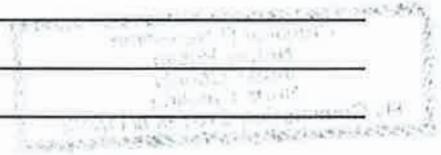
**Hubbard Terrace, Lots 6 & 7**

**Applicant(s) Name:** Helmsman Homes, LLC

**Address:** 116 Gasoline Alley, Suite 105  
Mooresville, NC 28117

**Email:** cnewsome@helmsmanhomes.com

**Phone:** 980-500-1251



**Owner(s) Name:** Nest Homes, LLC

**Email:** cnewsome@helmsmanhomes.com

**Phone:** 980-500-1251

*\* If more than one individual owner, attach additional pages with owners' information. \**

Provide a brief description of the subject property. Attach additional pages or documentation if necessary.

See attached

**Signature of Owners:**

*Signatures of all Individual Property Owner(s) and Spouses, if any*

  
\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Signature of Owner

*If Owner is a Partnership, signature(s) of at least one General Partner*

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Signature of Owner

*If Owner is a Corporation:* Nest Homes, LLC

\_\_\_\_\_  
Registered Name of Corporation

(Corp. Seal)

\_\_\_\_\_  
Signature of President/Vice President

Attested by: \_\_\_\_\_  
Signature of Secretary/Assistant Secretary

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

STATE OF North Carolina  
COUNTY OF Iredell

I, Christine D. Newsome, a Notary Public for said County and State, do hereby certify that Todd Farlow, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 6<sup>th</sup> day of Sept., 2022.

(SEAL)



Christine D. Newsome

Notary Public

My Commission Expires: 8/11/27

**If Owner is a Partnership:**

I, \_\_\_\_\_, a Notary Public for said County and State, do hereby certify that \_\_\_\_\_, being one/all of the partners of the General Partnership known as \_\_\_\_\_, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(SEAL)

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

My Commission Expires: \_\_\_\_\_

**If Owner is a Corporation:**

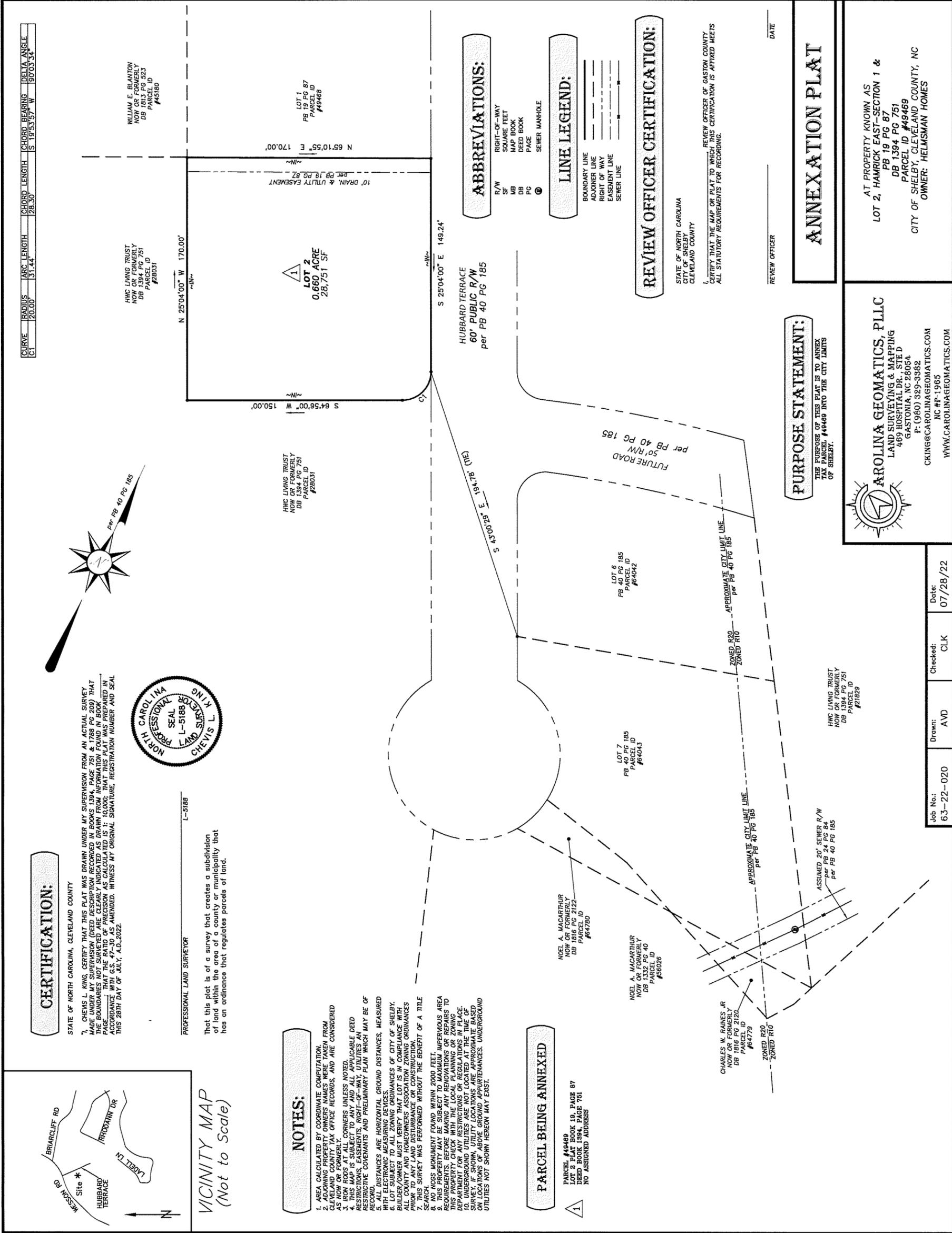
I, \_\_\_\_\_, a Notary Public for said County and State, do hereby certify that \_\_\_\_\_, personally appeared before me this day and acknowledged he (or she) is \_\_\_\_\_ of \_\_\_\_\_, a corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its \_\_\_\_\_, sealed with its Corporate Seal and attested by as its \_\_\_\_\_.

