

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.

B. Special Presentation:

- 1) Oath of Office – Swearing in of Bradley Steve Fraser, Police Chief 1 - 2

C. Public Comment:

3

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

D. Public Hearings:

- 1) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina at 600 South Morgan Street: Ordinance No. 42-2023 4 - 19

E. Consent Agenda:

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

- 1) Approval of the Minutes of the Regular Meeting of August 21, 2023 20 - 32

- 2) Approval of a resolution approving an application by the City of Shelby Police Department to the U.S. Department of Justice for an Edward Byrne Memorial Justice Assistance Grant and accepting the funds of same: Resolution No. 66-2023 33 - 38
- 3) 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. 43-2023 39 - 45
- 4) Approval of Special Event Application: 46 - 61
 - a) Single Moms' Night of Hope at the Don Gibson Theater hosted by Pleasant City Church: requested date: September 23, 2023
 - b) Pinnacle Classical Academy's Homecoming Parade: requested date: Friday, December 1, 2023
- 5) Management Reports: 62 - 90
 - a) Monthly Financial Summary, dated July 2023

F. Unfinished Business:

- 1) City of Shelby's County Home Road Electric Relocation Project: 91 - 116
 - a) Adoption of an ordinance establishing a capital project ordinance and budgets for the City of Shelby's County Home Road Electric Relocation Project: Ordinance No. 44-2023
 - b) Approval of a resolution accepting and approving a utility relocation agreement for Duke Energy infrastructure in conflict with the County Home Road Reconstruction Project in Shelby, North Carolina: Resolution No. 67-2023

G. New Business:

- | | |
|---|-----------|
| 1) Approval of a resolution for the acceptance of the Local Assistance for Stormwater Infrastructure Investments (LASII) funding grant offer for citywide stormwater modeling, infrastructure assessment, and master plan: Resolution No. 68-2023 | 117 -131 |
| 2) Consideration of appointments to City advisory boards and commissions: | 132 - 139 |
| a) Planning and Zoning Board | |

H. City Manager's Report 140

I. Council Announcements and Remarks 140

J. Adjournment: 140

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
September 18, 2023
City Hall Council Chamber

B. Special Presentations:

Agenda Item B-1

- 1) Oath of Office – Swearing in of Bradley Steve Fraser, Police Chief

Presenting: (Carol Williams, City Clerk)

- Oath of Office

City Manager's Recommendation / Comments

This time is scheduled on the agenda to allow the City Clerk to administer the required Oath of Office to newly appointed Police Chief Brad Fraser. Council will recall that I informed you on Monday, August 21st that after a lengthy selection process I had chosen to appoint Captain Brad Fraser to that role. Chief Fraser replaces now retired Chief Jeff Ledford who served in that capacity from August 2008 through March 2023.

Chief Fraser did an admirable job serving as Interim Chief beginning April 1, 2023. I have full confidence that he will lead the City of Shelby Police Department with integrity and professionalism for several years to come.

Please join me in congratulating Chief Fraser on his appointment.

STATE OF NORTH CAROLINA
COUNTY OF CLEVELAND
CITY OF SHELBY

OATH

I, BRADLEY STEVE FRASER, do solemnly swear that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as Police Chief, so help me God.

I, BRADLEY STEVE FRASER, do solemnly swear that I will be alert and vigilant to enforce the criminal laws of this State; that I will not be influenced in any matter on account of personal bias or prejudice; that I will faithfully and impartially execute the duties of my office as Police Chief for the City of Shelby, North Carolina according to the best of my skill, abilities, and judgment; so help me, God.

BRADLEY STEVE FRASER

Administered by:

(seal)

Carol Williams
City Clerk

Date: September 18, 2023

City of Shelby
Agenda Item Summary
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C. Public Comment:

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

Members of the public are asked to sign up prior to the meeting indicating their name and street address for the record.

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

City of Shelby
Agenda Item Summary
September 18, 2023
City Hall Council Chamber

D. Public Hearings:

Agenda Item: D-1

- 1) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina at 600 South Morgan Street: Ordinance No. 42-2023

Presenting: (Walter Scharer, Planning Director)

Summary of Available Information:

- Memorandum dated September 11, 2023, from Walter Scharer, Planning Director to Rick Howell, City Manager
 - General Application
 - Proposed Zoning Change to 600 South Morgan Street
 - Site Plan
 - Location Map of 600 South Morgan Street
 - Zoning Map of 600 South Morgan Street
 - Future Land Use Map of 600 South Morgan Street
 - Staff Report
 - City of Shelby Planning and Zoning Board Minutes
 - Certified Recommendation
 - Notice of Public Hearing
 - Ordinance No. 42-2023
-

City Manager's Recommendation / Comments

This time is scheduled on the agenda for City Council to conduct the required public hearing in accordance with the NC General Statutes. Following the conclusion of the hearing the Council may act on the item under consideration. A certified recommendations from the Planning and Zoning Board is included as part of the packet. I would call attention to Mr. Scharer's memorandum noting that the zoning map amendment is **consistent** with the City's current land use plan. I would further note that the recommendation of the Planning and Zoning Board is advisory in nature only and that as a legislative matter Council has broad discretion to take action it believes is in the best interests of the City. City Council has adopted plans and established an advisory board for the purposes of providing reasonable guidance in the decision-making process.

See Next Page

City of Shelby
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City Hall Council Chamber

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

§ 160D-605. Governing board statement.

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

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

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

After the conclusion of the public hearing City Council may act upon Ordinance No. 42-2023



Memorandum

To: Rick Howell – City Manager

From: Walter Scharer – Planning Director

Date: September 11, 2023

Subject: Requested conditional zoning map amendment to LI-CZ at 600 South Morgan Street

Executive Summary of Issue – Background

The applicant, Headrick Signs, is proposing a conditional zoning map change on this property. The proposed conditions include limiting the permitted uses to sign fabrication and uses accessory to sign fabrication like office space and truck storage. In addition, there will be buffering provided on the Western property line as well as the Northern property line. Please refer to Appendix A of the application for details about what the applicant has proposed to allow in the conditional zoning district.

Review and Comments

The property is currently zoned LI and R6. The R6 section is a non-conforming use. The applicant has proposed LI-CZ for the entire site. The Comprehensive Land Use Plan for this area designates the property as being in a Neighborhood Revitalization area. Please refer to the staff report for detailed information.

Recommendation

This proposed zoning map amendment is consistent with the Comprehensive Land Use Plan. The Planning and Zoning Board recommends this proposed zoning amendment due to promoting revitalization of the area.

Please schedule a legislative public hearing for this proposed zoning amendment at the next City Council meeting on September 18, 2023.

Attachments: Application, Staff Report, Zoning Map, Location Map, Future Land Use Map, Notice of Public Hearing, Planning and Zoning Board August 17, 2023 minutes, Certified P&Z Recommendation, and Ordinance



City of Shelby
Planning and Development Services Department

General Application

Address of Subject Property:

600 South Morgan Street

Applicant(s) Name:

Terrell Wood

Address:

1 Freedom Square
Laurel, MS. 39440

Email:

terrell@headricks.com

Phone:

601-323-4060

Owner(s) Name:

Headrick Outdoor Media of the Carolinas Inc. (Gina Headrick)
Formerly Creative Sign Service Inc.

Email:

Phone:

601-649-1977

Relationship to Property:

Owner

Developer, Contractor, etc.

Other: Owner Representative

Request for (Check all that apply):

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

Project Information (Fill in applicable information):

Parcel Number: 18245 + 22342

Proposed Zoning: LICZ

Proposed Land Use: NA

Previous Use: N/A

Approx. Building Sq. Ft.: N/A

Approx. Project Acreage: N/A

Business Name: Headrick Outdoor Media of the Carolinas

Construction Sq. Ft.: N/A Formerly Creative Sign Service Inc.

Valuation: N/A

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

See Attached

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

Signature of Applicant

Date

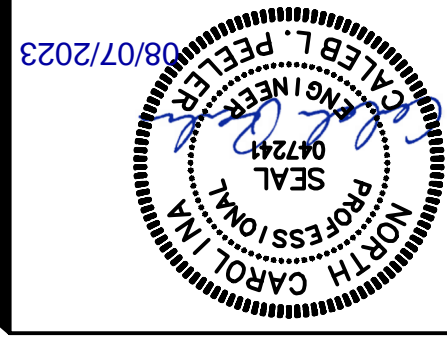
7/27/23

Received by:

Date

**PROPOSED ZONING CHANGE
600 SOUTH MORGAN STREET**

1. We respectfully request the following parcels be rezoned Light Industrial Conditional Zoning.
2. Parcel # 18245 is currently zoned **Light Industrial**
3. Parcel # 22342 is currently zoned **Residential 6**
4. As requested by the City of Shelby we will be combining both parcels into one (1) parcel.
5. As requested by the City of Shelby, we will be installing an opaque fence (minimum 6' in height) the entire length of the rear property line abutting the adjacent property (209 McClurd Street) Please note that this fence will be install inside the existing chain-link fence.
6. As requested by the City of Shelby we will be planting screening as directed by the City Planner. Along the inside of the existing chain link fence along the north property line for approximately 70 feet.
7. We respectfully request a five (5) foot rear setback for the prepared vehicle canopy.
Note: The opaque fence would be constructed within the requested setback.
8. We respectfully request a five (5) foot side setback for the proposed vehicle canopy.
Note: the screening will be planted within the requested setback.
9. The proposed vehicle canopy measures 50' x 70' in size and would be located in the northwest corner of the property as shown on the site plan.



HEADRICK OUTDOOR MEDIA
EQUIPMENT SHED
CITY OF SHELBY, NORTH CAROLINA
Site Plan

REV	REVISION DESCRIPTION	DATE
DESIGN BY: CLP	08/07/23	
DRAWN BY: CLP	08/07/23	
CHECKED BY: CLP	08/07/23	
FOR PERMIT REVIEW	08/07/23	
REV PER CITY COMM.	08/07/23	
CLP		
CLP		

PEETZ-ENGENBERG
PEELER ENGINEERING, PLLC
211 Patton Drive
Shelby, NC 28160
704.692.4212
NC B.E.S. LICENSE NO. P-2316

Development Data

Parcel Number(s): 18245.22342
 PIN(s): 2546172727, 2546171708
 Deed Book Page: 14022477
 Site Area: 0.82 acres
 Proposed Impervious Area: 0.06 acres
 Existing Zoning: LI/RB
 Existing Use: Manufacturing - Creative Sign Service, Inc.

Proposed Zoning: LI
 Proposed Use: Equipment Shed

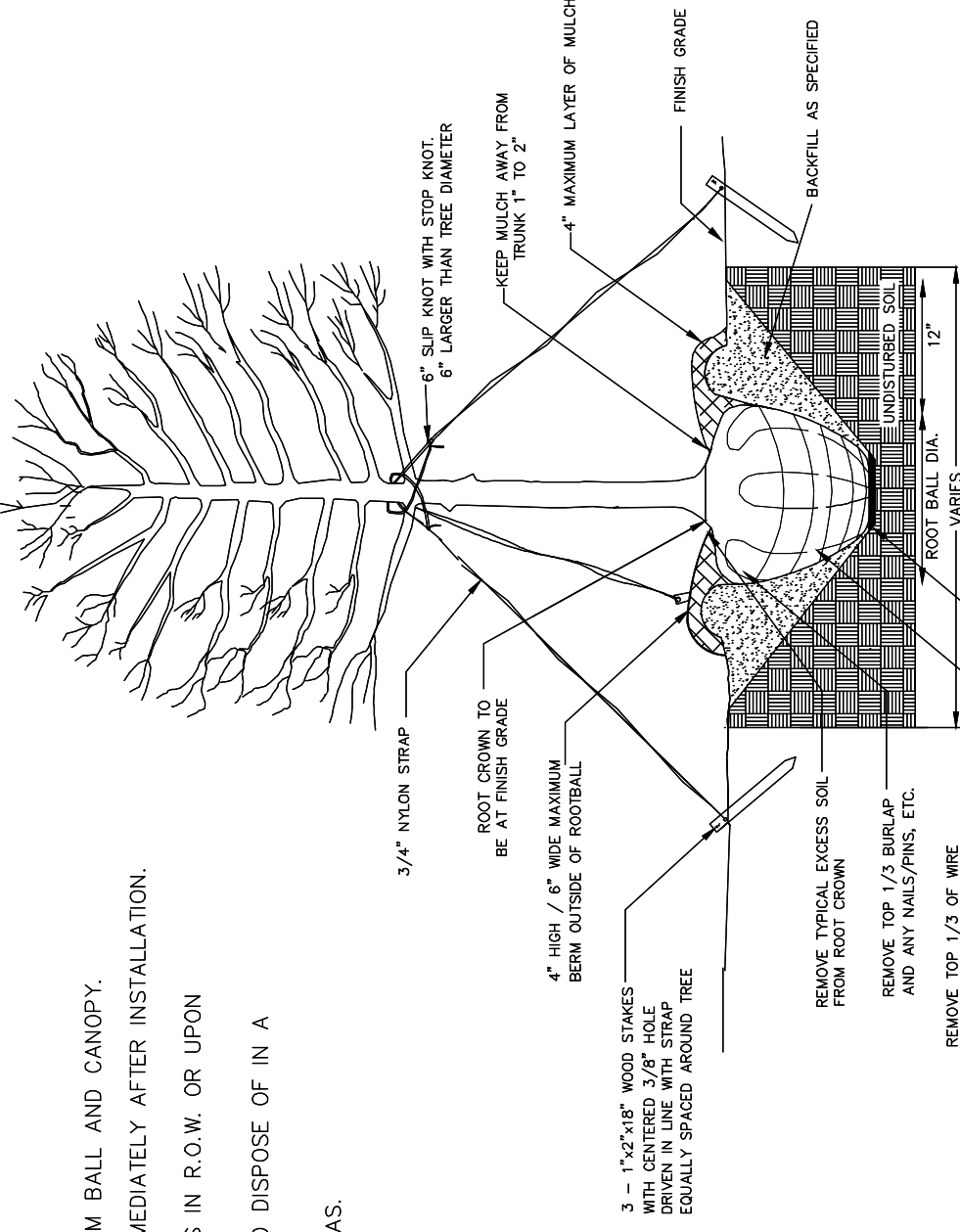
Min. Lot Area: 30
 Min. Building Setbacks:
 Front: 0
 Side: 0
 Corner: 0
 Rear: 0

Max Built Upon Area: 0
 Max Building Height: 0

GENERAL NOTES:

- CONTRACTOR SHALL FINISH AND INSTALL ALL PLANT MATERIALS LISTED ON THE PLAN SCHEDULE.
- PLANT MATERIALS SHALL CONFORM TO THE REQUIREMENTS DESCRIBED IN THE LATEST EDITION OF "AMERICAN STANDARD FOR NURSERY STOCK" WHICH IS PUBLISHED BY THE AMERICAN SOCIETY OF NURSERYMEN.
- TREES SHALL BE A MINIMUM OF 2-5 INCH CALIPER AND BE 6-8 FT TALL AT THE TIME OF PLANTING.
- EXCAVATION PITS WITH VERTICAL SIDES APPROXIMATELY THE DEPTH OF THE ROOTBALL AND WITH A CIRCULAR OR TRIANGULAR WHICH SHALL BE 2 TO 3 TIMES WIDER THAN THE ROOTBALL.
- REMOVE ROCK DEBRIS, INORGANIC COMPOSITIONS, AND ANY RESIDUAL MATERIAL FROM SOIL IN PLANTING PIT.
- INSTALL ROOTBALL ON A FLAT, COMPACT SURFACE OF UNDISTURBED SOIL AND REMOVE ANY INORGANIC TILLS ON TOP OF THE ROOTBALL. REMOVE TOP 3 OF WIRY BASKETS.
- LEAVE THE TOP OF THE ROOTBALL EXPOSED TO BE COVERED BY MULCH ONLY.
- FINISH THE PLANTING WITH A MINIMUM 3-INCH LAYER OF MULCH AND PINNACLES, TRUNK BARK, OR SIMILAR MATERIALS DISTRIBUTED AROUND THE PLANT.
- PREPARE SOIL, PLANT, FERTILIZER, AND MULCH PRIOR TO DIGGING PIT. EACH TREE SHALL BE PREPARED IN AN APPROPRIATE MANNER, IN ACCORDANCE WITH ACCEPTED STANDARD PRACTICES.
- CONTRACTOR SHALL BE RESPONSIBLE FOR THE INITIAL INSTALLATION OF THE TREES AND 1 YEAR WARRANTY PERIOD. AFTERWARDS, IT SHALL BE THE RESPONSIBILITY OF THE OWNER TO MAINTAIN ALL REQUIRED PLANTINGS IN A HEALTHY, VIGOROUS, AND ATTRACTIVE STATE, OR REPLACE, DRAIN, DISCARD, DISCARD, OR DETRIORATED PLANTS.
- ADJUST TREE PLANTING LOCATIONS IN THE FIELD AS NEEDED TO AVOID UTILITIES OR SERVICES METERS.
- ALL DISTURBED AREAS SHALL BE MULCHED OR SOILED. REFER TO NORTH CAROLINA EROSION CONTROL PLANNING AND DESIGN MANUAL FOR SODDING SPECIFICATIONS.
- EACH TREE SHALL BE SPACED AT LEAST EVERY 50 LINEAR FEET OF STREET YARD, OR FRACTION THEREOF AS MEASURED FROM THE CORNERS OF THE LOT, AND SUCH THAT TREES SHALL BE LOCATED SO THAT AT LEAST 15 FEET OF STREET YARD WILL BE WITHIN EACH 75 LINEAR FEET OF STREET YARD.

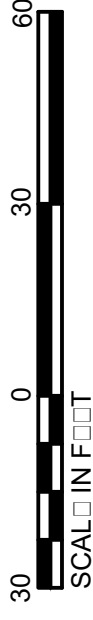
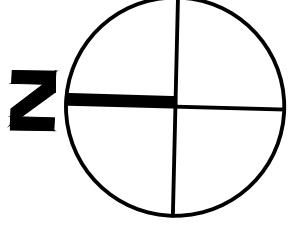
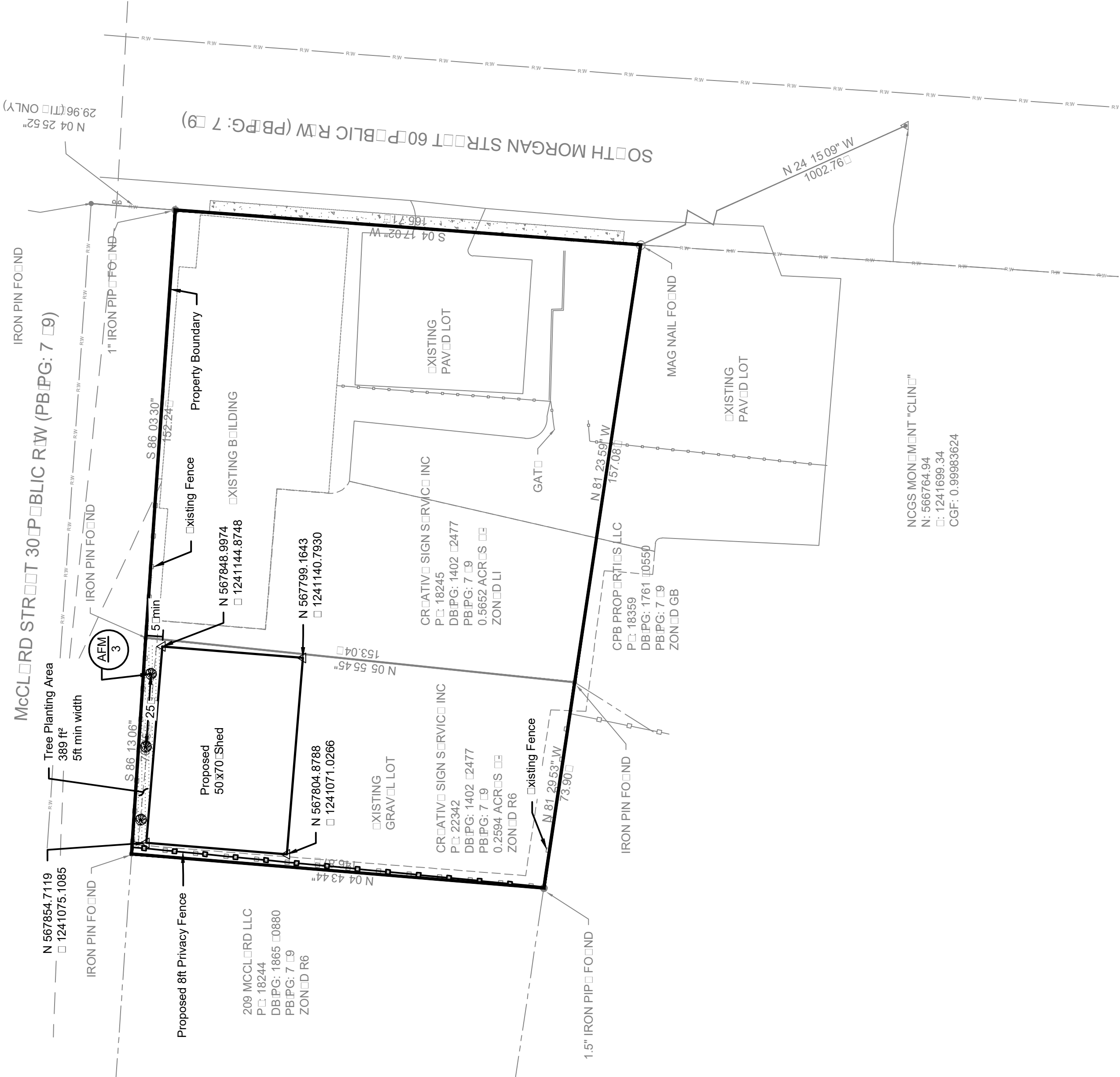
KEY	QUANTITY	BOTANICAL NAME	COMMON NAME	SIZE	CONDITION
AFM	3	<i>Acer tataricum ginnala "Flame"</i>	Armour Flame Maple	2" - 5"	B B



NOTES:

- REMOVE WIRE AND NYLON TWINE FROM BALL AND CANOPY.
- SOAK ROOT BALL AND PLANT PIT IMMEDIATELY AFTER INSTALLATION.
- STAKING IS REQUIRED FOR ALL TREES IN R.O.W. OR UPON REQUEST OF ARBORIST.
- REMOVE EXCESS SOIL FROM SITE AND DISPOSE OF IN A LEGAL MANNER.
- RESEED UNMULCHED, DISTURBED AREAS.

ALL TREES SHALL MEET AMERICAN STANDARD FOR NURSERY STOCK (ANSI Z601-2004)
 FOR EXAMPLE: CALIFORNIA REDWOOD: MAX. HEIGHT: 15', MIN. ROOT BALL DIA.: 12", MIN. ROOT BALL DEPTH: 5"
 12'-16" 18" 21"
 14'-16" 18" 21"





Location 600 South Morgan Street



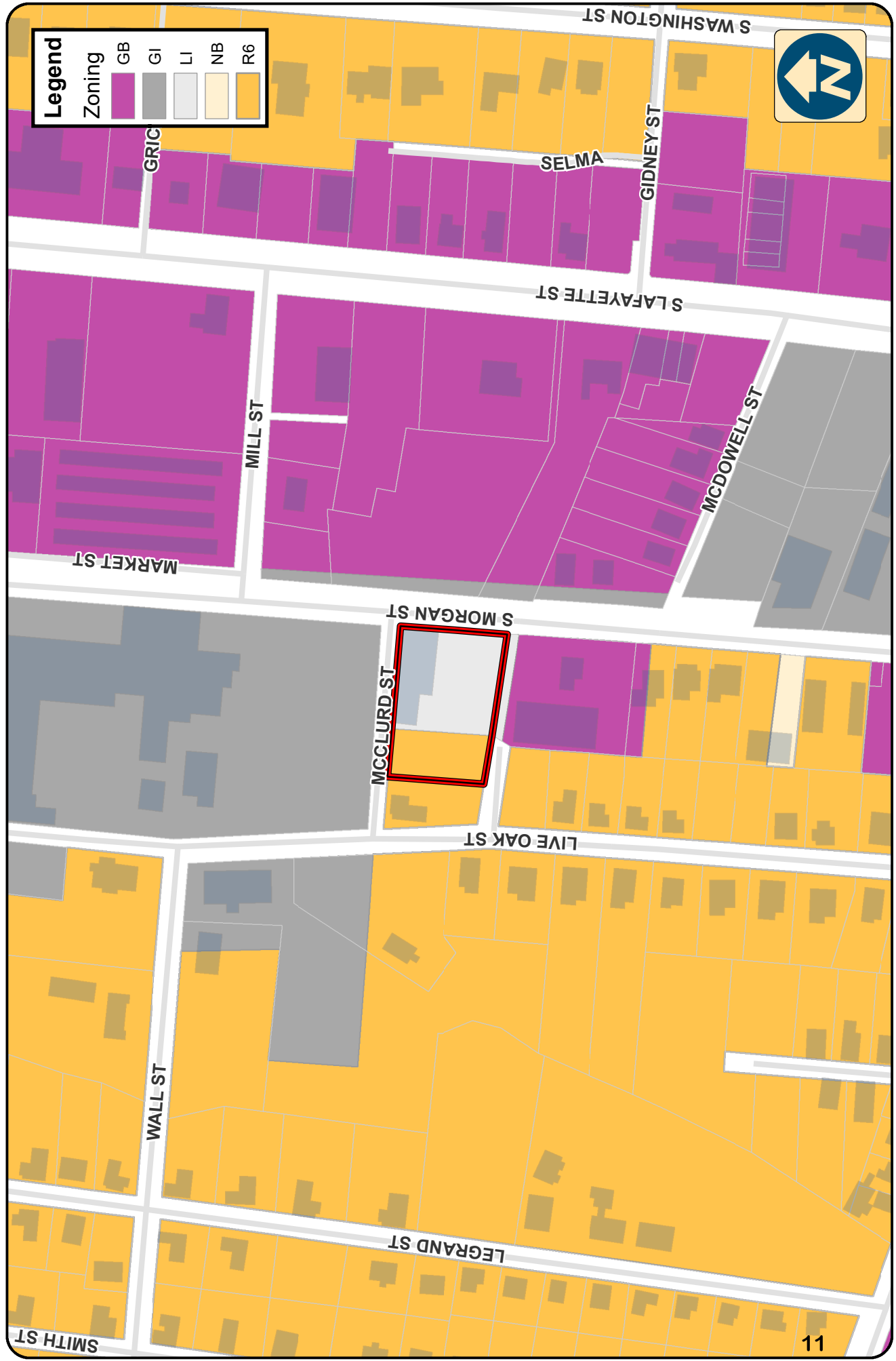
Scale 1:2,400 1 inch = 200 feet



Date: 8/17/2023



Zoning 600 South Morgan Street



Legend	
Zoning	Color
GB	Purple
GI	Grey
LI	Light Grey
NB	Yellow
R6	Orange



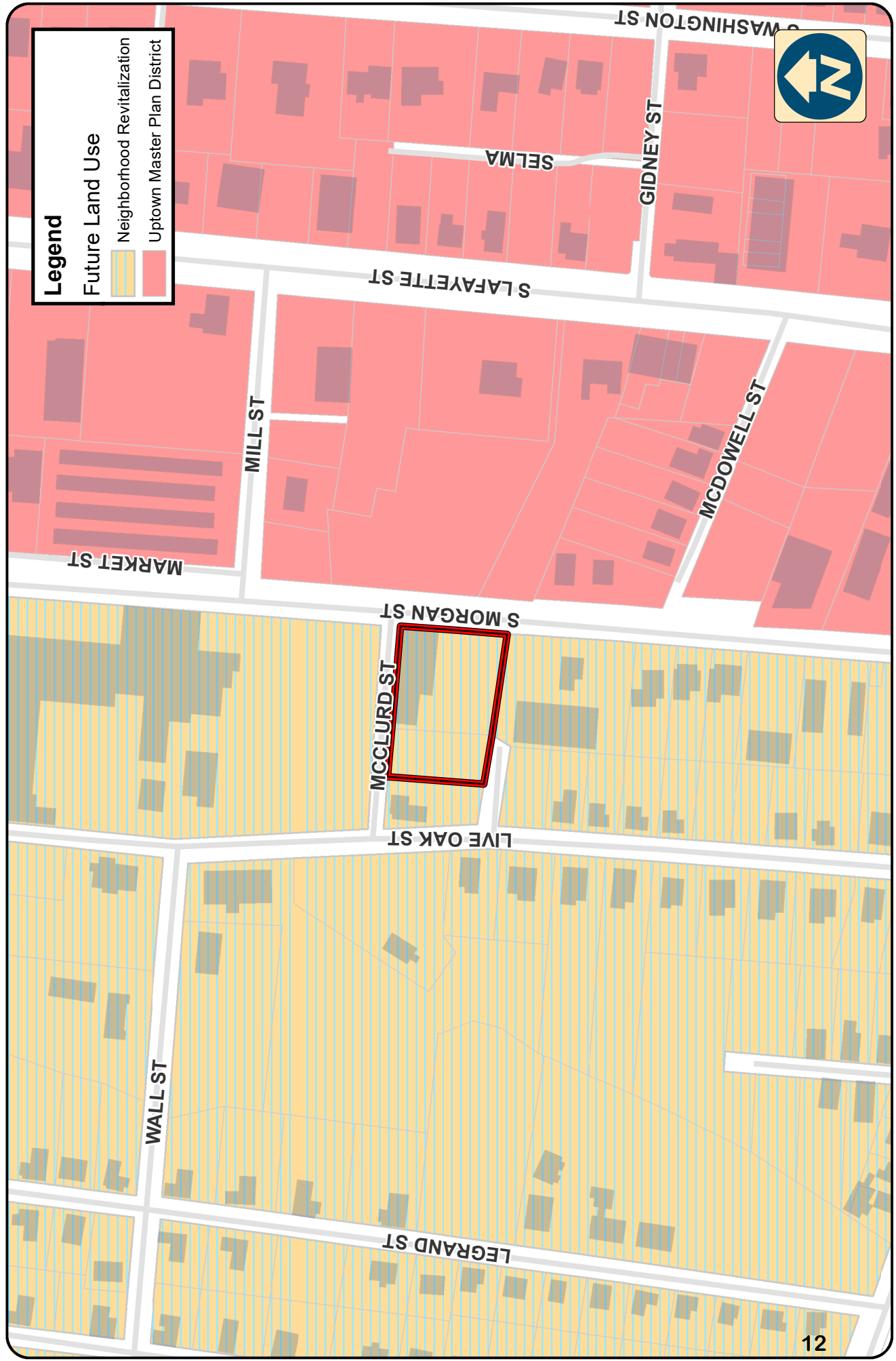
Date: 8/17/2023



Scale 1:2,400 1 inch = 200 feet



Future Land Use 600 South Morgan Street



Legend

Future Land Use

- Neighborhood Revitalization
- Uptown Master Plan District

Date: 8/17/2023



Scale 1:2,400 1 inch = 200 feet

Staff Report



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

Date: August 16, 2023
Meeting: August 17, 2023
File: # 1186

OWNER: Headrick Outdoor Media **APPLICANT:** Headrick Outdoor Media

LOCATION: 600 South Morgan Street **PARCEL ID #:** 18245, 22342

PRESENT ZONING: R6 and LI **REQUESTED ZONING:** LI-CZ

SURROUNDING ZONING: **North:** GI **South:** GB, R6 **East:** GB **West:** R6

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

ANALYSIS: The subject property is located at 600 South Morgan Street, south of Gardner Street. The subject properties total approximately 0.837 acres; parcel #18245 fronting Morgan St is currently zoned Light Industrial (LI) and the parcel to the west #22342 is zoned Residential 6 (R6). The applicant is proposing to rezone both parcels to LI-CZ.

The R6 residential district is primarily intended to accommodate a variety of high density single-family detached dwellings, modular homes, apartments, townhomes, and condominiums. Maximum densities within the R6 district range from approximately seven dwelling units per gross acre for single-family detached dwellings to over 19 dwellings per gross acre for multifamily dwellings. Public water and sewer service is generally available in areas zoned as R6. Nonresidential uses permitted within this district include customary accessory, recreational, educational, and institutional land uses that are compatible with the high-density residential character of the R6 district.

The LI light industrial district is primarily intended to accommodate limited manufacturing, warehousing, wholesaling, and related commercial and service activities which have little or no adverse impact upon adjoining residential, business, and industrial properties. The preservation of land for light industrial use is a major objective of the LI district. The LI district is intended to provide appropriate locations for light industrial uses in areas that are not adversely impacted by general or heavy industrial uses. Other land uses allowed within the LI district should be limited to those uses that support light industrial uses. Generally, retail and heavy commercial uses should be avoided in the LI district.

The conditional zoning districts are established to allow the City of Shelby City Council to consider proposed uses and tailor the zoning to accommodate those uses and promote innovative design while addressing anticipated problems that may arise from the establishment of the proposed uses. The conditional zoning district approval process allows the City Council to approve a proposal for a specific use with reasonable conditions to assure the compatibility of the use with surrounding properties. This is a voluntary procedure intended for firm development proposals. Uses that may be proposed and considered for a conditional zoning district shall be restricted to those uses permitted in the underlying general zoning district.

STAFF COMMENTS: The Comprehensive Land Use Plan identifies this property as being in a Neighborhood Revitalization area. This proposal is consistent with the Comprehensive Future Land Use Plan.

For proposed conditions, see the appendix to the application.



CITY OF SHELBY PLANNING AND ZONING BOARD MINUTES
August 17, 2023
Shelby-Cleveland County Regional Airport

Item 1. **Opening**

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

Board Present: Scott Bankhead, Bob Cabaniss, Charles Hamrick, Mike Royster, Becca Schweppe, Greg Taylor, Emmanuel Hunt, and Rick Washburn

Staff Present: Audrey Godfrey, Senior Planner; Jennifer Allen, Planner; and Walter Scharer, Planning Director; David Causby, City Council Liaison

Item 2. **Approval of August 2023 Minutes**

Motion: Mr. Washburn made the motion to approve the August 2023 minutes with no changes.

Second: Mr. Hunt

Action: The motion passed by a unanimous vote.

Item 3. **Proposed Zoning Map Amendment – 600 South Morgan Street**

Mr. Scharer gave this presentation. The subject property is located at 600 South Morgan Street. This is the site of the former Creative Signs and now is home to Headrick Signs. The subject properties total approximately 0.837 acres; parcel #18245 fronting Morgan St is currently zoned Light Industrial (LI) and the parcel to the west #22342 is zoned Residential 6 (R6). The applicant is proposing to rezone both parcels to LI-CZ.

The R6 residential district is primarily intended to accommodate a variety of high density single-family detached dwellings, modular homes, apartments, townhomes, and condominiums. Maximum densities within the R6 district range from approximately seven dwelling units per gross acre for single-family detached dwellings to over 19 dwellings per gross acre for multifamily dwellings. Public water and sewer service is generally available in areas zoned as R6. Nonresidential uses permitted within this district include customary accessory, recreational, educational, and institutional land uses that are compatible with the high-density residential character of the R6 district.

