

Shelby City Council Agenda  
Regular Meeting  
January 9, 2023 at 6:00 p.m.

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

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. Public Hearing:**

- 1) Consideration of an ordinance to extend the corporate limits of the City of Shelby, North Carolina: Ordinance No. 1-2023 1 - 12
- 2) Consideration of an ordinance to extend the corporate limits of the City of Shelby, North Carolina: Ordinance No. 2-2023 13 - 23

**C. Consent Agenda:**

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

- 1) Approval of the Minutes of the Regular Meeting of December 5, 2022 24 - 34
- 2) Adoption of budget ordinance amendment for the City of Shelby's City Park Pool Renovation project: Ordinance No. 3-2023 35 - 39

**D. Unfinished Business: 40**

None

**E. New Business:**

- |   |         |
|---|---------|
| 1) A resolution awarding the contract for the City of Shelby Stormwater Infrastructure Assistance Program project at 715 S. Dekalb St. in Shelby, North Carolina: Resolution No. 1-2023 | 41 - 57 |
| 2) Designation of authorized voting delegate for the North Carolina League of Municipalities 2023-2024 Biennium Legislative Goals, required by January 12, 2023                         | 58 - 64 |

**F. City Manager's Report** 65

**G. Council Announcements and Remarks** 65

**H. Adjournment:** 65

*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  
January 9, 2023  
City Hall Council Chamber

**B. Public Hearings:**

**Agenda Item: B-1**

- 1) Consideration of an ordinance to extend the corporate limits of the City of Shelby, North Carolina: Ordinance No. 1-2023

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

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Summary of Available Information:

- Memorandum dated January 3, 2023, from Walter Scharer, Planning Director to Rick Howell, City Manager
  - Petition for Annexation
  - Annexation Plat showing Lot 6 and Lot 7
  - Location Map
  - General Statute 160A-58.2
  - Copy of Resolution No. 71-2022
  - Notice of Public Hearing
  - Ordinance No. 1-2023
- 

City Manager's Recommendation / Comments

This public hearing is being held in accordance with NCGS 160A-58.2. This property consists of approximately 1.12-acre site on Hubbard Terrace just off Charles Road. The property currently meets the statutory requirements for annexation and is contiguous to existing primary corporate limits. It is being considered for future residential development and has access to City water, sewer and natural gas utilities. This property lies contiguous to the primary city limits on the southwestern side of the city. It is important to note that it is imperative that the City not annex property just to annex but rather Council must consider whether or not we can provide similar services to the property. In this case City services are available and can be provided with minimal cost.

**After the conclusion of the public hearing City Council may act upon Ordinance No. 1-2023.**



## **Memorandum**

To: Rick Howell - City Manager

From: Walter Scharer – Planning Director

Date: January 3, 2023

Subject: Voluntary Annexation – Hubbard Terrace (contiguous)

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

Helmsman Homes, LLC has submitted a voluntary annexation petition for this 1.12 acre site. This site is contiguous on Hubbard Terrace and is being considered for residential development.

### **Review and Comments**

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

### **Recommendation**

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

Please schedule a public hearing for this proposed annexation at the next City Council meeting on January 9, 2023.

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





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, Lot 6/Parcel 64042

Applicant(s) Name: Helmsman Homes, LLC
Address: 116 Raceway Drive Suite 105
 Mooresville, NC 28117
 Email: cnewsome@helmsmanhomes.com
 Phone: 980-500-1251

Owner(s) Name: Helmsman 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.
Property is a vacant lot. Will be used for new residential construction.

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:
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, 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, 2012.



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:**

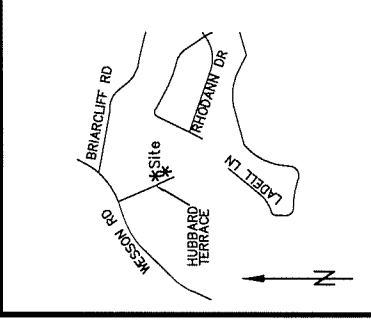
I, \_\_\_\_\_, a Notary Public for said County and State, do hereby certify that \_\_\_\_\_, personally appeared before me this day and acknowledged he (or she) is \_\_\_\_\_ of \_\_\_\_\_, a corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was 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: \_\_\_\_\_

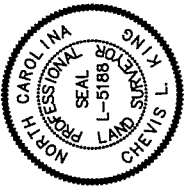


VICINITY MAP  
(Not to Scale)

**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 SURVEY WAS 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-51888

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:**

1. AREA CALCULATED BY COORDINATE COMPUTATION. ALL DISTANCES MEASURED FROM CLEVELAND COUNTY TAX OFFICE RECORDS, AND ARE CONSIDERED AS NOW OR FORMERLY.
2. IRON RODS AT ALL CORNERS UNLESS NOTED.
3. THIS MAP IS SUBJECT TO ANY AND ALL APPLICABLE DEED RESTRICTIONS, EASEMENTS, COVENANTS, AND PRELIMINARY PLAN WHICH MAY BE OF RECORD.
4. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES. MEASURED WITH ELECTRONIC MEASURING DEVICES.
5. ALL DISTANCES ARE MEASURED TO THE CORNERS OF CITY OF SHELBY. BUILDER OWNER MUST VERIFY THAT LOT IS IN COMPLIANCE WITH ALL COUNTY AND HOMEOWNERS ASSOCIATION ZONING ORDINANCES PRIOR TO ANY LAND DISTURBANCE OR CONSTRUCTION.
6. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE INSURANCE POLICY.
7. NO MONUMENT FOUND WITHIN 2000 FEET.
8. 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.
9. 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.

**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

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'	19.94'	N 77°51'15" E	9°55'09"
C3	60.00'	148.12'	148.94'	N 77°51'15" E	9°55'09"

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

WILLIAM E. BLANTON  
NOW OR FORMERLY  
DB 1813 PG 523  
PARCEL ID #45160

HMC LIVING TRUST  
NOW OR FORMERLY  
DB 1394 PG 751  
PARCEL ID #28031

LOT 2  
PG 87  
PARCEL ID #49469

LOT 1  
PG 87  
PARCEL ID #49468

HMC LIVING TRUST  
NOW OR FORMERLY  
DB 1394 PG 751  
PARCEL ID #28031

HUBBARD TERRACE  
60' PUBLIC R/W  
per PB 40 PG 185

**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 \_\_\_\_\_

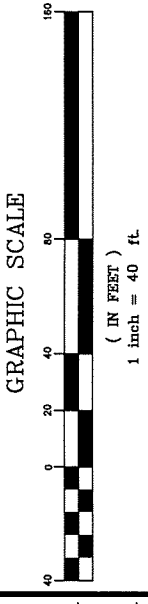
**PURPOSE STATEMENT:**

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

**ANNEXATION PLAT**

**AROLINA GEOMATICS, PLLC**  
LAND SURVEYING & MAPPING  
409 HOSPITAL DR., STE D  
GASTONIA, NC 28054  
P: (980) 329-3382  
CKING@CAROLINAGEOMATICS.COM  
NC #1-1965  
WWW.CAROLINAGEOMATICS.COM

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



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





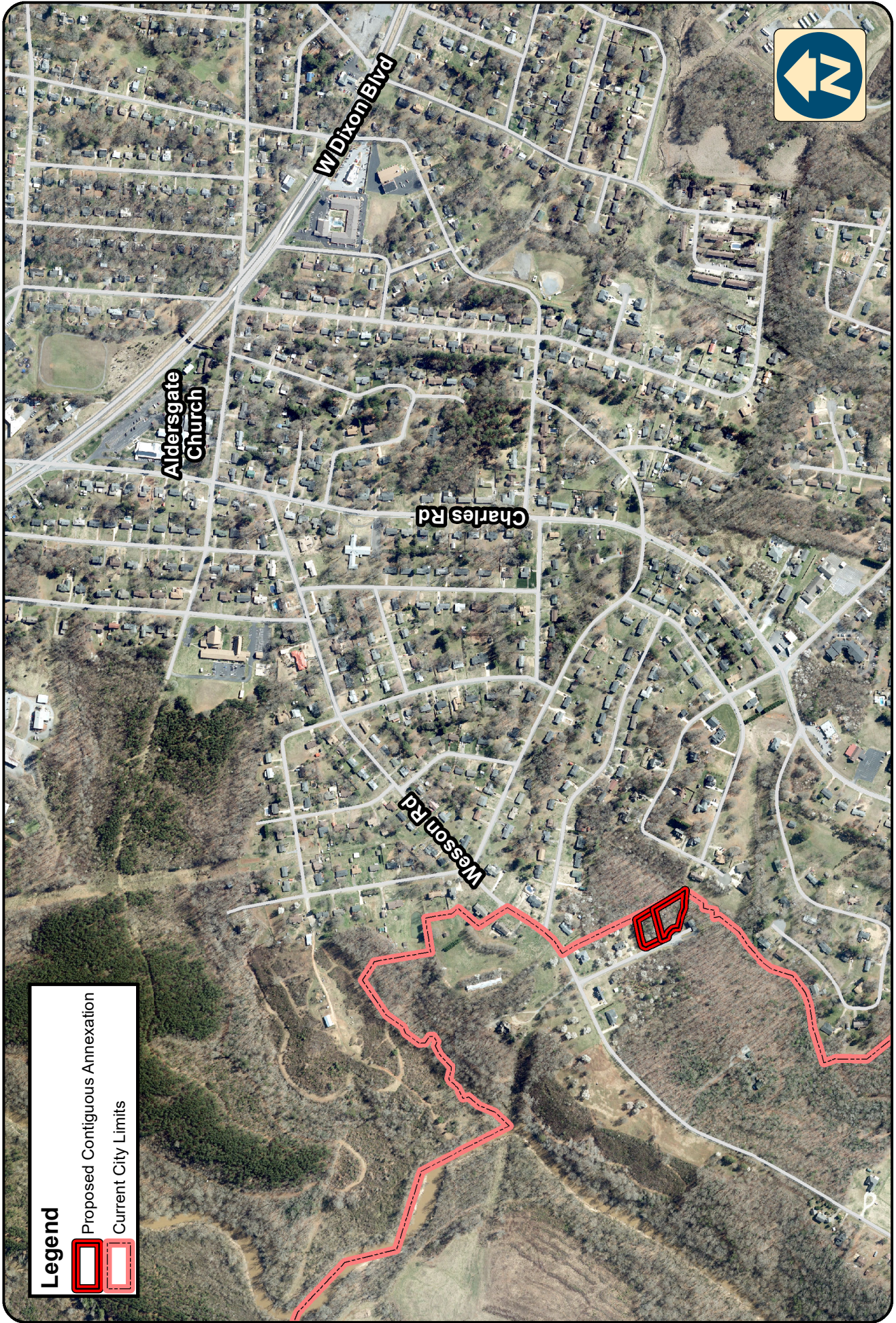


# Location Map Hubbard Terrace - Contiguous Annexation

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

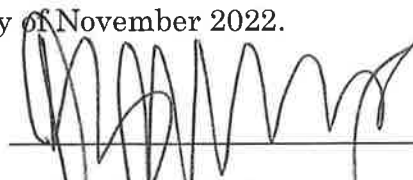
**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE  
CITY OF SHELBY, NORTH CAROLINA:**

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.

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

ATTEST:

  
\_\_\_\_\_  
Carol Williams  
City Clerk

**NOTICE OF PUBLIC HEARING TO ANNEX  
1.12 Acres at Hubbard Terrace**

The public will please take notice that a public hearing will be conducted on the question of a proposed annexation of property owned by Helmsman Homes, LLC on January 9, 2023 at 6:00 p.m. at 300 South Washington Street in accordance with N.C.G.S. 160A-58.2. The area proposed for annexation is described as follows:

**Lot # 6 Hubbard Terrace -**

Lying on the west side of Hubbard Terrace and being all of the 0.461 acres designated as lot NO. Six (6) on plat of record in Book of Plats 40, Page 185, Of the Cleveland County Public Registry.

