

**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:**

1-27

- 1) **Audit Presentation for Fiscal Year Ending June 30, 2023 - Martin Starnes and Associates, CPA's, P.A., Tonya Thompson, Senior Manager, presenting**

**C. Public Comment:**

28

*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. Consent Agenda:**

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

- 1) **Approval of the Minutes of the Regular Meeting of November 6, 2023**

29-38

- 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. 76-2023**

39-72

3) Acceptance of the Certificate of Sufficiency regarding Petition Of Annexation of applicant, True Homes, LLC – Thrift Road	73-86
4) Motion to acknowledge and sign the Response to the Auditor’s Findings, Recommendations and Fiscal Matters	87-95
5) Approval of Special Event Application:	96-116
a) Annual Tree Lighting and Uptown Shelby Carriage Rides, requested date: November 25th (Tree Lighting), December 1st, 8th, and 15 <sup>th</sup> , 2023 (Carriage Rides)	
b) Shelby Christmas Parade: requested date: Sunday, December 17, 2023	
E. Unfinished Business:	
1) Adoption of a budget ordinance amendment for the City of Shelby’s American Rescue Plan Water and Sewer Asset Management and Modeling Projects: Ordinance No. 53-2023	117-124
F. New Business:	125
None	
G. City Manager’s Report	125
H. Council Announcements and Remarks	125

**I. Closed Session**

126

- 1) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations, or to discuss matters relating to military installation closure or realignment. Any action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session pursuant to North Carolina General Statute 143-318.11(a)(4).
- 2) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract pursuant to North Carolina General Statute 143-318.11(a)(5).

**J. Adjournment:**

126

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

- 1) Motion to adjourn

## B. Special Presentations:

### Agenda Item B-1

- 1) Audit Presentation for Fiscal Year Ending June 30, 2023 - Martin Starnes and Associates, CPA's, P.A., Tonya Thompson, Senior Manager, presenting

#### **Presenting: (City Manager will introduce presenter)**

---

- Memorandum dated November 13, 2023, from Beth Beam, Director of Finance to Rick Howell, City Manager
- 2023 Audited Financial Statements from Martin Starnes and Associates, CPA's, P.A.

---

#### City Manager's Recommendation / Comments

Tonya Thompson, Senior Manager with Martin Starnes & Associates, CPA's, P.A. is scheduled to attend the meeting to make the obligatory and required report to Council on the annual audit report for the fiscal year ending June 30, 2023.

Ms. Thompson or another representative of the auditor will also be available for a future meeting should you so desire. The audit and preparation of the ACFR are increasingly difficult due to the additional auditing standards that must be met by both the City and the auditing firm. The Governmental Accounting Standards Board (GASB) and reporting standards for both State and Federal grants slow this process even more every year. Mrs. Beam and staff have done an exemplary job shepherding the Finance Department through the process. I think the auditor would agree that the process went as smoothly as can be expected. The audit has been submitted to the NC Local Government Commission as required by law and positive acceptance has been communicated. An audit report should be regarded as a "snapshot" at a moment in time reflecting the overall financial health of the City. I would note that the final report will be submitted to the NC LGC after the prescribed deadline of October 31, 2023. However, the audit is not considered officially late if submitted prior to December 1, 2023.

The only action necessary at this point is for City Council to accept and acknowledge receipt of the annual audit for the year ending June 30, 2023.





To: Rick Howell, City Manager  
From: Beth B. Beam, Director of Finance  
Date: November 13, 2023  
Subject: Audit Presentation for Fiscal Year Ending June 30, 2023

Background:

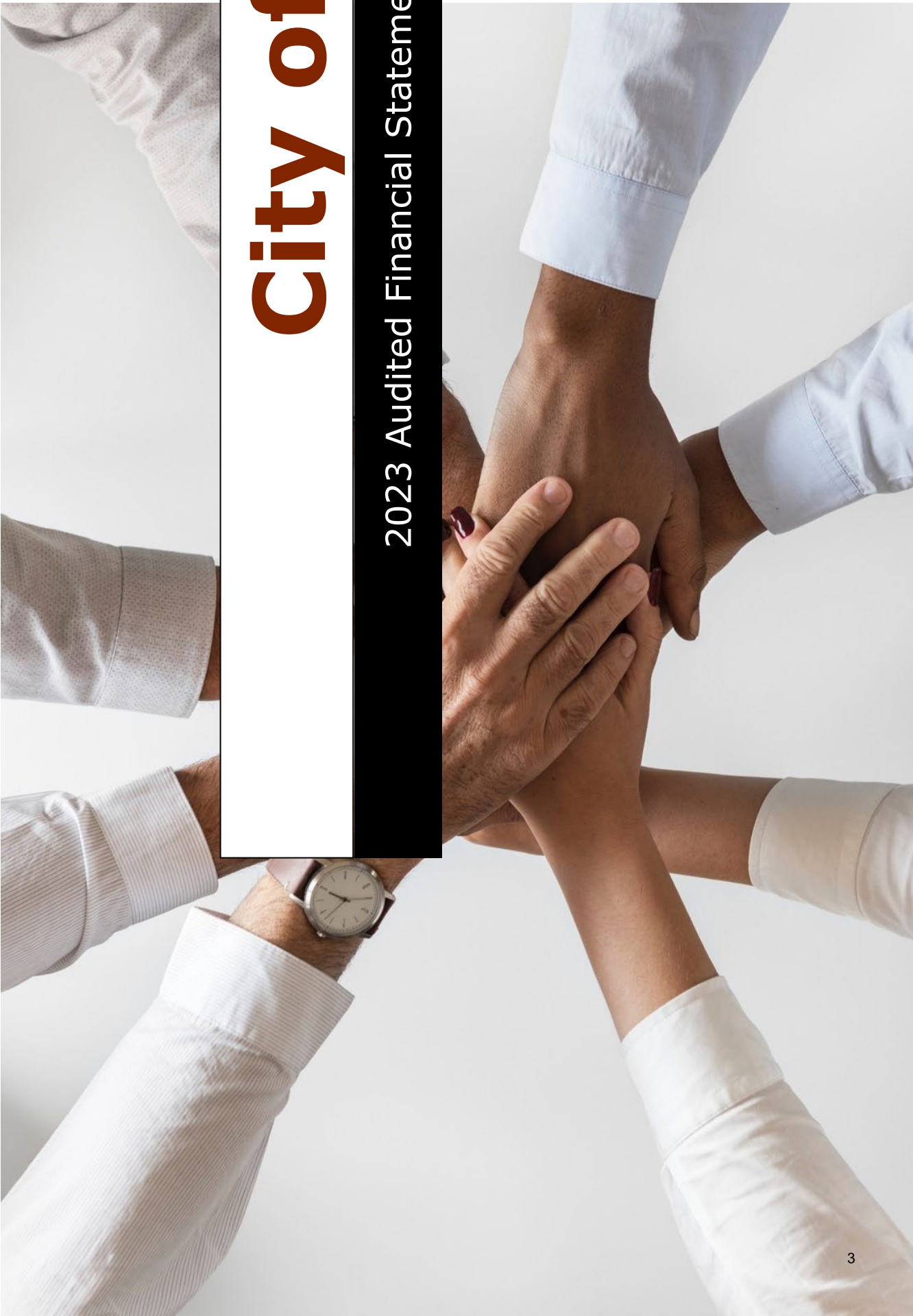
State law requires that all municipal governments publish a complete set of financial statements presented in conformity with generally accepted accounting principles and those statements must be audited in accordance with generally accepted auditing standards.

Review and Comments:

Martin Starnes and Associates, CPA's, P.A. has audited the City of Shelby's financial statements for the year ending June 30, 2023. The audit firm is required to make a presentation to the Governing Body within 45 days of the submission of the audit to the Local Government Commission.

Recommendation:

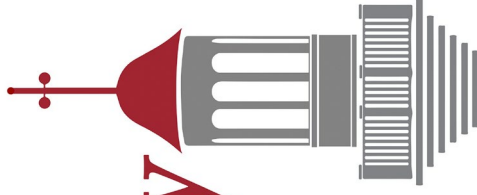
The recommendation from staff is to provide the time necessary for the Auditor's presentation of the audit for fiscal year ending June 30, 2023 in the November 20, 2023 agenda.



# City of Shelby

## 2023 Audited Financial Statements

**Shelby**  
NORTH CAROLINA



# Audit Highlights

☐ UNMODIFIED OPINION

☐ COOPERATIVE STAFF

☐ GENERAL FUND - \$5.5M INCREASE IN FUND BALANCE

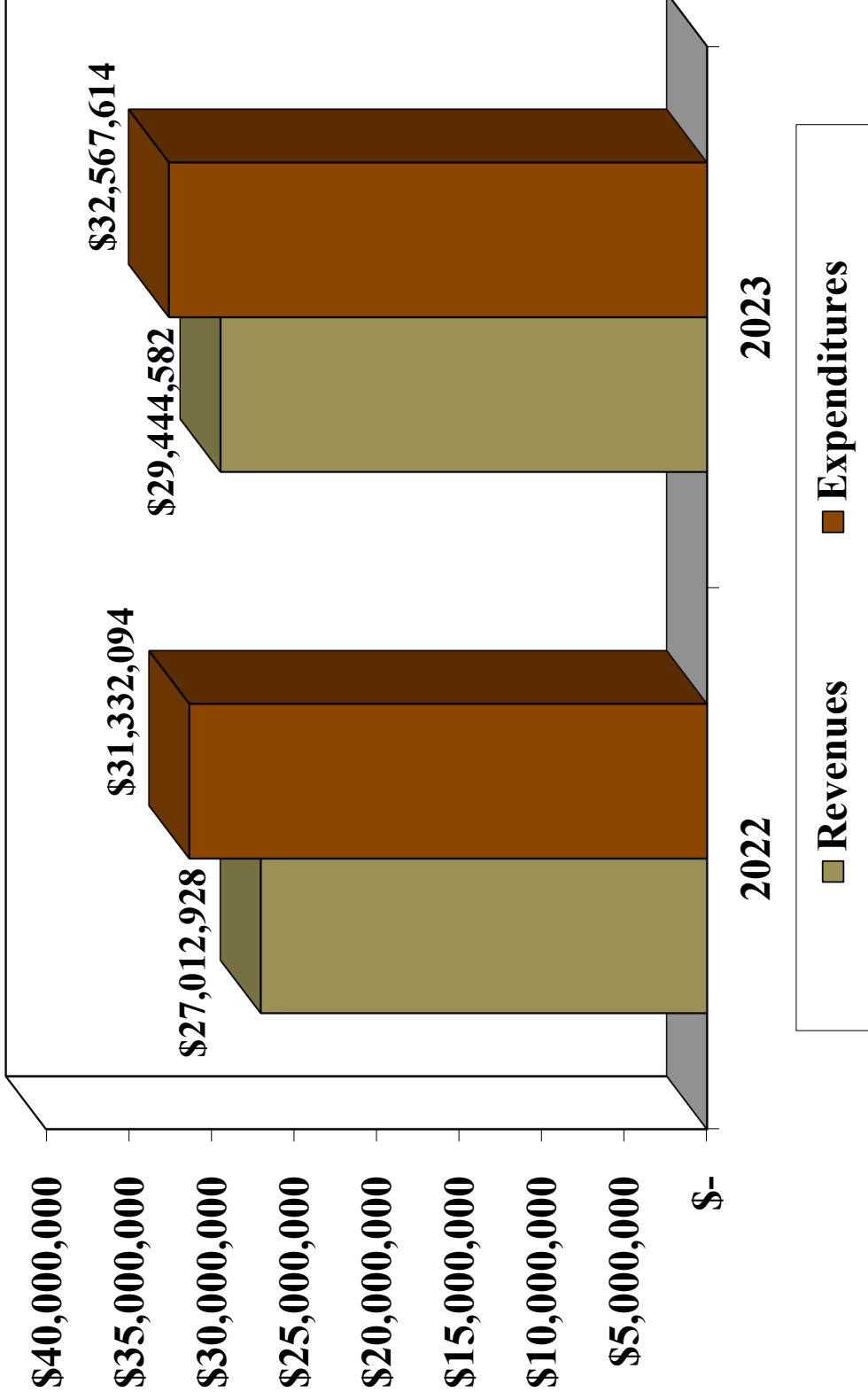
☐ ENTERPRISE FUNDS - \$7.8M INCREASE IN NET POSITION

# Audit Highlights

- ❑ 2023 PROPERTY TAX REVENUES  
\$14,143,644
- ❑ 2023 COLLECTION RATE  
97.67%
- ❑ 2022 PROPERTY TAX REVENUES  
\$13,923,565
- ❑ 2022 COLLECTION RATE  
98.83%



# GENERAL FUND SUMMARY

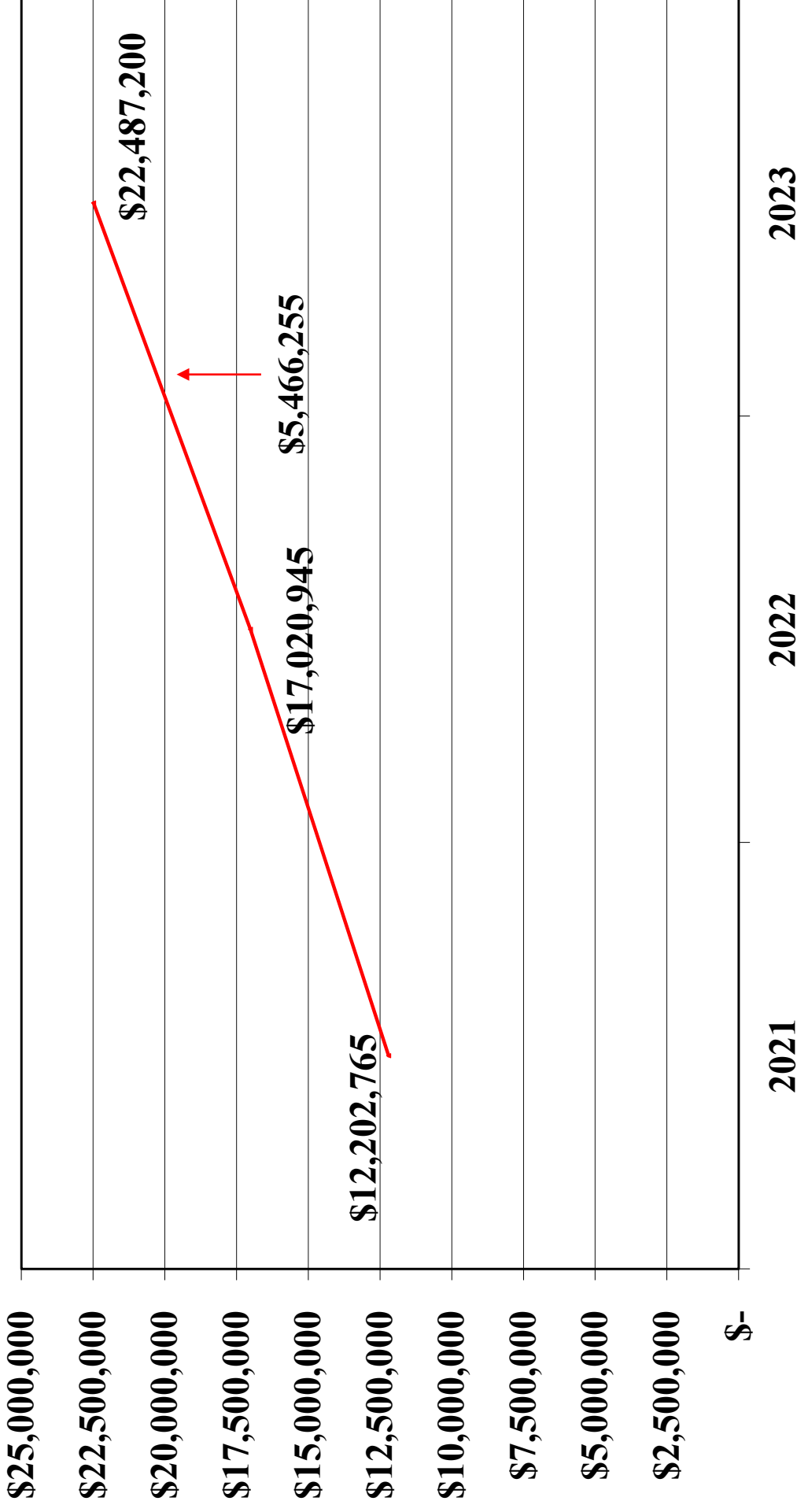


# FUND BALANCE

- ❖ Serves as a measure of the City's financial resources available.
  - $(\text{Assets} + \text{Deferred outflows}) - (\text{Liabilities} + \text{Deferred Inflows}) =$   
Fund Balance/Net Position
- 5 Classifications:
  - **Nonspendable** - not in cash form
  - **Restricted** - external restrictions (laws, grantors)
  - **Committed** - internal constraints at the highest (Board) level
  - **Assigned** - internal constraints, lower level than committed
  - **Unassigned** - no external or internal constraints



# TOTAL FUND BALANCE – GENERAL FUND



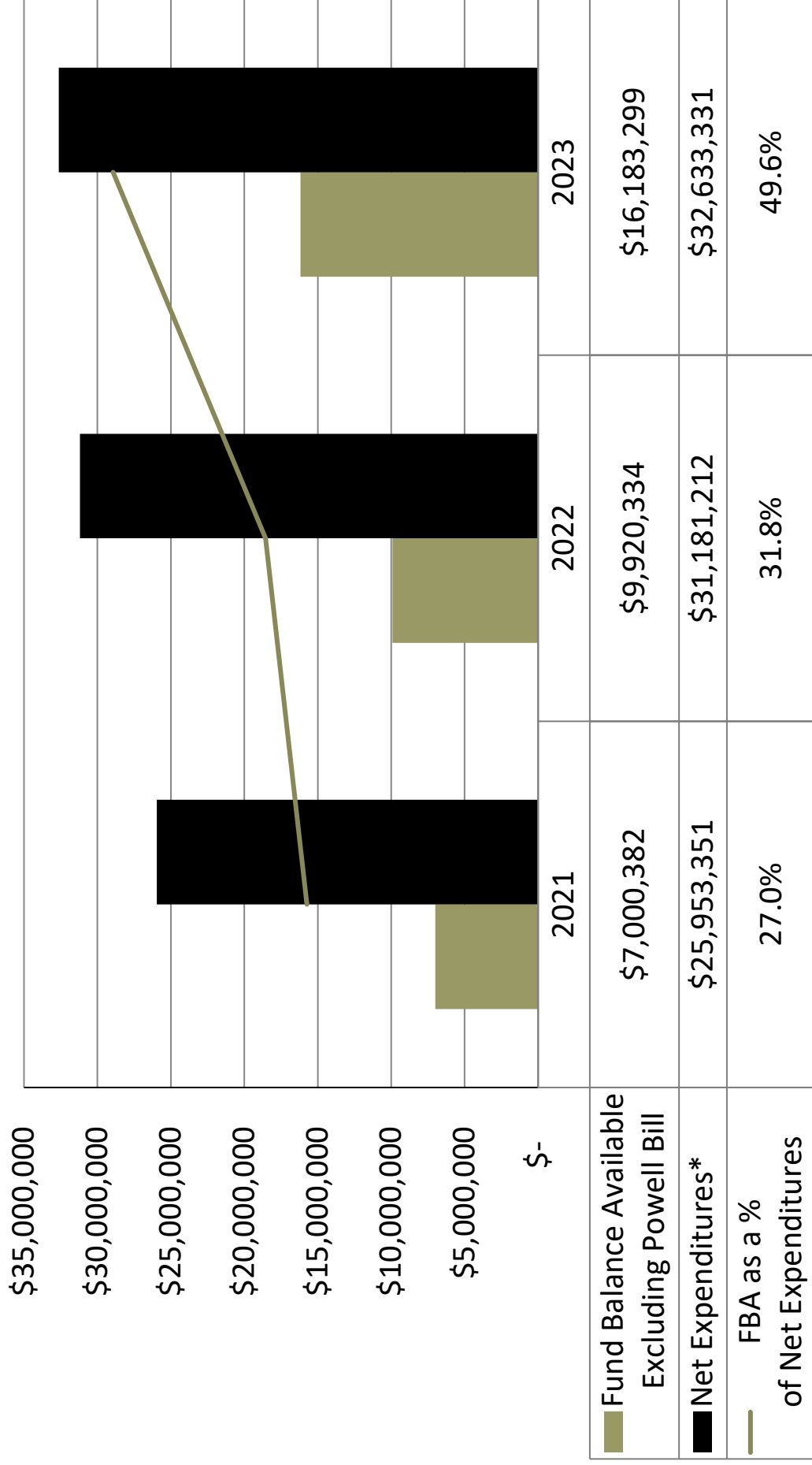
# FUND BALANCE POSITION – GENERAL FUND

Total Fund Balance	\$ 22,487,200
Less: Nonspendable	(598,682)
Less: Stabilization by State Statute	<u>(4,865,555)</u>
Available Fund Balance 2023	<u>\$ 17,022,963</u>
Available Fund Balance 2022	\$ 10,416,047
Increase in Available Fund Balance	\$ 6,606,916