The LI light industrial district is primarily intended to accommodate limited manufacturing, warehousing, wholesaling, and related commercial and service activities which have little or no adverse impact upon adjoining residential, business, and industrial properties. The preservation of land for light industrial use is a major objective of the LI district. The LI district is intended to provide appropriate locations for light industrial uses in areas that are not adversely impacted by general or heavy industrial uses. Other land uses allowed within the LI district should be limited to those uses that support light industrial uses. Generally, retail and heavy commercial uses should be avoided in the LI district.

The conditional zoning districts are established to allow the City of Shelby City Council to consider proposed uses and tailor the zoning to accommodate those uses and promote innovative design while addressing anticipated problems that may arise from the establishment of the proposed uses. The conditional zoning district approval process allows the City Council to approve a proposal for a specific use with reasonable conditions to assure the compatibility of the use with surrounding properties. This is a voluntary procedure intended for firm development proposals. Uses that may be

proposed and considered for a conditional zoning district shall be restricted to those uses permitted in the underlying general zoning district.

The Comprehensive Land Use Plan identifies this property as being in a Neighborhood Revitalization area. This proposal is consistent with the Comprehensive Future Land Use Plan. Staff recommends this proposed zoning change.

Discussion Followed.

- Motion:** Mr. Washburn made the motion to approve the proposed Conditional Zoning Map Amendment for both parcels at 600 South Morgan Street. Mr. Washburn pointed out this proposed amendment will further the redevelopment efforts in the area.
- Second:** Mr. Bankhead
- Action:** The motion passed by a unanimous vote.

Item 5. Sign Ordinance Text Amendment

Mr. Scharer explained current standards with the UDO for institutional uses are designed for small institutional uses like a small church. However, large institutional campuses, like the Hospital, are stymied by the amount of sign the City of Shelby actually allows. Staff has been researching new sign rules for institutional uses. These changes will be designed to allow flexible signage for customers while at the same time assist staff in providing better customer service. Mr. Scharer provided examples. Discussion followed. Staff agreed to smooth out a more concrete proposal and show some better examples.

Item 6. Announcements

Mr. Scharer announced that the next phase of the Carolina Harmony Trail is scheduled to be completed in late September 2023.

Item 7.

Mr. Hamrick asked Mr. Royster to have staff provide possible alternatives to the Major Subdivision process which could remove the Planning Board from the Preliminary plat approval process. Discussion followed. Staff will bring back proposals at a following meeting.

Item 8. Motion to Adjourn

- Motion:** Mr. Washburn made the motion to adjourn.
- Second:** Mr. Hamrick
- Action:** The motion passed by a unanimous vote. Vice-Chair Royster adjourned the meeting at 1:00 PM.



Respectfully Submitted
Walter Scharer, Planning Director



Certified Recommendation

City of Shelby Planning & Zoning Board

Case File: #1186

Amendment: A Zoning Map Amendment for property located at 600 South Morgan Street, PIN#'s: 18245 and 22342 from Light Industrial (LI) and Residential 6 (R6) zoning districts to Light Industrial Conditional Zoning (LI-CZ) zoning district.

Recommendation: The Planning and Zoning Board recommends approval of the proposed zoning map amendment for property located at 600 South Morgan Street, PIN#'s: 18245 and 22342 from Light Industrial (LI) and Residential 6 (R6) zoning districts to Light Industrial Conditional Zoning (LI-CZ) zoning district.

Findings &

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

Motion: Mr. Washburn made the motion to approve the proposed Conditional Zoning Map Amendment for both parcels at 600 South Morgan Street. Mr. Washburn pointed out this proposed amendment will further the redevelopment efforts in the area.

Second: Mr. Bankhead.

Action: This motion passed unanimously.

Signatures: Walter Scharer
Planning and Development Director

Date: 8/17/2023

Mark Carter
Planning and Zoning Board Chair

Date: 8/18/2023

NOTICE OF PUBLIC HEARING ZONING MAP AMENDMENT

The City Council of Shelby, North Carolina will conduct a public hearing during its regular meeting at 6:00 p.m., Monday, September 18, 2023, at 300 South Washington Street. City Council will consider a proposed zoning map amendment from Light Industrial (LI) and Residential 6 (R6) to Light Industrial – CZ (LI-CZ) Zoning District for property located at 600 South Morgan with the Cleveland County Parcel Number's 18245 and 22342.

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

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

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

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

Carol Williams
City Clerk

The Shelby Star:

Please publish this notice as a legal line ad on Wednesday, September 13, 2023 and again on Sunday, September 17, 2023 in The Shelby Star.

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

ORDINANCE NO. 42-2023

**A PROPOSED ORDINANCE AMENDING THE ZONING MAP OF
THE CITY OF SHELBY, NORTH CAROLINA AT 600 SOUTH MORGAN STREET**

WHEREAS, the City of Shelby has received an application requesting the rezoning of property at 600 South Morgan Street located within the City or its Area of Extraterritorial Jurisdiction; and,

WHEREAS, the Shelby Planning and Zoning Board has reviewed said application for a zoning change and has recommended to City Council denial of the application; and,

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

WHEREAS, in accordance with GS 160D-602, a public hearing on this proposed rezoning was held by City Council on September 18th after due publication of said hearing as required by law; and,

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

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

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

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

Section 3. In accordance with Chapter 160D, Article 6 and Article 7 of the North Carolina General Statutes, as amended, the Shelby Unified Development Ordinance and Shelby Zoning Map (Appendix A of the Shelby City Code), 600 South Morgan Street is hereby amended from RO Zoning District to General Business Conditional Zoning District (GB-CZ). Said area of zoning is more fully described as the parcel listed by the Cleveland County Tax Office as Parcel Identification Numbers 18245 and 22342.

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

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

ADOPTED AND APPROVED this the 18th day of September, 2023.

O. Stanhope Anthony III
Mayor

ATTEST:

Carol Williams
City Clerk

APPROVED AS TO FORM:

John Kubis
Interim City Attorney

City of Shelby
Agenda Item Summary
September 18, 2023
City Hall Council Chamber

E. Consent Agenda:

Agenda Item: E-1

- 1) Approval of the Minutes of the Regular Meeting of August 21, 2023

Consent Agenda Item: (Carol Williams, City Clerk)

Summary of Available Information:

Please read and offer changes as you deem necessary.

- Minutes of the Regular Meeting of August 21, 2023

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

August 21, 2023
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 Ben Yarboro, Interim City Attorney Julie Hooten, City Clerk Carol Williams, Deputy City Clerk Breanna Jones, Director of Human Resources Deborah (Deb) Jolly, Director of Finance Elizabeth (Beth) Beam, CPA, Fire Chief William Hunt, EFO, Police Chief Brad Fraser, Director of Planning and Development Services Walter (Walt) Scharer, Public Works Director Scott Black, Director of Water Resources Brian Wilson, and Jennipher H. Harrill, Social Media Manager, Blue Eyes Media Connections;

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

Ms. Arth led the Pledge of Allegiance.

A. Approval of agenda:

Ms. Arth requested Consent Item E-8 be moved to New Business as item G-2.

1) Motion to adopt the proposed agenda as amended.

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

B. Special Presentation:

1) Development Finance Initiative, UNC School of Government – Sara VanLear and Rory Dowling

Ms. VanLear presented to Council an update on the work Development Finance Initiative (DFI) has done on the Hotel Charles Redevelopment Strategy. Ms. VanLear presented the feasibility results and recommendations; some highlights of the presentation are as follows:

- Scope of their work, which includes pre-development feasibility analysis, solicitation of private development partner(s), and

supporting the City in negotiating the development agreement with selected partner(s).

- **Establishing guiding public interests in the DFI Development Process:**
 - Developed through stakeholder and community engagement process by conducting stakeholder engagement to solicit public input on interests related to the Hotel Charles, present revised guiding public interests to staff and City Council, and City Council to publicly endorse guiding public interests
 - Guide creation of development program(s)
 - Used as criteria to select private development partner

- **Market Analysis:** Ms. VanLear presented to Council facts and figures that show there are limited local hotel options yet arts, cultural and sporting events draw thousands of visitors each year.

- **Redevelopment Scenario:** Ms. VanLear presented the projected development program of the 32,000 square foot building, which includes an estimated 38 guest rooms, with food and beverage located on the first floor, and retail opportunity on the street level. Ms. VanLear gave a breakdown of the estimated costs which total \$13.4 million (building acquisition, hard costs, soft costs), and a list of sources to acquire the \$13.4 million (Historic Tax Credits, Equity, Construction loan and Deferred Developer fee). Ms. VanLear also discussed the redevelopment strategy which has an estimated 10% internal rate of return over a 7-year period. Ms. VanLear stated this is not an ideal rate of return but there are several strategies that would improve the redevelopment feasibility:

- Community Champions willing to invest and accept lower returns
- Investors who can use Historic Tax Credits internally rather than selling the credits at a discounted rate
- Public participation as needed, such as Historic Landmark status and Seller financing

At the end of Ms. VanLear's presentation she asked Council if they are prepared to publicly endorse guiding public interests. City Council enthusiastically gave consensus that they are prepared and look forward to further development. Council also thanked Ms. VanLear and Mr. Dowling for their extensive work on the project and appreciated the presentation.

2) City of Shelby Water Shortage Response Plan – Brian Wilson, Director of Water Resources

Mr. Wilson began his presentation by declaring that because the City provides water, we're required to have a Water Shortage Response Plan. Mr. Wilson

continued by stating the Water Treatment Plant was constructed in 1953 and upgraded in 1995, with the primary water source being the First Broad River and the secondary water source the Broad River. According to Mr. Wilson the treatment capacity is 12 million gallons/day (MGD) and in 2023 the City is averaging 5.4 MGD.

Mr. Wilson stated the City is required to update this Water Shortage Response Plan every five years, the last being done in 2018.

Mr. Wilson presented graphs to show the history of North Carolina droughts from 2000-present, showing the five ways to declare drought (D4-Exceptional, D3-Extreme, D2-Severe, D1-Moderate, D0-Abnormally dry). Mr. Wilson's graphs clearly show that in the past 23 years there is significant data showing the state is frequently D0 (Abnormally Dry), and fewer times at D4 (Exceptional Drought).

Mr. Wilson stated after the 2002 drought the City developed an Emergency Raw Water line that involved 12 miles of 30" pipe from Honey Haven to the Water Treatment plant. Mr. Wilson further stated this contingency plan can be put into service within 36 hours, and has been used twice, in 2007 and 2015.

Mr. Wilson continued by discussing:

- Authorizations and Notifications – these begin with the City Manager enacting the Water Shortage Response Plan and continue with various notifications (email, website, social media, etc.)
- Triggers for each drought state (Stages 1 – 5, with Stage 3 activating our secondary source Broad River).
- Stages of Response which include levels of reductions in water usage (Voluntary, Mandatory, Mandatory II, Emergency, and Water Rationing).
- Enforcement – Stages 1 - 5 of violations from a warning to possible discontinuation of service.

At the conclusion of Mr. Wilson's presentation, Mr. Howell announced to Council that Mr. Wilson has recently been promoted to Director of Water Resources and the City is fortunate to have him and his years of experience.

C. Public Comment:

None

D. Public Hearing:

- 1) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina at 713 East Marion Street: Ordinance No. 37-2023

Mr. Scharer presented this item to Council and stated this property is located at 713 E. Marion Street currently zoned RO Residential Office and the applicant is requesting NB Neighborhood Business, which is consistent with the development patterns in the area but inconsistent with the Comprehensive Future Land Use Plan. Mr. Scharer stated the Planning Board does recommend this zoning amendment.

Mayor Anthony opened the public hearing at 6:30 p.m. and invited comments from the public.

The public offered no comments.

Mayor Anthony closed the public hearing at 6:31 p.m.

ACTION TAKEN: Upon a motion made by Ms. Arth, City Council voted unanimously to approve Ordinance No. 37-2023 entitled, "A PROPOSED ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF SHELBY, NORTH CAROLINA AT 713 EAST MARION STREET."

2) Consideration of a resolution and order permanently closing a portion of Bowman Street: Resolution No. 55-2023

Mr. Scharer presented this item to Council and stated this property is located at Bowman Street where Cleveland County is redeveloping this area for the Board of Elections. Mr. Scharer stated the City has existing utilities in this right-of-way, so the City is requiring an easement to ensure access for any utility maintenance. Mr. Scharer stated the City is also requesting a pedestrian thruway that will allow access to the library and the City Park; the County has agreed to that request. Mr. Scharer stated staff does recommend the closing of the right-of-way.

Mayor Anthony opened the public hearing at 6:34 p.m. and invited comments from the public.

Kerri Melton, Assistant County Manager, 311 E. Marion Street, Shelby, North Carolina acknowledged she was the petitioner for Cleveland County, and spoke in favor of closing a portion of Bowman Street. Ms. Melton described the reasons for this project were mainly for additional parking when heavy voting is expected, and also to provide a high level of safety for visitors to the Board of Election. Ms. Melton also mentioned a cul-de-sac would be constructed at the new end of Bowman Street which would allow buses and emergency vehicles to turn around safely.

Mayor Anthony closed the public hearing at 6:36 p.m.

ACTION TAKEN: Upon a motion made by Mr. Hopper, City Council voted unanimously to approve Resolution No. 55-2023 entitled, "A RESOLUTION AND ORDER PERMANENTLY CLOSING A PORTION OF BOWMAN STREET".

- 3) Consideration of a resolution and order permanently closing an unopened right of way for Westfield Drive: Resolution No. 56-2023

Mr. Scharer presented this item to Council and stated this is an unopened portion of a right-of-way which goes through the front yard and driveway on the applicant's property. Mr. Scharer stated this right-of-way was never developed.

Mayor Anthony opened the public hearing at 6:37 p.m. and invited comments from the public.

The public offered no comments.

Mayor Anthony closed the public hearing at 6:38 p.m.

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to approve Resolution No. 56-2023 entitled, "A RESOLUTION AND ORDER PERMANENTLY CLOSING AN UNOPENED RIGHT OF WAY FOR WESTFIELD DRIVE".

C. Consent Agenda:

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

- 1) Approval of the Minutes of the Regular Meeting of August 7, 2023
- 2) Approval of a Resolution honoring John Carl Hamrick on the occasion of his retirement from employment with the City of Shelby: Resolution No. 57-2023
- 3) Approval of a Resolution honoring Christopher David Truett on the occasion of his retirement from employment with the City of Shelby: Resolution No. 58-2023
- 4) Approval of a Resolution honoring Anthony Todd Vickery on the occasion of his retirement from employment with the City of Shelby: Resolution No. 59-2023

- 5) Approval of a Resolution honoring Stephanie Michelle Herndon on the occasion of her retirement from employment with the City of Shelby: Resolution No. 60-2023
- 6) City Of Shelby's Fire Apparatus Replacement Project:
 - a) Approval of a resolution approving an interfund loan from the City of Shelby Electric Fund to the City of Shelby General Fund: Resolution No. 61-2023
 - b) Adoption of FY 2023-2024 Budget Ordinance Amendment #1: Ordinance No. 38-2023
 - c) Adoption of an ordinance establishing a capital project ordinance and budgets for the City of Shelby's Fire Apparatus Replacement Project: Ordinance No. 39-2023
- 7) Approval of a resolution adopting the 2023 City of Shelby Water Shortage Response Plan as submitted to the North Carolina Division of Environmental Quality: Resolution No. 62-2023
- 8) ITEM WAS MOVED TO NEW BUSINESS, ITEM G-2
- 9) Notice of Cancellation in the Regular Meeting Schedule of Shelby City Council – September 4, 2023

END OF CONSENT AGENDA

D. Unfinished Business:

- 1) Adoption of an ordinance of the City Council of the City of Shelby, North Carolina determining that it is in the best interests of the City of Shelby to approve the power purchase agreement by and between North Carolina Municipal Power Agency No. 1 and Central Electric Power Cooperative, Inc., to consent to the transactions contemplated thereby, and to approve and authorize the execution and delivery of, among other documents, an amendment to the Project Power Sales Agreement with North Carolina Municipal Power Agency Number 1: Ordinance No. 40-2023

Mr. Howell introduced Mr. Jay Morrison, Chief Legal and External Affairs Officer with Electricities and reminded Council that a few months ago in closed session Council heard a discussion of this proposal. Mr. Howell also mentioned that the City is a member of Electricities of North Carolina which is a member organization that provides services to Shelby and the member cities, in particular, they provide services to the North Carolina Municipal Power Agency No. 1 that we are one of 19 member cities, and a 38% stakeholder in the

Catawba Nuclear Station. Mr. Howell concluded by stating the presentation tonight and the Ordinance proposed specifically addresses change to the Purchase Power Agreement.

Mr. Morrison stated tonight he will address the proposed transaction, the economic and risk analysis, the key approvals and next steps required.

Mr. Morrison listed the reasons for tonight's discussion:

- There have been ongoing efforts to identify opportunities to "right-size" and diversify the power supply portfolio through the sale of excess nuclear capacity and energy
- The Board of Directors, which Mr. Howell currently is a member, authorized execution of a Power Purchase Agreement (PPA) with Central Electric Power Cooperative, Inc. (Central) that replicates a 150 MW (18%) sale of NCMPA1 's nuclear ownership interest in Catawba
- The Central PPA was executed on June 5, 2023 subject to several conditions which include that all 19 NCMPA1 Participants will be required to agree to the PPA
- Requesting that the Council take the appropriate steps necessary to approve the required Ordinance and other documents required thereby, pursuant to the letter from Mike Colo of Poyner Spruill dated July 31 as supplemented on August 10.

Mr. Morrison gave an overview of the Central Power Purchase Agreement proposal:

- Central would purchase 150 MW (18%) of NCMPA1 's Catawba output, structured as a PPA to mimic an outright ownership purchase, effective January 1, 2024
- Levelized capital payment of \$56M/yr., 2024-2031
- Central pays for its proportionate share of all expenses associated with NCMPA1 's Catawba ownership interest
- Central buys-in to NCMPA1 's decommissioning fund and contributes at the same rate as NCMPA1 going forward

Mr. Morrison continued with the benefits of the proposed sale which include:

- Transfers 18% of cost and nuclear concentration risk (however significant nuclear concentration risk remains)

- "Right-sizes" the power supply portfolio (eliminates excess capacity 2024-2030)
- "Locks-in" margins on surplus energy sales higher than current forecast
- Proceeds will be utilized to defease a portion of the outstanding debt
- Provides wholesale rate benefits over the term of the sale, potentially dropping wholesale rates below DEC even in the near-term

Mr. Morrison further stated there are considerations of the proposed sale which include:

- Giving up potential upside in surplus power market if prices increase
- Catawba could continue to rise in value due to carbon constraints
- Uncertain cost of replacement power supply in the future (2031 and beyond)
- Timing and amount of baseload growth
- Likely increase in NCMPA 1 carbon footprint
- Taking on credit risk of Central

Mr. Morrison continued his presentation by providing data showing that power costs associated with the proposed sale should result in reduced power costs for City of Shelby wholesale power rates dropping below Duke Energy Company.

Mr. Morrison concluded his presentation by thanking Council for their consideration of adopting the prepared Ordinance (Ordinance No. 40-2023) and other documents executed by the Board and stated that the last text he received showed approval from other member cities, including Maiden, High Point, Landis, Gastonia and Monroe.

ACTION TAKEN: Upon a motion by Ms. Arth, City Council voted unanimously to adopt Ordinance No. 40-2023 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHELBY, NORTH CAROLINA DETERMINING THAT IT IS IN THE BEST INTERESTS OF THE CITY OF SHELBY TO APPROVE THE POWER PURCHASE AGREEMENT BY AND BETWEEN NORTH CAROLINA MUNICIPAL POWER AGENCY NO. 1 AND CENTRAL ELECTRIC POWER COOPERATIVE, INC., TO CONSENT TO THE TRANSACTIONS CONTEMPLATED THEREBY, AND TO APPROVE

AND AUTHORIZE THE EXECUTION AND DELIVERY OF, AMONG OTHER DOCUMENTS, AN AMENDMENT TO THE PROJECT POWER SALES AGREEMENT WITH NORTH CAROLINA MUNICIPAL POWER AGENCY NUMBER 1”

2) Oak Grove Road Bridge Replacement Project:

- a) Approval of a resolution accepting and approving a utility relocation agreement between the City of Shelby and the North Carolina Department of Transportation for relocation of natural gas infrastructure in conflict with the Oak Grove Road Bridge Replacement Project (b-5845): Resolution No. 64-2023**
- b) Adoption of an ordinance establishing a capital project ordinance and budgets for the City of Shelby’s Oak Grove Road Natural Gas Line Relocate Project: Ordinance No. 41-2023**
- c) Approval of a resolution awarding the contract for the Oak Grove Road Natural Gas Relocation Project to Appling Boring Company: Resolution No. 65-2023**

Mr. Howell presented to Council Resolution No. 64-2023 for their consideration; stating this project is the result of NCDOT’s intent to replace a bridge on Oak Grove Road and the City needing to relocate our natural gas infrastructure that is in conflict with the replacement of the bridge.

Mr. Howell stated Ordinance No. 41-2023 establishes the project budget ordinance for this gas line relocation.

Mr. Howell stated that Resolution No. 65-2023 awards the contract to Appling Boring for the natural gas line relocation.

ACTION TAKEN: Upon a motion by Mr. White, City Council voted unanimously to adopt Resolution No. 64-2023 entitled, “A RESOLUTION ACCEPTING AND APPROVING A UTILITY RELOCATION AGREEMENT BETWEEN THE CITY OF SHELBY AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR RELOCATION OF NATURAL GAS INFRASTRUCTURE IN CONFLICT WITH THE OAK GROVE ROAD BRIDGE REPLACEMENT PROJECT (B-5845)”, Ordinance No. 41-2023 entitled, “AN ORDINANCE ESTABLISHING A CAPITAL PROJECT ORDINANCE AND BUDGETS FOR THE CITY OF SHELBY’S OAK GROVE ROAD NATURAL GAS LINE RELOCATE PROJECT”, and Resolution No. 65-2023 entitled, “A RESOLUTION AWARDDING THE CONTRACT FOR THE OAK

GROVE ROAD NATURAL GAS RELOCATION PROJECT TO APPLING BORING COMPANY.”

E. New Business

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

a) Parks and Recreation Advisory Board

Mayor Anthony reported the terms of two incumbents, Marie Hendrick and Craig Ferree concluded July 2023; both incumbents wish to continue their service on this board.

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

- **Tanzy Wallace**

ACTION TAKEN: Mr. Hopper nominated Marie Hendrick and Craig Ferree for reappointment, City Council voted unanimously to approve to close the nominations and accept the nominations by acclamation.

2) Approval of a resolution revising and amending the personnel policies of the City of Shelby to provide for an updated personnel policy and procedure manual: Resolution No. 63-2023

Ms. Arth asked Mr. Howell to clarify Appendix C, Item 9 of the Anti-Drug and Alcohol Misuse Prevention Policy which listed Eating/Chewing gum, candy, mints, tobacco, or other as a physical sign or symptom of drug or alcohol use. Mr. Howell stated this is in reference to behavior that might be covering up drug or alcohol use. Mr. Howell asked Ms. Arth to think about it in totality; the City is not going to shake down employees that are chewing gum or eating mints, but if there’s reasonable suspicions, then this could be another sign of drug/alcohol misuse.

ACTION TAKEN: Upon a motion made by Mr. Hopper, City Council voted unanimously to approve Resolution No. 63-2023 entitled, “A RESOLUTION REVISING AND AMENDING THE PERSONNEL POLICIES OF THE CITY OF SHELBY TO PROVIDE FOR AN UPDATED PERSONNEL POLICY AND PROCEDURE MANUAL”.

F. City Manager’s Report

Rail Trail Phase 1A – Mr. Howell walked the trail today with Mr. Yarboro and Justin Wright; and announced the ribbon cutting will be on October 21st during the Livermush Festival.

Shelby City Park Aquatics project: There are some issues with concrete cracking being worked out with a third-party expert and the contractor. The City is holding money until these issues are resolved.

City Hall Sidewalk and Storm Drain project will be moving forward.

**Good news: Mr. Justin Longino will be our new Assistant City Manager
Interim Chief Brad Fraser will be our new Chief of Police
Mr. Jason Lunsford accepted our offer for City Attorney, with details to follow and an announcement upcoming**

Mr. Howell thanked Deb Jolly, HR Director, for her hard work in getting these positions filled; also, staff that were involved, and Gov HR for their assistance.

G. Council Announcements and Remarks:

Mayor Anthony wanted to publicly thanking the ALWS Committee for the hard work that is put into this event each year. Mayor Anthony spoke to some family members of the teams, and they recognized the effort and time to make this event happen and run so smoothly.

Mayor Anthony announced that tomorrow at 3:00 there is a dedication of the new fire truck at Fire Station #2 on Charles Road.

Ms. Arth stated she's happy to be back after missing two meetings during her maternity leave.

Mr. Hopper reiterated what the Mayor said about the families of the teams and how amazed they are about what Shelby is able to pull together. Mr. Hopper said the families thought the Shelby community was friendly, courteous, respectful, and they loved coming. Also, Mr. Hopper was glad the Golden Knights finally got to jump on the Golden Lions field.

H. Adjournment:

1) Motion to adjourn

ACTION TAKEN: Upon a motion made by Ms. Arth, City Council voted unanimously to adjourn the meeting at 7:17 p.m.

Respectfully submitted,

**Carol Williams
City Clerk**

**O. Stanhope Anthony, III
Mayor**

Minutes of August 21, 2023

DRAFT

City of Shelby
Agenda Item Summary
September 18, 2023
City Hall Council Chamber

Agenda Item: E-2

- 2) Approval of a resolution approving an application by the City of Shelby Police Department to the U.S. Department of Justice for an Edward Byrne Memorial Justice Assistance Grant and accepting the funds of same: Resolution No. 66-2023

Consent Agenda Item: (Brad Fraser, Interim Police Chief)

Summary of Available Information:

- Memorandum dated September 11, 2023, from Brad Fraser, Chief of Police to Rick Howell, City Manager
- Workspace Form
- Application for Federal Assistance
- Resolution No. 66-2023

City Manager's Recommendation / Comments

Resolution No. 66-2023 is presented for Council consideration at this time. If approved this resolution would merely authorize the submission of the application for funding to the Edward Byrne Memorial Justice Assistance Grant (JAG) Program. The City routinely submits these requests for federal funding. There is no local match. In the past these funds have been used to supplement local funding for various public safety, crime prevention and interdiction initiatives. In this case we are eligible to apply for \$14,329 in funding.

It is my recommendation that Resolution No. 66-2023 be adopted and approved by City Council at this time via the Consent Agenda.



Memorandum

To: Rick Howell, City Manager
From: Brad Fraser, Chief of Police
Date: September 11, 2023
RE: JAG Grant Resolution Request

Background

The Edward Byrne Memorial Justice Assistance Grant (JAG) Program (42 U.S.C. 3751) is the primary provider of federal criminal justice funding to state and local jurisdictions. The JAG Program provides states and units of local governments with critical funding necessary to support a range of program areas including law enforcement, prosecution and court programs, prevention and education programs, corrections and community corrections, drug treatment and enforcement, crime victim and witness initiatives, and planning, evaluation, and technology improvement programs.

Review

Recently, the US Department of Justice, Bureau of Justice Assistance (BJA) released the FY2023 Edward Byrne Memorial Justice Assistance Grant (JAG) grant solicitation for local law enforcement. Through the formula established by the BJA, the City of Shelby is eligible to apply for \$14,329 in grant funding to be used towards law enforcement programs and improvements. This grant program requires no local funding match.

Through the guidelines established in the program, the City of Shelby and Cleveland County submitted a joint application for funding for this fiscal year. This grant application requires approval by the local governing body for submission.

Recommendation

We are requesting a council resolution to approve the submission of this application for funding.

This Workspace form is one of the forms you need to complete prior to submitting your Application Package. This form can be completed in its entirety offline using Adobe Reader. You can save your form by clicking the "Save" button and see any errors by clicking the "Check For Errors" button. In-progress and completed forms can be uploaded at any time to Grants.gov using the Workspace feature.

When you open a form, required fields are highlighted in yellow with a red border. Optional fields and completed fields are displayed in white. If you enter invalid or incomplete information in a field, you will receive an error message. Additional instructions and FAQs about the Application Package can be found in the Grants.gov Applicants tab.

OPPORTUNITY & PACKAGE DETAILS:

Opportunity Number:	O-BJA-2023-171790
Opportunity Title:	BJA FY 23 Edward Byrne Memorial Justice Assistance Grant (JAG) Program - Local Solicitation
Opportunity Package ID:	PKG00282388
CFDA Number:	16.738
CFDA Description:	Edward Byrne Memorial Justice Assistance Grant Program
Competition ID:	C-BJA-2023-00104-PROD
Competition Title:	Category 1- Applicants with eligible allocation amounts of less than \$25,000
Opening Date:	06/30/2023
Closing Date:	08/30/2023
Agency:	Bureau of Justice Assistance
Contact Information:	For assistance with the requirements of this solicitation, contact the OJP Response Center at 800-851-3420, 301-240-6310 (TTY for hearing-impaired callers only), or grants@ncjrs.gov. The OJP Response Center operates from 10:00 a.m. to 6:00 p.m. eastern time (ET) Monday-Friday, and 10:00 a.m. to 8:00 p.m. ET on the solicitation close date.

APPLICANT & WORKSPACE DETAILS:

Workspace ID:	WS01177644
Application Filing Name:	Shelby PD; Byrne JAG Grant
UEI:	L2J6LFPHD752
Organization:	CITY OF SHELBY
Form Name:	Application for Federal Assistance (SF-424)
Form Version:	4.0
Requirement:	Mandatory
Download Date/Time:	Sep 11, 2023 05:19:21 PM EDT
Form State:	No Errors

FORM ACTIONS:

Application for Federal Assistance SF-424

* 1. Type of Submission: <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application	* 2. Type of Application: <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision	* If Revision, select appropriate letter(s): <input type="text"/> * Other (Specify): <input type="text"/>
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* 3. Date Received: <input type="text"/> Completed by Grants.gov upon submission.	4. Applicant Identifier: <input type="text"/> 566001333
--	--

5a. Federal Entity Identifier: <input type="text"/>	5b. Federal Award Identifier: <input type="text"/>
--	---

State Use Only:

6. Date Received by State: <input type="text"/>	7. State Application Identifier: <input type="text"/>
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8. APPLICANT INFORMATION:

* a. Legal Name: <input type="text"/> City of Shelby	
* b. Employer/Taxpayer Identification Number (EIN/TIN): <input type="text"/> 566001333	* c. UEI: <input type="text"/> L2J6LFPHD752

d. Address:

* Street1:	<input type="text"/> 130 W. Warren Street
Street2:	<input type="text"/> P.O. Box 207
* City:	<input type="text"/> Shelby
County/Parish:	<input type="text"/> Cleveland
* State:	<input type="text"/> NC: North Carolina
Province:	<input type="text"/>
* Country:	<input type="text"/> USA: UNITED STATES
* Zip / Postal Code:	<input type="text"/> 28150-0207

e. Organizational Unit:

Department Name: <input type="text"/> Shelby Police Department	Division Name: <input type="text"/>
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f. Name and contact information of person to be contacted on matters involving this application:

Prefix: <input type="text"/> Mr.	* First Name: <input type="text"/> Scott
Middle Name: <input type="text"/>	
* Last Name: <input type="text"/> Brown	
Suffix: <input type="text"/>	

Title: Lieutenant

Organizational Affiliation:

* Telephone Number: <input type="text"/> 7044846845	Fax Number: <input type="text"/> 7044846815
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* Email: scott.brown@cityofshelby.com

Application for Federal Assistance SF-424

*** 9. Type of Applicant 1: Select Applicant Type:**

C: City or Township Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

*** 10. Name of Federal Agency:**

Bureau of Justice Assistance

11. Catalog of Federal Domestic Assistance Number:

16.738

CFDA Title:

Edward Byrne Memorial Justice Assistance Grant Program

*** 12. Funding Opportunity Number:**

O-BJA-2023-171790

* Title:

BJA FY 23 Edward Byrne Memorial Justice Assistance Grant (JAG) Program - Local Solicitation

13. Competition Identification Number:

C-BJA-2023-00104-PROD

Title:

Category 1- Applicants with eligible allocation amounts of less than \$25,000

14. Areas Affected by Project (Cities, Counties, States, etc.):

Areas Affected.pdf

Add Attachment

Delete Attachment

View Attachment

*** 15. Descriptive Title of Applicant's Project:**

This project is part of the FY2023 Edward Byrne Memorial Justice Assistance Grant Program for the City of Shelby, NC.

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

RESOLUTION NO. 66-2023

A RESOLUTION APPROVING AN APPLICATION BY THE CITY OF SHELBY POLICE DEPARTMENT TO THE U.S. DEPARTMENT OF JUSTICE FOR AN EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT AND ACCEPTING THE FUNDS OF SAME

WHEREAS, the United States Department of Justice offers grant funds to local law enforcement agencies for programs targeted at fighting crime and assisting police and local law enforcement agencies across the country; and,

WHEREAS, the Shelby Police Department has developed a grant proposal for the purchase of police equipment designed for improvements in communication, officer protection, officer training and more; and,

WHEREAS, it is the desire of the Shelby City Council to accept this proposal and a grant award from the U.S. Department of Justice.

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

- Section 1. The Edward Byrne Memorial Justice Assistance Grant application in the amount of \$14,329.00 to purchase departmental equipment is hereby approved for submission to the United States Department of Justice. There are no local matching fund requirements to this application.
- Section 2. The City Manager of the City of Shelby is hereby authorized and directed to execute and submit all applicable documents and make assurances as required by said grant program.
- Section 3. This resolution shall become effective upon its adoption and approval.

Adopted and approved this the 18th day of September, 2023.

O. Stanhope Anthony III
Mayor

Attest:

Carol Williams
City Clerk

City of Shelby
Agenda Item Summary
September 18, 2023
City Hall Council Chamber

Agenda Item: E-3

- 3) 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. 43-2023

Consent Agenda Item: (Walter Scharer, Planning Director)

Summary of Available Information:

- Memorandum dated September 11, 2023, from Walter Scharer, Planning Director to Rick Howell, City Manager
- Watershed 10%/70% Allocation Application Form
- Site Plan
- Location Map for 1333 Fallston Road
- Shelby 10%/70% Watershed Properties
- Ordinance No. 43-2023

City Manager's Recommendation / Comments

Please note that I have asked Mr. Scharer to keep a watchful eye on the designated 10/70 acreage within the watershed protection area. Adoption of the Comprehensive Land Use Plan in 2011 is helping the City staff to target where this higher density growth is likely to occur within the watershed. The Watershed Protection Overlay is in place because of the 1989 Watershed Protection Act adopted by the NC General Assembly. The General Assembly recognized the importance of protecting water quality in those watersheds immediately upstream from public water system intakes. Protection of the water quality in this situation not only takes into consideration the public health aspect but also impacts the City's ability and cost to treat the raw water from the First Broad River. The more negative impact of development on water quality the more difficult and expensive it is to treat to public drinking water standards. It is my opinion that the City should continue to plan for this higher density development allowance in the future taking into consideration things such as the impact of the new Hwy 74 bypass, growth and future needs of the hospital as well as other commercial growth.

