

Shelby City Council Agenda
Regular Meeting
December 4, 2023 at 6:00 p.m.

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

Welcome and Call to Order by Mayor O. Stanhope Anthony, III

Invocation

Pledge of Allegiance

A. Approval of Agenda

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

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

Special Order of Business – 2023 Organizational Meeting

B. Assumption of Office:

1 - 5

- 1) Oath of Office administered to Mayor O. Stanhope Anthony, III
- 2) Oath of Office administered to Council Member David Walton White, Ward 2
- 3) Oath of Office administered to Council Member David Causby, Ward 3
- 4) Oath of Office administered to Council Member Andrew L. Hopper, Sr., Ward 6

C. Election of Mayor Pro Tempore:

D. Public Comment:

6

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.

E. Public Hearing:

7 - 21

- 1) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina for parcels 21879, 22277, 63473, and 63932: Ordinance No. 54-2023

F. 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 20, 2023 **22 - 31**

- 2) City of Shelby's Riverwalk Sewer Project: **32 - 59**
 - a) Adoption of an ordinance establishing a capital project ordinance and budgets for the City of Shelby's Riverwalk Sewer Project : Ordinance No. 55-2023

 - b) Approval of a resolution for acceptance of the Utility Extension Agreement for residential development for Riverwalk Subdivision: Resolution No. 78-2023

3) Purchase and Sale Agreement for Real Property located at 607 West Grover Street:	60 - 64
a) Adoption of FY 2022-2023 Budget Ordinance Amendment #2: Ordinance No. 56-2023	
b) Approval of a resolution authorizing the execution of a purchase and sale agreement for real property located at 607 West Grover Street: Resolution No. 79-2023	
4) Approval of Special Event Applications:	65 - 78
a) Light Ball Dash, requested date: December 17, 2023	
b) Tony's Walk: requested date: January 6, 2024	
5) Management Reports:	
a) Monthly Financial Summary – October 2023	79 - 106
6) Approval of Notice of Cancellation in the Regular Meeting Schedule of Shelby City Council	107 - 108
G. Unfinished Business:	109
1) Consideration of Council liaison appointments to City advisory boards	
H. New Business:	110
None	
I. City Manager's Report	110

J. Council Announcements and Remarks 110

K. Adjournment: 110

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

1) Motion to adjourn

City of Shelby
Agenda Item Summary
December 4, 2023
City Hall Council Chamber

Special Order of Business – 2023 Organizational Meeting

B. Assumption of Office:

- 1) Oath of Office administered to Mayor – O. Stanhope Anthony, III
- 2) Oath of Office administered to Council Member – David Walton White, Ward 2
- 3) Oath of Office administered to Council Member – David Causby, Ward 3
- 4) Oath of Office administered to Council Member – Andrew L. Hopper, Sr., Ward 6

C. Election of Mayor Pro Tempore

City Manager's Recommendation / Comments

In accordance with the NC General Statutes as well as past practice and tradition the organizational meeting of the City Council is scheduled for this time on the agenda. Following the administering of the oath of office to Mayor Anthony, Mr. White, Mr. Causby, and Mr. Hopper a time is set aside for each of them to make any remarks as they wish.

The election of the Mayor Pro Tempore will follow. The NC General Statute 160A-70 requires the election of this position from among the members of City Council. The statute is included below for your information.

§ 160A-70. Mayor pro tempore; disability of mayor.

At the organizational meeting, the council shall elect from among its members a mayor pro tempore to serve at the pleasure of the council. A councilman serving as mayor pro tempore shall be entitled to vote on all matters and shall be considered a councilman for all purposes, including the determination of whether a quorum is present. During the absence of the mayor, the council may confer upon the mayor pro tempore any of the powers and duties of the mayor. If the mayor should become physically or mentally incapable of performing the duties of his office, the council may by unanimous vote declare that he is incapacitated and confer any of his powers and duties on the mayor pro tempore. Upon the mayor's declaration that he is no longer incapacitated, and with the concurrence of a majority of the council, the mayor shall resume the exercise of his powers and duties. In the event both the mayor and the mayor pro tempore are absent from a meeting, the council may elect from its members a temporary chairman to preside in such absence. (1971, c. 698, s. 1; 1979, 2nd Sess., c. 1247, s. 4.)

**STATE OF NORTH CAROLINA
COUNTY OF CLEVELAND
CITY OF SHELBY**

OATH OF OFFICE

I, OLIVER STANHOPE ANTHONY, III, do solemnly swear that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina, not inconsistent therewith, and that I will faithfully discharge the duties of my office as MAYOR of the City of Shelby, so help me God.

Oliver Stanhope Anthony, III

Administered by:

**Carol Williams
City Clerk**

(seal)

Date: December 4, 2023

**STATE OF NORTH CAROLINA
COUNTY OF CLEVELAND
CITY OF SHELBY**

OATH OF OFFICE

I, DAVID WALTON WHITE, do solemnly swear that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina, not inconsistent therewith, and that I will faithfully discharge the duties of my office as a Member of the Shelby City Council of the City of Shelby, so help me God.

David Walton White

Administered by:

**Carol Williams
City Clerk**

(seal)

Date: December 4, 2023

**STATE OF NORTH CAROLINA
COUNTY OF CLEVELAND
CITY OF SHELBY**

OATH OF OFFICE

I, DAVID CAUSBY, do solemnly swear that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina, not inconsistent therewith, and that I will faithfully discharge the duties of my office as a Member of the Shelby City Council of the City of Shelby, so help me God.

David Causby

Administered by:

**Carol Williams
City Clerk**

(seal)

Date: December 4, 2023

STATE OF NORTH CAROLINA
COUNTY OF CLEVELAND
CITY OF SHELBY

OATH OF OFFICE

I, ANDREW L. HOPPER, SR., do solemnly swear that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina, not inconsistent therewith, and that I will faithfully discharge the duties of my office as a Member of the Shelby City Council of the City of Shelby, so help me God.

Andrew L. Hopper, Sr.

Administered by:

Carol Williams
City Clerk

(seal)

Date: December 4, 2023

City of Shelby
Agenda Item Summary
December 4, 2023
City Hall Council Chamber

D. Public Comment:

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

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

City of Shelby
Agenda Item Summary
December 4, 2023
City Hall Council Chamber

E. Public Hearings:

Agenda Item: E-1

- 1) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina for parcels 21879, 22277, 63473, and 63932:
Ordinance No. 54-2023

Presenting: (Justin Longino, Assistant City Manager)

Summary of Available Information:

- Memorandum dated November 29, 2023, from Justin Longino, Assistant City Manager to Rick Howell, City Manager
- Location Map, GIS Maps, Zoning Map, and Future Land Use Map of Nancy Drive and Thrift Road
- Rezoning Plan
- General Application
- Certified Recommendation
- Ordinance No. 54-2023

City Manager's Recommendation / Comments

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

The Planning and Zoning Board recommends approval of the proposed conditional zoning map amendment for property located east of Thrift Road and Nancy Drive, having Cleveland County parcel numbers 21879, 22277, 63932, and 63473 from Residential R20 zoning district and County zoning to Residential R6 Conditional Zoning (R6-CZ) district.

City of Shelby
Agenda Item Summary
December 4, 2023
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The following excerpt from the NC General Statutes is provided as a reminder as to the statutory guidance provided to Council when considering changes in zoning and development regulations.

§ 160D-605. Governing board statement.

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

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

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

After the conclusion of the public hearing City Council may act upon Ordinance No. 54-2023



Memorandum

To: Rick Howell – City Manager
From: Justin Longino – Assistant City Manager
Date: November 29, 2023
Subject: Zoning – Thrift Road and Nancy Drive

Background

True Homes, LLC (on behalf of William and James Rucker) has submitted a petition for annexation and conditional zoning at the end of Thrift Road (east of Nancy Drive). This request, if approved, would become effective January 9th, 2024 and would be contingent upon approval of the annexation request on January 8th, 2024.

Review and Comments

OWNER: William and James Rucker
APPLICANT: True Homes, LLC
LOCATION: Nancy Drive and Thrift Rd
PARCEL ID #s: 21879, 22277, 63473,
and 63932
PRESENT ZONING: R20 and Cleveland
County

REQUESTED ZONING: R6-CZ
SURROUNDING ZONING: Residential
and Commercial
UTILITIES: Water and sewer are
available
FLOODPLAIN: No
WATERSHED: No

ANALYSIS: The subject property off Borders Road near the Mall with direct access to Thrift Road and Nancy Drive in the Rucker Downs Subdivision. The site is currently vacant and has an area of approximately 80 acres. The applicant is proposing to rezone the site to R6-CZ to accommodate a single-family subdivision with 213 proposed lots with lot widths ranging from 41 to 66 feet wide. The average lot size is 7,100 square feet with a density of 2.67 dwelling units per acre. Sidewalks are required for the internal streets. A very small portion of this site is currently zoned R-20. The remainder of this site is in the Cleveland County zoning jurisdiction. The applicant has requested annexation of this property to have access to City sewer to accommodate this density.

STAFF COMMENTS: The applicant is requesting R6-CZ to allow for smaller lot sizes. However, this conditional zoning application leverages the cluster subdivision option to provide an overall density of 2.67 homes per acre. The Comprehensive Land Use Plan identifies this property as being in a Medium Density Residential area. This proposal is



consistent with the Comprehensive Future Land Use Plan. Staff and Planning Board recommend this proposed conditional Zoning Map Amendment.

Please schedule a legislative public hearing for this proposed conditional zoning amendment at the next City Council meeting on December 4, 2023.

Attachments: Location Map, GIS Maps, Zoning Map, Future Land Use Map, Proposed Site Layout, Zoning Map Amendment Petition, Planning Board Certified Recommendation, Notice of Public Hearing, Ordinance.



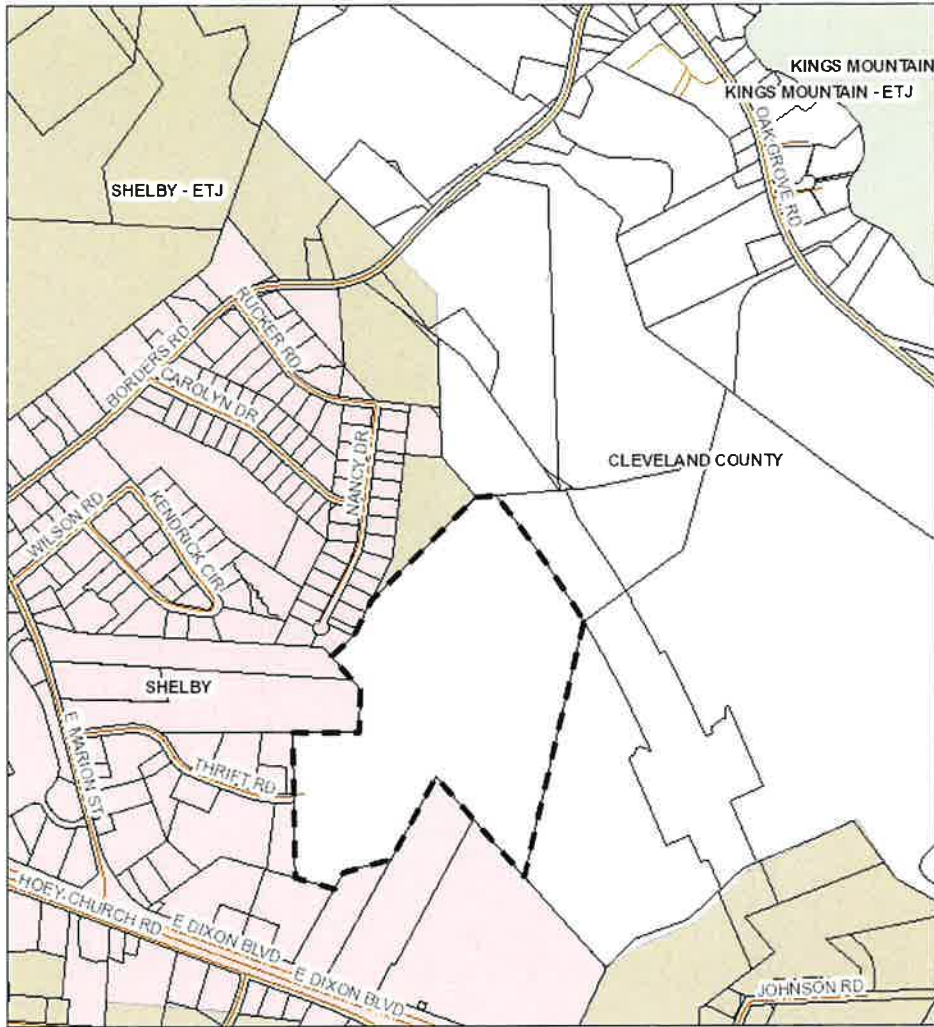
Location Nancy Drive & Thrift Road



Date: 8/31/2023



Scale 1:12,000 1 inch = 1,000 feet



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.

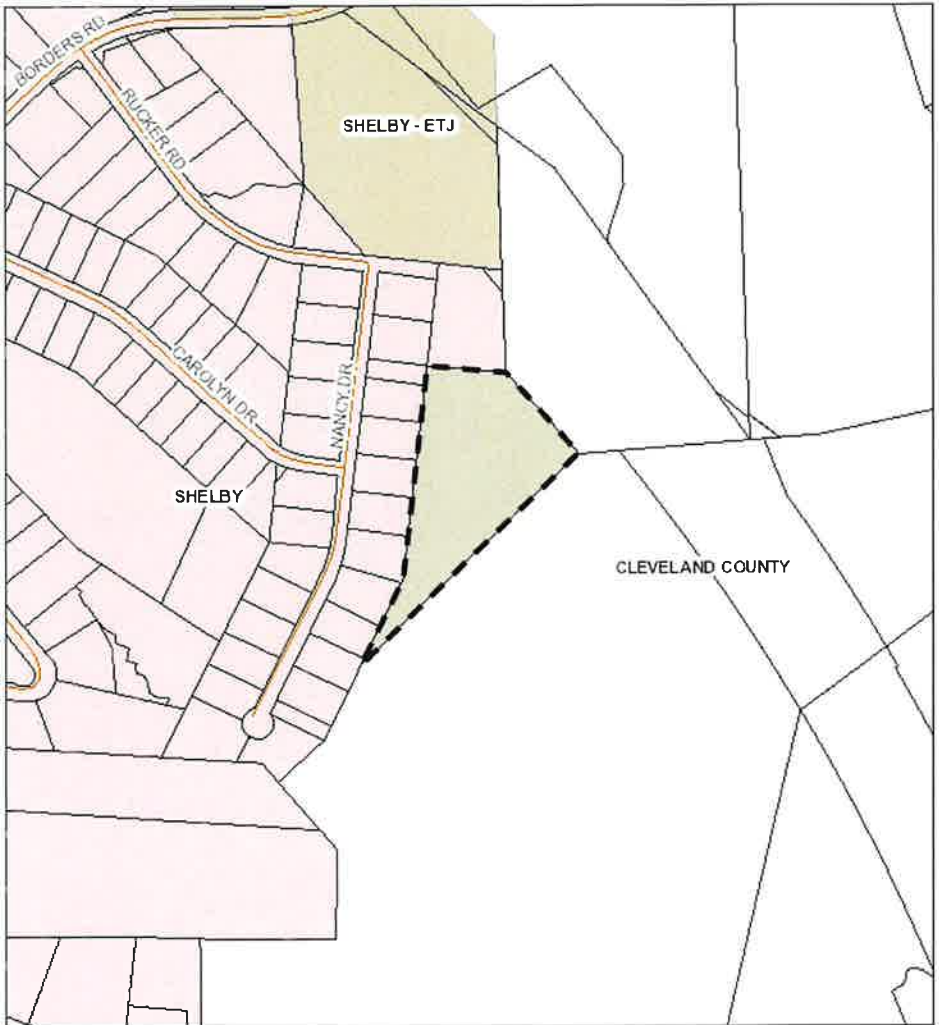
Approx. Scale 1:12064

0 0.2 mi 0.4 mi

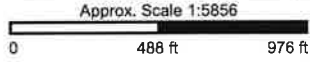
Layer: Parcels

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

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



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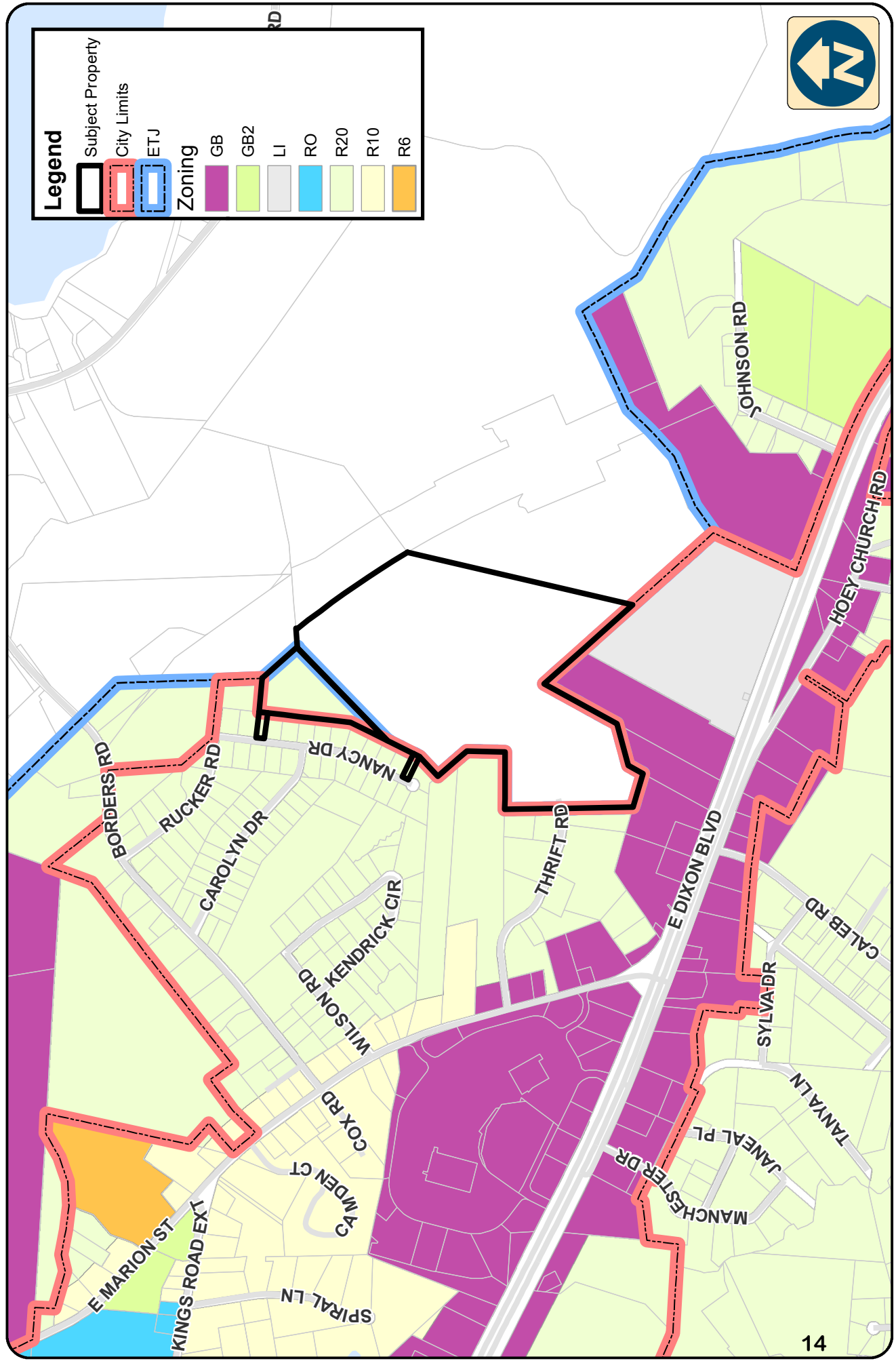
Layer: Parcels

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

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

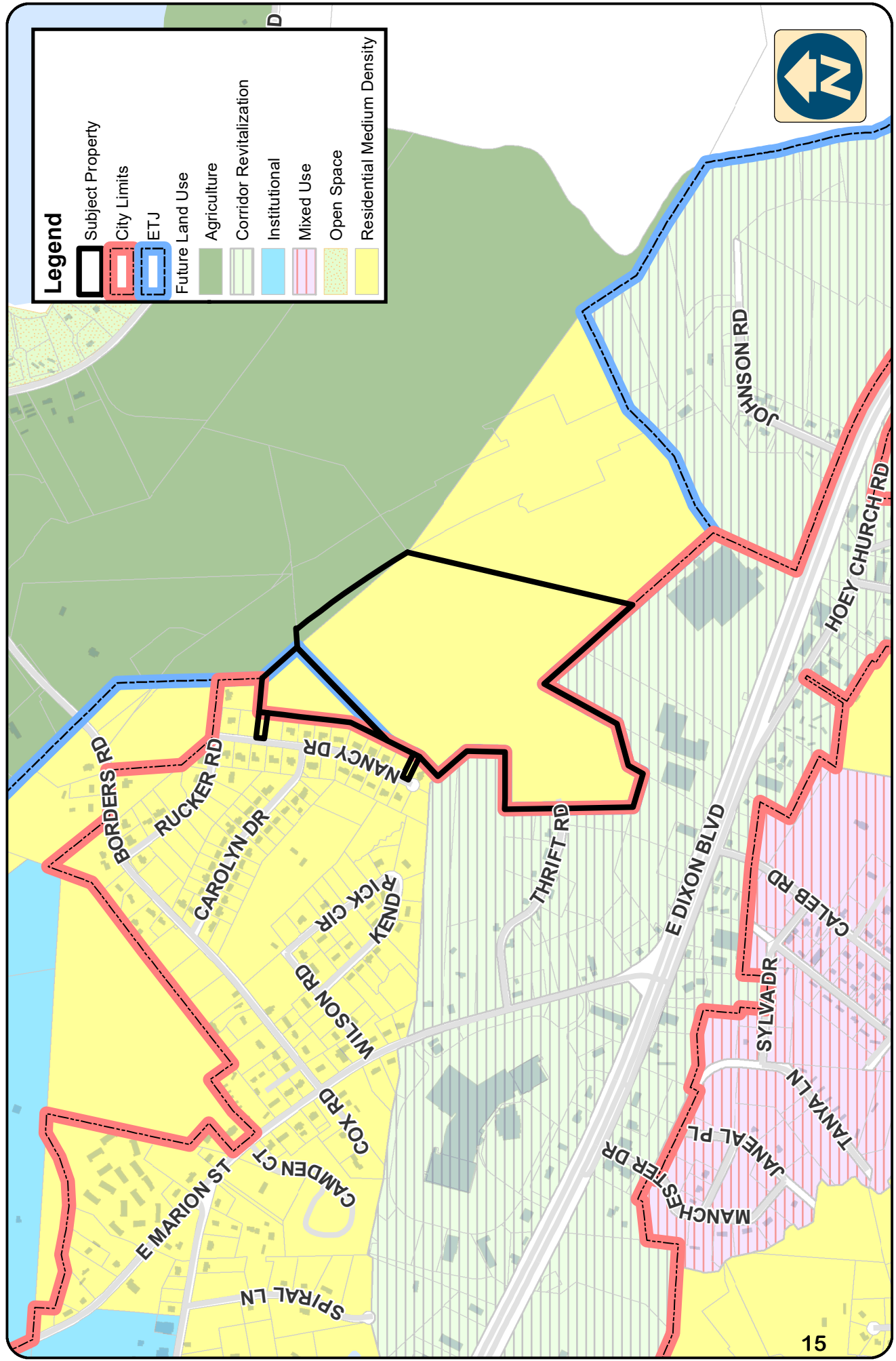


Zoning Map Nancy Drive & Thrift Road





Future Land Use Nancy Drive & Thrift Road



Legend

- Subject Property
- City Limits
- ETJ
- Future Land Use
- Agriculture
- Corridor Revitalization
- Institutional
- Mixed Use
- Open Space
- Residential Medium Density



Date: 8/31/2023



Scale 1:12,000 1 inch = 1,000 feet



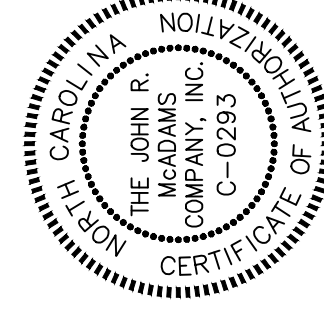
MCADAMS
The John R. McAdams Company, Inc.
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CLIENT