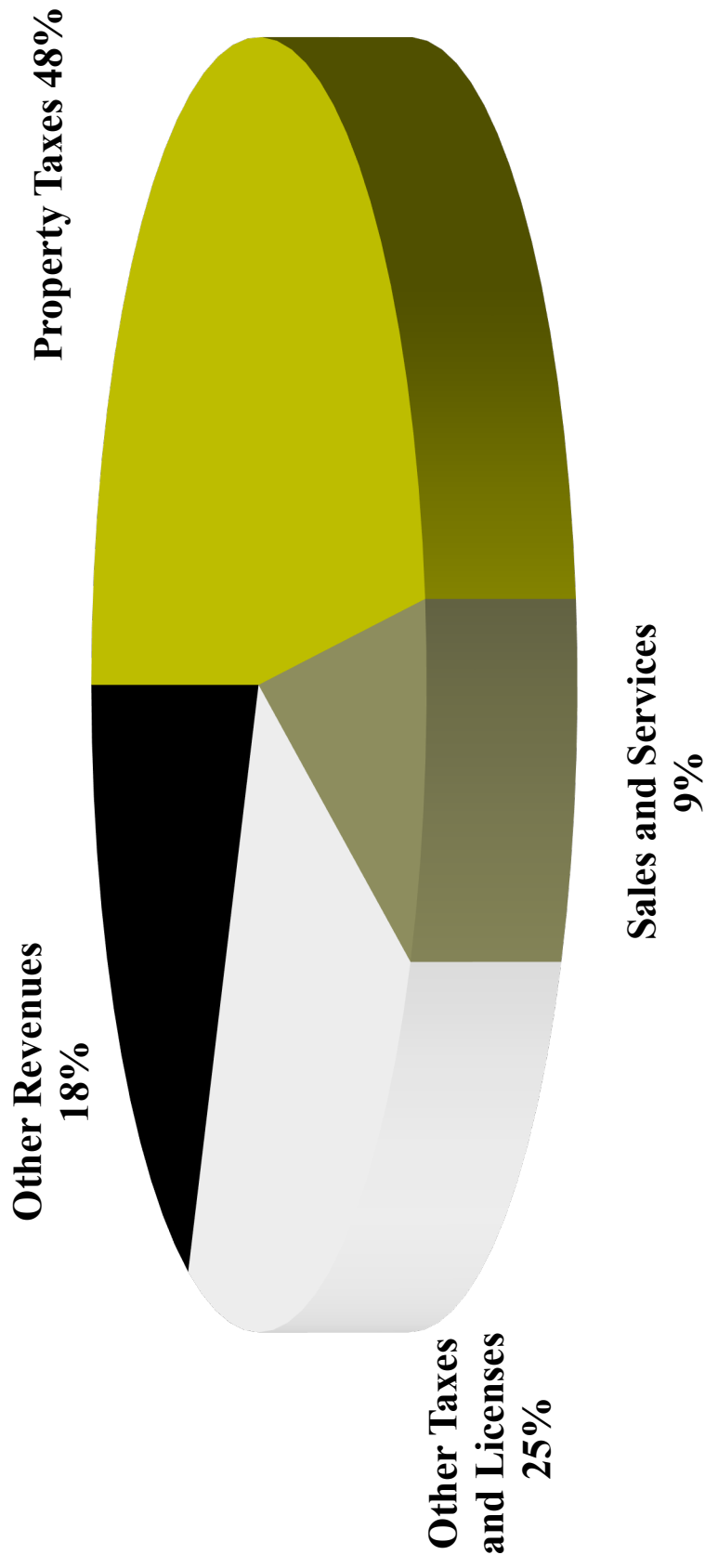




# FUND BALANCE - GENERAL FUND

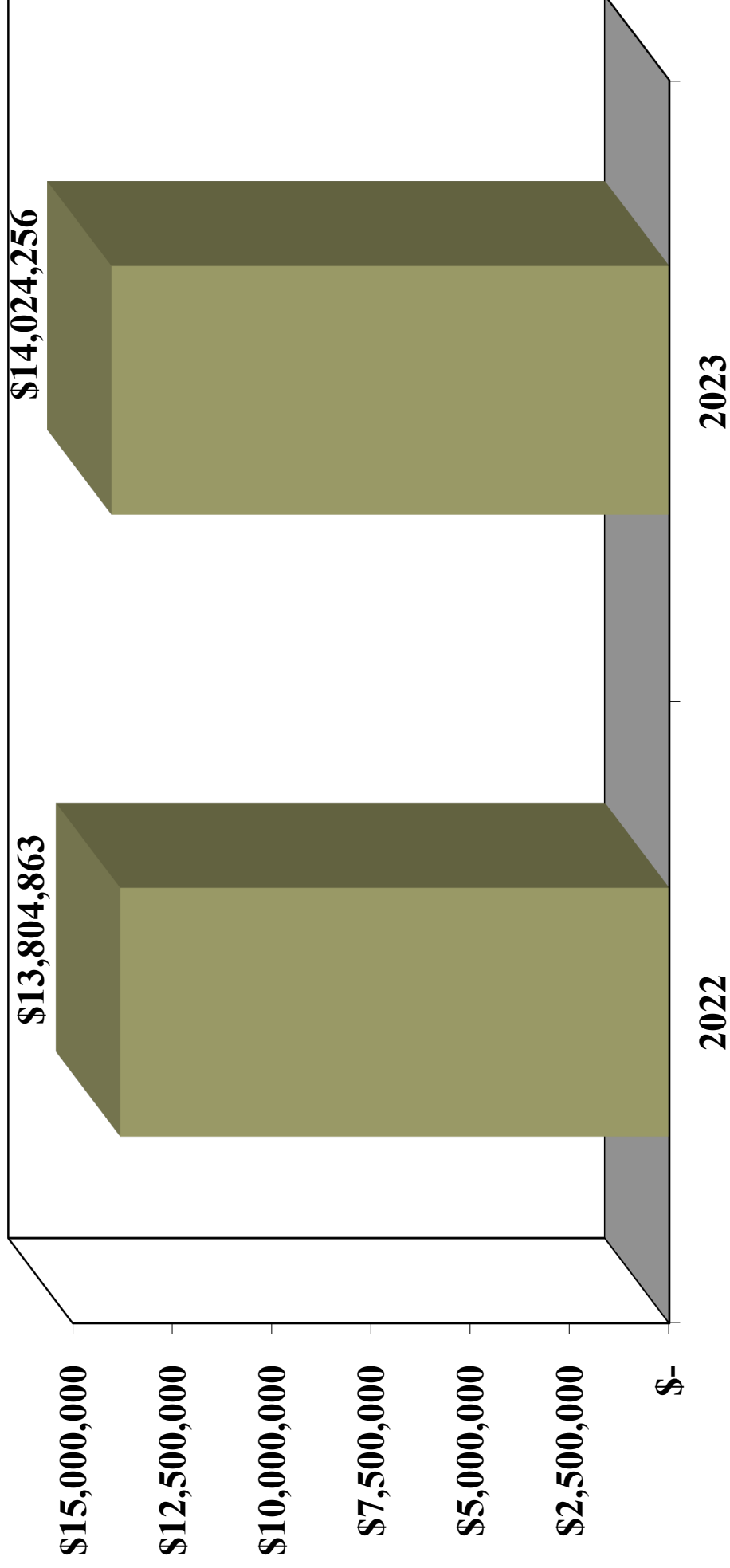


# TOP 3 REVENUES: GENERAL FUND

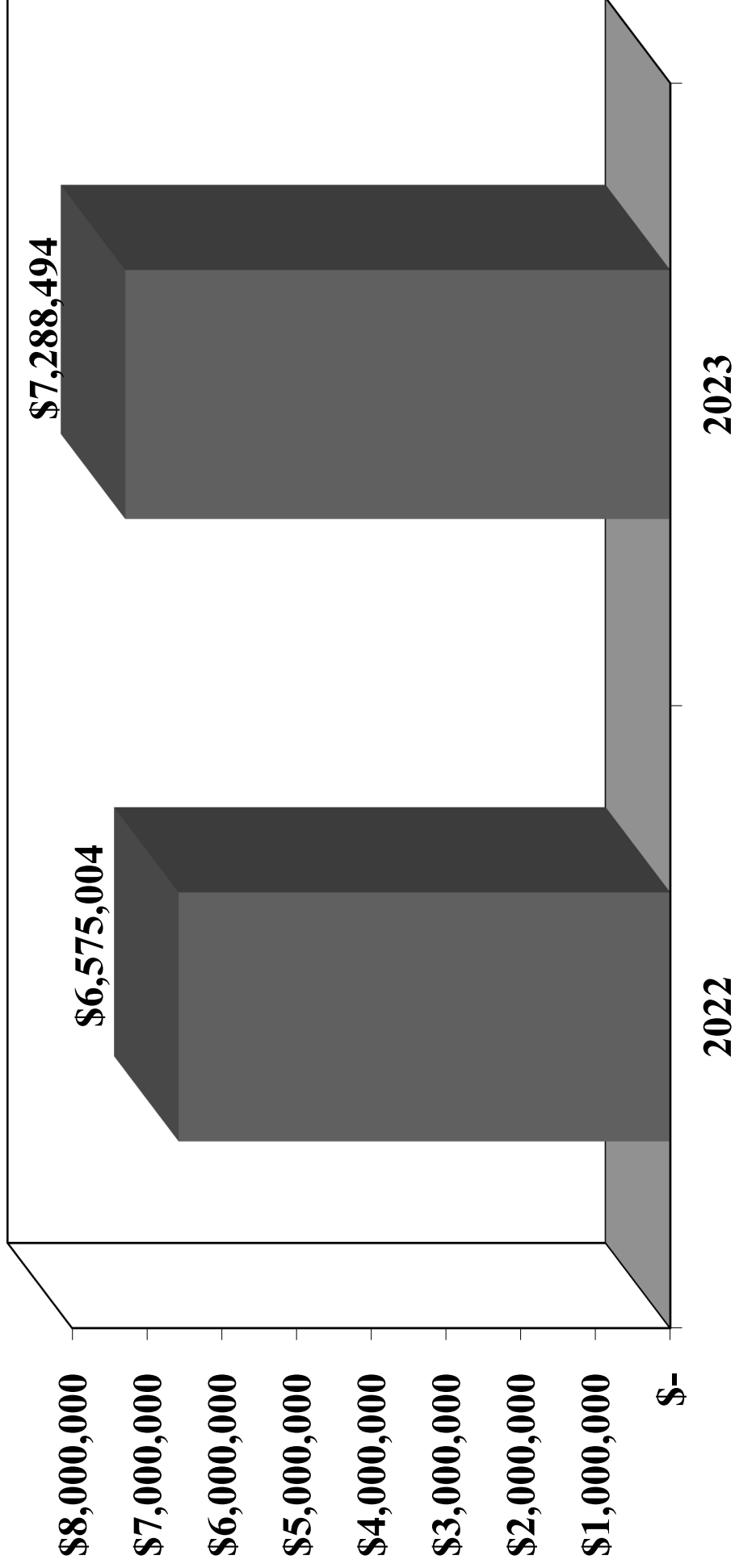


**Total Revenues \$ 29,444,582**

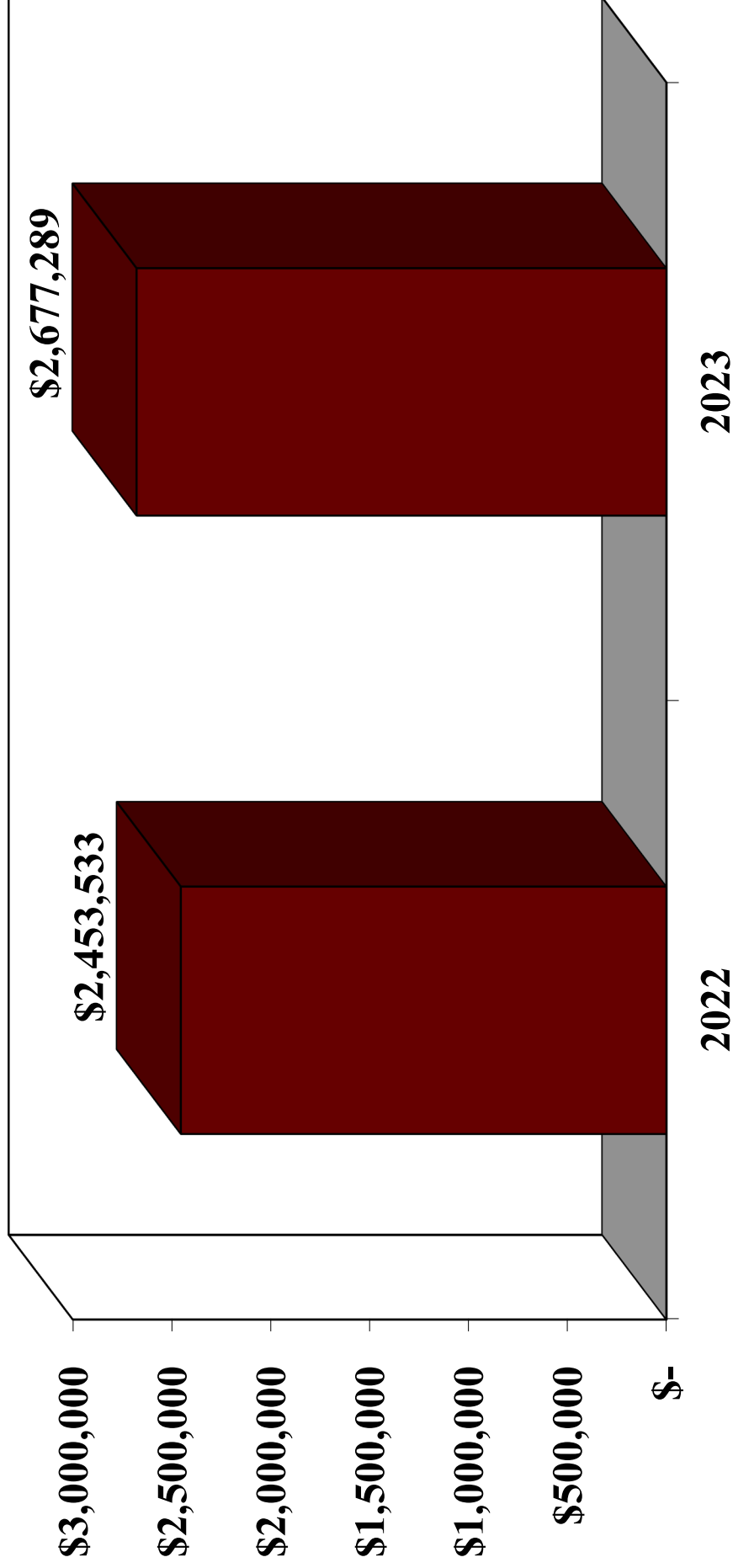
# PROPERTY TAXES



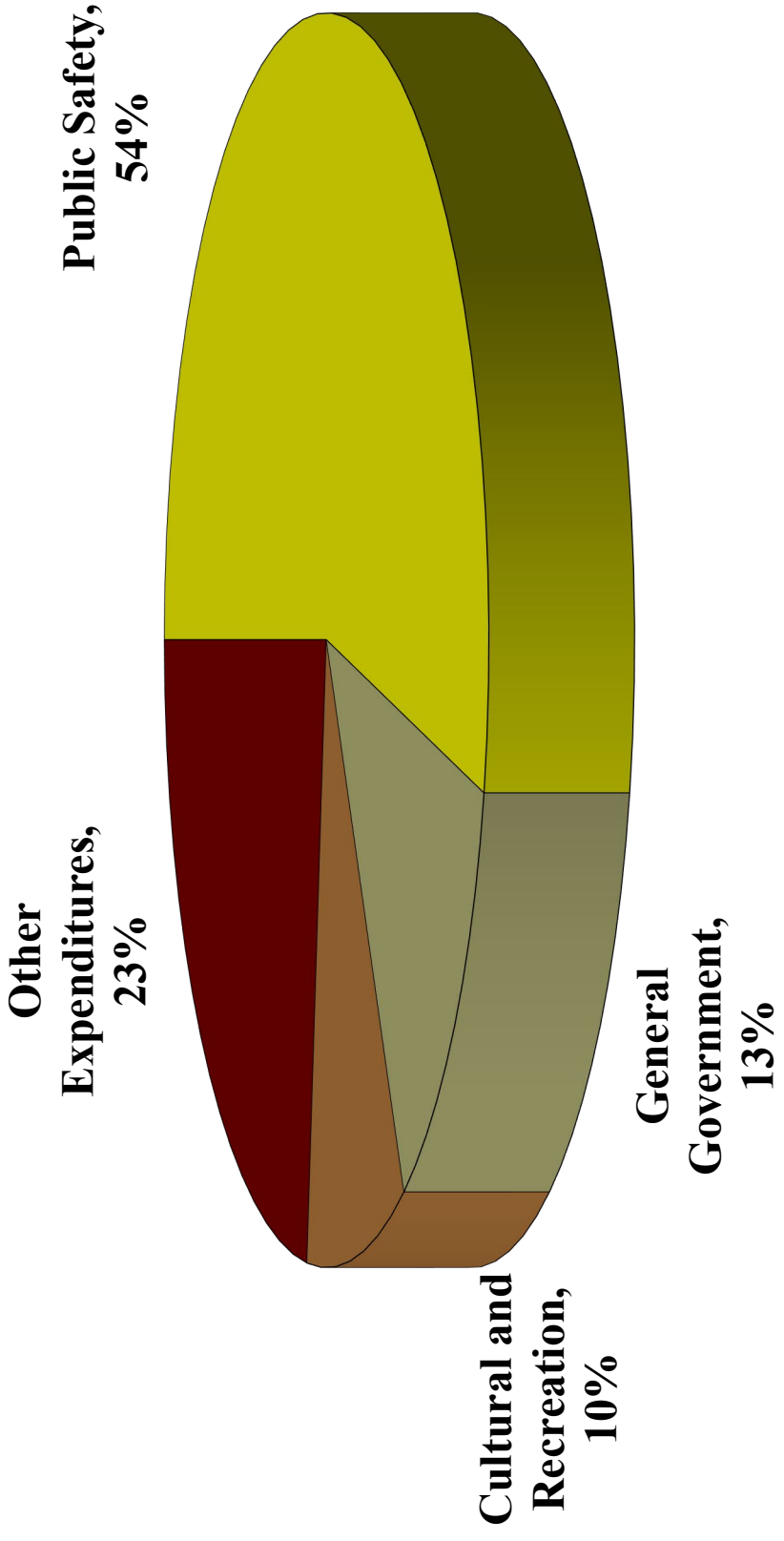
# OTHER TAXES & LICENSES



# SALES AND SERVICES



# TOP 3 EXPENDITURES: GENERAL FUND

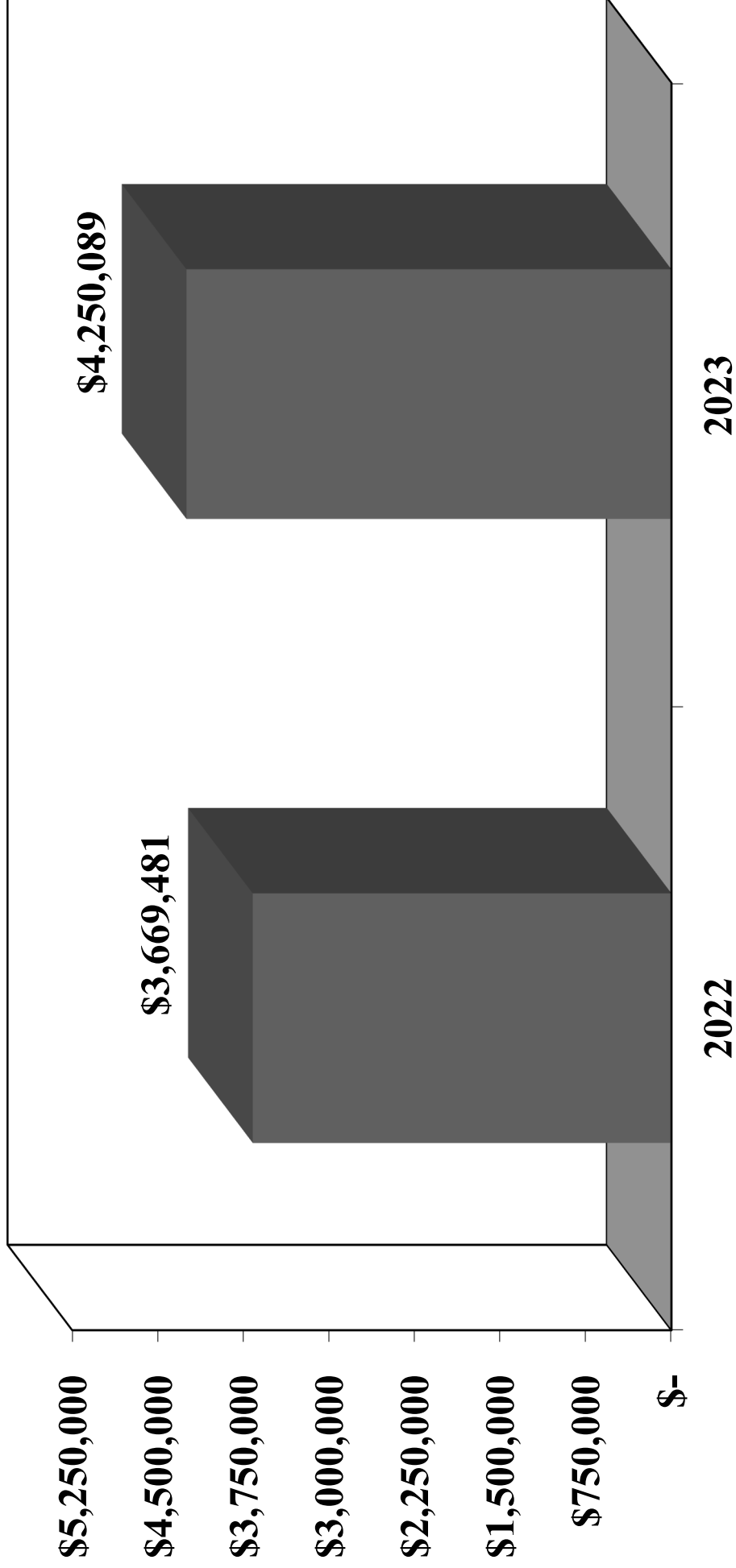


**Total Expenditures \$ 32,567,614**

# PUBLIC SAFETY

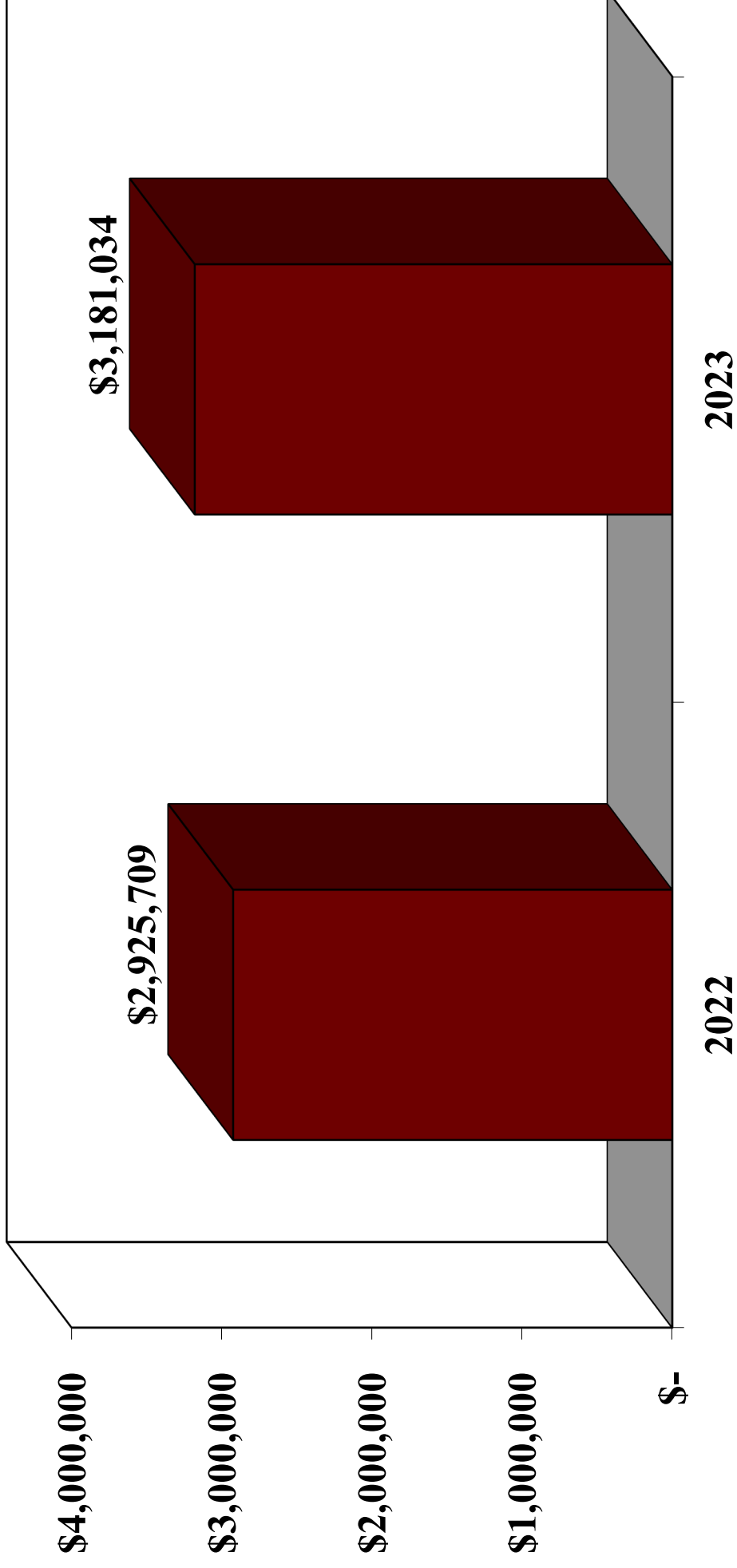


# GENERAL GOVERNMENT





# CULTURAL AND RECREATION



# ENTERPRISE FUNDS - TOTAL

	<u>2022</u>	<u>2023</u>
Net Investment in Capital Assets	\$ 117,355,043	\$ 122,213,118
Unrestricted Net Position	<u>32,543,905</u>	<u>35,460,733</u>
Net Position	<u>\$ 149,898,948</u>	<u>\$ 157,673,851</u>

# ENTERPRISE FUND: WATER

<u>Water Fund</u>	<u>2022</u>	<u>2023</u>
Unrestricted Net Position	\$ 4,442,226	\$ 5,670,858
Cash Flow From Operations	\$ 2,875,819	\$ 2,268,429
Change in Net Position (GAAP)	\$ 1,584,541	\$ 2,713,724
Quick Ratio	2.26%	2.60%

# ENTERPRISE FUND: SEWER

<u>Sewer Fund</u>	<u>2022</u>	<u>2023</u>
Unrestricted Net Position	\$ 4,727,804	\$ 6,605,693
Cash Flow From Operations	\$ 3,616,095	\$ 2,841,459
Change in Net Position (GAAP)	\$ 2,129,965	\$ 3,991,366
Quick Ratio	2.90%	3.52%

# ENTERPRISE FUND: ELECTRIC

<u>Electric Fund</u>	<u>2022</u>	<u>2023</u>
Unrestricted Net Position	\$ 11,024,735	\$ 13,375,341
Cash Flow From Operations	\$ 4,249,944	\$ 5,209,990
Change in Net Position (GAAP)	\$ 2,437,664	\$ 2,940,848
Quick Ratio	5.61%	7.05%

# ENTERPRISE FUND: GAS

<b>Gas Fund</b>	<b>2022</b>	<b>2,023</b>
Unrestricted Net Position	\$ 8,992,483	\$ 6,516,734
Cash Flow From Operations	\$ 5,011,851	\$ 4,450,194
Change in Net Position (GAAP)	\$ 1,913,539	\$ (1,834,429)
Quick Ratio	4.92%	6.92%



# Performance Indicators





# GENERAL PERFORMANCE INDICATORS



## ❖ Positive performance indicators

- GF fund balance available %
- Enterprise fund quick ratios
- Timely audit submission
- Stable property tax valuation & collection %

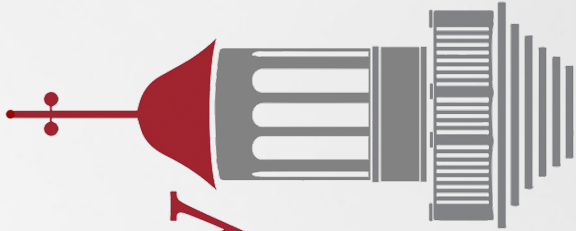


# GENERAL PERFORMANCE INDICATORS



## ❖ Performance Indicators – Response Required

- Cash Flow Indicator – Operating Net Loss indicating that rates are not covering operating expenses and debt service payments.



**Shelby**  
NORTH CAROLINA

# Questions?

Tonya Thompson

(828)327-2727

tthompson@msa.cpa

www.msa.cpa



**C. Public Comment:**

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

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

D. Consent Agenda:

Agenda Item: D-1

- 1) Approval of the Minutes of the Regular Meeting of November 6, 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 November 6, 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

November 6, 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, Assistant City Manager Justin Longino, MBA, City Attorney Jason Lunsford, 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, 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.

Mr. Hopper led the Pledge of Allegiance.

### A. Approval of agenda:

- 1) Motion to adopt the proposed agenda as presented.

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

### B. Special Presentation:

- 1) Development Finance Initiative, UNC School of Government – Sara VanLear

Ms. VanLear presented to Council an update on the work Development Finance Initiative (DFI) has done on the Hotel Charles Redevelopment Project. Ms. VanLear recapped the pre-development analysis as follows:

- The redevelopment of the Hotel Charles should add accommodations in Uptown Shelby that will support current arts, culture and visitor travel activity; preserve and reflect Shelby's history; efficiently leverage public investment to maximize private investment.

- The projected development program consists of renovating the 32,000 square foot building to include an estimated 38 guest rooms, with food and beverage located on the first floor, and retail opportunities on the street level.

Ms. VanLear continued the presentation by giving an overview of the expected solicitation timeline and process:

- Obtain Solicitation Release – after execution of the Council approved Resolution
- Engagement with interested development partners
- Development proposals due January 30, 2024
- Proposal review
- Development partner selection around late March/early April, 2024
- MOU and Development Agreement negotiations

Ms. VanLear gave the following key elements for the Solicitation for Development Partner (SDP) proposals:

- Detailed description of the Hotel Charles redevelopment opportunity, including the project's guiding public interests
- Overview of DFI's market analysis, including key hospitality and retail indicators
- Overview of Hotel Charles development program
- Summary of the project financial feasibility
- Summary of potential public-private partnership opportunities
- Detailed description of the SDP evaluation criteria and selection process

Ms. VanLear continued by describing the development partner outreach strategy which consists of DFI developing a targeted list of groups that have experience in developing historic properties for hospitality programs, the list includes:

- Private developers
- Architectural and Engineering firms
- Investor groups
- Financing institutions
- Boutique hotel management firms

The SDP will also be posted on the City of Shelby website, DFI's website, and circulated via several regional media outlets.