It is my recommendation that Ordinance No. 43-2023 be adopted and approved by City Council at this time via the Consent Agenda.



Memorandum

To: Rick Howell - City Manager
From: Walter Scharer – Planning Director
Date: September 11, 2023
Subject: **Request for the 10%/70% development option within the Watershed Protection Area (WPA) Overlay District – 1333 Fallston Road**

Executive Summary of issue – Background

This 4 acre site at 1333 Fallston Road is being developed by Cleveland County to add the County’s 911 call center. However, the property is located in the Watershed Protection Area and will be subject to WS-IV overlay district regulations. Therefore, the applicant will have to secure a 10%/70% development option from City Council to proceed with the development as shown on the site plan submitted for staff approval.

Within the WPA Overlay District the City Council may, on 10% of the total land area, authorize new or expansion to existing nonresidential development to be constructed with a maximum 70% built-upon area.

Development projects authorized under this option shall, to the maximum extent practical, minimize built-upon surface area, direct storm water away from surface waters and incorporate Best Management Practices to minimize water quality impacts.

The Planning Director shall keep records of the City's use of the 10%/70% development option. Allocation of the watershed acreage to be developed under this option shall be determined on a first-come first-serve basis unless a specific allocation plan is adopted by the City Council. Records for each watershed shall include the total acres of the WPA watershed, total acres eligible to be developed under this option, total acres approved for this development option, and individual records for each project. There is an attachment that shows all 10%/70% properties allocated to date by the Shelby City Council.

Review and Comments

This will be the 11th 10%/70% development proposal within the WS-IV watershed for the First Broad River within the City of Shelby zoning jurisdiction. Of the 4 acre site less than 55% will be developed with impervious surface in accordance with the submitted site plan. There is a total of 250 acres within the WS-IV watershed within the City of Shelby’s zoning jurisdiction. This site would represent .0016% of the total WS-IV watershed area. The attached spreadsheet shows the entire 10/70 allocation within the WS-IV watershed area.

Recommendation

Please place this item on the agenda for the September 18, 2023 City Council Meeting. Staff recommends approval of this development option request.

Attachments: Application, Site Plan, Zoning Map, Location Map, Watershed Map, Spreadsheet, and Ordinance



City of Shelby
Planning and Development Services Department

Watershed 10/70 Allocation Application Form

Address of Subject Property:

1333 Fallston Road, Shelby NC, 28150

Applicant(s) Name: Cleveland County
Address: 311 E. Marion Street
City of Shelby, NC 28150
Email: Kerri.melton@clevelandcountync.gov
Phone: (704)692-6505

Owner(s) Name: Cleveland County
Email: Same as Applicant
Phone: Same as Applicant

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

Property Information:
Parcel Number: 2548913376 Current Zoning: CPD
General Description of Proposed Use: County Government Emergency Services
Watershed Name: Broad River Critical Area: YES NO
Total Area of Parcel: 4.00 Sq. Ft. and in 4.00 Acres
Total Amount of Proposed Impervious Surface or Built-Upon Area: 94,000 sf (2.16 acres)+/-
Percentage (%) of Proposed Impervious Surface of Parcel: 54%

Oath: I certify that the information shown is true and accurate, and is in compliance with the conditions for a Watershed 10/70 Allocation request as described in the City of Shelby Unified Development Ordinance.

Kerri Melton
Signature of Applicant

7/25/23
Date

Received by:

Date

1333 FALLSTON ROAD | SHELBY, NC 28150 | CLEVELAND COUNTY
CLEVELAND COUNTY
911 CENTER
 SITE PLANS

PRELIMINARY
 NOT APPROVED
 FOR CONSTRUCTION
 T/E D. BARNETT
 1/14/2024

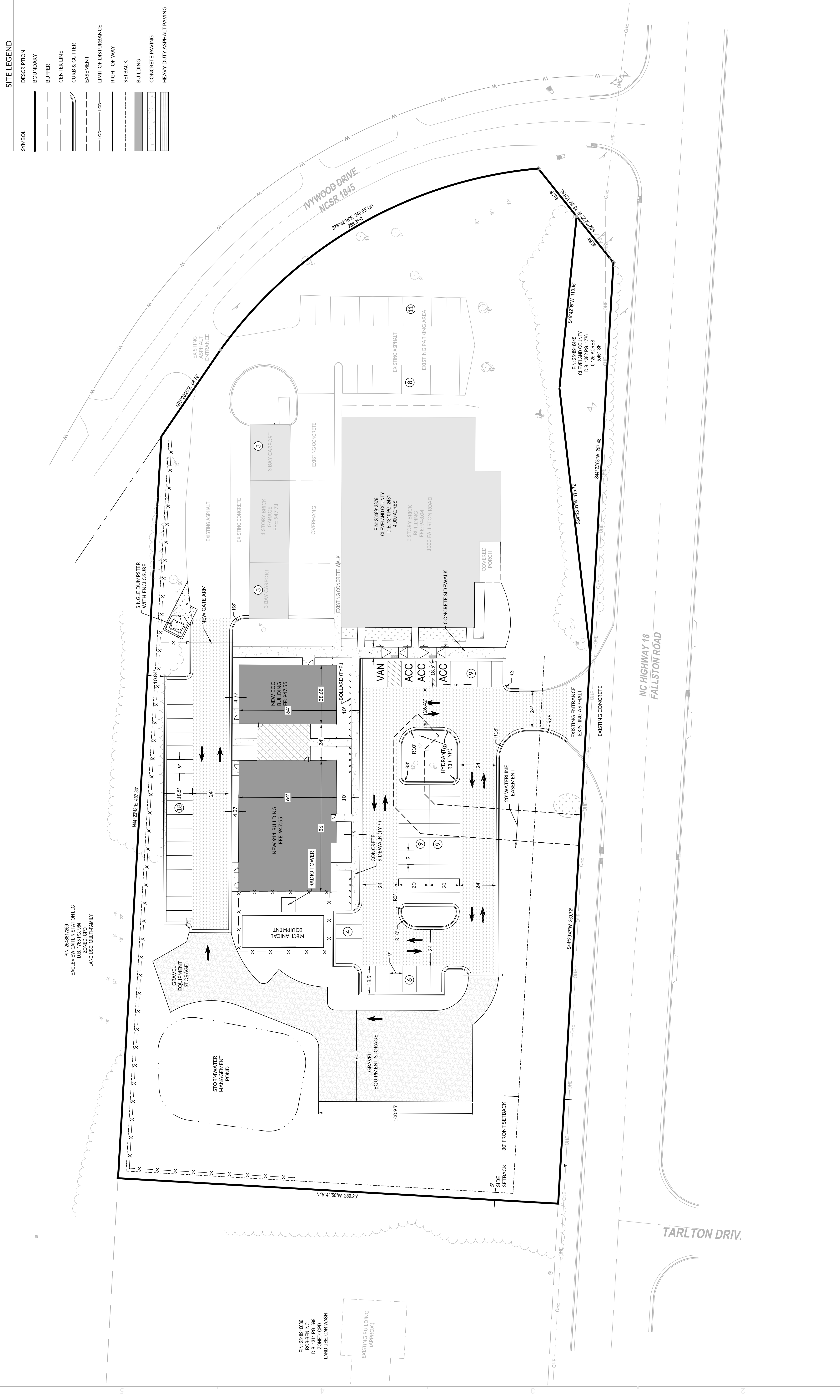
SCALE: 1/8" = 1'-0"
 INITIAL PLAN DATE: XXXX/XXXX
 REVISIONS:



SITE LEGEND

SYMBOL	DESCRIPTION
---	BOUNDARY
---	BUFFER
---	CENTER LINE
---	CURB & GUTTER
---	EASEMENT
---	LIMIT OF DISTURBANCE
---	RIGHT OF WAY
---	SETBACK
---	BUILDING
---	CONCRETE PAVING
---	HEAVY DUTY ASPHALT PAVING

MOSELEY ARCHITECTS
 6210 ABBREY KELL ROAD THE HUB AT WAVERLY, SUITE 425 CHARLOTTE, NC 28277
 PHONE (704) 540-3755 FAX (704) 540-3754
 MOSELEYARCHITECTS.COM



PARKING CALCULATIONS

REQUIRED PARKING:	911 CALL CENTER:	18 STAFF MEMBERS (1 PER EMPLOYEE OF LARGEST SHIFT)	18 SPACES REQUIRED
	EOC BUILDING:	40 STAFF MEMBERS (1 PER EMPLOYEE OF LARGEST SHIFT)	40 SPACES REQUIRED
	EXISTING COUNTY OFFICE BUILDING:	LARGEST SHIFT 27 STAFF MEMBERS (% PER EMPLOYEE OF LARGEST SHFT)	18 SPACES REQUIRED
		500 SF PUBLIC SERVICE AREA (SERVICE AREA 1 SPACE/150SF)	4 SPACES REQUIRED
	TOTAL PARKING SPACES REQUIRED:		80 REQUIRED
	TOTAL PARKING SPACES PROVIDED:		80 PROVIDED
	ACCESSIBLE PARKING REQUIRED:		4 REQUIRED
	ACCESSIBLE PARKING PROVIDED:		4 PROVIDED

PN 25481008
 ROBBEN NC
 DB 1311 PG 89
 LAND USE CAR WASH

EXISTING BUILDING (APPROX)

TARLTON DRIV

NC HIGHWAY 18
 FALLSTON ROAD

IYWOOD DRIVE
 NCSR 1845

PN 254817269
 EAGLEVIEW OUTLIN STATION LLC
 DB 1311 PG 89
 ZONED OPP
 LAND USE MULTIFAMILY



Location
1333 Fallston Rd



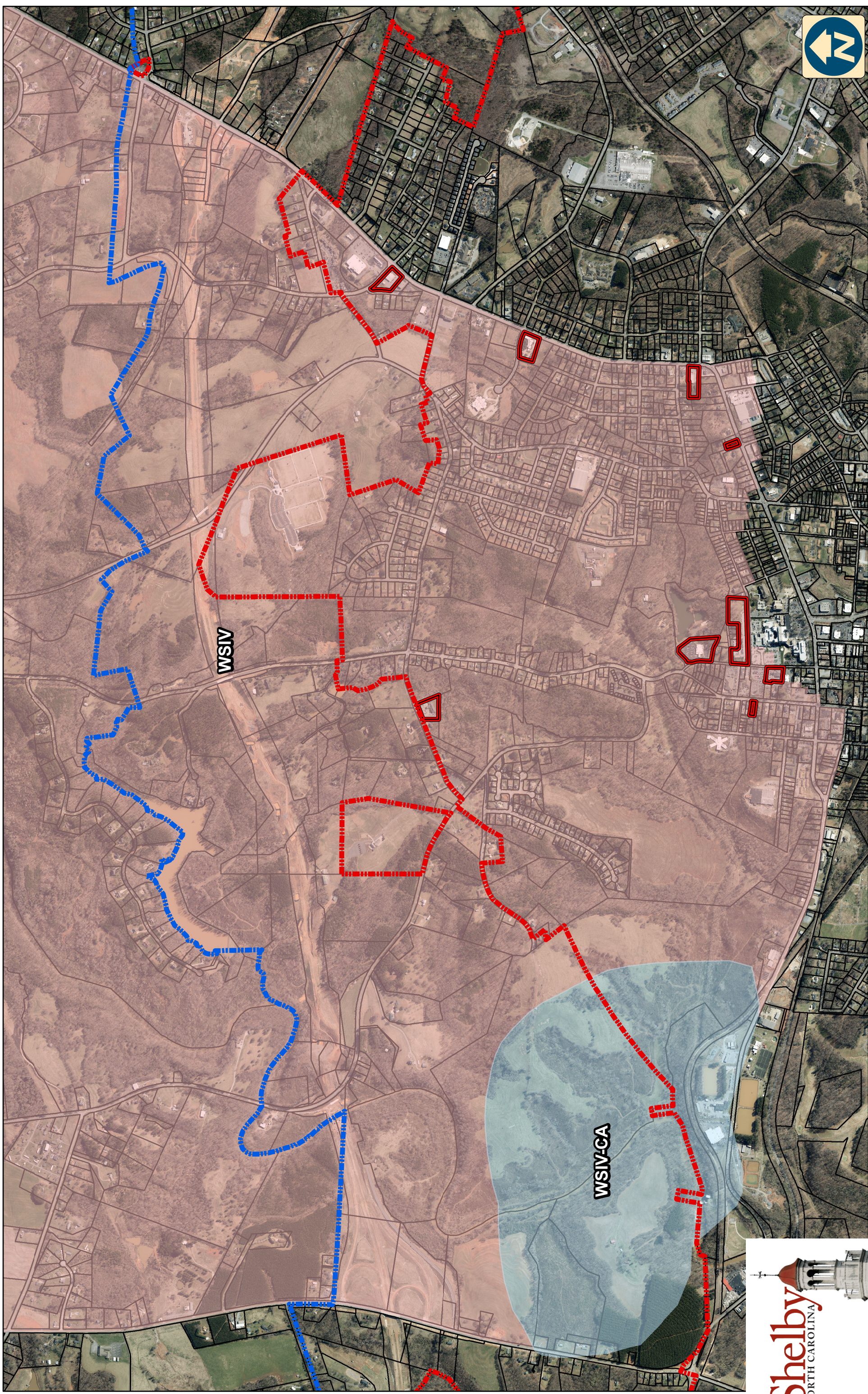
Scale 1:2,400 1 inch = 200 feet



Date: 9/8/2023

Shelby 10%/70% Watershed Properties

Map Information:
Datum: NAD 1983
Coordinate System: North Carolina (NAD 83)
Projection: Lambert Conformal Conic
US National Grid
Grid Zone Designation (GZD): 17S
100,000m Square ID: MV/MU



Date: 2/15/2022

ORDINANCE NO. 43-2023

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

WHEREAS, Cleveland County is in the process of developing a new 911 Emergency Call Center at 1333 Fallston Road in the City of Shelby; and,

WHEREAS, the 911 Emergency Call Center is located in a state regulated water supply watershed; and,

WHEREAS, Cleveland County desires to cover more than 24% of the land totaling 4 acres with asphalt or other type of impervious surface; and

WHEREAS, staff has reviewed a site plan for the proposed development showing less than 70% impervious surface area; and

WHEREAS, 0.07 of the usable space for the 70/10 option has been developed with impervious surfaces in the WS-IV overlay district; and

WHEREAS, the Shelby City Council wishes to grant Cleveland County permission to use the 10%/70% development option;

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

Section 1. Cleveland County is hereby granted permission to develop up to 70% of the property at 1333 Fallston Road and having Cleveland County tax parcel number 55796 with an impervious surface, such property totaling 4 acres.

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

Adopted and approved this the 18th day of September A. D. 2023.

O. Stanhope Anthony III
Mayor

ATTEST:

Carol Williams
City Clerk

APPROVED AS TO FORM:

John Kubis
Interim City Attorney

City of Shelby
Agenda Item Summary
September 18, 2023
City Hall Council Chamber

Agenda Item: E-4

- 4) Approval of Special Event Application:
- a) Single Moms' Night of Hope at the Don Gibson Theater hosted by Pleasant City Church: requested date: September 23, 2023
 - b) Pinnacle Classical Academy's Homecoming Parade: requested date: Friday, December 1, 2023

Consent Agenda Item: (Carol Williams, City Clerk)

Summary of Available Information:

- Memorandum dated September 12, 2023, from Carol Williams, City Clerk to Rick Howell, City Manager
- Special Event Application(s)

City Manager's Recommendation / Comments

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

Memo

To: Rick Howell, City Manager

From: Carol Williams, City Clerk

Date: September 12, 2022

Re: Special Event Permit Application

BACKGROUND:

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

- ✓ Single Moms' Night of Hope: requested date:
September 23, 2023

REVIEW:

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

RECOMMENDATION:

Please place the attached Special Event Permit Application on the Consent Agenda of September 18, 2023 for Council's review and approval.

ATTACHMENT:

- A. Special Event Permit Application packet received August 30, 2023

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

CITY OF SHELBY SPECIAL EVENT PERMIT APPLICATION

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

1. EVENT NAME:

Single Moms' Night of Hope

2. PURPOSE AND BRIEF DESCRIPTION OF EVENT:

Gathering of single moms in area for worship and speaker. Child care + dinner provided.

3. LOCATION OF EVENT (ATTACH MAP):

The Don Gibson Theater

4. PLEASE INDICATE:

Approximately how many people will attend the event? 100

Approximately how many vehicles will be present? 100

Approximately how many animals will be present? 0

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

Single lane _____

All lanes in travel direction _____

Whole street Holland Street

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

Name: Sherice Latham - Pleasant City Church

Address: 105 Talon Trace Cherryville, NC 28021

Phones: 704-477-0602 (Daytime) 704-477-0602 (Evening)

Sherice.latham@gmail.com
E-mail address

Name: _____

Address: _____

Phones: _____ (Daytime) _____ (Evening)

E-mail address

6. PLEASE LIST THE FOLLOWING:

Requested day(s) and date(s) 9-23-23

Alternate day(s) and date(s) _____

Requested hours of operation, from 4:30 AM/PM to 9:00 AM/PM

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

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

9. AVAILABILITY OF FOOD, BEVERAGES, AND/OR ENTERTAINMENT:

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

Will alcoholic beverages be served? No

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

Will food and/or no-alcoholic beverages be served? ~~YES~~ NO ^{SL}

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

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

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

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

Name: Don Gibson Theater - Amelia Poston
Address: 318 S. Washington St. Shelby
Phones: 704-487-8114

Indicate medical services that will be provided for the event.

AMBULANCE: _____
DOCTOR (S): _____
PARAMEDICS: _____

11. CITY SERVICES/EQUIPMENT REQUESTED FOR THIS EVENT:

None - Just close off street
- Holland Street

Event Power Request Form and Pricing

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

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

Name of Special Event: _____

Authorize Event/Vendor Coordinator: _____

Phone No.: _____ Mobile No.: _____

Email: _____

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

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

Full Day Rentals only

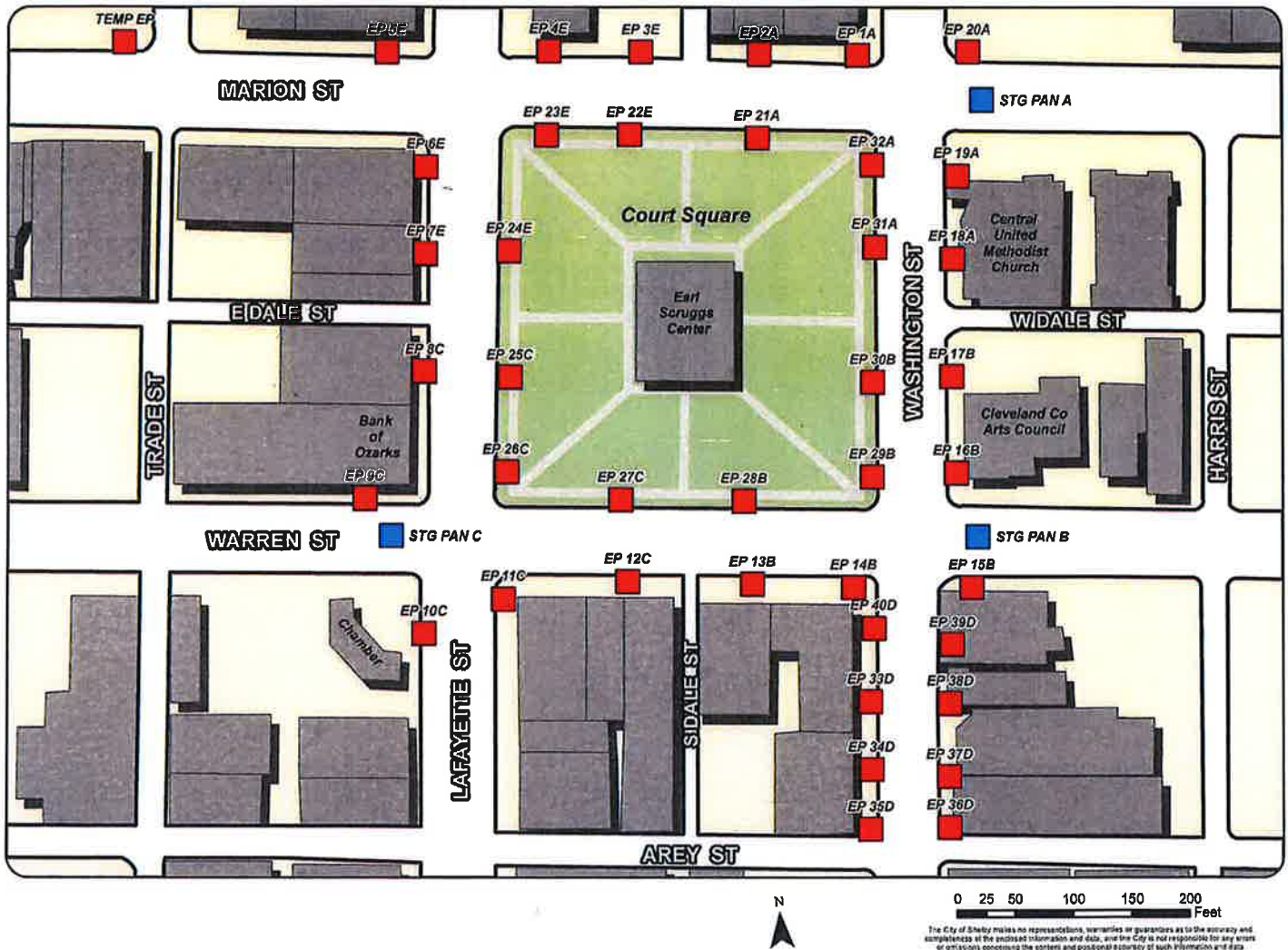
Total Number of Event Panels:
_____ x \$15.00 x Number of Days _____ = \$ _____

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

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

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

City of Shelby Uptown Event Panels



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



Legend

- Event Panel
- Stage Panel

12. ANY ADDITIONAL COMMENTS:

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

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

Sherice Latham
SIGNATURE

Sherice Latham 704-477-0602
APPLICANT PHONE

105 Talon Trace Cherryville, NC 28021
PHYSICAL ADDRESS

Sherice.latham@gmail.com
E-MAIL ADDRESS

8-28-23
DATE

Memo

To: Rick Howell, City Manager

From: Carol Williams, City Clerk

Date: September 12, 2022

Re: Special Event Permit Application

BACKGROUND:

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

- ✓ Pinnacle Homecoming Parade: requested
date: December 1, 2023

REVIEW:

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

RECOMMENDATION:

Please place the attached Special Event Permit Application on the Consent Agenda of September 18, 2023 for Council's review and approval.

ATTACHMENT:

- A. Special Event Permit Application packet received August 21, 2023



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

CITY OF SHELBY SPECIAL EVENT PERMIT APPLICATION

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

1. EVENT NAME:

Pinnacle Classical Academy's Homecoming Parade

2. PURPOSE AND BRIEF DESCRIPTION OF EVENT:

The purpose of the event is to celebrate the winter sports for Pinnacle Classical Academy as well as their Homecoming Court.

3. LOCATION OF EVENT (ATTACH MAP):

Starting at Marietta Street and parading straight down Lafayette to Graham and then to Market Street.

4. PLEASE INDICATE:

Approximately how many people will attend the event? 500

Approximately how many vehicles will be present? 25

Approximately how many animals will be present? 0

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

Single lane _____

All lanes in travel direction _____

Whole street Please block the entire street for the parade

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

Name: Pinnacle Classical Academy

Address: 2401 Joes Lake Road, Shelby, NC 28152

Phones: 704-702-1818 501-339-5145
(Daytime) (Evening)

hfouts@pinnacleclassicalacademy.com
E-mail address

Name: _____

Address: _____

Phones: _____
(Daytime) (Evening)

E-mail address

6. PLEASE LIST THE FOLLOWING:

Requested day(s) and date(s) Friday, December 1st

Alternate day(s) and date(s) Saturday, December 2nd

Requested hours of operation, from 1:00 pm AM/PM to 3:30 pm AM/PM

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

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

9. AVAILABILITY OF FOOD, BEVERAGES, AND/OR ENTERTAINMENT:

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

Will alcoholic beverages be served? NO

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

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

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

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

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

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

Name: _____

Address: _____

Phones: _____

Indicate medical services that will be provided for the event.

AMBULANCE: _____

DOCTOR (S): _____

PARAMEDICS: _____

11. CITY SERVICES/EQUIPMENT REQUESTED FOR THIS EVENT:

Block Streets

Police Presence

Event Power Request Form and Pricing

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

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

Name of Special Event: Not Requested

Authorize Event/Vendor Coordinator: _____

Phone No.: _____ Mobile No.: _____

Email: _____

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

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

Full Day Rentals only

Total Number of Event Panels:

_____ x \$15.00 x Number of Days _____ = \$ _____

Total Number of Stage Panels:

_____ x \$110.00 x Number of Days _____ = \$ _____

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

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

WOOD

WILSON

DORTON

ARIETTA

SUMTER

CAMPBELL

MARION

TRADE

WASHINGTON

WARREN

LAFAYETTE

AREY

HARRIS

DEKALB

JUSTICE

GRAHAM

HOLLAND

JUAN

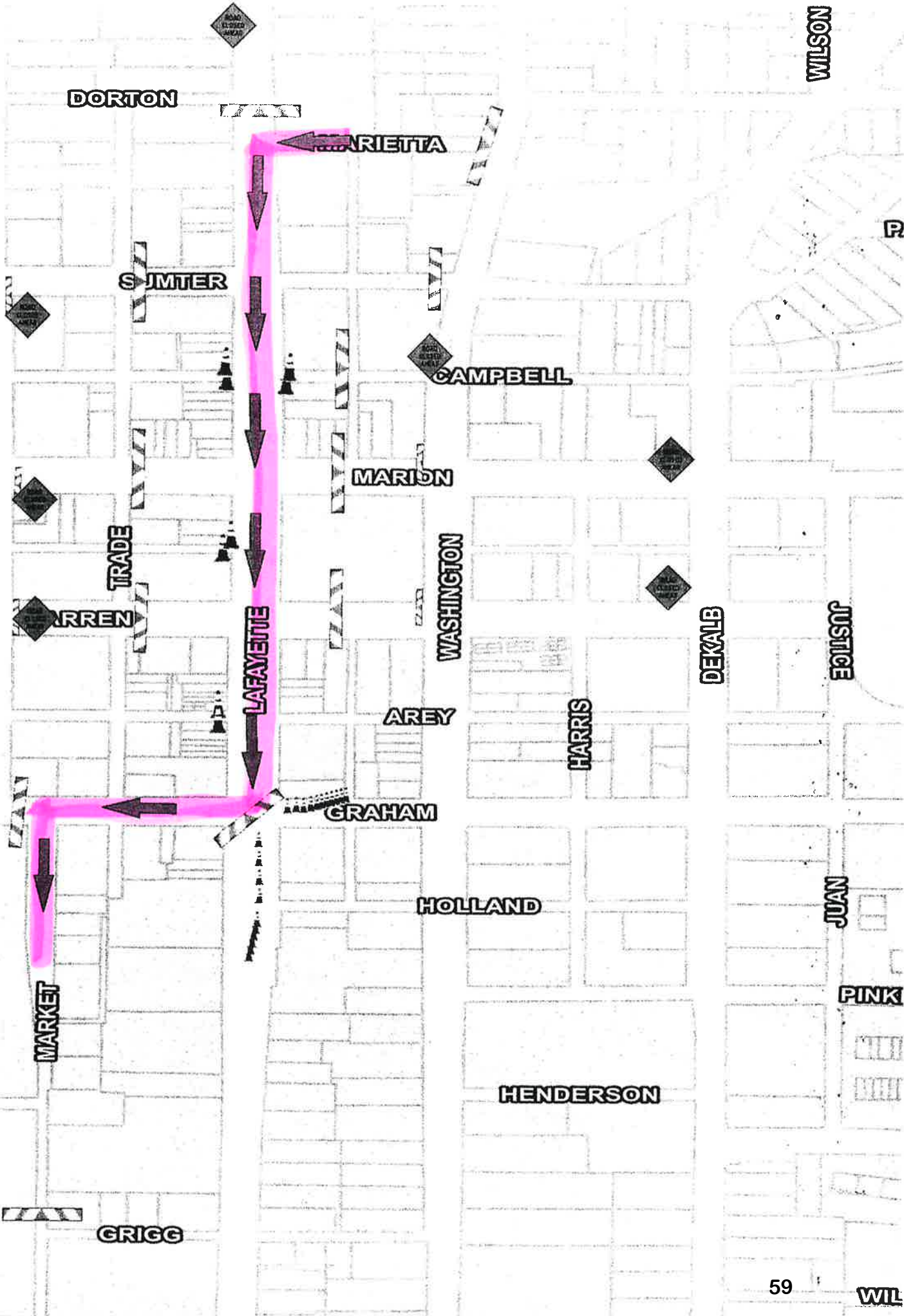
MARKET

PINK

MORGAN

HENDERSON

GRIGG



12. ANY ADDITIONAL COMMENTS:

We will only need the streets closed from 2:00 pm to 2:45 pm. The rest of the time will be used staging and clean up.

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

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

Angela P. Brooks

SIGNATURE

Angela P. Brooks

APPLICANT

704-740-4035

PHONE

Pinnacle Classical Academy, 2401 Joes Lake Road, Shelby, NC 28152

PHYSICAL ADDRESS

abrooks@pinnacleclassicalacademy.com

E-MAIL ADDRESS

DATE



SAMPLE

PUBLIC NOTICE Road Closure Notification

October 31, 2023

Halcyon Salon
115 North Lafayette Street
Shelby, NC 28152

To Whom It May Concern,

Please be advised that a portion of Marietta Street, Lafayette Street, Graham and Market Street will be closed to traffic around Shelby's Court Square. This closure will start Friday, December 2nd at 2:00 pm and will reopen Friday, December 2nd at 2:45 pm. This closure is to facilitate Pinnacle Classical Academy's Homecoming Parade. Please come out enjoy the parade and celebrate our 2023 Homecoming Court!

You may contact Mrs. Fouts at Pinnacle Classical Academy at 704-702-1818 should you have any questions or require further information.

Respectfully,

Angela P. Brooks
Dean of Secondary Education

City of Shelby
Agenda Item Summary
September 18, 2023
City Hall Council Chamber

Agenda Item: E-5

5) Management Reports:

- a) Monthly Financial Summary, dated July 2023

Consent Agenda Item: (Beth Beam, Director of Finance)

Summary of Available Information:

- Monthly Financial Summary – July 2023

City Manager's Recommendation / Comments

The above listed report is for City Council information and is placed on the agenda to ensure documentation that it was formally presented by management during a regular meeting.

