

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

*Invocation*

*Pledge of Allegiance*

**A. Approval of Agenda**

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

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

**B. Public Comment:**

1

*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.*

**C. Public Hearings:**

- 1) Consideration of two resolutions regarding Laurel Hill Apartments: 2 - 11
  - a) Approval of a resolution approving financing team and making certain findings with respect to the issuance of Multifamily Housing Revenue Bonds for Laurel Hill Apartments: Resolution No. 36-2024
  - b) Approval of a resolution authorizing the issuance and sale of Multifamily Tax-Exempt Bonds (Fannie Mae MBS-Secured) (Laurel Hill Apartments), Series 2024: Resolution No. 37-2024
- 2) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina for parcels 30176, 30181, 30190, 30191: Ordinance No. 39-2024 12 - 26

- 3) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina for parcels 20448 and 20453: Ordinance No. 40-2024 27 - 40

**D. Consent Agenda:**

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

- 1) Approval of the Minutes of the Regular Meeting of May 6, 2024 41 - 49
- 2) Approval of Special Event applications: 50 - 58
  - a) First Friday at Greenbrook Design, requested date: June 7, 2024
- 3) Management Reports: 59 - 65
  - a) Planning Report – March/April 2024
  - b) Raper-Roark Report – April 2024

**E. Unfinished Business: 66**

None

**F. New Business:**

- 1) Consideration of appointments to City advisory boards and commissions: 67 - 84
  - a) Alcoholic Beverage Control Board

G. City Manager's Report 85

H. Council Announcements and Remarks 85

I. Adjournment: 85

*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  
May 20, 2024  
Don Gibson Theatre

**B. 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  
May 20, 2024  
Don Gibson Theatre

**C. Public Hearings:**

**Agenda Item: C-1**

- 1) Consideration of Resolutions regarding Laurel Hill Apartments:
  - a) Approval of a resolution approving financing team and making certain findings with respect to the issuance of Multifamily Housing Revenue Bonds for Laurel Hill Apartments: Resolution No. 36-2024
  - b) Approval of a resolution authorizing the issuance and sale of Multifamily Tax-Exempt Bonds (Fannie Mae MBS-Secured) (Laurel Hill Apartments), Series 2024: Resolution No. 37-2024

**Presenting: (Jason Lunsford, City Attorney)**

Summary of Available Information:

- Memorandum dated April 2, 2024, from Jason Lunsford, City Attorney to Rick Howell, City Manager
- Affidavit Publication
- Resolution 36-2024
- Resolution 37-2024

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**City Manager's Recommendation / Comments**

Resolution No. 36-2024 and Resolution No. 37-2024 are presented for City Council consideration under unfinished business. Council will recall that at your January 8, 2024 meeting you approved Resolution No. 8-2024 giving preliminary approval for the issuance of multifamily housing revenue bonds to finance the acquisition, rehabilitation and equipping of Laurel Hill Apartments. This resolution was the first step that would allow a private developer to participate with the City in tax exempt financing. The public purpose here is the provision of affordable housing for low to moderate income persons. Since that time the City Attorney has researched the process discussing past experiences of other City governments in North Carolina and also has worked closely with legal counsel for the developer.

He has brought these two resolutions before you for consideration which will allow this project to move forward. Mr. Lunsford will review them with you and answer any questions you may have at that time.