SHAUN GASPARRINI
2649 BREKNORIDGE CENTRE DRIVE
MONROE, NC 28110
PHONE: 704.779.4126
EMAIL: SGASPARRINI@TRUEHOMESUSA.COM

True Homes
WE VALUE WHAT YOU VALUE

**RUCKER SINGLE FAMILY
REZONING PLAN
THRIFT ROAD
SHELBY, NORTH CAROLINA**



REVISIONS

NO. DATE

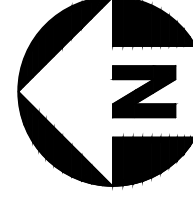
PLAN INFORMATION

PROJECT NO. TRU-23006
FILENAME TRU23006-RZ1
CHECKED BY EM
DRAWN BY JDS
SCALE 1"=200'
DATE 06.23.2023

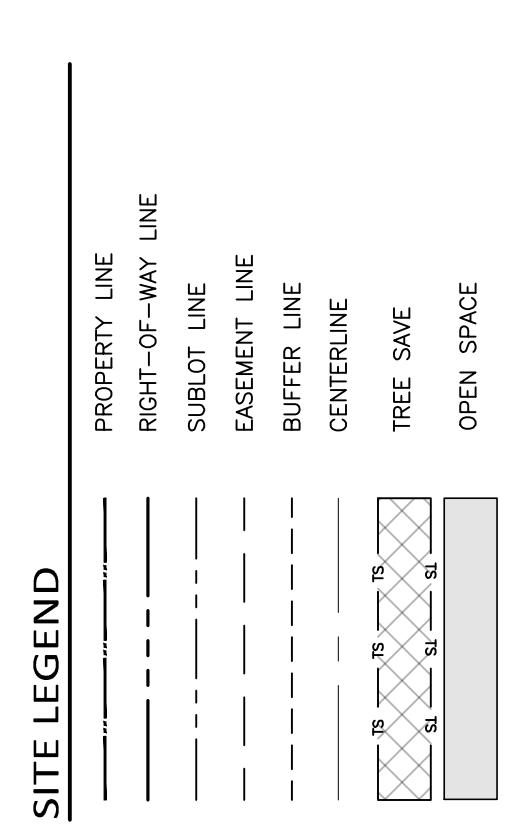
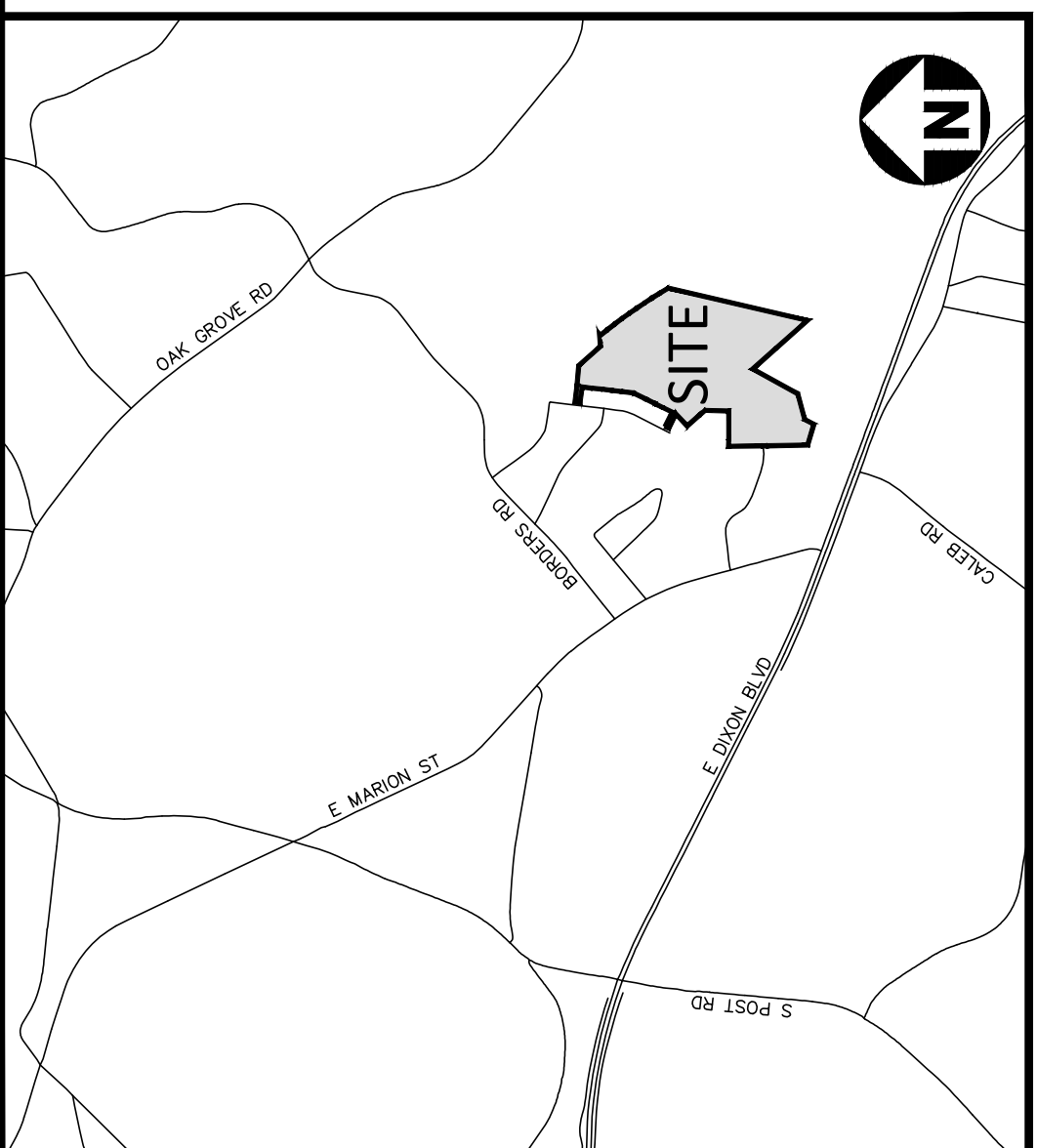
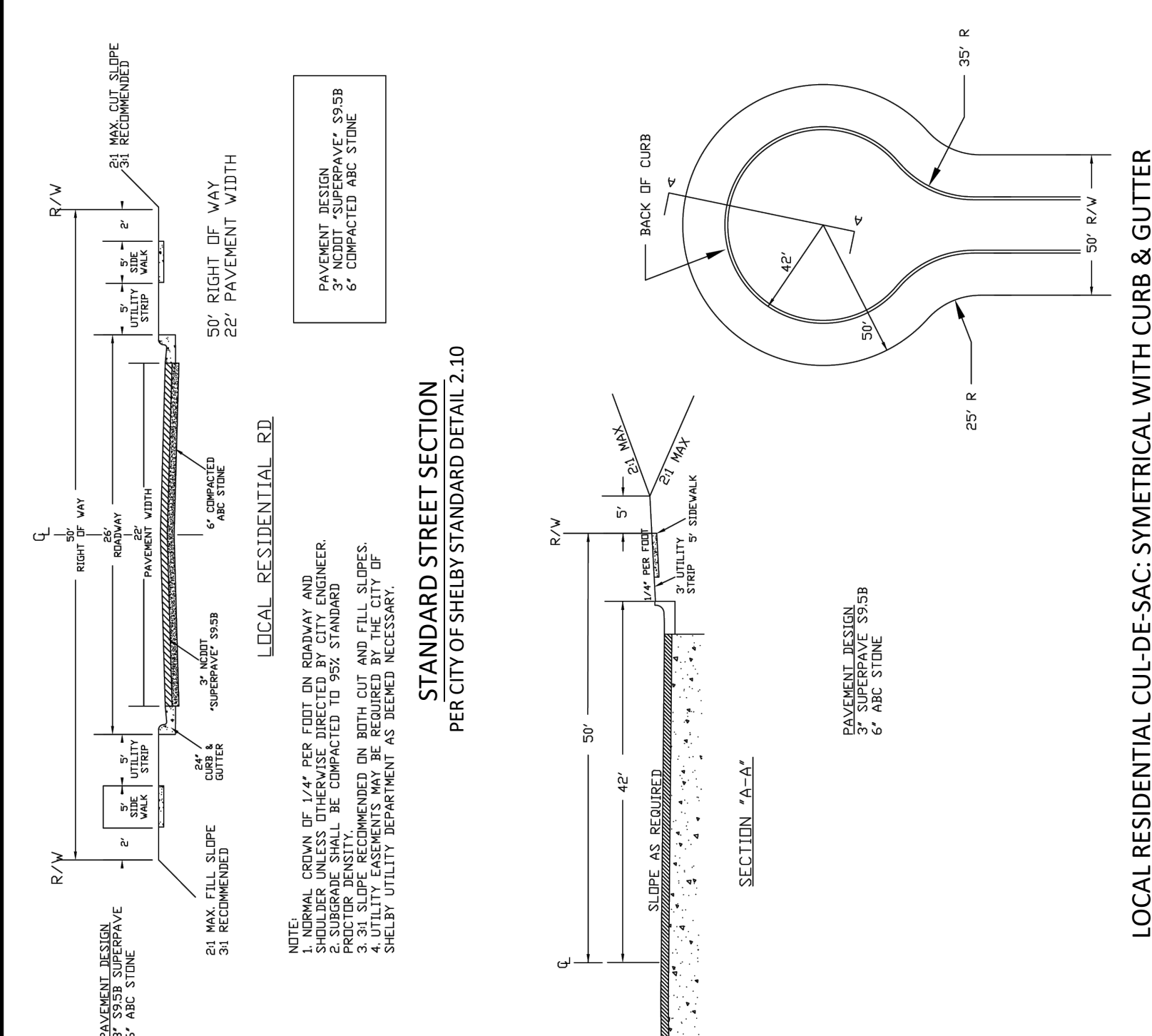
SHEET

REZONING PLAN

RZ.01



PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION



SITE DATA
DEVELOPER: TRUE HOMES
2649 BREKNORIDGE CENTRE DRIVE
MONROE, NORTH CAROLINA 28110

PREPARED BY: MCADAMS COMPANY
2100 SOUTH TRYON STREET, SUITE 400
CHARLOTTE, NC 28203
704.527.0800

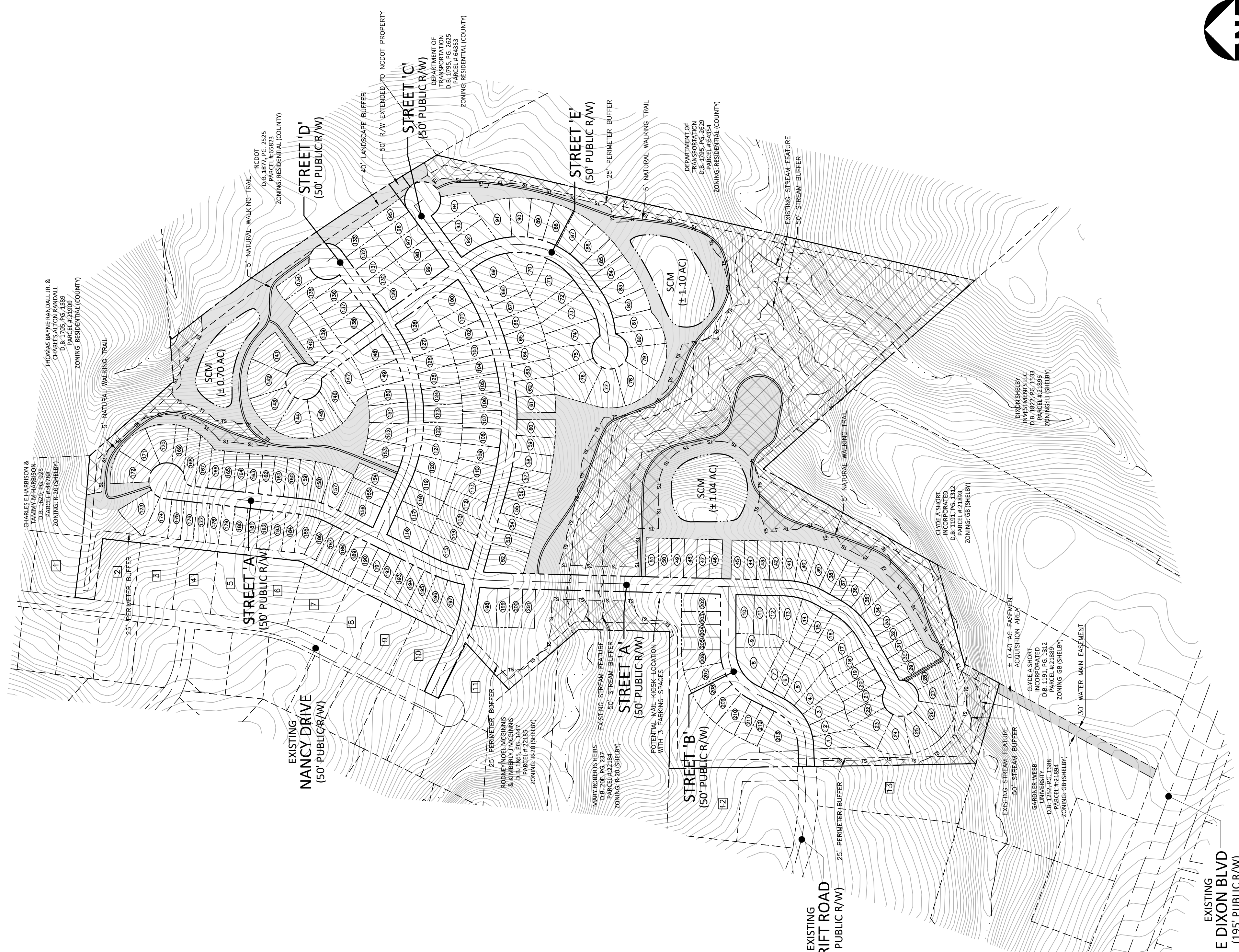
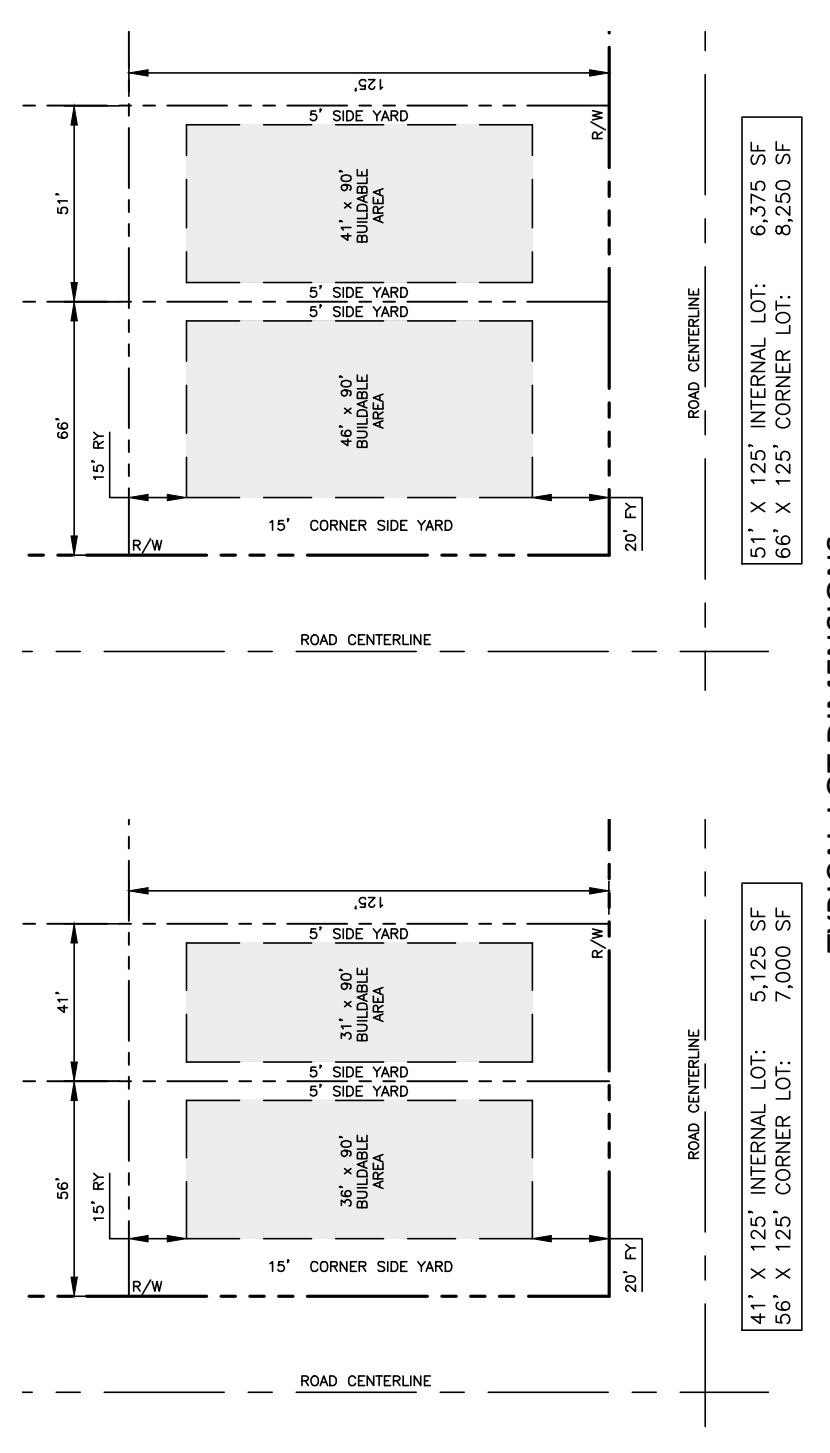
TAX ID NUMBER:	22177, 63932 & 63473
TOTAL SITE ACREAGE:	± 79.86 AC
ZONING:	CLEVELAND COUNTY - RESIDENTIAL
PROPOSED ZONING:	RECLUSTER CONDITIONAL
PROPOSED USE:	SINGLE FAMILY DWELLINGS
LOT SIZES:	307
41' X 135' MIN. (5,125 SF):	10
41' X 135' MIN. (5,125 SF):	213
TOTAL LOT COUNT:	213
AVERAGE LOT SIZE:	± 7,100 SF
DENSITY:	2.67 DUA
SETBACK REQUIREMENTS:	FRONT: 30'
REAR:	15'
SIDE:	5'
CORNER SIDE:	15'
REQUIRED OPEN SPACE (15% OF SITE):	± 11,977 AC
PROVIDED OPEN SPACE:	± 18.03 AC
PROVIDED TREE SAVE:	± 28.33 AC
PROVIDED STORMWATER FACILITIES:	± 2.84 AC

LINEAR FOOTAGE OF STREETS:
STREET 'A': 2,286'
STREET 'B': 693'
STREET 'C': 1,696'
STREET 'D': 1,925'
STREET 'E': 1,925'

ADJACENT PROPERTY OWNERS

PARCEL	DEED	OWNER	ZONING
1	43289	108-0310 RUCKER PORTER & CHARLETTA R PORTER	R-20
2	43289	108-0310 RUCKER PORTER & CHARLETTA R PORTER	R-20
3	43289	1117-2449 LEWIS A BARRETT & BARBARA BARRETT	R-20
4	43286	1322-2494 LARRY H DIXON & SHIRLEY G DIXON	R-20
5	43285	1522-1617 CHRISTOPHER SPANES & LESLIE B SPANES	R-20
6	43284	1261-0534 DEBORAH TOMS WOOD	R-20
7	43283	1442-587 DAVID GLENNA BLACK & ROBIN W BLACK	R-20
8	43282	1416-967 RICHARD HALL & RHONDA S HALL	R-20
9	43281	1115-2469 CYNTHIAH BLEDSOE	R-20
10	43280	1305-2736 RICHARD ALBERT DEDMON & PAULA DEDMON	R-20
11	43279	1305-2736 RICHARD ALBERT DEDMON & PAULA DEDMON	R-20
12	43278	1305-2736 RICHARD ALBERT DEDMON & PAULA DEDMON	R-20
13	43275	1488-160 CHARLES WILLIAM RUDICEL & BETTY THRIFT RUDICEL	R-20

NOTE: PROPERTY INFORMATION BASED ON CLEVELAND COUNTY GIS





MCADAMS

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Charlotte, NC 28203

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license number: C-0293, C-187

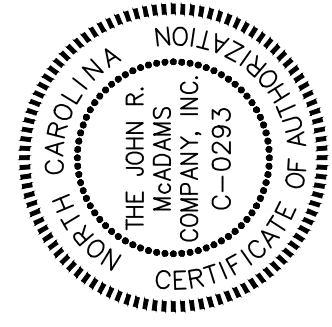
www.mcadamsco.com

CLIENT

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WE VALUE WHAT YOU VALUE

**RUCKER SINGLE FAMILY
REZONING PLAN
NEAR NANCY DRIVE &
THRIFT ROAD
SHELBY, NORTH CAROLINA**



REVISIONS

NO. DATE

PLAN INFORMATION

PROJECT NO. TRU-23006
FILENAME TRU23006-RZ1
CHECKED BY EM
DRAWN BY JDS
SCALE
DATE 06.23.2023

SHEET

REZONING NOTES

RZ.02

Development Standards

Site Development Data:

Acreage: ± 79.86
Tax Parcel #: 21879, 22277, 63932, + 63473
Existing Zoning: Cleveland County - Residential + City of Shelby - R-20
Proposed Zoning: R6 Cluster Conditional
Existing Uses: Vacant/Agricultural
Proposed Uses: Up to 213 single-family detached dwellings together with accessory uses, as permitted per R6 Cluster zoning

Maximum Building Height: 35'

1. General Provisions:

a. Site Location. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by True Homes ("Petitioner") to accommodate the development of a residential community on approximately 79.86 acre site generally located at the east end of Thrift Road and east of Nancy Drive (the "Site").

b. Zoning Districts/Ordinance. Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the City of Shelby Unified Development Ordinance in existence as of the date of approval of the Rezoning (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards, the regulations established under the Ordinance for the R6 Cluster zoning classification shall govern.

c. Graphics and Alterations. The schematic depictions of the uses, public street rights-of-way, streets and other development matters and site elements (collectively the "Development/Site Elements") set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards. The layout, locations, sizes and formulations of the Development/Site Elements depicted on the Rezoning Plan are graphic representations of the Development/Site elements proposed. Changes to the Rezoning Plan not anticipated by the Rezoning Plan will be reviewed and approved as allowed by Article VIII of the Ordinance.

Since the project has not undergone the design development and construction phases, it is intended that this Rezoning Plan provide for flexibility in allowing some alterations or modifications from the graphic representations of the Development/Site Elements. Therefore, there may be instances where minor modifications will be allowed without requiring the Administrative Amendment Process per Article VIII of the Ordinance. These instances would include changes to graphics if they are minor and do not materially change the overall design intent depicted on the Rezoning Plan.

The Planning + Development Services Director will determine if such minor modifications are allowed per this amended process, and if it is determined that the alteration does not meet the criteria described above, the Petitioner shall then follow process per Article VIII of the Ordinance; in each instance, however, subject to the Petitioner's appeal rights set forth in the Ordinance.

d. Number of Buildings Principal and Accessory. The total number of principal residential buildings to be developed on the Site shall not exceed 213. Accessory buildings and structures located on the Site shall not be considered in any limitation on the number of buildings on the Site. Accessory buildings and structures will be constructed utilizing similar building materials, colors, architectural elements and designs as the principal buildings located on the Site.

2. Permitted Uses & Development Area Limitation:

a. The Site may be developed with up to 213 single-family detached residential dwellings together with accessory uses allowed in the R6 Cluster zoning district as generally depicted on the Rezoning Plan.

3. Access and Transportation Improvements:

a. Access to the Site shall be from Thrift Road and Nancy Drive and the proposed public streets as generally depicted on the Rezoning Plan. The placement and configuration of the access points are subject to any minor modifications required by City of Shelby in accordance with applicable published standards.

b. The alignment of the internal vehicular circulation and driveways may be modified by the Petitioner to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by City of Shelby in accordance with applicable published standards.

c. All on-site right-of-way dedication will be completed as required by Article XV.

4. Open Space:

a. Common open space area(s) may include, but not limited to, hardscape, gathering areas, seating opportunities, landscaping, natural paths, and/or other similar features.

5. General Design Guidelines:

a. The building materials used on the principal buildings constructed on Site may be a combination of portions of the following: brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, decorative block, vinyl (vertical, horizontal, or shake style) and/or wood.

b. Pitched roofs, if provided, shall be symmetrically sloped no less than 4:12, except that roofs for porches and attached sheds may be no less than 2:12.