According to Ms. VanLear the proposals submitted from the developers should include several expectations:

- Development and site plans
- Project financial assumptions, and evidence of firm financial stability
- Development timeline
- Selection process for (1) hotel operator, (2) food and beverage partner, and (3) retail tenants
- Development team and experience
- References

After receiving the submissions from developers Ms. VanLear stated that City staff and DFI will review them and inform Council of their selection. Ms. VanLear stated the following core criteria will be used to assess all responses:

- 1) Qualifications and experience
- 2) Integration and guiding public interests
- 3) Quality and success
- 4) References
- 5) Ability to complete the project within the proposed timeframe.

At the end of Ms. VanLear’s presentation she asked Council if they are prepared to authorize a resolution for Solicitation of Development Partners for the Redevelopment of the Charles Hotel (Resolution No. 72-2023). City Council gave consensus that they are prepared and eagerly look forward to further development. Council also thanked Ms. VanLear and DFI for their extensive work on the project and appreciated the presentation.

Mr. Howell interjected that with the partnership of Opportunity Appalachia and DFI this project has already gotten some exposure which has led to a few viable developer candidates.

- 2) Presentation from Uptown Shelby Association Executive Director, Carly Bostic, regarding a potential social district

Ms. Bostic began her presentation by updating Council on some of the recent activities and highlights:

- Hosted an Economic and Local Planning workshop led by Hilary Greenberg, Jeff Emory, and Michael Cooper with 31 participants that were broken into groups consisting of retail, restaurants, property owners and realtors.
- ElectriCities has approved funding in the amount of \$10,000-\$12,000 which will either be used for an Uptown Shelby market feasibility study or the Retail Strategies Downtown Development program.

- Received the City of Shelby Travel and Tourism grant, which is much appreciated.
- Two new businesses have opened or relocated to Uptown Shelby.
- There was an article in Good Grit magazine covering Uptown Shelby and the various businesses.
- Partnered with Queen City News reporter Maureen Wurtz for a three-piece segment which covered Clifford's Army/Rollover Pets partnership, the Rail Trail Boardwalk, the Rogers Theater, Banker's House, and the Corn Maze, as well as an interview with Mayor Anthony.
- A New Business Welcome packet has been created.
- Angie Brooks Boutique, Rollover Pets, and Laura Beam Interiors have all been Façade Grant recipients this year.
- Main Street trainings and conferences were also attended this year.

**Ms. Bostic continued her presentation discussing a potential social district:**

- A social district is defined as an outdoor area in which a person may consume alcoholic beverages sold by a permittee
- Created by the NC General Assembly with the intent to increase economic vitality in business districts
- It does not allow visitors to BYOB into the district
- May include private property, including permittee and non-permittee businesses, multi-tenant establishments, public streets, crosswalks, and/or parking areas.

**Ms. Bostic discussed the reasons for a social district which include:**

- Allows downtown areas to further economic growth and development because many businesses now prefer to only expand to areas where social districts exist.
- Visitors are eager to explore areas where social districts have been established
- Will allow Uptown Shelby to be marketed as a premier entertainment destination which provides another layer of economic stimulation to individually owned small businesses.

**Ms. Bostic provided feedback based on a survey produced by Uptown Shelby Association which resulted in 27 out of 30 respondents and showing 93% of the respondents were in favor of a social district. Ms. Bostic provided positive feedback from the cities of Norwood and Hickory that have established social districts; and the Mayor of Lenoir's feedback was that they've seen some weekdays use but the social district mainly comes into play when hosting downtown events or festivals.**



**Ms. Bostic pointed out that in January, 2023 the North Carolina ABC Commission had only 18 social districts, by October, 2023 there are now 48 social districts which shows how fast this is growing in popularity.**

**Ms. Bostic continued by stating the NC legislation requires cities and counties to opt-in to social districts via an ordinance; cities may designate a social district within the municipal limits; and counties may designate a social district outside of municipal boundaries.**

**Ms. Bostic explained the social district Rules and Regulations which consist of:**

- **The City selects and approves the social district days and times**
- **Special signage must be provided denoting district boundaries and participating establishments**
- **Any beverage must be in a specially marked cup provided by businesses**
- **Business owners are responsible for maintaining permits and ensuring that employees follow all NC ABC laws**
- **Beverages purchased outside the district are not permitted, and participants may not refill their own cups**
- **Beverages may not be taken outside the designated area.**

**Ms. Bostic showed an example of the City of Lenoir's beverage cup with these rules:**

- **Cups cannot hold more than 16 ounces**
- **Glass is prohibited**
- **The permittee's logo and district logo must be prominently displayed**
- **Every container must include a time and date stamp and the statement "Drink Responsibly – Be 21."**

**Ms. Bostic displayed some examples of signage that other cities are using which show "Beverages sold here", "Beverages not sold here", "Not permitted" and additional signage showing the boundaries of the social district.**

**Ms. Bostic finished her presentation by stating that this and more information is included in the social district packet she provided to Council.**

**By consensus, Council thanked Ms. Bostic for her presentation, and they'll take time to look over the packet she provided.**

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

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

- 1) Approval of the Minutes of the Regular Meeting of October 16, 2023
- 2) Approval of a resolution authorizing Solicitation of Development Partners for the redevelopment of the Charles Hotel: Resolution No. 72-2023
- 3) Approval of a resolution directing the City Clerk to determine sufficiency of a voluntary annexation petition from True Homes, LLC: Resolution No. 73-2023
- 4) Approval of a resolution authorizing selection of McGill Associates based on qualifications for Professional Civil Engineering Services for the Citywide Stormwater Modeling, Infrastructure Assessment, and Master Plan: Resolution No. 74-2023
- 5) Adoption of an ordinance establishing a capital project ordinance and budgets for the City of Shelby's Seattle Crossing Underground Electric Project: Ordinance No. 51-2023
- 6) Electric material purchase for the 2023 Residential Development Projects
  - a) Adoption of an ordinance establishing a capital project ordinance and budgets for the City of Shelby's Underground Electric Projects FY24: Ordinance No. 52-2023
  - b) Approval of a resolution awarding the contracts for the purchase of the underground electric materials for the 2023 Residential Development Projects: Resolution No. 75-2023
- 7) Management Reports:
  - a) Financial Report – September, 2023

**D. Unfinished Business:**

None

**E. New Business:**

None

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

Regarding Depot Park – Continuing with the engineering and architectural design and hope to have it out for bid around the first of the year, 2024.

Regarding Shelby City Park Aquatics Project - The surface cracking on the deck is being repaired and is almost completed.

Regarding County Home Road Replacement Project – Will have to put that project out for re-bid, more details forthcoming.

Regarding Hickory Creek Sewer Outfall Project – Making good progress and on schedule at this time.

Regarding Phase II of the 24” Crosstown Waterline Project – Currently waiting on materials to begin that next phase.

Regarding Water Treatment Plant Infiltration Project – Currently moving forward.

Most of the larger water/sewer projects are underway due to the time constraints of the ARP funding. Smaller water/sewer projects will be targeted later with any remaining ARP funds.

Mr. Howell informed Council that the six-acre parcel at the old Shelby Middle School ballfield has been identified as a dog park. Funding needs to be addressed and some stormwater issues resolved. Mr. Longino will be heading up this project.

Mr. Howell stated the former Shelby Police Department building renovation project is not fully funded at this time; however, the architectural work is complete.

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

Mayor Anthony wanted to publicly thank City Staff, in particular Chip Nuhrah and Ben Yarboro, for the outstanding job on the opening of the Carolina Harmony Trail. He believes the trail and the new dog park will be “another gem in our crown.”

Mayor Anthony asked Council to review the upcoming events handout they received and also stated that tomorrow, November 7<sup>th</sup>, is Election Day, please get out and vote if you haven’t already.

Mr. Hopper reminded everyone that voting opens at 7:00 a.m. and goes on until 7:00 p.m. tomorrow and listed the various precincts.

**Closed Session:**

- 1) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged regarding *Allen v. City of Shelby* pursuant to North Carolina General Statute 143-318.11 (a)(3).
- 2) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations, or to discuss matters relating to military installation closure or realignment. Any action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session pursuant to North Carolina General Statute 143-318.11(a)(4).
- 3) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract pursuant to North Carolina General Statute 143-318.11(a)(5).

**ACTION TAKEN:** Mr. White made a motion to enter a closed session pursuant to the appropriate North Carolina General Statutes as cited. Mayor Anthony invited all Council members present along with Mr. Howell, Mr. Lunsford, Mrs. Williams, Mrs. Jones, Mr. Longino, and Mr. Yarboro to attend, as well as Attorney Natalia Isenberg remotely. The motion passed unanimously, and Council moved into closed session at 6:34 p.m.

**ACTION TAKEN:** Attorney Isenberg departed the meeting at 7:17 p.m. at the conclusion of the first Closed Session item.

At the conclusion of the third Closed Session item, Mr. White made a motion for City Council to return to the regular session at 7:56 p.m.

**H. Adjournment:**

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

**1) Motion to adjourn**

**ACTION TAKEN:** Upon a motion made by Ms. Arth, City Council voted unanimously to adjourn the meeting at 7:57 p.m.

Respectfully submitted,

Carol Williams  
City Clerk

O. Stanhope Anthony, III  
Mayor

Minutes of November 6, 2023

Agenda Item: D-2

- 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. 72-2023

**Consent Agenda Item: (Deborah Jolly, Director of Human Resources)**

Summary of Available Information:

- Memorandum dated November 13, 2023, from Deborah Jolly, Director of Human Resources to Rick Howell, City Manager
- Accident/Injury Reporting Policy, Attendance Policy, Disciplinary Actions Policy, Employee Awards and Recognition Policy, Employee Personnel Records, Grievance Procedure Policy, Retirement Program & Post Retirement Benefits Policy, Sick Leave Accrual Policy, Social Media Use Policy, Tardiness and Leaving Early Policy, Travel Policy, Vacation Policy
- Resolution No. 72-2023

City Manager's Recommendation / Comments

Resolution No. 72-2023 is presented for City Council consideration via the Consent Agenda. If approved this resolution would amend the personnel policies of the City in the following areas:

- 1) Accident/Injury Reporting Policy
- 2) Attendance Policy
- 3) Disciplinary Actions Policy
- 4) Employee Awards and Recognition Policy
- 5) Employee Personnel Records
- 6) Grievance Procedure Policy
- 7) Retirement Program & Post Retirement Benefits Policy
- 8) Sick Leave Accrual Policy
- 9) Social Media Use Policy
- 10) Tardiness and Leaving Early Policy
- 11) Travel Policy
- 12) Vacation Policy

**It is my recommendation that Resolution No. 72-2023 be adopted and approved at this time via the Consent Agenda.**

# Memorandum

**TO:** Rick Howell, City Manager  
**FROM:** Deborah Jolly, Director of Human Resources  
**RE:** Personnel Policy Manual Revisions  
**DATE:** November 13, 2023

**BACKGROUND:**

The Personnel Policy Manual was first written in August 1998. Major revisions were made in 2009. The current Personnel Policy Manual contains 52 separate policies that govern the City of Shelby workforce while complying with local, State and Federal Laws.

**REVIEW:**

Human Resources is reviewing the Personnel Policy Manual to ensure that it complies with the ever-changing practices and local, State and Federal Laws. Without updated and well-structured guidelines, it is impossible to be consistent in handling employee issues and grievances thus more legal concerns arise. Attached are 12 policies. Ten policies have recommended revisions in red. The Travel Policy was completely revised, and the Social Media Use Policy is new.

**RECOMMENDATION:**

It is essential that the City of Shelby has up-to-date policies in place to help provide a fair, safe, and harassment-free environment for all employees. More revised policies will be presented in the next couple of months. A hard copy of the final manual will be maintained in each department as well as an electronic version placed on the intranet for easy reference. I would appreciate it if you would allow these 12 policies to be presented at the November 20, 2023, City Council Meeting. Thanks for your consideration and let me know if you have any questions.



Effective Date: March 21, 2011

Revision Date: Nov. 20, 2023

## Personnel Policy and Procedure Manual

# Accident/Injury Reporting Policy

---

### ***I. PURPOSE***

The purpose of this policy is to describe procedures for reporting employee accidents and injuries within the City of Shelby. This policy applies to all employees who have a job-related accident and/or injury in the performance of their job duties.

### ***II. POLICY***

#### **Life-Threatening**

If an employee has a life-threatening accident or injury while on the job, call 911 for emergency transport to the nearest medical center. The employee's supervisor should be immediately notified. At that time, the Safety & Risk Management Coordinator and the City Manager must be notified of the accident or injury. If the Safety & Risk Management Coordinator cannot be reached, contact the Director of Human Resources.

#### **Non Life Threatening**

If an employee has a non life-threatening accident or injury while on the job, the employee's supervisor and the Safety & Risk Management Coordinator shall be immediately notified. Upon notification, the Safety & Risk Management Coordinator and/or the Director of Human Resources will determine if the employee shall be sent for post-accident drug testing per the Drug and Alcohol Testing Policy or the **Anti-Drug and Alcohol Misuse Prevention Policy**. The injured employee must be transported by his/her supervisor (or designated employee) to the City of Shelby Medical Provider. Notify the Safety & Risk Management Coordinator prior to transporting the employee so that an appointment can be made as soon as possible.

If an accident or injury occurs after 5:00 pm, please follow the same procedures as above. If, for any reason, the Safety & Risk Management Coordinator or the Director of Human Resources cannot be reached, transport the Employee to the City of Shelby Emergency Medical Provider, or closest medical center if



medically necessary. In all cases, the employee must be drug tested if any of the criteria under the Drug and Alcohol Testing Policy or the **Anti-Drug and Alcohol Misuse Prevention Policy** are met.

In all accident/injury cases, the “Employee Accident/Injury Investigation Report” and the “Supervisor’s Accident/Incident Investigation Report” must be filled out and forwarded to the Safety & Risk Management Coordinator within 24 hours, or the next working day if the accident/injury occurs on a weekend.

**Failure to Report**

Failure to report an accident/injury to appropriate personnel within the time period stated in this policy will result in appropriate disciplinary action as outlined on the Disciplinary Action Grid Policy.



Effective Date: July 20, 2009

Revision Date: Nov. 20, 2023

## Personnel Policy and Procedure Manual

# Attendance

---

### ***I. PURPOSE***

Employees are expected to report to work on time when scheduled. Good attendance is important because of the vital services we provide to the community.

### ***II. DEFINITIONS***

Unscheduled Occurrence: Any shift or consecutive work shifts that an employee was scheduled to work and did not report for duty or did not work at least three-fourths of a scheduled shift. Once an absence reaches 5 days, the department director or supervisors should consult the employee regarding leaves of absence.

Approved Time Off: Time away from work that has been approved in writing by an employee's Department Director or Supervisors.

### ***III. POLICY***

All employees are responsible for reporting to work as scheduled. Employees are to notify their department director or supervisors whenever they are unable to report to work as outlined below. The Department Director or Supervisor is responsible for enforcing this policy, counseling employees whenever absenteeism becomes excessive, and taking appropriate actions.

### ***IV. PROCEDURES***

1. Employees must report their intent to be absent to the department director or supervisors as far in advance as possible. Department Directors are responsible for training each employee in these requirements. Failure to notify the appropriate person prior to the scheduled work shift as outlined in this policy will constitute an unscheduled occurrence.
2. Employees who are absent for more than one day must notify their department director daily unless other arrangements have been made.

3. Exclusions from the absence policy are workers compensation, military leave, death in the immediate family (parent, parent-in-law, child, brother, sister, spouse, stepparents, grandparent, or grandchild), jury duty and time off for an approved leave of absence under the Family Medical Leave Act (FMLA).
4. The Department Director may require a physician's statement verifying an illness, or verification of family member death.
5. If an employee is absent due to illness for five (5) or more consecutive days, the Department Director may also require a doctor's note releasing the employee to return to work.
6. An employee can receive approved time off through their Department Director or Supervisors. All days off must be scheduled at least 24 hours prior to the beginning of the shift. Department policy may be stricter than the 24-hour rule. The Department Director or Supervisor will have final discretion in scheduling days off.
7. Employees may be asked to make up time missed.
8. A doctor's excuse will not take away an unscheduled occurrence unless that absence is due to time off for Family Medical Leave Act purposes.
9. Excessive absenteeism will subject the employee to the disciplinary process. Absences will be reviewed on a continuous twelve (12) month period basis. The disciplinary progression is as follows:

6th Unscheduled Occurrence - Oral Warning documented on an Employee Communication Report.

7th Unscheduled Occurrence - Written Warning documented on an Employee Communication Report.

8th Unscheduled Occurrence - Final Written Warning documented on an Employee Communication Report. An employee who has received two "Final Written Warnings" within any twelve-month period, drops back one or two steps, and then incurs additional unscheduled occurrences back to the 7th Unscheduled Occurrence level, within any twelve-month period, will not receive a third "Final Written Warning" but rather will be eligible for discharge.

9th Unscheduled Occurrence - Eligible for Discharge documented on an Employee Communication Report. This action should be reviewed with the Director of Human Resources prior to meeting with the employee.

10. Unscheduled occurrences are tracked on a moving consecutive twelve-month period. Absences will be removed or "washed out" after the most recent twelve consecutive months and will not count in the cumulative total for purposes of disciplinary action.
11. Employees absent without notifying their Department Director or Supervisor, or without making prior arrangements for the absence will receive the following disciplinary action (continuous twelve-month period basis):

<u>Days Missed</u>	<u>First Offense</u>	<u>Second Offense</u>
One Day	Final Written Warning	Discharge
Two Consecutive Days	Discharged	

12. If an employee returns to work prematurely following an illness, has a relapse, and is unable to return to work the following day, then no additional occurrence will be counted.
13. Department Directors are responsible for ensuring that unscheduled hours are recorded for timekeeping purposes.
14. Department Directors have the discretion to waive two unscheduled absence occurrences per rolling calendar year for employees who have consistently demonstrated flexibility in scheduling. An employee who worked an extra shift on a holiday because of staffing needs would be an example of demonstrated flexibility.

Please note that absences related to an approved medical leave, such as for FMLA and workers' compensation leave, are not subject to discipline. **If you are absent and believe your absence may fall under FMLA leave and/or workers' compensation, please notify your Department Director and the Director of Human Resources immediately so that the appropriate documentation can be completed. Otherwise, your absence will not be counted as approved leave and could subject you to discipline as outlined in this policy.**



Effective Date: July 20, 2009  
Revision Date: Nov. 20, 2023

## Personnel Policy and Procedure Manual

# Disciplinary Actions

---

### ***I. PURPOSE***

1. To protect the interests of the City of Shelby.
2. To protect the rights and safety of all employees, citizens, and visitors.
3. To achieve consistency in administering disciplinary actions to employees.
4. To ensure the conduct and performance of employees is conducive to the delivery of a high level of service to the citizens of Shelby.
5. To discipline each employee impartially with fairness, consistency, and non-favoritism.

### ***II. POLICY***

The preceding pages of this section have outlined many basic rules, regulations, and policies which define acceptable conduct of employees. The recommended procedures for disciplinary action are outlined in this policy to assure that rules of conduct are understood in the event of violations.

### ***III. RESPONSIBILITY***

City of Shelby employees are expected to maintain a code of conduct which will reflect positively on the city and the employees. The City's Department Directors and Supervisors have the primary responsibility for ensuring that each employee is aware of performance expectations and understands the City's rules and policies. Every Department Director and Supervisors also has the responsibility for seeing that all rules and policies are adhered to on a day-to-day basis and, if necessary, administering disciplinary action within the limits of their jurisdictions. This is one of the duties required of all leadership and any disciplinary action should be kept confidential. During investigations, everyone involved should be reminded to keep all information confidential.

Discipline must be administered in a consistent manner, not only within a single department, but throughout the organization. This is an area in which the Director of Human Resources will be of service to the Department Directors and Supervisors.

It is the function of Human Resources to ascertain that the Department Director or Supervisor's judgment and actions appear to fit in with the organization's established policy on disciplinary actions. The Human Resources Department will advise and work closely with the Department Director and Supervisor in matters of discipline.

#### **IV. FORMS OF DISCIPLINE**

It is the intent of the City to encourage and assist the employee in improving performance and conduct, which will, in turn, increase the employee's personal development and contribute to the City's success. The City of Shelby implements several forms of discipline to encourage and assist the employee to improve his or her performance and conduct. The City will discipline an employee when the employee's behavior (job performance or conduct) fails to meet the organization's expectations.

The City's disciplinary policy, which is designed to be progressive, provides a range of disciplinary actions depending on the type of behavior to be addressed. Discipline may range from an oral warning to an immediate discharge (sometimes referred to as termination). The seriousness of the violation in each case is the compelling factor which must be considered. Department Directors and Supervisors are not required to go through each step in the disciplinary process but may begin with the action that most appropriately fits the violation. If possible, and circumstances permit, every effort is made to avoid discharging the employee for rule violations. However, there will be some situations where the use of the progressive discipline process is not warranted and instead, the employee is automatically suspended and/or discharged. (See Disciplinary Policy Grid Policy)

Disciplinary actions are conducted in a manner which allows the employee to explain their behavior and learn from the discussion. Investigations are a routine part of the disciplinary process, which ensures a complete review of the facts and allows time for proper consideration of appropriate disciplinary action. A progressive discipline chart is provided in this section to aid Department Directors and the Supervisors in their judgment. (See Disciplinary Policy Grid Policy). The Director of Human Resources is available in an advisory capacity for consultation and must always be consulted prior to a termination of employment and prior to a suspension of employment unless the circumstances require removing the employee from the workplace immediately then making the contact with the Director of Human Resources. All suspensions and discharges from employment with the City of Shelby require approval from the City Manager.

#### **Guidelines for Administering Disciplinary Actions:**

##### **1. Oral Warning**

A rule violation may indicate a need for an Oral Warning. Review of the specific policy and discussion of expected performance or behavior should be documented on an Employee Communication Report and routed to Human Resources **for final approvals**

and to be placed in the employee's personnel file. The form should include all facts reviewed with the employee and the action that will be taken should the rule infraction occurs again.

## **2. Written Warning**

The Written Warning is normally a follow-up to the Oral Warning for repeated rule violations. The Written Warning is usually the disciplinary action prior to discharge or suspension but may be used as the first course of action. This disciplinary action must be formally documented on an Employee Communication Report and routed to Human Resources for final approvals to be placed in the employee's personnel file.

## **3. Suspension**

A suspension is defined as a temporary lay-off from work at the will of the organization and a referral to the Employee Assistance Program should always be made during either type of suspension. Decisions regarding suspension will be made by the Department Director, the Director of Human Resources, and the City Manager. **There are two (2) types of suspension:**

- Disciplinary Suspension – This suspension should be used when a rule violation is committed. In most circumstances a violation of a very serious nature will result in termination. However, if circumstances surrounding the case warrant giving the employee a second chance, he/she may be suspended for up to 24 hours. The counseling session must be documented on an Employee Communication Report and promptly forwarded to Human Resources to be placed in the employee's personnel file. In most incidences, if the employee commits the offense a second time, they will be discharged immediately. Employees suspended from work will receive no pay during the period of suspension.
- Investigative (or Administrative) Suspension – This suspension should be used when a situation of possible policy violation occurs in which an investigation into the allegations must take place. This type of suspension usually lasts from 3 to 5 days, possibly longer depending on the amount of time required to fully investigate the situation. The decision to pay employees for this type of suspension will be determined by the Department Director, the Director of Human Resources, and the City Manager. However, if it is decided to withhold pay during the investigative or administrative suspension and the employee is found to be not guilty of the potential policy violation, then back pay will be given. In many circumstances a violation of this serious nature will result in discharge. In either event, the counseling session must be documented on an Employee Communication Report and promptly forwarded to Human Resources to be placed in the employee's personnel file.

## **4. Discharge**

Discharge is the final form of discipline and may be necessary in violation of rules and regulations of serious consequences. Also, in cases where attempts to correct the employee's performance through other disciplinary actions have failed, discharge may be indicated. Department Director's must review any proposed actions with the Director of Human Resources prior to discharging an employee. This disciplinary action must be formally documented on an Employee Communication Report and routed to Human Resources to be placed in the employee's personnel file. The Director of Human

Resources is an advisor on discharges and is responsible for reviewing all terminations to assure each conforms to approved policy and procedure. **The Director of Human Resources will present the proposed discharge to the City Manager for final approval.**

### **Discharge Procedure**

1. Upon determination that it is necessary to discharge the employee, the Department Director should contact the employee immediately and arrange for a meeting if appropriate.
2. Provide the employee with the precise reason(s) for discharge.
3. Collect all City of Shelby property.
4. Contact Information Systems so access can be discontinued.
5. Do not allow the employee to work beyond the notice of discharge.
6. Cite the last workday for which the employee is to be paid and advise the employee that before the final paycheck is paid all City property must be returned.
7. Submit all required forms of discharge as well as a final written report containing all facts surrounding the discharge to Human Resources on an Employee Communication Report.

### ***PROGRESSIVE DISCIPLINE (Disciplinary Policy Grid)***

The list provided in the following policy is to assist the Department Director and Supervisor in determining the severity of rule infractions as well as for possible action that should be considered if a rule is violated. This list only includes some of the more common violations that may occur. To ensure consistency, the Director of Human Resources is available for consultation concerning disciplinary action.

This list is not intended to be all-inclusive and serves as a guide only. Discipline up to and including discharge may be determined appropriate for these and other violations regardless of recommended action. The City of Shelby or the employee may terminate employment at any time and/or for any reason.





Effective Date: March 21, 2011

Revision Date: Nov. 21, 2016

Revision Date: Nov. 21, 2023

## Personnel Policy and Procedure Manual

# Employee Awards & Recognition Programs

---

## ***I. POLICY***

We believe good government starts with good employees. In order to maintain both, the City of Shelby strives to provide the following awards and recognition programs to help acknowledge the valuable contributions made by the City employees. The following City-wide recognition events are held annually provided funds are available.