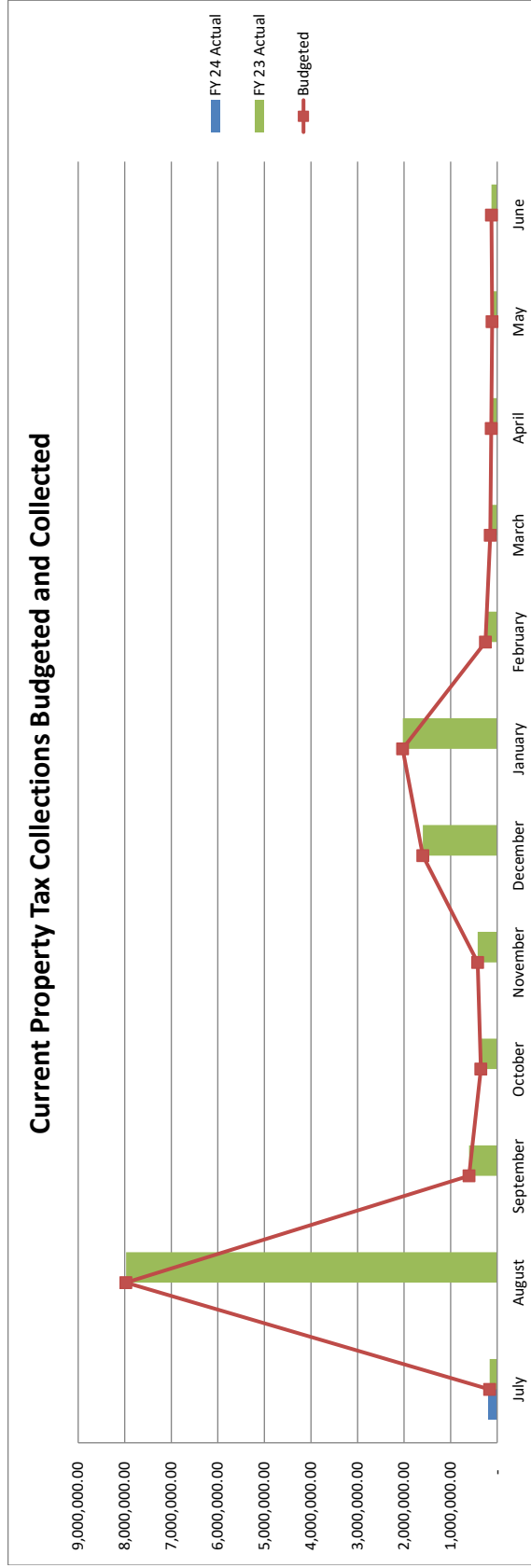
Shelby
NORTH CAROLINA



**Monthly Financial Summary
July 2023**

City of Shelby
 Current Property Tax Collections
 FY 2024

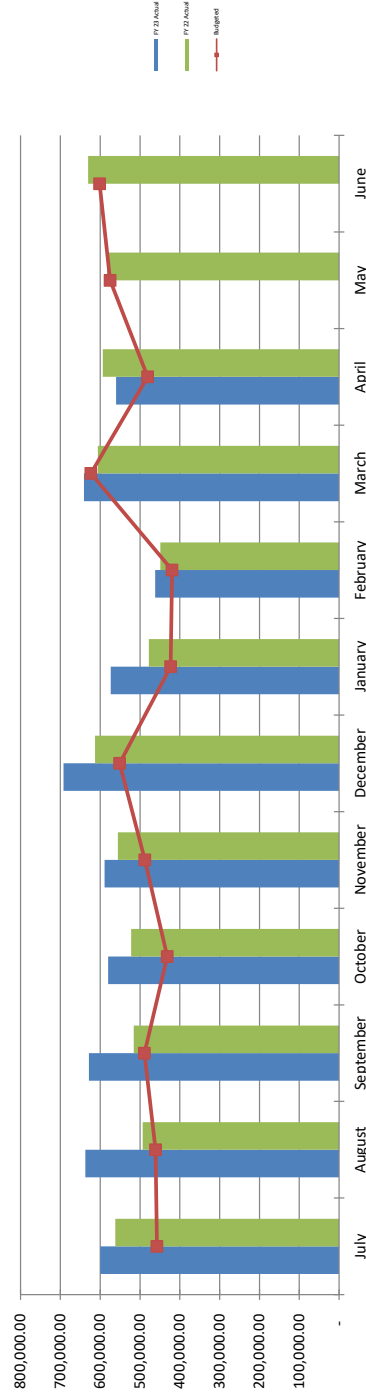
	July	August	September	October	November	December	January	February	March	April	May	June	Totals
Budget	159,933.38	7,975,543.92	606,204.49	351,647.91	420,081.33	1,596,722.79	2,030,450.43	252,495.36	149,439.68	127,820.47	108,378.28	121,281.94	13,900,000.00
FY 2023	159,791.35	7,968,461.04	605,666.14	351,335.62	419,708.27	1,595,304.78	2,028,647.24	252,271.13	149,306.97	127,706.96	108,282.03	121,174.23	13,887,655.76
FY 2024	201,701.74												
% of Budget	1.45%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	1.45%
Variance	41,768.36	(7,975,543.92)	(606,204.49)	(351,647.91)	(420,081.33)	(1,596,722.79)	(2,030,450.43)	(252,495.36)	(149,439.68)	(127,820.47)	(108,378.28)	(121,281.94)	(13,698,298.26)



City of Shelby
Sales Tax Collections
FY 2023

	July	August	September	October	November	December	January	February	March	April	May	June	Totals
Budget	457,219.50	460,807.29	488,817.11	431,447.31	487,706.29	550,878.03	422,831.32	419,411.40	623,273.87	480,929.57	575,165.84	601,512.47	6,000,000.00
FY 2022	561,875.17	493,247.25	515,682.23	522,268.85	555,802.56	612,729.17	477,791.05	448,935.70	605,975.13	593,551.22	583,186.10	630,335.55	6,601,379.98
FY 2023	599,746.02	637,258.67	628,199.97	579,827.53	588,994.10	691,881.93	573,374.28	461,766.04	640,874.83	560,282.24	-	-	5,962,205.61
% of Budget	10.00%	10.62%	10.47%	9.66%	9.82%	11.53%	9.56%	7.70%	10.68%	9.34%	0.00%	0.00%	99.37%
Variance	142,526.52	176,451.38	139,382.86	148,380.22	101,287.81	141,003.90	150,542.96	42,354.64	17,600.96	79,352.67	(575,165.84)	(601,512.47)	(37,794.39)

Sales Tax Collections Budgeted and Collected



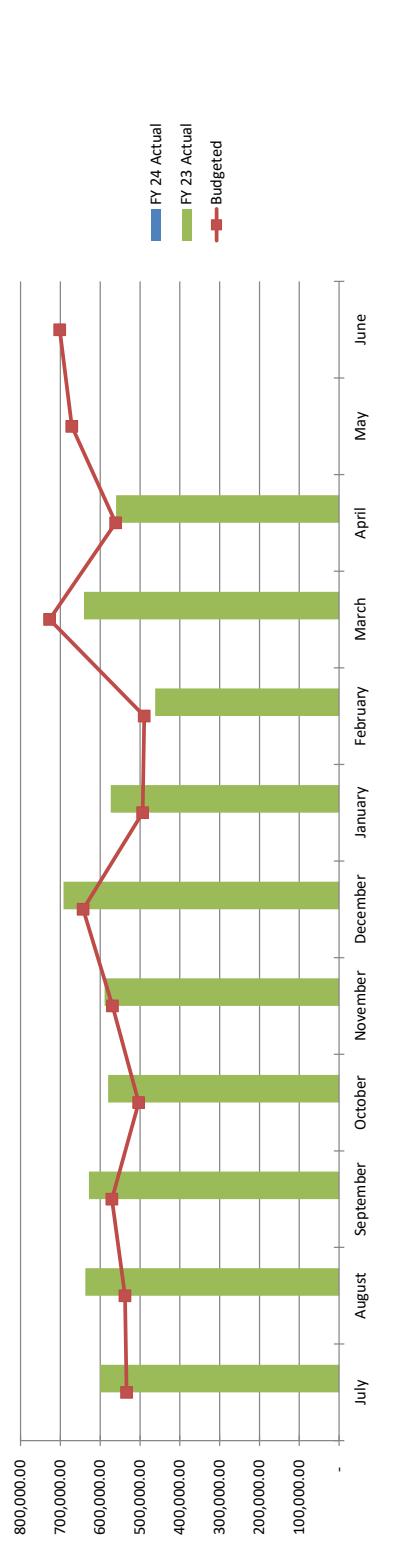
Notes:
Sales Tax Expansion to include Service Contracts: NCGS §105-164.4(a)(11), effective January 2014, has expanded the NC Sales and Use Tax to include "the sales price of a service contract".
A link to the NCDOR directive on this change is embedded here: <http://www.dor.state.nc.us/practitioner/sales/directives/SD-13-5.pdf>

Sales Tax Distribution Method: A link to a description of the individual articles of Sales Tax is embedded here: http://www.dor.state.nc.us/publications/sales/distribution_articles.pdf

City of Shelby
Sales Tax Collections
FY 2024

	July	August	September	October	November	December	January	February	March	April	May	June	Totals
Budget	533,422.75	537,608.51	570,286.63	503,355.20	568,990.67	642,691.03	493,303.21	489,313.30	727,152.85	561,084.49	671,026.81	701,764.55	7,000,000.00
FY 2023	599,746.02	637,258.67	628,199.97	579,827.53	588,994.10	691,881.93	573,374.28	461,766.04	640,874.83	560,282.24	-	-	5,962,205.61
% of Budget	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Variance	(53,422.75)	(37,608.51)	(70,286.63)	(503,355.20)	(568,990.67)	(642,691.03)	(493,303.21)	(489,313.30)	(727,152.85)	(561,084.49)	(671,026.81)	(701,764.55)	(7,000,000.00)

Sales Tax Collections Budgeted and Collected

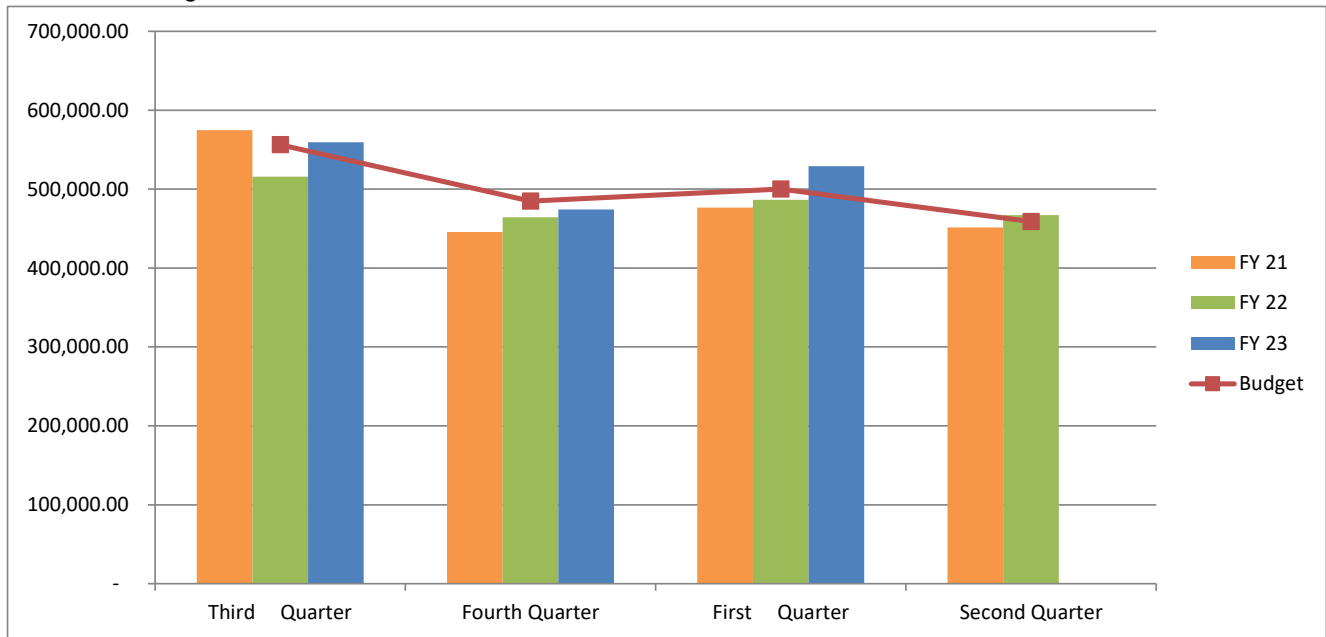


Notes:
Sales Tax Expansion to include Service Contracts: NCGS §105-164.4(a)(11), effective January 2014, has expanded the NC Sales and Use Tax to include "the sales price of a service contract".
A link to the NCDOR directive on this change is embedded here: <http://www.dor.state.nc.us/practitioner/sales/directives/SD-13-3.pdf>

Sales Tax Distribution Method: A link to a description of the individual articles of Sales Tax is embedded here: http://www.dor.state.nc.us/publications/sales/distribution_articles.pdf

City of Shelby
 Utility Sales Tax Distribution (Formerly Utility Franchise Tax)
 Last Three Years

	Third Quarter	Fourth Quarter	First Quarter	Second Quarter	Totals
Collection Period:	(July-Sept.)	(Oct.-Dec.)	(Jan.-Mar.)	(Apr.-June)	
Received in:	December	March	June	September	
FY 21	574,782.27	445,666.24	476,587.12	451,433.94	1,948,469.57
FY 22	515,722.31	464,401.65	486,627.19	466,918.19	1,933,669.34
FY 23	559,313.87	474,142.33	529,125.92	-	1,562,582.12
Budget	556,178.37	484,704.73	500,184.30	458,932.60	2,000,000.00
% of Budget	27.97%	23.71%	26.46%	0.00%	78.13%



Notes:

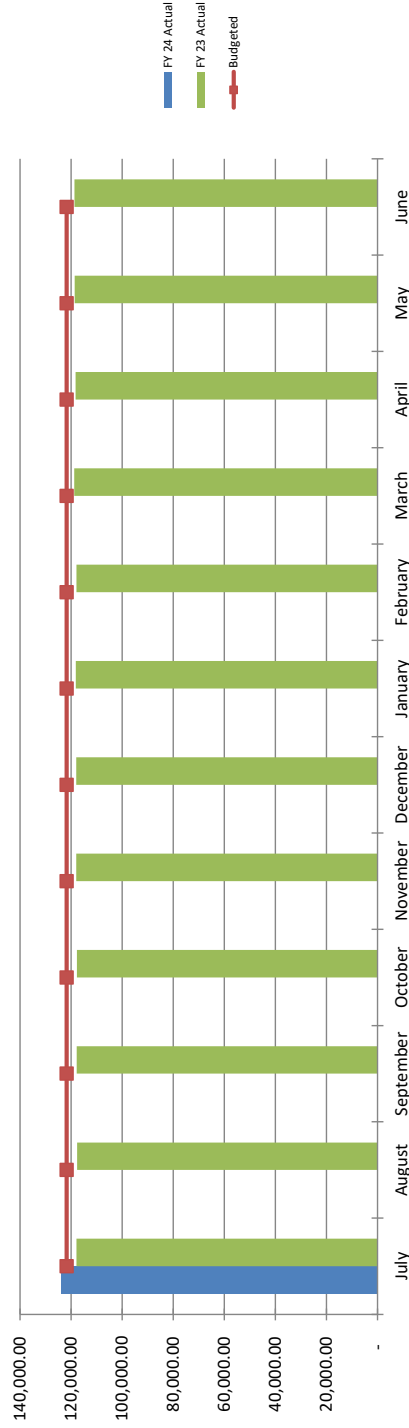
Effective July 2014, utility franchise tax was eliminated on sales of electricity and piped natural gas. A "hold harmless" provision will keep local distribution levels at the amounts received during the 2013-14 Fiscal Year.

City of Shelby
Solid Waste Fees
FY 2024

	July	August	September	October	November	December	January	February	March	April	May	June	Totals
Budget	121,750.00	121,750.00	121,750.00	121,750.00	121,750.00	121,750.00	121,750.00	121,750.00	121,750.00	121,750.00	121,750.00	121,750.00	1,461,000.00
FY 2023	117,913.85	117,612.75	117,828.07	117,733.50	118,009.65	117,968.28	118,156.30	117,897.94	118,773.55	118,224.04	118,590.37	118,670.51	1,417,378.81
FY 2024	124,060.37	117,612.75	117,828.07	117,733.50	118,009.65	117,968.28	118,156.30	117,897.94	118,773.55	118,224.04	118,590.37	118,670.51	1,417,378.81
% of Budget	8.49%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	8.49%
Variance	2,310.37	(121,750.00)	(121,750.00)	(121,750.00)	(121,750.00)	(121,750.00)	(121,750.00)	(121,750.00)	(121,750.00)	(121,750.00)	(121,750.00)	(121,750.00)	(1,336,939.63)

Res. Accts: 7,782
Comm. Accts: 680

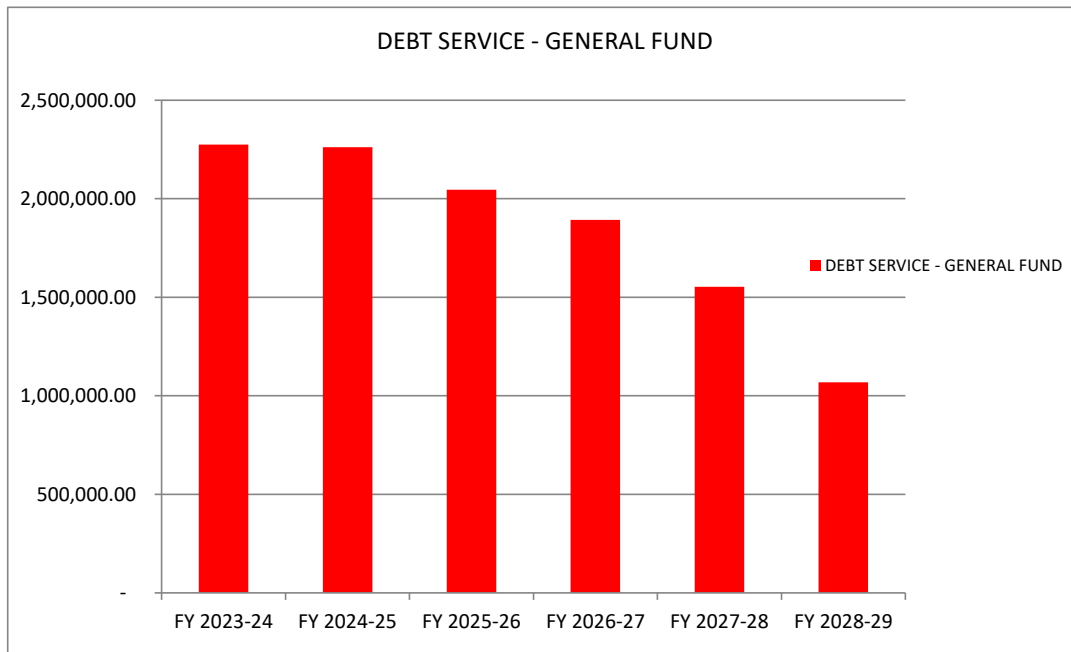
Solid Waste Fees Budgeted and Collected



DEBT SERVICE - GENERAL FUND

	FY 2023-24	FY 2024-25	FY 2025-26	FY 2026-27	FY 2027-28	FY 2028-29
<u>General Obligation Bonds</u>						
Street & Sidewalk GO Bond (\$6mm) Debt Retired In 2037	551,200.00	540,400.00	529,600.00	518,800.00	508,000.00	497,200.00
<u>Installment Purchase Contracts</u>						
Hanna Park Recreation Complex Debt Retired In 2032	644,079.33	629,552.00	615,024.66	600,497.33	585,970.00	571,442.66
FY 19 Installment Purchase Debt Retired In 2024	104,354.77	-	-	-	-	-
FY 20 Installment Purchase Debt Retired In 2025	189,692.00	189,692.00	-	-	-	-
FY 21 Installment Purchase Debt Retired In 2026	128,617.50	128,617.50	128,617.50	-	-	-
FY 22 Installment Purchase Debt Retired In 2027	313,175.08	313,175.08	313,175.08	313,175.08	-	-
FY 23 Installment Purchase - Radios Debt Retired in 2028	158,235.00	274,873.35	274,873.35	274,873.35	274,873.35	-
FY 23 Installment Purchase Debt Retired in 2028	185,002.10	185,002.10	185,002.10	185,002.10	185,002.08	-
Total Debt Service - General Fund	2,274,355.78	2,261,312.03	2,046,292.69	1,892,347.86	1,553,845.43	1,068,642.66

Installment Purchase Contracts are 59-month borrowings for purchase of items such as vehicles and capital equipment.



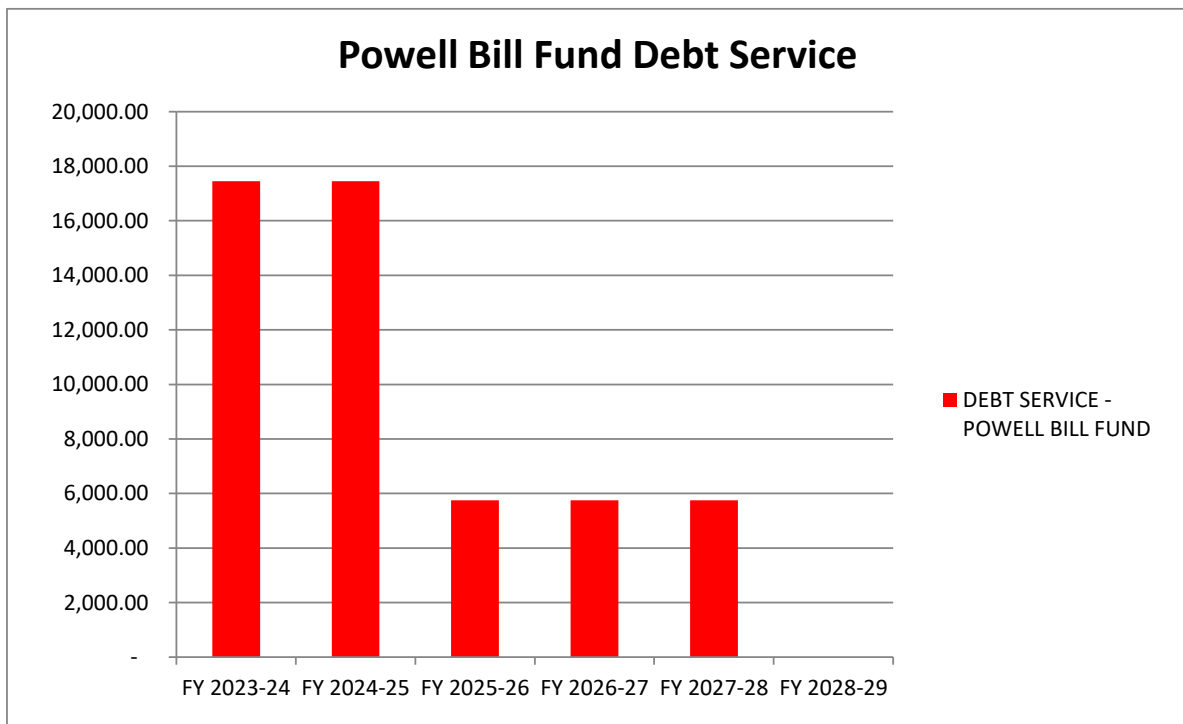
City of Shelby
 For FY 2024 - July 2023 (8% of Fiscal Year)
 General Fund Expenditures by Division

ACCOUNT DESCRIPTION	ORIG APPROP	REV BUDGET	YTD ACTUAL	ENCUMB	AVAIL BUDGET	% USED
Total 110411 GOVERNING BOARD	81,200	81,200	22,199.95	0.00	59,000	27.30 %
Total 110412 ADMINISTRATION	793,199	793,199	67,038.27	0.00	726,161	8.50 %
Total 110413 FINANCE	838,107	838,107	150,212.16	0.00	687,895	17.90 %
Total 110414 PURCHASING	124,387	124,387	12,073.30	0.00	112,314	9.70 %
Total 110416 HUMAN RESOURCES	466,973	466,973	46,772.06	0.00	420,201	10.00 %
Total 110419 CUSTOMER SERVICE	83,044	83,044	79,370.06	-4,229.50	7,903	90.50 %
Total 110420 INFORMATION SERVICES	516,007	516,007	30,685.07	8,988.68	476,333	7.70 %
Total 110421 METER SERVICE	921	921	7,148.90	0.00	-6,228	776.20 %
Total 110425 GARAGE	924,726	924,726	62,212.24	0.00	862,514	6.70 %
Total 110427 CITY HALL	113,000	113,000	17,750.64	0.00	95,249	15.70 %
Total 110431 POLICE	9,103,400	9,103,400	900,722.75	8,968.00	8,193,709	10.00 %
Total 110433 COMMUNICATION	964,800	964,800	77,130.71	3,002.00	884,667	8.30 %
Total 110434 FIRE	7,563,440	7,563,440	697,654.83	-50,292.00	6,916,077	8.60 %
Total 110435 BUILDING INSPECTIONS	543,850	543,850	75,228.68	-39,985.00	508,606	6.50 %
Total 110451 STREETS	1,447,150	1,447,150	108,869.35	-4,125.00	1,342,406	7.20 %
Total 110453 AIRPORT	517,225	517,225	53,439.71	8,936.53	454,849	12.10 %
Total 110471 SOLID WASTE	2,232,160	2,232,160	151,154.50	317,741.72	1,763,264	21.00 %
Total 110491 GIS	127,089	127,089	17,724.44	0.00	109,365	13.90 %
Total 110493 PLANNING SERVICES	629,050	629,050	62,881.01	0.00	566,169	10.00 %
Total 110495 SPECIAL APPROPRIATIONS	3,725,800	3,725,800	101,408.07	0.00	3,624,392	2.70 %
Total 110612 PARKS & RECREATION	2,185,025	2,185,025	411,937.41	1,664.32	1,771,423	18.90 %
Total 110613 MAINTENANCE GROUNDS &	1,784,200	1,784,200	163,274.37	1,868.70	1,619,057	9.30 %
Total 110 GENERAL FUND	34,764,753	34,764,753	3,316,888	252,538	31,195,326	10%

DEBT SERVICE - POWELL BILL FUND

	FY 2023-24	FY 2024-25	FY 2025-26	FY 2026-27	FY 2027-28	FY 2028-29
<u>Installment Purchase Contracts</u>						
FY 20 Installment Purchase Debt Retired in 2025	11,703.00	11,703.00	-	-	-	
FY 23 Installment Purchase Debt Retired in 2028	5,748.09	5,748.09	5,748.09	5,748.09	5,748.09	
Total Debt Service - Powell Bill Fund	17,451.09	17,451.09	5,748.09	5,748.09	5,748.09	-

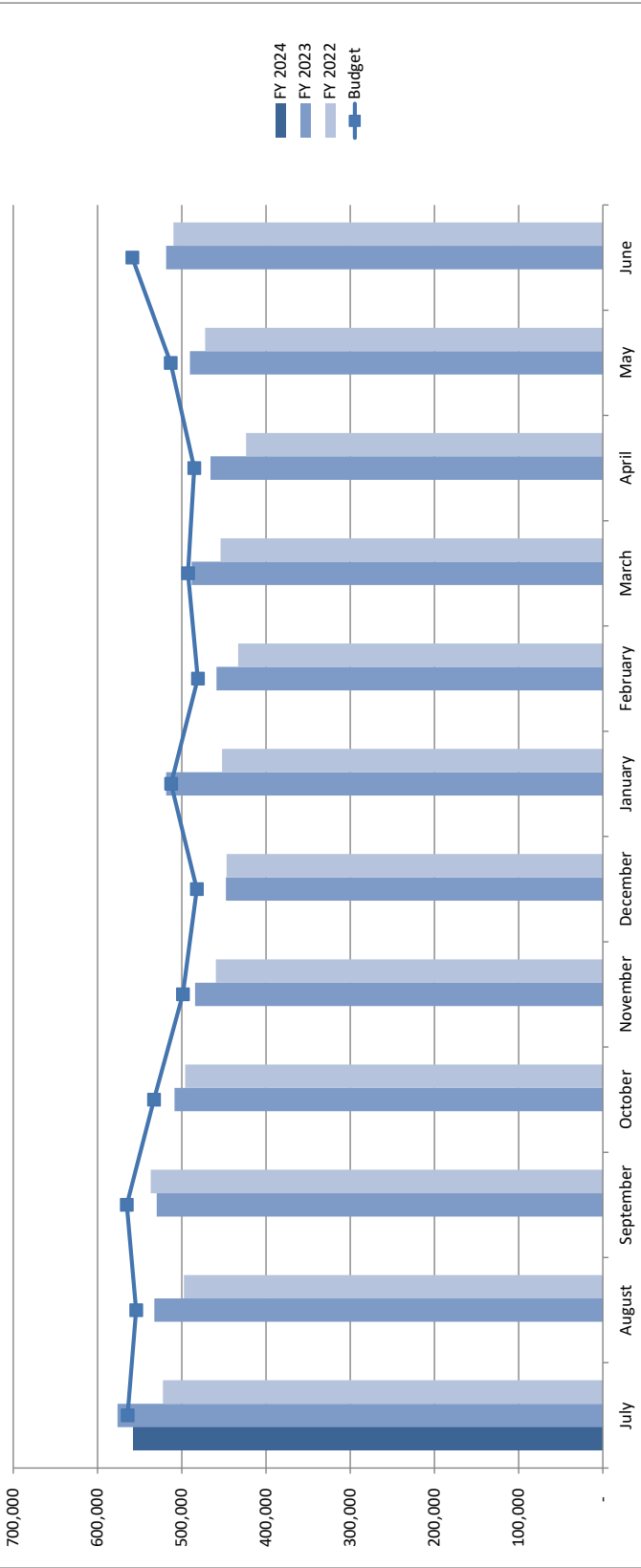
Installment Purchase Contracts are 59-month borrowings for purchase of items such as vehicles and capital equipment



City of Shelby
Water Revenue Budget to Actual
FY 2024

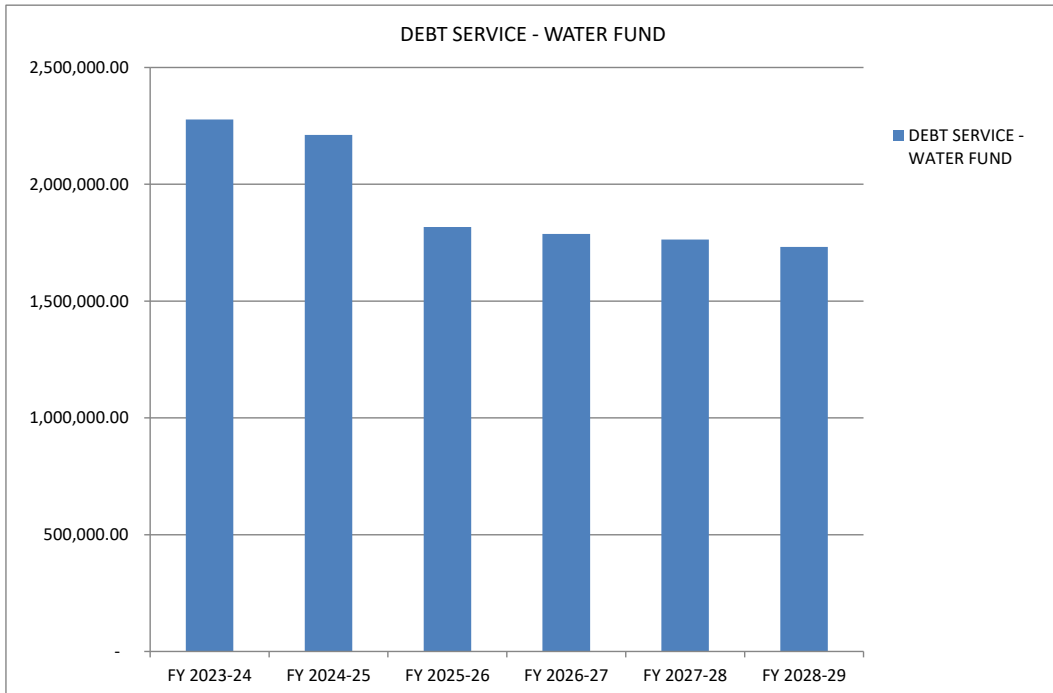
	July	August	September	October	November	December	January	February	March	April	May	June	Total
FY 2024 Budget													
Inside Water Useage Dollars	142,976	137,789	146,252	131,451	121,474	115,259	129,051	114,816	121,810	117,773	124,644	142,718	1,546,015
	502,957.37	489,948.04	502,991.50	474,886.45	446,554.24	429,674.28	458,920.10	427,215.95	442,656.03	433,077.07	454,475.65	497,967.23	5,561,323.91
Outside Water Useage Dollars	14,993	15,882	15,391	14,046	12,213	12,317	12,360	12,797	11,486	12,263	14,146	14,898	162,792
	61,370.21	64,049.81	62,203.41	58,057.27	52,049.02	52,397.84	53,641.82	53,735.83	49,806.90	52,038.62	58,623.69	60,701.67	678,676.09
Totals	157,969	153,671	161,643	145,497	133,687	127,577	141,411	127,613	133,296	130,036	138,790	157,616	1,708,807
	564,327.57	553,997.85	565,194.91	532,943.72	498,603.26	482,072.12	512,561.92	480,951.78	492,462.93	485,115.69	513,099.35	558,668.90	6,240,000.00
FY 2024 Actual													
Inside Water Useage Dollars	141,317	-	-	-	-	-	-	-	-	-	-	-	141,317
	495,811	-	-	-	-	-	-	-	-	-	-	-	495,811.27
Outside Water Useage Dollars	15,021	-	-	-	-	-	-	-	-	-	-	-	15,021
	61,249	-	-	-	-	-	-	-	-	-	-	-	61,249
Totals	156,338	-	-	-	-	-	-	-	-	-	-	-	156,338
	557,060	-	-	-	-	-	-	-	-	-	-	-	557,059.79
Variance													
Inside Water Useage Dollars	(1,659)	(137,789)	(146,252)	(131,451)	(121,474)	(115,259)	(129,051)	(114,816)	(121,810)	(117,773)	(124,644)	(142,718)	(1,404,698)
	(7,146.10)	(489,948.04)	(502,991.50)	(474,886.45)	(446,554.24)	(429,674.28)	(458,920.10)	(427,215.95)	(442,656.03)	(433,077.07)	(454,475.65)	(497,967.23)	(5,065,512.64)
Outside Water Useage Dollars	28	(15,882)	(15,391)	(14,046)	(12,213)	(12,317)	(12,360)	(12,797)	(11,486)	(12,263)	(14,146)	(14,898)	(147,771)
	(121.69)	(64,049.81)	(62,203.41)	(58,057.27)	(52,049.02)	(52,397.84)	(53,641.82)	(53,735.83)	(49,806.90)	(52,038.62)	(58,623.69)	(60,701.67)	(617,428)
Totals	(1,631)	(153,671)	(161,643)	(145,497)	(133,687)	(127,577)	(141,411)	(127,613)	(133,296)	(130,036)	(138,790)	(157,616)	(1,552,469)
	(7,267.78)	(553,997.85)	(565,194.91)	(532,943.72)	(498,603.26)	(482,072.12)	(512,561.92)	(480,951.78)	(492,462.93)	(485,115.69)	(513,099.35)	(558,668.90)	(5,682,940.21)

Water Sales In Dollars - Budget to Actual FY 2023 - 2024



DEBT SERVICE - WATER FUND	FY 2023-24	FY 2024-25	FY 2025-26	FY 2026-27	FY 2027-28	FY 2028-29
<u>Revenue Bonds</u>						
Series 2021 Refunding Revenue Bonds Debt Retired In 2031	878,082.07	878,287.26	499,614.47	497,103.08	500,082.77	499,031.49
Series 2016 Revenue Bonds-Grover/Morgan Debt Retired In 2031	233,400.00	233,400.00	233,400.00	233,400.00	233,400.00	233,400.00
NCDEQ-DWI SRF Loan-WTP Debt Retired In 2040	1,035,036.68	1,022,469.38	1,009,902.08	997,334.78	984,767.46	972,200.16
<u>Installment Purchase</u>						
Uptown Infrastructure - Electric Fund Loan Debt Retired In 2038	27,250.00	27,250.00	27,250.00	27,250.00	27,250.00	27,250.00
FY 19 Installment Purchase Debt Retired In 2024	54,380.79	-	-	-	-	-
FY 20 Installment Purchase Debt Retired In 2025	2,561.50	2,561.50	-	-	-	-
FY 21 Installment Purchase Debt Retired In 2026	14,465.00	14,465.00	14,465.00	-	-	-
FY 22 Installment Purchase Debt Retired In 2027	14,680.83	14,680.83	14,680.83	14,680.83	-	-
FY 23 Installment Purchase Debt Retired in 2028	17,676.21	17,676.21	17,676.21	17,676.21	17,676.19	-
Total Debt Service - Water Fund	2,277,533.08	2,210,790.18	1,816,988.59	1,787,444.90	1,763,176.42	1,731,881.65

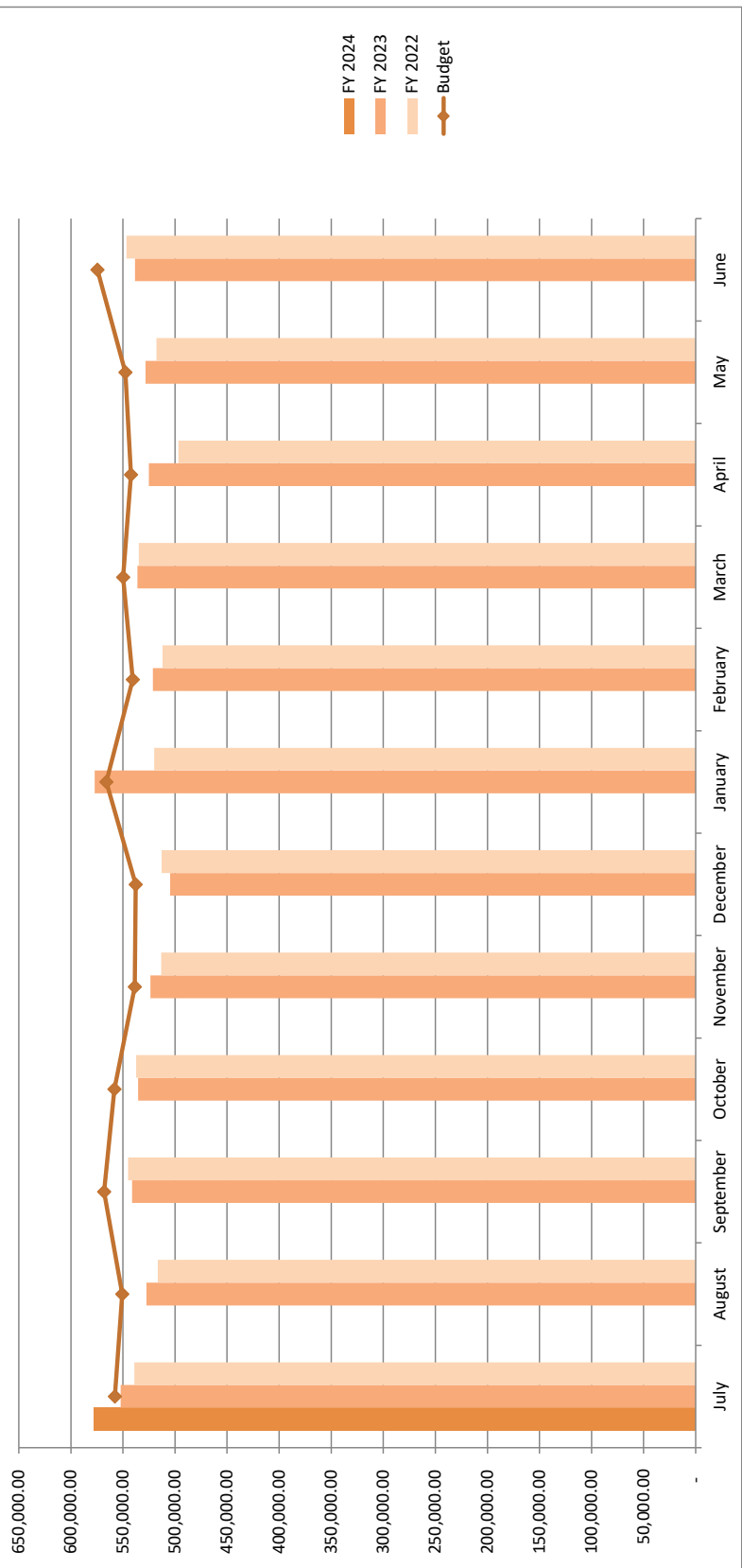
Installment Purchase Contracts are 59-month borrowings for purchase of items such as vehicles and capital equipment.