6. Environmental Features:

a. The Site will comply with adopted City of Shelby Stormwater Development Requirements. The location, size and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points.

7. Lighting:

a. All new lighting shall meet City of Shelby Development Standards.

8. Amendments to the Rezoning Plan:

a. Future amendments to the Rezoning Plan (which includes these Development Standards) may be applied for by the then Owner or Owners of the applicable Development Area portion of the Site affected by such amendment in accordance with the provisions of Article VIII of the Ordinance.

9. Binding Effect of the Rezoning Application:

a. If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under the Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site and their respective heirs, devisees, personal representatives, successors in interest or assigns.



City of Shelby
Planning and Development Services Department

General Application

Address of Subject Property:

No addresses provided, but Site is located east of Nancy Drive + east of end of Thrift Road.

Applicant(s) Name: Shaun Gasparini - True Homes, LLC

Address: 2649 Brekonridge Centre Drive, Suite 104, Monroe, NC 28110

Email: sgasparini@truishomesusa.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

Relationship to Property: [] Owner [x] Developer, Contractor, etc. [] Other:

Request for (Check all that apply):

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

Project Information (Fill in applicable information):

Parcel Number: 21879, 22277, 63473, + 63932

Proposed Zoning: R6 Cluster Conditional

Proposed Land Use: Single-family dwellings

Previous Use: Vacant

Approx. Building Sq. Ft.:

Approx. Project Acreage: +-79.86 ac

Business Name:

Construction Sq. Ft.:

Valuation:

Provide a detailed description of the proposed project. Attach additional pages or documentation if necessary.
Layout + conditional notes provided on conditional rezoning plan.

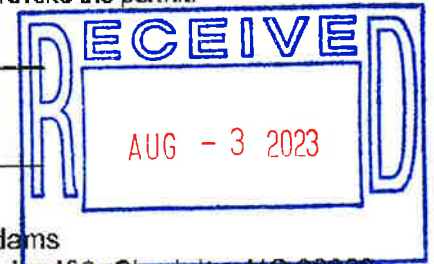
Oath: By signing, I hereby certify that all information that I have provided in this application is correct and complete to the best of my knowledge. I understand that providing false or incomplete information may be grounds for denial of my request or may result in future action by the City Council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

Signature of Applicant

7/13/23
Date

Received by:

Date
Agent for Applicant:
June 2016 Eddie Moore - McAdams
2100 S Tryon St., Suite 400, Charlotte, NC 28203
emoore@mcadamsco.com / 704-724-3594





Certified Recommendation

City of Shelby Planning & Zoning Board

Case File: #1191

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

Recommendation: The Planning and Zoning Board recommends approval of the proposed conditional zoning map amendment for property located east of Thrift Road and Nancy Drive, having Cleveland County parcel numbers 21879, 22277, 63932, and 63473 from Residential R20 zoning district and County zoning to Residential R6 Conditional Zoning (R6-CZ) district.

Findings &

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

Motion: Mr. Washburn made the motion to recommend approval of the proposed Zoning Map Amendment from R6-CZ on the basis that the change would be consistent with the Comprehensive Land Use Plan.

Second: Mr. Taylor

Action: This motion passed unanimously.

Signatures: Walter Scharer
Planning and Development Director

Date: 9/21/2023

Mark Carter
Planning and Zoning Board Chair

Date: 9/21/2023

ORDINANCE NO. 54-2023

**A PROPOSED ORDINANCE AMENDING THE ZONING MAP OF
THE CITY OF SHELBY, NORTH CAROLINA FOR PARCELS
21879, 22277, 63473, and 63932**

WHEREAS, the City of Shelby has received an application requesting the rezoning of property at Thrift Road and Nancy Drive (Parcels 21879, 22277, 63473, 63932) located within Cleveland County and contiguous to the City of Shelby; and,

WHEREAS, the Shelby Planning and Zoning Board has reviewed said application for a zoning change and has made its findings and recommendations to City Council; and,

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

WHEREAS, in accordance with GS 160D-602, a public hearing on this proposed rezoning was held by City Council on December 4th after due publication of said hearing as required by law; and,

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

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

Section 1. This zoning change is reasonable and in the public interest based on being consistent with the City of Shelby Comprehensive Land Use Plan for the proposed land use.

Section 2. In accordance with Chapter 160D et al of the North Carolina General Statutes, as amended, the Shelby Unified Development Ordinance and Shelby Zoning Map (Appendix A of the Shelby City Code), the property east of Nancy Drive and Thrift Road (Parcels 21879, 22277, 63473, 63932) is hereby amended from R20 Zoning District and Cleveland County Rural Zoning to R6 Conditional Zoning.

Section 3. The parcels amended by this ordinance are subject to the following conditions:

1. This site must be developed in accordance with the submitted site plan and development standards.

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

Section 5. This ordinance shall become effective on January 9th, 2024 upon its adoption and approval.

ADOPTED AND APPROVED this the 4th day of December 2023.

O. Stanhope Anthony III
Mayor

ATTEST:

Carol Williams
City Clerk

APPROVED AS TO FORM:

Jason Lunsford
City Attorney

City of Shelby
Agenda Item Summary
December 4, 2023
City Hall Council Chamber

F. Consent Agenda:

Agenda Item: F-1

- 1) Approval of the Minutes of the Regular Meeting of November 20, 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 20, 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 of Shelby City Council
City Hall Council Chamber

November 20, 2023
Monday, 6:00 p.m.

Present: Mayor O. Stanhope Anthony, III, presiding; Council Members Andrew L. Hopper, Sr., David Causby, David White, 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, Chief of Police Brad Fraser, Public Works Director Scott Black, Director of Water Resources Brian Wilson, Public Information and Communications Officer Chip Nuhrah, Director of Parks and Recreation Charlie Holtzclaw, and Jennipher H. Harrill, Social Media Manager, Blue Eyes Media Connections

Absent: Council member Violet Arth

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

Mrs. Bullock led the Pledge of Allegiance.

Mayor Anthony asked Council member Andrew Hopper to come forward to present a replica of home plate to City Manager Rick Howell from the Executive Committee of the American Legion World Series in appreciation of the support the City has given to the American Legion World Series over the years.

Mayor Anthony acknowledged there are two agenda items that need to be added which are Consent item D-4(c), and Consent item D-5.

A. Approval of agenda:

- 1) Motion to adopt the proposed agenda as amended with the addition of D-4(C) and D-5.

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

B. Special Presentation:

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

Mrs. Beam introduced Tonya Thompson with Martin Starnes & Associates as the presenter of the annual audit report and Annual Comprehensive Financial Report (ACFR) for Fiscal Year (FY) ended June 30, 2023.

Miss Thompson stated the Martin Starnes' report yielded an unmodified opinion, meaning the City's financials are not materially misstated and are fairly presented in conformity with generally accepted accounting principles (GAAP). Miss Thompson also acknowledged the assistance and cooperation of Mrs. Beam and the Finance Department's staff during the audit process.

Miss Thompson mentioned additional audit highlights:

- General Fund - \$5.5 million increase in fund balance
- Enterprise Fund - \$7.8 million increase in net position
- Property tax revenues – \$219,000 increase from 2022
- 2023 Collection rate – 97.67%

Miss Thompson summarized and compared General Fund revenues and expenditures for 2022 and 2023. In 2023, revenues increased by \$2.4 million, and expenditures increased by \$1.2 million.

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

Regarding total fund balance for the General Fund, Miss Thompson noted there was an increase of \$5.5 million from 2022 to 2023.

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

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

Total Fund Balance	\$22,487,200
Non-spendable	\$ (598,682)
Stabilization by State statute	\$ (4,865,555)

Available Fund Balance 2023	\$17,022,963
Available Fund Balance 2022	\$10,416,047
Changes in Available Fund Balance	\$ 6,606,916

Miss Thompson explained the new guidelines from the Local Government Commission (LGC) regarding fund balance available (FBA) excluding Powell Bill funding. Shelby's FBA as a requirement is a minimum of 25 percent. Miss Thompson further explained the LGC's median for units with General Funds expenditures of \$10 million such as Shelby is 46 percent. In 2023, Shelby's FBA is at 49.6 percent, so right on track.

Miss Thompson reported the top three sources of revenue include property taxes (48%), sales and services (9%), and other taxes and licenses (25%). All other revenues (18%) are included in a separate category which includes miscellaneous, investment earnings and permits and fees. The top three categories represent approximately 81% of total revenues or \$23.9 million. The total revenues for the general fund are \$29 million.

Miss Thompson further stated there was an increase of about \$219,000 or 2% in property taxes.

Regarding other taxes and licenses, Miss Thompson noted an increase of \$713,000 or 11% mainly caused by sales tax which has increased substantially over the last several years.

Regarding sales and services there was an increase of \$224,000 or 9%.

Miss Thompson reported the top three expenditures were public safety (54%), general government (13%), and cultural and recreation (10%). All other expenditures (23%) are included in a separate category which includes environmental protection, debt service and transportation. The top three expenditures are \$24.9 million combined which is 76.5 percent of total expenditures.

Miss Thompson stated public safety increased \$4.17 million, mainly due to costs such as salaries, benefits, radios, vehicles, and a fire engine.

Regarding general government, Miss Thompson commented expenditures increased by \$581,000 mainly due to salary increases and changes to internal cost allocations.

Regarding cultural and recreation category, Miss Thompson commented there was an increase of about \$255,000, mainly due to seasonal employees and capital outlay such as 8 new dugouts at Shelby City Park.

Regarding the City's enterprise funds, Miss Thompson reported an increase in total net position of \$7.8 million, stating the City has invested in capital assets this year.

Regarding the Water fund, the unrestricted net position is up \$1.2 million and cash flow from operations is down \$600,000. Miss Thompson explained the LGC is looking for the quick ratio to be above 1%, and our quick ratio in the Water fund is 2.60%.

Regarding the Sewer fund, the unrestricted net position increased \$1.87 million and cash flow from operations is down 21% to \$2.8 million. The Sewer fund quick ratio is 3.52%.

Regarding the Electric fund, the unrestricted net position increased \$2.35 million to \$13 million and cash flow from operations is up 23%. The Electric fund quick ratio is 7.05%.

Regarding the Natural Gas fund, the unrestricted net position is down \$2.48 million and cash flow from operations is down 11%. The Natural Gas fund quick ratio is 6.92%.

Miss Thompson reviewed the positive performance indicators, such as:

- General Fund balance in line with peer cities
- Enterprise fund quick ratios were over 1%
- Audit was timely submitted
- Stable property tax valuation and collection rate percentage

Miss Thompson stated there is one item that was considered a red flag, or a performance indicator of concern. The combined cash flow indicator for the water and sewer came out negative. Even though there were increases in the net position in water and sewer funds, a good portion of that increase was due to transfers and that doesn't count toward the ratio. The LGC requires a written, signed response with explanations and/or corrective actions by a majority of the City Council members, the City Manager, and the Finance Director within 60 days of tonight's audit presentation.

Mr. Howell advised Council that in the Consent agenda there is a response letter to be sent to the Local Government Commission regarding the performance indicator of concern.

C. Public Comment:

- 1) Leslie Spaes, who resides at 214 Nancy Drive, Shelby, North Carolina

spoke to Council about the concerns she has on the development going on in her neighborhood. She is not impressed with the builder and the cookie cutter type neighborhood that is not typical of a Shelby community.

- 2) Cynitra Stewart, who resides at 416 McBrayer Street, Shelby, North Carolina stated she is a new business owner in the cyber technology field.

D. Consent Agenda:

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

- 1) Approval of the Minutes of the Regular Meeting of November 6, 2023
- 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
- 3) Acceptance of the Certificate of Sufficiency regarding Petition Of Annexation of applicant, True Homes, LLC – Thrift Road
- 4) Approval of Special Event Application:
 - a) Annual Tree Lighting and Uptown Shelby Carriage Rides, requested date: November 25th (Tree Lighting), December 1st, 8th, and 15th, 2023 (Carriage Rides)
 - b) Shelby Christmas Parade: requested date: Sunday, December 17, 2023
 - c) Atrium Health Holiday Celebration: requested date: November 29, 2023
- 5) Approval of a resolution allowing for filing exclusion agreements in per- and polyfluoroalkyl substance (PFAS) chemical action lawsuits against Dupont and 3M: Resolution No. 77-2023
- 6) LGC Response for Financial Indicator of Concern for Fiscal Year Ending June 30, 2023

END OF CONSENT AGENDA

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

Mr. Howell presented this ordinance that would appropriate \$66,000 from the Sewer Fund net retained earnings for the purpose of expanding the original scope of the Wastewater Management and Hydraulic Modeling Survey to include additional areas on the western side of the City.

ACTION TAKEN: Upon a motion by Mr. Webber, City Council voted unanimously to adopt Ordinance No. 53-2023 entitled, “A BUDGET ORDINANCE AMENDMENT FOR THE CITY OF SHELBY’S AMERICAN RESCUE PLAN WATER AND SEWER ASSET MANAGEMENT AND MODELING PROJECTS.”

F. New Business

None

G. City Manager’s Report:

The 2024 United Way campaign was a huge success this year with a total of \$217,768.72 donations from employees. This is an increase of over \$47,000 from 2023.

A severe drought situation is within the City’s watershed, however, the triggers needed to initiate a Stage 1 Water Shortage Plan have not been reached yet. Mr. Wilson will continue to monitor the situation.

A Council Retreat date needs to be decided. Mr. Howell suggested January 27th or February 3rd as options. Council tentatively chose January 27th but will confirm that date at our December 4th meeting.

Mr. Howell also stated the January 1st and January 15th meetings are holidays. So, the January 1st meeting will be moved to January 8th and the January 15th meeting will be cancelled. By consensus, this was agreeable.

County Home Road bids are due tomorrow.

No grant information has been received on the Webbley house.

Expansion of the Rail Trail continues, and Depot Park final design and plans should be out for bid in the first quarter of 2024.

Staff is working to resolve a dispute on the cracking of the pool deck.

Mr. Longino will be working on the dog park and hope to have it completed in a timely fashion.

Mr. Howell updated Council on the status of TAMP Phase I and Phase II project. Phase I consists of 17 miles and paving is basically complete. Phase II consists of paving 15 miles and is upcoming soon. These 32 miles of paved streets are about \$6 million of the \$10 million approved by the voters.

The Crosstown Waterline project is ongoing, which will provide better water flow and pressure to the southern part of the city.

The Hickory Creek Sewer Outfall construction is underway and making slow progress with that project.

Water Treatment Plant Filtration Project should be starting soon.

Final touches of the City Hall roof are ongoing and should be finished soon.

H. Council Announcements and Remarks:

Mayor Anthony mentioned the Christmas tree lighting will be this Saturday, November 25th at 6:00 p.m. The Dancing Fleas will be performing as well.

Mr. White commended the City employees on their generosity to the United Way.

Mr. Causby acknowledged how nice the front of City Hall looks with the new sidewalk.

Mr. Webber wished everyone a happy and safe holiday season.

Mr. Hopper also mentioned the generosity of our employees. Also, he appreciated all the voters that voted this year.

Mayor Anthony mentioned next meeting will be the swearing in of our recently elected Council members.

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 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).**

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, Mr. Longino, and Mr. Yarboro to attend. The motion passed unanimously, and Council moved into closed session at 6:43 p.m.

At the conclusion of the Closed Session item, Mr. White made a motion for City Council to return to the regular session at 7:14 p.m.

J. Adjournment:

- 1) Motion to adjourn**

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to adjourn the meeting at 7:15 p.m.

Respectfully submitted,

**Carol Williams
City Clerk**

**O. Stanhope Anthony, III
Mayor**

Minutes of November 20, 2023

DRAFT

City of Shelby
Agenda Item Summary
December 4, 2023
City Hall Council Chamber

Agenda Item: F-2

2) City of Shelby's Riverwalk Sewer Project:

- a) Adoption of an ordinance establishing a capital project ordinance and budgets for the City of Shelby's Riverwalk Sewer Project: Ordinance No. 55-2023
- b) Approval of a resolution accepting the Utility Extension Agreement for Residential Development for Riverwalk Subdivision: Resolution No. 78-2023

Consent Agenda Item: (Rick Howell, City Manager)

Summary of Available Information:

- Memorandum dated November 28, 2023, from Brian Wilson, Director of Water Resources to Beth Beam, Director of Finance and copied to Ben Yarboro, Assistant City Manager, and Rick Howell, City Manager
- Copy of Resolution 40-2023
- Ordinance 55-2023
- Memorandum dated November 29, 2023 from Ben Yarboro, Assistant City Manager to Rick Howell, City Manager and copied to Jason Lunsford, City Attorney, and Brian Wilson, Director of Water Resources
- Memorandum dated November 29, 2023 from Brian Wilson, Director of Water Resources to Ben Yarboro, Assistant City Manager and copied to Jason Lunsford, City Attorney
- City of Shelby Utility Extension Agreement for Residential Development
- Exhibit A – Preliminary Sewer Layout
- Exhibit B – Preliminary Residential Development Plans
- Resolution No. 68-2022
- S.L. 2022-74 North Carolina Funding Appropriation Allocation for Water and Wastewater Projects
- Resolution No. 78-2023

City Manager's Recommendation / Comments

- a.) Ordinance No. 55-2023 is presented for Council consideration via the Consent Agenda. If approved this ordinance would appropriate \$500,000 of ARPA funds toward the construction of a public sewer lift station adjacent to the proposed Riverwalk subdivision. Council will recall that it adopted Resolution No. 68-2022 in November 2022 allocating the water and wastewater purposes for the \$10.2 million grant approved by the NC General Assembly during the 2022 session. \$2,000,000 of this amount was allocated for water and wastewater projects that would promote residential development within the city limits. Any amount above \$500,000 must be paid by the developer of the Riverwalk subdivision.

City of Shelby
Agenda Item Summary
December 4, 2023
City Hall Council Chamber

- b.) Resolution No. 78-2023 is presented for City Council consideration via the Consent Agenda. If adopted this resolution would approve a utility extension agreement that provides for a cost sharing for the construction of a public wastewater lift station. It essentially provides that the City will allow for the construction of a new lift station, authorizes that the City will expend an amount not to exceed \$500,000 and requires the developer of the subdivision to pay costs above that amount.

It is my recommendation that Ordinance No. 55-2023 and Resolution No. 78-2023 be adopted and approved by City Council via the Consent Agenda at this time.



Memorandum

To: Beth Beam, Director of Finance

CC: Ben Yarboro, Assistant City Manager
Rick Howell, City Manager

From: Brian Wilson, Director of Water Resources

Date: Tuesday, November 28, 2023

Subject: Project Budget Ordinance – Riverwalk Sewer Project

Background

The City of Shelby received \$6,382,000 in funding under the American Rescue Plan (ARP) to be used for water and sewer projects selected by the City. One of the projects selected was to build a lift station, associated force main and gravity sewer line extension located on College Avenue to serve the Riverwalk Subdivision. Council has approved the selection of Odom Engineering for the engineering work associated with the Riverwalk Sanitary Sewer Extension and Sewer Lift Station Project through resolution 40-2023 and have received their proposal.

Review

The City of Shelby will use the ARP funds for design, construction, and installation of the lift station, forcemain and gravity sewer line in the amount of \$500,000. The engineering costs for Odom Engineering is in the amount of \$62,500. The remaining funds of \$437,500 will be used for construction costs.

Recommendation

City staff recommend that a Project Budget Ordinance be created for the Riverwalk Sanitary Sewer Extension and Sewer Lift Station Project (Riverwalk Sewer Project) in the amount of \$500,000. Of this amount, \$62,500 is to be appropriated for engineering and \$437,500 appropriated to construction.

RESOLUTION NO. 40 – 2023

A RESOLUTION AUTHORIZING SELECTION OF ODOM ENGINEERING BASED ON QUALIFICATIONS FOR THE DESIGN OF THE RIVERWALK SANITARY SEWER EXTENSION AND SEWER LIFT STATION LOCATED ON COLLEGE AVENUE

WHEREAS, City of Shelby has received plans for the Riverwalk Subdivision to be located near the intersection of Sam Lattimore Road and College Avenue in Shelby

WHEREAS, City Staff recognizes the need for a sanitary sewer extension and sewer lift station on College Avenue to serve the needs of the Riverwalk Subdivision; and,

WHEREAS, the City of Shelby is seeking to contract with a Professional Engineering firm licensed in the State of North Carolina to complete the survey, design, permitting, bidding, and construction engineering & inspection for a sewer lift station, associated force main, and gravity sewer lines for said subdivision; and,

WHEREAS, City staff issued a Request for Qualifications to Professional Engineering firms interested in providing design services and subsequently construction oversight contingent on the availability of funds related to this project in accordance with North Carolina General Statute 143-64.31; and,

WHEREAS, four (4) Statement of Qualifications were received from engineering firms interested in performing the work associated with this project; and,

WHEREAS, City Staff have reviewed the Statement of Qualifications and determined that Odom Engineering is the most qualified to perform the provided 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 desire for the City Manager or his designee to enter into negotiations with Odom Engineering of Forest City, North Carolina in accordance with North Carolina General Statute 143-64.31 to negotiate a contract for the above referenced project.

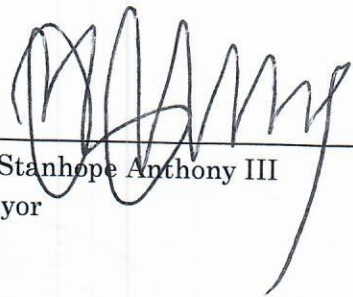
Section 2. If a fair and reasonable fee cannot be negotiated with the best qualified firm, negotiations will be terminated and initiated with the next best qualified firm.

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

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

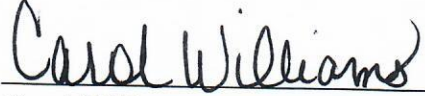
Adopted and Approved this the 19th day of June 2023.

Resolution No. 40-2023
June 19, 2023
Page 2



O. Stanhope Anthony III
Mayor

ATTEST:



Carol Williams
City Clerk

ORDINANCE NO. 55-2023
AN ORDINANCE ESTABLISHING A CAPITAL PROJECT ORDINANCE AND
BUDGETS FOR THE CITY OF SHELBY'S RIVERWALK SEWER PROJECT

WHEREAS, in accordance with applicable provisions of the North Carolina Budget and Fiscal Control Act, the City of Shelby finds it advisable and necessary to establish a capital project ordinance and budgets for the City of Shelby's Riverwalk Sewer Project: and

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

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

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHELBY, NORTH CAROLINA: The City of Shelby has identified a need to extend sewer utility infrastructure to adequately serve a development known as Riverwalk. Accordingly, the following budget modifications are approved in accordance with the chart of accounts heretofore established for the City of Shelby utilizing American Rescue Plan available funding.

Section 1. Appropriating Fund Balance:

Fund Balance Appropriated	11001000-39900	\$500,000
Transfer to Sewer Capital Projects	110495-49621	\$500,000

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

Revenues:		
Transferred from General Fund	62106000-39110-62882	\$500,000
Appropriation:		
Engineering	621726-42004-62882	\$ 62,500
Construction	621726-53000-62882	\$437,500

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 4th day of December, 2023.

O. Stanhope Anthony III
Mayor

Ordinance No. 55-2023
December 4, 2023
Page 2

ATTEST:

Carol Williams
City Clerk

APPROVED AS TO FORM:

Jason Lunsford
City Attorney



Memorandum

To: Rick Howell, City Manager

CC: Jason Lunsford, City Attorney
Brian Wilson, Director of Water Resources

From: Ben Yarboro, Assistant City Manager *BY*

Date: Wednesday, November 29, 2023

Subject: Acceptance of Utility Extension Agreement for Residential Development for Riverwalk Subdivision

Background

As noted in the attached memorandum from Brian Wilson, Director of Water Resources, the City of Shelby received approximately \$6.3M in funding under the American Rescue Plan (ARP) to be used for water and sewer projects in the City. Following receipt of this funding, City staff reviewed various planning documents and evaluated current system and service area needs. Through this process, a list of projects and priorities were established. The projects included in the previously approved resolution included:

- 24" Waterline from Morgan St. to South Tank and Forest Hills Drive
- Hickory Creek Sewer Windsor to Holly Oak
- Water Treatment Plan Filter Rehabilitation
- Water/Sewer Improvements to Promote Residential Development
- Water and Sewer System Repairs and Maintenance

This memorandum references a Project Budget Ordinance and Resolution related to the design and construction of a sewer lift station project that will provide sewer service to a 144-unit residential development on College Avenue near Riverbend Golf Course. The City of Shelby was approached by the owner/developer of this property regarding the need of a public sewer lift station to provide service to the property. The construction of this public lift station is the result of the topography of this property and the fact that there is no gravity sewer in this area that can be extended. In an effort to meet the goals of City Council, City Staff proposes that the City will spend up to \$500,000 towards the design, permitting, bidding, construction administration and construction of the necessary lift

station and the associated force main and gravity sewer mains. The developer will be responsible for all costs associated with this project in excess of the \$500,000 that the City will contribute. Additionally, the developer will be responsible for all additional water and sewer infrastructure that is required to provide service to the individual lots within this subdivision.