### **Employee Service Awards**

In the spring of each year, employees who have completed 5, 10, 15, 20, 25, 30 and 35 years of continuous service with the City by December 1<sup>st</sup> of the previous year will be recognized at a “Service Awards Luncheon” celebration hosted by the City. Employees may also receive a gift of nominal value. The purpose of this recognition program is to recognize employees for their service commitment to the City of Shelby.

### **Employee Appreciation Luncheon/Picnic; Annual Christmas Dinner**

Annually all City employees are invited to attend an “Employee Appreciation Luncheon/Picnic” and an “Annual Christmas Dinner”. These events are organized and hosted by the Wellness Committee with assistance from the City Manager, Department Directors and the Parks & Recreation employees. Retired employees may be invited to attend these events.

### **Veterans Day Recognition Luncheon**

Annually during the second week of November close to the Veterans Day Holiday, employees who have served in various branches of the military are recognized at a luncheon provided by the City. In addition, employees who are military veterans may receive a token of appreciation. Military veterans who are retired from the City of Shelby will be invited to attend this event.

## **Health, Benefits & Safety Fair**

Annually during October or November, the Wellness Committee organizes a fair for employees in which health, benefits & safety vendors are invited to share information regarding their products and services with current employees. During this event, a vaccination clinic is on-site providing vaccinations to employees covered under the City's health insurance plan.

## **Retiring Employee Recognition**

Employees retiring with 20 or more years of continuous service will be given the option of having either a city-wide reception or a comparable meal or reception in the employee's department. The planning for these events will be coordinated by the department and Human Resources.

**20+ years of service** – In addition to the reception or meal listed above, employees retiring from City employment will receive a plaque from the City.

**25+ years of service** – In addition to the reception or meal listed above, employees with 25 or more years of service will receive a framed City Council Resolution. These employees will have the option of being recognized at a City Council meeting and presented with the Resolution.

**30+ years of service** – In addition to the reception or meal listed above, employees who physically work for the City 30 or more continuous years and retire will receive a framed City Council Resolution and a shadow box. These employees will have the option of being recognized at a City Council meeting and presented with both the Resolution and shadow box.



Effective Date: July 20, 2009  
Revision Date: March 21, 2011  
Revision Date: Nov. 20, 2023

## Personnel Policy and Procedure Manual

# Employee Personnel Records

---

## ***I. POLICY***

The following information with respect to each employee's personnel file is a matter of public record (GS 160A-168(b)). Any person may have access to this information for the purpose of inspection, examination and copying during regular business hours.

- Employee's name;
- Employee's age;
- Date of employee's original employment or appointment;
- Terms of employment contract;
- Employee's current position title and salary;
- Date and amount of each increase or decrease in the employee's salary (including pay, benefits, incentives, bonuses, and deferred and all other forms of compensation);
- Date and type of employee's most recent promotion, demotion, transfer, suspension, separation, or other change in position classification;
- Date and general description of the reason for each promotion;
- Date and type of each dismissal, suspension, or demotion for disciplinary reasons. If the disciplinary action was dismissal, a copy of the written notice of the final decision setting forth the specific acts or omissions that are the basis of the dismissal; and
- The department or office to which the employee is currently assigned.

## ***II. PROCEDURE***

Employee Personnel Files will be established by Human Resources during the pre-employment process. Department Directors are responsible for forwarding documents for inclusion in the Employee Personnel Files of those employees assigned to their departments. Information to be included in Employee Personnel Files includes but is not limited to:

- Employment Application Form
- Personnel Action Forms
- References
- I-9 Form
- Tax Withholding Forms
- Employee Communication Reports
- Direct Deposit Information
- Employee insurance election & beneficiary forms
- Job performance evaluations

### **III. ACCESS TO CONFIDENTIAL RECORDS**

All information contained in the City of Shelby employee's personnel file, other than the information mentioned in Section 1 of this policy is confidential and shall be open to inspection only in the following instances:

- The employee may examine all portions of his/her personnel file except letters and notes of references solicited prior to employment, background check information and medical disabilities that a prudent physician would not disclose to a patient.
- A physician designated in writing by the employee.
- A City of Shelby employee having supervisory authority over the employee. Files pertaining to employees who have completed an Employment Application for department transfer will be accessible by the prospective gaining Department Director.
- By order of a court of competent jurisdiction.
- An overview of the most recent work performance may be released by the Director of Human Resources to perspective employers with a signed consent from the employee.

Official Public Safety files (not to be confused with official employee personnel files) will be maintained and will include but not limited to:

- Psychological Profiles
- Polygraph Results
- Background Checks
- Oral Board Results

Access to Public Safety files may be allowed if the City Manager, **City Attorney**, Police Chief, and Director of Human Resources feel access would be helpful, necessary, or warranted for administrative purposes.



Effective Date: July 20, 2009

Revision Date: Nov. 20, 2023

## Personnel Policy and Procedure Manual

# Grievance Procedure

---

### ***I. Purpose***

The City of Shelby wishes to provide a working atmosphere as fair and equitable as possible. The prompt settlement of misunderstandings or problems at work is important for a harmonious environment for all. The grievance procedure is intended to provide a fair and systematic method of addressing employee's complaints arising from conditions of employment.

### ***II. Definitions***

Grievance: is a claim or complaint based upon an event or condition which affects the circumstances under which an employee works, allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment conditions. Conditions of employment shall include those matters regulated by the personnel policies and procedures such as wages, hours of work, working conditions, equal opportunity, safety, and the general area of employee relations.

### ***III. Policy***

The City of Shelby desires to settle grievances promptly, as near as possible to the point of origin, and to settle them fairly with an attitude of mutual confidence and respect. Therefore, in order to keep open the channels of communication and in an effort to ensure that all employees are treated fairly, a grievance procedure has been established. Any employee who has successfully completed the probationary period has a right to use the grievance procedure to express a legitimate complaint without fear or retaliation. An employee who desires to use the grievance procedure should bear in mind the following facts:

1. Employees should try to resolve any issues with their Supervisor or Department Director prior to coming to Human Resources when possible.
2. The grievance process is a step-by-step method of reviewing grievances in an orderly manner, and it is recommended that these steps be followed sequentially. However, if at any time a grievance is against an employee's Supervisor, Department Director, an employee of another department, or against a broader

issue, the employee may by-pass any or all of the steps and go directly to Human Resources for review of the grievance.

3. Timely resolution of a grievance is essential. Consequently, the times as specified for each step of the procedure must be strictly adhered to.
4. The City of Shelby guarantees that there shall not be any discrimination, retaliation, or adverse action against the aggrieved party because of the grievance claim.
5. The application of the grievance procedure is designed to formally handle disputes between employees concerning the interpretation, application, or enforcement by the City of Shelby of personnel practices. The day-to-day problems affecting employees shall normally be adjusted informally between an employee and his/her Supervisor or Department Director.

#### ***IV. Responsibility***

The City of Shelby Supervisors and Department Directors, to the best of their ability, are required to inform, listen to and counsel employees on matters affecting them. The City of Shelby also recognizes the right of the employee to appeal these matters without fear.

#### ***V. Procedure***

The following steps are to be followed when filing a grievance. An employee is encouraged to discuss the situation with the Director of Human Resources at any point in the process in order to assist in the resolution of the problem.

Step 1. Complete the first section outlining the problem on a Grievance Form and submit it to Human Resources within 5 working days after an employee becomes aware of a problem or issue. The Director of Human Resources will route the grievance to the appropriate Department Director. The Department Director has 5 working days to return a written response back to Human Resources. Please note that any investigation into the issue may result in discussions with the employee filing the grievance or with other employees. Human Resources will forward the original grievance and Department Director's response to the employee. If the employee is still not satisfied with the answer or action given, the employee can decide whether or not to move onto Step 2.

Step 2. If the employee is not satisfied with the answer or actions given by the appropriate Department Director, then he/she would mark "I am not satisfied with the above response" on the Grievance Form and return it to Human Resources within 5 working days from receiving the form. The Director of Human Resources will investigate the grievance. The Director of Human Resources has 5 working days to return a written response back to the employee. Please note that any investigation into the issue may result in discussions with the employee filing the grievance or with other employees. Either the employee filing the grievance, or the Director of Human Resources can request a meeting to discuss the grievance. The Director of Human Resources will forward the original Grievance Form with his/her response to the employee. If the employee is still not satisfied with the answer or action given, the employee can decide whether or not to move onto Step 3.

Step 3. If the employee is not satisfied with the answer or actions given by the Director of Human Resources, then he/she would mark “I am not satisfied with the above response” on the Grievance Form and return it to Human Resources within 5 working days from receiving the form. The Director of Human Resources will route the grievance to the **Assistant City Manager or** City Manager. The **Assistant City Manager or** City Manager has 5 working days to return a written response to Human Resources. Please note that any investigation into the issue may result in discussions with the employee filing the grievance or with other employees. Either the employee filing the grievance, or the **Assistant City Manager or** City Manager can request a meeting to discuss the grievance. Human Resources will forward the original Grievance Form with the **Assistant City Manager or** City Manager’s response to the employee. The **Assistant City Manager’s** or City Manager’s decision is the final step in the grievance process. At this point, the situation will be considered to have been fully reviewed and resolved to the greatest extent possible and the case will be considered closed.



Effective Date: March 21, 2011

Revision Date: Nov. 21, 2016

Revision Date: Nov. 20, 2023

## Personnel Policy and Procedure Manual

# Retirement Program & Post Retirement Benefits

---

### ***I. POLICY***

The City of Shelby provides retirement benefits for its employees through the North Carolina Local Government Employee's Retirement System (NCLGERS) which includes the Law Enforcement Officers group. All employees working 1,000 hours or more annually are required to join the NCLGERS. Employees must contribute upon employment, through payroll deduction, six (6) percent of the gross salary each month to the system. The City of Shelby contributes monies to the retirement system for each employee as required by the NCLGERS.

### ***II. PROCEDURE FOR RETIREMENT***

Employees who intend to retire should consult Human Resources and/or the NCLGERS at least 4 months in advance of the retirement date in order to process necessary paperwork. Retiring employees must give a 30-day written notice to their Department Directors. If retiring employees do not give the required notice, then they will not receive their vacation pay out and will forfeit their Retiring Employee Recognition listed below.

### ***III. POST RETIREMENT BENEFITS***

Effective October 1, 1990, individuals that **retire from the City of Shelby** with 22 or more years of continuous and uninterrupted full-time service may continue on the City's health insurance plan without charge to the employee until the retired employee reaches Medicare eligibility. Individuals with dependent coverage shall be responsible for payment of the dependent portion of the premium at the prevailing COBRA rate. **Retired employees who are recipients of this benefit, who end retirement and are rehired by the City of Shelby, will still be eligible for the Post Retirement Benefit when he/she retires a second time from the City of Shelby provided he/she has not reached Medicare eligibility.**



The definition of **retire from the City of Shelby** (for purposes of this benefit under this policy) means that the retiring employee will begin drawing a retirement check in the month immediately following his/her date of retirement from the City of Shelby and will continue to receive a monthly retirement check as outlined by the NCLGERS guidelines.

#### **IV. RETIRING EMPLOYEE RECOGNITION**

Employees retiring with 20 or more years of continuous service will be given the option of having either a city-wide reception or a comparable meal or reception in the employee's department. The planning for these events will be coordinated by the department and Human Resources.

**20+ years of service** – In addition to the reception or meal listed above, employees retiring from City employment will receive a plaque from the City.

**25+ years of service** – In addition to the reception or meal listed above, employees with 25 or more years of service will receive a framed City Council Resolution. These employees will have the option of being recognized at a City Council meeting and presented with the Resolution.

**30+ years of service** – In addition to the reception or meal listed above, employees who physically work for the City 30 or more continuous years and retire will receive a framed City Council Resolution and a shadow box. These employees will have the option of being recognized at a City Council meeting and presented with both the Resolution and shadow box.



Effective Date: March 21, 2011

Revision Date: Nov. 21, 2016

Revision Date: Nov. 20, 2023

## Personnel Policy and Procedure Manual

# Sick Leave Accrual

---

### ***I. POLICY***

Sick Leave with pay is not a right of employment, but a privilege granted by the City.

### ***II. ACCRUALS***

Each full-time employee with benefits of the City shall accrue 8 hours of sick leave each month with the following exceptions:

- Fire Department – operations personnel of will accrue 10.6 hours per month. (The Fire Chief, Assistant Fire Chief, Fire Marshal, and the Training & Emergency Management Officer accrue 8.0 hours per month.)
- Police Department – all sworn police officers will accrue 8.55 hours per month. (The Chief of Police accrues 8.0 hours per month.)

### ***III. PROCEDURE***

- Notification of the need to take sick time should be submitted to the employee's Supervisor or Department Director at least 24 hours in advance when possible.
- When employees are away from work for more than 5 consecutive working days due to an illness of their own or an immediately family member the FMLA or Non-FMLA Medical Leaves of Absence Policies should be followed.
- Sick leave shall be cumulative with no limit on the maximum accumulation.
- No employee shall be paid for accumulated sick leave.
- New employees who have worked for other state and/or local governments may receive credit for sick leave balances provided the position was held during 6 months prior to employment with the City of Shelby. New employees shall provide documentation of earned sick time on letterhead or email signed by a Human Resources representative.

- An employee will use sick leave if absence due to death and/or funeral services for the member of the employee's family. If sick leave is not available then vacation, compensatory time or unpaid time may be used. Employee's family shall include spouse, children, stepchildren, siblings, parents, parent in-laws, and grandparents. Typically, three (3) days shall be granted, however, this will be at the discretion of the Department Director in consultation with the Director of Human Resources.
- Accrued or transferred sick time may not be used until the successful completion of the **3-month Probationary Period** unless it is for the death of an employee's family member (defined above).
- Upon retirement from the City of Shelby, unused Sick Leave will be submitted to the North Carolina Local Governmental Employees' Retirement System for calculating retirement benefits.
- Upon termination of employment, unused sick time will not be paid.
- Accrued or transferred sick time will be paid out for any employee whose death is the direct and proximate result of an injury sustained in the line of duty while working as an employee for the City of Shelby.



Personnel Policy and Procedure Manual

## **Social Media Use Policy**

---

### ***I. PURPOSE***

The City of Shelby encourages employees to share information with coworkers and with those outside the City of Shelby for the purposes of gathering information, generating new ideas, and learning from the work of others. Social media provides inexpensive, informal, and timely ways to participate in an exchange of ideas and information. However, information posted on social media, even within a private group, is, or may become, available to the public, and therefore, the City of Shelby has established the following guidelines for employee participation in social media. Therefore, the City of Shelby hereby adopts the following Social Media Policy which shall govern the use of social media by its employees.

### ***II. DEFINITIONS***

As used in this policy, “social media” refers to websites, apps, blogs, forums, and social networking platforms, such as TikTok, Twitter, Instagram, Snapchat, Facebook, LinkedIn, YouTube, chat rooms, video postings, wiki postings, MySpace, online journals, diaries, and personal newsletters, among others.

### ***III. POLICY***

The City of Shelby recognizes the importance of social media. However, use of social media by employees may become a problem if it interferes with the employees’ work; is used to harass coworkers or citizens; creates a hostile or demeaning work environment; disrupts the smooth and orderly flow of work or the delivery of services to the citizens; tends to place in doubt the reliability, trustworthiness, or sound judgement of the person who is the originator or subject of the information; or harms the goodwill and reputation of the City of Shelby among its citizens or the community at large. The City of Shelby encourages employees to use social media within the parameters of the following guidelines and in a way that does not produce the adverse consequences mentioned above.

- Where no policy or guideline exists, employees are expected to use their professional judgment and take the most prudent action possible. If employees are uncertain about the appropriateness of a social media posting, don't post it and check with your Supervisor, Department Director, or Human Resources.
- The TikTok application shall not be accessed on any City owned device by downloading and installing its app or by accessing its website through a desktop workstation via a web browser except where it needed is in order to perform a City job.
- Employees should never use their City of Shelby email account or passwords as login information in conjunction with any personal social media profiles or sites.
- Employees should make it clear that the views posted on social media are their own and do not represent the views of the City of Shelby when post mention or reference the City of Shelby, its services, employees, citizens, and/or competitors. Comments on government websites may be subject to public record laws and retention of those comments may be required.
- Do not mention City of Shelby employees, clients, citizens, or partners without their express written consent.
- Do not post anything that violates the Health Insurance Portability and Accountability Act of 2003 (HIPAA).
- Use of social media involving any kind of criminal activity or harming the rights of others may result in criminal prosecution or civil liability to those harmed or both.
- Unless given written consent, employees may not use the City of Shelby's logo or trademarks on their posts.
- Do not engage in disputes on social media concerning perceived misrepresentation(s) about the City of Shelby. If an employee believes a post on a social media account involves a misrepresentation about the City, that employee should inform his/her Department Director so that appropriate steps may be taken.
- Employees are prohibited from using City of Shelby equipment or facilities for non-work-related activities without permission. Social media activities should not interfere with your duties at work. The City of Shelby monitors its facilities to ensure compliance with this restriction.
- Comply with copyright laws and cite or reference sources accurately.
- Violation of this policy may lead to discipline, up to and including immediate termination of employment as outlined in the Personnel Policy Manual under the Disciplinary Action Grid.

#### **IV. SCOPE AND RESPONSIBILITY**

**Off-duty use of social media** - Employees may maintain personal websites or Web logs on their own time using their own equipment. Employees must ensure that social media activity does not interfere with their work. In general, the City of Shelby considers social media activities to be personal endeavors, and employees may use them to express their thoughts or promote their ideas if they do not conflict with City of Shelby policies or business, and it is done on their own time.

**On-duty use of social media** - Employees may engage in social media activity during work time, provided it is directly related to their work; is approved by their Department Director; and does not identify or reference City of Shelby officials, citizens, or vendors without express permission. The City of Shelby monitors employee use of City of Shelby computers and the Internet, including employee blogging and social networking activity.

**Respect** - Demonstrate respect for the dignity of the City of Shelby, its officials, citizens, its vendors, and its employees. A social media site is a public place, and employees should avoid inappropriate comments. The following are expressly prohibited: ethnic slurs, personal insults, or obscenity or use language that may be considered inflammatory. Even if a message is posted anonymously, it may be possible to trace it back to the sender.

**Post disclaimers** - If an employee identifies himself or herself as a City of Shelby employee or discusses matters related to the City of Shelby on a social media site, the post must include a disclaimer on the front page stating that it does not express the views of the City of Shelby and that the employee is expressing only his or her personal views. For example: "The views expressed on this website/Web log are mine alone and do not necessarily reflect the views of my employer." Place the disclaimer in a prominent position and repeat it for each posting expressing an opinion related to the City of Shelby or the City of Shelby's business. Employees must keep in mind that if they post information on a social media site that is in violation of City of Shelby policy and/or federal, state, or local law, the disclaimer will not shield them from disciplinary action.

**Confidentiality** - Do not identify or reference City of Shelby officials, employees, citizens, or vendors without express written permission. Employees may write about their jobs in general but may not disclose any confidential or proprietary information. Any information obtained through an employee's position that would not be readily accessible to the general public could be considered confidential or proprietary. If an employee is unsure about the confidential nature of information, they must consult with their Supervisor, Department Director, or Human Resources before posting it.

**New ideas** - New ideas related to work, or the City of Shelby's business belongs to the City of Shelby. Do not post them on a social media site without the City of Shelby's permission.

**Links** - A city employee may provide a link on a social media site directing viewers to the City of Shelby's website (subject to prior approval and periodic review of the site hosting the link to the City). Employees should contact the Public Information Officer to obtain the graphic for links to the City of Shelby's site and to register the site with the City of Shelby.

**Trademarks and copyrights** - Do not use the City of Shelby's trademarks on a social media site or reproduce the City of Shelby's material without first obtaining permission from the Public Information Officer or City Manager.

**Legal** - Employees are expected to comply with all applicable federal, state and city laws, including, but not limited to, Federal Trade Commission (FTC) guidelines and copyright, trademark, and harassment laws.

**City of Shelby restrictions** - The City of Shelby may also require employees to delete references to it on a website or Web log and to stop identifying themselves as employees of the City of Shelby. Do not link to the City of Shelby's website or post City of Shelby material on a social media site without written permission from the Public Information Officer or City Manager. All City of Shelby policies that regulate off-duty conduct apply to social media activity.

**Discipline** - Violations of this policy, whether on or off-duty, may lead to discipline, up to and including immediate termination of employment as outlined in the Personnel Policy Manual under the Disciplinary Action Grid. Nothing in this policy is meant to, nor should it be interpreted to, in any way limit your rights under any applicable federal, state, or local laws, including your rights under the National Labor Relations Act to engage in protected concerted activities or constitutional protected speech.

**Social Media Post Sharing** – Social media is an excellent tool for sharing information with the public, such as special events, recognitions, and important City related announcements and notices. Employees may freely share social media posts from any official City of Shelby page which may include, the City of Shelby, Shelby Police Department, Shelby Fire and Rescue, and the Parks and Recreation Department to their personal social media page, and provide comments, as long as comments are respectful and follow the previously stated guidelines.



Effective Date: July 20, 2009  
Revision Date: Nov. 20, 2023

## Personnel Policy and Procedure Manual

# Tardiness and Leaving Early

---

### ***I. Purpose***

Employees are expected to report to work on time when scheduled. Being at work is important because of the vital services we provide to the community.

### ***II. Definitions***

Tardiness – Employee’s failure to report to work and be at his or her workstation at the regular starting time without approval from their Supervisor or Department Director.

Leaving Early – Employee leaving work for personal reasons prior to the end of their scheduled shift and thereby not fulfilling their regular shift’s work requirement.

### ***III. Policy***

1. When an emergency arises which creates the need to be late or to leave early, employees should notify their **Supervisor or** Department Director immediately.
2. Late arrivals to work or leaving early can be approved by the **Supervisor or** Department Director but must be requested at least 24 hours in advance. If not, it will be considered as an incident with consequences listed below. Some departments may require more than 24 hours notice.
3. To be considered an early leave, an employee must work more than three-fourths of a scheduled shift but less than the scheduled shift hours; otherwise, it is counted as an unscheduled absence as **outlined in the Attendance Policy**.

### ***IV. Procedure for Tardiness and Early Leaves***

Excessive tardiness and early leaves indicate a need for corrective action. The tardiness and early leaves guidelines will apply regardless of the reason for late arrival or early leave.

Tardiness and early leaves will be evaluated for corrective reasons on a rolling twelve (12) consecutive calendar month basis. The following corrective procedure will apply to tardiness and leaving early:



**Incidents - Action Taken**

- 6th        Oral Warning documented on an Employee Communication Report.
- 7th        Written Warning documented on an Employee Communication Report.
- 8th        Final Written Warning documented on an Employee Communication Report.
- 9th        Termination of Employment documented on an Employee Communication Report. This action should be reviewed with the Director of Human Resources prior to communication with the employee.



Effective Date: Nov. 16, 2009

Revision Date: Nov. 20, 2023

## Personnel Policy and Procedure Manual

# Travel Policy

---

### ***I. POLICY***

It is the intent of this policy to provide city employees with a comprehensive reference for uniform interpretation of authorization, payment, and reimbursement for travel expenses pertaining to official travel. This policy is applicable to all departments and employees.

### ***II. DEFINITIONS***

Authorized Representative – The Department Director or an individual authorized by the Department Director to approve or disapprove requests for travel authorizations, registrations, travel reimbursements, etc. This person should verify that costs are reasonable and customary.

Duty Station – The job location at which the employee spends the majority of their working hours.

Requesting Party – The employee traveling who will be reimbursed for travel costs incurred while conducting city business.

Incidentals – Parking required for attendance, tolls, etc.

Official travel – Official travel as set forth in this policy is defined as travel in which an employee is attending training and/or representing the City of Shelby. Overnight travel requires that the destination site be located more than 50 miles from the employees' duty station unless approved by the City Manager. Day travel is defined as going to and from the normal job location to a site that is in excess of 25 miles from the normal job location to conduct City business.

Authorization of travel will be based upon need and cost/benefit of travel as determined by the authorizing representative and City Manager. All employees traveling on official business representing the City are expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business and expending personal funds. Excess cost, indirect travel routes, luxury accommodations, and services unnecessary or unjustified in the

performance of official business are not acceptable under this policy. Employees and officials will be personally responsible for unauthorized costs and any additional expenses incurred for personal preference or convenience.

Per Diem– A meal per diem allowance will be provided based on rates available from the Finance Department. Currently approved at:

- Breakfast - \$10.00
- Lunch - \$15.00
- Dinner - \$25.00

### **III. GUIDELINES**

The City will provide reimbursement for employee travel expenses directly related to attendance at approved conferences, seminars, meetings, training, and other official functions. Employee travel is planned, approved, and budgeted at the Department level. All employee travel requires a Travel Authorization Form to be completed by the employee, signed by an Authorized Representative, and signed by the City Manager prior to making any travel arrangements. Hotel reservation information and conference registration information along with conference agenda should be submitted with the Travel Authorization Form.

The Finance Department will adopt and enforce administrative procedures that assure all City authorized travel is paid directly by the City or to the employee based on actual itemized expenses as reported on the Expense Report or as should be covered by per diem payment.

### **IV. PROCEDURES**

The Travel Authorization Form will be used as a planning/cost estimation. It should be completed by the employee traveling and submitted for review to the Authorized Representative. Hotel reservation information and conference registration information along with the conference agenda should be submitted with the Travel Authorization Form. Once complete at the department level, it should be submitted directly to the City Manager for approval prior to plans being made. Once approved and returned to the department, travel arrangements, payments, etc., may be made. Payments for hotels, rentals, registrations, should be made using the department Travel P-card or through Accounts Payable.

Travel P-Cards may be issued to departments and used exclusively for registrations, hotels, etc. The limits will be set higher than normal P-cards but could also be raised as needed. This will also allow the traveler to take the card with him/her in the instance the hotel will not take a credit card authorization form.