This Being the same property conveyed to Helmsman Homes, LLC by North Carolina Warranty Deed recorded in Deed Book 1867, Page 1787 in the Cleveland County Public Registry.

**Lot # 7 Hubbard Terrace**

Being the full Contents of lot No. 7 of Hamrick East- Section 2 as shown on plat by T. Scott Bankhead, RLS dated June 5, 2018, as recorded in Plat Book 40 at Page 185 of the Cleveland County Registry and Reference is made to said recorded plat for a metes and bounds description of the property herein conveyed.

This Being the same property conveyed to Nest Homes, LLC by North Carolina Warranty Deed recorded in Deed Book 1867, Page 718 in the Cleveland County Public Registry.

- Cleveland County Parcel numbers – 64042 and 64043

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

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

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

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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 Friday, December 30, 2022.**

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

**ORDINANCE NO. 1-2023**

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

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

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

**WHEREAS**, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at **City Hall Council Chambers, 300 South Washington Street, Shelby, North Carolina** on January 9, 2023 at 6:00 p.m. **after due notice by publication on December 30, 2022;** and,

**WHEREAS**, the City Council does hereby find as fact that said petition has been signed by all owners of real property in the area who are required by law to sign and all other requirements of GS 160A-31, as amended, have been satisfied; and,

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

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

**Section 1.** By virtue of the authority granted by GS 160A-58.2, as amended, the following described contiguous territory is hereby annexed and made part of the City of Shelby as of January 9, 2023:

That certain tract or parcel of land situated, lying, and being in the City of Shelby, Cleveland County, North Carolina and being more particularly described as follows:

**Lot # 6 Hubbard Terrace -**

Lying on the west side of Hubbard Terrace and being all of the 0.461 acres designated as lot NO. Six (6) on plat of record in Book of Plats 40, Page 185, Of the Cleveland County Public Registry.

This Being the same property conveyed to Helmsman Homes, LLC by North Carolina Warranty Deed recorded in Deed Book 1867, Page 1787 in the Cleveland County Public Registry.

**Lot # 7 Hubbard Terrace**

Being the full Contents of lot No. 7 of Hamrick East- Section 2 as shown on plat by T. Scott Bankhead, RLS dated June 5, 2018, as recorded in Plat Book 40 at Page 185 of the Cleveland County Registry and Reference is made to said recorded plat for a metes and bounds description of the property herein conveyed.



This Being the same property conveyed to Nest Homes, LLC by North Carolina Warranty Deed recorded in Deed Book 1867, Page 718 in the Cleveland County Public Registry.

**Section 2.** Upon and after January 9, 2023, the above-described territory, also known as Cleveland County Parcel Numbers 64042 and 64043, and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Shelby and shall be entitled to the same privileges and benefits as other parts of the City of Shelby. Said territory shall be subject to municipal taxes according to GS 16-A-58.10.

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

Adopted and approved this 9th day of January 2023.

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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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Julie Hooten  
Interim City Attorney

City of Shelby  
Agenda Item Summary  
January 9, 2023  
City Hall Council Chamber

**Agenda Item: B-2**

- 2) Consideration of an ordinance to extend the corporate limits of the City of Shelby, North Carolina: Ordinance No. 2-2023

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

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Summary of Available Information:

- Memorandum dated January 3, 2023, from Walter Scharer, Planning Director to Rick Howell, City Manager
- Petition for Annexation
- Annexation Plat showing Lot 2
- Location Map
- General Statute 160A-58.2
- Copy of Resolution No. 72-2022
- Notice of Public Hearing
- Ordinance No. 2-2023

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City Manager's Recommendation / Comments

This public hearing is being held in accordance with NCGS 160A-58.2. This property consists of approximately .66 acre on Hubbard Terrace. The property currently meets the statutory requirements for annexation but is not contiguous to existing primary corporate limits. It is being considered for residential development and has access to City water, sewer and natural gas utilities. This property lies just off Charles Road near the southwestern boundary of the city limits. It is important to note that it is imperative that the City not annex property just to annex but rather Council must consider whether or not we can provide similar services to the property. In this case City services are available and can be provided with minimal cost.

**After the conclusion of the public hearing City Council may act upon Ordinance No. 2-2023.**



## **Memorandum**

To: Rick Howell - City Manager

From: Walter Scharer – Planning Director

Date: January 3, 2023

Subject: Satellite Voluntary Annexation – Hubbard Terrace

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

Helmsman Homes, LLC has submitted a voluntary annexation petition for this 0.66 acre site. This site is a satellite annexation on Hubbard Terrace and is being considered for residential development.

### **Review and Comments**

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

### **Recommendation**

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

Please schedule a public hearing for this proposed annexation at the next City Council meeting on January 9, 2023.

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



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: \_\_\_\_\_

Z:\Shared\CG SURVEY 2022\JOBS\63-22-020 HELSMAN HOMES\63-22-020 HUBBARD TERRACE LOT 1\ANNEXATION PLAT-3 LOTS\HUBBARD TERRACE ANNEXATION PLAT.dwg

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:

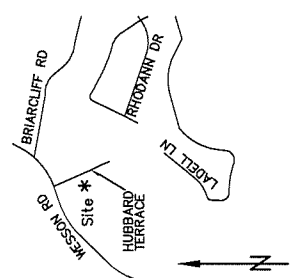
STATE OF NORTH CAROLINA, CLEVELAND COUNTY

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 OR CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOKS 1394, PAGE 751 & 1788 PG 209, OR IN ANY OTHER RECORD, ARE CORRECTLY SHOWN AND PLACED 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.



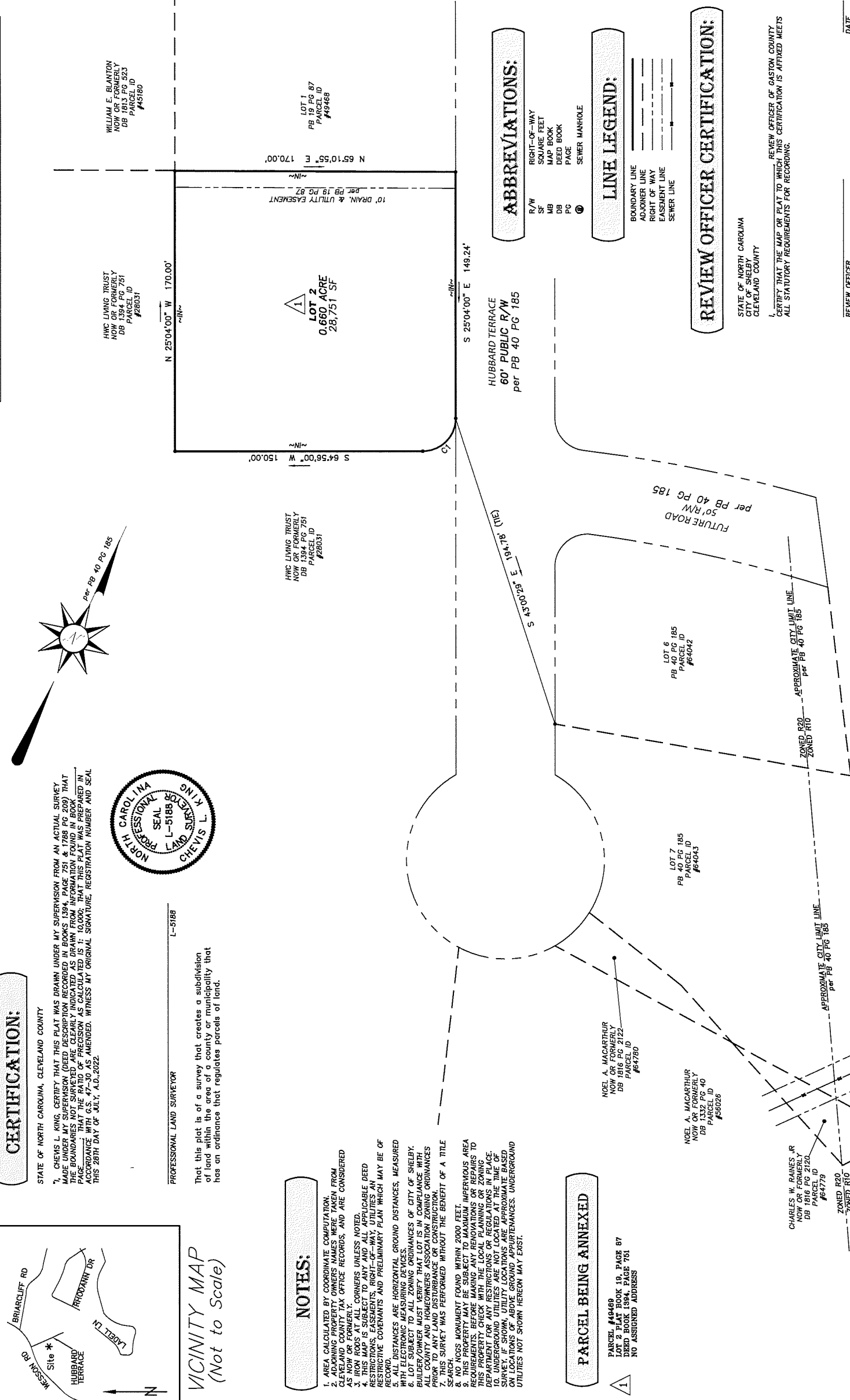
VICINITY MAP  
(Not to Scale)

### 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, COVENANTS, EASEMENTS, 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 ANY APPLICABLE 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

1  
 PARCEL #49469  
 LOT 2 PLAT BOOK 19, PAGE BY  
 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
- ADJOINER 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.

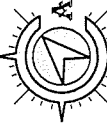
REVIEW OFFICER \_\_\_\_\_ DATE \_\_\_\_\_

### 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



**CAROLINA 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  
 Zone Designation (GZD): 17S  
 500,000m Square ID: NVMMU



**Legend**

- Proposed Satellite 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. 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:**

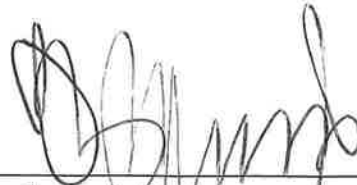
Section 1. The City Clerk is hereby directed to investigate this petition and to certify the results of such investigation in writing to City Council at the regular meeting on December 5th, 2022.

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.

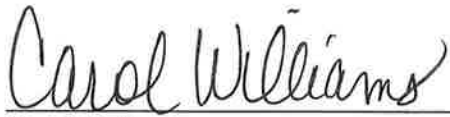
Resolution No. 72-2022  
November 21, 2022  
Page 2



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O. Stanhope Anthony  
Mayor

ATTEST:



---

Carol Williams  
City Clerk

**NOTICE OF PUBLIC HEARING TO ANNEX  
0.66 Acres at Hubbard Terrace**

The public will please take notice that a public hearing will be conducted on the question of a proposed annexation of property owned by Helmsman Homes, LLC on January 9, 2023 at 6:00 p.m. at 300 South Washington Street in accordance with N.C.G.S. 160A-58.2. The area proposed for annexation is described as follows:

**Lot #2 Hubbard Terrace**

Lying on the west side of Hubbard Terrace and being all of the 0.66 Acres designated as lot NO.Two (2) on plat of record in Book of Plats 19, Page 87, Of the Cleveland County Public Registry.

This being the same property conveyed to Helmsman Homes, LLC by North Carolina Warranty Deed recorded in Deed Book 1867, Page 1787 in the Cleveland County Public Registry.