**It is my recommendation that Resolution No. 36-2024 and Resolution No. 37-2024 be adopted and approved at this time.**



PO Box 207 • Shelby, NC 28151-0207

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To: Rick Howell

From: Jason Lunsford, City Attorney

Date: April 2, 2024

RE: Laurel Hill Apartment Revenue Bonds

**INTRODUCTION:**

In late 2023 the City of Shelby was asked to utilize its powers as a housing authority under N.C. Gen. Stat. § 157-9 and act as a bond conduit for the issuance of revenue bonds that will be used by the developer in rehabilitating Laurel Hill Apartments in order to provide low and moderate income housing options within Shelby. In January of 2024, City Council approved a resolution giving preliminary approval to issue multifamily housing revenue bonds. Since January, the Developer, Standard Laurel Venture LP, is proceeding with plans and is seeking approval for issuance of the bonds in an amount not to exceed \$10,000,000.00. The City will have no financial responsibility in the issuance of the bonds and will simply act as a pass through in issuance of the bonds, which will assist the Developer in receiving the needed capital for renovations. Tonight's hearing is a public hearing, which is required under federal regulations and the Internal Revenue Code and the Tax Equity and Fiscal Responsibility Act known as a TEFRA Notice.

**NEXT STEPS:**

Following the public hearing on May 20, 2024, it is recommended that City Council approve a resolution entitled: RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF MULTIFAMILY TAX-EXEMPT BONDS (FANNIE MAE MBS-SECURED) (LAUREL HILL APARTMENTS), SERIES 2024 and RESOLUTION APPROVING FINANCING TEAM AND MAKING CERTAIN FINDINGS WITH RESPECT TO THE ISSUANCE OF MULTIFAMILY HOUSING REVENUE BONDS FOR LAUREL HILL APARTMENTS.

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Caitlin E. Beal  
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501 Fayetteville ST # 500  
Raleigh NC 27601-3071

STATE OF NORTH CAROLINA, COUNTY OF CLEVELAND

The Star, a newspaper printed and published in the city of Shelby, and of general circulation in the County of Cleveland, State of North Carolina, and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issue dated:

05/06/2024

and that the fees charged are legal.  
Sworn to and subscribed before on 05/06/2024

Legal Clerk

*Carol Williams*

*Keegan Moran*

Notary, State of WI, County of Brown

*2-14-28*

My commission expires

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**KEEGAN MORAN**  
Notary Public  
State of Wisconsin

### NOTICE OF PUBLIC HEARING ON PROPOSED MULTIFAMILY HOUSING REVENUE BONDS FINANCING BY THE CITY OF SHELBY

Notice is hereby given that the City Council of the City of Shelby, North Carolina (the "City") will hold a public hearing on its proposed plan to issue multi-family housing revenue bonds in an amount not to exceed \$10,000,000 (the "Bonds") for the financing of the acquisition, renovation and equipping by Standard Laurel Venture LP, a North Carolina limited partnership, or an affiliated or related entity (the "Company"), of a qualified residential rental project (as defined in Section 142(d) of the Internal Revenue Code of 1986, as amended) known as Laurel Hill Apartments (the "Development"). The Development consists of 100 units located in sixteen buildings and other related facilities at 1526 Eaves Road, Shelby, Cleveland County, North Carolina. The Development will be owned or operated by the Company.

The Bonds, when and if issued by the City, will be issued pursuant to Article 1 of Chapter 157 and Section 160D-1311(b) of the General Statutes of North Carolina and shall not be a debt of the State of North Carolina (the "State"), the City or any political subdivision thereof and none of the State, the City or any political subdivision thereof shall be liable thereon, nor in any event shall such Bonds be payable out of any funds or properties other than those of the City derived solely from payments made by the Company.

The public hearing, which may be continued or adjourned, will be held on May 20, 2024, at 6:00 p.m. (or as soon thereafter as the hearing is held) in the Don Gibson Theater, 318 South Washington Street, Shelby, North Carolina. Any person interested in the issuance of the Bonds or the Development may appear and be heard at the public hearing. Any person wishing to comment in writing on the Development or the issuance of the Bonds should do so, no later than May 20, 2024, by mailing such comments to the City Council of the City of Shelby, North Carolina, P.O. Box 207, Shelby, North Carolina 28151. Attention: City Clerk.