Every effort should be made for employees to drive City-owned transportation when available; however, non-City employees are prohibited from traveling in

city vehicles. The City will assist employees who are required to travel on business by advancing funds if the estimated expense exceeds \$100.00. If less than \$100.00, reimbursement will be made upon completion of travel and filing of the Expense Report. No travel advance will be issued if the employee has an outstanding advance that has not been reconciled and cleared by submission of a corresponding Travel Expense Report.

When overnight accommodation is requested and approved, employees are expected to stay overnight in moderate, average-priced accommodation. Employees will pay for any additional expenses that are incurred due to spouses and/or other guests accompanying them.

## **V. EXPENSE REPORTS**

Upon completion of travel, an Expense Report should be completed and submitted to Finance with all receipts (excluding meal receipts) and a copy of the signed Travel Authorization. Submission of a falsified reimbursement request or any other violations of this policy may result in disciplinary action including possible dismissal. Mileage reimbursement request will be verified using Google Maps. Mileage will be calculated from the duty station unless the employee leaves from home and home is closer to the destination.

Expense reports should include all expenses incurred, including any prepaid items. Receipts should be attached, excluding meals. Per diem rates will not apply for meals that are provided by the conference or hotel. Per diem rates for partial day travel will only apply during the hours as outlined on the expense report.

- Breakfast – Departure prior to 6:00 am
- Lunch – Departure after 9:00 am returning after 3:00 pm
- Dinner – Return to duty station after 8:00 pm. If stopping for dinner would cause the individual to return after 8:00 pm, when they would otherwise have returned before 8:00 pm, dinner will not be reimbursed.

The following items are NOT reimbursable:

- Any miscellaneous expense not preapproved or supported by a receipt.
- Travel to and from duty station.
- Non-employment related expenses, such as alcoholic beverages, movie rentals, snacks, drinks, or other meals.
- Any traffic fines.



Effective Date: July 20, 2009  
 Revision Date: Nov. 20, 2023

Personnel Policy and Procedure Manual

## Vacation Policy

---

### I. VACATION EARNED

Each full-time employee receiving City benefits shall earn vacation leave each month at the following rate of accrual:

Length of Service (years)	Annual Vacation (days)	Monthly Vacation (hours)	** Police Department (hours)	* Fire Department (hours)
0-2	10	6.667	7.1254	8.8338
3-8	12	8	8.55	10.6
9-14	15	10	10.6875	13.25
15-19	18	12	12.825	15.9
20 and over	20	13.334	14.2507	17.6676
Maximum accumulation		320	342	424

### II. GRANTING OF VACATION LEAVE

Employees shall be granted the use of earned vacation leave upon request or at those times designated by their immediate supervisor which will least obstruct normal operations of the department. An employee shall not be granted paid vacation leave while serving his/her probationary period. The leave is not to be used in increments less than one hour.

### III. VACATION LEAVE ACCUMULATION

Vacation leave may accumulate to a maximum of **forty (40) days**. See chart above for specific hours. Monthly accruals of vacation leave will automatically convert to Sick Leave once the maximum vacation leave is reached.

\* Accrual rate for Fire Department employees working 2,756 hours per year.

\*\* Accrual rate for Police Department employees working 2,223 hours per year

RESOLUTION NO. 76-2023

A RESOLUTION REVISING AND AMENDING THE PERSONNEL POLICIES  
OF THE CITY OF SHELBY TO PROVIDE FOR  
AN UPDATED PERSONNEL POLICY AND PROCEDURE MANUAL

WHEREAS, the City of Shelby has heretofore enacted a variety of policies, procedures and policy statements governing the personnel system of the City; and,

WHEREAS, to keep in compliance with Federal and State Laws these policies will be utilized by City management consistently in handling employee issues and grievances.

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

Section 1. The City's Personnel Policy dated July 1998 and adopted in August 1998 is hereby amended to include the addition or revision of the following:

“ACCIDENT/INJURY REPORTING POLICY; ATTENDANCE POLICY; DISCIPLINARY ACTIONS; EMPLOYMENT AWARDS & RECOGNITION PROGRAM; EMPLOYEE PERSONNEL RECORDS; GRIEVANCE PROCEDURE; RETIREMENT PROGRAM & POST RETIREMENT BENEFITS; SICK LEAVE ACCRUAL; SOCIAL MEDIA USE POLICY; TARDINESS AND LEAVE EARLY; TRAVEL POLICY; and VACATION POLICY”,

copies of which are attached hereto as ATTACHMENT A and made a part of this resolution.

Section 2. The City Manager is hereby authorized and directed to implement and administer the policies set forth in Section I of this resolution. The City Clerk is likewise authorized and directed to cause the provisions of this policy to be properly recorded into the Personnel Policy document, as may be applicable.

Resolution No. 76-2023  
November 20, 2023  
Page 2

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

Adopted and approved this the 20th day of November 2023.

---

O. Stanhope Anthony III  
Mayor

ATTEST:

---

Carol Williams  
City Clerk

Agenda Item: D-3

- 3) Acceptance of the Certificate of Sufficiency regarding Petition Of Annexation of applicant, True Homes, LLC – Thrift Road

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

---

Summary of Available Information:

- Memorandum dated November 13, 2023, from Carol Williams, City Clerk to Rick Howell, City Manager
- Location Map of Nancy Drive and Thrift Road
- Petition for Annexation
- Supporting Documents
- Certificate of Sufficiency

---

City Manager's Recommendation / Comments

**Acceptance and acknowledgement of the Certificate of Sufficiency by the City Clerk is all that is required of City Council at this time. It is my recommendation that this be done via the Consent Agenda.**



**OFFICE OF THE CITY CLERK  
SHELBY, NORTH CAROLINA**

**MEMO**

To: Rick Howell, City Manager

From: Carol Williams, City Clerk

Date: November 13, 2023

Re: True Homes, LLC – Petition for Contiguous Annexation

**BACKGROUND:**

True Homes, LLC submitted a Petition of Contiguous Annexation dated July 12, 2023. City Council adopted and approved Resolution No. 73-2023 on November 6, 2023 directing the City Clerk to determine sufficiency of the contiguous annexation petition from True Homes, LLC

**REVIEW:**

In accordance with the North Carolina General Statute 160A-58.1, staff has investigated the petition submitted by True Homes, LLC and prepared a certificate in this matter, finding the petition sufficient for further annexation proceedings.

**RECOMMENDATION:**

Staff recommends proceeding with the annexation process for this property. A public hearing is scheduled to receive public comment on said petition in accordance with the North Carolina General Statute (NCGS) 160A-29 on Monday, December 4, 2023.

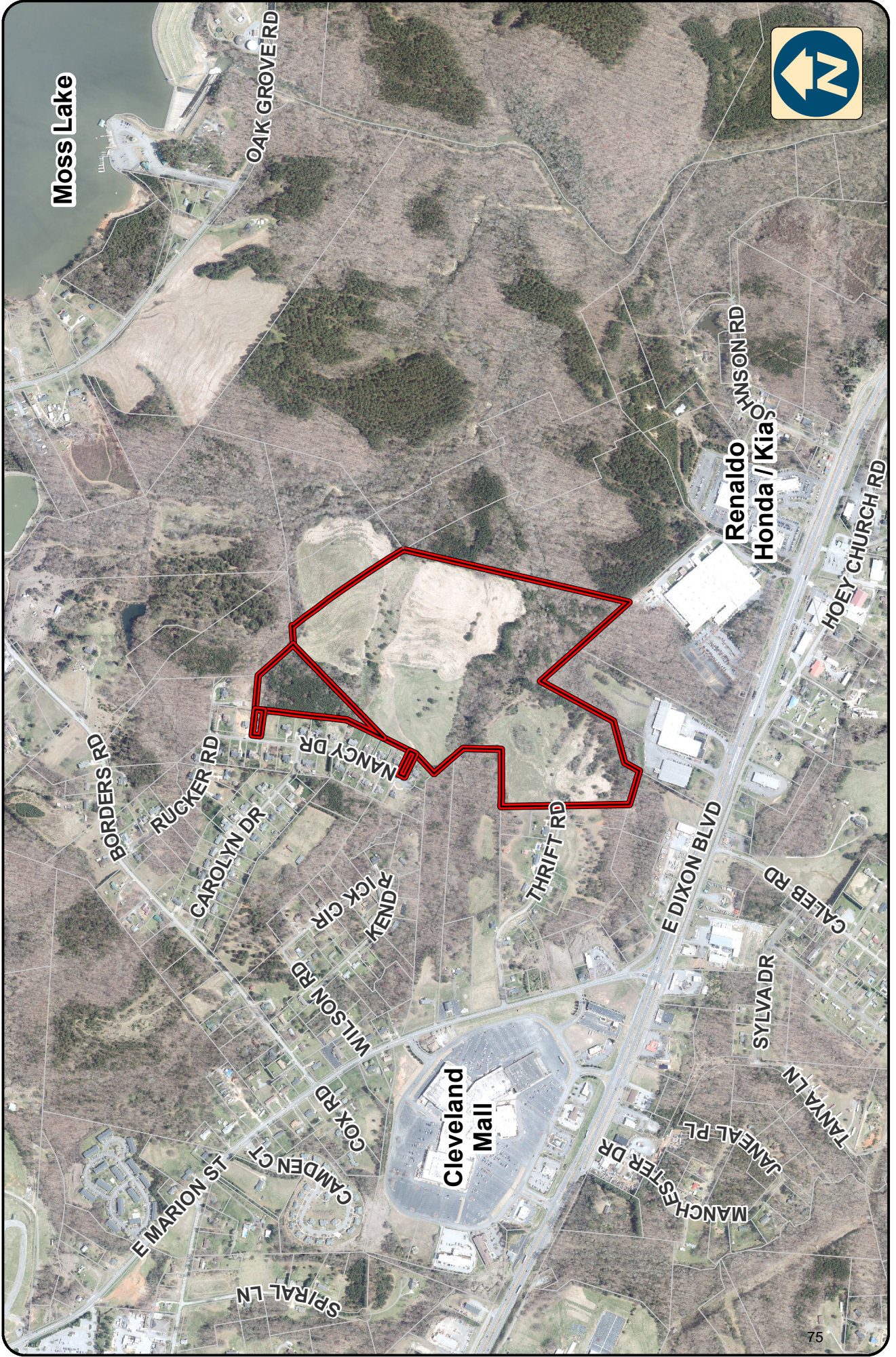
**Attachments:**

- Petition for Annexation
- Certificate of Sufficiency



# Location

## Nancy Drive & Thrift Road







City of Shelby
Planning and Development Services Department

Petition for Annexation
(Satellite or Contiguous)

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

Address of Subject Property: No address available

Applicant(s) Name: Shaun Gasparini - True Homes, LLC
Address: 2649 Brekonridge Centre Drive, Suite 104
Monroe, NC 28110
Email: sgasparini@truehomesusa.com
Phone: 704-779-4126

Owner(s) Name: William G + James W Rucker, PO Box 776, Shelby, NC 28151-0776
Email: wgrucker2854@gmail.com
Phone: 704-472-2854

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

Provide a brief description of the subject property. Attach additional pages or documentation if necessary.
Parcel 21879 is +73.896 acres and part of a larger assemblage for a proposed single family development.
Parcels 21879 and 22277 are +78.37 acres and part of a larger assemblage for a proposed single-family development.

Signature of Owners:

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

Signature of Owner (William G. Rucker)

Signature of Owner (Victoria D. Rucker)

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

Signature of Owner (James W. Rucker)

Signature of Owner (John E. Rucker)

If Owner is a Corporation:

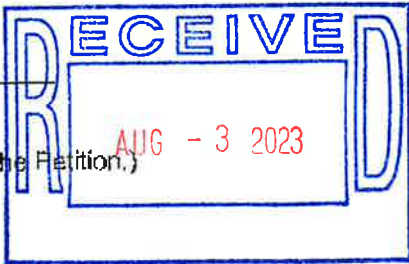
Registered Name of Corporation

(Corp. Seal)

Signature of President/Vice President

Attested by: Signature of Secretary/Assistant Secretary

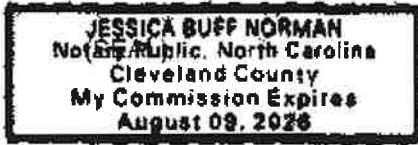
(If additional signatures are necessary, continue on separate sheet and attach to the Petition.)



STATE OF North Carolina  
COUNTY OF Cleveland

I, Jessica Buff Norman, a Notary Public for said County and State, do hereby certify that William G Rucker, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 12 day of July, 2023.



Jessica Buff Norman  
Notary Public

My Commission Expires: Aug. 9, 2026

**If Owner is a Partnership:**

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

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

(SEAL)

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

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

**If Owner is a Corporation:**

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

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

(SEAL)

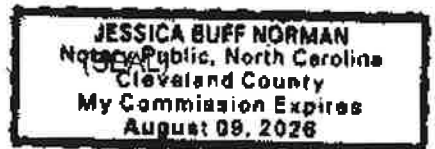
\_\_\_\_\_  
Notary Public

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

STATE OF North Carolina  
COUNTY OF Cleveland

I, Jessica Buff Norman, a Notary Public for said County and State, do hereby certify that Kristina N Rucker, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 12 day of July, 2023



Jessica Buff Norman  
Notary Public

My Commission Expires: Aug. 9, 2026

**If Owner is a Partnership:**

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

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

(SEAL)

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

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

**If Owner is a Corporation:**

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

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

(SEAL)

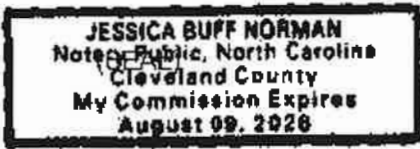
\_\_\_\_\_  
Notary Public

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

STATE OF North Carolina  
COUNTY OF Cleveland

I, Jessica Buff Norman, a Notary Public for said County and State, do hereby certify that James W Rucker, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 12 day of July, 2023.



Jessica Buff Norman  
Notary Public

My Commission Expires: Aug. 9, 2026

**If Owner is a Partnership:**

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

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

(SEAL)

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

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

**If Owner is a Corporation:**

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

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

(SEAL)

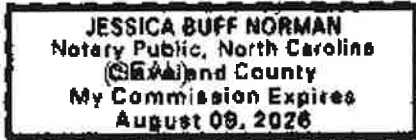
\_\_\_\_\_  
Notary Public

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

STATE OF North Carolina  
COUNTY OF Cleveland

I, Jessica Buff Norman, a Notary Public for said County and State, do hereby certify that Hope E Rucker, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 12 day of July, 2023.



Jessica Buff Norman  
Notary Public

My Commission Expires: Aug. 9, 2026

**If Owner is a Partnership:**

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

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

(SEAL)

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

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

**If Owner is a Corporation:**

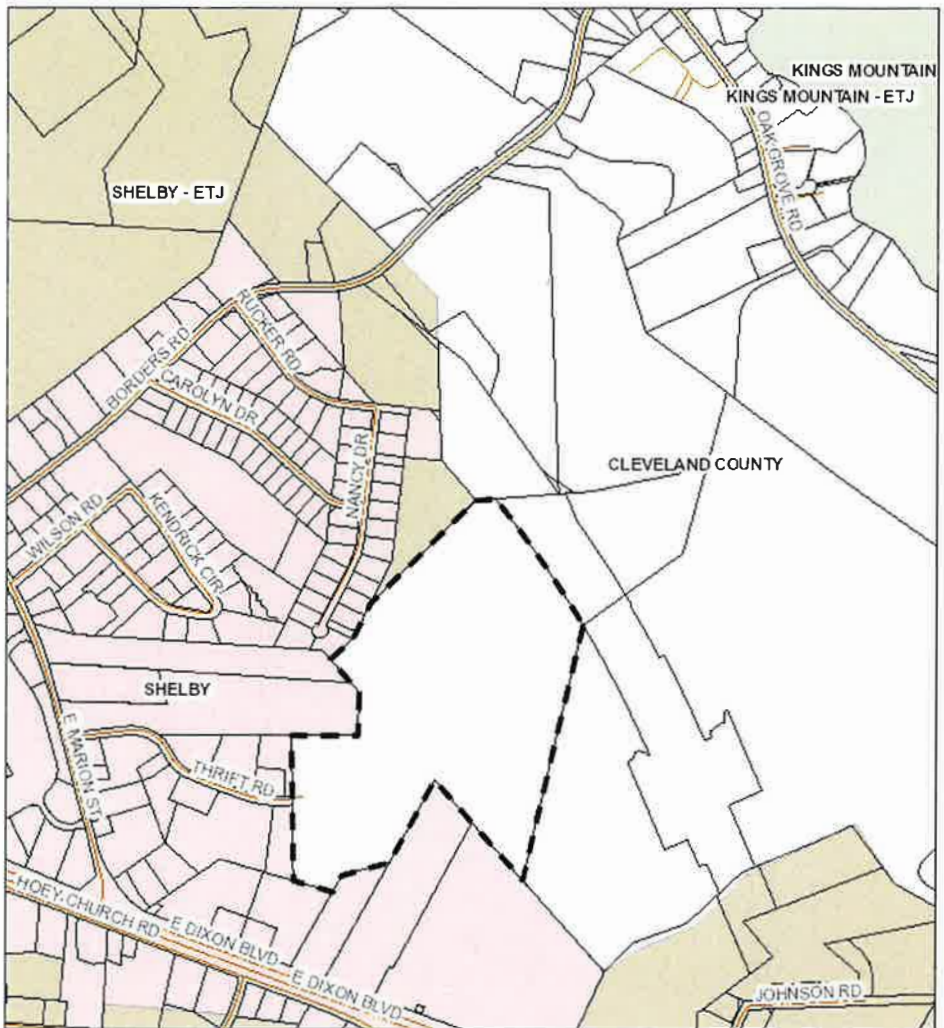
I, \_\_\_\_\_, a Notary Public for said County and State, do hereby certify that \_\_\_\_\_, personally appeared before me this day and acknowledged he (or she) is \_\_\_\_\_ of \_\_\_\_\_, a corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was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

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

(SEAL)

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

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



**Disclaimer:** The information contained on this page is NOT to be construed or used as a survey or legal description. Map information is believed to be accurate but accuracy is not guaranteed.

Approx. Scale 1:12064

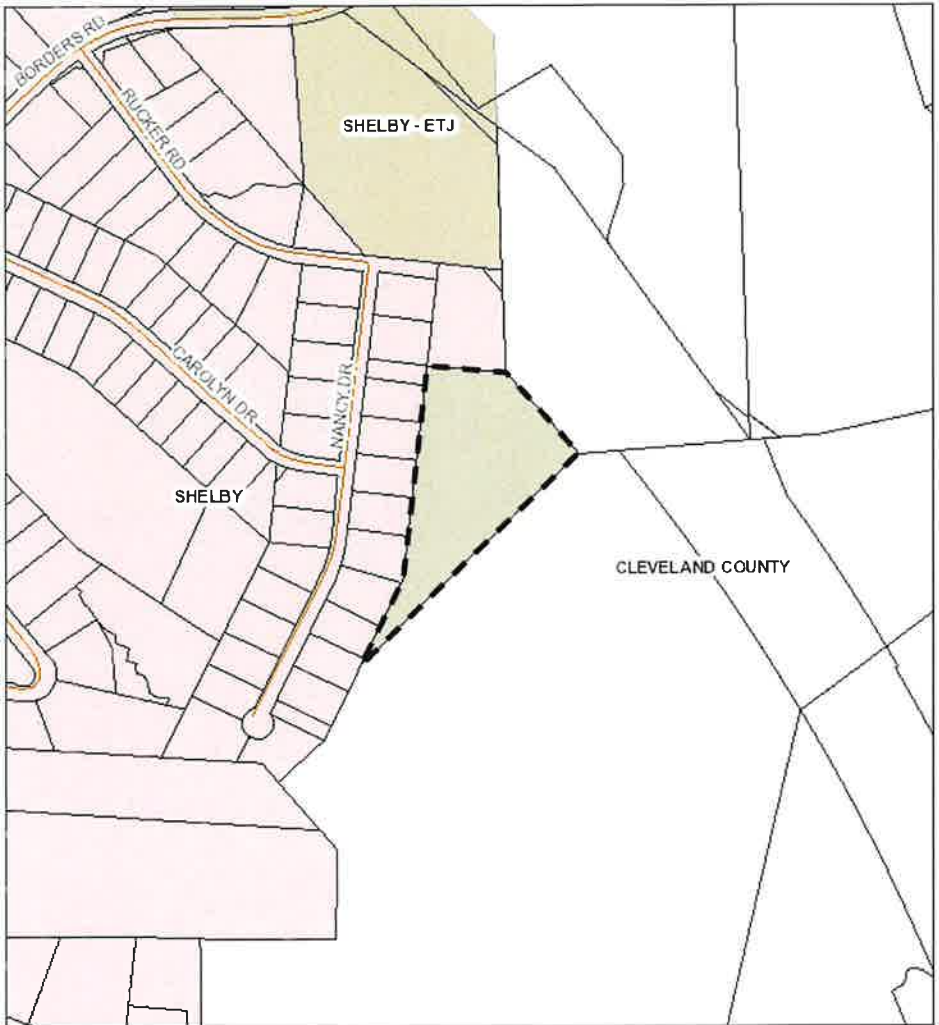
0 0.2 mi 0.4 mi

**Layer: Parcels**

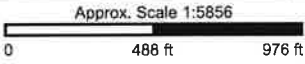
**SEQNUM:** 21879  
**Owner1:** RUCKER WILLIAM G  
**Owner2:** RUCKER JAMES WEBB  
**PIN:** 2566224219  
**ParcelNo:** 21879  
**OwnerName1:** RUCKER WILLIAM G  
**OwnerName2:** RUCKER JAMES WEBB  
**OwnerAddr1:** PO BOX 776  
**OwnerAddr2:** SHELBY NC 28151-0776  
**OwnerCity:** SHELBY  
**OwnerState:** NC  
**OwnerZip:** 28151-0776  
**ParcelAddr:** BORDERS RD  
**DeedBook:** 1473  
**DeedPage:** 2223  
**MapNo:** 6-2  
**Block:** 1  
**Lot:** 2U  
**LandArea:** 73.096  
**LandValue:** 180325  
**AdjValue:** 180325  
**TaxYear:** 2023  
**TaxCode2:** R  
**ParRdName:** BORDERS  
**ParRdType:** RD  
**NeighCode:** 31  
**Use\_Code:** R  
**Tax\_District:** 51  
**DeedBook\_Page:** 1473 2223  
**Deeded\_Acres:** 83.04  
**SUM\_Calculated\_Acres:** 72.75970432

<b>Layer: County Zoning</b>
ZoneType: R
Municipality: Cleveland County
<b>Layer: 2000 Census Tracts</b>
Census Tract: 950700
<b>Layer: NC House and Senate Districts</b>
Senate: 44th
<b>Layer: Cleveland County School Districts</b>
Elementary: ELIZABETH ELEMENTARY
Middle: SHELBY MIDDLE SCHOOL
High: SHELBY HIGH SCHOOL
<b>Layer: Flood Zones</b>
GRID: 2566
PANEL : 3710256600J
<b>Layer: Voting Precincts</b>
Precinct: Shelby 5
Voting Site: WALLS MEMORIAL BAPTIST CHRUCH
<b>Layer: Fire Districts</b>
DISTRICT: Gardner
<b>Layer: Watersheds</b>
ZONE: NONE
<b>Layer: Jurisdictional Limits</b>
Name: CLEVELAND COUNTY





**Disclaimer:** The information contained on this page is NOT to be construed or used as a survey or legal description. Map information is believed to be accurate but accuracy is not guaranteed.



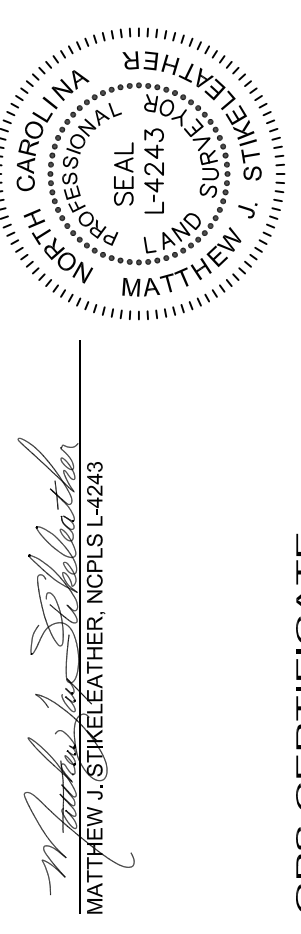
**Layer: Parcels**

**SEQNUM:** 22277  
**Owner1:** RUCKER WILLIAM G  
**Owner2:** RUCKER JAMES WEBB  
**PIN:** 2566232670  
**ParcelNo:** 22277  
**OwnerName1:** RUCKER WILLIAM G  
**OwnerName2:** RUCKER JAMES WEBB  
**OwnerAddr1:** PO BOX 776  
**OwnerAddr2:** SHELBY NC 28151-0776  
**OwnerCity:** SHELBY  
**OwnerState:** NC  
**OwnerZip:** 28151-0776  
**ParcelAddr:** CAROLYN DR  
**DeedBook:** 1563  
**DeedPage:** 1577  
**MapNo:** 6- 9  
**Block:** 1  
**Lot:** 115  
**LandArea:** 6.263  
**LandValue:** 15202  
**AdjValue:** 15202  
**TaxYear:** 2023  
**TaxCode2:** R  
**ParRdName:** CAROLYN  
**ParRdType:** DR  
**NeighCode:** 28  
**Use\_Code:** R  
**Tax\_District:** 51  
**TAZ:** 4036  
**DeedBook\_Page:** 1563-1577  
**Deeded\_Acres:** 6.263  
**SUM\_Calculated\_Acres:** 6.20019792

<b>Layer: Shelby Zoning</b> <b>ZoneType:</b> R20 <b>Municipality:</b> City of Shelby
<b>Layer: 2000 Census Tracts</b> <b>Census Tract:</b> 950700
<b>Layer: NC House and Senate Districts</b> <b>Senate:</b> 44th
<b>Layer: Cleveland County School Districts</b> <b>Elementary:</b> ELIZABETH ELEMENTARY <b>Middle:</b> SHELBY MIDDLE SCHOOL <b>High:</b> SHELBY HIGH SCHOOL
<b>Layer: Flood Zones</b> <b>GRID:</b> 2566 <b>PANEL :</b> 3710256600J
<b>Layer: Voting Precincts</b> <b>Precinct:</b> Shelby 5 <b>Voting Site:</b> WALLS MEMORIAL BAPTIST CHRUCH
<b>Layer: Fire Districts</b> <b>DISTRICT:</b> Gardner
<b>Layer: Watersheds</b> <b>ZONE:</b> NONE
<b>Layer: Jurisdictional Limits</b> <b>Name:</b> SHELBY - ETJ

**SURVEYOR CERTIFICATE**  
STATE OF NORTH CAROLINA, CLEVELAND COUNTY  
MATTHEW J. STIKELATHER, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE BY ME (REFERENCES NOTED HEREON); THAT THE PARCELS NOT SURVEYED ARE SHOWN AS NOTED; THAT THE RATIO OF PRECISION AS CALCULATED EXCEEDS 1:10,000; AND THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30. AS AMENDED;

THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXEMPTION OR EXCEPTION TO THE DEFINITION OF SUBDIVISION; WITH MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS THE 2ND DAY OF AUGUST 2023.