As detailed in the attached memo from Mr. Wilson, an agreement has been developed that states the roles and responsibilities of the City and the developer.

Recommendation

City Staff recommends approval of the Project Budget Ordinance and the Resolution that approves the Acceptance of Utility Extension Agreement for Residential Development for the Riverwalk Subdivision. If approved, City Staff will proceed with design and ultimately the construction and installation of the sewer lift station, associated force main and gravity sewer line extension to provide sewer service to the proposed 144-unit Riverwalk Subdivision.

Please let me know if you have any questions or need additional information.



Memorandum

To: Ben Yarboro, Assistant City Manager

CC: Jason Lunsford, City Attorney

From: Brian Wilson, Director of Water Resources

Date: Wednesday, November 29, 2023

Subject: Acceptance of Utility Extension Agreement for Residential Development for Riverwalk Subdivision

Background

The City of Shelby received \$6,382,000 in funding under the American Rescue Plan (ARP) to be used for water and sewer projects selected by the City. On November 7th 2022, the Shelby City Council approved Resolution No. 68-2022 appropriating funding to support sewer system improvements that will promote residential growth.

The City was contacted by the owner/developer of a 96-acre property located on College Avenue near Riverbend Golf Course. This property owner completed the voluntary annexation process and has requested sewer service to this residential development. In order to provide sewer service, a lift station, associated force main and gravity sewer line extension must be constructed. This sewer system improvement will provide service to 144 proposed homes/townhomes. An agreement has been developed and reviewed by the City Attorney and City Staff that would be presented to developer to outline the requirements of the sewer infrastructure construction and utilization of up to \$500,000 in ARP funds.

Review

The City of Shelby would enter into an agreement where the City would fund a maximum of \$500,000 in the design, permitting, and construction of the lift station, associated force main and gravity sewer line necessary to service the Riverwalk Subdivision. The City will be reimbursed by the Developer for any cost above the maximum of \$500,000 ARP funds for the proposed utility extension. Currently there is an engineering proposal in the amount of \$62,500 for the design, bidding and construction administration for this project. The remaining amount to be funded by the City is \$437,500 of the City's total obligation of \$500,000 to go towards construction and installation of sewer utilities. As previously stated, all remaining costs would be the responsibility of the developer.

Recommendation

City Staff recommend that City Council approve the Acceptance of Utility Extension Agreement for Residential Development for the Riverwalk Subdivision. If approved, City Staff will proceed with design and ultimately the

construction and installation of the sewer lift station, associated force main and gravity sewer line extension for the proposed 144-unit Riverwalk Subdivision.

Please let me know if you have any questions or need additional information.

**CITY OF SHELBY
UTILITY EXTENSION AGREEMENT
FOR RESIDENTIAL DEVELOPMENT**

THIS UTILITY EXTENSION AGREEMENT (hereafter "Agreement"), is made and entered into as of the _____ day of _____, 2023, by and between the City of Shelby, a municipal corporation of the State of North Carolina, hereinafter referred to as the CITY, party of the first part, and JBR Monopoly LLC of Shelby (city), North Carolina (state), hereinafter referred to as the DEVELOPER(S), party of the second part.

WHEREAS, this Agreement relates to an assemblage of land of 96 acres, more or less, located at 1105 River Road in Shelby, NC, and described in Deed Book 1839 Page 1586 at the Cleveland County Register of Deeds and further described as Parcel Number(s) 2551 (collectively "the Property"); and,

WHEREAS, the DEVELOPER(S) requires water and sewer services for the development of the Property, and wishes to construct improvements that will connect to the CITY's water and sewer systems in order to enable development of the Project, including design, construction and installation of a sewer lift station, associated force main, and gravity sewer lines (as shown in Exhibit A); and,

WHEREAS, the DEVELOPER(S) is subject to the committed elements of a preliminary development plan, approved by the CITY on _____ (as shown on Exhibit B), which binding commitments are incorporated herein by reference as if set out in full and consists of approximately 0 square feet of office space, 0 square feet of retail, 144 residential units, and 0 square feet of civic floor area; and,

WHEREAS, per City Ordinance, the DEVELOPER(S) is required to pay all costs associated with this proposed development, in particular the water and sewer infrastructure related to such systems, and other related costs; and,

WHEREAS, the CITY received funding under the American Rescue Plan (ARP) that is available for water and sewer projects. The CITY will contract with a Professional Engineering firm licensed in North Carolina to complete the survey, design, permitting, bidding, and construction engineering & inspections for a sewer lift station, associated force main, and gravity sewer lines as depicted in the preliminary layout included as Exhibit A. The CITY agrees to utilize a maximum of \$500,000.00 of ARP funds for the design, construction, and installation of the aforementioned sewer infrastructure project. CITY's designation of use of these funds is subject to DEVELOPER(S)' agreement to reimburse the CITY for any cost above \$500,000.00 to complete the survey, design, permitting, bidding, construction, construction engineering and inspections, and installation of the sewer project. The DEVELOPER(S) shall review the proposed design and must provide written approval of the design prior to the Project being advertised and bid. This Project will be bid in accordance with North Carolina General Statutes and appropriate federal regulations pertaining to use of ARP funding for the project. The CITY will present the bid results to the DEVELOPER(S). The DEVELOPER(S) must provide written approval of the

CITY's recommendation of bid award for the project to proceed. Upon presentation to City Council and subsequent approval, the CITY will then enter into a Contract with the lowest, responsible bidder, taking into consideration quality, performance, and the time specified in the proposals for the performance of the contract. The DEVELOPER(S) also agrees to use City of Shelby water for this development project.

WHEREAS, DEVELOPER(S) further agree that should the DEVELOPER(S) not complete the grading associated with Phase I of this Project within two (2) years from the date of the written Notice to Proceed for the Sewer Project, DEVELOPER(S) shall reimburse the total cost incurred including the cost of the design plans, and any costs incurred associated with construction and installation, up to the amount of the final bid accepted for the survey, design, permitting, bidding, construction, construction engineering & inspections and installation. To satisfy this condition, DEVELOPER(S) agreed to provide a bond, letter of credit, or other agreeable surety in the amount of the design contract, construction contract, and any other related professional services contracts to be held until the grading for Phase I of the proposed residential development is completed.

WHEREAS, at its meeting held on _____, 2023, the Shelby City Council approved Resolution No. _____; authorizing this Utility Extension Agreement in accordance with the terms set forth below;

NOW THEREFORE, in consideration of promises and mutual covenants herein contained, the DEVELOPER(S) and the CITY, agree as follows:

1. The CITY shall pay no more than \$500,000 of the cost of the survey, design, permitting, bidding, construction, and construction & engineering inspections for the sewer lift station, associated force main, and gravity sewer lines on or along the property of the DEVELOPER(S) as set forth in, those project plans identified as _____ (This work shall be referred to herein as "the Project."). The cost of the survey, design, permitting, bidding, construction, and construction & engineering inspections for the sewer lift station, associated force main, and gravity sewer lines will be determined after the Project has been completed.
2. The DEVELOPER(S) shall pay any expenses exceeding \$500,000.00 of the cost of the survey, design, permitting, bidding, construction, and construction & engineering inspections for the Project in two payments (hereinafter referred to as "DEVELOPER's share").
 - a. First, DEVELOPER(S) shall pay their share of the cost by depositing with the CITY a minimum amount equal to fifty percent (50%) of the preliminary estimated share of the DEVELOPER(S).
 - i. The preliminary estimated share will be determined by the CITY and shall be due within thirty (30) days of written notice by the CITY to the DEVELOPER of the amount owed.
 - ii. The DEVELOPER's first payment shall be paid after completion of design plans and bidding but prior to execution of any construction contract.

- b. The second payment of the DEVELOPER(S) share shall be paid to the CITY within ninety (90) days of certification with the State and written notification from the CITY to the DEVELOPER that the project is complete.
 - i. The DEVELOPER's second payment shall be in the amount of the difference between the DEVELOPER's first payment and the actual total Project costs.
 - ii. The DEVELOPER(S) costs will not exceed their share of the actual survey, design, permitting, bidding, construction, and construction & engineering inspection costs, and any payment in excess of actual cost will be refunded to the DEVELOPER(S).
3. DEVELOPER(S) agrees to provide a bond, letter of credit, or other agreeable surety acceptable to the CITY in the amount of the sum of the design contract, construction contract, and any other related professional services contracts to be held until the grading for Phase I of the residential development is completed. This bond shall be provided prior to the CITY executing the contract for professional services and will be subject to terms set by the CITY in the CITY's sole discretion.
4. The contract for the construction of the sewer infrastructure improvements related to this residential development on the property located at 1105 River Road, Shelby, NC and described in Deed Book 1839 Page 1586 at the Cleveland County Register of Deeds shall be let for bids and awarded in accordance with Article 8 of Chapter 143 of the North Carolina General Statutes and applicable federal regulations concerning use of ARP funding, and specifically including the requirement that any contract be awarded to the lowest responsible bidder. All obtained bids shall be provided to the DEVELOPER(S) for review. The CITY reserves the right to refuse any and/or all bids. The total CITY share of the Project will not exceed \$500,000.00 of the actual survey, design, permitting, bidding, construction, and construction & engineering inspection costs for the most feasible, cost-efficient solution determined by the CITY for the Project. The DEVELOPER(S) share of the cost of the Project shall consist of the total amount exceeding \$500,000.00 for any survey, design, permitting, bidding, construction, and construction & engineering inspection costs for the most feasible, cost-efficient solution determined by the CITY for the Project including professional and construction costs. Total Project costs shall not exceed \$1,500,000.00. If Project bids exceed \$1,500,000, the scope of the project shall be modified to reduce the total Project costs below the \$1,500,000 limit.
5. The DEVELOPER(S) must provide all utility easements required for public infrastructure as part of the sewer infrastructure installed during the Project, at no cost to the CITY.
6. The CITY will review and approve the sewer infrastructure design plans and specifications prior to bid solicitation.
7. The work shall conform to City standards and other applicable Local, State, and Federal requirements.

8. The CITY, or a third party delegated by the CITY, shall provide construction oversight and inspections to ensure that the Project is completed in substantial conformance with the approved plans.
9. In consideration for the CITY's undertaking of the sewer lift station, associated force main, and gravity sewer line project on private property, the DEVELOPER(S) hereby agree to discharge, release, and hold harmless the CITY, its agents, employees, and officers, for liability for personal injury or property damage, or both, arising under this Agreement or the work to be performed hereunder. The DEVELOPER(S) hereby agree to discharge, release, and hold harmless the CITY's contractor or contractors for liability for personal injury or property damage, or both, to the extent such are not covered by the contractor's liability insurance.
10. The DEVELOPER(S) understands and acknowledges that, in the event the DEVELOPER(S) fails to make full payment for their share in the cost of the Project, or fails to execute all required documents and agreements, the final approval of the Project and acceptance of flow into the sewer lift station will be withheld by the CITY.
11. The DEVELOPER agrees to complete the grading plans for the Project and provide those grading plans to the CITY and the CITY's third party consulting engineer within six months of the date of execution of this Agreement.
12. The DEVELOPER(S) must begin grading for public infrastructure and the required sewer corridor within nine (9) months of completion of the Sewer Project design.
13. The DEVELOPER(S) must have the sewer corridor graded to within six (6) inches of final grade and ensure that the sewer corridor is compacted with material deemed suitable by the CITY and the CITY's third-party engineering consultant for the Sewer Project.
14. The CITY agrees to start construction of the Sewer Project within ninety (90) days of final grade of the sewer corridor. Once construction begins, the Sewer Project must be completed within twelve (12) months.
15. DEVELOPER(S) shall dedicate to the CITY all public Improvements in the manner specified by the CITY, including all outfalls, pump stations, and other improvements that are to be owned and operated by the CITY. The streets within the Project shall be dedicated as public right of way and shall be constructed in conformance with NCDOT Traditional Neighborhood Street Design Guidelines or similar street design standards by the CITY, unless otherwise required by CITY ordinance or policy. Upon acceptance by City Council by resolution of any dedicated improvements, the CITY shall thereafter be responsible for operation and maintenance. The determination as to whether the Improvements comply with City Requirements shall be made by the CITY'S Director of Engineering Services or designee at his or her sole discretion. The CITY may require, among other things, certified as-built plans for the Improvements; a release of liens from contractors and subcontractors; additional plats or deeds for property containing the Improvements; releases of any mortgage or security interests in such property; and any other information the CITY deems

to be necessary to accept the constructed Improvements in accordance with CITY policies and ordinances.

16. DEVELOPER(S) agree that in accordance with City Requirements, the CITY may make extensions or connections to sewer improvements that it has dedicated to the CITY.
17. This Agreement does not create any express or implied obligation that the CITY:
 - a. reserve or create wastewater treatment capacity;
 - b. approve a permit or connection, which shall be granted only upon compliance with all requirements of law, including City Requirements;
 - c. offer utility services to any user within the Project;
 - d. provide a particular quantity, quality, or pressure for the water/wastewater serving the Project; or
 - e. waive or not charge fees that are otherwise applicable to City Requirements.
18. DEVELOPER(S) agree that no vested rights exist that would impact the CITY's consideration of its proposed development, and that no vested rights shall be claimed for the proposed development until and unless annexation and zoning are approved by the CITY, if they are approved, and such further development approvals are given as would, under the law, create a claim regarding vested rights.
19. All activity undertaken pursuant to this Agreement shall comply with federal and state law and regulations and City requirements. The CITY shall obtain all permits and approvals required to do the work authorized under this Agreement related to the construction of the aforementioned public sewer infrastructure.
20. In the event of conflict between this Agreement and any law, state or federal regulation, or City Requirements, the stricter of the applicable provisions shall control.
21. The obligations of this Agreement shall become effective upon execution of this Agreement by the parties.
22. These provisions represent the entire Agreement between the parties and may not be modified by oral representations. As used herein, the plural designation may indicate the singular, where applicable.
23. No action or failure to act by the CITY shall constitute a waiver of any of its rights or remedies that arise out of this Agreement or constitute approval or acquiescence in a breach thereunder, except as may be specifically agreed in writing.
24. Nothing contained in this Agreement shall be deemed or construed to in any way stop, limit, or impair the CITY from exercising or performing any regulatory, policing, legislative, governmental or other powers or functions, or shall limit the CITY's discretion in the exercise of such powers and functions.

25. All matters relating to this Agreement shall be governed by the laws of the State of North Carolina, without regard to its choice of law provisions, and venue for any action related to the Agreement shall be Cleveland County Superior Court or the United States District Court for the Western District of North Carolina, Asheville Division.

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

IN WITNESS WHEREOF, Developer(s) have executed the foregoing with the signature(s) of its duly authorized officer(s), under seal, and the City has executed with the signature of its City Manager, attested by its Clerk, with the official seal affixed, the day and year first above written:

OWNER(S): _____

Print Name: _____

Title: _____

Print Name: _____

Title: _____

ATTEST: _____

(Seal if appropriate)

STATE OF NORTH CAROLINA

COUNTY OF _____

I, _____, a Notary Public of the County of _____ and State of North Carolina, do hereby certify

that _____ personally appeared before me this day and acknowledged the due execution of the foregoing Utility Extension Agreement, together with attached addendum/addenda (if applicable).

WITNESS my hand and official seal this ____ day of _____, 20 ____.

Notary Public

(SEAL)

My Commission Expires: _____

STATE OF NORTH CAROLINA

COUNTY OF _____

I, _____, a Notary Public of the County of _____ and State of North Carolina, do hereby certify

that _____ personally appeared before me this day and acknowledged the due execution of the foregoing Utility Extension Agreement, together with attached addendum/addenda (if applicable).

WITNESS my hand and official seal this ____ day of _____, 20____.

Notary Public

(SEAL)

My Commission Expires: _____

CITY OF SHELBY,

A North Carolina Municipal Corporation

Rick Howell
City Manager

ATTEST:

Carol Williams
City Clerk

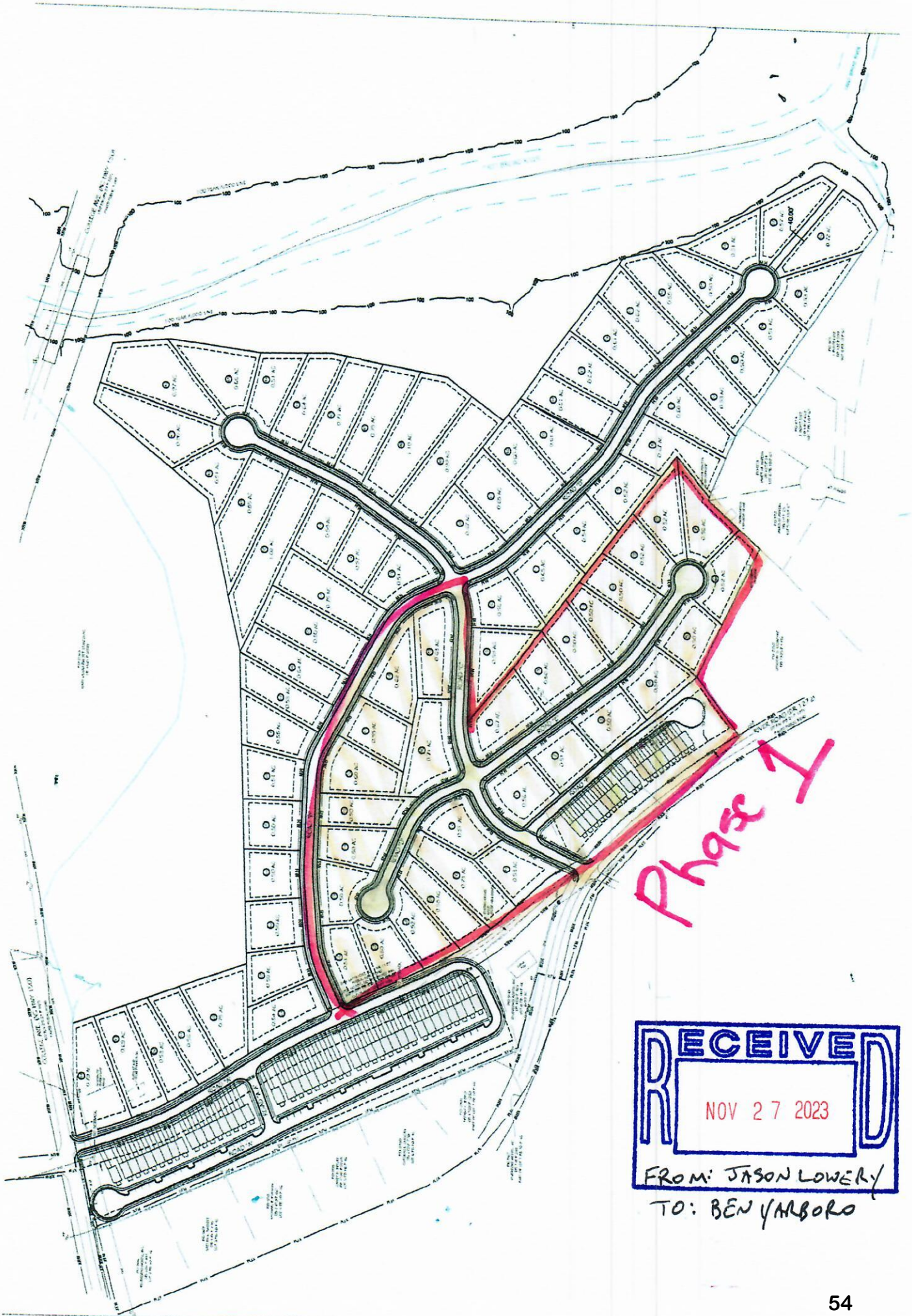
(SEAL)

EXHIBIT A – PRELIMINARY SEWER LAYOUT

INSERT MAP SHOWING SEWER CONCEPT

EXHIBIT B – PRELIMINARY RESIDENTIAL DEVELOPMENT PLANS

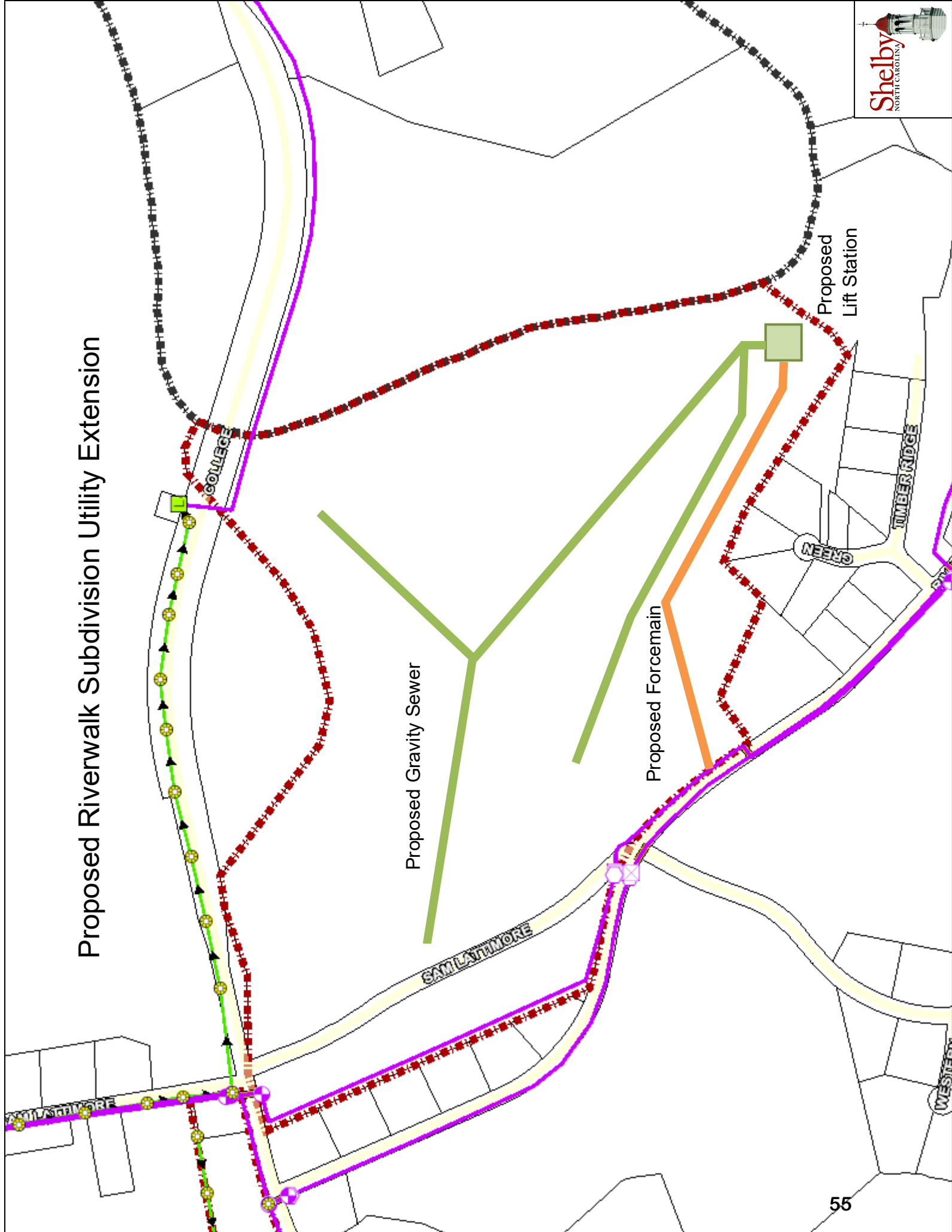
INSERT PLAN OF PRELIMINARY RESIDENTIAL DEVELOPMENT



Phase I

RECEIVED
NOV 27 2023
FROM: JASON LOWERY
TO: BEN YARBORO

Proposed Riverwalk Subdivision Utility Extension



RESOLUTION 68-2022

CITY OF SHELBY AUTHORIZATION OF PROJECT ALLOCATIONS FOR NORTH CAROLINA
STATE APPROPRIATIONS FOR WATER AND WASTEWATER PROJECTS

WHEREAS, the City of Shelby is eligible for funding from the NC General Assembly 2022 Budget Appropriations through the Department of Environmental Quality (DEQ) for Water and Wastewater projects as approved in Session Law 2022-74; and,

WHEREAS, the City of Shelby is eligible for \$10,200,000, to be paid out on a reimbursement basis after the City has awarded NCDEQ approved contracts for eligible Water and Wastewater projects; and,

WHEREAS, City staff has identified the following Water and Wastewater projects that are consistent with the goals established by City Council:

• 24" Waterline to South Tank and Forest Hills Drive	\$2,000,300
• Hickory Creek Sewer Windsor to Holly Oak	\$2,105,000
• Water Filter Rehabilitation	\$2,500,000
• Water/Sewer Improvements to Promote Residential Development	\$2,000,000
• Water and Sewer System Repairs and Maintenance	<u>\$1,594,700</u>
Total:	\$10,200,000

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 approves the aforementioned funding allocation plan (Exhibit A) submitted by the City Manager.