CITY COUNCIL OF THE CITY OF SHELBY  
By: Carol Williams, City Clerk  
5/6/2024

RESOLUTION NO. 36-2024

**RESOLUTION APPROVING FINANCING TEAM AND  
MAKING CERTAIN FINDINGS WITH RESPECT TO THE  
ISSUANCE OF MULTIFAMILY HOUSING REVENUE BONDS  
FOR LAUREL HILL APARTMENTS**

**WHEREAS**, Standard Laurel Venture LP, a North Carolina limited partnership, or an affiliated or related entity (the “Borrower”), has requested that the City of Shelby, North Carolina (the “City”) assist it in financing a portion of the cost of the acquisition, rehabilitation and equipping of a 100-unit multifamily residential rental facility known as Laurel Hill Apartments and located at 1526 Eaves Road in the City (the “Development”) and the City has agreed to do so; and

**WHEREAS**, pursuant to Section 160D-1311(b) of the General Statutes of North Carolina, the City is granted the power to exercise directly the powers of a housing authority organized pursuant to the North Carolina Housing Authorities Law, Article 1 of Chapter 157 of the General Statutes of North Carolina, as amended (the “Act”); and

**WHEREAS**, the City finds that the financing of the Development through tax-exempt bonds will fulfill the purpose of the Act to provide for the construction, reconstruction, improvement, alteration or repair of any housing project, which is defined in the statute to include “loans and other programs of financial assistance to public or private developers of housing for persons of low income, or moderate income, or low and moderate income;” and

**WHEREAS**, the City proposes to provide the financing for the Development by the issuance of its Multifamily Tax-Exempt Bonds (Fannie Mae MBS-Secured) (Laurel Hill Apartments), Series 2024 (the “Bonds”) in one or more series in an aggregate principal amount not to exceed \$10,000,000; and

**WHEREAS**, the North Carolina Local Government Commission has requested that the City make certain findings with respect to the Bonds consistent with Section 159-153 of the North Carolina General Statutes; and

**WHEREAS**, it is anticipated that the Bonds will be sold in a public offering; and

**WHEREAS**, the Borrower has requested that the City approve its selection of the following financing team members for the issuance and sale of the Bonds, on the terms and at the fees set forth in the documents and financial information relating to the financing, providing for the issuance and sale by the City of the Bonds and in the financial information provided to the City with respect to the Bonds:

Bond Counsel:	McGuireWoods LLP
Borrower	Standard Laurel Venture LP
Borrower’s Counsel:	Rutan & Tucker, LLP and Parker Poe Adams & Bernstein LLP
Trustee:	Regions Bank



Mortgage Lender:	Regions Bank
Lender's Counsel:	Troutman Pepper Hamilton Sanders, LLP
Fannie Mae's Counsel:	Arent Fox Schiff, LLP
Underwriter:	Stifel, Nicolaus & Company, Incorporated
Underwriter's Counsel:	Tiber Hudson, LLC
Tax Credit Investor:	Regions Affordable Housing, LLC
Tax Credit Investor's Counsel:	Kutak Rock LLP

**WHEREAS**, based upon information and evidence received by the City, it has determined to approve the Borrower's request;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHELBY, NORTH CAROLINA DOES HEREBY RESOLVE, AS FOLLOWS:**

1. The above financing team for the issuance and sale of the Bonds by the City is hereby authorized and approved.

2. The City hereby finds that the financing is necessary and expedient to further the City's purpose of promoting low and moderate income housing in the City of Shelby, North Carolina, and that the acquisition, rehabilitation and equipping of the Development proposed by the Borrower are necessary and sufficient to accomplish the City's purposes with respect to the properties involved.

3. The City hereby finds that the Borrower has demonstrated that the amount of debt to be incurred in connection with the Development and the fees to be paid in connection therewith are sufficient but not excessive for the purpose of acquiring, rehabilitating and equipping the Development.