**GPS CERTIFICATE**  
MATTHEW J. STIKELATHER, CERTIFY THAT THIS PROJECT WAS SURVEYED USING GPS SURVEYING FROM AN ACTUAL GPS SURVEY MADE UNDER MY SUPERVISION, AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:  
(1) CLASS OF SURVEY: "A"  
(2) DATE OF SURVEY: 08/07/2023  
(3) TYPE OF GPS FIELD PROCEDURE: NETWORK RTK USING THE N.C.G.S. REAL-TIME NETWORK  
(4) DATE OF SURVEY: 08/07/2023  
(5) TYPE OF CONTROL USED: N.C.G.S. "WALL" AND "KEETER"  
(6) FIXED CONTROL USED: N.C.G.S. "WALL" AND "KEETER"  
(7) GEOID MODEL: G1808  
(8) DATUM: NAD 83  
(9) UNITS: U.S. SURVEY FEET  
(10) THE INITIAL STATE PLANE COORDINATES WERE SCALED FROM GRID TO GROUND (LOCALIZED) USING THE INVERSE OF COMBINED GRID FACTOR 8092.297. NAD 83 TO UTM: 18QUC 620.000, NAD 83 TO NAD 83: 1920.100 AND ELEVATION: 8092.297. NAD 83.

**FLOOD NOTE**  
THIS SURVEY IS IN ZONE "X" (AREA DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN) ACCORDING TO THE NATION FLOOD INSURANCE PROGRAM F.I.R.M. MAP NUMBER: 3710256600I, MAP REVISED: 2/20/08.

**NOTES**  
1. ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES AND ARE IN U.S. SURVEY FEET AND DECIMALS THEREOF AND ALL COORDINATES SHOWN ARE STATE PLANE (GRID) COORDINATES, UNLESS OTHERWISE NOTED.  
2. THIS MAP WAS COMPLETED WITHOUT THE BENEFIT OF A TITLE EXAMINATION BY AN ATTORNEY AND MAY BE SUBJECT TO EASEMENTS, COVENANTS, RESTRICTIONS AND OTHER MATTERS EITHER RECORDED OR UNRECORDED.  
3. INFORMATION CONCERNING NEIGHBORING PARCEL LINES AND OWNERSHIP WAS DERIVED FROM THE CLEVELAND COUNTY GEOGRAPHIC INFORMATION SYSTEM. THE LOCATION OF NEIGHBORING PARCEL LINES ARE TO BE CONSIDERED AS BEING AS SHOWN ON RECORD, AND THE OWNERSHIP INFORMATION IS TO BE CONSIDERED AS BEING NOW OR FORMERLY.  
4. AREA COMPUTED BY THE COORDINATE GEOMETRY METHOD.  
5. ROAD RIGHT-OF-WAY OTHER THAN SHOWN ON THE SUBJECT PARCEL IS SHOWN FOR ILLUSTRATIVE PURPOSES ONLY, AND ITS EXISTENCE AND LOCATION IS NOT CERTIFIED TO BY THE UNDERSIGNED.  
6. NO UNDERGROUND UTILITIES WERE LOCATED AND MAPPED UNDER THE SCOPE OF WORK FOR THIS SURVEY. IT IS THE RESPONSIBILITY OF THE OWNER AND/OR CONTRACTOR TO VERIFY THE LOCATION OF ALL UNDERGROUND UTILITIES BEFORE BEGINNING ANY CONSTRUCTION OR DIGGING.  
7. PARCEL NUMBER 21879 IS ZONED "R" (CLEVELAND COUNTY) AND PARCEL NUMBER 22277 IS ZONED R20 (CITY OF SHELBY) PER THE CLEVELAND COUNTY GEOGRAPHIC INFORMATION SYSTEM.  
8. INFORMATION CONCERNING PROPOSED U.S. HIGHWAY 74 SHELBY BYPASS WAS DERIVED FROM THE DEEDS ARE REFERENCED HEREON AND PER PLANS PROVIDED BY THE CLEVELAND COUNTY PUBLIC WORKS DEPARTMENT. THE EXISTING CENTERLINE OF HIGHWAY 74, EASEMENTS AND PROPERTY LINES, CLEVELAND COUNTY, WITH TIP PROJECT NUMBER R-2707, RIGHT OF WAY DATE: JANUARY 10, 2019 AND LETTING DATE: 7/18/2023.  
9. NO WRITTEN CONVEYANCE OF PUBLIC RIGHT-OF-WAY FOUND CONCERNING THRIFT ROAD, CONCRETE RIGHT-OF-WAY MONUMENTS FOUND AT THE END OF THRIFT ROAD MAY INDICATE THE POSSIBILITY OF A 50' RIGHT-OF-WAY. HOWEVER, THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION WAY CLAIM MAINTENANCE RIGHTS TO ALL PORTIONS OF THE ROADWAY THAT THEY MAINTAIN.  
10. THIS PLAT IS NOT A BOUNDARY SURVEY OF THE PARCELS SHOWN AND IS INTENDED TO BE USED FOR RECORDING PURPOSES ONLY. THE NEIGHBORING PARCELS SHOWN TO BE ADJACENT TO THE SUBJECT PARCELS ARE SHOWN FOR INFORMATIONAL PURPOSES. THE BOUNDARY LINES OF THE PARCELS MAY DIFFER FROM THE ANNEXATION LINES THROUGH THE FINDINGS OF A BOUNDARY SURVEY.

**REVIEW OFFICER**  
STATE OF NORTH CAROLINA  
COUNTY OF CLEVELAND  
COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

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

N.C.G.S. "KEETER"  
E:1254688.56  
N.A.D. 83/2011  
N.C.G.S. "WALL"  
N561088.17  
N561088.17  
E:1259755.37  
N.A.D. 83/2011  
1,659.59' (PLG)  
1,659.32' (GRD)  
N89°35'17"E (TIE)  
5,667.88' (TIE)  
5,667.88' (GRD)

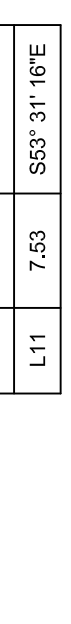
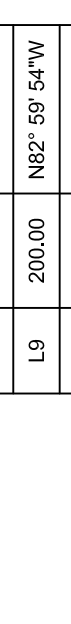
**PURPOSE STATEMENT**  
THE PURPOSE OF THIS PLAT IS TO ANNEX THE SUBJECT PARCELS INTO THE CITY OF SHELBY. THIS MAP IS NOT A BOUNDARY SURVEY OF THESE PARCELS AND IS NOT TO BE USED FOR SALES AND CONVEYANCES.

**LEGEND**  
N.C.G.S. MONUMENT  
SURVEY MONUMENT FOUND - AS DESCRIBED  
CALCULATED POINT  
N.C.D.O.T. DISC FOUND  
CONCRETE RW MONUMENT FOUND  
TREE  
ANNEXATION LINE  
ADJACENT OWNER LINE (UNSURVEYED UNLESS DIMENSIONED)  
TIE LINE  
RW LINE  
CITY LIMITS (AT TIME OF SURVEY)  
ANTS - NOT TO SCALE

CURVE	LENGTH	RADIUS	CHORD	CH. LENGTH
C1	392.02	7439.71	S37°16'20"E	391.97
C2	185.04	7439.71	S39°08'17"E	185.04
C3	311.57	7439.71	S39°08'17"E	311.54
C4	135.27	7439.71	S31°20'02"E	135.27

LINE	LENGTH	DIRECTION
L1 (T)	176.37	N27°08'35"E
L2	59.96	N07°02'50"E
L3	36.92	S51°19'55"W
L4	15.17	S66°11'24"W
L5	123.00	S25°01'52"W
L6	198.90	N73°23'08"W
L7	14.80	N73°23'08"W
L8	198.99	N63°05'51"W
L9	200.00	N62°59'54"W
L10	13.11	N51°19'35"E
L11	7.53	S53°31'16"E

NORTH ORIENTATION:



SCALE: 1" = 150'

N.C. GRID  
N.A.D. 83/2011

PROJECT:  
ANNEXATION PLAT FOR  
THE CITY OF SHELBY  
CONCERNING THE PARCELS OF  
WILLIAM G. RUCKER  
AND JAMES WEBB RUCKER

TOWNSHIP NO. 6  
CLEVELAND COUNTY  
NORTH CAROLINA  
PARCEL NO. 21879  
AND 22277

DEED BOOK 1473, PAGE 2223  
DEED BOOK 1563, PAGE 1577

OWNER AT TIME OF SURVEY:  
WILLIAM G. RUCKER  
AND JAMES WEBB RUCKER  
P.O. BOX 776  
SHELBY, NC 28151

LEGEND:  
AC - ACRES  
CA - CONTROLLED ACCESS  
DB - DEED BOOK  
(H.G.) - HORIZONTAL GROUND  
N.A.D. - NORTH AMERICAN DATUM  
N.A.V.D. - NORTH AMERICAN VERTICAL DATUM  
N.C.D.O.T. - NORTH CAROLINA DEPARTMENT OF TRANSPORTATION  
N.C.G.S. - NORTH CAROLINA GEODETIC SURVEY  
P.B. - PLAT BOOK  
P.N. - PARCEL NUMBER  
PROJ. - PROJECT  
RW - RIGHT-OF-WAY  
SQ.FT. - SQUARE FEET  
(T) - TOTAL

REVISIONS:  
DATE ISSUED FOR REV

DATE: AUGUST 2, 2023

DRAWN BY: J.S.

CHECKED BY: J.S.

PROJ. NUMBER: 23042

SHEET NUMBER: 1 of 1

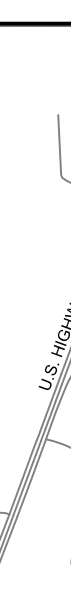
DRAWING FILE: 23042-ANNEXATION

FOR: JWS

SURVEYOR:  
**Providence**  
Providence Land Group, PLLC  
1004 Kildow Road  
Waxhams, NC 28173  
(704) 400-0117  
NC Firm #P-0810 - SC COA #4336



VICINITY MAP (NOT TO SCALE):



SCALE: 1" = 150'

N.C. GRID  
N.A.D. 83/2011

PROJECT:  
ANNEXATION PLAT FOR  
THE CITY OF SHELBY  
CONCERNING THE PARCELS OF  
WILLIAM G. RUCKER  
AND JAMES WEBB RUCKER

TOWNSHIP NO. 6  
CLEVELAND COUNTY  
NORTH CAROLINA  
PARCEL NO. 21879  
AND 22277

DEED BOOK 1473, PAGE 2223  
DEED BOOK 1563, PAGE 1577

OWNER AT TIME OF SURVEY:  
WILLIAM G. RUCKER  
AND JAMES WEBB RUCKER  
P.O. BOX 776  
SHELBY, NC 28151

LEGEND:  
AC - ACRES  
CA - CONTROLLED ACCESS  
DB - DEED BOOK  
(H.G.) - HORIZONTAL GROUND  
N.A.D. - NORTH AMERICAN DATUM  
N.A.V.D. - NORTH AMERICAN VERTICAL DATUM  
N.C.D.O.T. - NORTH CAROLINA DEPARTMENT OF TRANSPORTATION  
N.C.G.S. - NORTH CAROLINA GEODETIC SURVEY  
P.B. - PLAT BOOK  
P.N. - PARCEL NUMBER  
PROJ. - PROJECT  
RW - RIGHT-OF-WAY  
SQ.FT. - SQUARE FEET  
(T) - TOTAL

REVISIONS:  
DATE ISSUED FOR REV

DATE: AUGUST 2, 2023

DRAWN BY: J.S.

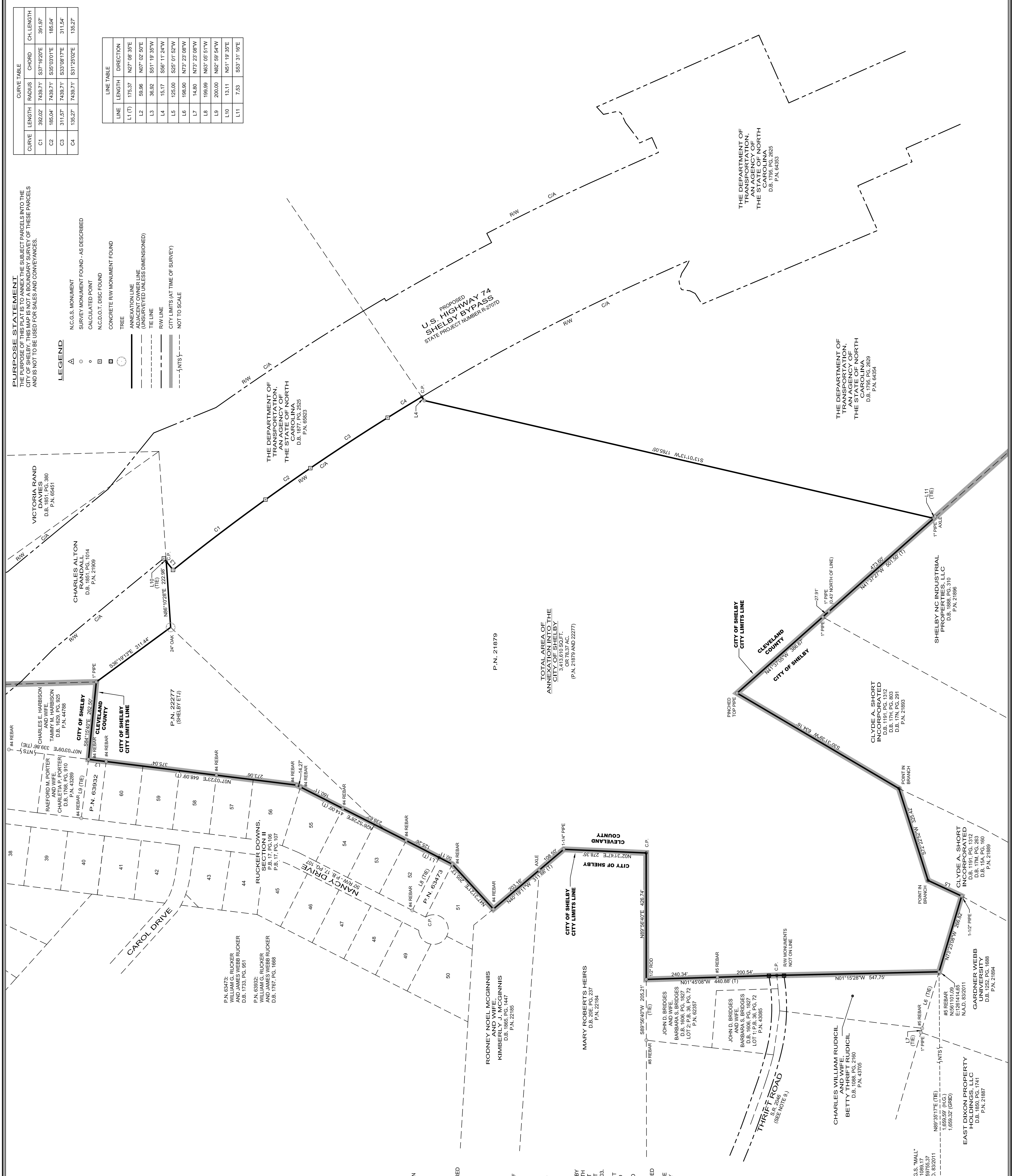
CHECKED BY: J.S.

PROJ. NUMBER: 23042

SHEET NUMBER: 1 of 1

DRAWING FILE: 23042-ANNEXATION

FOR: JWS



DATE 10/31/23  
 TIME 17:17:39  
 USER SHERRYL

CLEVELAND COUNTY  
 PROPERTY CARD  
 FOR YEAR 2023

PAGE 1  
 PROG# AS2006

RUCKER WILLIAM G  
 RUCKER JAMES WEBB  
 PO BOX 776

PARCEL ID.. 22277  
 LOCATION... CAROLYN DR  
 DEED YEAR/BOOK/PAGE.. 2008 1563 1577  
 PLAT BOOK/PAGE..  
 LEGAL DESC:6.263AC OFF RD 2635 NANCY  
 DR  
 TOWNSHIP... 6 SHELBY  
 NC 28151-0776

PIN... 6- 9 1 115  
 ASSESSMENT NONE .00 .00 .00  
 OWNER ID.. 1222686  
 DISTRICT.. 51 COUNTY SCH DIST (WATER)

SHELBY  
 DESCRIPTION

NBRHOOD... 28 RUCKER DOWNS #06  
 RESIDENTIAL

MAINTAINED.. 7/27/2022 BY SHERRYL VALUED.. 7/21/2021 BY MAYES  
 VISITED..... 4/29/2021 BY DB TYPE OF REVIEW  
 PARCEL STATUS... ACTIVE

ROUTING#..  
 CATEGORY.. GROUP 100

SALES HISTORY

DEED BK/PAGE	SALE DATE	SALES INSTRUMENT	DISQUALIFIED	SALE AMOUNT	STAMP AMOUNT	DEED NAME
1563 1577	10/22/2008	QUIT CLAIM DEE				RUCKER WILLIAM G & JAMES WEBB
17J 409	7/31/2006	DEED				RUCKER PHILLIP R
17J 409	9/30/2002	PARENT PARCEL				RUCKER PHILLIP R & W/CAROLYN
17J 409	12/31/1999	PARENT PARCEL				RUCKER PHILLIP R & W/CAROLYN
0000 0000	10/03/1994	PARENT PARCEL				RUCKER PHILLIP R & W/ CAROLYN
14K 389	1/01/1973	SALE			16.50	

LAND SEGMENTS

LND #	ZONE	STRAT CODE	LAND TYPE/CODE	LAND QTY	LAND RATE	DPT%	SHP%	LOC%	SIZ%	OTH%	TOP%	TOT ADJ	CURRENT FMV
1		12	AC WOODS	6.263	6,200.00	.00	.00	.00	87.00	60.00	75.00	39.15	15,202
TOTAL ACRES..				6.263								TOTAL LAND FMV..	15,202

TOTAL PARCEL VALUES----	LAND / OVR	IMPROVEMENTS / OVR	TOTAL LAND/IMPROVE	2022 VALUE
FMV.....	15,202	0	15,202	15,202
APV.....	15,202	0	15,202	15,202

DATE 10/31/23  
 TIME 17:17:39  
 USER SHERRYL

CLEVELAND COUNTY  
 PROPERTY CARD  
 FOR YEAR 2023

PAGE 1  
 PROG# AS2006

RUCKER WILLIAM G  
 RUCKER JAMES WEBB  
 PO BOX 776

PARCEL ID.. 21879  
 LOCATION... BORDERS RD  
 DEED YEAR/BOOK/PAGE.. 2022 1473 2223  
 PLAT BOOK/PAGE..  
 LEGAL DESC:73.096 AC OFF RD 2047

PIN... 6- 2 1 2U  
 ASSESSMENT NONE .00 .00 .00  
 OWNER ID.. 1222686  
 DISTRICT.. 51 COUNTY SCH DIST (WATER)

SHELBY  
 DESCRIPTION

TOWNSHIP... 6 SHELBY  
 NC 28151-0776

NBRHOOD... 31 6-2 6-3 6-8A #06  
 RESIDENTIAL

MAINTAINED.. 11/18/2022 BY MAGALYR VALUED.. 11/18/2022 BY MAGALYR  
 VISITED..... 11/18/2022 BY BP TYPE OF REVIEW  
 PARCEL STATUS... ACTIVE

ROUTING#..  
 CATEGORY.. GROUP 100

----- SALES HISTORY -----

DEED BK/PAGE	SALE DATE	SALES INSTRUMENT	DISQUALIFIED	SALE AMOUNT	STAMP AMOUNT	DEED NAME
1473 2223	8/02/2022	PARENT PARCEL	SPLIT/NO SALE			RUCKER WILLIAM G & JAMES WEBB
1473 2223	7/15/2022	PARENT PARCEL	SPLIT/NO SALE			RUCKER WILLIAM G & JAMES WEBB
1473 2223	12/30/2005	DEED	ADDITION PARCEL			RUCKER WILLIAM G & JAMES WEBB
1158 0286	2/22/1995	DEED	QUALIFIED			RUCKER PHILLIP R & W/CAROLYN
1144 0820	4/07/1994	DEED	MINERAL OR TIMB			CLEVELAND CONTRACTORS INC
13W 304	1/01/1971	SALE	QUALIFIED		25.00	

----- LAND SEGMENTS -----

LND #	ZONE	STRAT CODE	LAND TYPE/CODE	LAND QTY	LAND RATE	DPT%	SHP%	LOC%	SIZ%	OTH%	TOP%	TOT ADJ	CURRENT FMV
1		13	AC OPEN	58.133	5,400.00	.00	.00	.00	60.00	.00	80.00	48.00	150,680
		LUV..	LU A4	58.133	645.00							.00	37,495
2		13	AC WOODS	10.556	5,400.00	.00	.00	.00	60.00	.00	80.00	48.00	27,361
		LUV..	LU A4	10.556	645.00							.00	6,808
3		13	AC OPEN	4.407	5,400.00	.00	.00	.00	60.00	.00	80.00	9.60	2,284
		LUV..	LU A4	4.407	645.00			OTHER ADJ...	.00	.00	.00	20.00	2,842
												.00	
			TOTAL ACRES..	73.096									180,325
			TOTAL IN LU..	73.096									47,145
													180,325
													47,145
													152,581

TOTAL PARCEL VALUES----	LAND /	OVR	IMPROVEMENTS /	OVR	TOTAL LAND/IMPROVE	2022 VALUE
FMV.....	180,325		0		180,325	211,210
APV.....	47,145		0		47,145	58,629
DEFERRED.	133,180		0		133,180	152,581



Post Office Box 207 · Shelby, NC 28151-0207

---

## CERTIFICATE OF SUFFICIENCY

To the City Council of the City of Shelby, North Carolina:

I, Carol Williams, City Clerk, do hereby certify that I have investigated the attached petition and hereby make the following findings:

- a. The petition contains an adequate property description of the area proposed for annexation.
- b. The area described in the petition is a contiguous annexation to the City of Shelby primary corporate limits, as defined by North Carolina General Statute 160A-31.
- c. The petition is signed by and includes the address of the owner of real property lying in the area described therein.

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Shelby, this 13<sup>th</sup> day of November, 2023.

(SEAL)

---

Carol Williams  
City Clerk

Agenda Item: D-4

- 4) Motion to acknowledge and sign the Response to the Auditor's Findings, Recommendations and Fiscal Matters

**Consent Agenda Item: (Rick Howell, City Manager; Beth B. Beam, Director of Finance)**

---

Summary of Available Information:

- Memorandum dated November 15, 2023, from Beth B. Beam, Director of Finance to Rick Howell, City Manager
- Response to the Independent Auditor's Findings, Recommendations, and Fiscal Matters
- Performance Indicators
- Martin Starnes & Associates, CPA's, P.A. 2023 Amended Audit Contract Information

---

City Manager's Recommendation / Comments

This item is presented for City Council consideration under consent. Approval would simply acknowledge the finding of the auditor that the City of Shelby had one Financial Performance Indicator of Concern. As presented previously by Ms. Thompson of Martin Starnes and Associates, CPA's, P.A. at tonight's meeting (November 20, 2023) the City was had a performance indicator of concern specific to the operating net income of the Water Fund and Sewer Fund as combined. This indicator shows a net loss in the combined funds. However, I would note that these funds are operated as separate entities. The calculation does not take depreciation into consideration. We have outlined our response in the attached letter to be submitted to the Local Government Commission.

**It is my recommendation that City Council adopt a simple motion authorizing the response to the independent auditor's findings, recommendations, and fiscal matters and that this be transmitted to the LGC as required.**



To: Rick Howell, City Manager

From: Beth B. Beam, Director of Finance

Date: November 15, 2023

Subject: LGC Response for Financial Indicator of Concern for Fiscal Year Ending June 30, 2023

Background:

State law requires that all municipal governments publish a complete set of financial statements presented in conformity with generally accepted accounting principles and those statements must be audited in accordance with generally accepted auditing standards. The completed audit report was submitted to the Local Government Commission of NC on November 14, 2023

Review and Comments:

Martin Starnes and Associates, CPA's, P.A. has audited the City of Shelby's financial statements for the year ending June 30, 2023. The audit firm is required to inform the Governing Body of any financial indicators of concern noted from the data input sheet submitted to the Local Government Commission along with the filing of the audit report. Ms. Thompson did inform Shelby's Governing Board of the one indicator identified in her presentation on November 20th, 2023 – negative combined water/sewer net income. The City of Shelby must submit a "Response to the Auditor's Findings, Recommendations and Fiscal Matters" to the LGC within 60 days of the audit presentation.

Recommendation:

The recommendation from staff is for the Governing Body to acknowledge and sign the required response for fiscal year ending June 30, 2023 in the November 20, 2023 agenda and direct staff to submit the response to the Local Government Commission.