- Cleveland County Parcel number – 49469

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

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

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

---

Carol Williams  
City Clerk

---

**The Shelby Star:**

**Please publish this notice as a legal line ad on Friday, December 30, 2022.**

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

**ORDINANCE NO. 2-2023**

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

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

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

**WHEREAS**, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at **City Hall Council Chambers, 300 South Washington Street, Shelby, North Carolina** on January 9, 2023 at 6:00 p.m. **after due notice by publication on December 30, 2022**; and,

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

- a. The nearest point on the proposed satellite corporate limits is no more than three miles from the primary corporate limits of the City.
- b. No point on the proposed satellite corporate limits is closer to another city than to the City of Shelby.
- c. The area described is so situated that the City will be able to provide services on the same basis within the proposed satellite corporate limits that it provides within the primary corporate limits.
- d. No subdivision, as defined in GS 160D-802 will be fragmented by this proposed annexation.
- e. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, does not exceed ten per cent (10%) of the area within the primary corporate limits of the City; and,

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

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

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

**Section 1.** By virtue of the authority granted by GS 160A-58.2, as amended, the following described non-contiguous territory is hereby annexed and made part of the City of Shelby as of January 9, 2023:

**Lot #2 Hubbard Terrace**

Lying on the west side of Hubbard Terrace and being all of the 0.66 Acres designated as lot NO.Two (2) on plat of record in Book of Plats 19, Page 87, Of the Cleveland County Public Registry.

This being the same property conveyed to Helmsman Homes, LLC by North Carolina Warranty Deed recorded in Deed Book 1867, Page 1787 in the Cleveland County Public Registry.

**Section 2.** Upon and after January 9, 2023, the above-described territory, also known as Cleveland County Parcel Number 49469, and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Shelby and shall be entitled to the same privileges and benefits as other parts of the City of Shelby. Said territory shall be subject to municipal taxes according to GS 16-A-58.10.

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

Adopted and approved this 9th day of January 2023.

\_\_\_\_\_  
O. Stanhope Anthony, III

Mayor

ATTEST:

\_\_\_\_\_  
Carol Williams  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Julie Hooten

Interim City Attorney

City of Shelby  
Agenda Item Summary  
January 9, 2023  
City Hall Council Chamber

C. Consent Agenda:

Agenda Item: C-1

- 1) Approval of the Minutes of the Regular Meeting of December 5, 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 December 5, 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

December 5, 2022  
Monday, 6:00 p.m.

**Present:** Mayor O. Stanhope Anthony, III, presiding; Council Members Andrew L. Hopper, Sr., David Causby, David White, Violet Arth, Charles Webber, and Emilie Bullock.; City Manager Rick Howell, MPA, ICMA-CM, Assistant City Manager Justin S. Merritt, MPA, Assistant City Manager Benjamin (Ben) Yarboro, Interim City Attorney Julie Hooten, City Clerk Carol Williams, Deputy City Clerk Breanna Jones, Public Information and Communications Officer Chip Nuhrah, Director of Human Resources Deborah (Deb) Jolly, Assistant Director of Finance Sam Clark, Police Chief Jeffrey (Jeff) Ledford, Fire Chief William Hunt, EFO, Director of Planning and Development Services Walter (Walt) Scharer, and Jennifer H. Harrill, Social Media Manager, Blue Eyes Media Connections;

**Absent:** None

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

Mr. Causby led the Pledge of Allegiance.

### A. Approval of agenda:

- 1) Motion to adopt the agenda as presented.

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

### B. Special Presentations:

- 1) Audit presentation for Fiscal Year Ending June 30, 2022 - Martin Starnes and Associates, CPA's, P.A., Tonya Thompson, Senior Manager, presenting

Mr. Howell introduced Tonya Thompson with Martin Starnes & Associates as the presenter of the annual audit report and Annual Comprehensive Financial Report (ACFR) for Fiscal Year (FY) ended June 30, 2022.

Next, as included in the audit highlights, Miss Thompson stated the Martin Starnes' report yielded an unmodified opinion, meaning the City's financials are not materially misstated and are fairly presented in conformity with generally accepted accounting principles (GAAP). Miss Thompson also acknowledged the

assistance and cooperation of Mrs. Beam and the Finance Department's staff during the audit process.

Miss Thompson mentioned additional audit highlights:

- General Fund - \$4.8 million increase in fund balance
- Enterprise Fund - \$8.7 million increase in net position
- 2022 Property tax revenues - \$13,804,863
- 2022 Collection rate – 98.83%

Miss Thompson summarized and compared General Fund revenues and expenditures for 2021 and 2022. In 2022, revenues increased by \$1.6 million, and expenditures increased by \$5.8 million. She noted that these amounts do not include other financing sources and uses such as transfers and capital financing.

Miss Thompson stated fund balance includes these five categories: Non-spendable, restricted, committed, assigned, and unassigned classifications, and serves as a measure of the City's available financial resources.

Regarding total fund balance for the General Fund, Miss Thompson noted there was an increase of \$4,818,180 from 2021 to 2022 and the balance is \$17,020,945 as of June 30, 2022.

Miss Thompson stated available fund balance as defined by the Local Government Commission (LGC) is calculated as Total Fund Balance less Non-spendable, less Stabilization by State Statute (restricted) which then equals Available Fund Balance. This calculation is utilized as the basis for comparing Shelby to other units of similar size as well as calculating fund balance percentages.

Miss Thompson reviewed Shelby's Fund Balance position in the General Fund:

Total Fund Balance	\$17,020,945
Non-spendable	\$ (681,699)
Stabilization by State statute	\$(5,923,199)
Available Fund Balance 2022	\$10,416,047
Available Fund Balance 2021	\$ 7,321,608
Changes in Available Fund Balance	\$ 3,094,439

Miss Thompson explained the new guidelines from the Local Government Commission (LGC) regarding fund balance available (FBA) excluding Powell Bill funding. Shelby's FBA as a requirement is a minimum of 25 percent. Miss Thompson further explained the LGC's median for units with General Funds expenditures of \$10 million such as Shelby is 46 percent.



Miss Thompson reported the top three sources of revenue include property taxes (51%), unrestricted intergovernmental revenues (9%), and other taxes and licenses (24%). All other revenues (16%) are included in a separate category which includes miscellaneous, investment earnings and permits and fees. The top three categories represent 84% of total revenues or \$22.8 million. The total revenues for the general fund are \$27 million.

Miss Thompson further stated there was an increase of about \$530,000 or 4% in property taxes.

Regarding other taxes and licenses, Miss Thompson noted an increase of \$986,000 or 17.6% mainly caused by sales tax which has increased substantially over the last several years.

Regarding sales and services there was an increase of \$287,000 or 13% which is attributed to recovering from the pandemic.

Miss Thompson reported the top three expenditures were public safety (43%), general government (12%), and debt service (21%). All other expenditures (24%) are included in a separate category which includes culture and recreation. The total expenditures total \$31.3 million.

Miss Thompson stated public safety increased \$1.2 million, mainly due to costs such as fuel prices and capital purchases.

Regarding general government, Miss Thompson commented expenditures increased by \$276,000, mainly due to salary increases and capital purchases.

Regarding debt service category, Miss Thompson commented there was an increase of about \$4 million, mainly due to the single payoff of the Rail Trail loan which is a one-time payment.

Regarding the City's enterprise funds, Miss Thompson reported an increase in total net position of \$8.6 million, stating the City has invested in the capital assets this year.

Regarding the Water fund, the unrestricted net position is fairly comparable to last year at \$4.4 million (up \$200,000) and cash flow from operations is \$2.8 million. The change in net position is at \$1.5 million. Miss Thompson explained the LGC is looking for the quick ratio to be above 1%, and our quick ratio in the Water fund is 2.26%.

Regarding the Sewer fund, the unrestricted net position is \$4.7 million (up \$1 million) and cash flow from operations is up \$3.6 million. The change in net position is at \$2.1 million. The Sewer fund quick ratio is 2.9%.

Regarding the Electric fund, the unrestricted net position decreased \$3 million to \$11 million and cash flow from operations is approximately \$4 million. The change in net position is at \$2.4 million. The Electric fund quick ratio is 5.61%.

Regarding the Natural Gas fund, the unrestricted net position is almost \$9 million (up \$1 million) and cash flow from operations is \$5 million. The change in net position is almost \$2 million. The Natural Gas fund quick ratio is 4.92%.

Miss Thompson reviewed performance indicators required by the LGC. One item that was considered a red flag was the audit report was delayed, it should be submitted by December 15<sup>th</sup>, but due to staffing shortage in the Finance Department an extension was requested. The LGC requires a written, signed response with explanations and/or corrective actions by all the City Council members, the City Manager, and the Finance Director within 60 days of the audit presentation.

Miss Thompson noted other performance indicators were all positive, such as, property tax collections and enterprise quick ratios. Completing her presentation, Miss Thompson stated overall the audit report was positive.

Mr. Howell addressed the delay in the audit report by stating during a crucial time of the audit process over half of our accounting staff left employment.

Mayor Anthony inquired about the change the LGC has recently made, upping the requirement from 8% to 25%. Miss Thompson stated she believed the higher percentage is so the LGC can initiate a discussion with municipalities before they get distressed. If the LGC waits to reach out at the 8% threshold, then it's possibly too late and more difficult to recover.

C. Public Comment: None

D. Public Hearing:

- 1) Consideration of a resolution granting a Special Use Permit to BRD Land & Investment, LP at 1536 South Lafayette Street and Melrose Drive: Resolution No. 73-2022

Mayor Anthony read aloud the rules and procedures prescribed by the State of North Carolina for a quasi-judicial hearing. Those wishing to present evidence were sworn in by the City Clerk.

Mr. Scharer stated the property at 1536 South Lafayette Street is zoned R6 Conditional Zoning district and the Melrose Drive property is zoned Corridor Protection District. Mr. Scharer explained that the applicant wishes to build a 201 townhome multi-family development. Mr. Scharer explained the proposed site plan, noting the proposed crosswalk across S. Lafayette Street, proposed

sidewalks and buffers surrounding the property. Mr. Scharer stated an additional condition to the permit was that the applicant conduct a traffic impact analysis to see how this development affects the surrounding intersections.

Mayor Anthony opened the evidentiary hearing at 6:30 p.m. and sworn testimony was given as follows:

Karen Rogers who resides at 1511 Rhyne Street, Shelby, North Carolina stated her residence does not abut this property, but the proposed multi-family development will impact her property. Ms. Rogers stated she is a homeowner and has a Civil Engineer degree and holds a PE license, but her status is inactive.

Ms. Rogers continued her presentation by stating some of her concerns are:

- Traffic impact with the number of townhomes proposed in addition to the other developments City Council has approved recently in the same vicinity
- The high-power transmission line that comes through the proposed retention pond
- Stormwater runoff that will eventually drain into the creek behind Ms. Rogers' house
- The sewer system and if it will be able to accommodate a development of this size especially since it runs under homes, driveways, and yards

According to Interim City Attorney Julie Hooten, Ms. Rogers did not establish her expertise in traffic, stormwater and sewer and her testimony should not be considered by City Council.

Sara Shirley who provided her business address as 8008 Corporate Center Drive, Charlotte, North Carolina acknowledged she is a licensed landscape architect and is present on behalf of the applicant. Ms. Shirley stated the plan is for a 100-foot perimeter buffer adjacent to all the streams that are on the north side of S. Lafayette Street, also on the northern boundary and southern boundary. The 100-foot buffer is established because of the density of the townhomes.

Ms. Shirley pointed out that the developers plan to have sidewalks on both sides of the street to help with pedestrian connectivity, also sidewalks along S. Lafayette Street and Melrose Drive.

Ms. Shirley continued by stating the applicant has authorized a traffic impact study and it is underway. Ms. Shirley expressed that if the study recommends traffic improvements, then the applicant is fully prepared to fund and install the recommended changes.