City of Shelby
Sewer Revenue Budget to Actual
FY 2024

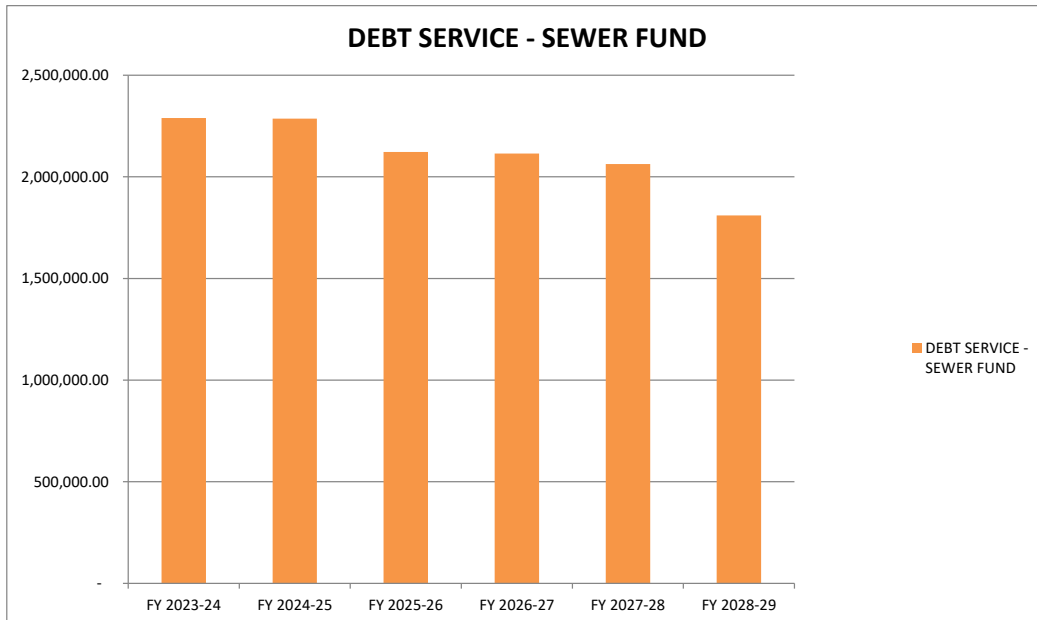
	July	August	September	October	November	December	January	February	March	April	May	June	Totals
FY 2024 Budget													
Inside Sewer													
Useage	74,985	73,529	53,846	72,732	69,675	68,967	76,473	69,621	72,374	68,969	70,110	77,240	848,522
Dollars	519,453.28	512,329.41	525,830.10	513,414.01	494,883.42	493,310.48	520,087.93	495,415.06	503,970.41	493,522.38	499,802.31	527,410.04	6,099,428.81
Outside Sewer													
Useage	2,711	2,672	3,205	3,524	3,405	3,525	3,652	3,563	3,662	3,648	3,527	3,406	40,500
Dollars	38,354.51	38,280.19	42,242.38	44,771.59	43,767.83	44,441.15	45,832.64	45,076.15	45,894.00	48,675.97	47,929.54	47,074.23	532,340.19
Totals													
Useage	77,696	76,201	57,051	76,257	73,080	72,492	80,125	73,184	76,036	72,617	73,637	80,646	889,022
Dollars	557,807.79	550,609.60	568,072.48	558,185.60	538,651.25	537,751.63	565,920.57	540,491.21	549,864.41	542,198.35	547,731.85	574,484.26	6,631,769.00
FY 2024 Actual													
Inside Sewer													
Useage	78,990	-	-	-	-	-	-	-	-	-	-	-	78,990
Dollars	531,231.82	-	-	-	-	-	-	-	-	-	-	-	531,231.82
Outside Sewer													
Useage	3,420	-	-	-	-	-	-	-	-	-	-	-	3,420
Dollars	46,729.65	-	-	-	-	-	-	-	-	-	-	-	46,729.65
Totals													
Useage	82,410	-	-	-	-	-	-	-	-	-	-	-	82,410
Dollars	577,961.47	-	-	-	-	-	-	-	-	-	-	-	577,961.47
Variance													
Inside Sewer													
Useage	4,005	(73,529)	(53,846)	(72,732)	(69,675)	(68,967)	(76,473)	(69,621)	(72,374)	(68,969)	(70,110)	(77,240)	(769,532.00)
Dollars	11,778.54	(512,329.41)	(525,830.10)	(513,414.01)	(494,883.42)	(493,310.48)	(520,087.93)	(495,415.06)	(503,970.41)	(493,522.38)	(499,802.31)	(527,410.04)	(5,568,196.99)
Outside Sewer													
Useage	709	(2,672)	(3,205)	(3,524)	(3,405)	(3,525)	(3,652)	(3,563)	(3,662)	(3,648)	(3,527)	(3,406)	(37,080.00)
Dollars	8,375.14	(38,280.19)	(42,242.38)	(44,771.59)	(43,767.83)	(44,441.15)	(45,832.64)	(45,076.15)	(45,894.00)	(48,675.97)	(47,929.54)	(47,074.23)	(485,610.54)
Totals													
Useage	4,714	(76,201)	(57,051)	(76,257)	(73,080)	(72,492)	(80,125)	(73,184)	(76,036)	(72,617)	(73,637)	(80,646)	(806,612.00)
Dollars	20,153.68	(550,609.60)	(568,072.48)	(558,185.60)	(538,651.25)	(537,751.63)	(565,920.57)	(540,491.21)	(549,864.41)	(542,198.35)	(547,731.85)	(574,484.26)	(6,053,807.53)

Sewer Sales in Dollars - Budget to Actual FY 2023 - 2024



DEBT SERVICE - SEWER FUND	FY 2023-24	FY 2024-25	FY 2025-26	FY 2026-27	FY 2027-28	FY 2028-29
<u>Revenue Bonds</u>						
Series 2021 Refunding Revenue Bonds Debt Retired In 2031	442,773.79	442,017.77	289,821.66	288,125.74	287,842.46	97,832.70
NC DENR-DWI SRF Loan-Mall Lift Station Debt Retired in 2034	36,300.10	36,300.10	36,300.10	36,300.10	36,300.10	36,300.10
NC DENR-DWI SRF Loan-Outfall Project Debt Retired in 2035	156,521.90	156,521.90	156,521.90	156,521.90	156,521.90	156,521.90
NC DENR-DWI SRF Loan-WWTP Upgrades Debt Retired in 2036	469,832.90	469,832.90	469,832.90	469,832.90	469,832.90	469,832.90
NC DENR-DWI SRF Loan-Biosolids Debt Retired in 2041	967,046.85	967,046.85	967,046.85	967,046.85	967,046.85	967,046.85
<u>Installment Purchase</u>						
2010 - Loan from Natural Gas Fund Debt Retired in 2109	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00
2019 Uptown Infrastructure - Loan from Electric Fund Debt Retired in 2038	72,750.00	72,750.00	72,750.00	72,750.00	72,750.00	72,750.00
FY 19 Installment Purchase Debt Retired In 2024	1,408.74	-	-	-	-	-
FY 20 Installment Purchase Debt Retired In 2025	12,525.50	12,525.50	-	-	-	-
FY 21 Installment Purchase Debt Retired In 2026	6,215.00	6,215.00	6,215.00	-	-	-
FY 22 Installment Purchase Debt Retired In 2027	50,928.61	50,928.61	50,928.61	50,928.61	-	-
FY 23 Installment Purchase Debt Retired in 2028	62,697.37	62,697.37	62,697.37	62,697.37	62,697.37	-
Total Debt Service - Sewer Fund	2,289,000.75	2,286,836.00	2,122,114.39	2,114,203.47	2,062,991.58	1,810,284.45

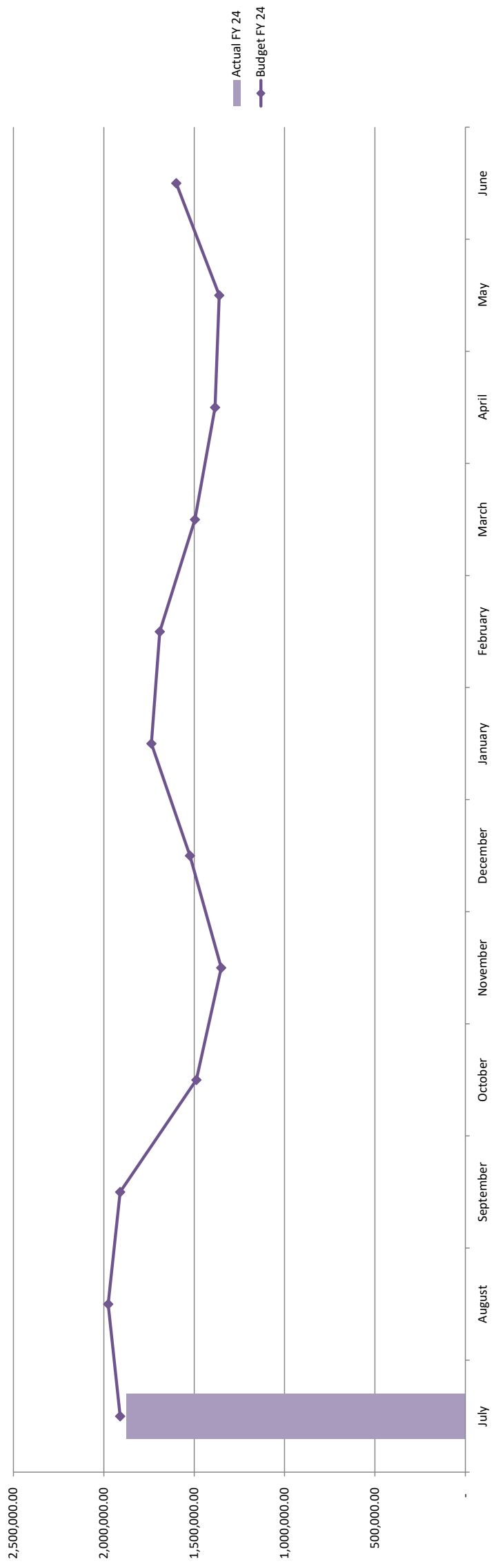
Installment Purchase Contracts are 59-month borrowings for purchase of items such as vehicles and capital equipment.



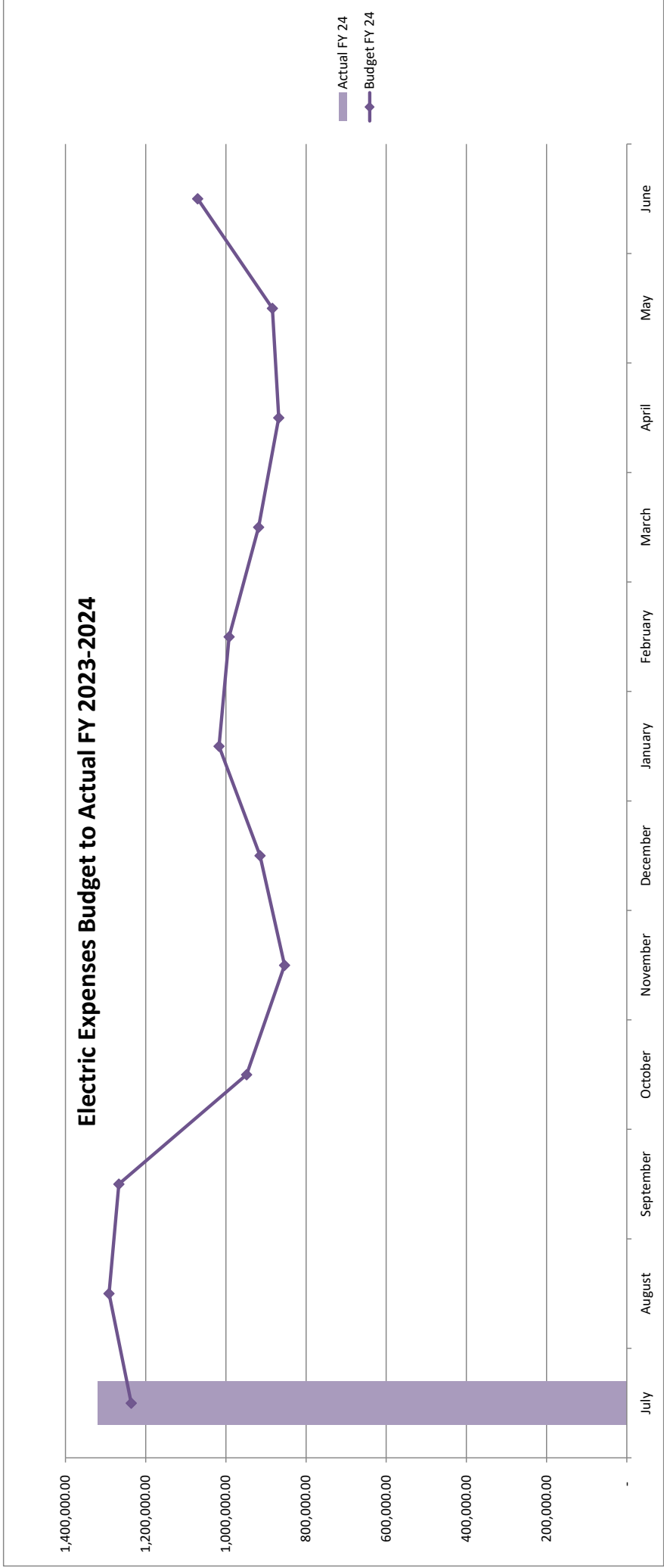
City of Shelby
Electric Revenues Budget to Actual
FY 2024

Revenues Budget FY 24	July	August	September	October	November	December	January	February	March	April	May	June	Totals
Residential	829,227.70	866,313.51	791,706.78	569,923.67	552,629.57	719,791.80	876,304.88	855,655.09	682,324.61	583,065.41	544,188.82	669,742.72	8,540,874.57
Commercial/Industrial	1,080,230.90	1,109,615.15	1,118,103.43	917,680.91	797,858.83	804,318.62	860,318.30	834,580.37	813,338.81	801,817.48	816,822.53	929,440.11	10,884,125.43
Totals	1,909,458.60	1,975,928.66	1,909,810.20	1,487,604.58	1,350,488.40	1,524,110.43	1,736,623.17	1,690,235.46	1,495,663.42	1,384,882.90	1,361,011.35	1,599,182.84	19,425,000.00
Actual FY 24	July	August	September	October	November	December	January	February	March	April	May	June	Totals
Residential	803,530.65												803,530.65
Commercial/Industrial	1,072,635.83												1,072,635.83
Totals	1,876,166.48	-	-	-	-	-	-	-	-	-	-	-	1,876,166.48
Revenue Variance	July	August	September	October	November	December	January	February	March	April	May	June	Totals
Residential	(25,697.05)	(866,313.51)	(791,706.78)	(569,923.67)	(552,629.57)	(719,791.80)	(876,304.88)	(855,655.09)	(682,324.61)	(583,065.41)	(544,188.82)	(669,742.72)	(7,737,343.92)
Commercial/Industrial	(7,595.07)	(1,109,615.15)	(1,118,103.43)	(917,680.91)	(797,858.83)	(804,318.62)	(860,318.30)	(834,580.37)	(813,338.81)	(801,817.48)	(816,822.53)	(929,440.11)	(9,811,489.60)
Totals	(33,292.12)	(1,975,928.66)	(1,909,810.20)	(1,487,604.58)	(1,350,488.40)	(1,524,110.43)	(1,736,623.17)	(1,690,235.46)	(1,495,663.42)	(1,384,882.90)	(1,361,011.35)	(1,599,182.84)	(17,548,833.52)

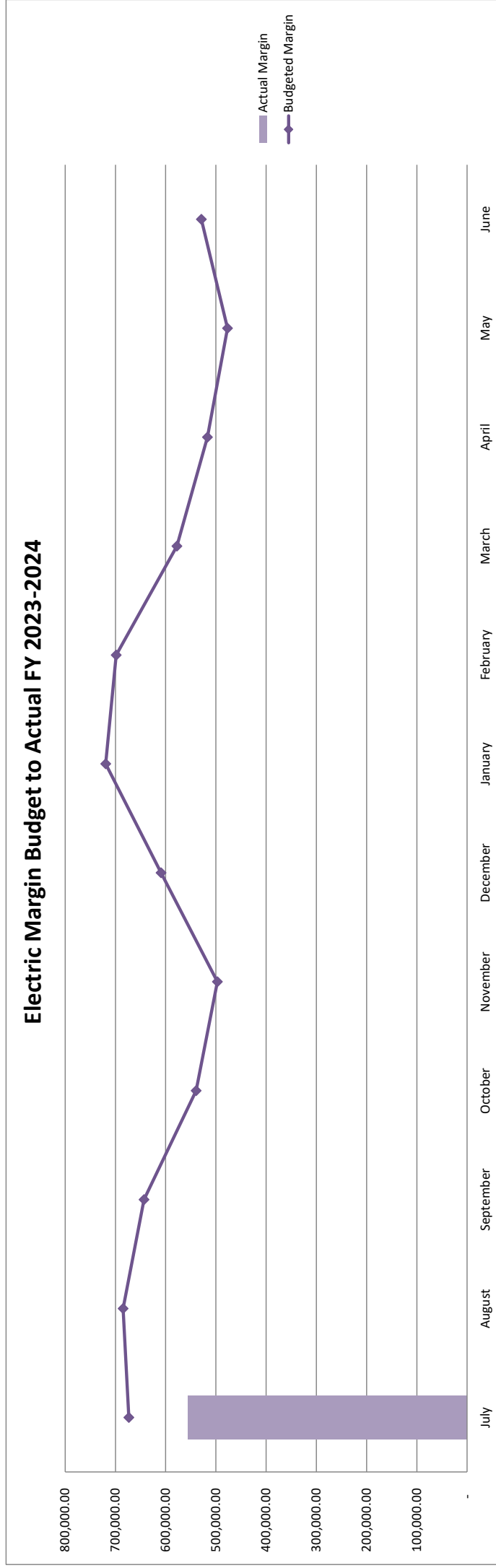
Electric Revenues Budget to Actual FY 2023-2024



Expenses													
Budget FY 24													
	July	August	September	October	November	December	January	February	March	April	May	June	Totals
NCMPA1	1,191,139.10	1,245,505.88	1,224,200.69	915,026.39	821,469.73	881,011.79	982,318.56	955,439.13	884,629.07	836,167.62	852,299.22	1,031,347.81	11,820,555.00
SEPA	45,008.68	45,752.43	42,651.96	33,111.34	32,101.77	33,961.59	34,856.92	36,394.40	33,458.70	31,998.50	31,796.70	38,907.01	440,000.00
Totals	1,236,147.78	1,291,258.31	1,266,852.65	948,137.73	853,571.50	914,973.38	1,017,175.48	991,833.53	918,087.78	868,166.12	884,095.92	1,070,254.81	12,260,555.00
Actual FY 24													
NCMPA1	1,285,497.02												1,285,497.02
SEPA	34,382.93												34,382.93
Totals	1,319,879.95	-	-	-	-	-	-	-	-	-	-	-	1,319,879.95
Expense Variance													
NCMPA1	(94,357.92)	1,245,505.88	1,224,200.69	915,026.39	821,469.73	881,011.79	982,318.56	955,439.13	884,629.07	836,167.62	852,299.22	1,031,347.81	10,535,057.98
SEPA	10,625.75	45,752.43	42,651.96	33,111.34	32,101.77	33,961.59	34,856.92	36,394.40	33,458.70	31,998.50	31,796.70	38,907.01	405,617.07
Totals	(83,732.17)	1,291,258.31	1,266,852.65	948,137.73	853,571.50	914,973.38	1,017,175.48	991,833.53	918,087.78	868,166.12	884,095.92	1,070,254.81	10,940,675.05



Margin	July	August	September	October	November	December	January	February	March	April	May	June	Totals
Budgeted Revenues	1,909,458.60	1,975,928.66	1,909,810.20	1,487,604.58	1,350,488.40	1,524,110.43	1,736,623.17	1,690,235.46	1,495,663.42	1,384,882.90	1,361,011.35	1,599,182.84	19,425,000.00
Budgeted Expenses	(1,236,147.78)	(1,291,258.31)	(1,266,852.65)	(948,137.73)	(853,571.50)	(914,973.38)	(1,017,175.48)	(991,833.53)	(918,087.78)	(868,166.12)	(884,095.92)	(1,070,254.81)	(12,260,555.00)
Budgeted Margin	673,310.82	684,670.34	642,957.56	539,466.85	496,916.90	609,137.05	719,447.69	698,401.93	577,575.64	516,716.78	476,915.43	528,928.02	7,164,445.00
Actual Revenues	1,876,166.48	-	-	-	-	-	-	-	-	-	-	-	1,876,166.48
Actual Expenses	(1,319,879.95)	-	-	-	-	-	-	-	-	-	-	-	(1,319,879.95)
Actual Margin	556,286.53	-	-	-	-	-	-	-	-	-	-	-	556,286.53
Margin Variance	(117,024.29)	(684,670.34)	(642,957.56)	(539,466.85)	(496,916.90)	(609,137.05)	(719,447.69)	(698,401.93)	(577,575.64)	(516,716.78)	(476,915.43)	(528,928.02)	(6,608,158.47)



DEBT SERVICE - ELECTRIC FUND **FY 2023-24** **FY 2024-25** **FY 2025-26** **FY 2026-27** **FY 2027-28** **FY 2028-29** **FY 2029-30** **FY 2030-31**

Revenue Bonds

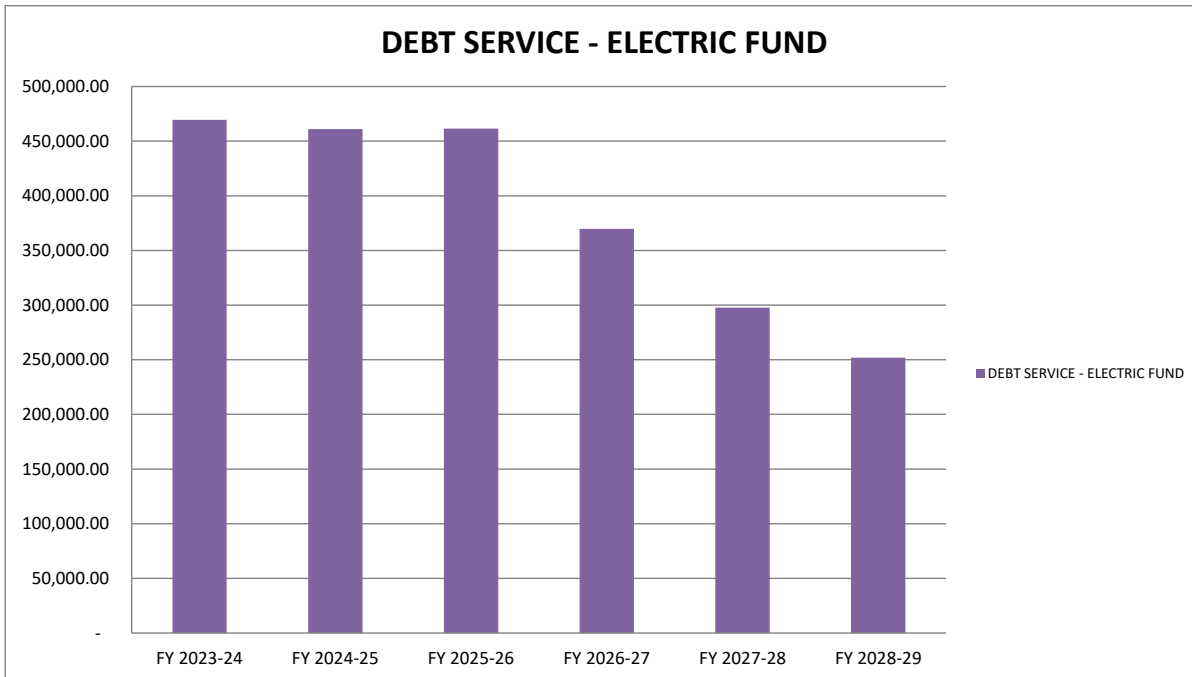
Series 2021 Refunding Revenue Bonds

Debt Retired In 2031	251,061.16	251,537.07	251,958.35	250,301.68	252,338.26	251,933.93
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Installment Purchase Contracts

FY 19 Installment Purchase						
Debt Retired In 2024	8,921.99					
FY 21 Installment Purchase						
Debt Retired In 2026	89,952.50	89,952.50	89,952.50			
FY 22 Installment Purchase						
Debt Retired In 2027	74,312.73	74,312.73	74,312.73	74,312.73		
FY 23 Installment Purchase						
Debt Retired in 2028	45,253.75	45,253.75	45,253.75	45,253.75	45,253.73	
Total	469,502.13	461,056.05	461,477.33	369,868.16	297,591.99	251,933.93

Installment Purchase Contracts are 59-month borrowings for purchase of items such as vehicles and capital equipment.



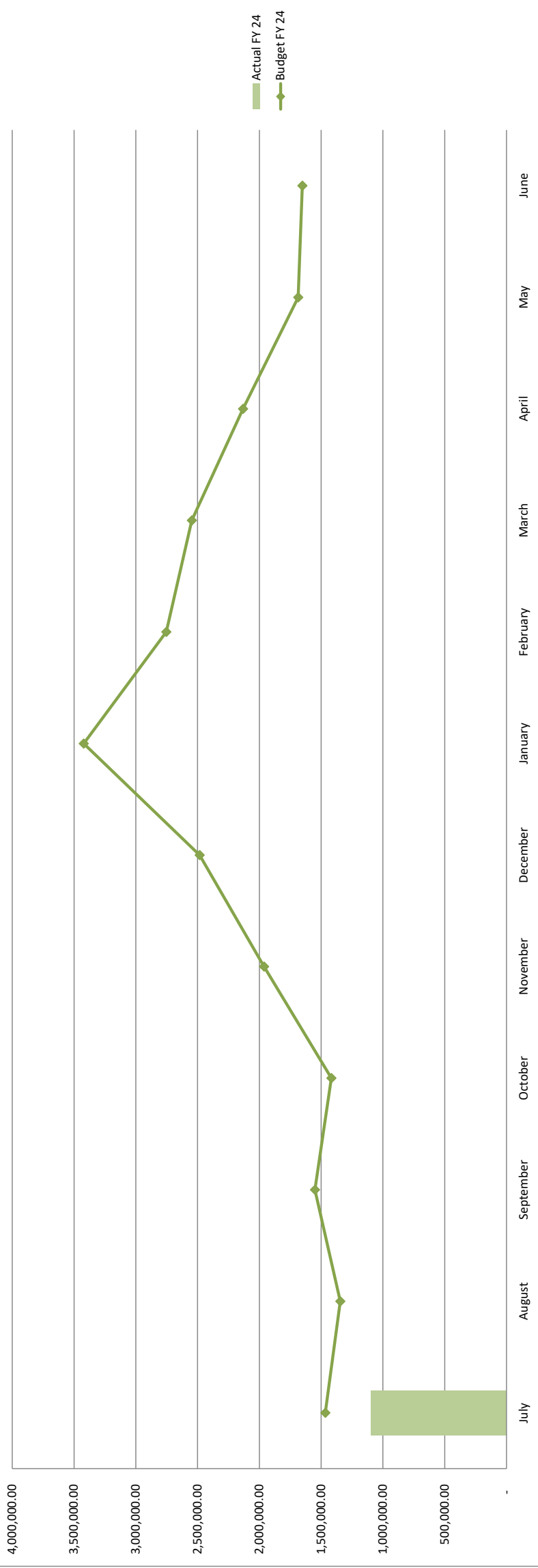
City of Shelby
Gas Revenues Budget to Actual
FY 2024

Revenues Budget FY 24	July	August	September	October	November	December	January	February	March	April	May	June	Totals
Residential	146,451.99	142,477.46	144,911.67	155,057.81	293,884.14	700,054.66	945,769.94	761,897.08	602,242.21	439,213.97	220,217.83	167,855.56	4,720,034.31
Commercial	190,909.53	207,335.74	226,564.93	236,190.73	336,570.64	678,053.30	979,637.61	784,787.99	632,262.25	507,170.99	241,031.27	213,783.10	5,234,298.07
High Load Factor	28,841.56	23,470.89	17,948.35	14,332.79	60,413.53	67,594.53	70,645.11	77,441.29	68,350.67	72,903.25	68,661.43	68,634.66	639,238.09
Interruptibles	88,192.32	88,995.29	84,771.55	82,364.39	106,639.37	91,769.73	87,767.26	125,595.98	86,416.49	89,767.36	83,908.70	89,344.14	1,105,532.58
Special Ind Class	1,012,290.86	882,830.69	1,076,080.56	929,990.94	1,164,274.58	945,984.77	1,337,610.23	1,003,075.69	1,156,949.41	1,023,670.57	1,072,247.56	1,112,853.09	12,717,858.95
Totals	1,466,686.27	1,345,110.07	1,550,277.06	1,417,936.66	1,961,782.26	2,483,456.98	3,421,430.15	2,752,798.02	2,546,221.04	2,132,726.13	1,686,066.79	1,652,470.55	24,416,962.00

Actual FY 24	July	August	September	October	November	December	January	February	March	April	May	June	Totals
Residential	129,689.00												129,689.00
Commercial	152,810.73												152,810.73
High Load Factor	17,530.83												17,530.83
Interruptibles	58,154.26												58,154.26
Special Ind Class	738,224.05												738,224.05
Totals	1,096,408.87	-	-	-	-	-	-	-	-	-	-	-	1,096,408.87

Revenue Variance	July	August	September	October	November	December	January	February	March	April	May	June	Totals
Residential	(16,762.99)	(142,477.46)	(144,911.67)	(155,057.81)	(293,884.14)	(700,054.66)	(945,769.94)	(761,897.08)	(602,242.21)	(439,213.97)	(220,217.83)	(167,855.56)	(4,590,345.31)
Commercial	(38,098.80)	(207,335.74)	(226,564.93)	(236,190.73)	(336,570.64)	(678,053.30)	(979,637.61)	(784,787.99)	(632,262.25)	(507,170.99)	(241,031.27)	(213,783.10)	(5,081,487.34)
High Load Factor	(11,310.73)	(23,470.89)	(17,948.35)	(14,332.79)	(60,413.53)	(67,594.53)	(70,645.11)	(77,441.29)	(68,350.67)	(72,903.25)	(68,661.43)	(68,634.66)	(621,707.26)
Interruptibles	(30,038.06)	(88,995.29)	(84,771.55)	(82,364.39)	(106,639.37)	(91,769.73)	(87,767.26)	(125,595.98)	(86,416.49)	(89,767.36)	(83,908.70)	(89,344.14)	(1,047,378.32)
Special Ind Class	(274,066.81)	(882,830.69)	(1,076,080.56)	(929,990.94)	(1,164,274.58)	(945,984.77)	(1,337,610.23)	(1,003,075.69)	(1,156,949.41)	(1,023,670.57)	(1,072,247.56)	(1,112,853.09)	(11,979,634.90)
Totals	(370,277.40)	(1,345,110.07)	(1,550,277.06)	(1,417,936.66)	(1,961,782.26)	(2,483,456.98)	(3,421,430.15)	(2,752,798.02)	(2,546,221.04)	(2,132,726.13)	(1,686,066.79)	(1,652,470.55)	(23,320,553.13)

Gas Revenues Budget to Actual FY 2022-2023

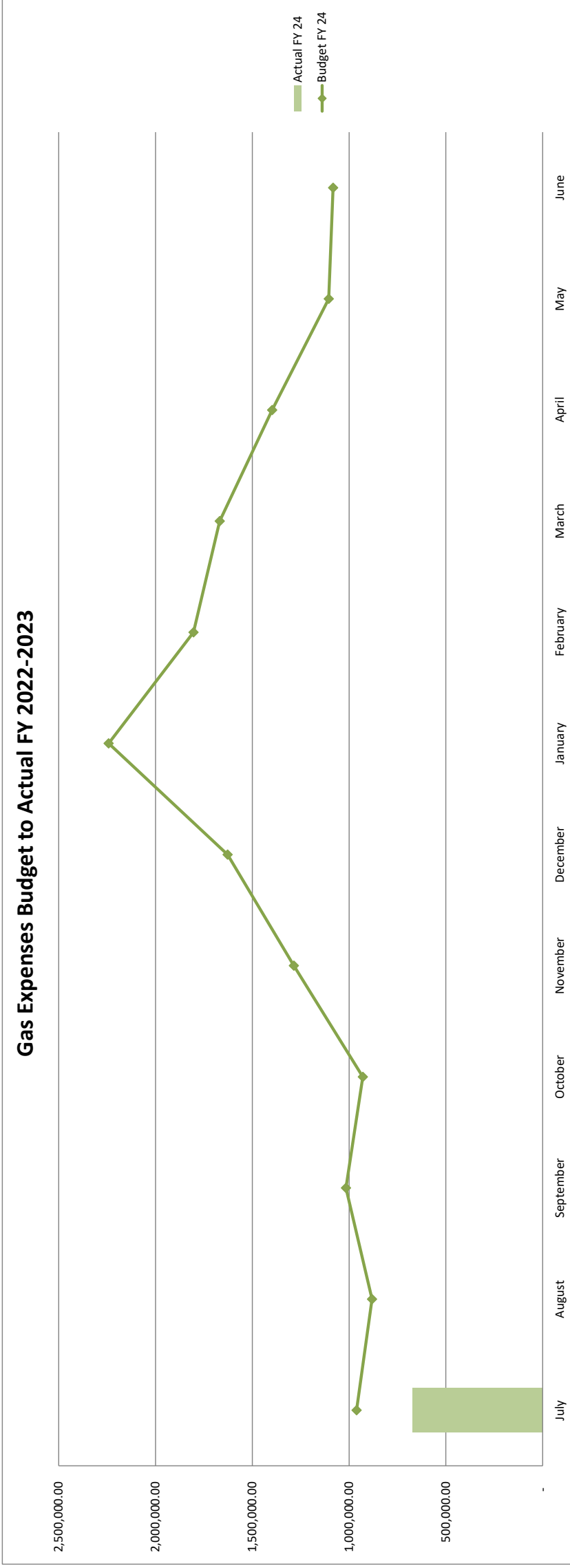


Expenses Budget FY 24	July	August	September	October	November	December	January	February	March	April	May	June	Totals
	961,093.37	881,426.65	1,015,868.93	929,148.62	1,285,520.95	1,627,365.10	2,242,002.20	1,803,859.48	1,668,493.26	1,397,537.42	1,104,849.52	1,082,834.50	16,000,000.00