Section 2. The City Manager is authorized to complete the project applications and expenditures of said funds in accordance with all applicable local, state and federal laws and regulations.

Section 3. The City Manager must bring specific project budget ordinance(s) to City Council for review and approval in accordance with applicable laws and policies.

Section 4. The City Manager is authorized to reallocate up to 25 percent of an approved project allocation to other approved projects included in Exhibit A.

Adopted this the 7th day of November, 2022 in the City of Shelby, North Carolina.



O. Stanhope Anthony, III
Mayor

ATTEST:



Carol Williams
City Clerk



Exhibit A

**S.L. 2022-74 North Carolina Funding Appropriation Allocation for
Water and Wastewater Projects**

<u>Project Description</u>	<u>Amount Allocated</u>
24-inch Waterline to South Tank and Forest Hill Dr.	\$ 2,000,300
<ul style="list-style-type: none">- Covers a funding shortfall from original estimate based on final design and inflation.	
Hickory Creek Sewer Windsor to Holly Oak	\$ 2,105,000
<ul style="list-style-type: none">- Covers a funding shortfall from original estimate based on final design and inflation.	
Existing Water and Sewer System Repairs and Maintenance	\$ 1,594,700
<ul style="list-style-type: none">- Funding to be used for water treatment plant filtration improvements, sedimentation basin valving improvements, looping of dead-end waterlines, replacement of water distribution lines and replacement of sewer collection system lines.	
Water Treatment Plant Filter Rehabilitation	\$ 2,500,000
<ul style="list-style-type: none">- Filter rehabilitation of eight filters. Project also provides repair/replacement of sedimentation basin valves.	
Water/Sewer System Improvements to Promote Residential Development	\$2,000,000
<ul style="list-style-type: none">- This funding would be used to for extension of services for residential development on parcels that lie outside the current service area. Developers would still be required to install water and sewer infrastructure within the new development.	
Total Funding Allocation	\$10,200,000

RESOLUTION NO. 78 – 2023

**A RESOLUTION FOR ACCEPTANCE OF THE UTILITY EXTENSION
AGREEMENT FOR RESIDENTIAL DEVELOPMENT FOR
RIVERWALK SUBDIVISION**

WHEREAS, City of Shelby received funding under the American Rescue Plan (ARP) to be used for water and sewer projects selected by the City; and,

WHEREAS, the Shelby City Council approved Resolution 68-2022 which established funding for Water/Sewer Improvements to Promote Residential Development; and,

WHEREAS, the City of Shelby was approached by the owner/developer of property located off College Ave. near Riverbend Golf Course about sewer service for a proposed 144 home subdivision; and,

WHEREAS, a Professional Engineering firm has determined the need for sewer infrastructure improvements consisting of a sewer lift station, sewer force main and gravity sewer line in order to provide sewer service to the proposed development; and,

WHEREAS, the City of Shelby has developed an agreement between the developer and the City of Shelby to fund associated utility extension costs up to a maximum of \$500,000 using ARP funds; and,

WHEREAS, the developer would be required to pay any costs associated with the sewer utility improvements that exceeds \$500,000; and,

WHEREAS, as part of the agreement, if project bids exceed \$1,500,000 the scope of the project would be modified to reduce the total project cost below \$1,500,000; and,

WHEREAS, City Staff recommends approval of the Utility Extension Agreement for Residential Development for the Riverwalk Subdivision that would result in the design, construction and installation of the infrastructure required to provide sewer service to this residential development.

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 approves the resolution for Acceptance of the Utility Extension Agreement for Residential Development.

Section 2. The City Manager and City Clerk are hereby authorized to execute the applicable contracts associated with this project.

Section 3. The City Manager and his designees are hereby to execute amendments and change orders to the applicable documents associated with this project.

Resolution No. 78-2023
December 4, 2023
Page 2

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

Adopted and Approved this the 4th day of December, 2023.

O. Stanhope Anthony III
Mayor

ATTEST:

Carol Williams
City Clerk

City of Shelby
Agenda Item Summary
December 4, 2023
City Hall Council Chamber

Agenda Item: F-3

- 3) Purchase and Sale Agreement for Real Property located at 607 West Grover Street:
 - a) Adoption of FY 2022-2023 Budget Ordinance Amendment #2: Ordinance No. 56-2023
 - b) Approval of a resolution authorizing the execution of a purchase and sale agreement for real property located at 607 West Grover Street: Resolution No. 79-2023

Consent Agenda Item: (Rick Howell, City Manager and Beth Beam, Finance Director)

Summary of Available Information:

- Ordinance No. 56-2023
- Resolution No. 79-2023

City Manager's Recommendation / Comments

- a) Ordinance No. 56-2023 is presented for City Council consideration at this time via the Consent Agenda. City Council previously authorized the City Manager to contract for the purchase of property located at 607 West Grover Street. This has occurred and if approved this ordinance would appropriate funding from the electric fund, natural gas fund, water fund, stormwater fund and wastewater fund net retained earnings on a proportional basis toward the purchase of the property. The total funding appropriated from net retained earnings is \$2,725,000.
- b) Resolution No. 79-2023 is presented for consideration by City Council via the Consent Agenda and specifically authorizes the City Manager to enter into the contract for purchase of the property and further authorizes him to proceed to closing on the property within the funding appropriated by City Council.

It is my recommendation that Ordinance No. 56-2023 and Resolution No. 79-2023 be adopted and approved by City Council at this time via the Consent Agenda.

ORDINANCE NO. 56-2023

CITY OF SHELBY
FY 2023-2024 BUDGET ORDINANCE AMENDMENT

WHEREAS, in accordance with applicable provisions of the North Carolina Budget and Fiscal Control Act, the City of Shelby finds it advisable and necessary to revise and amend its annual budget for FY 2023-2024; and,

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

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

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

Section 1. Ordinance No. 28-2023, the City’s FY 2023-2024 Budget Ordinance, is hereby amended as follows to provide for Budget Amendment No. 2 for the year:

(A) The City of Shelby has identified a need to acquire certain property, identified as property located adjacent to the current Water Treatment Facility on Grover Street in Shelby for Enterprise Fund purposes. Accordingly, the following budget modifications are approved in accordance with the chart of accounts heretofore established for the City of Shelby.

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

- | | |
|--|-----------|
| (a) Increase 61006000-39900
Fund Balance Appropriated | \$517,750 |
| (b) Increase 610711-52000
Land | \$517,750 |

(2) The following Sewer Fund line items are amended:

- | | |
|--|-----------|
| (a) Increase 62006000-39900
Fund Balance Appropriated | \$708,500 |
| (b) Increase 620721-52000
Land | \$708,500 |

(3) The following Electric Fund line items are amended:

- | | |
|--|-----------|
| (a) Increase 63006000-39900
Fund Balance Appropriated | \$981,000 |
| (b) Increase 630731-52000
Land | \$981,000 |

(4) The following Natural Gas Fund line items are amended:

- | | |
|--|-----------|
| (a) Increase 64006000-39900
Fund Balance Appropriated | \$463,250 |
|--|-----------|

(b) Increase 640741-52000 \$463,250
 Land

(5) The following Stormwater Fund Line Items are amended:

(a) Increase 65006000-39900 \$ 54,500
 Fund Balance Appropriated

(b) Increase 650751-52000 \$ 54,500
 Land

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

	<u>Current Budget</u>	<u>Amendment No. 2</u>
General Fund	\$ 32,661,053	\$ 32,661,053
Emergency Telephone System Fund	70,279	70,279
Powell Bill Fund	701,225	701,225
Economic Dev. Fund	728,300	728,300
Housing Fund	2,736,183	2,736,183
Cemetery Fund	36,000	36,000
Utilities-Water Fund	6,656,332	7,174,082
Utilities-Sewer Fund	6,988,769	7,697,269
Utilities-Electric Fund	23,520,726	24,501,726
Utilities-Gas Fund	25,144,462	25,607,712
Utilities – Stormwater Fund	<u>919,527</u>	<u>974,027</u>
FY 2023-2024 Budget Total	<u>\$100,162,856</u>	<u>\$102,887,856</u>

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

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

Adopted and approved this the 4th day of December A. D. 2023.

O. Stanhope Anthony, III
 Mayor

Ordinance No. 56-2023
December 4, 2023
Page 3

ATTEST:

Carol Williams
City Clerk

APPROVED AS TO FORM:

Jason Lunsford
City Attorney

RESOLUTION NO. 79-2023

A RESOLUTION AUTHORIZING THE EXECUTION OF A
PURCHASE AND SALE AGREEMENT FOR REAL PROPERTY
LOCATED AT 607 WEST GROVER STREET

WHEREAS, City Council authorized the City Manager and City Attorney to enter into negotiations for the purchase of real property located on West Grover Street; and,

WHEREAS, it is the City's intent to acquire said property for public purposes specifically, but not limited, to the operations of the City's utility systems; and,

WHEREAS, the property proposed for purchase is adjacent on both the east and west property boundaries to facilities currently owned by the City of Shelby and provide future possibilities for expansion of those City utility systems.

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 authorizes the City Manager in consultation with the City Attorney to enter into a purchase and sale agreement for the described property located at 607 West Grover Street. (Parcel #21525).

Section 2. The City Council of the City of Shelby also hereby authorizes the City Manager in consultation with the City Attorney to proceed to closing on the purchase of the referenced property upon the adoption of an ordinance appropriating funding for said purpose.

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

Adopted and approved this the 4th day of December 2023.

O. Stanhope Anthony III
Mayor

ATTEST:

Carol Williams
City Clerk

City of Shelby
Agenda Item Summary
December 4, 2023
City Hall Council Chamber

Agenda Item: F-4

4) Approval of Special Event Applications:

- a) Light Ball Dash, requested date: December 17, 2023
- b) Tony's Walk: requested date: January 6, 2024

Consent Agenda Item: (Carol Williams, City Clerk)

Summary of Available Information:

- Memorandum(s) dated November 27, 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 27, 2023

Re: Special Event Permit Application

BACKGROUND:

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

- ✓ Light Ball Dash: 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 December 4, 2023 for Council's review and approval.

ATTACHMENT:

- A. Special Event Permit Application packet received November 27, 2023

- b. This section shall have no application to any ordinance, which may allow criminal sanctions for its violation. All violations of this Code, which are criminal in nature, shall be subject to the maximum penalty authorized by G.S. 14-4, as amended.

**CITY OF SHELBY
SPECIAL EVENT PERMIT APPLICATION**

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

1. **EVENT NAME:** The Light Ball Dash
2. **PURPOSE AND BRIEF DESCRIPTION OF EVENT:**
A one-mile race to enjoy the Christmas lights and benefit Feeding Kids Cleveland Co.
3. **LOCATION OF EVENT (ATTACH MAP):** _____
Peach St. neighborhood
The race begins at Marion Elementary School and ends on Peach St.
4. **PLEASE INDICATE:**
Approximately how many people will attend the event: 200-300
Approximately how many vehicles will be present: 0
Approximately how many animals will be present: 0

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

Single lane _____

All lanes in travel direction _____

Whole street ✓ _____

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

Name: Mitch, Suzanne and Hattie Hensley
Address: 604 Peach St. Shelby, NC 28150
Phones: Mitch - 704-477-3004 Suzanne - 336-327-6503
(Daytime) (Evening)
mitch_hensley@yahoo.com
(e-mail address)

Name: _____
Address: _____
Phones: _____
(Daytime) (Evening)

(e-mail address)

6. **PLEASE LIST THE FOLLOWING:**

Requested day(s) and date(s) 12/17/2023
Alternate day(s) and date(s) _____
Requested hours of operation, from 5:00 AM/PM to 8:00 AM/PM

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

8. **AVAILABILITY OF FOOD, BEVERAGES, AND/OR ENTERTAINMENT;**

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

Will alcoholic beverages be served? No
If yes, attach to the application a copy of your permit from the Cleveland County Alcoholic beverage Control Board. Alcohol may not be served without a permit.

Will food and/or no-alcoholic beverages be served? No
If yes, attach to the application a copy of your permit from the Cleveland County Department of Health Services.

9. **SECURITY AND SAFETY PROCEDURES:**

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

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

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

Name: _____
Address: _____
Phones: _____

Indicate medical services that will be provided for the event.

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

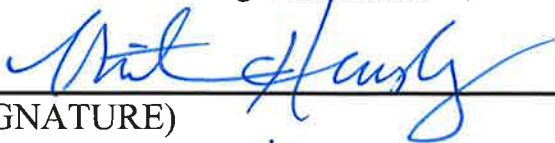
10. **CITY SERVICES/EQUIPMENT REQUESTED FOR THIS**

EVENT: Streets to be blocked to prevent car traffic
Barriercades needed at: Summit St. @ Marion playground,
Summit St & Hillside Dr., Hillside Dr & Montrose Cir,
Montrose Cir/Montrose Dr., Peach St/Forest Hill Dr.

11. **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.


(SIGNATURE)

Mitch Hensley 704-477-3004
(APPLICANT) (PHONE)

604 Peach St. Shelby, Nc 28150
(ADDRESS)

11/26/23
(DATE)



LIGHT BALL DASH

1.29 mi

Distance

56 ft

Elevation Gain

Run

Activity Type

Notes

Light Ball Dash Route



Memo

To: Rick Howell, City Manager

From: Carol Williams, City Clerk

Date: November 27, 2023

Re: Special Event Permit Application

BACKGROUND:

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

- ✓ Tony's Walk: requested date: January 6, 2024

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 December 4, 2023 for Council's review and approval.

ATTACHMENT:

- A. Special Event Permit Application packet received November 16, 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:

Tony's Walk

2. PURPOSE AND BRIEF DESCRIPTION OF EVENT:

Second annual walk in memory of Maurice (Tony) Miller to donate to an organ transplant recipient.

3. LOCATION OF EVENT (ATTACH MAP):

Police station to Shelby High School.

4. PLEASE INDICATE:

Approximately how many people will attend the event? 75 to 100

Approximately how many vehicles will be present? 50 to 75

Approximately how many animals will be present? 0

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

Single lane Not a parade

All lanes in travel direction _____

Whole street _____

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

Name: Oueda Miller

Address: 5530 Autumn End Circle Charlotte NC 28212

Phones: 704-618-0948 (Daytime) cell (Evening)

E-mail address: mamiller2@att.net

Name: Maya Miller

Address: 11400 December Way Apt. 403 Silver Spring Md 20914

Phones: 704-698-7094 (Daytime) _____ (Evening)

E-mail address _____

6. PLEASE LIST THE FOLLOWING:

Requested day(s) and date(s) Jan. 10, 2024

Alternate day(s) and date(s) Feb. 10, 2024

Requested hours of operation, from 9:00 AM/PM to 12:00 AM/PM

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

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

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

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

Will alcoholic beverages be served? NO

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

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

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

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

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

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

Name: _____
Address: _____
Phones: _____

Indicate medical services that will be provided for the event.

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

11. CITY SERVICES/EQUIPMENT REQUESTED FOR THIS EVENT:

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

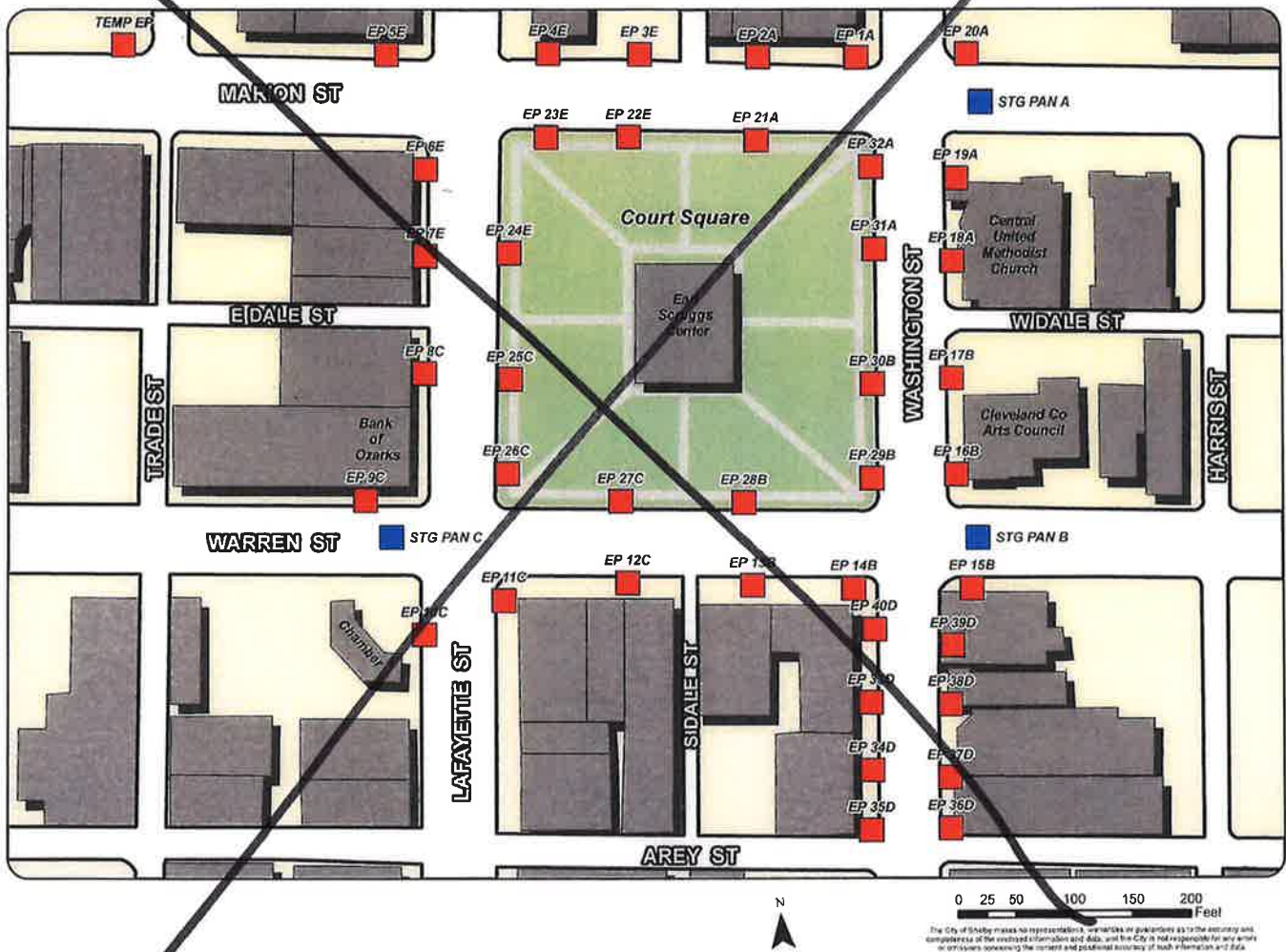
Total Number of Event Panels:
_____ x \$15.00 x Number of Days _____ = \$ _____

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



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.

Dweda C. Miller
SIGNATURE

Dweda Miller *704-618-0948*
APPLICANT PHONE

5530 Autumn End Circle Charlotte NC 28212
PHYSICAL ADDRESS

mamiller2@att.net
E-MAIL ADDRESS

11/5/23
DATE

City of Shelby
Agenda Item Summary
December 4, 2023
City Hall Council Chamber

Agenda Item: F-5

➤ Management Reports:

- a) Monthly Financial Summary, dated October 2023

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

Summary of Available Information:

- Monthly Financial Summary – October 2023

City Manager's Recommendation / Comments

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

Shelby
NORTH CAROLINA

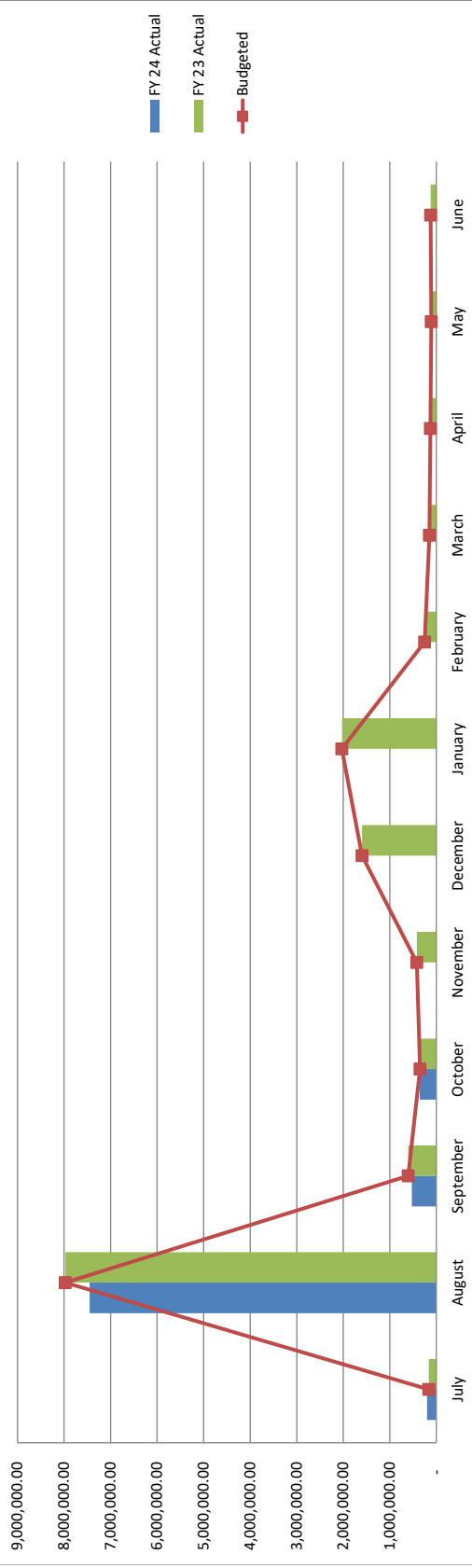


**Monthly Financial Summary
October 2023**

City of Shelby
 Current Property Tax Collections
 FY 2024

	July	August	September	October	November	December	January	February	March	April	May	June	Totals
Budget FY 2023	159,933.38	7,975,543.92	606,204.49	351,647.91	420,081.33	1,596,722.79	2,030,450.43	252,495.36	149,439.68	127,820.47	108,378.28	121,281.94	13,900,000.00
FY 2024	159,791.35	7,968,461.04	605,666.14	351,335.62	419,708.27	1,595,304.78	2,028,647.24	252,271.13	149,306.97	127,706.96	108,282.03	121,174.23	13,887,655.76
% of Budget	-1.45%	53.58%	-3.79%	2.55%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	61.38%
Variance	41,768.36	(527,278.61)	(79,015.32)	2,569.53	(420,081.33)	(1,596,722.79)	(2,030,450.43)	(252,495.36)	(149,439.68)	(127,820.47)	(108,378.28)	(121,281.94)	(5,368,626.34)