**Ms. Shirley noted the applicant is aware of the Duke Energy transmission line that runs through the property. This will be addressed and permitted during the civil design phase of this project. Ms. Shirley also addressed the sewer concerns. She declared the applicant has been working with the City of Shelby utility departments and has obtained a utility availability and willingness to serve letter from the engineering department.**

**Ms. Shirley continued her presentation by indicating the proposed property is surrounded by self-storage, churches, a grocery store, auto repair, and a single detached family neighborhood. She also stated that townhomes of today are not the same as they were several years ago; they have driveways and garages, not a big parking lot for residents. According to Ms. Shirley a development of townhomes is a good transition between a residential development and commercial development.**

**Ms. Shirley concluded by stating this is a picture of the idea the developer hopes to design but there is an extensive civil design process that will be conducted.**

**Kyle diPretoro who provided his business address as 234 Kingsley Park Drive, Fort Mill, South Carolina stated he is the developer of the project. Mr. diPretoro stated his company has conducted site investigations, environmental investigations, wetland investigations, and protected species investigations by professional consultants; none of the investigations noted any adverse impacts. Mr. diPretoro stated he will provide that report to Council.**

**Mr. diPretoro stated his company has conducted market value study of homes in the area and most home prices were under \$300,000.00. The proposed townhomes proposed will be for sale at a price that other comparable homes are selling in the area; therefore, current market values of the homes in the established neighborhood should not be affected.**

**Mr. diPretoro stated that when the traffic impact study is finalized his team will analyze the findings and work with NC DOT and the City to make the improvements recommended.**

**Mr. diPretoro also addressed the sewer situation and is aware that a sewer line extension is necessary which includes a new sewer main; funded by the applicant.**

**Mayor Anthony closed the public hearing at 6:58 p.m.**

**After hearing all who wished to present testimony on said Special Use Permit request and considering the facts presented in this cause, City Council concluded and made the Findings of Fact and Conclusion of Law which are found in Attachment A of Resolution No. 73-2022.**

**ACTION TAKEN:** Mr. White made a motion to approve and adopt Resolution No. 73-2022 entitled, “A RESOLUTION GRANTING A SPECIAL USE PERMIT TO BRD LAND & INVESTMENT, LP AT 1536 SOUTH LAFAYETTE STREET AND MELROSE DRIVE” because the Findings of Fact have been established and meet all the criteria.

The vote was unanimous.

**E. Consent Agenda:**

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

- 1) Approval of the Minutes of the Regular Meeting of November 21, 2022
- 2) Approval of Special Event Application:
  - a) Tony’s Walk – requested date: January, 7, 2023
- 3) Acceptance of the Certificate of Sufficiency regarding Petition of Annexation of applicant, Helmsman Homes
- 4) Acceptance of the Certificate of Sufficiency regarding Petition of Annexation of applicant, Helmsman Homes
- 5) Adoption of an Ordinance establishing a capital project ordinance and budgets for the City of Shelby’s Depot Park Project: Ordinance No. 63-2022
- 6) Management Reports:
  - a) Financial Summary – October 2022
- 7) Approval of a Notice of Cancellation in the Regular Meeting Schedule of Shelby City Council – December 19, 2022, January 2, 2023 and January 16, 2023

**F. Unfinished Business:**

None

**G. New Business**

- 1) Adoption of an ordinance granting permission by the City Council of the City of Shelby, North Carolina to use the 10%/70% development

option available in the City's Unified Development Ordinance:  
Ordinance No. 64-2022

Mr. Scharer presented the site as 622 North Post Road which is located in the Watershed Protection Area and will be subject to WS-III overlay district regulations. The WS-III watershed is around Moss Lake for the Kings Mountain water intake but the City of Shelby has zoning jurisdiction over it; this watershed includes 334 acres. Mr. Scharer stated the 622 North Post Road property is a 1.08-acre site, so with the 10%/70% option the City can take 10% of the 334 acres and allow up to 70% impervious surface on a single development. Mr. Scharer continued by saying this site plan would represent .32% of the total WS-III watershed area.

**ACTION TAKEN: Upon a motion made by Mr. Hopper, City Council voted unanimously to approve Ordinance No. 64-2022 entitled, "AN ORDINANCE GRANTING PERMISSION BY THE CITY COUNCIL OF THE CITY OF SHELBY, NORTH CAROLINA TO USE THE 10%/70% DEVELOPMENT OPTION AVAILABLE IN THE CITY'S UNIFIED DEVELOPMENT ORDINANCE."**

#### H. City Manager's Report

- Shell Building #4 – Roof is on the building, curbing and guttering is ongoing and hopefully asphalt down soon, weather permitting. Everything is on schedule with a completion date et for January or February 2023.
- Carolina Harmony Trail (Rail Trail) – Regarding Phase IA of the Carolina Harmony Trail the contractor is mobilized and installation of erosion control measures are ongoing. Stormwater piping is being installed as well. The scheduled completion date is May 2023.
- TAMP Phase I - Phase I of the implementation of the Transportation Asset Management Plan has begun. Approximately 17.8 miles of streets will be resurfaced prior to the end of the calendar year, weather permitting.
- Aquatics Center - Work continues on removing the interior finish of the Olympic size pool and the decking. The roof has new shingles. Progress is being made and a Memorial Day completion date is still anticipated.
- City Hall Roofing Project – Bids were advertised on November 28<sup>th</sup>. A mandatory pre-bid meeting will be held December 8<sup>th</sup> and we anticipate several roofing contractors to attend, with bids due January 5<sup>th</sup>, 2023. Mr. Howell stated the City Hall building is on the

National Register of Historic Places but has not been designated as a Local Landmark, therefore, no restrictions are warranted. Mr. Howell stated the roof will be replaced with slate.

- **Cross Town Water Main Transmission Line Phase II - This is the second of a multiphase project to improve water supply to the south, east and north of the uptown area. It is a \$7.7 million project which the City received \$5.7 million appropriation. The City will use \$2 million of the ARP money to help fund this project. It is intended to improve fire flow, water volume/pressure and water quality overall in the system. The City is waiting on the State's final approval to move forward. It is expected to be bid in January 2023.**
- **Hickory Creek Sewer Outfall – This sewer line begins at the end of Windsor Drive and is undersized and has a negative grade in several locations. The City has had significant problems with this line for years. This project is expected to be bid in January 2023.**
- **The budget calendar will be published at the beginning of the year.**

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

**Mayor Anthony stated he's had several compliments on the Uptown lights this year and thanked City staff for their work.**

**Mayor Anthony updated Council on several upcoming events:**

- **Shelby Christmas parade on Sunday, December 18<sup>th</sup>**
- **Keep Shelby Beautiful awards banquet on December 7<sup>th</sup>**
- **Employee Christmas lunch on December 15<sup>th</sup>**

**Mayor Anthony mentioned the County is embarking on the biggest project in our urban core with the new law enforcement center campus. Mayor Anthony suggested the citizens of Shelby may want to attend a public meeting next week (December 13<sup>th</sup>) to find out more information.**

**Mrs. Bullock, Mr. Webber, Mr. Causby and Mr. Hopper wished everyone a happy holiday and safe travels.**

**Ms. Arth thanked the businesses and private donors that helped get Santa's house back on the Courtsquare. Mr. White said the project was amazing to be a part of and he was proud to be involved.**

**Mr. Hopper stated he will be attending the MPO meeting.**

**J. Adjournment:**

**1) Motion to adjourn**

**ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to adjourn the meeting at 7:26 p.m.**

**Respectfully submitted,**

**Carol Williams  
City Clerk**

**O. Stanhope Anthony, III  
Mayor**

**Minutes of December 5, 2022**



City of Shelby  
Agenda Item Summary  
January 9, 2023  
City Hall Council Chamber

Agenda Item: C-2

- 2) Adoption of budget ordinance amendment for the City of Shelby's City Park Pool Renovation project: Ordinance No. 3-2023

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

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Summary of Available Information:

- Memorandum dated January 3, 2023, from Justin Merritt, Assistant City Manager to Rick Howell, City Manager
- Proposal from Rimflow, Inc.
- Ordinance No. 3-2023

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City Manager's Recommendation / Comments

Ordinance No. 3-2023 is presented for City Council consideration via the Consent Agenda. If approved this ordinance would appropriate an additional \$142,350 for the City Park Pool Renovation Project to replace the coping stones around the edge of the pool. Replacement of these stones was not initially expected but upon experiencing failure of some of the stones over the summer it has been determined that it would be a reasonable and prudent measure to ensure safe operation of the pool. The stones were examined again and some hairline cracking was discovered.

**It is recommended that Ordinance No. 3-2022 be adopted and approved via the Consent Agenda.**



To: Rick Howell, City Manager

From: Justin Merritt, Assistant City Manager

Date: January 3, 2023

Subject: City Park Pool Renovation Project PBA#2 – Coping Stones Replacement

Background:

The City is in the process of renovating the existing aquatic center at City Park, to include complete renovation of both the Olympic pool and the wading pool. During the bid process, the City included, as an add alternate, the replacement of all original coping stones around the Olympic pool (the wading pool coping stones are being replaced as a part of the base contract), however, the add alternate was rejected after consultation with our engineer, as the cost was considered higher than expected at \$258,500.

As the City operated the pool throughout the summer of 2022, we experienced failure of a coping stone due to a hairline crack in the stone. Upon further evaluation and consultation with CHA Engineers, it was determined that additional stones carried the same risk for failure, due to age and similar states of deterioration. After a thorough review of these recommendations, the City again sought pricing from the contractor and from the manufacturer of the coping stones. The proposal from Rimflow, the coping stone manufacturer, was the most advantageous to the City, at a cost of \$142,350 (proposal attached). This will remove all existing stones and replace them with new stones made to the same specifications.

City staff believe this is a necessary and prudent measure to ensure safe operation of the pool and for the proper operation of the facility.

Recommendation:

The recommendation from staff is to approve the attached project budget amendment.

RIMFLOW INC.  
 140 COMMODORE CIRCLE  
 PORT JEFF STATION, NY  
 11776



DATE	PROPOSAL NO.
Dec. 13, 2022	RF-2089S3

QUOTE TO:
Mr. Matt Cathone c/o Shelby Aquatic Ctr. <b>CHA CONSULTING, INC.</b> 575 Broadway, Ste. 301 Albany, NY 12207

**RENOVATION  
 PROPOSAL "B"**

JOB NAME
<b>Old Coping Removal @ Shelby Pool</b> Shelby, NC

QTY.	DESCRIPTION
	Removal of 492 +/- lineal feet of existing coping. Clean/remove and prep existing mortar as needed Dumpster/Bobcat provided by others. Apply 2 coats waterproofing membrane to trench. Inspect trench for leaks/ needed repairs ( *Extra) Fabricate & Install new <b>RIMFLOW</b> Coping for 492+/- lineal delivered. 50% total deposit, 20% initial payment due 12/2022 Payment, balance upon completion. Price includes delivery, crew/lodging.
<b>TOTAL AMOUNT PROPOSED AT THIS TIME</b>	
	<b>\$142,350.00</b>

Very truly yours,  
**RIMFLOW INC.**

By: Ira Paul Costell (e-signature)  
 Ira Paul Costell  
 President

Thank you for your order!  
 We appreciate your business 📱

ORDINANCE NO. 3-2023  
 BUDGET ORDINANCE AMENDMENT FOR THE CITY OF SHELBY'S  
 CITY PARK POOL RENOVATION PROJECT

WHEREAS, in accordance with applicable provisions of the North Carolina Budget and Fiscal Control Act, the City of Shelby finds it advisable and necessary to revise and amend its capital project ordinance and budgets for the City of Shelby's City Park Pool Renovation Project; and

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

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

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

Section 1. Ordinance No. 38-2021, the City of Shelby's City Park Pool Renovation Project, is hereby amended as follows to provide for Budget Amendment No. 1 for said project:

**Appropriating Fund Balance:**

Fund Balance Appropriated	64006000-39900	\$ 142,350
Transfer to General Cap. Projects	640741-49111	\$ 142,350

**City Park Pool Renovation Project**

(1) The following General Fund Cap. Project Revenues are amended by the City:

11101000-39640-CPPRP	Transferred from Nat. Gas Fund	\$142,350
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(2) The following General Fund Cap. Project Expenditures are amended by the City:

111612-53000-CPPRP	Construction	\$142,350
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Section 2. That the revenues, expenditures, and amendments set forth in Section 1 of this ordinance are hereby summarized as follows:

	<u>Current Budget</u>	<u>Amendment No. 2</u>
<b><u>City Park Pool Renovation Project</u></b>		
<b>Revenues</b>		
Transferred from Nat. Gas Fund	\$2,480,530	\$2,622,880
<b>Expenditures</b>		
Engineering	\$ 107,300	\$ 107,300
Construction	\$2,373,230	\$2,515,580

Ordinance No. 3-2023  
January 09, 2023  
Page 2

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

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

Adopted and Approved this the 9th day of January, 2023.