Actual FY 24 670,914.51

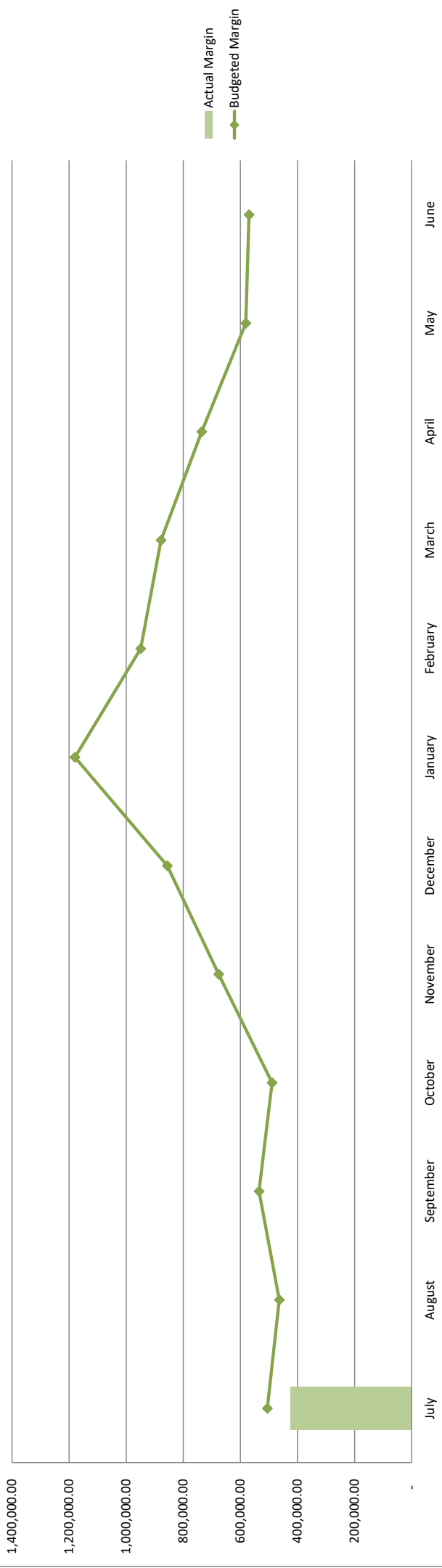
670,914.51

Expense Variance	July	August	September	October	November	December	January	February	March	April	May	June	Totals
	290,178.86	881,426.65	1,015,868.93	929,148.62	1,285,520.95	1,627,365.10	2,242,002.20	1,803,859.48	1,668,493.26	1,397,537.42	1,104,849.52	1,082,834.50	15,329,085.49



Margin	July	August	September	October	November	December	January	February	March	April	May	June	Totals
Budgeted Revenues	1,466,686.27	1,345,110.07	1,550,277.06	1,417,936.66	1,961,782.26	2,483,456.98	3,421,430.15	2,752,798.02	2,546,221.04	2,132,726.13	1,686,066.79	1,652,470.55	24,416,962.00
Budgeted Expenses	961,093.37	881,426.65	1,015,868.93	929,148.62	1,285,520.95	1,627,365.10	2,242,002.20	1,803,859.48	1,668,493.26	1,397,537.42	1,104,849.52	1,082,834.50	16,000,000.00
Budgeted Margin	505,592.90	463,683.42	534,408.14	488,788.04	676,261.31	856,091.89	1,179,427.96	948,938.54	877,727.78	735,188.71	581,217.28	569,636.05	8,416,962.00
Actual Revenues	1,096,408.87	-	-	-	-	-	-	-	-	-	-	-	1,096,408.87
Actual Expenses	670,914.51	-	-	-	-	-	-	-	-	-	-	-	670,914.51
Actual Margin	425,494.36	-	-	-	-	-	-	-	-	-	-	-	425,494.36
Margin Variance	(80,098.54)	(463,683.42)	(534,408.14)	(488,788.04)	(676,261.31)	(856,091.89)	(1,179,427.96)	(948,938.54)	(877,727.78)	(735,188.71)	(581,217.28)	(569,636.05)	(7,991,467.64)

Gas Margin Budget to Actual FY 2022-2023



DEBT SERVICE - GAS FUND **FY 2023-24** **FY 2024-25** **FY 2025-26** **FY 2026-27** **FY 2027-28** **FY 2028-29**

Revenue Bonds

Series 2021 Refunding Revenue Bonds

Debt Retired In 2031	184,264.98	184,141.90	141,085.52	140,220.50	140,576.51	83,732.88
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Installment Purchase Contracts

**FY 19 Installment Purchase
Debt Retired In 2024**

7,621.62

**FY 20 Installment Purchase
Debt Retired In 2025**

18,518.00	18,518.00
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**FY 21 Installment Purchase
Debt Retired In 2026**

24,392.50	24,392.50	24,392.50
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**FY 22 Installment Purchase
Debt Retired In 2027**

25,105.65	25,105.65	25,105.65	25,105.65
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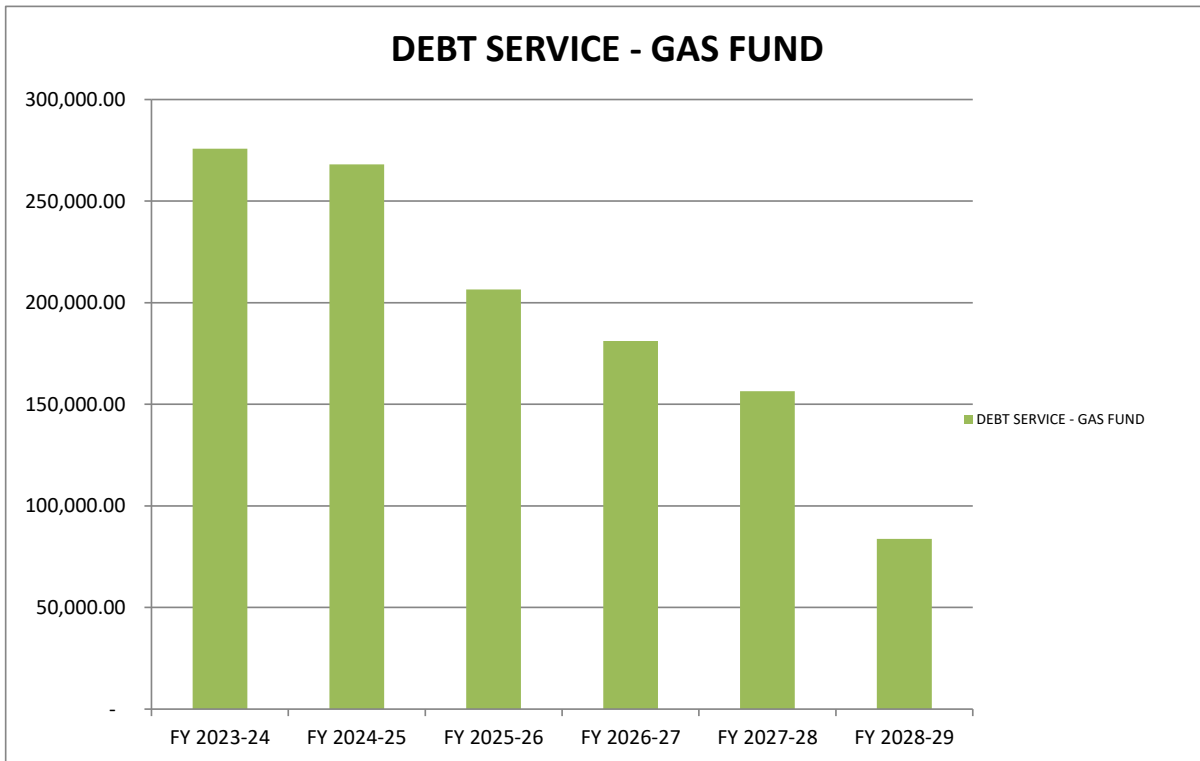
**FY 23 Installment Purchase
Debt Retired In 2028**

15,882.00	15,882.00	15,882.00	15,882.00	15,882.02
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Total Debt Service - Gas Fund

275,784.76	268,040.06	206,465.68	181,208.16	156,458.53	83,732.88
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Installment Purchase Contracts are 59-month borrowings for purchase of items such as vehicles and capital equipment.



City of Shelby
 For FY 2024 - July 2023 (8% of Fiscal Year)
 Enterprise Funds Expenditures by Division

ACCOUNT DESCRIPTION	ORIG APPROP	REV BUDGET	YTD EXPENDED	ENCUMB	AVAIL BUDGET	% USED
Total 610711 WATER ADMINISTRATION	3,376,526	3,376,526	102,485.51	2,251.50	3,271,789	3.10 %
Total 610713 WATER LINES OPERATIONS	937,390	937,390	78,804.32	-908.82	859,495	8.30 %
Total 610714 WATER PLANT OPERATIONS	2,342,416	2,342,416	135,446.36	210,795.79	1,996,174	14.80 %
Total 610 WATER FUND	6,656,332	6,656,332	316,736	212,138	6,127,457	8%
Total 620721 SEWER ADMINISTRATION	3,121,474	3,121,474	71,986.48	2,251.50	3,047,236	2.40 %
Total 620723 SEWER LINES OPERATIONS	1,108,930	1,108,930	59,282.82	-1,276.84	1,050,924	5.20 %
Total 620724 SEWER PLANT OPERATIONS	2,758,365	2,758,365	191,255.89	266,017.35	2,301,092	16.60 %
Total 620 SEWER FUND	6,988,769	6,988,769	322,525	266,992	6,399,252	8%
Total 630731 ELECTRIC ADMINISTRATIO	3,918,825	3,918,825	181,185.89	2,251.50	3,735,388	4.70 %
Total 630732 ELECTRIC PURCHASE	13,760,555	13,760,555	2,585,830.23	0.00	11,174,725	18.80 %
Total 630733 ELECTRIC LINES	3,582,620	3,582,620	314,457.60	403,188.86	2,864,974	20.00 %
Total 630 ELECTRIC FUND	21,262,000	21,262,000	3,081,474	405,440	17,775,086	16%
Total 640741 NATURAL GAS ADMINISTRA	5,135,252	5,135,252	337,210.48	5,725.60	4,792,316	6.70 %
Total 640742 NATUTRAL GAS PURCHASE	17,010,000	17,010,000	576,240.49	0.00	16,433,760	3.40 %
Total 640743 NATURAL GAS LINES	2,999,210	2,999,210	176,089.29	87,959.00	2,735,162	8.80 %
Total 640 NATURAL GAS FUND	25,144,462	25,144,462	1,089,540	93,685	23,961,237	5%
Total 650751 STORMWATER ADMINISTRAT	919,527	919,527	49,325.33	0.00	870,202	5.40 %
Total 650 STORMWATER FUND	919,527	919,527	49,325.33	0.00	870,202	5%

City of Shelby
Weather Variances
Fiscal Year to Date at July 31, 2023

Month	Average Rain*	Actual Rain	Variance	Average CDD**	Actual CDD	Variance	Average HDD**	Actual HDD	Variance
July	4.30	5.10	0.80	388	484	96	0	0	0
August	4.40	0.00	(4.40)	563	0	-563	0	0	0
September	3.80	0.00	(3.80)	256	0	-256	5	0	-5
October	3.80	0.00	(3.80)	109	0	-109	129	0	-129
November	3.40	0.00	(3.40)	0	0	0	460	0	-460
December	4.00	0.00	(4.00)	1	0	-1	564	0	-564
January	3.90	0.00	(3.90)	0	0	0	810	0	-810
February	3.90	0.00	(3.90)	0	0	0	586	0	-586
March	4.70	0.00	(4.70)	24	0	-24	464	0	-464
April	3.30	0.00	(3.30)	23	0	-23	223	0	-223
May	4.40	0.00	(4.40)	116	0	-116	51	0	-51
June	4.30	0.00	(4.30)	337	0	-337	0	0	0
Totals	48.20	5.10	(43.10)	1,817	484	(1,333)	3,292	-	(3,292)

Heating Degree Days: This is a value which gives an indication of the need to heat a building in a given climate. The number of heating degrees in a day is defined as the difference between a reference value of 65°F and the average outside temperature for that day.

Cooling Degree Days: This is a value which gives an indication of the need to cool a building in a given climate. The number of cooling degrees in a day is defined as the difference between a reference value of 65°F and the average outside temperature for that day.

* Source www.weather.com

** Source www.climate.fizber.com

City of Shelby
Agenda Item Summary
September 18, 2023
City Hall Council Chamber

F. Unfinished Business:

Agenda Item: F-1

- 1) City of Shelby’s County Home Road Electric Relocation Project:
 - a) Adoption of an ordinance establishing a capital project ordinance and budgets for the City of Shelby’s County Home Road Electric Relocation Project: Ordinance No. 44-2023
 - b) Approval of a resolution accepting and approving a utility relocation agreement for Duke Energy infrastructure in conflict with the County Home Road Reconstruction Project in Shelby, North Carolina: Resolution No. 67-2023

Unfinished Business Agenda Item: (Ben Yarboro, Assistant City Manager)

Summary of Available Information:

- Memorandum dated September 12, 2023, from Ben Yarboro, ACM to Rick Howell, CM
- Memorandum dated September 10, 2023, from Justin Wright, Civil Engineer to Ben Yarboro, Assistant City Manager
- Memorandum dated September 10, 2023, from Justin Wright, Civil Engineer to Beth Beam, Director of Finance and Ben Yarboro, Assistant City Manager
- Proposed County Home Road Reconstruction Project
- Resolution No. 47-2022 and Supporting Documents
- Ordinance No. 44-2023
- Resolution No. 67-2023

City Manager’s Recommendation / Comments

Items 1a and 1b are presented for City Council consideration as unfinished business. Council will recall that upon its closure of the “old” County Home Road cut through road connecting the US Hwy 74 frontage road and Kings Road that staff was directed to work with the State Employees Credit Union toward development of a new connector that would be safer for motorists and provide easier access between the frontage road and Kings Road. Staff has worked diligently with SECU staff and NCDOT on a plan to make that happen. The following two items need to be acted upon before that can occur.

Item 1a – Ordinance No. 44-2023 is presented for consideration. If approved this ordinance would establish a project budget of \$63,100 from the electric fund to relocate power lines that need to be moved so the road construction can move forward.

Item 1b – Resolution No. 67-2023 is also presented for consideration. If approved this resolution would authorize the City to enter into a “Utility Relocation Agreement” with Duke Energy to facilitate relocation of the power lines.

It is my recommendation that Ordinance No. 44-2023 and Resolution No. 67-2023 be adopted and approved by City Council at this time.

Memorandum

To: Beth Beam, Director of Finance

From: Justin Wright, Civil Engineer

CC: Ben Yarboro, Assistant City Manager

RE: County Home Road Utility Relocation Agreement for Duke Energy – Project Budget Ordinance

Date: September 10, 2023

Background

Following a public hearing at the City Council meeting on September 16, 2019, the City Council voted to close the section of County Home Road from the East Dixon Boulevard frontage road to Kings Road (between the Fairfield Inn & Suites and the State Employees Credit Union). City Council voted to close this section of roadway after the adjoining property owners submitted a petition for the closure due to plans for future development. Since then, State Employees Credit Union (SECU) has been permitted and is in the construction phase.

On May 4, 2022, the City of Shelby advertised a Request for Qualifications Statement for Professional Engineering Services for the County Home Road Reconstruction Project in Shelby, North Carolina. A review committee consisting of four (4) City staff members was established to complete independent reviews and scoring of the two (2) responses that were received. After scoring was completed, the review committee discussed the results and unanimously determined that TGS Engineers was the most qualified firm to perform the Professional Engineering Services for the County Home Road Reconstruction Project in Shelby, North Carolina. On June 20, 2022, City Council approved the selection of TGS Engineers for Professional Engineering Services.

During the design process, City staff has coordinated with TGS, State Employees Credit Union (SECU), Duke Energy, AT&T, and Spectrum. During the design process, it was determined that Duke Energy would need to relocate a segment of their electric system. Duke Energy has provided the City of Shelby with a relocation agreement in the amount of \$63,003.08.

Recommendation

City Staff recommends a Project Budget Ordinance in the amount of \$63,100.00 be established via an Electric Fund Balance transfer for the County Home Road Reconstruction Project for the relocation of Duke Energy's infrastructure.

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

Attachments:

- Utility Relocation Agreement – Duke Energy

Memorandum

To: Rick Howell, City Manager

From: Ben Yarboro, Assistant City Manager

RE: County Home Rd. – Duke Energy Utility Relocation

Date: September 12, 2023

Background

As noted in the attached memo from Justin Wright, Civil Engineer, the proposed construction of County Home Road from the US74 Bypass Service Road to Kings Road (through the existing State Employees' Credit Union site) requires the relocation of existing Duke Energy electric infrastructure. The proposed utility relocation has been designed by Duke Energy based on roadway plans prepared by TGS Engineers. Duke Energy recently provided the City with a cost estimate of \$63,003.08 for this work. The SECU has recently indicated that their anticipated demolition of the existing facility is scheduled in December 2023 and the anticipated relocation of the Duke Energy infrastructure is anticipated to be completed by January 2024 if approved by City Council. Following the demolition of the existing SECU building, the relocation of the Duke Energy electric infrastructure, and site preparation, the City will be prepared to construct County Home Road. The proposed construction of this segment of road will be included on a future City Council agenda for consideration.

City staff recommends approval of the proposed Project Budget Ordinance and the Duke Energy Utility Relocation Agreement associated with the utility relocations required for the construction of County Home Road.

Memorandum

To: Ben Yarboro, Assistant City Manager

From: Justin Wright, Civil Engineer

RE: County Home Road – Utility Relocation Agreement for Duke Energy

Date: September 10, 2023

Background

Following a public hearing at the City Council meeting on September 16, 2019, the City Council voted to close the section of County Home Road from the East Dixon Boulevard frontage road to Kings Road (between the Fairfield Inn & Suites and the State Employees Credit Union). City Council voted to close this section of roadway after the adjoining property owners submitted a petition for the closure due to plans for future development. Since then, State Employees Credit Union (SECU) has been permitted and is in the construction phase.

On May 4, 2022, the City of Shelby advertised a Request for Qualifications Statement for Professional Engineering Services for the County Home Road Reconstruction Project in Shelby, North Carolina. A review committee consisting of four (4) City staff members was established to complete independent reviews and scoring of the two (2) responses that were received. After scoring was completed, the review committee discussed the results and unanimously determined that TGS Engineers was the most qualified firm to perform the Professional Engineering Services for the County Home Road Reconstruction Project in Shelby, North Carolina. On June 20, 2022, City Council approved the selection of TGS Engineers for Professional Engineering Services.

During the design process, City staff has coordinated with TGS, State Employees Credit Union (SECU), Duke Energy, AT&T, and Spectrum. During the design process, it was determined that Duke Energy would need to relocate a segment of their electric system. Duke Energy has provided the City of Shelby with a relocation agreement in the amount of \$63,003.08. City staff is recommending a PBO be set up from Electric Fund Balance to cover the costs of the relocation.

Review

TGS Engineers and City Staff have completed the County Home Road Reconstruction plans. Advertisement for bids should take place in late September or early October 2023. Prior to construction of the proposed reconstruction of County Home Road, Duke Energy would need to relocate electric lines that are in conflict with the proposed roadway. Following the relocation, AT&T and Spectrum would follow with relocation of their infrastructure. City Staff has acquired utility easements from the adjacent properties that would be needed for utility relocations. This Duke Energy relocation would include but not limited to (Full List Provided in Relocation Agreement):

- Removal of two poles
- Removal of 118' of three phase #2 Primary & Neutral
- Removal of 161' of two phase #2 Primary & Neutral
- Removal of 94' of span guy
- Installation of 109' of three phase 1/0 Primary & Neutral
- Installation of 129' of two phase 1/0 Primary & Neutral
- Installation of 238' of 1/0 Triplex Secondary
- Installation of 59' of Double Span Guy
- Installation of four Poles

SECU indicated that they should have the old SECU building demolished by the middle of December 2023. City Staff plans to have Duke Energy relocate their infrastructure prior to County Home Road Reconstruction, which is projected to begin in January 2024.

Recommendation

City Staff recommends that the Shelby City Council approve the resolution authorizing the City Manager to execute an agreement with Duke Energy for the Electric System Relocation.

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

Attachments:

- Resolution 47-2022
- Duke Energy Utility Relocation Agreement



**PROPOSED COUNTY HOME ROAD
RECONSTRUCTION PROJECT**

REVISIONS	
DATE	DESCRIPTION

RESOLUTION NO. 47-2022

**A RESOLUTION AUTHORIZING SELECTION OF TGS ENGINEERS
BASED ON QUALIFICATIONS FOR PROFESSIONAL ENGINEERING
SERVICES FOR THE COUNTY HOME ROAD RECONSTRUCTION
PROJECT IN SHELBY, NORTH CAROLINA**

WHEREAS, on September 16, 2019 the Shelby City Council approved a petition for the closure of a section of County Home Rd. from the East Dixon Boulevard frontage road to Kings Rd.; and,

WHEREAS, the proposed development projects on the adjoining properties have now been permitted and are in or entering the construction phase; and,

WHEREAS, the City of Shelby desires to design and reconstruct County Home Rd. with an improved alignment in an effort to increase public safety; and,

WHEREAS, this proposed project consists of approximately 300 linear feet of asphalt roadway with curb and gutter and related stormwater infrastructure located from the East Dixon Boulevard frontage road to Kings Road; and,

WHEREAS, the City of Shelby must contract with a licensed firm to provide the Professional Engineering services needed for the County Home Road Reconstruction; and,

WHEREAS, City staff issued a Request for Qualifications dated May 4, 2022, to engineering firms interested in providing Professional Engineering services related to this project; and,

WHEREAS, two (2) proposals were received from Professional Engineering firms interested in performing the work associated with this project; and,

WHEREAS, City staff has reviewed the proposals and unanimously determined that TGS Engineers is the most qualified firm to perform the professional services as outlined in the Request for Qualifications.

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

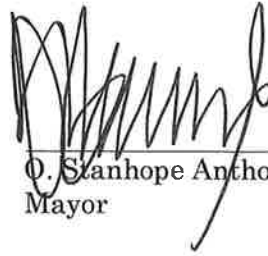
Section 1. The City Council of the City of Shelby hereby desires for the City Manager to enter into negotiations with TGS Engineers to negotiate a contract for the above referenced project.

Section 2. If a fair and reasonable fee cannot be negotiated with the best qualified firm, negotiations will be terminated and initiated with the next most qualified firm.

Section 3. The City Manager is hereby authorized to execute a contract with a firm after successful negotiations.

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

Resolution No. 47-2022
June 20, 2022
Page 2



O. Stanhope Anthony, III
Mayor

ATTEST:



Carol Williams
City Clerk





May 16, 2023

City of Shelby
Attn.: Rick Howell
c/c: Patrick.Jones@sam.biz
300 S Washington Street
Shelby, NC 28150

RE: DOT WBS#: Shelby-County Home Road
Company Project #: CFP075580
County: Cleveland
Location / State: Shelby, NC
Proj Requirements: Utility Relocation Agreement; Actual Cost Billing; Non-Betterment Work
Proj Description: Relocate DE company facilities out of the way City of Shelby County Home Road improvements by grading, drainage, paving & curb


Attached are copies of our detailed estimate in the amount of \$63,003.08 and our relocation design drawing covering our proposed relocation of Duke Energy's facilities in conflict with this project. This estimate is valid for 90 days and is based on the design as shown on the attached drawings. Estimates may be revised due to change in scope or if right of way is not obtained. The estimate will be updated if the authorization to proceed is received after the 90 day deadline.

If you find this estimate in order, please authorize us to proceed with this work and upon completion thereof, to bill the government customer per the project requirements located at the top of this letter. If you have any questions related to this agreement, plans, estimate, or final invoice please contact one of the following:

Austin Paysinger, Designer at Austin.Paysinger@duke-energy.com or 864-906-6657
Bob Mabry, Lead Engineering Tech at Bob.Mabry@duke-energy.com or 828-698-2055
Larry Morris, Program Manager at Larry.Morris@duke-energy.com or 803-283-5084

Please return the signed agreement to highway.relocation@duke-energy.com.

Sincerely,


Larry Morris
Highway Relocation Program Manager
Duke Energy

LM: loj

Cc. Austin Paysinger,, Designer at Austin.Paysinger@duke-energy.com
Bob Mabry, Lead Engineering Tech at Bob.Mabry@duke-energy.com

Utility Relocation Agreement
City of Shelby
Customer Project County Home Road
Duke Energy Project Number CFP075580
County: Cleveland State: NC

This Utility Relocation Agreement (“Agreement”) made this _____ day of _____, 20___, by and between City of Shelby, hereinafter referred to as COS and Duke Energy Carolinas, LLC. hereinafter referred to as the COMPANY. The COS and Company acknowledge that this Agreement and any Agreement amendment documents requiring signatures may be transmitted electronically. COS and Company stipulate that if this Agreement is transmitted electronically, the electronic transmittal of the original execution signatures shall be treated as original signatures and given the same legal effect as an original.

WITNESSETH:

THAT WHEREAS, COS, will submit a project for construction as follows: Relocate DE company facilities out of the way City of Shelby County Home Road improvements by grading, drainage, paving & curb.

WHEREAS, the construction of said project will require certain adjustments to be made to the existing facilities of the COMPANY:

NOW, THEREFORE, In order to facilitate the orderly and expeditious relocation of the said facilities of the COMPANY, COS and the COMPANY have agreed as follows:

1. That any work performed under this Agreement shall comply with the NCDOT “POLICIES AND PROCEDURES FOR ACCOMMODATING UTILITITES ON HIGHWAY RIGHT OF WAY”, dated January 1, 1975 and such amendments thereto as may be in effect at the date of this Agreement. The work to be performed by the COMPANY shall conform with Federal Highway Administration’s Federal-Aid Policy Guide, Subchapter G, Part 645, Subpart A hereinafter referred to as FAPG dated December 9, 1991, and such Agreements thereto as may be in effect at the date of this Agreement. The provisions of said FAPG and amendments thereto are incorporated in this

Agreement by reference as fully as if herein set out. Any work performed under this Agreement not in compliance with FAPG shall constitute unauthorized work and COS shall be relieved of participating in the costs of such unauthorized work unless such work is done pursuant to a supplemental Agreement attached to and made a part hereof.

2. That the COMPANY will prepare an estimate, broken down as to estimated cost of labor, construction overhead, materials, and supplies, handling charges, transportation and equipment, rights of way, preliminary engineering and construction engineering, including itemization of appropriate credits for salvage and betterment's, all in sufficient detail to provide COS, a reasonable basis for analysis. Unit cost, such as broad gauge units of property, may be used for estimating purposes where the COMPANY uses such units in its own operations. The COMPANY will also prepare plans, sketches or drawings showing their existing facilities, temporary and permanent changes to be made with reference to the CoS new right of way using appropriate nomenclature, symbols, legend, notes, color coding or the like. The before mentioned estimate and plans are attached hereto and made a part hereof. There are no costs for changes not necessitated by the construction of the highway project, nor for changes made solely for the benefit or convenience of the COMPANY, or its contractor. The attached estimate is valid for 90 days and is based on design shown in the attached drawings. The estimates will be updated and an amendment to the original Utility Relocation Agreement may be initiated if the scope of the project changes (causing cost to exceed original estimate) or new right of way cannot be obtained (causing a delay in the relocation construction).
3. That CoS authority, obligation, or liability to pay for relocations as set forth in the Agreement is based on the COMPANY having a right of occupancy in its existing location by reason of holding the fee, as easement or other real property interest, the damaging or taking of which is compensable in eminent domain.
4. That payment for all work done hereunder shall be made in accordance with the requirements of FAPG unless payment is being made pursuant to a supplemental Agreement attached to and made a part of this Agreement.
5. That the construction work provided for in this Agreement will be performed by the method or methods as specified below:

BY COMPANY's REGULAR FORCE: The COMPANY proposes to use its regular construction or maintenance crews and personnel at its standard schedule of wages and working hours in accordance with the terms of its Agreement with such employees.

 X BY EXISTING WRITTEN CONTINUING CONTRACT: The COMPANY proposes to use an existing written continuing contract under which certain work as shown by the COMPANY's estimate is regularly performed for the COMPANY and under which the lowest available costs are developed.

 BY CONTRACT: The COMPANY does not have adequate staff or equipment to perform the necessary work with its own forces. The COMPANY proposes to award a contract to the lowest qualified bidder who submits a proposal in conformity with the requirements and specifications for the work to be performed as set forth in an appropriate solicitation for bids.

6. a. It is contemplated by the parties hereto that the construction of this COS project is in progress.
b. Based on the best information available at the present time to the COMPANY, indicated applicable paragraph, below:

 Materials are available and it is expected that work will be complete prior to road construction.

 All work will take place during COS construction and arrangements for said work will be coordinated with COS construction operations at pre-construction conference.

 X Work will begin promptly upon notification by COS; however, it is not expected to be complete prior to road construction, any remaining work will be coordinated with COS construction operation at pre-construction conference.

 Other (Specify) _____

7. That the method used by the COMPANY in developing the relocation costs shall be as indicated by Paragraph (a), (b), or (c) as follows:

a. X Actual direct and related indirect costs accumulated in accordance with a work order accounting procedure prescribed by the applicable Federal or State regulatory body.

b. Actual direct and related indirect costs accumulated in accordance with an established accounting procedure developed by the COMPANY and approved by COS.

c. _____ On a lump -sum basis where the estimated cost to the COS does not exceed \$100,000.00, Except where unit costs are used and approved, the estimate shall show such details as man-hours by class and rate; equipment charges by type, size and rate; materials and supplies by items and price; and payroll additives and other overhead factors.

8. Indicate If (a), (b), or (c) applicable:

- a. X That the replacement facility is not of greater functional capacity or capability than the one it replaces, and includes no COMPANY betterments.
- b. _____ That the replacement facility involves COMPANY betterments, or is of greater functional capacity or capability than the one it replaces.
- c. _____ That the replacement facility is other than a segment of the COMPANY’S service, distribution, or transmission lines, such as a building, pumping station, ration plant, power plant or substation, production or transfer of storage facilities and other similar operating units of the COMPANY’s physical plant or operating facilities,

If (c) is applicable, set forth credit to the project for the accrued depreciation of the facility being replaced.

9. That the total estimated cost of the work proposed herein, including all cost to the COMPANY less any credit for salvage, to complete the project is estimated to be _____ \$ 63,003.08

The estimated non-betterment cost to COS, including all cost less any credits for salvage, betterment and additional work done by the COMPANY will be _____ \$ 63,003.08

The estimated cost to the COMPANY including betterments and any additional work done by the COMPANY will be _____ \$ 0.00

(The above costs shall be supported by attached estimate and plans)

10. That in the event it is determined there are changes in the Agreement’s scope of work which require additional work be conducted by COMPANY under this Agreement, then COMPANY’s reimbursement shall be limited to all costs covered by either a modification of this Agreement or by a written change order or extra work order approved by COS(collectively, a “Change Order”); provided, however COSshall not unreasonably refuse its consent to such Change Order.

11. Periodic progress billings of incurred costs will be made by the COMPANY to COSnot to exceed monthly intervals for no less than \$3,000.00 each; however, total progress billing payments shall not exceed 95% of the approved non-betterment estimate. One final and detailed complete billing of all cost shall be made by the COMPANY to COSat the earliest practicable date after completion of work. The statement of final billing shall follow as closely as possible the order of the items in the estimate portion of this Agreement.

12. That COS shall have the right to inspect non-reusable materials of the COMPANY recovered on this project prior to disposal by sale or scrap.
13. That COS shall have the right to inspect all books, records, accounts and other documents of the COMPANY pertaining to the work performed by it under this Agreement at any time after work begins and for a period of 3 years from the date final payment has been received by the COMPANY.
14. That the COMPANY obligates itself to erect, service and maintain the facilities to be retained and installed over and along the roadway within the roadway right of way limits in accordance with all applicable laws, rules, and regulations as have been or may be validly enacted or adopted, now or hereafter.
15. That if, in the future, it becomes necessary due to roadway construction or improvement to adjust or relocate utilities covered in this Agreement being relocated at the expense of the requesting party that are crossing or otherwise occupying roadway right of way, the non-betterment cost of same will be that of the requestor.
16. That if, at any time, the COS shall require the relocation of or changes in the location of the encroaching facilities covered in this Agreement being relocated at COMPANY expense, the COMPANY binds itself, its successors and assigns, to promptly relocate or alter the facilities, in order to conform to the said requirements, without any cost to COS.
17. That the COMPANY agrees to relinquish their rights in that portion of right of way vacated by their existing facilities now absorbed within roadway right of way, and agrees to execute such instruments as may be reasonably requested by COS evidencing that relinquishment.

IN WITNESS WHEREOF, the parties hereby have affixed their names by their duly authorized officers the day and year first above written.

CoS

By: _____

Name: _____

Title: _____

DUKE ENERGY CAROLINAS, LLC.

By:  _____

HIGHWAY RELOCATION PROGRAM MANAGER

TX-481 Parcel # 201108

STATE OF NORTH CAROLINA,
COUNTY OF Cleveland

Job No. 10652

KNOW ALL MEN BY THESE PRESENTS, That Charles A. Hoey and wife, Mary G. Hoey, grantor (s) of said County and State in consideration of the sum of \$ 1.00, to me (us) in hand paid by DUKE POWER COMPANY, the receipt whereof is hereby acknowledged, do hereby grant unto said DUKE POWER COMPANY, its successors and assigns, the right, privilege and easement to go in and upon that certain tract or lot of land situated in said County and State, bounding by lands of N. C. highway No. 74 on the N Joe Bean on the W J. Y. Kendrick on the S end Camp Branch on the E, for construction of line present tenant house to tenant house No. 2 and on over to Yates Kendrick property.

and to construct, maintain and operate in, upon, and through said premises, in a proper manner, with poles, wires and other necessary apparatus and appliances, a line for transmitting power by electricity, and for telephone purposes, together with the right at all times to enter said premises for the purposes of inspecting said line and making necessary repairs and alterations thereon, together with the right at all time to cut away and keep clear of said line all trees and other obstructions that may, in any way, endanger the proper maintenance and operation of the same; also including the right to relocate said line over said premises to conform to any future highway relocation, widening or improvement.