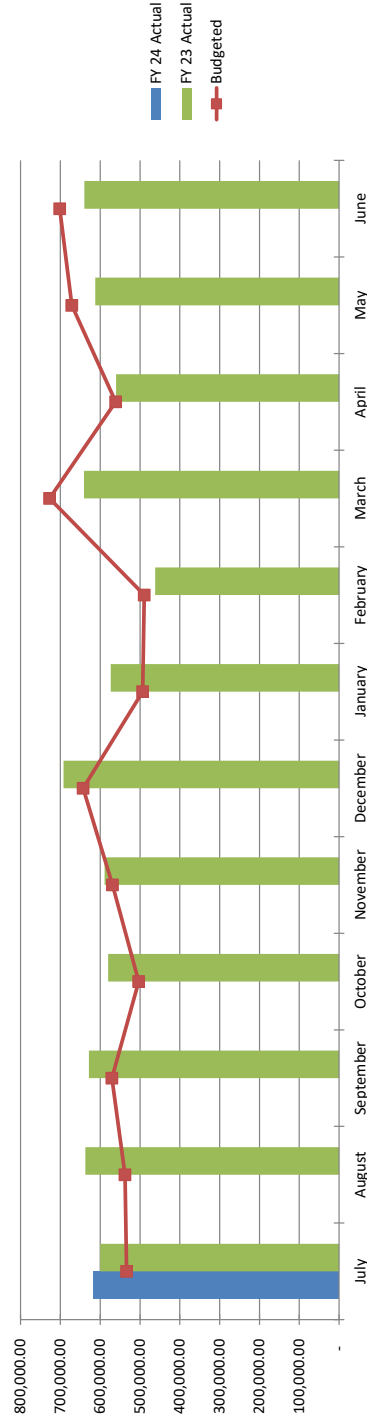
Current Property Tax Collections Budgeted and Collected



City of Shelby
Sales Tax Collections
FY 2024

	July	August	September	October	November	December	January	February	March	April	May	June	Totals
Budget	533,422.75	537,608.51	570,286.63	503,355.20	568,990.67	642,691.03	493,303.21	489,313.30	727,152.85	561,084.49	671,026.81	701,764.55	7,000,000.00
FY 2023	599,746.02	637,258.67	628,199.97	579,827.53	588,994.10	691,881.93	573,374.28	461,766.04	640,874.83	560,282.24	612,400.86	639,711.05	7,214,317.52
FY 2024	616,516.51												
% of Budget	8.81%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	8.81%
Variance	83,093.76	(537,608.51)	(570,286.63)	(503,355.20)	(568,990.67)	(642,691.03)	(493,303.21)	(489,313.30)	(727,152.85)	(561,084.49)	(671,026.81)	(701,764.55)	(6,383,483.49)

Sales Tax Collections Budgeted and Collected

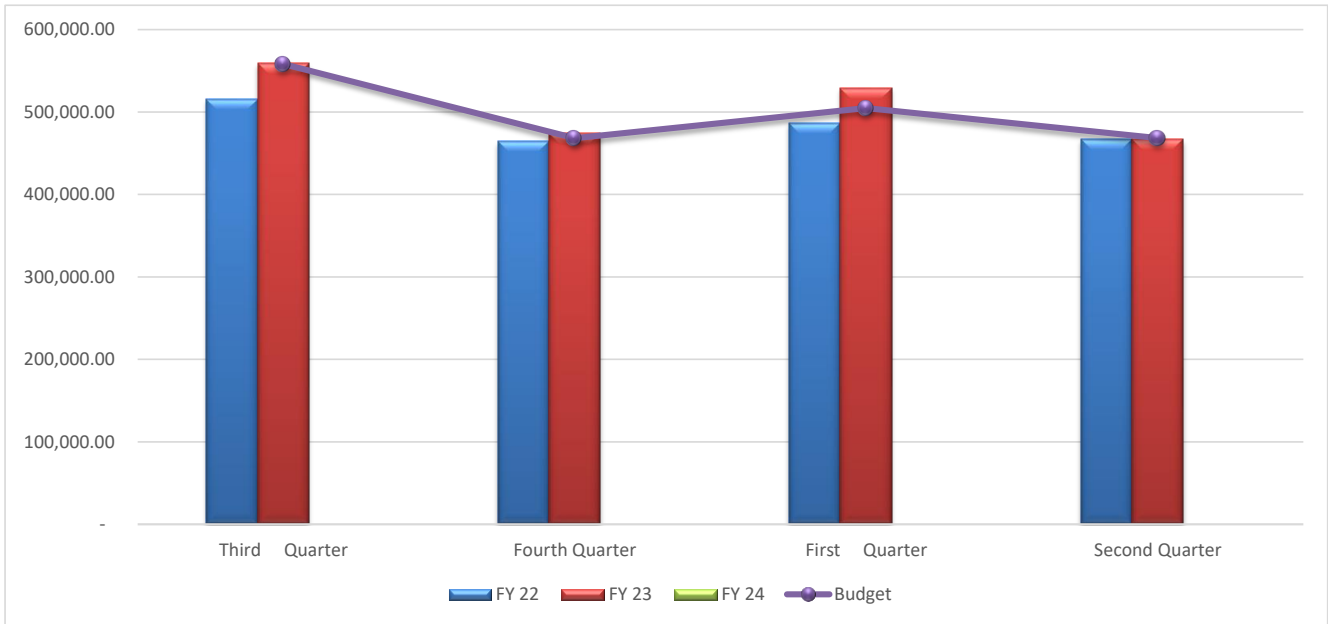


Notes:
Sales Tax Expansion to include Service Contracts: NCGS §105-164.4(a)(11), effective January 2014, has expanded the NC Sales and Use Tax to include "the sales price of a service contract".
A link to the NCDOR directive on this change is embedded here: <http://www.dor.state.nc.us/practitioner/sales/directives/SD-13-5.pdf>

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

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

Collection Period:	Third Quarter (July-Sept.)	Fourth Quarter (Oct.-Dec.)	First Quarter (Jan.-Mar.)	Second Quarter (Apr.-June)	Totals
Received in:	December	March	June	September	
FY 22	515,722.31	464,401.65	486,627.19	466,918.19	1,933,669.34
FY 23	559,313.87	474,142.33	529,125.92	466,640.75	2,029,222.87
FY 24					
Budget	558,185.58	468,321.94	504,905.73	468,586.74	2,000,000.00
% of Budget	0.00%	0.00%	0.00%	0.00%	0.00%



Notes:

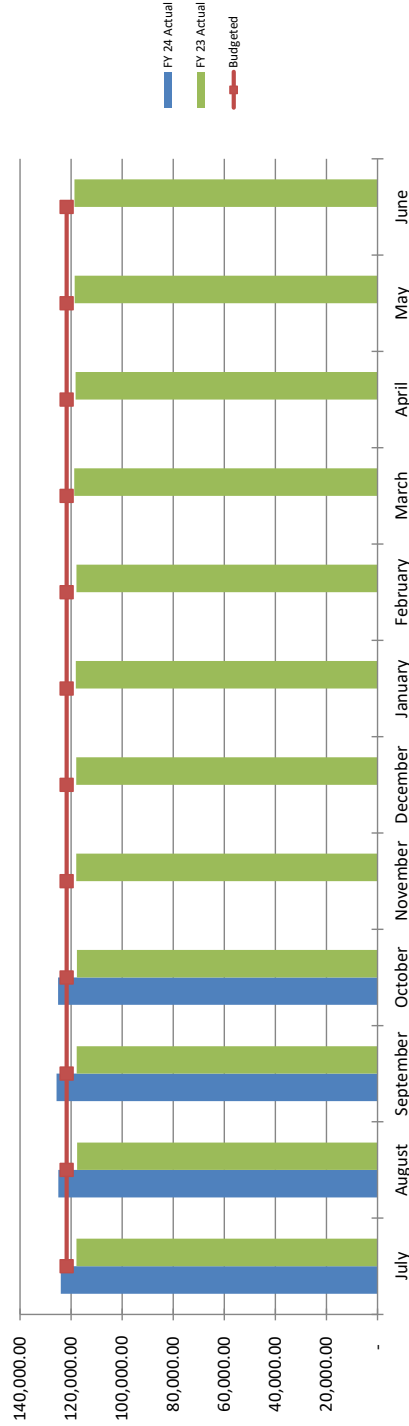
Effective July 2014, utility franchise tax was eliminated on sales of electricity and piped natural gas. A "hold harmless" provision will keep local distribution levels at the amounts received during the 2013-14 Fiscal Year.

City of Shelby
Solid Waste Fees
FY 2024

	July	August	September	October	November	December	January	February	March	April	May	June	Totals
Budget	121,750.00	121,750.00	121,750.00	121,750.00	121,750.00	121,750.00	121,750.00	121,750.00	121,750.00	121,750.00	121,750.00	121,750.00	1,461,000.00
FY 2023	117,913.85	117,612.75	117,828.07	117,733.50	118,009.65	117,968.28	118,156.30	117,897.94	118,773.55	118,224.04	118,590.37	118,670.51	1,417,378.81
FY 2024	124,060.37	124,970.54	125,700.19	125,132.33									499,863.43
% of Budget	8.49%	8.55%	8.60%	8.56%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	34.21%
Variance	2,310.37	3,220.54	3,950.19	3,382.33	(121,750.00)	(121,750.00)	(121,750.00)	(121,750.00)	(121,750.00)	(121,750.00)	(121,750.00)	(121,750.00)	(961,136.57)

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

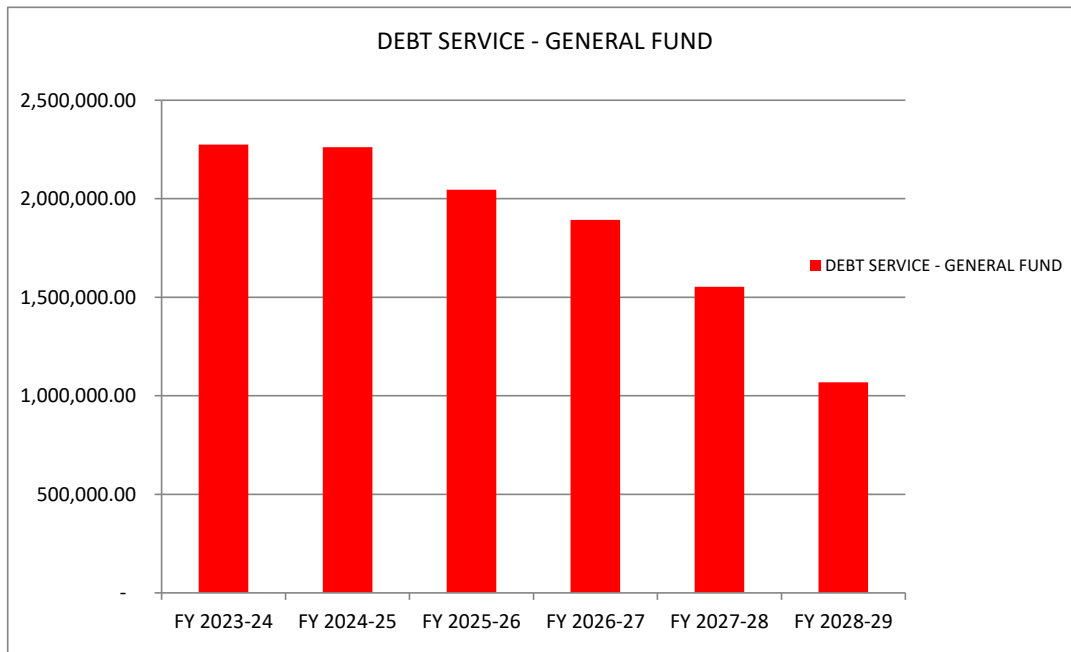
Soldid Waste Fees Budgeted and Collected



DEBT SERVICE - GENERAL FUND

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

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



City of Shelby
 For FY24 - October 2023 (33.33% of Fiscal Year)
 General Fund Expenditures by Division

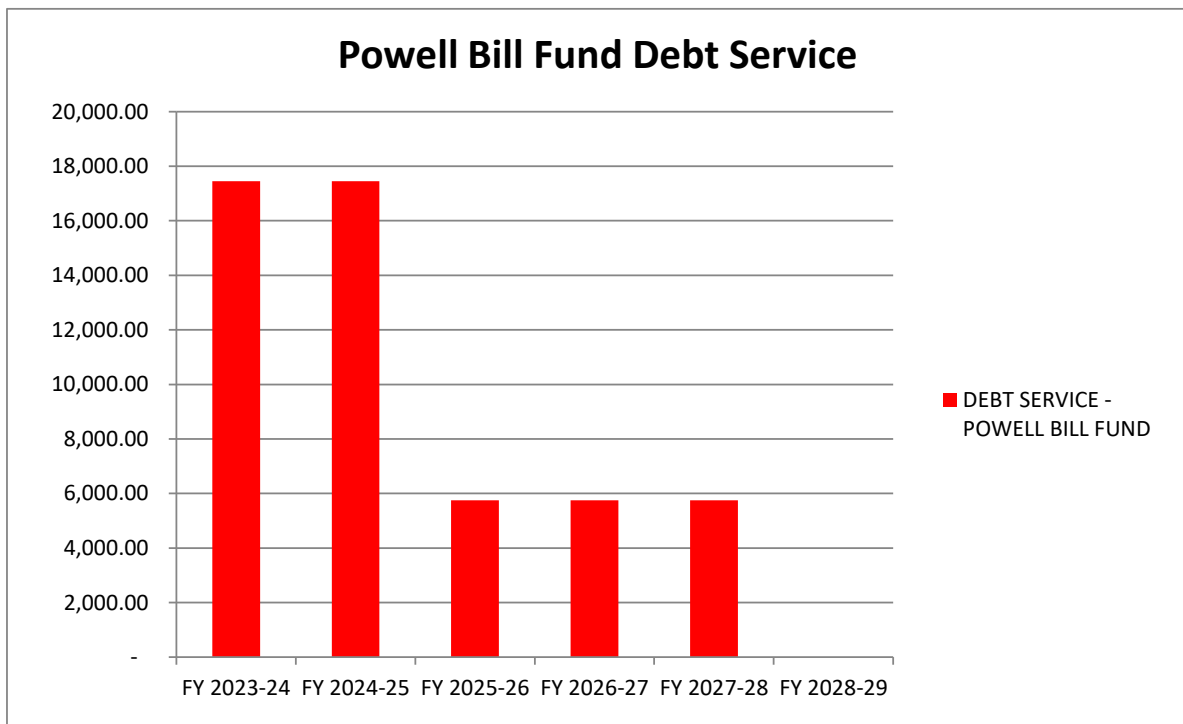
<u>ACCOUNT DESCRIPTION</u>	<u>ORIGINAL APPROP</u>	<u>REVISED BUDGET</u>	<u>YTD ACTUAL</u>	<u>ENCUMB</u>	<u>AVAIL BUDGET</u>	<u>% USED</u>
Total 110411 GOVERNING BOARD	81,200	81,737	34,030.98	536.94	47,169	42.30 %
Total 110412 ADMINISTRATION	793,199	794,199	170,360.05	1,000.00	622,839	21.60 %
Total 110413 FINANCE	838,107	838,107	391,184.71	0.00	446,922	46.70 %
Total 110414 PURCHASING	124,387	124,387	20,421.19	10,100.00	93,866	24.50 %
Total 110416 HUMAN RESOURCES	466,973	466,973	131,345.21	0.00	335,628	28.10 %
Total 110419 CUSTOMER SERVICE	83,044	98,572	41,229.66	8,440.00	48,902	50.40 %
Total 110420 INFORMATION SERVICES	516,007	532,153	207,959.76	40,167.21	284,026	46.60 %
Total 110421 METER SERVICE	921	56,487	-15,168.09	56,020.00	15,635	72.30 %
Total 110425 GARAGE	924,726	924,726	288,211.15	36,599.99	599,915	35.10 %
Total 110427 CITY HALL	113,000	117,200	47,354.65	0.00	69,845	40.40 %
Total 110431 POLICE	9,103,400	9,393,829	2,949,552.31	129,548.74	6,314,728	32.80 %
Total 110433 COMMUNICATION	964,800	964,800	242,800.63	0.00	721,999	25.20 %
Total 110434 FIRE	7,563,440	5,649,246	2,043,783.43	103,300.06	3,502,163	38.00 %
Total 110435 BUILDING INSPECTIONS	543,850	543,850	204,259.96	0.00	339,590	37.60 %
Total 110451 STREETS	1,447,150	1,468,025	403,645.04	8,248.99	1,056,131	28.10 %
Total 110453 AIRPORT	517,225	517,225	198,737.27	5,983.25	312,504	39.60 %
Total 110471 SOLID WASTE	2,232,160	2,425,651	761,995.41	323,960.98	1,339,695	44.80 %
Total 110491 GIS	127,089	127,089	48,100.23	600.00	78,389	38.30 %
Total 110493 PLANNING SERVICES	629,050	683,707	243,161.28	17,156.55	423,389	38.10 %
Total 110495 SPECIAL APPROPRIATIONS	3,725,800	4,025,319	563,317.28	0.00	3,462,002	14.00 %
Total 110612 PARKS & RECREATION	2,185,025	2,256,082	847,456.06	4,220.00	1,404,406	37.80 %
Total 110613 MAINTENANCE GROUNDS &	1,784,200	1,855,339	485,351.69	64,897.40	1,305,090	29.70 %
Total 110 GENERAL FUND	34,764,753	33,944,701	10,309,089.86	810,780.11	22,824,831	32.80 %

City of Shelby
 Powell Bill Fund Debt Service
 Fiscal Year 2024

DEBT SERVICE - POWELL BILL FUND

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

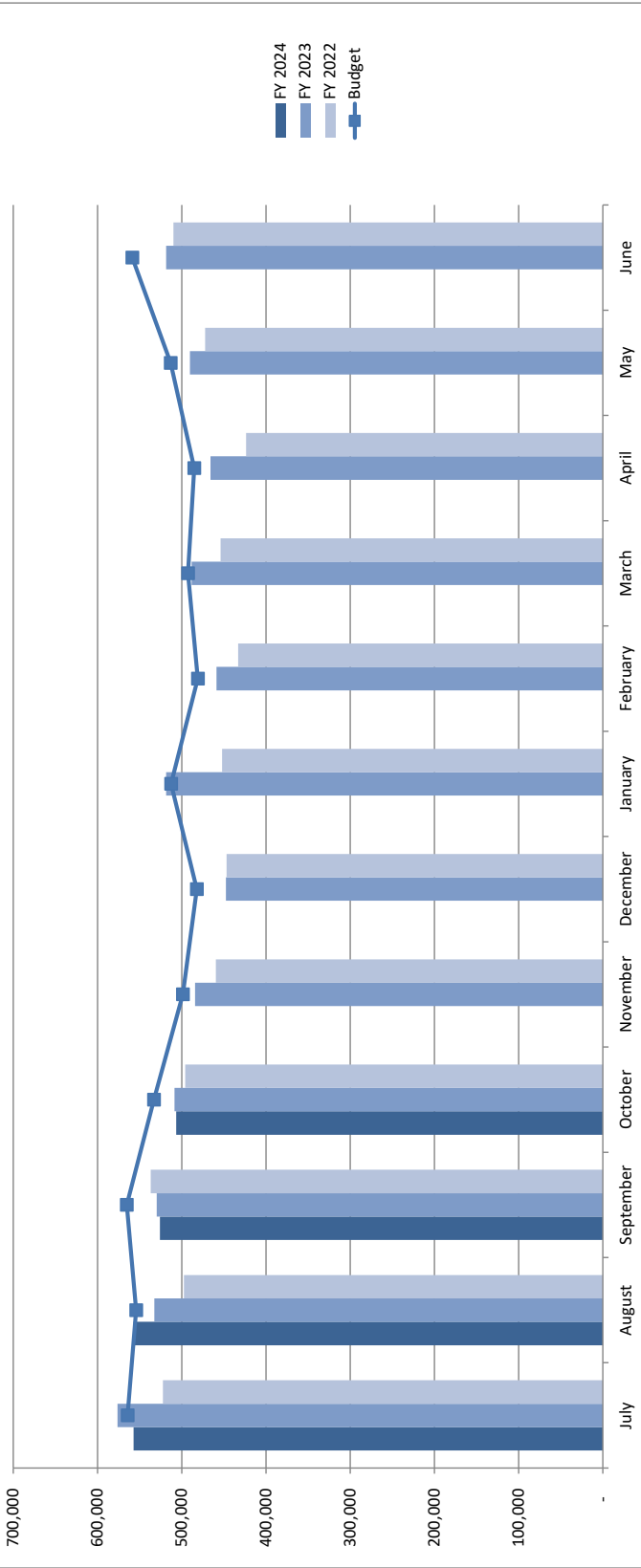
Installment Purchase Contracts are 59-month borrowings for purchase of items such as vehicles and capital equipment.



City of Shelby
Water Revenue Budget to Actual
FY 2024

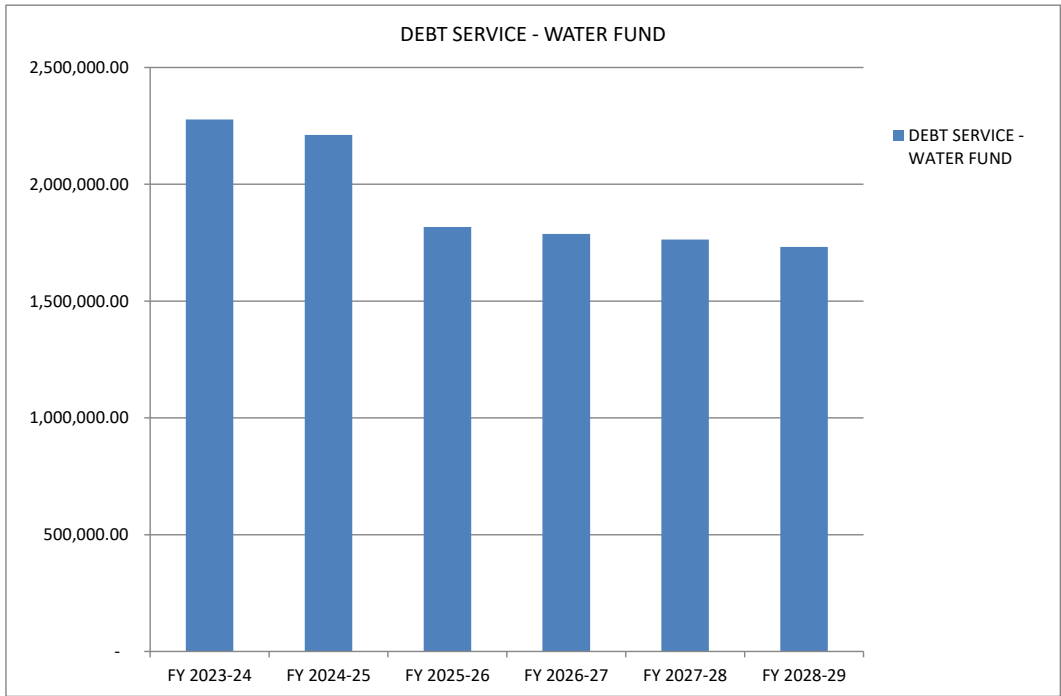
	July	August	September	October	November	December	January	February	March	April	May	June	Total
FY 2024 Budget													
Inside Water													
Useage	142,976	137,789	146,252	131,451	121,474	115,259	129,051	114,816	121,810	117,773	124,644	142,718	1,546,015
Dollars	502,957.37	489,948.04	502,991.50	474,886.45	446,554.24	429,674.28	458,920.10	427,215.95	442,656.03	433,077.07	454,475.65	497,967.23	5,561,323.91
Outside Water													
Useage	14,993	15,882	15,391	14,046	12,213	12,317	12,360	12,797	11,486	12,263	14,146	14,898	162,792
Dollars	61,370.21	64,049.81	62,203.41	58,057.27	52,049.02	52,397.84	53,641.82	53,735.83	49,806.90	52,038.62	58,623.69	60,701.67	678,676.09
Totals													
Useage	157,969	153,671	161,643	145,497	133,687	127,577	141,411	127,613	133,296	130,036	138,790	157,616	1,708,807
Dollars	564,327.57	553,997.85	565,194.91	532,943.72	498,603.26	482,072.12	512,561.92	480,951.78	492,462.93	485,115.69	513,099.35	558,668.90	6,240,000.00
FY 2024 Actual													
Inside Water													
Useage	141,317	139,654	126,617	119,697	-	-	-	-	-	-	-	-	527,285
Dollars	495,811	493,700	463,854	447,994	-	-	-	-	-	-	-	-	1,901,359.58
Outside Water													
Useage	15,021	15,899	15,309	14,281	-	-	-	-	-	-	-	-	60,510
Dollars	61,249	63,405	61,988	58,499	-	-	-	-	-	-	-	-	245,139
Totals													
Useage	156,338	155,553	141,926	133,978	-	-	-	-	-	-	-	-	587,795
Dollars	557,060	557,105	525,841	506,492	-	-	-	-	-	-	-	-	2,146,499.04
Variance													
Inside Water													
Useage	(1,659)	1,865	(19,635)	(11,754)	(121,474)	(115,259)	(129,051)	(114,816)	(121,810)	(117,773)	(124,644)	(142,718)	(1,018,730)
Dollars	(7,146.10)	3,752.39	(39,137.54)	(26,892.53)	(446,554.24)	(429,674.28)	(458,920.10)	(427,215.95)	(442,656.03)	(433,077.07)	(454,475.65)	(497,967.23)	(3,659,964.33)
Outside Water													
Useage	28	17	(82)	235	(12,213)	(12,317)	(12,360)	(12,797)	(11,486)	(12,263)	(14,146)	(14,898)	(102,282)
Dollars	(121.69)	(644.94)	(215.91)	441.30	(52,049.02)	(52,397.84)	(53,641.82)	(53,735.83)	(49,806.90)	(52,038.62)	(58,623.69)	(60,701.67)	(433,537)
Totals													
Useage	(1,631)	1,882	(19,717)	(11,519)	(133,687)	(127,577)	(141,411)	(127,613)	(133,296)	(130,036)	(138,790)	(157,616)	(1,121,012)
Dollars	(7,267.78)	3,107.45	(39,353.45)	(26,451.23)	(498,603.26)	(482,072.12)	(512,561.92)	(480,951.78)	(492,462.93)	(485,115.69)	(513,099.35)	(558,668.90)	(4,093,500.96)