# PERFORMANCE INDICATORS

The self-reported information from your unit's audit report was used to generate the following trends and performance indicators. We have created this Performance Indicator tab to make these indicators available to auditors and local governments when your audit is conducted. If any unit's results are shaded red, the unit must submit a "Response to the Auditor's Findings, Recommendations, and Fiscal Matters" within 60 days from the auditor's board presentation. The response must address all performance indicators shaded in red.

Unit Name: <b>Shelby</b>	Fiscal Year 2023
Unit Number: <b>50356</b>	Explanation of Performance Indicator

In the past, units of government have been grouped by population to evaluate ratios and benchmarking (including Fund Balance Available). Beginning with fiscal year 2020, we have grouped units by General Fund expenditures for purposes of evaluating the minimum amount of fund balance a unit needs to operate. A unit's General Fund expenditures proved to be a better correlation to the amount of funds balance needed to operate, especially for units with large higher education or tourism populations. Activity from Debt Service Funds (if applicable) is included in the calculation because these funds typically originate from the General Fund and are transferred to a Debt Service Fund.

The table below lists the thresholds that are used in the analysis of your unit's fiscal health. These thresholds were determined based on an analysis of previous years general fund activity. These thresholds will be monitored and updated as applicable.

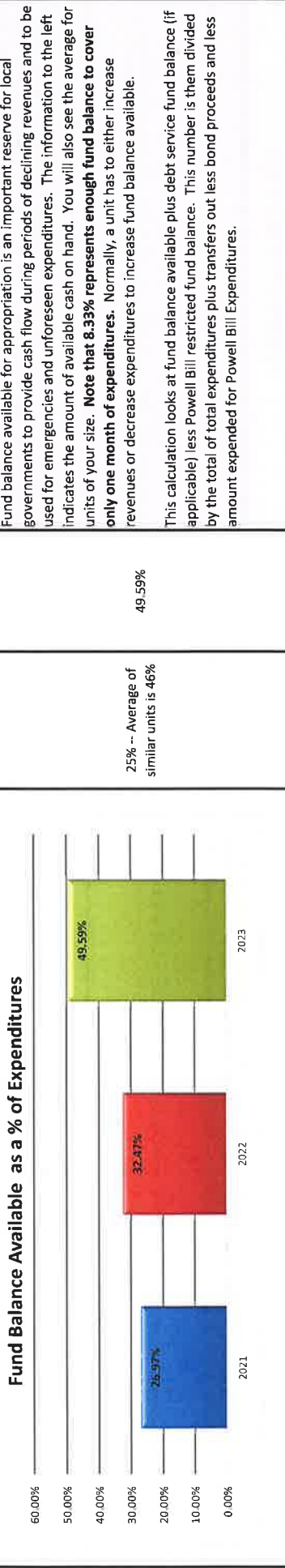
Municipalities			
Median FBA as % of Expenditures without Powell Bill	Minimum Thresholds FBA as % of Expenditures	# of Months FBA using Annualized Expenditures	
\$100,000	260%	100%	12.00
\$100,000 to \$999,999	132%	71%	8.52
\$1,000,000 to \$9,999,999	63%	34%	4.08
Above \$10,000,000	46%	25%	3.00

Counties			
Median FBA as % of Expenditures without Powell Bill	Minimum Thresholds FBA as % of Expenditures	# of Months FBA using Annualized Expenditures	
Below \$100,000,000	39%	20%	2.40
\$100,000,000 and above	32%	16%	1.92

Units of government are grouped by general fund expenditures for purposes of evaluating available fund balance as a percentage of expenditures (GF FBA%). Each grouping category has its own minimum threshold. If you are in the lower quartile your GF FBA% might be considered a performance indicator of concern and you might be asked to communicate to us. To the left are the minimum thresholds for Municipalities and Counties.

**GENERAL FUND:**  
 As of the publication date of this workbook, prior year self-reported numbers may not be received by the LGC staff, please contact LGC staff at [lgaudit@nc treasurer.com](mailto:lgaudit@nc treasurer.com) to have the prior year's financial data populated on this worksheet. Please include in email subject "Prior Year Financial Data."



Fund balance available for appropriation is an important reserve for local governments to provide cash flow during periods of declining revenues and to be used for emergencies and unforeseen expenditures. The information to the left indicates the amount of available cash on hand. You will also see the average for units of your size. **Note that 8.33% represents enough fund balance to cover only one month of expenditures.** Normally, a unit has to either increase revenues or decrease expenditures to increase fund balance available.

This calculation looks at fund balance available plus debt service fund balance (if applicable) less Powell Bill restricted fund balance. This number is then divided by the total of total expenditures plus transfers out less bond proceeds and less amount expended for Powell Bill Expenditures.



	Unit Name: Unit Number:	Shelby 50356	Fiscal Year 2023		Explanation of Performance Indicator
			Minimum Threshold	Unit Results	
GENERAL FUND:					
2.	There was appropriated fund balance for the General Fund in the 2023 budget AND your change in fund balance was negative. Please state if fund balance was used for operations or capital purposes in account 590 on the Unit Data from Audit Worksheet.		Positive Change in Fund Balance	N/A	If the General Fund has more expenditures than revenues because of operational issues and fund balance was appropriated to cover the loss, the continuation of this practice could result in deterioration of a unit's fund balance available.
3.	The General Fund had total fund balance less than zero - Fund Deficit		Positive Fund Balance	\$22,487,200	The General Fund has a fund deficit which means that the unit's revenues and other receipts are inadequate to support its operations. G.S. 159 13(b)(2) requires that the board fund the full amount of a prior fiscal year's deficit in the current fiscal year's budget. Therefore, this deficit should have been funded immediately after the June 30, fiscal year-end. The law requires such action be taken to stop any further deterioration of the overall financial condition of the fund. Please let us know if the deficit was funded in the budget, and what actions the unit plans to take to bring the general fund balance up to an acceptable level.

Unit Name: <b>Shelby</b>		Fiscal Year 2023		Explanation of Performance Indicator								
Unit Number: <b>50356</b>		Minimum Threshold	Unit Results									
<b>WATER SEWER FUND:</b> As of the publication date of this workbook, prior year self-reported numbers may not been received by the LGC staff, please contact LGC staff at lgcaudit@nctreasurer.com to have the prior year's financial data populated on this worksheet. Please include in email subject "Prior Year Financial Data."												
<b>Quick Ratio-Water and Sewer</b>												
<table border="1"> <caption>Quick Ratio-Water and Sewer Data</caption> <thead> <tr> <th>Year</th> <th>Quick Ratio</th> </tr> </thead> <tbody> <tr> <td>2021</td> <td>4.51</td> </tr> <tr> <td>2022</td> <td>4.69</td> </tr> <tr> <td>2023</td> <td>5.47</td> </tr> </tbody> </table>					Year	Quick Ratio	2021	4.51	2022	4.69	2023	5.47
Year	Quick Ratio											
2021	4.51											
2022	4.69											
2023	5.47											
<b>Cash Flow Indicators:</b>												
		2021	2022	2023								
5.	Operating Net Income (Loss) excluding depreciation, including debt service principal and interest	\$628,660	\$387,585	(\$44,539)	This calculation subtracts operating expenses from operating revenues. Depreciation expense is not included in the calculation but debt principal and interest payments are included. A negative balance indicates that your rates are not covering your operating expenses and debt service payments.							
6.	Unrestricted cash /total expenses excluding depreciation, including debt service principal	98.31%	94.47%	106.03%	This indicator calculates how many month's worth of expenses (including debt principal but not depreciation) a unit can pay based on the amount of unrestricted cash at year-end. The typical billing cycle is one month (8.33%) and one extra month usually gives a local government enough cash to handle unusual monthly expenses (16.66%). <b>This 16% would be the bare minimum necessary to keep the fund from experiencing cash flow issues.</b>							
7.	It appears your Water Sewer Fund has transfers-in for the support of operations that are greater than 3% of the total of operating and non-operating expenses. Please discuss the purpose of such transfers-in and if you plan to continue these transfers-in.	No	No	No	The rate structure of the Water and Sewer Fund should support the operating expenses of the fund without operating subsidies or transfers from other funds.							
8.	Water and Sewer Condition of Assets	0.62	0.73	0.71	This capital assets condition ratio formula calculates the remaining useful life. A remaining useful asset value less than 0.50 may signal the need to replace the assets in the near future.							

Unit Name: <b>Shelby</b>		Fiscal Year 2023		Explanation of Performance Indicator								
Unit Number: <b>50356</b>		Minimum Threshold	Unit Results									
9	<b>ELECTRIC FUND:</b> <b>As of the publication date of this workbook, prior year self-reported numbers may not be received by the LGC staff, please contact LGC staff at <a href="mailto:lgsaudt@nctreasurer.com">lgsaudt@nctreasurer.com</a> to have the prior year's financial data populated on this worksheet. Please include in email subject "Prior Year Financial Data."</b>	<table border="1"> <caption>Quick Ratio-Electric</caption> <thead> <tr> <th>Year</th> <th>Value</th> </tr> </thead> <tbody> <tr> <td>2021</td> <td>6.58</td> </tr> <tr> <td>2022</td> <td>4.85</td> </tr> <tr> <td>2023</td> <td>6.19</td> </tr> </tbody> </table>		Year	Value	2021	6.58	2022	4.85	2023	6.19	Note: If more than one performance indicator is identified, one proposed solution may solve all electric performance indicators.  A Quick Ratio less than 1 indicates that the unit owes more for its current bills than what it has on hand in unrestricted cash and investments plus what is owed from customers (accounts receivable). This could indicate that the fund may have difficulty paying its current bills. If this pattern continues, the electric system may not be sustainable.
		Year	Value									
2021	6.58											
2022	4.85											
2023	6.19											
10	<b>Cash Flow Indicators:</b>  <b>Operating Net Income (Loss) excluding depreciation, including debt service principal and interest</b>	<table border="1"> <thead> <tr> <th>Year</th> <th>Value</th> </tr> </thead> <tbody> <tr> <td>2021</td> <td>\$7,662,882</td> </tr> <tr> <td>2022</td> <td>\$4,168,482</td> </tr> <tr> <td>2023</td> <td>\$4,531,995</td> </tr> </tbody> </table>	Year	Value	2021	\$7,662,882	2022	\$4,168,482	2023	\$4,531,995	This calculation subtracts operating expenses from operating revenues. Depreciation expense is not included in the calculation but debt principal and interest payments are included. A negative balance indicates that your rates are not covering your operating expenses.	
Year	Value											
2021	\$7,662,882											
2022	\$4,168,482											
2023	\$4,531,995											
11	<b>Unrestricted cash /total expenses excluding depreciation, including debt service principal</b>	<table border="1"> <thead> <tr> <th>Year</th> <th>Value</th> </tr> </thead> <tbody> <tr> <td>2021</td> <td>61.71%</td> </tr> <tr> <td>2022</td> <td>41.72%</td> </tr> <tr> <td>2023</td> <td>59.83%</td> </tr> </tbody> </table>	Year	Value	2021	61.71%	2022	41.72%	2023	59.83%	This indicator calculates how many month's worth of expenses (including debt principal but not depreciation) a unit can pay based on the amount of unrestricted cash at year-end. The typical billing cycle is one month (8.33%) and one extra month usually gives a local government enough cash to handle unusual monthly expenses (16.66%). <b>This 16% would be the bare minimum necessary to keep the fund from experiencing cash flow issues.</b>	
Year	Value											
2021	61.71%											
2022	41.72%											
2023	59.83%											

Unit Name: Shelby		Fiscal Year 2023		Explanation of Performance Indicator
Unit Number: 50356		2023		
GENERAL PERFORMANCE INDICATORS:				
12	What date was the audit report submitted to the LGC? (Note audit reports are due four months after fiscal year end regardless of the contract submission date.)	1/0/1900	Response Not Required	As stewards of the public's resources, the governing body is responsible for ensuring that the audited financial statements are available to the public in a timely manner. External groups such as the North Carolina General Assembly, federal and State agencies that provide funding, and other public associations need current financial information about your local government as well.
13	The budgeted ad valorem tax (including motor vehicles) for the General Fund had more than 3% uncollected for the fiscal year audited. Decreases are shown by a negative percentage.	3.01%	3.01%	This indicator shows that the local government did not collect 3% (or more) of its budgeted ad valorem taxes. This could be an indicator of negative economic events, inaccurate budgeting, and/or issues with the collection process. Uncollected revenues at the 3% level represent several pennies of the tax rate.
14	You indicated that you expect a decrease in property value for your next property revaluation. In your FPIC Response Letter please discuss the magnitude of the drop in valuation, the overall cause of the drop and how you plan to recover the lost revenues.	N/A	N/A	You indicated that you expect a decrease in property value for your next property revaluation which could result in lost tax revenue.
15	Did your audit disclose any budget violations at the adopted ordinance level? (Yes or No)	No	No	The unit has expenditures that exceed the legal budget ordinance. This indicates that the unit's purchase order system, contract approval process and / or payment process is not in compliance with North Carolina General Statute 159.
16	The Unit had material weaknesses, significant deficiencies, statutory violations and/or items identified on the TD Info Completed by Auditor tab that should be addressed in the FPIC Response Letter.	No	No	<b>This indicator identifies whether the unit has any material weaknesses, significant deficiencies, management letter comments or items identified on the TD Info Completed by Auditor tab including 1055, 1056, 1058, 955 and 957, that require a response.</b>
17	Did the unit have a board-appointed finance officer or board-appointed interim finance officer the entire fiscal year as required by G.S. 159-24 which provides that "each local government and public authority shall, at all times, have a finance officer appointed by the local government, public authority, or designated official to hold office at the pleasure of the appointing board or official?" (Yes or No)	Yes	Yes	The indicator is to determine if any time during the fiscal year, the unit was without a board-appointed finance officer.
18	Was the finance officer or interim finance officer bonded pursuant to G.S. 159-29 which requires that the finance officer give a true accounting and faithful performance bond in an amount not less than the greater of (1) \$50,000 or (2) an amount equal to 10% of the unit's annually budgeted funds, up to \$1,000,000? (Yes or No)	Yes	Yes	The indicator is to determine if at any time during the fiscal year, the unit was without a bonded, board-appointed finance officer as required by G.S. 159-29.

	Unit Name: <b>Shelby</b>		Fiscal Year 2023	Explanation of Performance Indicator
	Unit Number: <b>50356</b>			
GENERAL PERFORMANCE INDICATORS:				
19	The unit had problems with debt service payments being late and/or did not comply with the bond covenants.	2023 No	Target No	This indicator advises whether or not the unit has issues with debt service payments or bond covenants.
20	Electric transfers-out have exceeded the amounts described in GS 159B-39. If your unit is a member of the North Carolina Eastern Municipal Power Agency it appears you have violated the GS. OR If you are not a member of the Eastern Municipal Power Agency it appears that you have violated your unit's transfer policy.	2023 No	Target No	This indicator advises if there were electric transfers in violation of G.S. 159B-39 or in violation of the unit's transfer policy.
21	Are there additional issues the unit should address that affect the fiscal health or internal controls of the unit that were communicated to the unit during the audit presentation? Please include details of the issue in cell 146 to the right and in your FPIC Response.	2023 No	Target No	<b>This indicator advises if any other issues that the unit should address in the FPIC response letter.</b>



Post Office Box 207 • Shelby, NC 28151-0207

RESPONSE TO THE INDEPENDENT AUDITOR'S FINDINGS,  
RECOMMENDATIONS, AND FISCAL MATTERS

For Fiscal Year Ending 6/30/2023, the City of Shelby had one (1) Financial Performance Indicator of Concern.

Financial Performance Indicators of Concern:

Indicator: Cash Flow indicator for the water & sewer funds combined

Condition: Operating Net Loss excluding depreciation, including debt service principal and interest

This calculation subtracts operating expenses from operating revenues. Depreciation expense is not included in the calculation but debt principal and interest payments are included. A negative balance indicates that rates are not covering operating expenses and debt service payments. The Data Input sheet reflects an operating loss in the combined water and sewer funds of (\$44,539.) Not included in the revenue was the transfer from the General Fund related to ARPA Funding revenue replacement in the combined amount of \$899,477. Water and Sewer rates were increased by 4% for fiscal year 2024.

We, the undersigned, are aware of the Financial Performance Indicator of Concern.

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

Mayor Pro Tempore: Andrew L. Hopper, Sr. \_\_\_\_\_

Council Member: Violet Arth \_\_\_\_\_

Council Member: Emilie Bullock \_\_\_\_\_

Council Member: David Causby \_\_\_\_\_

Council Member: Charles L. Webber \_\_\_\_\_

Council Member: David W. White \_\_\_\_\_

City Manager: James R. Howell \_\_\_\_\_

Director of Finance: Beth B. Beam \_\_\_\_\_

Date: \_\_\_\_\_

Agenda Item: D-5

5) Approval of Special Event Application:

- a) Annual Tree Lighting and Uptown Shelby Carriage Rides, requested date: November 25th (Tree Lighting), December 1st, 8th, and 15<sup>th</sup>, 2023 (Carriage Rides)
- b) Shelby Christmas Parade: requested date: Sunday, December 17, 2023

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

---

Summary of Available Information:

- Memorandum(s) dated November 9, 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:** November 9, 2023

**Re:** Special Event Permit Application

---

## BACKGROUND:

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

- ✓ Christmas Tree Lighting and Carriage Rides: requested date: November 25, 2023 - December 1st, 8th, and 15th, 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 November 20, 2023 for Council's review and approval.

## ATTACHMENT:

- A. Special Event Permit Application packet received September 22, 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:**

Annual Tree Lighting & Uptown Shelby Carriage Rides

---

---

---

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

Annual Uptown Tree Lighting Celebration + Carriage rides for families

---

---

---

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

All lanes of Washington Street between Warren & Marion Streets

---

---

---

**4. PLEASE INDICATE:**

Approximately how many people will attend the event? 100+

Approximately how many vehicles will be present? 1 mule-drawn carriage

Approximately how many animals will be present? 2 mules

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

Single lane \_\_\_\_\_

All lanes in travel direction \_\_\_\_\_

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

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

Name: Uptown Shelby Association

Address: 211 South Trade Street, Shelby, NC

Phones: 704-484-3100  
(Daytime) (Evening)

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

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

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

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

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

**6. PLEASE LIST THE FOLLOWING:**

Requested day(s) and date(s) Nov 25 (Saturday); Dec 1, 8, 15 (Fridays)

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

Requested hours of operation, from 5:00 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.



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

4 barricades, 2 road closed signs, 12-15 cones (can be placed at corner of  
Warren & Washington and placed by USA staff

**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: Annual Uptown Shelby Tree Lighting

Authorize Event/Vendor Coordinator: Uptown Shelby Association

Phone No.: 704-484-3100 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**

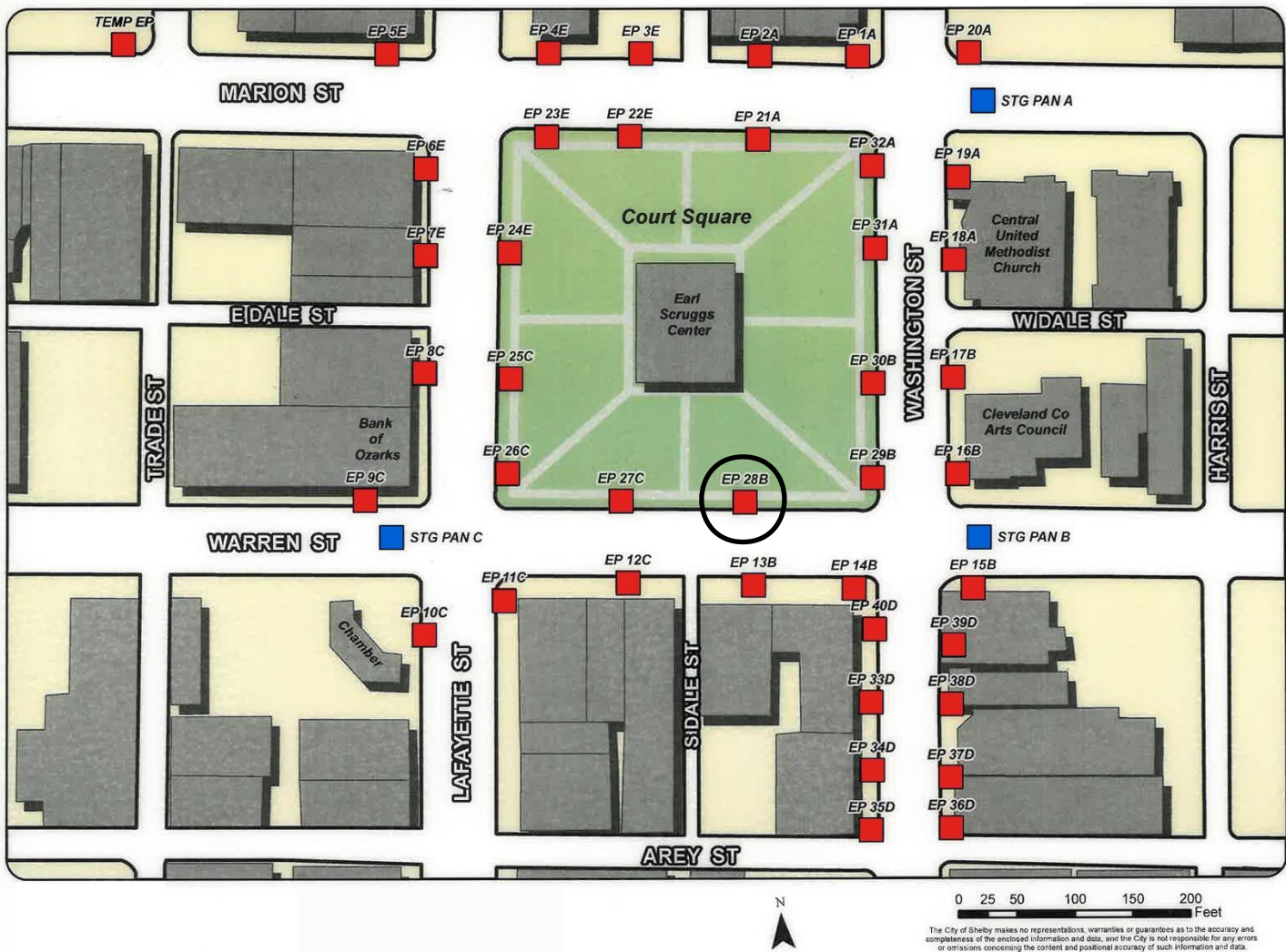
Total Number of Event Panels:  
1 x \$15.00 x Number of Days 1 = \$ 15.00 #28B

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

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

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

# City of Shelby Uptown Event Panels



## Legend

- Event Panel
- Stage Panel

**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.

*Kaitlyn Mcneilly*  
\_\_\_\_\_  
SIGNATURE

Uptown Shelby Association  
\_\_\_\_\_  
APPLICANT

704-484-3100  
\_\_\_\_\_  
PHONE

211 South Trade Street, Shelby, NC 28150  
\_\_\_\_\_  
PHYSICAL ADDRESS

\_\_\_\_\_  
E-MAIL ADDRESS

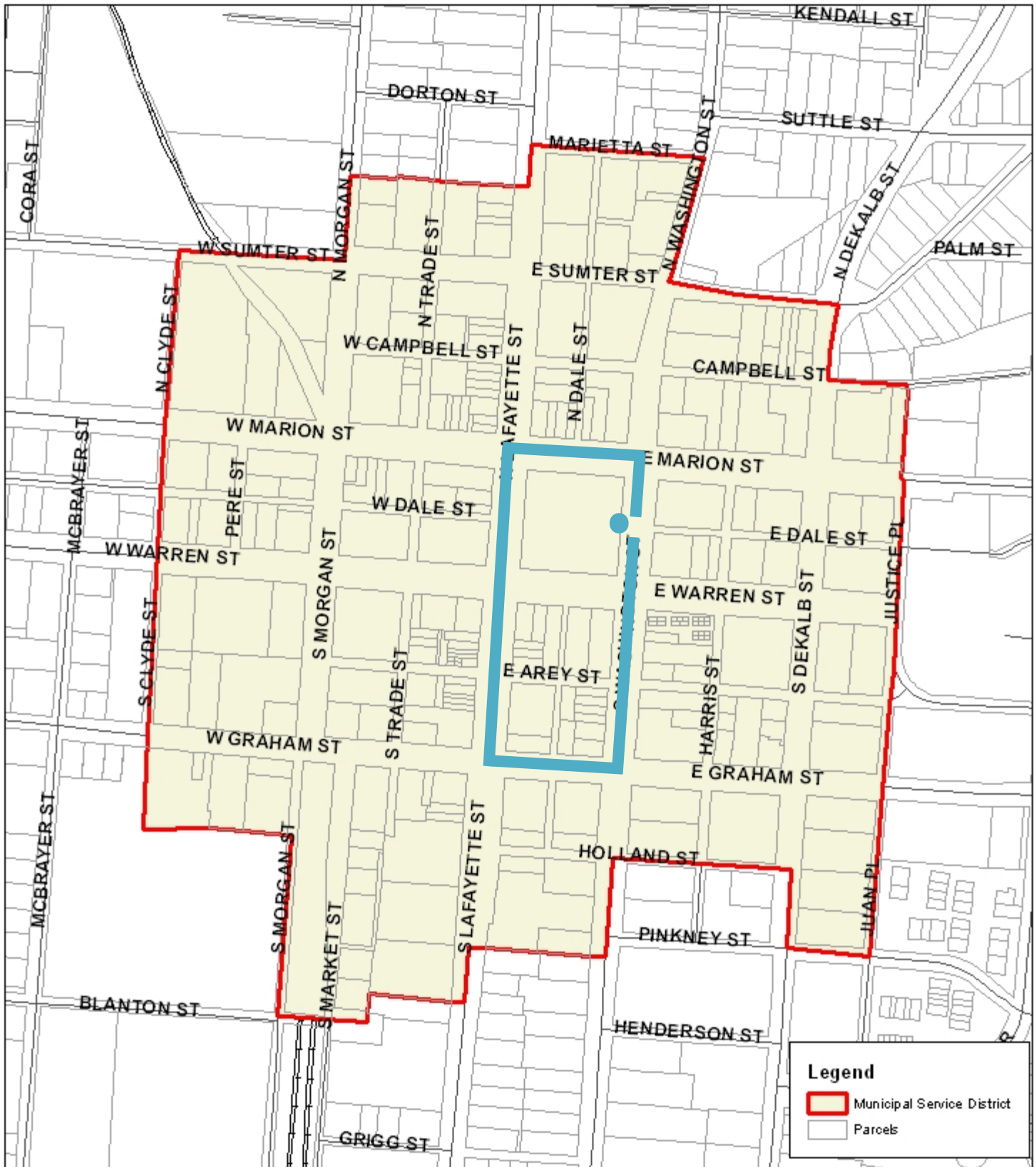
9/22/2023  
\_\_\_\_\_  
DATE



# City of Shelby Municipal Service District



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



**Legend**

- Municipal Service District
- Parcels

Scale 1:4,800 1 inch = 400 feet 0 200 400 800 Feet

## **2023 Uptown Shelby SEPA addendum**

### **Plan to Notify Businesses:**

- We will use our robust system to convey updates to businesses, including email update and a Facebook group page for owners and managers
- Our event will not be disruptive to residents

### **Sanitation Plan:**

- USA staff and volunteers will pick up trash at the start and stop site during and after the event. This event does not generate trash, so there is typically little to none, therefore we are not requesting additional trash cans.
- The carriage ride provider will have bags on the horses to catch waste during the rides. USA staff will check the route afterward and scoop any waste left on the street.