IN WITNESS WHEREOF, the said grantor (s) do th hereunto set their hand (s) and seal (s) this 24 day of Jan., 19 57 Charles A. Hoey (Seal) Mary G. Hoey (Seal)

STATE OF NORTH CAROLINA,
COUNTY OF Cleveland
I, Minna Childress, a Notary Public

In and for the County and State aforesaid, do hereby certify that Charles A. Hoey and wife Mary G. Hoey personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal, this the 25 day of Jan., 1957

STATE OF NORTH CAROLINA,
COUNTY OF Cleveland
Minna Childress N. P. (Seal)
My commission expires 12-14-58
The foregoing certificate of Minna Childress, a N. P.

of Cleveland County, is adjudged to be correct and sufficient. Let the instrument and the certificate be registered. This 28 day of Feb., A.D. 19 57
Ruth S. Dedmon Ass't.
Clerk Superior Court.

Filed for registration 3:30 o'clock, P. M., 28 day of Feb., 57 and registered in the office of the Register of Deeds of Cleveland County, N. C. in book 7-2, on page 481

Don W. Moore Register of Deeds
By Lillian Bate Ass't.

Parcel # 62928

496

4R-4916

DUKE POWER COMPANY—Right of Way Deed—122-C-N. C.—6008—1CF—11-6

State of North Carolina, County of Cleveland.

KNOW ALL MEN BY THESE PRESENTS, That J. F. Wilson and wife Clara Wilson

grantor(s) of said County and State, in consideration of the sum of \$ 1.00, to me (us) in hand paid by DUKE POWER COMPANY, the receipt whereof is hereby acknowledged, do hereby grant unto said DUKE POWER COMPANY, its successors and assigns, the right, privilege and easement to go in and upon that certain tract or lot of land situated in said County and State, bounded by lands of W. H. Borders on North E. C. Borders on East D. R. Allen on South, J. Lawrence Lackey and Mal Spangler on West

and to construct, maintain and operate in, upon, and through said premises, in a proper manner, with poles, wires and other necessary apparatus and appliances, a line for the purpose of transmitting power by electricity, together with the right at all times to enter upon said premises for the purpose of inspecting said line and making necessary repairs and alterations thereon; together with the right at all times to cut away and keep clear of said line all trees and other obstructions that may, in any way, endanger the proper maintenance and operation of the same.

IN WITNESS WHEREOF, the said grantor(s) do herunto set their hand(s) and seal(s), this 17 day of Feb, 1940

J. F. Wilson (Seal)
Mrs Clara Wilson (Seal)

STATE OF NORTH CAROLINA—County of Cleveland

I, W. H. Brown, a N P in and for the County and State aforesaid, do hereby certify that J. F. Wilson and wife Clara Wilson personally appeared before me this day and acknowledged the due execution of the foregoing instrument, and that the said Clara Wilson wife of J. F. Wilson being by me privately examined, separate and apart from her said husband, touching her voluntary execution of the same, did state that she signed the same freely and voluntarily, without fear or compulsion of her said husband(s) or any other person, and that she still voluntarily assent(s) thereto.

Witness my hand and official seal, this 17 day of Feb, A. D. 1940

My commission expires 10-29-40 W. H. Brown, N. P. Seal

STATE OF NORTH CAROLINA—County of Cleveland

The foregoing certificate of W. H. Brown, a N P of Cleveland County, is adjudged to be correct and sufficient. Let the instrument and the certificate be registered. This 17 day of Feb, A. D. 1940

Max Hamrick, Deputy
Clark Superior Court.

Filed for registration 3 o'clock P. M., 17 day of Feb, 1940, and registered in the office of Register of Deeds of Cleveland County, N. C., in book 496

Eva Thompson
Deputy Register of Deeds.

Lex-3500 Parcel # 20109 (SECU)

STATE OF NORTH CAROLINA,
COUNTY OF Cleveland

Job No. 106-10624

KNOW ALL MEN BY THESE PRESENTS, That Buford L. Self & wife, Sara B. Self

grantor (s) of said County and State in consideration of the sum of \$ 1.00, to me (us) in hand paid by DUKE POWER COMPANY, the receipt whereof is hereby acknowledged, do hereby grant unto said DUKE POWER COMPANY, its successors and assigns, the right, privilege and easement to go in and upon that certain tract or lot of land situated in said County and State, bounding by lands of Kings Road on the North, Dr. L. G. Yarboro on the East, Chas. Hoey on the West and Highway No. US 74 on the South

and to construct, maintain and operate in, upon, and through said premises, in a proper manner, with poles, wires and other necessary apparatus and appliances, a line for transmitting power by electricity, and for telephone purposes, together with the right at all times to enter said premises for the purposes of inspecting said line and making necessary repairs and alterations thereon, together with the right at all time to cut away and keep clear of said line all trees and other obstructions that may, in any way, endanger the proper maintenance and operation of the same; also including the right to relocate said line over said premises to conform to any future highway relocation, widening or improvement.

IN WITNESS WHEREOF, the said grantor (s) do th hereunto set their hand (s) and seal (s) this 8 day of August, 1955 Buford L. Self (Seal) Sara B. Self (Seal)

STATE OF NORTH CAROLINA,
COUNTY OF Cleveland

I, R. L. Nichols, a Notary Public

in and for the County and State aforesaid, do hereby certify that Buford L. Self

and wife Sara B. Self personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 8 day of August A.D. 1955

STATE OF NORTH CAROLINA,
COUNTY OF Cleveland

R. L. Nichols, NP Seal

My commission expires 11-17-55

The foregoing certificate of R. L. Nichols a Notary Public

of said County, is adjudged to be correct and sufficient. Let the instrument and the certificate be registered.

This 10 day of August, A.D. 1955

Jeanette Wilson, Ass't

Clerk Superior Court.

Filed for registration 11:30 o'clock, A. M., 10 day of August, 1955, and registered in the office of the Register of Deeds of Cleveland County, N. C. in book 6-X, on page 356

Dan H. Moore Register of Deeds
By: Marie Baughman Ass't R/D

Parcel # 62928

496

4R-4916

DUKE POWER COMPANY—Right of Way Deed—122-C-N. C.—6008—1CF—11-6

State of North Carolina, County of Cleveland.

KNOW ALL MEN BY THESE PRESENTS, That J. F. Wilson and wife Clara Wilson

grantor(s) of said County and State, in consideration of the sum of \$ 1.00, to me (us) in hand paid by DUKE POWER COMPANY, the receipt whereof is hereby acknowledged, do hereby grant unto said DUKE POWER COMPANY, its successors and assigns, the right, privilege and easement to go in and upon that certain tract or lot of land situated in said County and State, bounded by lands of W. H. Borders on North E. C. Borders on East D. R. Allen on South, J. Lawrence Lackey and Mal Spangler on West

and to construct, maintain and operate in, upon, and through said premises, in a proper manner, with poles, wires and other necessary apparatus and appliances, a line for the purpose of transmitting power by electricity, together with the right at all times to enter upon said premises for the purpose of inspecting said line and making necessary repairs and alterations thereon; together with the right at all times to cut away and keep clear of said line all trees and other obstructions that may, in any way, endanger the proper maintenance and operation of the same.

IN WITNESS WHEREOF, the said grantor(s) do herunto set their hand(s) and seal(s), this 17 day of Feb, 1940

J. F. Wilson (Seal)
Mrs Clara Wilson (Seal)

STATE OF NORTH CAROLINA—County of Cleveland

I, W. H. Brown, a N P in and for the County and State aforesaid, do hereby certify that J. F. Wilson and wife Clara Wilson personally appeared before me this day and acknowledged the due execution of the foregoing instrument, and that the said Clara Wilson wife of J. F. Wilson being by me privately examined, separate and apart from her said husband, touching her voluntary execution of the same, did state that she signed the same freely and voluntarily, without fear or compulsion of her said husband(s) or any other person, and that she still voluntarily assent(s) thereto.

Witness my hand and official seal, this 17 day of Feb, A. D. 1940

My commission expires 10-29-40 W. H. Brown, N. P. Seal

STATE OF NORTH CAROLINA—County of Cleveland

The foregoing certificate of W. H. Brown, a N P of Cleveland County, is adjudged to be correct and sufficient. Let the instrument and the certificate be registered. This 17 day of Feb, A. D. 1940

Max Hamrick, Deputy
Clark Superior Court.

Filed for registration 3 o'clock P. M., 17 day of Feb, 1940, and registered in the office of Register of Deeds of Cleveland County, N. C., in book 496

Eva Thompson
Deputy Register of Deeds.

CU Estimate Project Estimation By Compatible Unit

Workorder: 47204531
Work Order Desc: CITY OF SHELBY COUNTY HOME RD
Estimate: 10328841
Designer: PAYSINGER, Austin Kane

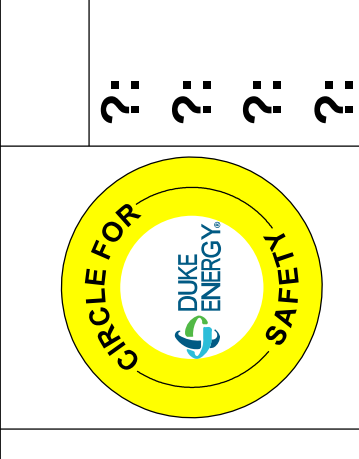
IRIT	QTY	CU	CU DESCRIPTION	MATERIAL COST	LABOR INSTALL	LABOR REMOVE	LABOR TRANSFER	SERVICE COST	SALVAGE VALUE
I	3	ANCH-PISA-SMC	Anchor Power Installed Screw Anchor 6in 6000LB with 3/4in diameter x 7ft long rod	\$171.18	\$278.91	\$0.00	\$0.00	\$0.00	\$0.00
I	4	ARM-SDE-10-FBG-NB-C	(UOP) 10ft Fiberglass Deadend Crossarm	\$1,356.64	\$328.56	\$0.00	\$0.00	\$0.00	\$0.00
I	1	ARM-SDE-8-FBG-NB-C	(UOP) 8ft Fiberglass Deadend Crossarm	\$251.83	\$82.14	\$0.00	\$0.00	\$0.00	\$0.00
I	2	BKT-INSL-POST-PTOP-STL-C	Bracket insulator pole top Steel	\$56.46	\$95.68	\$0.00	\$0.00	\$0.00	\$0.00
I	4893.76	CADD-CONTINGENCY-C	DEC Adder Cost Adder 10% contingency (per dollar)	\$0.00	\$0.00	\$0.00	\$0.00	\$4,893.76	\$0.00
I	6018.75	CADD-FLAGGING-C	DEC Adder Cost Adder flagging (per dollar)	\$0.00	\$0.00	\$0.00	\$0.00	\$6,018.75	\$0.00
I	2439.36	CADD-TREE-TRIM-C	DEC Adder Cost Adder tree trimming (per dollar)	\$0.00	\$0.00	\$0.00	\$0.00	\$2,439.36	\$0.00
I	31	CLAMP-DE-SM-C	Clamp dead end 6-4/0	\$551.33	\$7.65	\$0.00	\$0.00	\$0.00	\$0.00
I	6	GUY-DOWN-3/8IN-GALV-SGL-C	Guy Down Guy 3/8 in diameter Galvanized Single	\$603.84	\$603.84	\$0.00	\$0.00	\$0.00	\$0.00
I	10	GUY-HOOK-C	Guy Hook for use on Wood Poles	\$191.49	\$6.12	\$0.00	\$0.00	\$0.00	\$0.00
I	3	GUY-INSL-7FT-FG-C	Guy Insulator 7ft Fiberglass	\$76.11	\$138.09	\$0.00	\$0.00	\$0.00	\$0.00
I	4	GUY-SPAN-3/8IN-GALV-ATTACH-C	Guy Span 3/8 in diameter Galvanized Attach	\$77.30	\$138.10	\$0.00	\$0.00	\$0.00	\$0.00
I	59	GUY-SPAN-3/8IN-GALV-WIRE-C	Guy Span 3/8 in diameter Galvanized Wire	\$33.29	\$65.89	\$0.00	\$0.00	\$0.00	\$0.00
I	2	HDWR-EYEBOLT-SM-10IN-GALV-C	Hardware Eye Bolt 5/8in diameter 10in long Galvanized Steel	\$8.40	\$3.62	\$0.00	\$0.00	\$0.00	\$0.00
I	5	HDWR-EYEBOLT-SM-12IN-GALV-C	Hardware Eye Bolt 5/8in diameter 12in long Galvanized Steel	\$28.60	\$9.05	\$0.00	\$0.00	\$0.00	\$0.00
I	10	HDWR-EYENUT-SM-GALV-C	Hardware Eye Nut 5/8in diameter Galvanized Steel	\$26.78	\$18.08	\$0.00	\$0.00	\$0.00	\$0.00
I	2	HDWR-MACH-SM-10IN-GALV-C	Hardware Machine Bolt 5/8in diameter 10in long Galvanized Steel	\$2.88	\$3.62	\$0.00	\$0.00	\$0.00	\$0.00
I	4	HDWR-SP-SM-10IN-GALV-C	Hardware Spool Bolt 5/8in diameter 10in long Galvanized Steel	\$33.80	\$7.24	\$0.00	\$0.00	\$0.00	\$0.00
I	22	INSL-DEIS-35KV-PORC-C	Insulator Dead End/Suspension 35kV Polymer	\$533.83	\$1,926.14	\$0.00	\$0.00	\$0.00	\$0.00
I	10	INSL-POST-25KV-PORC-TT-C	Insulator Post 25kV Porcelain Tie Top	\$278.24	\$332.16	\$0.00	\$0.00	\$0.00	\$0.00
I	4	INSL-SP-SEC-PORC-C	Insulator Spool Secondary/Neutral Porcelain	\$9.08	\$111.92	\$0.00	\$0.00	\$0.00	\$0.00
I	8	INSL-STUD-STL-7IN-THD-C	Insulator Stud Steel 5/8in by 7in Long Threaded	\$49.48	\$6.12	\$0.00	\$0.00	\$0.00	\$0.00
I	14	JUMP-1/0-AL-C	Jumper 1/0 AL	\$22.54	\$685.96	\$0.00	\$0.00	\$0.00	\$0.00
I	96.30	OADD-1MH-C	DEC Adder-OH - Labor Adder 1 Man Hour	\$0.00	\$8,692.04	\$0.00	\$0.00	\$0.00	\$0.00
I	8	OLAB-JUMP-SM-C	OH Labor Jumper up to 2/0 (each)	\$0.00	\$391.72	\$0.00	\$0.00	\$0.00	\$0.00
I	3	POLE-EXISTING-C	DEC GIS Correction or Update Pole existing or foreign owned for GIS Updates	\$0.00	\$5.43	\$0.00	\$0.00	\$0.00	\$0.00
I	1	POLE-WD-35-C5-C	(UOP) 35ft long Class 5 Wood Pole with CCA Finish	\$185.74	\$457.62	\$0.00	\$0.00	\$0.00	\$0.00
I	1	POLE-WD-45-C4-C	(UOP) 45ft long Class 4 Wood Pole with CCA Finish	\$242.13	\$556.90	\$0.00	\$0.00	\$0.00	\$0.00
I	2	POLE-WD-50-C3-C	(UOP) 50ft long Class 3 Wood Pole with CCA Finish	\$616.82	\$1,113.80	\$0.00	\$0.00	\$0.00	\$0.00
I	10	TIE-HAND-4-AL-C	Tie Hand 4 AL	\$5.80	\$6.12	\$0.00	\$0.00	\$0.00	\$0.00
I	823	WIRE-PRI-1/0-AAAC-C	(UOP) 1/0 AAAC Bare Overhead Wire with 7 Strands	\$236.63	\$1,173.39	\$0.00	\$0.00	\$0.00	\$0.00
I	238	WIRE-SEC-1/0-AL-TX-C	(UOP) 600V Secondary Triplex Wire; (2) 1/0 Aluminum with XLPE Insulation and (1) 1/0 Bare Aluminum Wire	\$286.31	\$275.29	\$0.00	\$0.00	\$0.00	\$0.00
R	1 [0]	ANCH-PISA-SMC	Anchor Power Installed Screw Anchor 6in 6000LB with 3/4in diameter x 7ft long rod [\$57.70]	\$0.00	\$0.00	\$57.77	\$0.00	\$0.00	\$0.00
R	1 [0]	ARM-SDE-8-FBG-NB-C	(UOP) 8ft Double Wood Crossarm [\$57.70]	\$0.00	\$0.00	\$71.03	\$0.00	\$0.00	\$0.00
R	2 [0]	ARM-SDE-8-FBG-NB-C	(UOP) 8ft Fiberglass Deadend Crossarm [\$57.70]	\$0.00	\$0.00	\$92.07	\$0.00	\$0.00	\$0.00
R	17 [0]	CLAMP-DE-SM-C	Clamp dead end 6-4/0 [\$57.70]	\$0.00	\$0.00	\$4.59	\$0.00	\$0.00	\$0.00
R	1 [0]	GUY-DOWN-3/8IN-GALV-SGL-C	Guy Down Guy 3/8 in diameter Galvanized Single [\$57.70]	\$0.00	\$0.00	\$52.35	\$0.00	\$0.00	\$0.00
R	3 [0]	GUY-HOOK-C	Guy Hook for use on Wood Poles [\$57.70]	\$0.00	\$0.00	\$3.06	\$0.00	\$0.00	\$0.00
R	1 [0]	GUY-INSL-7FT-FG-C	Guy Insulator 7ft Fiberglass [\$57.70]	\$0.00	\$0.00	\$25.27	\$0.00	\$0.00	\$0.00

CU Estimate Project Estimation By Compatible Unit

R	2 [0]	GUY-SPAN-3/8IN-GALV-ATTACH-C	Guy Span 3/8 in diameter Galvanized Attach [\$57.70]	\$0.00	\$0.00	\$41.52	\$0.00	\$0.00	\$0.00
R	94 [0]	GUY-SPAN-3/8IN-GALV-WIRE-C	Guy Span 3/8 in diameter Galvanized Wire [\$57.70]	\$0.00	\$0.00	\$78.53	\$0.00	\$0.00	\$0.00
R	2 [0]	HDWR-EYEBOLT-SM-10IN-GALV-C	Hardware Eye Bolt 5/8in diameter 10in long Galvanized Steel [\$57.70]	\$0.00	\$0.00	\$3.61	\$0.00	\$0.00	\$0.00
R	4 [0]	HDWR-EYEBOLT-SM-12IN-GALV-C	Hardware Eye Bolt 5/8in diameter 12in long Galvanized Steel [\$57.70]	\$0.00	\$0.00	\$7.23	\$0.00	\$0.00	\$0.00
R	2 [0]	HDWR-EYENUT-SM-GALV-C	Hardware Eye Nut 5/8in diameter Galvanized Steel [\$57.70]	\$0.00	\$0.00	\$3.62	\$0.00	\$0.00	\$0.00
R	6 [0]	HDWR-MACH-SM-12IN-GALV-C	Hardware Machine Bolt 5/8in diameter 12in long Galvanized Steel [\$57.70]	\$0.00	\$0.00	\$10.84	\$0.00	\$0.00	\$0.00
R	1 [0]	HDWR-SP-SM-10IN-GALV-C	Hardware Spool Bolt 5/8in diameter 10in long Galvanized Steel [\$57.70]	\$0.00	\$0.00	\$1.81	\$0.00	\$0.00	\$0.00
R	6 [0]	INSL-1RACK-SEC-PORC-C	Insulator One Wire Rack Secondary/Neutral Porcelain [\$57.70]	\$0.00	\$0.00	\$99.28	\$0.00	\$0.00	\$0.00
R	12 [0]	INSL-DE/S-35KV-POLY-C	Insulator Dead End/Suspension 35KV Polymer [\$57.70]	\$0.00	\$0.00	\$644.46	\$0.00	\$0.00	\$0.00
R	4 [0]	INSL-POST-25KV-PORC-TT-C	Insulator Post 25KV Porcelain Tie Top [\$57.70]	\$0.00	\$0.00	\$122.76	\$0.00	\$0.00	\$0.00
R	7 [0]	INSL-SP-SEC-PORC-C	Insulator Spool Secondary/Neutral Porcelain [\$57.70]	\$0.00	\$0.00	\$115.53	\$0.00	\$0.00	\$0.00
R	4 [0]	INSL-STUD-STL-7IN-THD-C	Insulator Stud Steel 5/8in by 7in Long Threaded [\$57.70]	\$0.00	\$0.00	\$3.06	\$0.00	\$0.00	\$0.00
R	6 [0]	JUMP-2-AL-C	Jumper 2 AL [\$57.70]	\$0.00	\$0.00	\$209.40	\$0.00	\$0.00	\$0.00
R	1 [0]	LBKT-MAST-AL-6FT-PUB-C	Light Bracket Mast Arm Aluminum 6 foot long Public [\$57.70]	\$0.00	\$0.00	\$50.89	\$0.00	\$0.00	\$0.00
R	1 [0]	LFIX-COBF-HFS-250-GRAY-120V-OH-	REM ONLY ---Light Fixture Cobra Flat Lens High Pressure Sodium 250W Gray (RAL7038) 120V served overhe	\$0.00	\$0.00	\$33.93	\$0.00	\$0.00	\$0.00
R	2 [0]	POLE-WD-35-C5-C	(UOP) 35ft long Class 5 Wood Pole with CCA Finish [\$57.70]	\$0.00	\$0.00	\$371.88	\$0.00	\$0.00	\$0.00
R	1 [0]	POLE-WD-40-C5-C	(UOP) 40ft long Class 5 Wood Pole with CCA Finish [\$57.70]	\$0.00	\$0.00	\$308.69	\$0.00	\$0.00	\$0.00
R	4 [0]	TIE-HAND-4-AL-C	Tie Hand 4 AL [\$57.70]	\$0.00	\$0.00	\$3.06	\$0.00	\$0.00	\$0.00
R	955 [0]	WIRE-PRI-2-AAAC-C	(UOP) #2 AAAC Bare Overhead Wire with 7 Strands [\$57.70]	\$0.00	\$0.00	\$794.26	\$0.00	\$0.00	\$0.00
R	227 [0]	WIRE-SEC-2-AL-TX-C	(UOP) 600V Secondary Triplex Wire; (2) #2 Aluminum with XLPE Insulation and (1) #2 Bare Aluminum Wire [\$	\$0.00	\$0.00	\$161.57	\$0.00	\$0.00	\$0.00
Totals:				\$5,604.06	\$17,521.20	\$3,372.07	\$0.00	\$13,351.87	\$0.00
Overhead Costs:				\$1,036.75	\$7,411.47	\$1,426.39	\$0.00	\$5,647.84	\$0.00
Total Materials:				\$6,640.81	\$24,932.67	\$4,798.46	\$0.00	\$194.12	\$0.00
Total Labor:				\$31,573.48					
Total Install Cost:				\$4,798.46					
Total Removal Cost:				\$0.00					
Total Transfer Cost:									
Total Salvage Value:									
Total Gross Up:				\$7,631.44					
Total Project Cost:									

\$63,003.08

Show Report Criteria



Safety Reminders / Adverse Conditions
 FLAGGING REQUIRED

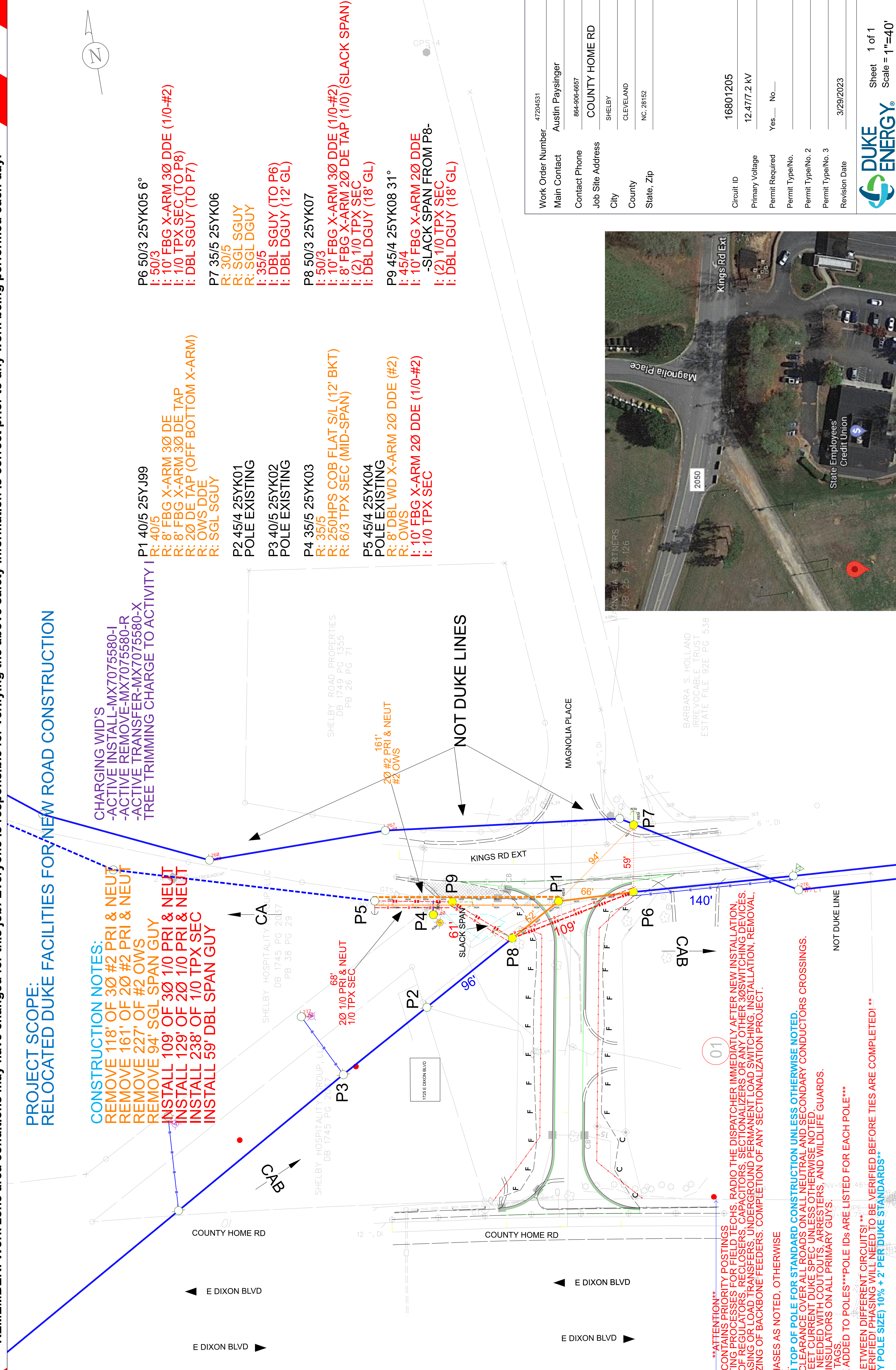
Work Zone General Comments:
 WEAR PROPER PPE
 MODERATE TRAFFIC

REMEMBER: Work zone area conditions may have changed for this job! Everyone is responsible for verifying the above safety information is correct prior to any work being performed each day.

**PROJECT SCOPE:
 RELOCATED DUKE FACILITIES FOR NEW ROAD CONSTRUCTION**

CONSTRUCTION NOTES:
 REMOVE 118' OF 3Ø #2 PRI & NEUT
 REMOVE 161' OF 2Ø #2 PRI & NEUT
 REMOVE 227' OF #2 OWS
 REMOVE 94' SGL SPAN GUY
 INSTALL 109' OF 3Ø 1/0 PRI & NEUT
 INSTALL 129' OF 2Ø 1/0 PRI & NEUT
 INSTALL 238' OF 1/0 TPX SEC
 INSTALL 59' DBL SPAN GUY

CHARGING WID'S
 -ACTIVE INSTALL-MX7075580-I
 -ACTIVE REMOVE-MX7075580-R
 -ACTIVE TRANSFER-MX7075580-X
 TREE TRIMMING CHARGE TO ACTIVITY I



P1 40/5 25YJ99 I: 40/5 R: 8' FBG X-ARM 3Ø DE TAP R: 8' FBG X-ARM 3Ø DE TAP R: 2Ø DE TAP (OFF BOTTOM X-ARM) R: OWS DDE R: SGL SGUY	P2 45/4 25YK01 POLE EXISTING	P3 40/5 25YK02 POLE EXISTING	P4 35/5 25YK03 R: 35/5 R: 250HPS COB FLAT S/L (12' BKT) R: 6/3 TPX SEC (MID-SPAN)	P5 45/4 25YK04 POLE EXISTING R: 8' DBL WD X-ARM 2Ø DDE (#2) R: OWS I: 10' FBG X-ARM 2Ø DDE (1/0-#2) I: 1/0 TPX SEC	P6 50/3 25YK05 6° I: 50/3 I: 10' FBG X-ARM 3Ø DDE (1/0-#2) I: 1/0 TPX SEC (TO P8) I: DBL SGUY (TO P7)	P7 35/5 25YK06 R: 30/5 R: SGL SGUY R: SGL DGUY I: 35/5 I: DBL SGUY (TO P6) I: DBL DGUY (12' GL)	P8 50/3 25YK07 I: 50/3 I: 10' FBG X-ARM 3Ø DDE (1/0-#2) I: 8' FBG X-ARM 2Ø DE TAP (1/0) (SLACK SPAN) I: (2) 1/0 TPX SEC I: DBL DGUY (18' GL)	P9 45/4 25YK08 31° I: 45/4 I: 10' FBG X-ARM 2Ø DDE -SLACK SPAN FROM P8- I: (2) 1/0 TPX SEC I: DBL DGUY (18' GL)
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Work Order Number	47204531
Main Contact	Austin Paysinger
Contact Phone	864-906-6657
Job Site Address	COUNTY HOME RD
City	SHELBY
County	CLEVELAND
State, Zip	NC, 28152

****ATTENTION****
 THIS JOB CONTAINS PRIORITY POSTINGS. RADIO, THE DISPATCHER IMMEDIATELY AFTER NEW INSTALLATION FOLLOW GIS PRIORITY POSTING PROCESSES FOR FIELD TECHS. CAPACITORS, SECTIONALIZERS OR ANY OTHER SWITCHING DEVICES. RELOCATION OR REMOVAL OF REGULATORS, RELOCATORS, CAPACITORS, SECTIONALIZERS OR ANY OTHER SWITCHING DEVICES. CHANGES IN WIRE SIZE, PHASING OR LOAD TRANSFERS, UNDERGROUND PERMANENT LOAD SWITCHING, INSTALLATION, REMOVAL, ENERGIZING OR DE-ENERGIZING OF BACKBONE FEEDERS. COMPLETION OF ANY SECTIONALIZATION PROJECT.

****MOVE TXs AND TAPS TO PHASES AS NOTED, OTHERWISE LEAVE ON EXISTING PHASE.**

****FRAME NEUTRAL 13' FROM TOP OF POLE FOR STANDARD CONSTRUCTION UNLESS OTHERWISE NOTED.**

****MAINTAIN MINIMUM OF 18' CLEARANCE OVER ALL ROADS ON ALL NEUTRAL AND SECONDARY CONDUCTORS CROSSINGS.**

****ALL GUY LEADS SHOULD MEET CURRENT DUKE SPEC UNLESS OTHERWISE NOTED**

****RETRIEF ALL DEVICES AS NEEDED WITH COUTOUTS, ARRESTERS, AND WILDLIFE GUARDS.**

****INSTALL FIBERGLASS GUY INSULATORS ON ALL PRIMARY GUYS.**

****INSTALL UPDATE ALL FUSE TAGS**

****FIELD ID TAGS NEED TO BE ADDED TO POLES** POLE IDS ARE LISTED FOR EACH POLE****

****IF needed, add:**

****THIS JOB CONTAINS TIES BETWEEN DIFFERENT CIRCUITS! ****

****PHASING HAS NOT BEEN VERIFIED! PHASING WILL NEED TO BE VERIFIED BEFORE TIES ARE COMPLETED! ****

****SET POLE (DETERMINED BY POLE SIZE) 10% + 2' PER DUKE STANDARDS****

ORDINANCE NO. 44-2023

AN ORDINANCE ESTABLISHING A CAPITAL PROJECT ORDINANCE AND BUDGETS FOR THE CITY OF SHELBY'S COUNTY HOME ROAD ELECTRIC RELOCATION PROJECT

WHEREAS, in accordance with applicable provisions of the North Carolina Budget and Fiscal Control Act, the City of Shelby finds it advisable and necessary to establish a capital project ordinance and budgets for the City of Shelby's County Home Road Electric Relocation Project; and

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

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

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHELBY, NORTH CAROLINA: The City of Shelby has identified a need to relocate a segment of Duke Energy's electric system to accommodate the reconstruction of County Home Road. Accordingly, the following budget modifications are approved in accordance with the chart of accounts heretofore established for the City of Shelby.

Section 1. Appropriating Fund Balance:

Fund Balance Appropriated	63006000-39900	\$63,100
Transfer to Electric Capital Projects	630731-49631	\$63,100

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

Revenues:		
Transferred from Electric Fund	63106000-39630-63879	\$63,100
Appropriation:		
Construction	631736-53000-63879	\$63,100

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

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

Adopted and Approved this the 18th day of September, 2023.

O. Stanhope Anthony III
Mayor

Ordinance No. 44-2023
September 18, 2023
Page 2

ATTEST:

Carol Williams
City Clerk

APPROVED AS TO FORM:

John Kubis
Interim City Attorney

RESOLUTION NO. 67-2023

**A RESOLUTION ACCEPTING AND APPROVING A UTILITY
RELOCATION AGREEMENT FOR DUKE ENERGY INFRASTRUCTURE
IN CONFLICT WITH THE COUNTY HOME ROAD RECONSTRUCTION
PROJECT IN SHELBY, NORTH CAROLINA**

WHEREAS, City Council voted to close a section of County Home Road after the adjoining property owners submitted a petition for the closure due to plans for future development; and,

WHEREAS, the development of these properties has now been permitted and is in the construction phase; and,

WHEREAS, the City of Shelby desires to design and reconstruct County Home Road; and,

WHEREAS, the City of Shelby selected TGS Engineers via a Qualification Based Selection process to provide the Professional Engineering services for the County Home Road Reconstruction; and,

WHEREAS, Duke Energy has an electric system that conflicts with the proposed roadway and must be relocated; and,

WHEREAS, Duke Energy has provided a relocation agreement and a cost of \$63,003.08 to relocate its electric system; and,

WHEREAS, City staff and TGS Engineers have reviewed the agreement and recommend the execution of this agreement.

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

Section 1. In order to facilitate the orderly and expeditious relocation of the said required utilities owned by Duke Energy, the City of Shelby and Duke Energy have agreed to relocation and reimbursement as detailed in the attached agreement entitled "Utility Relocation Agreement" and is hereby made a part of this resolution by its incorporation.

Section 2. The City Manager of the City of Shelby or his designee are hereby authorized and directed to execute the applicable agreement and any other associated documents as specified in Section 1 of this resolution.

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

Adopted this the 18th day of September 2023 at Shelby, North Carolina.