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



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

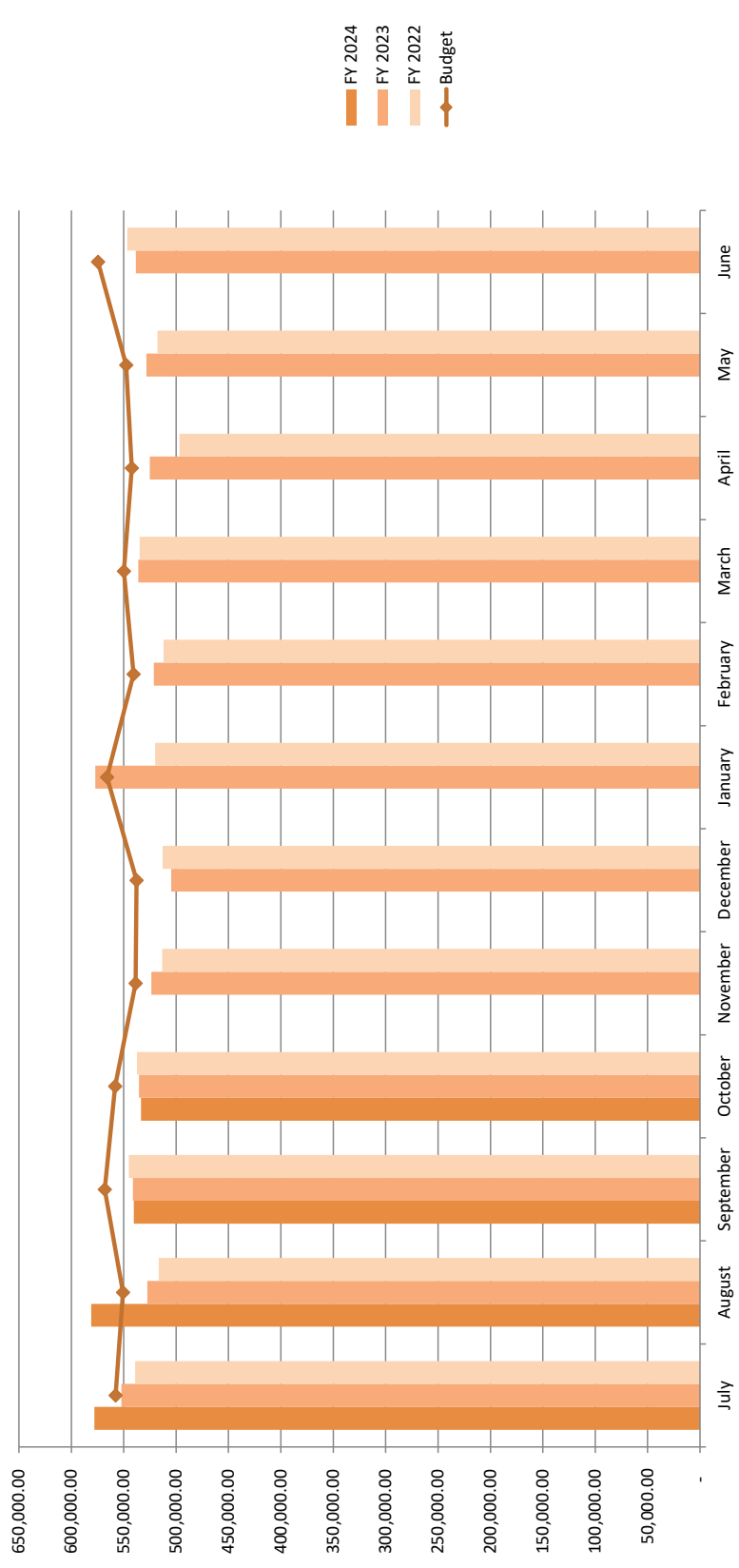
Installment Purchase Contracts are 59-month borrowings for purchase of items such as vehicles and capital equipment.



City of Shelby
Sewer Revenue Budget to Actual
FY 2024

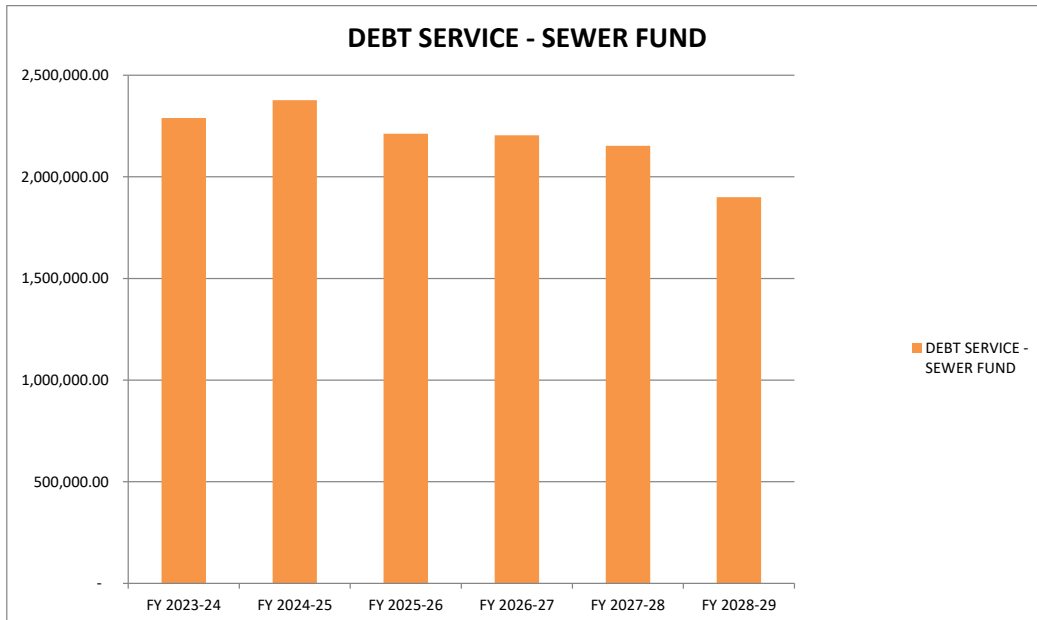
	July	August	September	October	November	December	January	February	March	April	May	June	Totals
FY 2024 Budget													
Inside Sewer													
Useage	74,985	73,529	53,846	72,732	69,675	68,967	76,473	69,621	72,374	68,969	70,110	77,240	848,522
Dollars	519,453.28	512,329.41	525,830.10	513,414.01	494,883.42	493,310.48	520,087.93	495,415.06	503,970.41	493,522.38	499,802.31	527,410.04	6,099,428.81
Outside Sewer													
Useage	2,711	2,672	3,205	3,524	3,405	3,525	3,652	3,563	3,662	3,648	3,527	3,406	40,500
Dollars	38,354.51	38,280.19	42,242.38	44,771.59	43,767.83	44,441.15	45,832.64	45,076.15	45,894.00	48,675.97	47,929.54	47,074.23	532,340.19
Totals													
Useage	77,696	76,201	57,051	76,257	73,080	72,492	80,125	73,184	76,036	72,617	73,637	80,646	889,022
Dollars	557,807.79	550,609.60	568,072.48	558,185.60	538,651.25	537,751.63	565,920.57	540,491.21	549,864.41	542,198.35	547,731.85	574,484.26	6,631,769.00
FY 2024 Actual													
Inside Sewer													
Useage	78,990	79,272	66,902	66,238	-	-	-	-	-	-	-	-	291,402
Dollars	531,231.82	535,281.67	487,364.47	482,675.17	-	-	-	-	-	-	-	-	2,036,553.13
Outside Sewer													
Useage	3,420	3,245	4,208	3,928	-	-	-	-	-	-	-	-	14,801
Dollars	46,729.65	45,780.22	52,939.43	50,727.60	-	-	-	-	-	-	-	-	196,176.90
Totals													
Useage	82,410	82,517	71,110	70,166	-	-	-	-	-	-	-	-	306,203
Dollars	577,961.47	581,061.89	540,303.90	533,402.77	-	-	-	-	-	-	-	-	2,232,730.03
Variance													
Inside Sewer													
Useage	4,005	5,743	13,056	(6,494)	(69,675)	(68,967)	(76,473)	(69,621)	(72,374)	(68,969)	(70,110)	(77,240)	(557,120.00)
Dollars	11,778.54	22,952.26	(38,465.63)	(30,738.84)	(494,883.42)	(493,310.48)	(520,087.93)	(495,415.06)	(503,970.41)	(493,522.38)	(499,802.31)	(527,410.04)	(4,062,875.68)
Outside Sewer													
Useage	709	573	1,003	404	(3,405)	(3,525)	(3,652)	(3,563)	(3,662)	(3,648)	(3,527)	(3,406)	(25,699.00)
Dollars	8,375.14	7,500.03	10,697.05	5,956.01	(43,767.83)	(44,441.15)	(45,832.64)	(45,076.15)	(45,894.00)	(48,675.97)	(47,929.54)	(47,074.23)	(336,163.29)
Totals													
Useage	4,714	6,316	14,059	(6,091)	(73,080)	(72,492)	(80,125)	(73,184)	(76,036)	(72,617)	(73,637)	(80,646)	(582,819.00)
Dollars	20,153.68	30,452.29	(27,768.58)	(24,782.83)	(538,651.25)	(537,751.63)	(565,920.57)	(540,491.21)	(549,864.41)	(542,198.35)	(547,731.85)	(574,484.26)	(4,399,038.97)

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



DEBT SERVICE - SEWER FUND	FY 2023-24	FY 2024-25	FY 2025-26	FY 2026-27	FY 2027-28	FY 2028-29
<u>Revenue Bonds</u>						
Series 2021 Refunding Revenue Bonds Debt Retired In 2031	442,773.79	442,017.77	289,821.66	288,125.74	287,842.46	97,832.70
NC DENR-DWI SRF Loan-Mall Lift Station Debt Retired in 2034	36,300.10	36,300.10	36,300.10	36,300.10	36,300.10	36,300.10
NC DENR-DWI SRF Loan-Outfall Project Debt Retired in 2035	156,521.90	156,521.90	156,521.90	156,521.90	156,521.90	156,521.90
NC DENR-DWI SRF Loan-WWTP Upgrades Debt Retired in 2036	469,832.90	469,832.90	469,832.90	469,832.90	469,832.90	469,832.90
NC DENR-DWI SRF Loan-Biosolids Debt Retired in 2041	967,046.85	967,046.85	967,046.85	967,046.85	967,046.85	967,046.85
<u>Installment Purchase</u>						
2010 - Loan from Natural Gas Fund Debt Retired in 2064	10,000.00	100,000.00	100,000.00	100,000.00	100,000.00	100,000.00
2019 Uptown Infrastructure - Loan from Electric Fund Debt Retired in 2038	72,750.00	72,750.00	72,750.00	72,750.00	72,750.00	72,750.00
FY 19 Installment Purchase Debt Retired In 2024	1,408.74	-	-	-	-	-
FY 20 Installment Purchase Debt Retired In 2025	12,525.50	12,525.50	-	-	-	-
FY 21 Installment Purchase Debt Retired In 2026	6,215.00	6,215.00	6,215.00	-	-	-
FY 22 Installment Purchase Debt Retired In 2027	50,928.61	50,928.61	50,928.61	50,928.61	-	-
FY 23 Installment Purchase Debt Retired in 2028	62,697.37	62,697.37	62,697.37	62,697.37	62,697.37	-
Total Debt Service - Sewer Fund	2,289,000.75	2,376,836.00	2,212,114.39	2,204,203.47	2,152,991.58	1,900,284.45

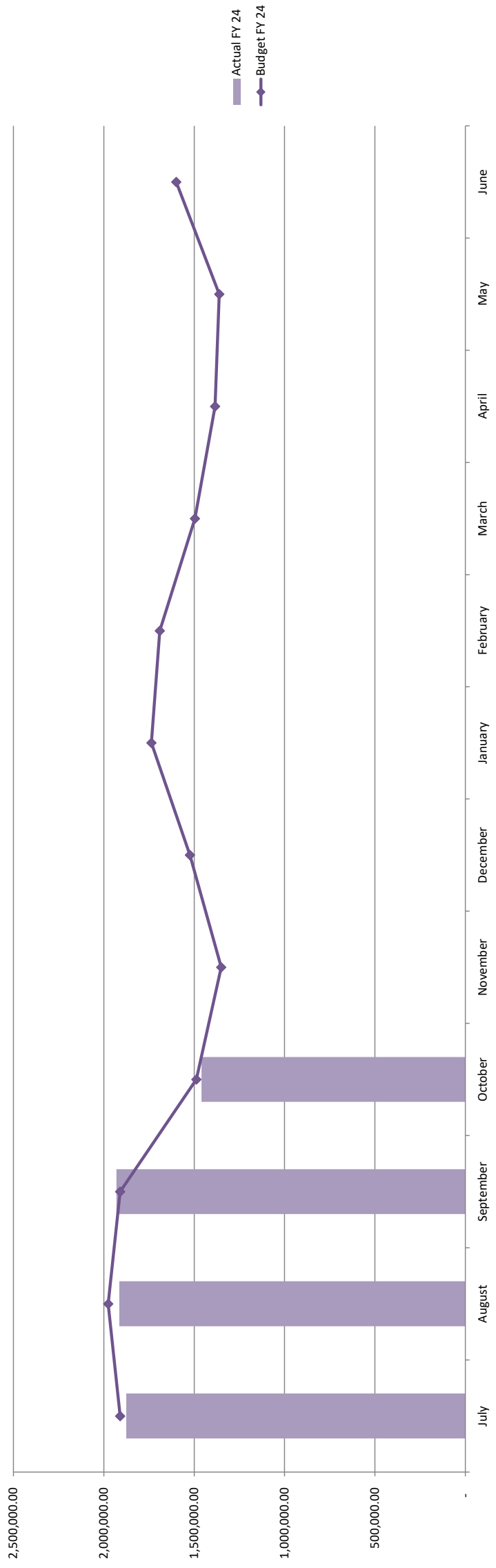
Installment Purchase Contracts are 59-month borrowings for purchase of items such as vehicles and capital equipment.



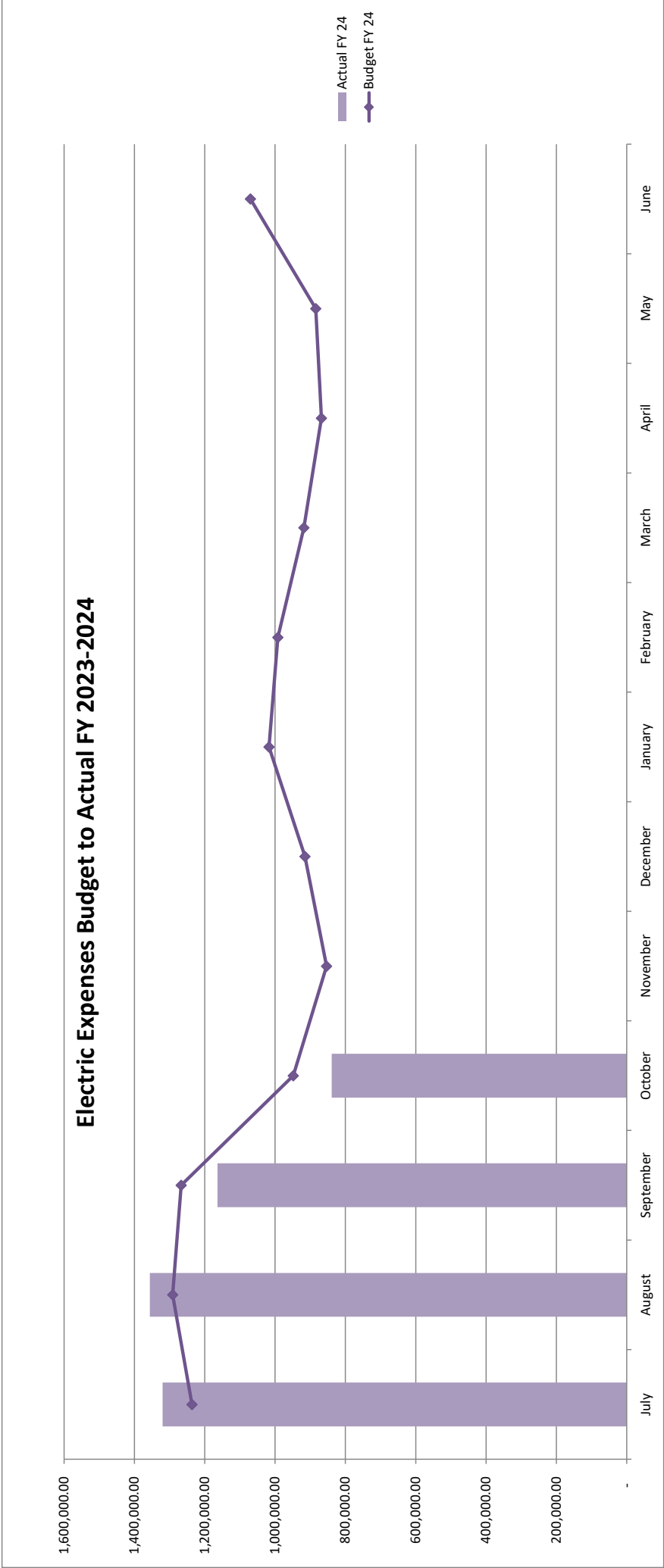
City of Shelby
Electric Revenues Budget to Actual
FY 2024

Revenues Budget FY 24	July	August	September	October	November	December	January	February	March	April	May	June	Totals
Residential	829,227.70	866,313.51	791,706.78	569,923.67	552,629.57	719,791.80	876,304.88	855,655.09	682,324.61	583,065.41	544,188.82	669,742.72	8,540,874.57
Commercial/Industrial	1,080,230.90	1,109,615.15	1,118,103.43	917,680.91	797,858.83	804,318.62	860,318.30	834,580.37	813,338.81	801,817.48	816,822.53	929,440.11	10,884,125.43
Totals	1,909,458.60	1,975,928.66	1,909,810.20	1,487,604.58	1,350,488.40	1,524,110.43	1,736,623.17	1,690,235.46	1,495,663.42	1,384,882.90	1,361,011.35	1,599,182.84	19,425,000.00
Actual FY 24	July	August	September	October	November	December	January	February	March	April	May	June	Totals
Residential	803,530.65	806,904.38	811,337.27	549,097.02									2,970,869.32
Commercial/Industrial	1,072,635.83	1,107,224.95	1,118,573.61	910,711.14									4,209,145.53
Totals	1,876,166.48	1,914,129.33	1,929,910.88	1,459,808.16	-	-	-	-	-	-	-	-	7,180,014.85
Revenue Variance	July	August	September	October	November	December	January	February	March	April	May	June	Totals
Residential	(25,697.05)	(59,409.13)	19,630.49	(20,826.65)	(552,629.57)	(719,791.80)	(876,304.88)	(855,655.09)	(682,324.61)	(583,065.41)	(544,188.82)	(669,742.72)	(5,570,005.25)
Commercial/Industrial	(7,595.07)	(2,390.20)	470.18	(6,969.77)	(797,858.83)	(804,318.62)	(860,318.30)	(834,580.37)	(813,338.81)	(801,817.48)	(816,822.53)	(929,440.11)	(6,674,979.90)
Totals	(33,292.12)	(61,799.33)	20,100.68	(27,796.47)	(1,350,488.40)	(1,524,110.43)	(1,736,623.17)	(1,690,235.46)	(1,495,663.42)	(1,384,882.90)	(1,361,011.35)	(1,599,182.84)	(12,244,985.15)

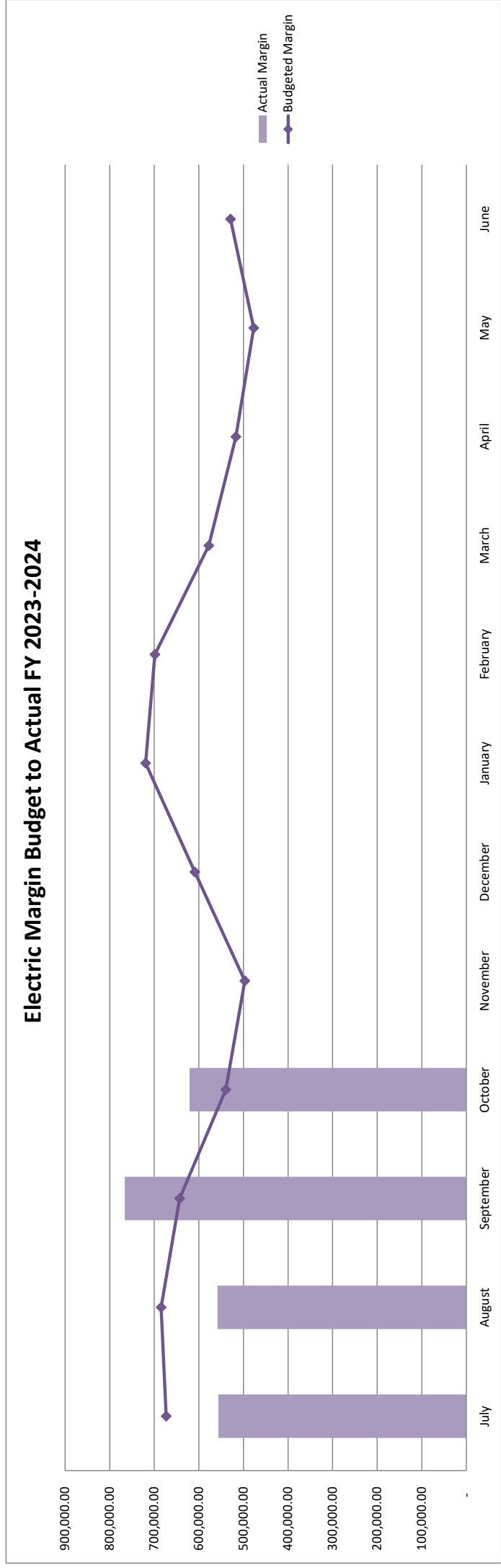
Electric Revenues Budget to Actual FY 2023-2024



Expenses													
Budget FY 24													
	July	August	September	October	November	December	January	February	March	April	May	June	Totals
NCMPA1	1,191,139.10	1,245,505.88	1,224,200.69	915,026.39	821,469.73	881,011.79	982,318.56	955,439.13	884,629.07	836,167.62	852,299.22	1,031,347.81	11,820,555.00
SEPA	45,008.68	45,752.43	42,651.96	33,111.34	32,101.77	33,961.59	34,856.92	36,394.40	33,458.70	31,998.50	31,796.70	38,907.01	440,000.00
Totals	1,236,147.78	1,291,258.31	1,266,852.65	948,137.73	853,571.50	914,973.38	1,017,175.48	991,833.53	918,087.78	868,166.12	884,095.92	1,070,254.81	12,260,555.00
Actual FY 24													
NCMPA1	1,285,497.02	1,319,307.36	1,127,638.57	801,495.69									4,533,938.64
SEPA	34,382.93	36,781.34	35,996.68	37,613.09									144,774.04
Totals	1,319,879.95	1,356,088.70	1,163,635.25	839,108.78	-	-	-	-	-	-	-	-	4,678,712.68
Expense Variance													
NCMPA1	(94,357.92)	(73,801.48)	96,562.12	113,530.70	821,469.73	881,011.79	982,318.56	955,439.13	884,629.07	836,167.62	852,299.22	1,031,347.81	7,286,616.36
SEPA	10,625.75	8,971.09	6,655.28	(4,501.75)	32,101.77	33,961.59	34,856.92	36,394.40	33,458.70	31,998.50	31,796.70	38,907.01	295,225.96
Totals	(83,732.17)	(64,830.39)	103,217.40	109,028.95	853,571.50	914,973.38	1,017,175.48	991,833.53	918,087.78	868,166.12	884,095.92	1,070,254.81	7,581,842.32