# Memo

**To:** Rick Howell, City Manager

**From:** Carol Williams, City Clerk

**Date:** November 9, 2023

**Re:** Special Event Permit Application

---

## BACKGROUND:

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

- ✓ Shelby Christmas Parade, requested date: December 17, 2023

## REVIEW:

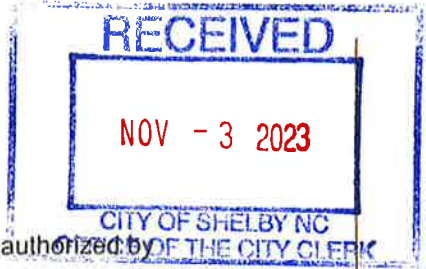
All responding City departments have received, reviewed, and approved the referenced application.

## RECOMMENDATION:

Please place the attached Special Event Permit Application on the Consent Agenda of November 20, 2023 for Council's review and approval.

## ATTACHMENT:

- A. Special Event Permit Application packet received November 3, 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:**

Shelby Christmas Parade

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

Community parade to celebrate the holiday season

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

Uptown Shelby - please see attached maps of line-up location and route

**4. PLEASE INDICATE:**

Approximately how many people will attend the event? 4000+

Approximately how many vehicles will be present? 200+

Approximately how many animals will be present? avg. 10 horses and 25 dogs in parade

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 Lafayette from grover to grigg, plus side streets for staging (Seaboard, East, Marietta and N. Washington)

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

Name: Carly Bostic + Kaitlyn McNeilly | uptown Shelby Association

Address: 211 S. Trade St. Shelby, NC 20150

Phones: 704-484-3100 office (Daytime)      704-472-0246 Carly's cell (Evening)

E-mail address: cbostic@uptownshelby.com ; kmcneilly@uptownshelby.com

Name: Kim Davis | Dragonfly Marketing

Address: 205 S. Washington St. Shelby, NC 20150

Phones: 704-473-8248 (Daytime)      Kim's cell (Evening)

E-mail address: kim@dragonflymarketing.cc

**6. PLEASE LIST THE FOLLOWING:**

Requested day(s) and date(s) Sunday, Dec. 17 2023

Alternate day(s) and date(s) none

Requested hours of operation, from 12:30 AM/PM to 4 AM/PM

staging area:  
12:30-4 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.

parade route:  
2:00-4 pm

**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? not by event organizers

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: 911  
Address: \_\_\_\_\_  
Phones: \_\_\_\_\_

Indicate medical services that will be provided for the event.

AMBULANCE: 911  
DOCTOR (S): \_\_\_\_\_  
PARAMEDICS: \_\_\_\_\_

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

- Road closures + barricades
- police support for end of parade route
- police setup @ Barricade closures & Main intersections  
if possible

**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**

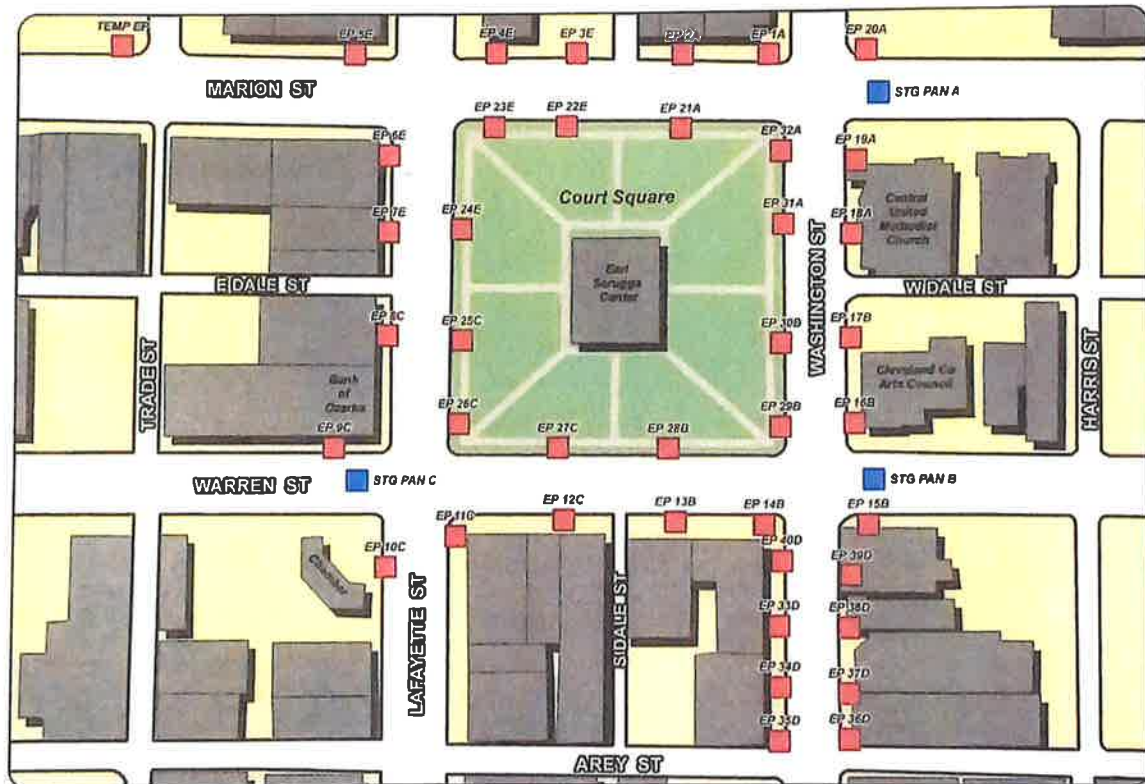
Total Number of Event Panels:  
\_\_\_\_\_ x \$15.00 x Number of Days \_\_\_\_\_ = \$ \_\_\_\_\_

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 representation or warranty to purchasers as to the accuracy and completeness of the enclosed information and does not hold itself responsible for any errors or omissions resulting from the content and graphical elements of such information and map.



## 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.

Kaitlyn McNeilly  
SIGNATURE

Kaitlyn McNeilly                      704-404-3100  
APPLICANT                                      PHONE

211 S. Trade Street Shelby NC 28150  
PHYSICAL ADDRESS

kmcneilly@uptownshelby.com  
E-MAIL ADDRESS

11/1/2023  
DATE



## **Uptown Shelby Association 2023 Christmas Parade SEPA addendum**

---

### **Plan to Notify Residents & Businesses**

- We have a robust system for conveying updates to businesses, including email updates and a Facebook group for owners and managers.
- We will email information to property managers with a request to convey to their residents.
- We will also use street signs to notify residents and businesses who may not receive the digital communication.

### **Sanitation Plan**

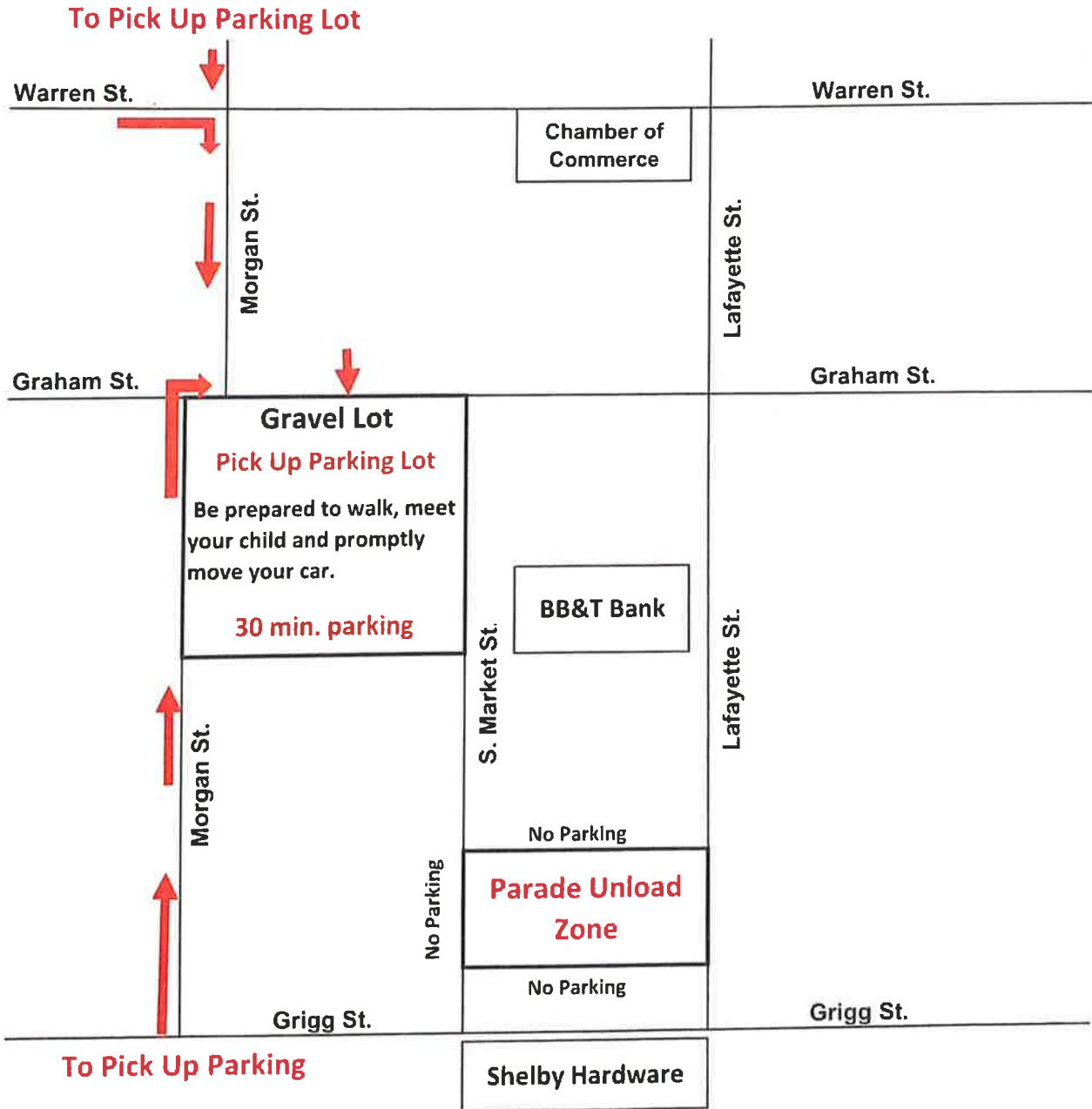
- Uptown Shelby Association staff and volunteers will pick up trash along the parade route during and after the event.
- We stipulate that all parade participants with animals must clean up after their animals via attached bags and/or having a designated manure scooper.



## Participant Pick Up Instructions

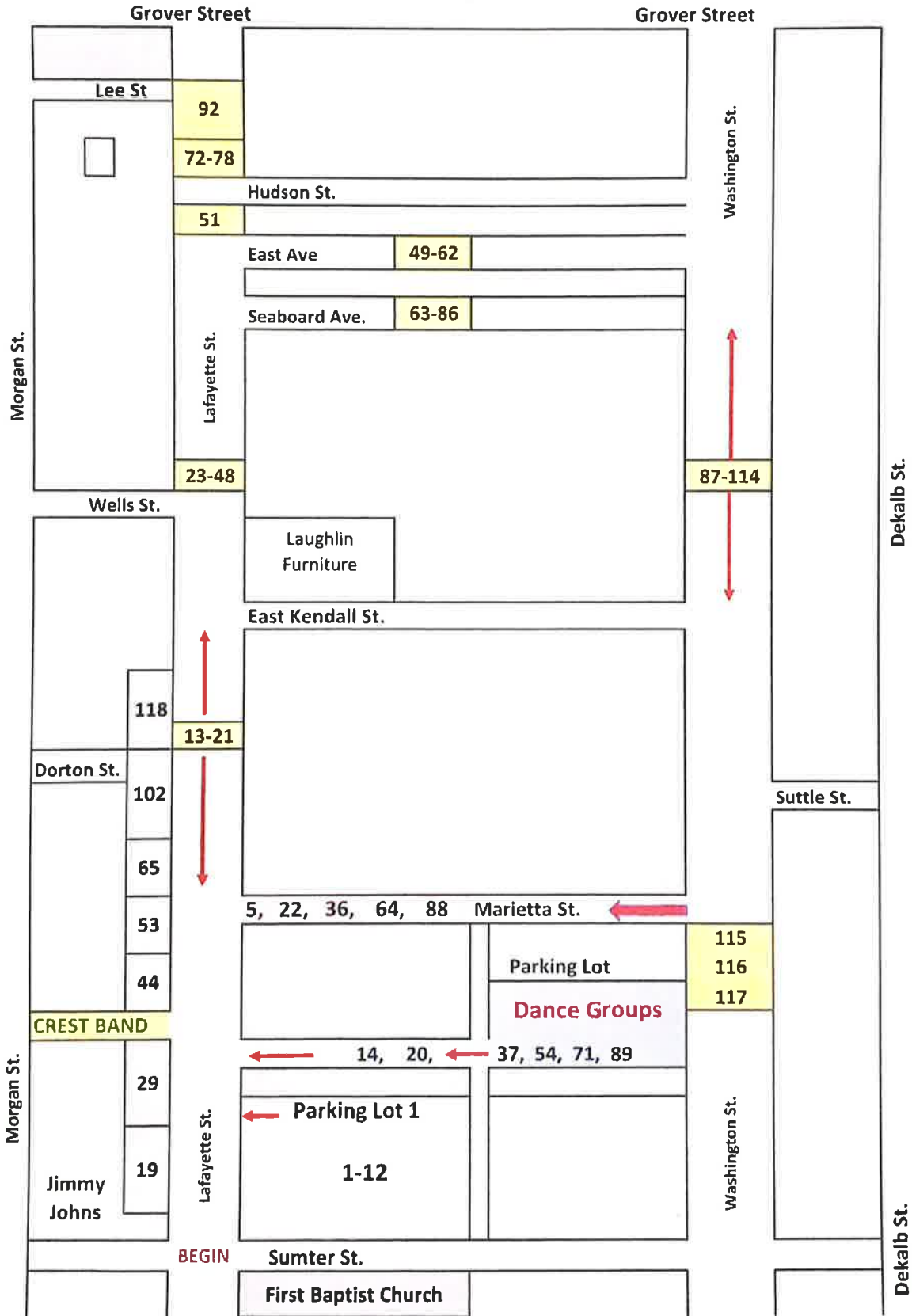
The 2023 Shelby Christmas Parade will travel south on Lafayette Street from the corner of Sumter St. and Lafayette St. At the end of the parade, entries will be routed behind the old movie theater lot just south of BB&T Bank. At that point, participants will unload floats and vehicles. Parents who wish to meet and pick up their children can park in the gravel lot on the corner of S Market St. and Graham St. and walk down to the unloading lot.

There will be a lot of traffic and congestion. Please be prepared to park, walk to meet you child and promptly move your vehicle so other parents may do the same.



# Participant Drop Off Locations

2022



**Legend**

1-12	Parking Lot 1
13-21	Lafayette St. between Marietta St. and E. Kendall St.
23-48	Lafayette St. between E. Kendall St. and Seaborn St.
49-62	East Avenue
63-86	Seaboard Ave.
87-114	Washington St. between Seaboard Ave and E. Kendall St.
Floats	Lafayette St. between Sumter St. and Dorton St.

## E. Unfinished Business

### Agenda Item: E-1

- 1) Adoption of budget ordinance amendment for the City of Shelby's American Rescue Plan water and sewer asset management and modeling projects:  
Ordinance 53-2023

### **Unfinished Business Item: (Rick Howell, City Manager; Ben Yarboro, Assistant City Manager)**

---

#### Summary of Available Information:

- Memorandum dated November 14, 2023, from Brian Wilson, Director of Water Resources to Beth Beam, Finance Director and Ben Yarboro, Assistant City Manager
- Ordinance No. 53-2023

---

#### City Manager's Recommendation / Comments

Ordinance No. 53-2023 is presented for City Council consideration at this time. If approved this ordinance would appropriate \$66,000 from the Sewer Fund net retained earnings to the purpose of expanding the original scope of the Wastewater Management and Hydraulic Modeling Study to include additional areas on the western side of the City. These areas are likely to develop in the near future and this study expansion will allow the City to better determine the availability of capacity within the existing sewer system as well as signal whether system improvements are needed.

**It is my recommendation that Ordinance No. 53-2023 be adopted and approved by City Council at this time.**



Post Office Box 207 · Shelby, NC 28151-0207

## *Memorandum*

**To:** Beth Beam, Finance Director

**From:** Brian Wilson, Director of Water Resources

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

**Date:** November 14, 2023

**Subject:** Sewer Projects - Project Budget Ordinance Amendment  
American Rescue Plan Funds – Water and Wastewater Planning Grants

### **Background**

In May of 2022, the City of Shelby submitted an application to the Division of Water Infrastructure (DWI) with the intention of funding projects that will aid in future planning for Water Resources. These projects met the DWI guidelines of drinking water, wastewater, and asset inventory and assessment projects required to request funding. The projects submitted consisted of performing an outfall survey and hydraulic model for our major collection system, conducting an asset management profile for the water and wastewater plants, and performing a hydraulic model of both plants. These projects are important to the long-term use of both systems and will look at both treatment capacities along with identifying assets that are most critical to future use and planning. City staff believes that these projects are necessary for continued success of the system and will help map out the most pressing needs for Shelby's continued growth. City staff advertised an RFQ to select an engineer to assist with this project. In September 2022, City staff recommended the selection of HDR as engineer for this project. City Council authorized this selection through Resolution 63-2022. A Project Budget Ordinance was established through Ordinance 54-2022 for this project.

### **Review**

HDR was asked to provide a proposal to expand the original scope of the Wastewater Management and Hydraulic Modeling Study to include gathering information that would be beneficial for examining I&I issues within the City to better model collection system during rain events. Two amendments have been requested to further aid in modeling the capacity of the outfalls during rain events and to model our system capacity for future developments. Amendment #1 would provide additional surveying of outfalls not included

in the original contract, including installation of eleven (11) flow monitors, five (5) flow level monitors, and three (3) rain gauges. The collected flow data would then be incorporated data into the wastewater collection system model. Amendment #2 would address the increased request for residential developments. This amendment would develop flow model scenarios for specific proposed future development along with providing model runs for identified areas with capacity issues. City Staff will then use this information to prioritize future system improvements that will help meet growing sewer demands withing the City.

In keeping with projects that aligned with funding to aid in future planning, the City of Shelby submitted and was awarded a project for wastewater and a project for drinking water. Currently, Water Resources staff recommend funds for the requested increase of scope of the original contract.

**Recommendation**

Water Resources staff recommends amendment of project budget ordinance for the ARP Planning Projects as follows:

<b>Original Appropriation:</b>	
State Grant	\$300,000
ARP Fund	\$140,000
Sewer Fund	\$40,000
<b>Requested Amendment No. 1 Funds</b>	\$17,577
<b>Requested Amendment No. 2 Funds</b>	\$48,240
<b>Subtotal</b>	\$65,817
<b>Total</b>	\$545,817

City staff recommend a Project Budget Ordinance Amendment in the amount of \$66,000 to allow for the additional tasks stated earlier. These funds will be transferred from the Sewer Fund Balance to the Wastewater ARP Planning Projects.

Please let me know if additional information is needed.

Attachments:

- Resolution 63-2022
- Ordinance 54-2022

**RESOLUTION NO. 63-2022**

**A RESOLUTION AUTHORIZING SELECTION OF HDR INC BASED ON  
QUALIFICATIONS FOR THE WATER AND SEWER ASSET MANAGEMENT AND  
HYDRAULIC MODELING PROJECTS**

**WHEREAS**, the City of Shelby applied for and was awarded funding from the American Rescue Plan for projects meeting requirements set by the Division of Water Infrastructure; and,

**WHEREAS**, the City of Shelby Water Resource Department has need of funding pertaining to asset management and hydraulic modeling for the Water Treatment Plant, Sewer Collection System and the Wastewater Treatment Plant: and,

**WHEREAS**, the City of Shelby is seeking engineering assistance for the asset management and hydraulic modeling activities; and,

**WHEREAS**, City staff issued a Request for Qualifications to professional engineering firms capable of handling both asset management and hydraulic modeling for the Water and Wastewater Treatment Plants; and,

**WHEREAS**, Three (3) Statement of Qualifications were received from engineering firms interested in performing the work associated with this project in accordance with North Carolina General Statute 143-64.31; and,

**WHEREAS**, City staff has reviewed the Statement of Qualifications and determined that HDR Inc. is the most qualified to perform and provide the 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 or his designee to enter negotiations with HDR, Inc of Charlotte, North Carolina in accordance with North Carolina General Statute 143-64.31 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 best 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.  
Adopted and approved this 19<sup>th</sup> day of September 2022.

---

O. Stanhope Anthony, III  
Mayor

ATTEST:

---

Carol Williams  
City Clerk

ORDINANCE NO. 54-2022  
 AN ORDINANCE ESTABLISHING A CAPITAL PROJECT ORDINANCE AND BUDGETS FOR  
 THE CITY OF SHELBY'S AMERICAN RESCUE PLAN WATER AND SEWER ASSET  
 MANAGEMENT AND MODELING PROJECTS

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 American Rescue Plan Water and Sewer Asset Management and Modeling Projects; 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 evaluation and maintenance of water and sewer utility assets, 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 evaluate and assess the condition of certain water and sewer utility assets. 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:

**Water Fund Reserves:**

Fund Balance Appropriated	61006000-39900	\$25,000
Transfer to Water Cap. Projects	610711-49611	\$25,000

**Sewer Fund Reserves:**

Fund Balance Appropriated	62006000-39900	\$40,000
Transfer to Sewer Cap. Projects	620721-49621	\$40,000

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

**Water Fund Capital Projects:**

Revenues:		
Transferred from Water Fund	61106000-39610-61844	\$ 25,000
State Grant	61106000-34501-61844	\$100,000

Appropriation:		
Engineering	611716-42004-61844	\$125,000

**Sewer Fund Capital Projects:**

Revenues:		
Transferred from Sewer Fund	62106000-39620-62881	\$ 40,000
State Grant	62106000-34501-62881	\$300,000

Appropriation:		
Engineering	621726-53000-62881	\$340,000



Ordinance No. 54-2022  
September 19, 2022  
Page 2

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 19th day of September, 2022.

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

ATTEST:

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

ORDINANCE NO. 53-2023

BUDGET ORDINANCE AMENDMENT FOR THE CITY OF SHELBY’S AMERICAN RESCUE PLAN WATER AND SEWER ASSET MANAGEMENT AND MODELING PROJECTS

WHEREAS, in accordance with applicable provisions of the North Carolina Budget and Fiscal Control Act, the City of Shelby finds it advisable and necessary to revise and amend its capital project ordinance and budgets for the City of Shelby’s American Rescue Plan Water and Sewer Asset Management and Modeling Projects; and

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

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

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

Section 1. Ordinance No. 54-2022, the City’s American Rescue Plan Water and Sewer Asset Management and Modeling Project, is hereby amended as follows to provide for Budget Amendment No. 2 for said project:

Appropriating Fund Balance:

Fund Balance Appropriated	62006000-39900	\$66,000
Transfer to Sewer Cap. Projects	620721-49621	\$66,000

Sewer Fund Capital Projects:

Transfer from Sewer Fund	62106000-39620-62881	\$66,000
Engineering	621726-42004-62881	\$66,000

Section 2. That the revenues, expenditures and amendments set forth in Section 1 of this ordinance are hereby summarized as follows:

**Sewer Fund Capital Projects:**

Revenues:	<u>Current Budget</u>	<u>Amendment No.2</u>
Transferred from Sewer Fund	\$ 40,000	\$ 66,000
State Grant	\$300,000	\$ 0
Transferred from ARP Fund	\$140,000	\$ 0
Appropriation:		
Engineering	\$480,000	\$ 546,000

Ordinance No. 53-2023  
November 20, 2023  
Page 2

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

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

Adopted and Approved this the 20th day of November, 2023.

---

O. Stanhope Anthony, III  
Mayor

ATTEST:

---

Carol Williams  
City Clerk

APPROVED AS TO FORM:

---

Jason Lunsford  
City Attorney

Agenda Item: F

New Business

None

Agenda Item: G

City Manager's Report

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

Agenda Item: H

Council Announcements and Remarks

City of Shelby  
Agenda Item Summary  
November 20, 2023  
City Hall Council Chamber

**Agenda Item: I**

Closed Session

- 1) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations, or to discuss matters relating to military installation closure or realignment. Any action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session pursuant to North Carolina General Statute 143-318.11(a)(4).
- 2) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract pursuant to North Carolina General Statute 143-318.11(a)(5).

**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