4. The City hereby finds, based on (i) information provided by the Borrower, (ii) the commitment of the lender for the Bonds, and (iii) the award of bond volume cap allocation by the North Carolina Federal Tax Reform Allocation Committee at the recommendation of the North Carolina Housing Finance Agency with respect to the Bonds, that the Borrower has demonstrated that (a) it is financially responsible and capable of fulfilling its obligations to make loan repayments and other payments under the Financing Agreement among the City, the Borrower and the Trustee (the "Financing Agreement"), which will provide the funds to pay principal and interest on the Bonds, and (b) the Development will generate sufficient revenues to make loan repayments and other payments under the Financing Agreement, to operate, repair and maintain the Development at its own expense and to discharge such other responsibilities as may be imposed under the Financing Agreement. The City further finds that adequate provision has been made for the payment of the principal of, redemption premium, if any, and interest on the Bonds, and the operation, repair and maintenance of the Development at the expense of the Borrower.

5. The City hereby finds that the use of the proceeds of the Bonds for a loan to finance the costs of the Development and for the other purposes stated above will accomplish the public purposes set forth in the Act and hereby approves such use of proceeds.

Resolution No. 36-2024

May 20, 2024

Page 3

**ADOPTED AND APPROVED** this the 20th day of May 2024.

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

Mayor

ATTEST:

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

(SEAL)

RESOLUTION NO. 37-2024

**RESOLUTION AUTHORIZING THE ISSUANCE AND  
SALE OF MULTIFAMILY TAX-EXEMPT BONDS  
(FANNIE MAE MBS-SECURED) (LAUREL HILL  
APARTMENTS), SERIES 2024**

**WHEREAS**, the City Council of the City of Shelby (the “City”) met in Shelby, North Carolina at 6:00 p.m. on the 20<sup>th</sup> day of May, 2024; and

**WHEREAS**, pursuant to Section 160D-1311(b) of the General Statutes of North Carolina, the City is granted the power to exercise directly the powers of a housing authority organized pursuant to the North Carolina Housing Authorities Law, Article 1 of Chapter 157 of the General Statutes of North Carolina, as amended (the “Act”); and

**WHEREAS**, the Act in N.C.G.S. § 157-9 gives the City, acting as a housing authority, the power “to provide for the construction, reconstruction, improvement, alteration or repair of any housing project” and “to borrow money upon its bonds, notes, debentures or other evidences of indebtedness and to secure the same by pledges of its revenues”; and

**WHEREAS**, Standard Laurel Venture LP, a North Carolina limited partnership (the “Borrower”), has requested that the City assist it in financing a portion of the cost of the acquisition, rehabilitation, and equipping of a 100-unit multifamily residential rental facility known as Laurel Hill Apartments and located at 1526 Eaves Road in the City (the “Development”) and the City has agreed to do so; and

**WHEREAS**, the City proposes to provide the financing for the Development by the issuance of its Multifamily Tax-Exempt Bonds (Fannie Mae MBS-Secured) (Laurel Hill Apartments), Series 2024, in an aggregate principal amount not to exceed \$10,000,000 (the “Bonds”); and

**WHEREAS**, a portion of the cost of the Development will be financed with funds provided by a tax credit investor as a result of the purchase of 4% low income housing tax credits available under Section 42 of the Internal Revenue Code of 1986, as amended (the “Code”); and

**WHEREAS**, the Borrower expects to receive an allocation of volume cap for the Bonds and the Development from the North Carolina Housing Finance Agency and the North Carolina Federal Tax Reform Allocation Committee as required by Section 146 of the Code; and

**WHEREAS**, Section 147(f) of the Code, requires that any bonds issued by the City for the Development may only be issued after approval of the plan of financing by the City following a public hearing with respect to such plan; and

**WHEREAS**, on this day the City Council of the City held a public hearing with respect to the issuance of the Bonds to finance, in part, the Development (as evidenced by the proof of publication attached hereto); and

**WHEREAS**, the City proposes to authorize and, where applicable, execute the following instruments to carry out the transactions described above (collectively, the “City Documents”):