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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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Julie Hooten  
Interim City Attorney

City of Shelby  
Agenda Item Summary  
January 9, 2023  
City Hall Council Chamber

Agenda Item: D

Unfinished Business

None

City of Shelby  
Agenda Item Summary  
January 9, 2023  
City Hall Council Chamber

**E. New Business:**

**Agenda Item: E-1**

- 1) Approval of a resolution awarding the contract for the City of Shelby Stormwater Infrastructure Assistance Program project at 715 S. Dekalb St. in Shelby, North Carolina: Resolution No. 1-2023

**New Business Item: (Ben Yarboro, Assistant City Manager)**

Summary of Available Information:

- Memorandum dated January 3, 2023, from Ben Yarboro, Assistant City Manager to Rick Howell, City Manager
- Memorandum dated December 30, 2022 from Tyler Brooks, Stormwater /Engineering Coordinator to Ben Yarboro, Assistant City Manager and Justin Wright, Civil Engineer
- Drainage Repairs information
- Bid Tab sheet
- Letter dated December 16, 2022 to Tyler Brooks, City of Shelby
- Stormwater Infrastructure Assistance Agreement
- Resolution No. 1-2023

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City Manager's Recommendation / Comments

Resolution No. 1-2023 is presented for City Council consideration at this time. If approved this resolution would award a contract in the amount of \$39,721 to Two Brothers Utilities, LLC for the construction of stormwater system improvements at 715 S. Dekalb Street. This project qualifies for assistance through the City's stormwater infrastructure assistance program which allows the City to share costs with a private property owner under certain circumstances spelled out in policy. The City will shoulder 50% (\$19,860.50) of this project with the property owner paying 50%. The City's portion of this project is paid through revenue generated from existing stormwater fees. The property owner(s) is required to pay 50% up front and the remaining balance upon notification of project completion or the owner may choose to participate in the special assessment payment option by entering into a legally binding agreement filed against the property to ensure payment to the City over a period of no more than five (5) years at 0% interest.

As a reminder the City budgets \$80,000 each fiscal year for these stormwater projects outside the public right of way to assist private property owner with drainage work that ultimately improves the flow of rain and floodwaters across both public and private property. There are approximately 8 properties on the waiting list at this time. The City has completed approximately 13 of these projects across private property since the inception of the program in 2016.



Post Office Box 207 · Shelby, NC 28151-0207

## *Memorandum*

**To:** Rick Howell, City Manager

**From:** Ben Yarboro, Assistant City Manager

**RE:** Stormwater Infrastructure Assistance  
Construction Contract Award for 715 S. Dekalb St.

**Date:** January 3, 2023

### **Summary**

As outlined in the attached memo from Tyler Brooks (City Stormwater Coordinator), the City Stormwater Division received an application for Stormwater Infrastructure Assistance for stormwater improvements to fix a sinkhole on private property located at 715 S. Dekalb St. After determining that the project was eligible for assistance, a design was completed by TGS Engineers and the project was advertised and bid. This project consists of the replacement of failing stormwater piping and adds 3 catch basins.

The lowest responsive, responsible bidder for this project was Two Brothers Utilities, LLC from Shelby, NC with a bid of \$39,721.00. This cost will be funded 50% by the City and 50% by the property owner. After reviewing this bid with the property owner, the owner desires to proceed with the project. As defined in the City of Shelby Stormwater Infrastructure Assistance Program, the award of this contract requires Council approval due to the bid amount exceeding \$10,000. Funding for this project is available via the adopted FY23 Stormwater budget.

### **Recommendation**

City Staff recommends approval of the resolution awarding the construction contract for the Stormwater Infrastructure Assistance project at 715 S. Dekalb St. to Two Brothers Utilities, LLC. for the bid amount of \$39,721.00.

Attachments



## *Memorandum*

**To:** Ben Yarboro, Assistant City Manager  
Justin Wright, Civil Engineer

**From:** Tyler Brooks, Stormwater/Engineering Coordinator

**RE:** 715 S. Dekalb St. – Stormwater Infrastructure Assistance  
Program Project Approval Recommendation

**Date:** December 30, 2022

### **Background**

In February 2016, the City of Shelby implemented a Stormwater Infrastructure Assistance Program to assist property owners with the costs of repairing and/or replacing stormwater infrastructure causing stormwater issues on their private property. Per City ordinance, the City does not have maintenance responsibilities outside of the public rights-of-way. Funding for such projects in excess of \$10,000 shall be presented to the Shelby City Council for consideration before awarding contracts.

### **Review**

In January 2021, the property owner at 715 S. Dekalb St., applied for Stormwater Infrastructure Assistance to address failing stormwater infrastructure on the property. The owner reported a sinkhole in the front of the property and concern for the structural integrity of the building because of the same stormwater pipe running under it. Upon further inspection, it was determined the sinkhole was caused by a failing corrugated metal pipe. This stormwater system carries water through the property from S. Dekalb St., so it in the public's best interest that this private system function as intended.

In July 2022 agreements were signed between the City and Owner, and a third-party consultant (TGS Engineers) was asked to provide a design for replacing the stormwater infrastructure on the property. The plans call for two sections of corrugated metal pipe to be replaced with 18" HDPE and three additional catch basins to be installed in the yard to not only collect stormwater but provide access and a clean transition between existing and new pipe. TGS Engineers thoroughly inspected the pipe under the building and determined there to be no threat to the

structure. Bids were submitted on December 15, 2022. At that time contractors were notified that costs had to be approved by the property owner and City Council before starting construction. The low bidder for this project is CRW Land Services, LLC., who later withdrew their bid. The second lowest bidder was Two Brother Utilities, LLC. with a bid of \$34,540.00 with \$5,181.00 in contingency for a total project bid of \$39,721.00.

### **Recommendation**

City Staff has discussed the bid proposal with the property owner, and they desire to proceed with the project. With their desire to continue City Staff recommends that the Shelby City Council approve the resolution awarding the bid for the Stormwater Infrastructure Assistance Program project located at 715 S. Dekalb St. for SL Assets Management to the lowest responsive bidder, Two Brothers Utilities, LLC. for the bid price of \$39,721.00. TGS engineer's estimate for this project was approximately \$69,032.50 and TGS Engineers has reviewed the bid and recommends proceeding with two Brothers Utilities, LLC. Funding for this construction contract is available via Stormwater Utility funding.

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

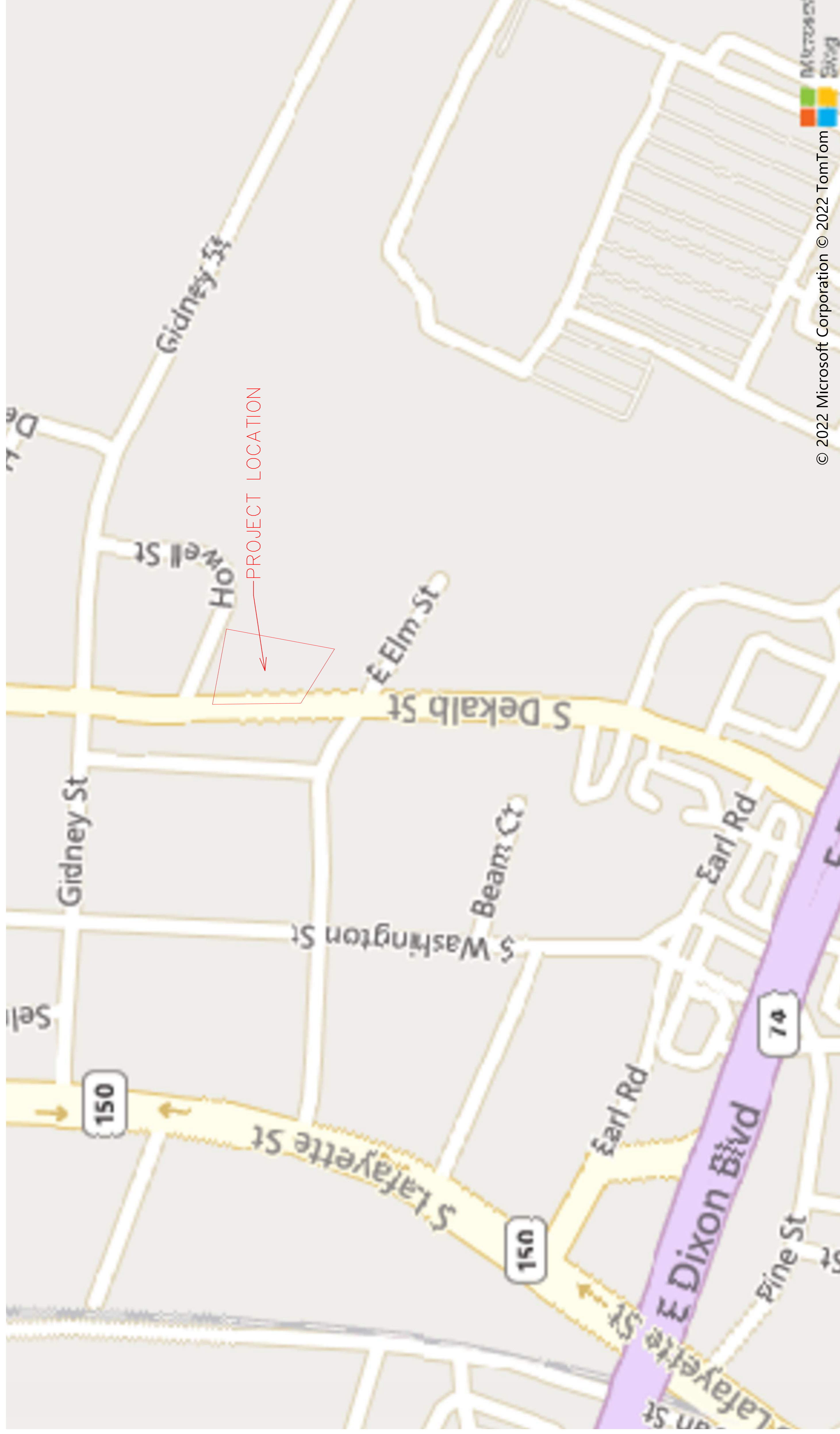
#### Attachments:

- Plans Prepared by TGS Engineers
- Bid Tabulation
- Contractor Recommendation Letter
- Copy of signed Stormwater Infrastructure Assistance Agreement

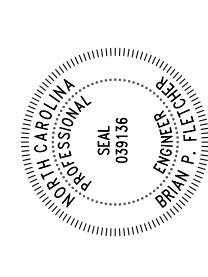


# S DEKALB ST APARTMENTS DRAINAGE REPAIRS

715 S DEKALB ST  
SHELBY, NORTH CAROLINA 28150



NO.	DATE	DESCRIPTION



NOT TO SCALE	TGS JOB NO. 2022056.2
BPF	CAS
CHECKED BY	PREPARED BY
DATE	APPROVED BY



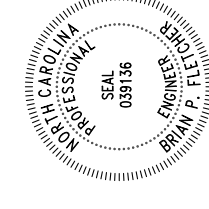


Plans Prepared By:

**CITY OF SHELBY**

Plans Prepared For:

NO.	DATE	DESCRIPTION



SCALE 1" = 10'	TGS JOB NO. 2022056.2
CAS	APPROVED BY
PREPARED BY	DATE
CHECKED BY	BPF

**S DEKALB ST APT**  
 215 S DEKALB ST  
 SHELBY, NC 28150

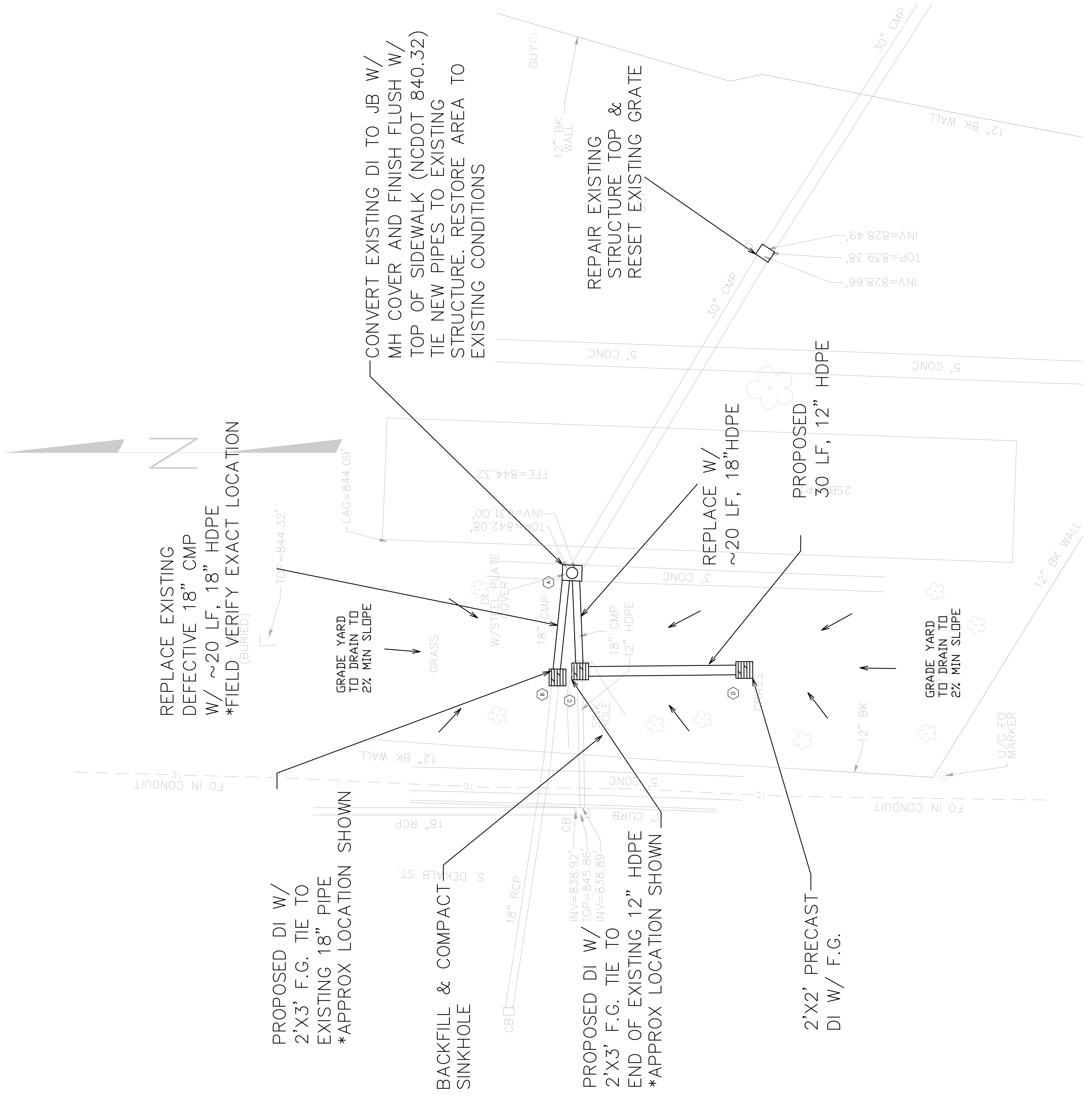
**PLAN SHEET**

SHEET  
 #2  
 OF  
 3

- (A) EXISTING DROP INLET NEEDS TO BE CONVERTED TO A JUNCTION BOX WITH 2'X3' FRAME AND FINISH FLUSH WITH TOP OF SIDEWALK. TIE TO EXISTING 12" HDPE WITH EXISTING CONCRETE SIDE WALK. THE CURRENT ELEVATION OF THE SIDEWALK IS ROUGHLY 844' WITH THE TOP OF THE EXISTING GRATE AT 842.08'. DISPOSE OF EXISTING STEEL PLATE COVER.
- (B) PROPOSED DRAINAGE INLET WITH 2'X3' FRAME AND GRATE NEED TO BE INSTALLED. PROPOSED STRUCTURE SHALL TIE TO EXISTING 18" PIPE. LOCATION SHOWN IS APPROXIMATE.  
TOP = 843 INVERT = MATCH 18" PIPE
- (C) PROPOSED DRAINAGE INLET WITH 2'X3' FRAME AND GRATE NEED TO BE INSTALLED. PROPOSED STRUCTURE SHALL TIE TO EXISTING 12" HDPE. LOCATION SHOWN IS APPROXIMATE.  
TOP = 843 INVERT = MATCH 12" HDPE
- (D) 2'X2' PRECAST DRAINAGE INLET WITH 2'X3' FRAME AND GRATE NEEDS TO BE INSTALLED AND ATTACHED TO THE PROPOSED DRAINAGE INLET AT MARKER C WITH A 30 LF, 12" HDPE PIPE.  
TOP = 843.3' INVERT = 841'

**SITE NOTES**

1. BEFORE YOU DIG, STOP. CALL THE NC ONE-CALL CENTER AT 1-800-682-4689. IT'S THE LAW. EXISTING UTILITIES ARE SHOWN BY THE CITY INSPECTOR. VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES BEFORE STARTING CONSTRUCTION. NOTIFY UTILITY LOCATING COMPANY (NCLC) @ 1-800-682-4689 OR INDIVIDUAL UTILITY OWNERS FOR UNDERGROUND LOCATIONS AT LEAST 48 HOURS IN ADVANCE.
2. CONTRACTOR SHALL CONTACT ALL OWNERS OF EASEMENTS, RIGHT-OF-WAYS AND UTILITIES, PUBLIC OR PRIVATE, BEFORE WORKING IN THESE AREAS.
3. CONTRACTOR SHALL PUT INTO PLACE SUCCESSIONAL EROSION CONTROL MEASURES AS INDICATED ON THE PLANS. THESE MEASURES SHALL BE INSPECTED AND EVALUATED DURING CONSTRUCTION OPERATION FOR THEIR EFFECTIVENESS IN PREVENTING EROSION MATERIAL AND SEDIMENT FROM DISCHARGING FROM THE WORK AREA. IF REQUIRED, AND AS DIRECTED BY THE CITY INSPECTOR, ADDITIONAL TEMPORARY EROSION CONTROL MEASURES SHALL BE INSTITUTED AND INSTALLED.
4. UNLESS EXPLICITLY SPECIFIED IN THESE PLANS, ALL CONSTRUCTION SHALL BE COMPLETED IN ACCORDANCE WITH THE LATEST EDITION OF THE CITY OF SHELBY STANDARD SPECIFICATIONS, NCDOT, AND ALL OTHER APPLICABLE REGULATIONS AND GUIDELINES. IN THE EVENT OF A DISCREPANCY BETWEEN THIS APPROVED PLAN AND THE APPLICABLE REGULATIONS OR GUIDELINES, THE MORE STRINGENT SHALL APPLY.
5. PROTECT ALL PROPERTY MONUMENTS AND PINS. MONUMENTS AND PINS THAT WILL BE DISTURBED DURING CONSTRUCTION SHALL BE REFERENCED AND REPLACED BY A LICENSED LAND SURVEYOR AT A COST TO THE CONTRACTOR.
6. CONTRACTOR SHALL MAINTAIN THE SITE IN A MANNER SUCH THAT WORKMEN AND THE PUBLIC WILL BE PROTECTED FROM INJURY AND ADJOINING PROPERTY PROTECTED FROM DAMAGE.
7. CONTRACTOR SHALL REMOVE ALL TRASH AND DEBRIS FROM THE SITE UPON COMPLETION OF THE PROJECT AND AT LEAST ONCE A WEEK DURING CONSTRUCTION. DEBRIS SHALL BE DISPOSED OF IN A PROPER AND LEGAL MANNER. CONTRACTOR IS RESPONSIBLE FOR ANY FEES.
8. CONTRACTOR IS RESPONSIBLE FOR DAMAGE TO ANY EXISTING ITEM AND/OR MATERIAL DUE TO CONSTRUCTION OPERATIONS. ALL STREET SURFACES, UTILITY POLES, DITCHES, DITCHES, CURBS AND GUTTER OR OTHER STRUCTURES THAT ARE DISTURBED OR DAMAGED IN ANY MANNER AS A RESULT OF CONSTRUCTION SHALL BE REPLACED OR REPAIRED BY THE CONTRACTOR IN ACCORDANCE WITH THE APPROPRIATE SPECIFICATIONS.
9. IF DEPARTURES FROM THE DRAWINGS OR SPECIFICATIONS ARE DEEMED NECESSARY BY THE CONTRACTOR, DETAILS OF SUCH DEPARTURES AND REASONS THEREOF SHALL BE SUBMITTED IN WRITING TO THE OWNER FOR REVIEW. NO DEPARTURES FROM THE CONTRACT DOCUMENTS WILL BE ALLOWED WITHOUT APPROVAL BY THE OWNER.
10. CONTRACTOR SHALL MAINTAIN AN "AS-BUILT" SET OF DRAWINGS TO RECORD THE EXACT LOCATION OF ALL PIPING AND PIPE INVERT ELEVATIONS PRIOR TO CONCEALMENT. DRAWINGS SHALL BE GIVEN TO THE OWNER UPON COMPLETION OF THE PROJECT.
11. ANY AND ALL QUANTITIES SHOWN OR IMPLIED ON THE PLANS ARE FOR ESTIMATION PURPOSES ONLY.
12. APPROVAL OF THIS PLAN IS NOT AN AUTHORIZATION TO GRADE ADJACENT PROPERTIES. WHEN FIELD CONDITIONS WARRANT OFF-SITE GRADING, PERMISSION IN WRITING MUST BE OBTAINED FROM THE AFFECTED PROPERTY OWNERS.
13. RETURN AREA TO ORIGINAL CONDITION, AT THE PREFERENCE OF THE OWNER.
14. COORDINATE WITH THE CITY AND PROPERTY OWNERS IF ANY UTILITY SERVICES WILL BE DISRUPTED DURING CONSTRUCTION.
15. ALL DRAINAGE PIPES ARE TO HAVE A 1% MINIMUM SLOPE - CONTACT ENGINEER IF EXISTING CONDITIONS DO NOT MEET THIS.
16. INSTALL AND REMOVE ROCK INLET SEDIMENT TRAP TYPE C, NCDOT STD. 1632.03 AT DRAINAGE STRUCTURES.
17. STABILIZE DISTURBED AREA WITHIN 7 DAYS OF COMPLETION AND/OR SUSPENSION OF LAND DISTURBING ACTIVITIES.