Witness my hand and official seal, this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(SEAL)

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

My Commission Expires: \_\_\_\_\_



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	20.00'	31.44'	28.30'	S 19°53'57" W	90°03'34"

**CERTIFICATION:**

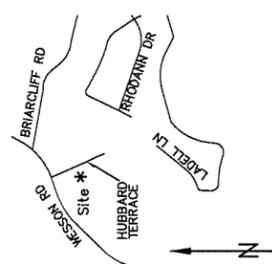
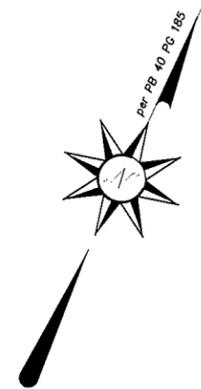
STATE OF NORTH CAROLINA, CLEVELAND COUNTY

I, CHEVIS L. KING, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOKS 1394, PAGE 751 & 1788 PG 209) THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOKS 1394, PAGE 751 & 1788 PG 209. THIS PLAT IS A CORRECT AND TRUE REPRESENTATION OF THE SURVEY MADE IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 28TH DAY OF JULY, A.D. 2022.



PROFESSIONAL LAND SURVEYOR  
L-5188

That this plat is of a survey that creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.



**NOTES:**

- AREA CALCULATED BY COORDINATE COMPUTATION. ALL DISTANCES MEASURED FROM CLEVELAND COUNTY TAX OFFICE RECORDS, AND ARE CONSIDERED AS NOW OR FORMERLY.
- IRON RODS AT ALL CORNERS UNLESS NOTED.
- THIS MAP IS SUBJECT TO ANY AND ALL APPLICABLE DEED RESTRICTIONS, EASEMENTS, COVENANTS, AND PRELIMINARY PLANS WHICH MAY BE OF RECORD.
- ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES, MEASURED WITH ELECTRONIC MEASURING DEVICES.
- ALL DISTANCES OF CITY OF SHELBY, CLEVELAND COUNTY AND HOMEOWNERS ASSOCIATION ZONING ORDINANCES PRIOR TO ANY LAND DISTURBANCE OR CONSTRUCTION.
- THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE SURVEY.
- NO MONUMENT FOUND WITHIN 2000 FEET.
- THIS PROPERTY MAY BE SUBJECT TO MAXIMUM IMPERVIOUS AREA REQUIREMENTS. BEFORE MAKING ANY RENOVATIONS OR REPAIRS TO THIS PROPERTY CHECK WITH THE LOCAL PLANNING OR ZONING DEPARTMENT FOR THE CURRENT REQUIREMENTS.
- UNDERGROUND UTILITIES ARE NOT LOCATED AT THE TIME OF SURVEY. IF SHOWN, UTILITY LOCATIONS ARE APPROXIMATE BASED ON LOCATIONS OF ABOVE GROUND APPURTENANCES. UNDERGROUND UTILITIES NOT SHOWN HEREON MAY EXIST.