Margin	July	August	September	October	November	December	January	February	March	April	May	June	Totals
Budgeted Revenues	1,909,458.60	1,975,928.66	1,909,810.20	1,487,604.58	1,350,488.40	1,524,110.43	1,736,623.17	1,690,235.46	1,495,663.42	1,384,882.90	1,361,011.35	1,599,182.84	19,425,000.00
Budgeted Expenses	(1,236,147.78)	(1,291,258.31)	(1,266,852.65)	(948,137.73)	(853,571.50)	(914,973.38)	(1,017,175.48)	(991,833.53)	(918,087.78)	(868,166.12)	(884,095.92)	(1,070,254.81)	(12,260,555.00)
Budgeted Margin	673,310.82	684,670.34	642,957.56	539,466.85	496,916.90	609,137.05	719,447.69	698,401.93	577,575.64	516,716.78	476,915.43	528,928.02	7,164,445.00
Actual Revenues	1,876,166.48	1,914,129.33	1,929,910.88	1,459,808.16	-	-	-	-	-	-	-	-	7,180,014.85
Actual Expenses	(1,319,879.95)	(1,356,088.70)	(1,163,635.25)	(839,108.78)	-	-	-	-	-	-	-	-	(4,678,712.68)
Actual Margin	556,286.53	558,040.63	766,275.63	620,699.38	-	-	-	-	-	-	-	-	2,501,302.17
Margin Variance	(117,024.29)	(126,629.71)	123,318.07	81,232.53	(496,916.90)	(609,137.05)	(719,447.69)	(698,401.93)	(577,575.64)	(516,716.78)	(476,915.43)	(528,928.02)	(4,663,142.83)



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

Revenue Bonds

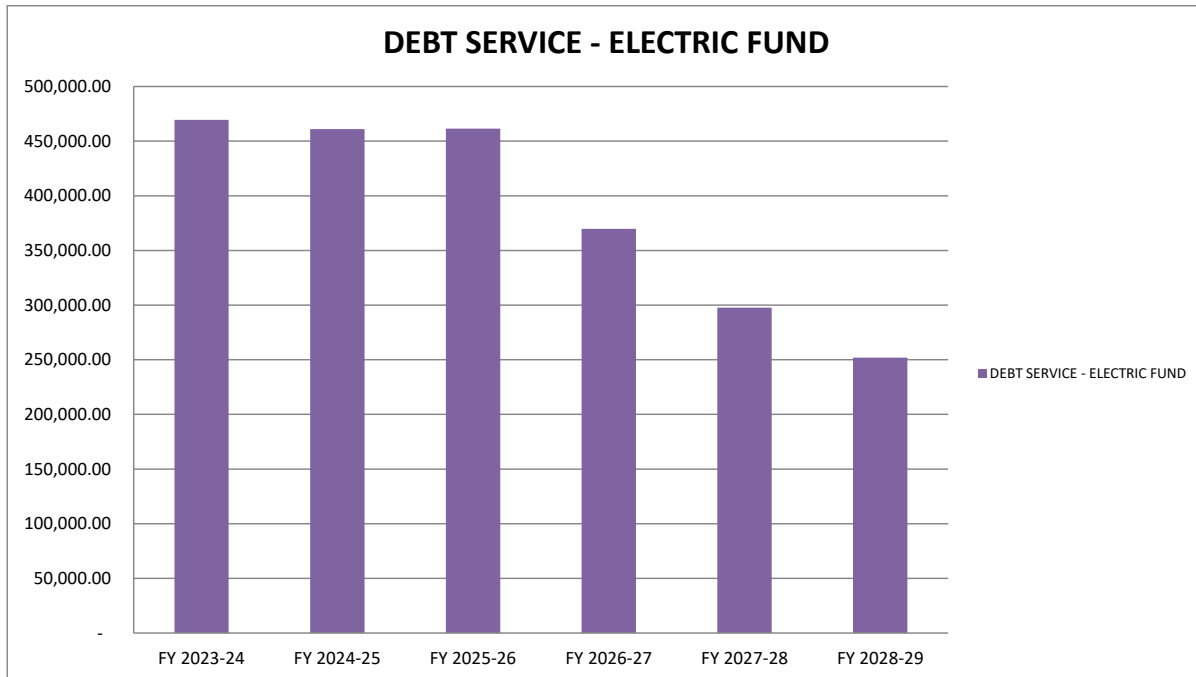
Series 2021 Refunding Revenue Bonds

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

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

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



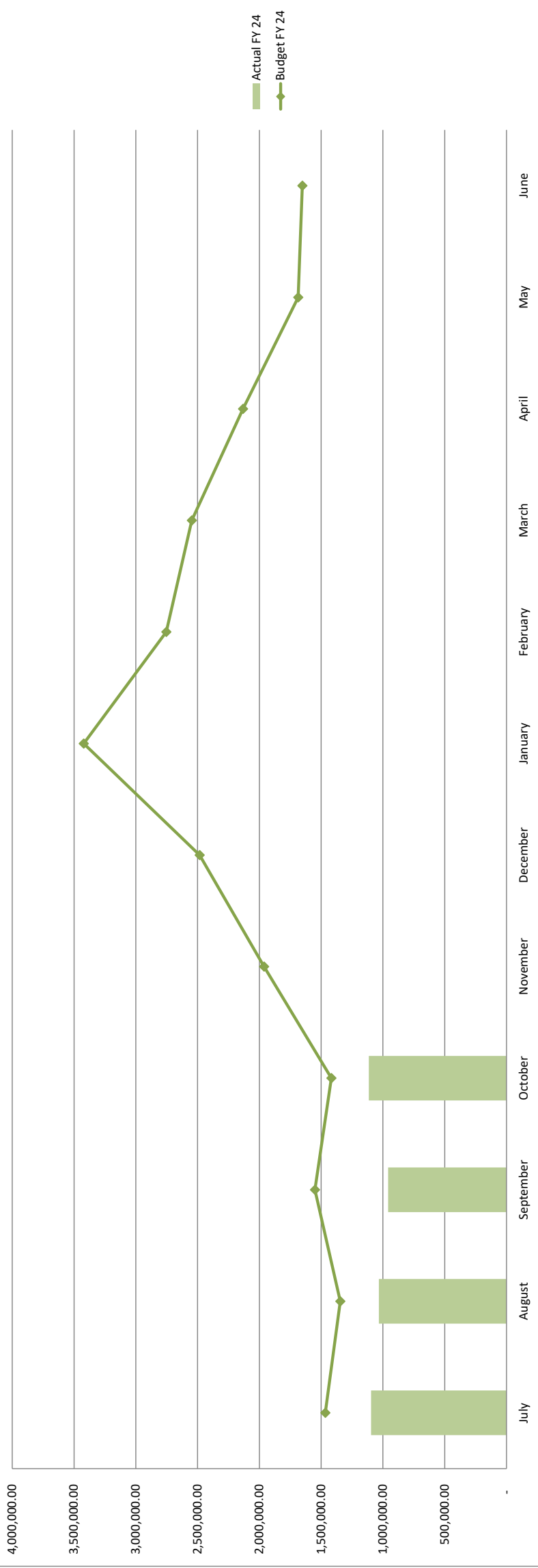
City of Shelby
Gas Revenues Budget to Actual
FY 2024

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

Actual FY 24	July	August	September	October	November	December	January	February	March	April	May	June	Totals
Residential	129,689.00	123,830.82	114,888.37	138,732.48									507,140.67
Commercial	152,810.73	153,701.31	162,129.03	239,213.63									707,854.70
High Load Factor	17,530.83	18,138.51	17,539.21	15,615.95									68,824.50
Interruptibles	58,154.26	51,703.03	63,740.28	56,384.94									229,982.51
Special lnd Class	738,224.05	685,662.08	599,858.73	664,076.32									2,687,821.18
Totals	1,096,408.87	1,033,035.75	958,155.62	1,114,023.32	-	-	-	-	-	-	-	-	4,201,623.56

Revenue Variance	July	August	September	October	November	December	January	February	March	April	May	June	Totals
Residential	(16,762.99)	(18,646.64)	(30,023.30)	(16,325.33)	(293,884.14)	(700,054.66)	(945,769.94)	(761,897.08)	(602,242.21)	(439,213.97)	(220,217.83)	(167,855.56)	(4,212,893.64)
Commercial	(38,098.80)	(53,634.43)	(64,435.90)	3,022.90	(336,570.64)	(678,053.30)	(979,637.61)	(784,787.99)	(632,262.25)	(507,170.99)	(241,031.27)	(213,783.10)	(4,526,443.37)
High Load Factor	(11,310.73)	(5,332.38)	(409.14)	1,283.16	(60,413.53)	(67,594.53)	(70,645.11)	(77,441.29)	(68,350.67)	(72,903.25)	(68,661.43)	(68,634.66)	(570,413.59)
Interruptibles	(30,038.06)	(37,292.26)	(21,031.27)	(25,979.45)	(106,639.37)	(91,769.73)	(87,767.26)	(125,595.98)	(86,416.49)	(89,767.36)	(83,908.70)	(89,344.14)	(875,550.07)
Special lnd Class	(274,066.81)	(197,168.61)	(476,221.83)	(265,914.62)	(1,164,274.58)	(945,984.77)	(1,337,610.23)	(1,003,075.69)	(1,156,949.41)	(1,023,670.57)	(1,072,247.56)	(1,112,853.09)	(10,030,037.77)
Totals	(370,277.40)	(312,074.32)	(592,121.44)	(303,913.34)	(1,961,782.26)	(2,483,456.98)	(3,421,430.15)	(2,752,798.02)	(2,546,221.04)	(2,132,726.13)	(1,686,066.79)	(1,652,470.55)	(20,215,338.44)

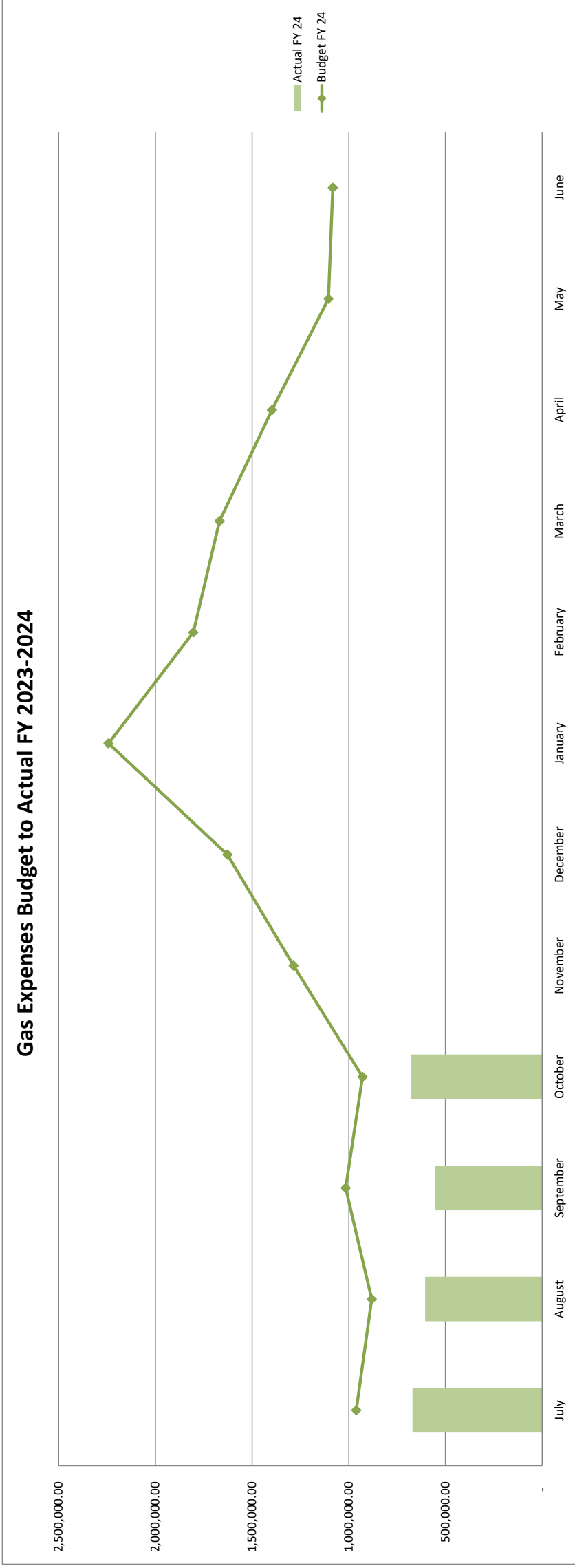
Gas Revenues Budget to Actual FY 2023-2024



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

Actual FY 24 670,914.51 605,246.61 552,368.38 676,065.61 2,504,595.11

Expense Variance	July	August	September	October	November	December	January	February	March	April	May	June	Totals
	290,178.86	276,180.04	463,500.55	253,083.01	1,285,520.95	1,627,365.10	2,242,002.20	1,803,859.48	1,668,493.26	1,397,537.42	1,104,849.52	1,082,834.50	13,495,404.89



Margin	July	August	September	October	November	December	January	February	March	April	May	June	Totals
Budgeted Revenues	1,466,686.27	1,345,110.07	1,550,277.06	1,417,936.66	1,961,782.26	2,483,456.98	3,421,430.15	2,752,798.02	2,546,221.04	2,132,726.13	1,686,066.79	1,652,470.55	24,416,962.00
Budgeted Expenses	961,093.37	881,426.65	1,015,868.93	929,148.62	1,285,520.95	1,627,365.10	2,242,002.20	1,803,859.48	1,668,493.26	1,397,537.42	1,104,849.52	1,082,834.50	16,000,000.00
Budgeted Margin	505,592.90	463,683.42	534,408.14	488,788.04	676,261.31	856,091.89	1,179,427.96	948,938.54	877,727.78	735,188.71	581,217.28	569,636.05	8,416,962.00
Actual Revenues	1,096,408.87	1,033,035.75	958,155.62	1,114,023.32	-	-	-	-	-	-	-	-	4,201,623.56
Actual Expenses	670,914.51	605,246.61	552,368.38	676,065.61	-	-	-	-	-	-	-	-	2,504,595.11
Actual Margin	425,494.36	427,789.14	405,787.24	437,957.71	-	-	-	-	-	-	-	-	1,697,028.45
Margin Variance	(80,098.54)	(35,894.28)	(128,620.90)	(50,830.33)	(676,261.31)	(856,091.89)	(1,179,427.96)	(948,938.54)	(877,727.78)	(735,188.71)	(581,217.28)	(569,636.05)	(6,719,933.55)

Gas Margin Budget to Actual FY 2023-2024



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

Revenue Bonds

Series 2021 Refunding Revenue Bonds

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

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

7,621.62

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

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

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

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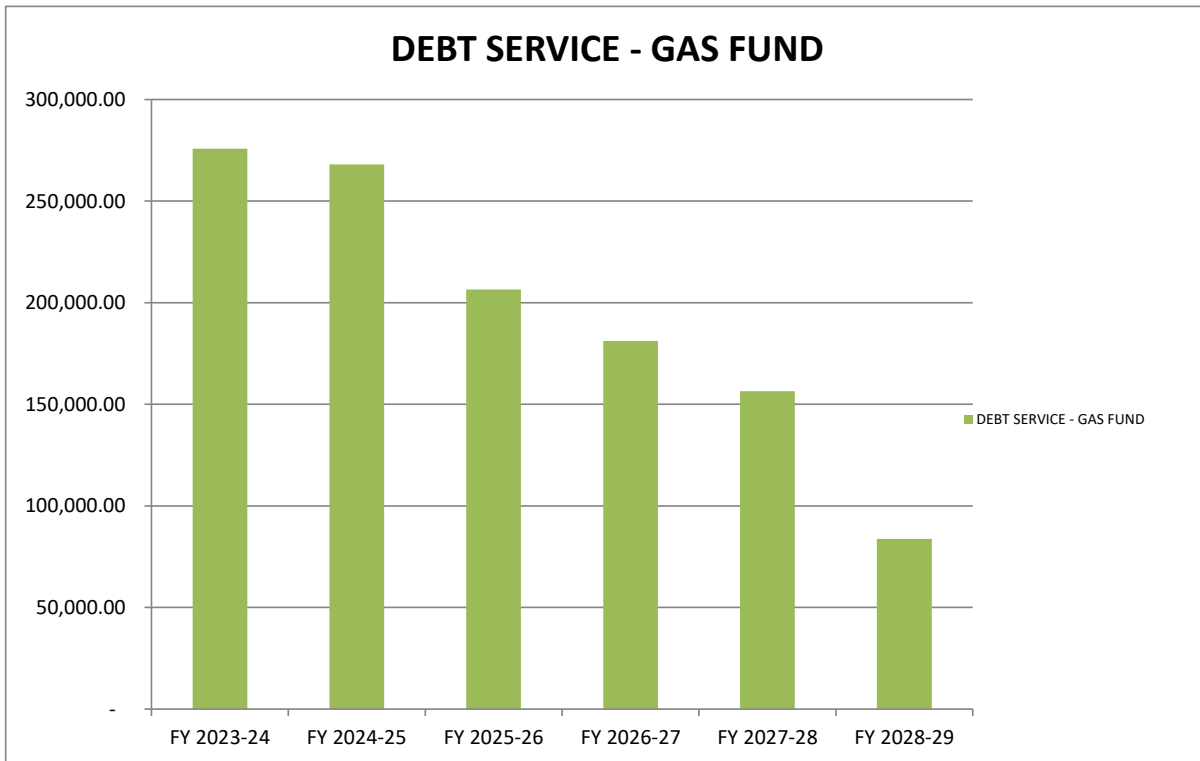
**FY 23 Installment Purchase
Debt Retired In 2028**

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

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



City of Shelby
 For FY24 - October 2023 (33.33% of Fiscal Year)
 Enterprise Funds Expenditures by Division

ACCOUNT DESCRIPTION	ORIGINAL APPROP	REVISED BUDGET	YTD ACTUAL	ENCUMB	AVAILABLE BUDGET	% USED
Total 610711 WATER ADMINISTRATION	3,376,526	3,390,460	459,941.04	12,809.25	2,917,710	13.90 %
Total 610713 WATER LINES OPERATIONS	937,390	996,302	360,410.22	13,664.36	622,228	37.50 %
Total 610714 WATER PLANT OPERATIONS	2,342,416	2,412,031	774,828.82	224,240.56	1,412,961	41.40 %
Total 610 WATER FUND	6,656,332	6,798,793	1,595,180.08	250,714.17	4,952,899	27.20 %
Total 620721 SEWER ADMINISTRATION	3,121,474	3,134,833	315,475.56	13,359.25	2,805,998	10.50 %
Total 620723 SEWER LINES OPERATIONS	1,108,930	1,270,864	325,128.23	118,295.88	827,440	34.90 %
Total 620724 SEWER PLANT OPERATIONS	2,758,365	2,852,023	870,077.32	394,047.95	1,587,898	44.30 %
Total 620 SEWER FUND	6,988,769	7,257,720	1,510,681.11	525,703.08	5,221,336	28.10 %
Total 630731 ELECTRIC ADMINISTRATION	3,918,825	6,260,639	3,045,484.01	82,107.97	3,133,047	50.00 %
Total 630732 ELECTRIC PURCHASE	13,760,555	13,760,555	5,110,879.00	0.00	8,649,676	37.10 %
Total 630733 ELECTRIC LINES	3,582,620	4,894,465	1,505,520.74	1,598,219.45	1,790,725	63.40 %
Total 630 ELECTRIC FUND	21,262,000	24,915,660	9,661,883.75	1,680,327.42	13,573,449	45.50 %
Total 640741 NATURAL GAS ADMINISTRATION	5,135,252	5,349,427	1,525,923.01	19,063.50	3,804,440	28.90 %
Total 640742 NATURAL GAS PURCHASE	17,010,000	17,010,000	1,934,495.67	0.00	15,075,504	11.40 %
Total 640743 NATURAL GAS LINES	2,999,210	3,199,867	888,337.93	163,521.06	2,148,008	32.90 %
Total 640 NATURAL GAS FUND	25,144,462	25,559,294	4,348,756.61	182,584.56	21,027,953	17.70 %
Total 650751 STORMWATER ADMINISTRATION	919,527	1,270,046	355,337.23	226,900.28	687,809	45.80 %
Total 650 STORMWATER FUND	919,527	1,270,046	355,337.23	226,900.28	687,809	45.80 %

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

Month	Average Rain*	Actual Rain	Variance	Average CDD**	Actual CDD	Variance	Average HDD**	Actual HDD	Variance
July	4.30	5.10	0.80	388	484	96	0	0	0
August	4.40	4.70	0.30	563	436	-127	0	0	0
September	3.80	0.09	(3.71)	256	258	2	5	3	-2
October	3.80	0.70	(3.10)	109	64	-45	129	148	19
November	3.40	0.00	(3.40)	0	0	0	460	0	-460
December	4.00	0.00	(4.00)	1	0	-1	564	0	-564
January	3.90	0.00	(3.90)	0	0	0	810	0	-810
February	3.90	0.00	(3.90)	0	0	0	586	0	-586
March	4.70	0.00	(4.70)	24	0	-24	464	0	-464
April	3.30	0.00	(3.30)	23	0	-23	223	0	-223
May	4.40	0.00	(4.40)	116	0	-116	51	0	-51
June	4.30	0.00	(4.30)	337	0	-337	0	0	0
Totals	48.20	10.59	(37.61)	1,817	1,242	(575)	3,292	151	(3,141)

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

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

* Source www.weather.com

** Source www.climate.fizber.com

City of Shelby
Agenda Item Summary
December 4, 2023
City Hall Council Chamber

Agenda Item: F-6

- 6) Approval of Notice of Cancellation in the Regular Meeting Schedule of Shelby City Council

Consent Agenda Item: (Carol Williams, City Clerk)

Summary of Available Information:

- Notice of Cancellation

City Manager's Recommendation / Comments

After reviewing with staff, the upcoming agenda schedule and any upcoming items requiring action by City Council it is my recommendation that the regular meeting slated for Monday, December 18, 2022, be cancelled via the Consent Agenda. In looking ahead, the regularly scheduled meetings in January 2024 fall on City holidays, so I've requested we move the January 1st meeting to January 8th, and the January 15th meeting be cancelled. If approved by City Council besides the rescheduled meeting for January 8th your next regularly scheduled meeting would be held on Monday, February 5, 2023.

Also please be reminded that City Council has scheduled its annual retreat and planning meeting for Saturday, January 27, 2024. Exact time and location to be determined with notification to Council and the public forthcoming.

**Notice of Cancellation
in the
Regular Meeting Schedule
of
Shelby City Council**

This notice is to inform the general public and the media and is conducted in accordance with the mandates of North Carolina General Statutes 160A-71 and 143-318.12 (a), that the regularly scheduled Shelby City Council meeting of

December 18, 2023 has been cancelled. The meeting of

January 1, 2024 has been cancelled in observance of the City's

New Year's Day holiday and rescheduled to January 8, 2024.

The regularly scheduled Shelby City Council meeting of January 15, 2024 has been cancelled in observance of the City's Martin Luther King Day holiday.

The regular meeting schedule, as adopted by the Council, remains in place for all other regular meetings of the Council and will resume:

Monday, February 5, 2024, at 6:00 p.m.
City Hall Council Chamber
300 South Washington Street
Shelby, North Carolina

Dated: December 4, 2023

O. Stanhope Anthony III
Mayor

City of Shelby
Agenda Item Summary
December 4, 2023
City Hall Council Chamber

G. Unfinished Business:

Agenda Item: G-1

- 1) Consideration of Council liaison appointments to City advisory boards

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

Summary of Available Information:

- To be presented to Council

City Manager's Recommendation / Comments

This time is scheduled on City Council agenda to allow the Mayor and Council to make liaison assignments to the City volunteer boards and commissions. You will recall that Council altered the traditional 2-year rotation that had been used since the inception of the liaison policy. The only action required is for Council to affirm the assignments provided by Carol Williams, City Clerk.

City of Shelby
Agenda Item Summary
December 4, 2023
City Hall Council Chamber

Agenda Item: H

New Business

None

Agenda Item: I

City Manager's Report

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

Agenda Item: J

Council Announcements and Remarks

K. Adjournment:

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

- 1) Motion to adjourn