REPLACE EXISTING DEFECTIVE 18" CMP W/ ~20 LF, 18" HDPE  
 \*FIELD VERIFY EXACT LOCATION (BURIED)

PROPOSED DI W/ 2'X3' F.G. TIE TO EXISTING 18" PIPE  
 \*APPROX LOCATION SHOWN

BACKFILL & COMPACT SINKHOLE

PROPOSED DI W/ 2'X3' F.G. TIE TO END OF EXISTING 12" HDPE  
 \*APPROX LOCATION SHOWN

REPLACE W/ ~20 LF, 18" HDPE

PROPOSED 30 LF, 12" HDPE

REPAIR EXISTING STRUCTURE TOP & RESET EXISTING GRATE

CONVERT EXISTING DI TO JB W/ MH COVER AND FINISH FLUSH W/ TOP OF SIDEWALK (NCDOT 840.32)  
 TIE NEW PIPES TO EXISTING STRUCTURE. RESTORE AREA TO EXISTING CONDITIONS





City of Shelby

**BID TAB**

**Bid Opening:** December 15<sup>th</sup>, 2022                      **Time:** 2:00 p.m.

**Project:** Stormwater Project at 715 S. Dekalb St.

<b>CONTRACTOR</b>	<b>AMOUNT BID</b>
Kennedy Concrete & Utilities Inc.	\$256,818.00
Enviro Pond LLC	\$42,969.75
Cleveland Contractors	No Bid
CRW Land Services LLC	\$29,555.00
A&A Grading and Hauling	\$66,700.00
Two Brothers Utilities, LLC	\$39,721.00

Bids opened by: Electronic                      Tyler Brooks (City) and Brian Fletcher (TGS)



201 West Marion Street  
 Suite 200  
 Shelby, North Carolina 28150  
 (704) 476-0003 Phone  
 (704) 476-0024 Fax  
 www.tgsengineers.com

December 16, 2022

Mr. Tyler Brooks  
 Stormwater/Engineering Coordinator  
 City of Shelby  
 PO Box 207  
 Shelby, North Carolina 28150

**Reference:** City of Shelby  
 Stormwater Project at 715 S. Dekalb St.

Dear Mr. Brooks:

As you are aware, bids were received by electronic mail for the construction of the referenced project on December 15, 2022 at 2:00 p.m. Five (5) bids were received on the project. The low bidder for the project was CRW Land Services LLC, however they withdrew their bid on December 16, 2022. Two Brothers Utilities, LLC was the next lowest bid.

Listed below is a summary of the bid(s) submitted for the project sorted from low bid to high bid. The Engineer's Estimate for the construction of the project was \$69,033.00.

<u>Bidder</u>	<u>Bid Results</u>
CRW Land Services LLC	\$ 29,555.00 ****Bid Withdrawn***
Two Brothers Utilities, LLC	\$ 39,721.00
Enviro Pond LLC	\$ 42,969.75
A&A Grading and Hauling	\$ 66,700.00
Kennedy Concrete & Utilities Inc.	\$ 256,818.00

We have reviewed the bid package for Two Brothers Utilities, and found it to be in order and found that the bid was responsive under the terms of the contract. We recommend that the City of Shelby award the contract for construction of the project to the low bidder, Two Brothers Utilities, LLC at the contract amount of **\$39,721.00**.

Best regards,

Brian P. Fletcher, PE  
 TGS Engineers

cc: File

STATE OF NORTH CAROLINA

COUNTY OF CLEVELAND

**CITY OF SHELBY  
STORMWATER INFRASTRUCTURE ASSISTANCE AGREEMENT**

THIS AGREEMENT, is made and entered into this 18th day of July, 2022, by and between the City of Shelby, a municipal corporation of the State of North Carolina, hereinafter referred to as the CITY, party of the first part, and SLAXMI LLC. of Dunn Loring (city), Virginia (state), hereinafter referred to as the OWNER(S), party of the second part.

BACKGROUND

The CITY, pursuant to City Council Resolution No.3-2016, has adopted a formal policy for providing City assistance for upgrades and repairs to stormwater drainage systems on private property. The OWNER(S), pursuant to this policy, have petitioned the CITY to participate in stormwater drainage improvements within the boundaries of their property, based upon a sharing of costs for such work. These agreements and undertakings are in consideration of the sums agreed to be paid for such work by the OWNER(S), the benefit therefrom according to the public, and the mutual terms and conditions set forth below.

The CITY as specified in Resolution No.3-2016, will perform or contract for improvements as indicated in plans developed by the CITY for the infrastructure improvement project described below:

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WHEREAS, the Common Law Doctrine known as the “rule of reasonable use” which has been formally adopted by the North Carolina Supreme Court with respect to surface water drainage allows reasonable alteration of the flow of storm water runoff which may cause harm to properties; and

WHEREAS, there are locations throughout the City of Shelby where the altered flow of storm water runoff through private property interferes with the safety, comfort, welfare, and/or convenience of property owners or the general public; and



WHEREAS, the City, in most cases does not have legal authority to make drainage improvements on private property; and

WHEREAS, the City is willing to award assistance to promote the improvement of drainage facilities on private property and to correct illicit discharges and/or illicit connections on private property in accordance with the City of Shelby Stormwater Infrastructure Assistance Program;

NOW, THEREFORE, in consideration of the promises and mutual covenants herein contained, the parties agree as follows:

1. The CITY agrees to share in the cost of upgrades or repairs to the stormwater system on or along the property of the OWNER(S) as set forth in, those project plans identified as \_\_\_\_\_ (This work shall be referred to herein as "the Project"). The CITY agrees to pay a pro-rata share representing  80 percent (residential property) or  50 percent (commercial property) of the actual construction costs of the Project for the most feasible, cost efficient solution determined by the CITY for a project on private property. The CITY agrees to pay 100 percent of design costs for a third-party consulting engineer if deemed necessary by the CITY.

2. The OWNER(S) agree to pay their pro-rata share representing  20 percent (residential property) or  50 percent (commercial property) of the actual construction cost of the Project. OWNER(S) shall pay their share of the cost by depositing with the CITY a minimum amount equal to 50 percent of the preliminary estimated share of the OWNER(S). The remainder of the OWNER(S) share is due at the time of written notification from the CITY of Project completion and total construction costs of the CITY. The OWNER(S) costs will not exceed their pro-rata share of the actual construction costs, and any payment in excess of actual cost will be refunded to the OWNER(S). Should the OWNER(S) choose not to complete the project following a design by a third-party consulting engineer, the OWNER(S) shall pay 50 percent of the engineering design fee.

OWNER(S) may choose to participate in the special assessment payment option, as evidenced by the attachment to this Agreement of a properly executed Note and Instrument Payment Agreement and Deed of Trust. The Project may proceed upon proper execution and submittal to the CITY of the Agreement, Note and Deed of Trust.

OWNER(S) participating in the special assessment payment option are subject to the following conditions:

- a. Applications for installment payments shall be submitted with a non-refundable \$200 application fee to cover credit checks, appraisals, and other costs associated with a special assessment.
- b. A first or second position lien in an amount no greater than 80% of the unencumbered property value will be considered sufficient security for the assessment.
- c. After determination that income, credit history, security, and other normal requirements for the assessment have been met, the application for installment payments will be approved by the City.
- d. The applicant shall submit a deposit at least equal to 10% of the actual construction cost and an executed agreement to pay the remainder in equal payments over a time period not to exceed 5 years. The first payment will be due one year after notification of Project completion by the City.
- e. The minimum assessment amount will be \$1,000.

3. The total project cost shall not exceed \$50,000.

4. The construction contract for the construction of the improvements to the  residential or  commercial property located at 715 S. DeKalb St. and described in Deed Book 1221 Page 2371 at the Cleveland County Register of Deeds shall be let for bids and awarded in accordance with Article 8 of Chapter 143 of the North Carolina General Statutes, and specifically including the requirement that any contract be awarded to the lowest responsible bidder. All obtained bids shall be provided to the OWNER(S) for review. The CITY reserves the right to refuse any and/or all bids. The total CITY share of the Project will be  80 percent (residential property) or  50 percent (commercial property) of the actual construction cost of the improvements for the most feasible, cost efficient solution determined by the CITY for the Project on private property. The OWNER(S)' share of cost of the project shall not exceed  20 percent (residential property) or  50 percent (commercial property) of the actual construction cost of the improvements for the most feasible, cost efficient solution determined by the CITY for the project. The work will be undertaken only if CITY funds are available.

5. The CITY shall obtain all temporary construction easements from neighboring property owners. Costs associated with acquiring easements will be included in the total Project costs shared by the CITY and OWNER(S). OWNER(S) shall grant a temporary construction easement to the CITY at no cost.

6. The Stormwater Division reviews and approves the design plans and specifications prior to bid solicitation.

7. The work shall conform to City standards and other applicable local, state, and federal requirements.

8. The CITY, or a third party delegated by the CITY, shall provide construction oversight and inspections to ensure that the Project is completed in substantial conformance with the proposal.

9. In consideration for the CITY's undertaking stormwater drainage improvement assistance on private property, the OWNER(S) hereby agree to discharge, release, and hold harmless the CITY, its agents, employees, and officers, for liability for personal injury or property damage, or both, arising under this Agreement or the work to be performed hereunder. The OWNER(S) hereby agree to discharge, release, and hold harmless the CITY's contractor or contractors for liability for personal injury or property damage, or both, to the extent such are not covered by the contractor's liability insurance.

10. The OWNER(S) acknowledge and agree that no action taken or work performed by the CITY pursuant to this Agreement or the official City of Shelby Stormwater Infrastructure Assistance Program shall constitute a taking or appropriation of the stream, ditch, water course, or drainage way on or along their property as part of the CITY's stormwater drainage system. Further, the OWNER(S) acknowledge and agree that the CITY has assumed no liability over, or responsibility for, their property, the drainage way, or any drainage improvements located on their property. The OWNER(S) agree to be responsible for the future maintenance and repair of all drainage facilities and improvements located on their property.

11. The undertaking of the Project by the CITY shall be conditioned upon full participation in this Agreement and undertaking by all property owners abutting the Project. The OWNER(S) understand and acknowledge that, in the event any of the Project participants fail to make full payment for the cost of the work, or fail to execute all required documents and agreements, the final approval of the Project will be withheld by the CITY, and this Agreement shall be void and of no effect.

12. The CITY and/or the OWNER(S) may withdraw participation in the Project if the actual construction bids exceed the preliminary cost estimate or available City funding.

13. These provisions represent the entire Agreement between the parties and may not be modified by oral representations. As used herein, the plural designation may indicate the singular, where applicable.

14. The OWNER(S)' share of the funding as outlined above must be paid to the CITY following the completion of design plans and bidding, but prior to the execution of any construction contracts.

15. The Project must be expected to have a life cycle of more than five (5) years, therefore the OWNER(S) shall commit to a higher level of maintenance than may have previously been conducted (i.e. maintaining vegetation and/or removing debris from ditches) for a period of five (5) years. The CITY will complete annual inspections during this five (5) year period and notify the OWNER(S) of maintenance issues that exist if any are present.

NOW, THEREFORE, in consideration of the City's willingness to enter into the Agreement, the undersigned agrees that the Agreement shall be governed by the laws of the State of North Carolina and venue for any civil action between the parties shall be Cleveland County Civil Superior Court.

This Agreement shall be binding on the heirs, personal representatives, successors and assigns of the parties with reference to the subject matter of this Agreement.

IN WITNESS WHEREOF, the OWNER(S) have set their hands the date above written.

OWNER(S):

*Pratik F. Dalal*

Print Name: PRATIK F. DALAL

Title: CO-OWNER

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

Title: \_\_\_\_\_

ATTEST:

*Sybil Burroughs*

(Seal if appropriate)

STATE OF NORTH CAROLINA

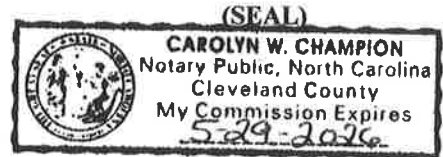
COUNTY OF Cleveland

I, Carolyn W. Champion, a Notary Public of the County of Cleveland and State of North Carolina, do hereby certify that Pratik Dalal personally appeared before me this day and acknowledged the due execution of the foregoing Stormwater Infrastructure Assistance Agreement, together with attached addendum/addenda (if applicable).

WITNESS my hand and official seal this 14 day of July, 2022

Carolyn W. Champion  
Notary Public

My Commission Expires: 5-29-2026



STATE OF NORTH CAROLINA

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

I, \_\_\_\_\_, a Notary Public of the County of \_\_\_\_\_ and State of North Carolina, do hereby certify that \_\_\_\_\_ personally appeared before me this day and acknowledged the due execution of the foregoing Stormwater Infrastructure Assistance Agreement, together with attached addendum/addenda (if applicable).