**PARCEL BEING ANNEXED**

PARCEL #49469  
LOT 2 PLAT BOOK 19, PAGE 87  
DEED BOOK 1394, PAGE 761  
NO ASSIGNED ADDRESS

**ABBREVIATIONS:**

- R/W RIGHT-OF-WAY
- SF SQUARE FEET
- MB MAP BOOK
- DB DEED BOOK
- PG PAGE
- ⊙ SEWER MANHOLE

**LINE LEGEND:**

- BOUNDARY LINE
- ADJONER LINE
- RIGHT OF WAY
- EASEMENT LINE
- SEWER LINE

**REVIEW OFFICER CERTIFICATION:**

STATE OF NORTH CAROLINA  
CITY OF SHELBY  
CLEVELAND COUNTY

I, \_\_\_\_\_ REVIEW OFFICER OF GASTON COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

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

**PURPOSE STATEMENT:**

THE PURPOSE OF THIS PLAT IS TO ANNEX TAX PARCEL #49469 INTO THE CITY LIMITS OF SHELBY.

**ANNEXATION PLAT**

AT PROPERTY KNOWN AS  
LOT 2, HAMRICK EAST-SECTION 1 &  
PB 19 PG 87  
DB 1394 PG 751  
PARCEL ID #49469  
CITY OF SHELBY, CLEVELAND COUNTY, NC  
OWNER: HELMSMAN HOMES

**AROLINA GEOMATICS, PLLC**  
LAND SURVEYING & MAPPING  
409 HOSPITAL DR., STE D  
GASTONIA, NC 28054  
P: (980) 329-3382  
CKING@CAROLINAGEOMATICS.COM  
NC #P-1965  
WWW.CAROLINAGEOMATICS.COM

Job No.:	63-22-020
Drawn:	AVD
Checked:	CLK
Date:	07/28/22



# Location Map Hubbard Terrace - Satellite Annexation

Map Information:  
Datum: NAD 1983  
Coordinate: State Plane  
North Carolina (Meter)  
Projection: Lambert Conformal Conic  
US National Grid  
Contour Interval: 10 feet  
Scale: 1 inch = 750 feet  
North Arrow: N/A



**Legend**

- Proposed Satellite Annexation
- Current City Limits



68 Scale 1:9,000 1 inch = 750 feet 0 250 500 1,000 Feet

Date: 11/14/2022

## **§ 160A-58.2. Public hearing.**

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

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

**RESOLUTION NO. 72-2022**

**A RESOLUTION DIRECTING THE CITY CLERK TO DETERMINE SUFFICIENCY OF A VOLUNTARY ANNEXATION PETITION FROM HELMSMAN HOMES**

**WHEREAS**, the City of Shelby has received a petition for voluntary annexation from Helmsman Homes; and,

**WHEREAS**, North Carolina General Statute 160A-58.1 set forth standards allowing for noncontiguous annexation; and,

**WHEREAS**, the subject property, on Hubbard Terrace, as identified within the petition meets the standards set forth in the above referenced statute; and,

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

**WHEREAS**, this property is within three miles of the existing City of Shelby corporate limits; and,

**WHEREAS**, no point of this property is closer to the primary corporate limits of another city than to the primary corporate limits of the City of Shelby; and,

**WHEREAS**, the City of Shelby is able to provide the same services to this property that it provides to areas within its primary corporate limits.; and,

**WHEREAS**, the total area of the City of Shelby's satellites does not exceed 10 percent of the area within its primary corporate limits.; and,

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

Section 1. The City Clerk is hereby directed to investigate this petition and to certify the results of such investigation in writing to City Council at the regular meeting on December 5th, 2022.

Section 2. That upon receipt of a favorable report as to the sufficiency of the petition from the City Clerk a public hearing is hereby scheduled to receive public comment on said petition in accordance with GS 160A-58.2 on January 9th, 2023.

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

Adopted and approved this the 21st day of November 2022.

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O. Stanhope Anthony  
Mayor

ATTEST:

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Carol Williams  
City Clerk

City of Shelby  
Agenda Item Summary  
November 21, 2022  
City Hall Council Chamber

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. 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).

K. 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