O. Stanhope Anthony III
Mayor

Resolution No. 67-2023
September 18, 2023
Page 2

Attest:

Carol Williams
City Clerk

City of Shelby
Agenda Item Summary
September 18, 2023
City Hall Council Chamber

G. New Business:

Agenda Item: G-1

- 1) Approval of a resolution for the acceptance of the Local Assistance for Stormwater Infrastructure Investments (LASII) funding grant offer for citywide stormwater modeling, infrastructure assessment, and master plan: Resolution No. 68-2023

New Business Agenda Item: (Rick Howell, City Manager and Ben Yarboro, Assistant City Manager)

Summary of Available Information:

- Memorandum dated September 12, 2023, from Ben Yarboro, Assistant City Manager to Rick Howell, City Manager
- Memorandum dated September 10, 2023, from Justin Wright, Civil Engineer to Ben Yarboro, Assistant City Manager
- Resolution No. 61-2022
- Scope Document
- Preliminary Project-Scope Approval & Transmittal of Offer-and-Acceptance Funding Award
- Funding Offer and Acceptance – Stormwater Planning Grant
- Resolution 68-2023

City Manager's Recommendation / Comments

Resolution No. 68-2023 is presented for City Council consideration at this time as new business. If approved this resolution would authorize acceptance of a Local Assistance For Stormwater Infrastructure Investments Funding Grant in the amount of \$330,000 development of a citywide stormwater modeling infrastructure assessment and master plan. This funding is provided through the American Rescue Plan Act and directed by the NC state fiscal recovery fund to assist eligible units of local government with stormwater needs. There is no required local match.

The scope of work is included in your packet and details the steps to be taken and the end product expected. Ben Yarboro, ACM and Justin Wright, Civil Engineer have done an excellent job with the grant application and the proposed scope of work that will allow the City to, in the end, have a credible and workable plan for future management of the stormwater system.

It is my recommendation that Resolution No. 68-2023 be adopted and approved by City Council at this time.



Memorandum

To: Rick Howell, City Manager

From: Ben Yarboro, Assistant City Manager

RE: Acceptance of the Local Assistance for Stormwater Infrastructure Investment Funding (LASII) for Citywide Stormwater Modeling, Infrastructure Assessment, and Master Plan

Date: September 12, 2023

Background

As detailed in the attached memo from Justin Wright, Civil Engineer, the City of Shelby has been offered a grant for \$330,000 from the American Rescue Plan Act (ARPA) for Citywide Stormwater Modeling, Infrastructure Assistance, and Master Plan. The NC Division of Water Infrastructure has reviewed and approved the scoping of this project (as outlined in the memo from Mr. Wright), and the next step in utilizing this grant funding is adopting a resolution approving the execution of the “offer-and-acceptance” document that has been provided. It should be noted that this \$330,000 in grant funding is 100% ARPA funding with no required local match. This stormwater planning project is anticipated to be completed in Spring 2025, which meets the grant closeout deadline of December 31, 2026

City staff recommends approval of the resolution accepting the \$330,000 grant from ARPA for the Citywide Stormwater Modeling, Infrastructure Assessment, and Master Planning project.

Memorandum

To: Ben Yarboro, Assistant City Manager

From: Justin Wright, Civil Engineer

RE: Acceptance of the Local Assistance for Stormwater Infrastructure Investment Funding (LASII) For Citywide Stormwater Modeling, Infrastructure Assessment, and Master Plan

Date: September 10, 2023

Background

The North Carolina General Assembly appropriated \$82 million from the state's allocation of the American Rescue Plan Act (ARPA) funding for stormwater projects. Utilizing this funding, NC established the Local Assistance for Stormwater Infrastructure Investments (LASII) fund. These funds are available for municipalities and counties through a competitive grant process managed by NCDEQ. The purpose of this newly allocated funding is for construction and planning projects that will improve or create infrastructure for controlling stormwater quantity and quality.

In September of 2022, City staff contracted with a consultant to submit an application to the Division of Water Infrastructure with the intention of funding a modeling project that will aid in future planning for stormwater collection systems for the City of Shelby. The project submitted consists of the following:

- Inventory and Assessment of Stormwater Collection Systems Citywide
- Hydrologic and Hydraulic Model & System Evaluation
- Evaluating Alternative Solutions to alleviate the deficiencies (Implement nature-based solutions to eliminate erosion and sedimentation)
- Evaluating System Upgrades
- Public Meeting, Education & Engagement
- Stormwater Masterplan

City staff feels this project is necessary for continued success of the system and will help map out the most pressing needs for Shelby's continued growth.

Review

City staff believes that the Grant Funds available to North Carolina municipalities is a great opportunity to obtain outside resources to assist with evaluating stormwater needs. City Staff received approval from City Council with Resolution 61-2022 to submit the application to the NC Department of Environmental Quality Division of Water Infrastructure in September of 2022. On August 10, 2023, the City received an Offer and Acceptance letter in the amount of \$330,000 for Citywide Stormwater Modeling, Infrastructure Assessment, and Master Plan.

Recommendation

Engineering and Stormwater staff recommends acceptance of the grants (\$330,000 grant for Citywide Stormwater Modeling, Infrastructure Assessment, and Master Plan) and the adoption of the respective resolution, standard conditions, and assurances.

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

Attachments:

- Resolution 61-2022
- Preliminary Project Scope
- Preliminary Project Scope Approval & Transmittal of Offer and Acceptance Funding Award Letter
- Funding Offer and Acceptance Form
- Standard Conditions Form
- Assurances Form

RESOLUTION NO. 61-2022

**A RESOLUTION SUPPORTING THE APPLICATION REQUESTING
STORMWATER GRANT FUNDING FROM THE LOCAL ASSISTANCE FOR
STORMWATER INFRASTRUCTURE INVESTMENTS FUND (LASII) FOR
CITY-WIDE STORMWATER MODELING, INFRASTRUCTURE ASSESSMENT,
AND MASTER PLAN**

WHEREAS, the City of Shelby has need for and intends to construct, plan for, or conduct a study in a project described as City-Wide Stormwater Modeling, Infrastructure Assessment, and Master Plan, and,

WHEREAS, the City of Shelby intends to request State loan and/or grant assistance for the project,

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

Section 1. That the City of Shelby, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan and/or grant award.

Section 2. That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

Section 3. That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

Section 4. That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City of Shelby to make a scheduled repayment of the loan, to withhold from the City of Shelby any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

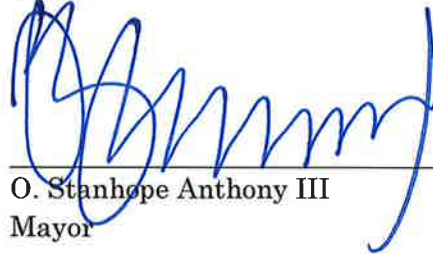
Section 5. That Rick Howell, City Manager, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a loan and/or grant to aid in the study of or construction of the project described above.

Section 6. That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

Resolution No. 61-2022
September 19, 2022
Page 2


Section 7. That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted and approved this the 19th day of September 2022.



O. Stanhope Anthony III
Mayor

ATTEST:



Carol Williams
City Clerk

Scope Document

Citywide Stormwater Modeling, Infrastructure Assessment, and Masterplan

City of Shelby, North Carolina

Section 1 – Reference Information:

- Grantee: City of Shelby
- Project: Citywide Stormwater Modeling, Infrastructure Assessment, and Masterplan
- Awarded: September 2022 Application Cycle
- Grantee Contact: Rick Howell, City Manager
rick.howell@cityofshelby.com

Section 2 – Narrative:

The City has been experiencing widespread flooding caused by (1) rainfall/runoff exceeding the capacity of the existing stormwater system, (2) deteriorating infrastructure, and (3) increase in growth. The cost of repairs of the existing stormwater system exceeds the funding generated by the stormwater utility fee such that the City is not able to fund a stormwater study to develop a master plan to proactively meet current and future needs.

This study consists of performing a comprehensive evaluation of the existing system, identifying solutions to solve current problems, and developing a master plan that guide the City decisions to accommodate future growth. The main 3 challenges the City is facing:

1. Need for a maintenance and repair plan. Before the City’s stormwater utility fee was established in 2014, the City did not have dedicated stormwater funding for stormwater infrastructure repair and maintenance. At that time, stormwater infrastructure repairs were only made when an issue such as a sinkhole presented itself. This lack of maintenance in the past is evident with the system conditions the City is encountering during routine inspections. The cost of repairs needed of the small percentage of the system that has been inspected far outnumbers the annual budget for stormwater system repairs. These last few years, the City has been having to prioritize the repairs based on likelihood and consequences of infrastructure failure. No replacements have been made yet strictly due to volume issues, but when a pipe is replaced due to structural issues sizing is also reviewed at that time by the design engineer.
2. Need for a model to evaluate future infrastructure improvement to accommodate growth. The last year, the City has begun to see a major development boom in industrial, commercial, residential subdivision and single-family residential homes. As the Charlotte metropolitan area grows, Shelby is becoming the “bedroom community” to Charlotte more and more each day. With increased development comes increased impervious surface and increased runoff. While Phase II stormwater requirements address runoff rates of some projects, all projects do not fall under Phase II requirements. Therefore, we are seeing more

and more flooding complaints from residents throughout the City. With recent climate change, storm intensity is growing so we are seeing heavier rainfall rates in addition to this increase of runoff.

3. Need to evaluate existing stormwater system capacity and identify deficiencies. Refer to Figure 1 and photos in document titled “Examples of Flooding Issues within the City” that provide locations and examples of the following: In the older parts of town, there are issues with street flooding due to lack of stormwater inlets to collect runoff from the streets. In these areas, water may run the curb line for over a block before it reaches an inlet. This is especially challenging during the Fall when the only inlet to serve an area may become clogged by leaves flooding the street or putting increase flow on another inlet. There are other areas where there are inlets at the bottom of a large hill from both directions and the force of the water from one side blocks the entire opening not allowing the other side to drain. In these areas of no stormwater infrastructure, new development projects are left with no other option than to discharge their runoff into the curb and rely on the curb to carry runoff to the nearest inlet which can be blocks away. Adding infrastructure to these areas would decrease the runoff on the streets and the likelihood that a vehicle could hydroplane.

Section 3 – Scope, Cost, and Schedule:

1. Inventory and Assessment
 - a. Complete the inventory and assessment of the existing stormwater network of the City. This task includes completing the mapping of the stormwater network with surveying of select pipes and structures for hydrologic and hydraulic modeling, visual inspections, and CCTV of pipes in known flooding locations.
2. Hydrologic and Hydraulic Model & System Evaluation
 - a. Develop a calibrated hydrologic and hydraulic model of the stormwater network. An integrated model, i.e., SWMM, will be used to model the closed and open conveyance network will be utilized. The City has documented flooding locations that can be used for model calibration and verification.
 - b. Evaluate existing conditions and generate a heat map of flood prone areas.
3. Evaluating Alternatives
 - a. Evaluate alternatives to alleviate the deficiencies. For each identified locations, alternatives will be evaluated. Locations where nature-based solutions can be implemented to eliminate erosion and sedimentation in system will be identified.
4. Evaluating System Upgrades
 - a. Recommended solutions will be proposed based on a cost benefits analysis to improve both water quantity and quality.
 - b. Prepare facts sheets for each recommendation to summarize the cost benefits, challenges, and cost of implementation.
 - c. Prioritize recommended solutions based on implementation benefits, interdependency of projects, and evaluated benefits.
5. Public Meetings, Education & Engagement

- a. Conduct public meeting to present the findings and recommended improvements to the public and promote education and engagement in the proposed solutions.
6. Masterplan
- a. Prepare a masterplan to document findings, identify funding, and a capital improvement plan.

<u>Tas k</u>	<u>Description</u>	<u>Cost</u>	<u>Completion Date</u>
1	Inventory and Assessment	\$90,000.00	11/2023
2	Hydrologic and Hydraulic Model & System Evaluation	\$80,000.00	2/2024
3	Evaluating Alternatives	\$40,000.00	4/2024
4	Evaluating System Upgrades	\$60,000.00	6/2024
5	Public Meetings, Education & Engagement	\$20,000.00	8/2024
6	Masterplan	\$40,000.00	11/2024
	Total	\$330,000.00	

Section 4 – Deliverables:

1. A GIS geodatabase and map of the stormwater network and condition.
2. Integrated hydrologic and hydraulic model.
3. Alternatives evaluation and fact sheets for each solution.
4. Brochures on proposed project benefit to assist City in outreach and public engagement.
5. Masterplan report to include a capital improvement plan.



NORTH CAROLINA
Environmental Quality

August 10, 2023

ROY COOPER

Governor

ELIZABETH S. BISER

Secretary

SHADI ESKAF

Director

Mr. Rick Howell
City of Shelby
P.O. Box 207
Shelby, North Carolina 28151-0207

Subject: Preliminary Project-Scope Approval &
Transmittal of Offer-and-Acceptance Funding Award
Stormwater Planning Grant
City-wide Stormwater Modeling, Infrastructure
Assessment, and Master Plan
DWI Project No(s): SRP-SW-ARP-0036

Dear Mr. Howell:

The Division of Water Infrastructure (**Division**) has reviewed the recently submitted preliminary project scope information, and we have no objections concerning the document(s) provided. Therefore, we are pleased to inform you the preliminary scoping document is approved herein.

In addition, with this document's approval, the above-referenced project, thusly, is now authorized to receive its intended *American Rescue Plan Act (ARPA)* funding, provided from the State Fiscal Recovery Fund (SFRF), as established in Session Law (S.L.) 2021-180 please note projects funded from the SFRF must meet applicable federal law and guidance for the ARPA funds. *The ARPA grant funding will cover one hundred percent (100%) of eligible, stormwater study, design or plan costs from the S.L. 2021-180 appropriation.*

Accordingly, enclosed are two (2) copies of an "offer-and-acceptance" document extending the **City of Shelby** a **funding award** in the total amount of **\$330,000**. This award is made by the Division subject to the "Assurances" and "Conditions" set forth in the enclosed offer-and-acceptance document.

Upon your acceptance, please submit the following items to the Division, and addressed directly to the attention of **Pam Whitley**, Division of Water Infrastructure, 1633 Mail Service Center, Raleigh NC 27699-1633 (Pam.Whitley@deq.nc.gov):

1. A resolution (sample copy attached), adopted by your governing body, accepting the ARPA grant offer, and making the applicable assurances contained therein; and
2. One (1) original copy of the "offer-and-acceptance" document, executed by the designated Authorized Representative for the project, along with the signed "Standard Conditions" and "Assurances". Please retain the fully executed, second original copy for your files.

Reimbursement requests must be prepared using our standardized reimbursement-request form. A reference copy of this form has been enclosed for your convenience. You are free to reproduce this form should



Mr. Howell
City of Shelby
August 10, 2023
Page 2 of 2


additional copies be needed. Reimbursement requests shall be forwarded to a DWI Accountant at DWI.Businessoffice@deq.nc.gov. *Once work referenced within the approved scoping document commences, an updated, fully-completed, current and signed/dated copy of our Reimbursement Request Form must be submitted with all reimbursement requests.*

Finally, regarding reimbursements, please note the following:

Disbursement is based on the progress made on the project. To obtain payment, you must document the expenditures for which the payment is requested. Final disbursement (10%) will be made only after receiving a final deliverables documenting the completion and findings of the study, as approved herein. **All costs incurred prior to March 3, 2021, are not eligible for ARPA funds, and all ARPA funds must be expended prior to December 31, 2026.**

On behalf of the Department of Environmental Quality, I am pleased to make this offer of ARPA funds, made available by the SFRF. If you have any questions, please contact Jason Robinson, P.E., by telephone at 919.707.3887 or by e-mail at jason.t.robinson@deq.nc.gov.

Sincerely,

DocuSigned by:

6800A672077B466

Shadi Eskaf, Director
Division of Water Infrastructure, NCDEQ

Enclosures: ARPA Grant Offer-and-Acceptance Document (2 copies)
Reimbursement-Request Form
Resolution-to-Accept ARPA Grant Offer (suggested format)
Professional Engineering Services Procurement Certification

cc: Rick Howell, City of Shelby (via email at rick.howell@cityofshelby.com)
Vanessa Purefoy, McGill Associates, Raleigh (via email at vanessa.purefoy@mcgillassociates.com)
Dori Sabeh, P.E., McGill Associates, Raleigh (via email at Dori.Sabeh@mcgillassociates.com)
Antonio V. Evans, P.E. (DWI, via e-mail)
Mark Hubbard, P.E., (DWI, via e-mail)
Jason Robinson, P.E. (DWI, via e-mail)
Karin Britt (DWI, via e-mail)
DWI Administrative Unit (DWI, via e-mail)
Pam Whitley (DWI, via e-mail)
Jennifer House (DWI, via e-mail)
ARPA File (EREID – ERAL)
Project Agreement #: 2000067122

**STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER INFRASTRUCTURE**

Funding Offer and Acceptance – Stormwater Planning Grant

Legal Name and Address of Award Recipient (i.e., Applicant): City of Shelby P.O. Box 207 Shelby, North Carolina 28151-0207	Project Number: SRP-SW-ARP-0036 UEID#: L2J6LFPHD752 Assistance Listing Number: 21.027	
--	--	--

Funding Program:

Funding Program		Additional Amount for Funding Increases	Previous Total	Total Offered
Drinking Water	<input type="checkbox"/>			
Stormwater	<input checked="" type="checkbox"/>			
Wastewater	<input type="checkbox"/>			
American Rescue Plan Act (ARPA) Grant	<input checked="" type="checkbox"/>	--	--	\$330,000

Project Description:

City-wide Stormwater Modeling, Infrastructure Assessment, and Master Plan

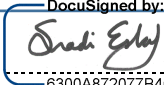
Total Financial Assistance Offer:	\$330,000
Total Project Cost:	\$330,000
Estimated Closing Fee:	\$ - 0 -

Pursuant to North Carolina Session Law 2021-180:

- The Applicant is eligible under Federal and State law;
- The Project is eligible under Federal and State law; and
- The Project has been approved by the Department of Environmental Quality as having sufficient priority to receive financial assistance.

The Department of Environmental Quality, acting on behalf of the State of North Carolina, hereby offers the financial assistance described in this document.

For The State of North Carolina: **Shadi Eskaf, Director, Division of Water Infrastructure
North Carolina Department of Environmental Quality**

DocuSigned by:  Signature	8/17/2023 Date
--	-------------------

On Behalf of: City of Shelby
 Name of Representative in Resolution: _____
 Title (Type or Print): _____

I, the undersigned, being duly authorized to take such action, as evidenced by the attached CERTIFIED COPY OF AUTHORIZATION BY THE APPLICANT'S GOVERNING BODY, do hereby accept this Financial Award Offer and will comply with the Assurances and the Standard Conditions.

_____ Signature	_____ Date
--------------------	---------------

STANDARD CONDITIONS

1. Acceptance of this funding offer does not exempt the Applicant from complying with requirements stated in the U.S. Treasury's [Final Rule](#) for the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) and the [SLFRF Compliance and Reporting Guidance](#) (not explicitly referred to in this document) and any future requirements implemented by the U.S. Treasury.
2. Applicants shall comply fully with Subpart C of 2 CFR Part 180 entitled, "Responsibilities of Participants Regarding Transactions Doing Business with Other Persons," as implemented and supplemented by 2 CFR Part 1532. The Applicant is responsible for ensuring that any lower-tier-covered transaction, as described in Subpart B of 2 CFR Part 180, entitled "Covered Transactions," includes a term or condition requiring compliance with Subpart C. The Applicant is responsible for further requiring the inclusion of a similar term or condition in any subsequent, lower-tier-covered transactions. Applicants may access suspension and debarment information at: <http://www.sam.gov>. This system allows applicants the means to perform searches determining whether an entity or individual is excluded from receiving federal assistance.
3. The Uniform Guidance 2 CFR 200.317 through 2 CFR 200.327 gives minimum requirements for procurement, with 2 CFR 200.319(b) addressing engineering services procurement guidelines. ARPA-funded projects also must adhere to North Carolina (NC) State law, specifically NC General Statute (NCGS) §143-64.31, Article 3D, Procurement of Architectural, Engineering, and Surveying (A/E) Services. NCGS §143-64.32 cannot be used to exempt funding recipients (i.e., applicants) from a qualification-based selection for A/E. The State provides applicable certification forms that must be completed prior to receiving funds for any engineering services covered under this funding offer.
4. Local government units designated as "distressed" must complete the associated requirements of NCGS §159G-45(b).
5. Funds made available by the ARPA to the entity accepting the funds in this document (i.e., the Applicant) must only cover eligible costs incurred on or after March 3, 2021. Funds that are not disbursed by December 31st, 2026, will no longer be available for the project. Unused federal funds will revert from the State of North Carolina to the U.S. Treasury.

ASSURANCES

1. The Applicant intends to complete the project in accordance with the Application approved for financial assistance by the Division of Water Infrastructure.
2. The Applicant is responsible for paying for those costs ineligible for ARPA funding including, but not limited to, any amount in excess of the amount of this funding offer. The Applicant agrees to establish and to maintain a financial management system that adequately accounts for revenues and expenditures. Adequate accounting and fiscal records shall be maintained during the completion of the project, and these records shall be retained and made available for a period of at least three (3) years following completion of the project.
3. All ARPA funds shall be expended solely for carrying out the approved project, and an audit shall be performed in accordance with NCGS §159-34. Partial disbursements on this Award will be made promptly, upon request, subject to adequate documentation of incurred eligible costs, and subject to the Applicant's compliance with the Standard Conditions of this Award. The Applicant agrees to make prompt payment to its professional services' provider(s), and to retain only such amount(s) as allowed by NCGS.
4. The Applicant shall expend all of the requisitioned funds for the purpose of paying the costs of the project within three (3) banking days following the receipt of the funds from the State.
5. Funds must be spent fully (i.e., fully reimbursed to the Applicant) by December 31st, 2026.

Acknowledgement of Standard Conditions and Assurances

The Applicant hereby gives assurance to the Department of Environmental Quality that the declarations, assurances, representations, and statements made by the Applicant in the Application, and all documents, amendments, and communications filed with the Department of Environmental Quality by the Applicant in support of its request for financial assistance, shall be fulfilled.

.....
Signature

.....
Date

RESOLUTION NO. 68-2023

A RESOLUTION FOR THE ACCEPTANCE OF THE LOCAL ASSISTANCE FOR STORMWATER INFRASTRUCTURE INVESTMENTS (LASII) FUNDING GRANT OFFER FOR CITYWIDE STORMWATER MODELING, INFRASTRUCTURE ASSESSMENT, AND MASTER PLAN

WHEREAS, the American Rescue Plan Act (ARPA), funded from the State Fiscal Recovery Fund, was established in Session Law (S.L.) 2021-180 to assist eligible units of local government with meeting their drinking water and/or wastewater and/or stormwater infrastructure needs; and,

WHEREAS, the North Carolina Department of Environmental Quality has offered Local Assistance for Stormwater Infrastructure Investments (LASII) ARPA funding in the amount of \$330,000 to perform the work detailed in the submitted application; and,

WHEREAS, the City of Shelby intends to perform said project in accordance with the agreed scope of work.

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

Section 1. That the City of Shelby does hereby accept the ARPA grant offer of \$330,000.

Section 2. That the City of Shelby does hereby give assurance to the North Carolina Department of Environmental Quality (NCDEQ) that any Conditions or Assurances contained in the Funding Offer and Acceptance (award offer) will be adhered to; has substantially complied, or will substantially comply, with all federal, State of North Carolina (State), and local laws, rules, regulations, and ordinances applicable to the project; and to federal and State grants and loans pertaining thereto.

Section 3. That Rick Howell, City Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with this project; to make the assurances as contained above; and to execute such other documents as may be required by the North Carolina Department of Environmental Quality, Division of Water Infrastructure.

Adopted this the 18th day of September 2023 at Shelby, North Carolina.

O. Stanhope Anthony III
Mayor

ATTEST:

Carol Williams
City Clerk

City of Shelby
Agenda Item Summary
September 18, 2023
City Hall Council Chamber

Agenda Item: G-2

- 2) Consideration of appointments to City advisory boards and commissions:
- a) Planning and Zoning Board

New Business Agenda Item: (Carol Williams, City Clerk)

Summary of Available Information:

- Memorandum dated September 14, 2023, from Carol Williams, City Clerk to Rick Howell, City Manager
- Planning and Zoning Board 2022 Roster
- Planning and Zoning Board Attendance
- Application(s) for Appointment to Boards and Commissions

City Manager's Recommendation / Comments

Volunteers are an essential part of the work the City performs each year. As always this is just a reminder that we all should work to recruit qualified and quality people to serve whenever possible. Solicitation of both qualified and interested citizens to serve on these important advisory boards remains a priority for 2023. I would challenge each of you to recruit viable candidates that possess the knowledge and willingness to serve during the coming months.

I cannot emphasize enough the importance of appointing quality people to these very important citizen boards and commissions. It is incumbent upon Council as the appointing authority to ensure members are responsible members of the community who will make decisions that reflect the established and recognized values of the City. These appointees after all reflect upon Council as the appointing authority as well as the City as they conduct business month to month.

**OFFICE OF THE
CITY CLERK**



Memo

To: Rick Howell, City Manager
From: Carol Williams, City Clerk
Date: September 14, 2023
Re: Appointments to City Advisory Boards

BOARD REVIEW: Planning and Zoning Board –

The terms of three incumbents, Greg Taylor, Charles Hamrick and Jeff Aderholdt concluded June 2023. Mr. Taylor and Mr. Hamrick wish to continue their service. Mr. Aderholdt is an ETJ member and wishes to step down due to time constraints. Cleveland County Commissioners have been notified and are in the process of obtaining applicants that are ETJ residents.

There are four applications on file in the Clerk's Office –

- **Ashley Hemming** **Ward 4**
- **Tasha Smith** **Ward 2**
- **Ric Francis** **Ward 4**
- **Matt Albinger** **Ward 4**

POSSIBLE ACTION:

Council can begin the nominating process or take appointive action for two new terms concluding June 2026. The ETJ vacancy will remain until an applicant is appointed by Cleveland County.

Attachment:

- A. Planning and Zoning Board roster 2022
- B. Planning and Zoning Board attendance record

PLANNING AND ZONING BOARD 2022

MEMBERS	ADDRESS	TERM EXPIRATION	PHONE NUMBER
Karla Haynes (I) cccdc@bellsouth.net	796 Kenmore Street Shelby, NC 28150	June 2024	C: 704-692-8716 W: 704-480-7701
Rick Washburn (I) Vice Chair rick.washburn@rightbyyoumortgage.com	1622 Spangler Drive Shelby, NC 28150	June 2024	W: 704 470-0435
Mark Carter (I) mcarter@carterchev.com	1335 East Marion Street Shelby, NC 28150	June 2024	704 484-4341
Bob Cabaniss (ETJ) bcabanis46@yahoo.com	371 Magness Road Shelby, NC 28150	June 2024	704 484-3484
Emanuel Hunt Jr. (ETJ) ehuntjr46@outlook.com	810 B Pleasant Drive Shelby, NC 28152	June 2024	H: 704 487-5280 W: 404 780-5224
Jeff Aderholdt (ETJ) jaderholdt1@yahoo.com	113 Shadowgate Drive Shelby, NC 28152	June 2023	W: 864 492-2401 C: 704 284-1244
Charles Hamrick (I) mrcharles911@gmail.com	PO Box 1356 Shelby, NC 28152-1356	June 2023	704 996-3114
Greg Taylor (I) greg@greatsouthernrec.com	2605 Pebble Creek Drive Shelby, NC 28152	June 2023	H: 704 477-6457 W: 864 498-9950
Michael R. (Mike) Royster (I) mroyster@roysteroil.com	915 West Marion Street Shelby, NC 28150	June 2025	H: 704 484-1933 W: 704 487-6344
Becca Schweppe (I) beccaschweppe@kw.com	104 Lynhurst Lane Shelby, NC 28150	June 2025	C: 704 472-9827
Scott Bankhead (I) banksurv@bellsouth.net	H: 1907 Three Lakes Drive W: 1203 East Marion Street Shelby, NC 28150	June 2025	H: 704 482-0562 W: 704 481-1040

Meetings are held on the third Thursday of each month at noon

Three (3) year appointments: (I) Inside Members – 8; (ETJ) Extraterritorial Jurisdiction Members – 3

City Council Liaison: David Causby – Ward 3
613 S. Washington Street
Shelby, NC 28150
C: 704 477-9565
E-mail: david.causby@cityofshelby.com

Staffed by Planning and Development Services Department (704 484-6829): Walt Scharer, Director

Planning & Zoning Board

2023	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Becca Schweppe	1		1	1	1	1	1	1				
Bob Cabaniss	1	1	1	1	1	1	1	1				
Charles Hamrick		1	1	1	1	1	1	1				
Emanuel Hunt Jr	1	1	1	1	1		1	1				
Greg Taylor	1		1	1			1	1				
Karla Haynes	1	1	1	1	1	1	1					
Mark Carter	1	1		1	1		1					
Mike Royster	1	1	1		1	1	1	1				
Rick Washburn	1	1	1	1	1	1	1	1				
Scott Bankhead	1	1	1	1	1	1		1				
vacant												

total attendance per month

9 8 9 9 9 7 9 9 8 0 0 0 0

*** Date**

01/21/2023

*** Full Name**

Ashley Hemming

*** Full Address**

710 Hanover Drive
Shelby NC 28150

*** Do you live within Shelby's city limits?**

Yes

If you live in Shelby, how many years and months?

15 years

Date of Birth

12/19/1973

Home Phone

(704) 974-6394

Mobile Phone

SKIPPED

Work Phone

SKIPPED

*** Email**

ashley.designs@yahoo.com

Occupation

Civil Engineer

Why are you interested in serving on the Planning and Zoning Board?

I have watched Shelby change and grow over the past 15 years in such a positive way. I believe Shelby has such great potential for the future. I would like the opportunity to be a part of the growth and to contribute in a meaningful way to help the City reach its future goals and objectives.

Please list any previous board service (If applicable)

No previous board experience

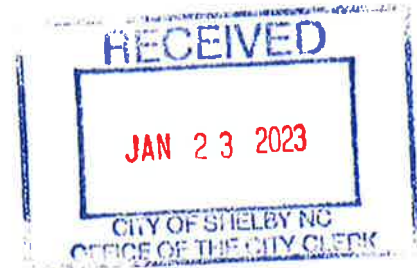
Interests, skills, expertise or experiences that may be of assistance to the Planning and Zoning Board's success

BSCE Civil Engineering UNCC MSCE Civil Engineering UNCC Currently employed as a transportation consultant for a private consulting firm (10 years). Previous experience includes planning and home design. My previous professional experience has equipped me with the skills and knowledge to collaborate and effectively contribute to the team in an effort to reach the overall goals of the City. Thank you for your consideration.

*** Type your name for signature**

Ashley Hemming

Word 4



*** Date**

03/29/2023

*** Full Name**

Tasha R. Smith

*** Full Address**

205 Lake George Dr
Shelby North Carolina 28152

*** Do you live within Shelby's city limits?**

Yes

Ward 2

If you live in Shelby, how many years and months?

2 months

Date of Birth

05/20/2076

Home Phone

(415) 235-1335

Mobile Phone

SKIPPED

Work Phone

(704) 482-3370

*** Email**

tasharsmith14@gmail.com

Occupation

Executive Director, Cleveland Psychosocial Services

Why are you interested in serving on the Planning and Zoning Board?

I am very interested in community planning. As a resident it is of great importance that we are mindful of growth and new industries coming into our community.

Please list any previous board service (if applicable)

I was the treasurer of the Washington State Coalition for Sexual Assault Programs, I was on the Executive Committee for Phoenix Crisis Center in Fayetteville, NC.

Interests, skills, expertise or experiences that may be of assistance to the Planning and Zoning Board's success

I have been an Executive Director for non-profit organizations for 17 years. I am well versed in large budgets and financial reports.

*** Type your name for signature**

Tasha Smith



Richard Nelson Francis

Cleveland County | Generated 6/30/2021 @ 11:28 am by OnBoard2 - Powered by ClerkBase



Status

Name Richard Nelson Francis
Application Date 12/11/2020
Expiration Date 12/11/2022
Status ~~Pending~~

Board

City of Shelby Planning and Zoning Board

Ward 4

Basic Information

Name

Richard Nelson Francis

Why do you want to serve on this board? What are your qualifications and why would you be an asset to this board?

I feel my knowledge and background will be of help serving on Planning and Zoning Board.

I have served on the Kings Mountain Planning and Zoning Board.

I want the City of Shelby to prosper with the right kind of Zoning

Have you taken the opportunity to attend any previous board meetings prior to the notice of this vacancy? Describe extent and meetings attended.

I have not, however I plan to study and find out of what importance that have come before the Board in the these meetings.

Please list any Boards/Commissions/Committees on which you have served or are currently serving on. (List county/municipalities and dates)

Kings Mountain Planning and Zoning Board from 2007-2010 before a move to Shelby.

Are you related by blood or marriage to any person currently employed by Cleveland County Government? If yes, please indicate employee name and relationship.

I am not related to anyone employed by Cleveland County Government.

Have you ever been convicted of a crime (felony or misdemeanor) other than a minor traffic violation?

None

Contact Information

Address

844 West Marion St
Shelby, NC 28150

Resident

Yes

Ward/District

Ward 4

Phone

704-477-2338

Cell Phone

704-477-2338

Email

ricfrancis@att.net

Occupation

Employer

Carolinas Commercial Realty

Occupation

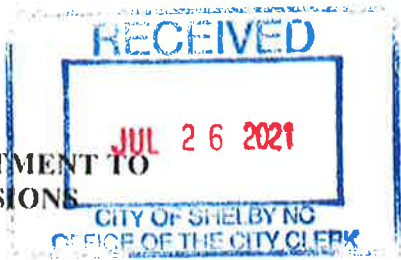
Owner/Broker

Professional Licenses

Real Estate License, NAR License,
Life, Health and Property and
Casualty



APPLICATION FOR APPOINTMENT TO
BOARDS AND COMMISSIONS



The Shelby City Council believes that all citizens should have the opportunity to actively participate in governmental decisions. One way of participating is by serving as a voluntary member of one of the City's boards, commissions, or committees as outlined below. If you have an interest in being considered for appointment, please complete the form below and mail it to the City Clerk, City of Shelby, P O Box 207, Shelby, NC 28151-0207 or email it to bernie.parduski@cityofshelby.com. If you have questions or need assistance, please call 704 669-6588. Thank you!

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

DATE 26 July 2021

NAME Matthew Albinger

ADDRESS (No P O Boxes please) 801 W. Warren St.

CITY / STATE / ZIP Shelby, NC 28152

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

DO YOU RESIDE WITHIN THE CITY OF SHELBY'S EXTRATERRITORIAL JURISDICTION (ETJ)?
No

WARD 7

PHONE NUMBERS: Home 704 718-8998 Work 980 345-1374

EMAIL ADDRESS albymatt69@gmail.com

OCCUPATION Electrical Project Engineer

EDUCATIONAL BACKGROUND BSEE

BOARD OR COMMISSION INTERESTED IN:

1. Planning & Zoning Advisory Board
2. Housing & Redevelopment Advisory Board → **Serving 2022**
3. Cleveland County Regional Airport Advisory Commission

OTHER COMMENTS:

SIGNATURE Matthew Albinger DATE 26 July 2021

City of Shelby
Agenda Item Summary
September 18, 2023
City Hall Council Chamber

Agenda Item: H

City Manager's Report

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

Agenda Item: I

Council Announcements and Remarks

J. Adjournment:

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

- 1) Motion to adjourn