WITNESS my hand and official seal this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

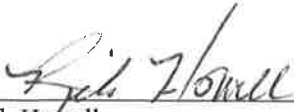
\_\_\_\_\_  
Notary Public

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

(SEAL)

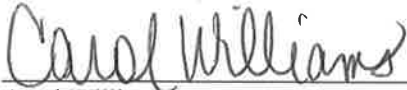
**CITY OF SHELBY,**

**A North Carolina Municipal Corporation**



\_\_\_\_\_  
Rick Howell  
City Manager

ATTEST:



\_\_\_\_\_  
Carol Williams  
City Clerk



(SEAL)

**RESOLUTION NO. 1-2023**

**A RESOLUTION AWARDING THE CONTRACT FOR THE CITY OF SHELBY  
STORMWATER INFRASTRUCTURE ASSISTANCE PROGRAM PROJECT  
AT 715 S. DEKALB ST. IN SHELBY, NORTH CAROLINA**

**WHEREAS**, the City of Shelby established a Stormwater Infrastructure Assistance Program via Resolution No. 3-2016; and,

**WHEREAS**, the City of Shelby received an application for assistance from SL Assets Management at 715 S. Dekalb St. in Shelby, North Carolina to address failing stormwater infrastructure that crosses their private property and connects to the public right-of-way; and,

**WHEREAS**, the City of Shelby Engineering Department has reviewed the proposed project application and determined that the project meets the requirements of the Stormwater Infrastructure Assistance Program; and,

**WHEREAS**, a third-party engineer evaluated and designed the replacement of the failing infrastructure; and,

**WHEREAS**, the City of Shelby in accordance with applicable provisions of GS 143-129, as amended, has accepted proposals for the project located at 715 S. Dekalb St. in Shelby, North Carolina in accordance with priorities heretofore established by City Council; and,

**WHEREAS**, bids for this proposed work have been tabulated and contract award recommended for this project to the lowest responsive bidder, Two Brothers Utilities, LLC., for a total bid of \$39,721.00; and,

**WHEREAS**, per Resolution No. 3-2016, the City agrees to pay 50% of the construction costs (of the portion of the project eligible for assistance) and the property owner agrees to pay 50% via a legal agreement (of the portion of the project eligible for assistance); and,

**WHEREAS**, City Council now desires to proceed with award of construction contract as recommended by staff.

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

Section 1. The contract for the Stormwater Infrastructure Assistance Program project at 715 S. Dekalb St. in Shelby, NC, as outlined in the bid specifications for this offering, is hereby awarded to Two Brothers Utilities, LLC. for a bid price of \$39,721.00 as stated in their official proposal for this bidding, and in accordance with the City's official bid specifications for this project.

Section 2. The City Manager of the City of Shelby or his designee is hereby authorized and directed to execute the applicable contracts and any change orders as specified in Section 1 of this resolution.

Resolution No. 1-2023  
January 9, 2023  
Page 2

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

Adopted and approved this the 9th day of January 2023.

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O. Stanhope Anthony III  
Mayor

ATTEST:

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Carol Williams  
City Clerk



City of Shelby  
Agenda Item Summary  
January 9, 2023  
City Hall Council Chamber

Agenda Item: E-2

- 2) Designation of authorized voting delegate for the North Carolina League of Municipalities 2023-2024 Biennium Legislative Goals, required by January 12, 2023

**New Business Item: (Rick Howell, City Manager)**

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Summary of Available Information:

- Copy of NCLM Legislative Bulletin
- Legislative Goal Statements from NCLM

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City Manager's Recommendation / Comments

This item requires City Council action by a simple motion to designate a voting delegate for the NCLM 2023-24 Biennium Legislative Goals. I have served for the past year on the Legislative Policy Committee and believe the proposed goals are reasonable and in keeping with the interests of the membership. I am happy to serve as delegate for voting purposes if City Council is agreeable.

A simple motion appointing a delegate by name is all that is required.



## 2023-2024 Biennium Legislative Goals | Designate Your Municipality's Voting Delegate

The League's member-driven legislative goals development process coincides with the start of each new legislative biennium. During even-numbered years, members come together to submit their legislative goals and priorities. Over the last few months, the Legislative Policy Committee has been considering these ideas and will present its recommendations to the Board of Directors this month. The Board will refine the position further before sending them to the full League membership for a final vote. After the final voting period closes, cities and towns will have a focused advocacy agenda to pursue at the state and federal levels.

### Identify Your Municipality's Voting Delegate

Each member municipality is eligible to cast a single vote in this goal setting process. Each member municipality shall designate one voting delegate who is responsible for casting the municipality's vote. Take action NOW to designate your municipality's voting delegate by following this link:

[Designate your voting delegate here.](#)

**Voting delegates must be designated by **Thursday, Jan. 12, 2023.****

- The designated voting delegate shall receive their credentials and voting instructions.
- The designated voting delegate shall vote on the proposed Legislative Goals package electronically.
- The Legislative Goals will be shared with the membership electronically following the voting period.

# LEGISLATIVE GOAL STATEMENTS

## RECOMMENDED BY THE NCLM BOARD OF DIRECTORS

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*The following goal statements are grouped by subject area but NOT listed in any priority order.*

- Expand federal and state resources for affordable housing.
  - Housing affordability is a growing problem across North Carolina, affecting cities and towns of all sizes and people across different income levels.
  - Increasingly, the lack of affordable housing acts as a major impediment to business and workforce recruitment.
  - Ongoing state and federal revenue streams to address housing affordability are extremely limited, with much of the burden for solutions left with cities and towns
  
- Revitalize vacant and abandoned properties with enhanced legal tools and funding.
  - Abandoned and vacant properties, often the subject of so-called tangled titles, can affect the ability of communities to revitalize areas and improve economic conditions.
  - The abandoned properties, with enhanced legal tools to help heirs clear up title issues and sell properties at market rates, could help address local housing needs.
  - Many towns do not have the funding to adequately address abandoned properties.
  
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- Create an adequate and permanent funding stream for local infrastructure.
  - Infrastructure – including roads, water, sewer, stormwater, parks and beaches – are critical to economic development and job creation.
  - Many cities in the state are growing, creating a constant need for investment to keep pace with population growth; many cities and towns also have aging infrastructure that must be replaced.
  - Creating more permanent funding streams for local infrastructure, such as a dedicated tax source, would allow for better planning to meet needs.

- Allow municipalities to use local resources and capabilities to expand broadband access in their communities through innovative partnerships.
  - Slow and unreliable internet service threatens educational and professional opportunities, and the economic future of entire communities.
  - Municipalities own existing infrastructure – including dark fiber, towers and electric poles – that could be utilized in innovative partnerships and assist in making broadband service more affordable.
  - Failure to utilize local government assistance and assets will continue to create digital gaps that have real-world consequences for North Carolinians.
  
- Extend deadlines for completion of federal infrastructure projects.
  - Current deadlines for the allocation and expenditure of American Rescue Plan Act funding may make more complex infrastructure projects unrealistic.
  - High inflation and worker shortages are leading to higher project costs; extending ARPA and other funding deadlines will spread projects out and may help lower costs.
  - Cities and towns require flexible deadlines to get the best bang for their buck out of this funding.
  

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- Expand state transportation funding streams for construction and maintenance for municipal and state-owned secondary roads.
  - Current Powell Bill and other state funding is not adequate to address transportation needs, particularly as they affect municipal and state-owned secondary roads.
  - In many cities and towns, major commuting corridors are not receiving the level of investment needed to keep pace with traffic.
  - More investment is needed for these roads if existing residents are to embrace business and residential growth.

- Support integrated and multi-modal transportation solutions.
  - Today, cities and towns seek to make downtowns and other areas accessible to residents and visitors, whether traveling by foot, bike, car, mass transit and other means.
  - Making areas accessible in this manner requires integrated planning and funding with the state.
  - Only through recognizing the need for multi-modal transportation solutions can cities and towns maximize tourism and other economic opportunities, ensuring that local businesses thrive.
  
- Increase state funding for public transportation operations.
  - Road construction is not keeping pace with transportation needs in any many areas, and public transportation provides a means to reduce the burden of building roads.
  - Investment in public transportation can improve traffic safety, air quality and residents' accessibility to businesses and public services.
  - One of the biggest impediments to economic growth is traffic and commuting times, which can be alleviated through public transportation options.
  
- 
  
- Expand incentives and funding for local economic development.
  - Funding is simply inadequate in many cities and towns to encourage job growth.
  - State grants and incentives are often targeted in ways that fail to assist the areas in greatest need of job creation.
  - Maintaining or expanding funding for film tax credits, major industrial site development, downtown development and renewable energy tax credits helps cities and towns across the state.



- Expand incentives that encourage regionalization of water and sewer, as well as other municipal services, when appropriate.
  - A number of municipal water and sewer systems continue to financially struggle with deferred maintenance needs.
  - These challenges came about largely due to population and job losses in rural areas, leading to an erosion of taxpayer and ratepayer bases.
  - While legislators and municipalities have begun to address these issues with the creation of the Viable Utility Reserve and the use of ARPA funding, state estimates show needs still exceed expenditures by several billion dollars.

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- Enhance state systems and resources for local law enforcement officer recruitment, training, and retention.
  - Municipalities across the state are facing law enforcement staffing shortages, in many cases severe shortages.
  - State training resources are limited, and the cost of local law enforcement agencies to send recruits and existing officers to NC Justice Academy locations can be prohibitive.
  - Grant writing assistance is one of several options that might provide better access to the large volume of federal law enforcement grant funding that is available.
- Provide state assistance for yearly financial audits, ensuring that an adequate number of auditors is available.
  - Several dozen local governments have been placed on the state Unit Assistance List due to late audits.
  - Often these audits are late due to staffing shortages, changes in financial personnel and a growing shortage of private auditors willing to perform this work.
  - Addressing this challenge would lessen negative portrayals of local government financial controls.

- Revise state contracting laws to better protect public entities from the effects of inflation.
  - Labor and materials costs have been rising at a rapid rate, leaving municipalities with few options when project bids and costs exceed expectations.
  - Additional flexibility regarding the contracting process could assist municipalities in protecting taxpayers from inflation and escalating costs.
  - Without contracting law flexibility, projects can be delayed and costs can further increase.
  
- Update annexation petition thresholds to make voluntary annexations easier to initiate.
  - Voluntary annexation by petition currently requires 100 percent consent from all property owners, a threshold that can be impossible to meet even if a majority of property owners can benefit by utilizing their property for business or residential purposes.
  - Lowering the threshold from 100 percent represents a middle ground that would still reflect the will of property owners but not handicap communities' ability to economically thrive.
  - The ability of a city or town to grow and reflect its urban footprint is vital to its financial health; city services are relied on by residents whether they live in or near municipal boundaries.
  
- Provide authority to municipal water systems to recoup costs of clean-up from polluters.
  - Local municipal water systems are increasingly being looked to for the clean-up of PFAS and other “forever” chemicals found in surface waters.
  - State regulators plan to set surface water standards for these chemicals and propose Maximum Contaminant Levels for PFAS chemicals in drinking water.
  - To date, cities' only recourse to try to recoup the cost for utility ratepayers is through the courts.
  
- Provide local revenue options beyond property tax.
  - Roughly 40 percent of municipal general fund revenue is generated by local property taxes.
  - Cities have little to no authority to raise significant revenue in other ways.
  - A lack of diverse, local tax options can affect economic growth, as well as cause large swings in revenue based on economic changes.

City of Shelby  
Agenda Item Summary  
January 9, 2023  
City Hall Council Chamber

Agenda Item: F

City Manager's Report

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

Agenda Item: G

Council Announcements and Remarks

H. Adjournment:

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

- 1) Motion to adjourn