- (a) Indenture of Trust (the “Indenture”), between the City and Regions Bank, as trustee (the “Trustee”), authorizing the issuance of the Bonds and providing for the terms and details thereof and the security therefor, together with the form of the Bonds attached thereto;
- (b) Financing Agreement (the “Financing Agreement”), among the City, the Borrower and the Trustee, providing for the terms and conditions pursuant to which the loan of the proceeds of the Bonds will be made by the City to the Borrower;
- (c) Regulatory Agreement and Declaration of Restrictive Covenants (the “Regulatory Agreement”), by the Borrower for the benefit of the City and the Trustee, pursuant to which the Borrower will agree to comply with the requirements of the Code relating to low and moderate income housing;
- (d) Preliminary Official Statement (the “Preliminary Official Statement”) relating to the offering and sale of the Bonds; and
- (e) Bond Purchase Agreement to be dated the date of the sale of the Bonds (the “Bond Purchase Agreement”) among the Borrower, the City and Stifel, Nicolaus & Company, Incorporated (the “Underwriter”), providing for the issuance and sale by the City and the purchase by the Underwriter of the Bonds; and

**WHEREAS**, the City will not in any event have any liability or responsibility whatsoever for the repayment of the Bonds, or for any costs or expenses incurred in connection with the issuance of the Bonds or the acquisition, rehabilitation, equipping or operation of the Development, and neither the faith and credit nor the taxing power of the City is pledged to the payment of the principal of or interest on the Bonds;

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

1. The City hereby determines to provide financing to the Borrower for the acquisition, rehabilitation and equipping of the Development through the issuance of the Bonds pursuant to Section 160D-1311(b) and Article 1 of Chapter 157 of the General Statutes of North Carolina, as amended, the loan of the proceeds thereof to the Borrower and the deposit of such proceeds in accordance with the Indenture and the Financing Agreement.

2. The City hereby authorizes the issuance and sale of the Bonds pursuant to and in accordance with the terms set forth in the Bond Purchase Agreement and the Indenture. The Bonds will bear interest at the rates and will mature and be redeemed in the years and amounts all as set

forth in the Indenture; provided, however, that the aggregate principal amount of the Bonds shall not exceed \$10,000,000.

3. The issuance of the Bonds to finance a portion of the cost of the Development in an amount not to exceed \$10,000,000 is hereby approved for purposes of Section 147(f) of the Code.

4. Each of the Mayor, the City Manager, the City Clerk or their respective designees are hereby authorized and directed to execute and deliver the City Documents to the other parties thereto.

5. Each of the Mayor, the City Manager, the City Clerk or their respective designees are hereby authorized and directed to execute and deliver the Bonds in the manner and subject to the conditions provided in the Indenture to the Trustee for authentication and to cause the Bonds so executed and authenticated to be delivered to or for the account of the Underwriter upon payment of the purchase price therefor as provided in the Bond Purchase Agreement.

6. The distribution of the Preliminary Official Statement by the Underwriter to prospective purchasers of the Bonds is hereby approved. The City is authorized to deem the Preliminary Official Statement to be “final” within the meaning of Rule 15c2-12 of the Rules and Regulations promulgated under the Securities Exchange Act of 1934, as amended. The Mayor and the City Manager or their respective designees are hereby authorized and directed to deliver the final Official Statement (in substantially the form of the Preliminary Official Statement, but incorporating the final terms and details of the Bonds) to the Underwriter and the Underwriter is hereby authorized and directed to distribute the Official Statement to the purchasers of the Bonds.

7. The City Documents and the Bonds shall be in substantially the forms previously reviewed by staff and described herein, which are hereby approved, with such completions, omissions, insertions and changes as may be necessary to reflect the final terms of the Bonds, including any changes that may be required by any rating agency that is rating the Bonds, any changes in dates as may be required to reflect the date of the actual closing, and as otherwise approved by the officers of the City executing them after consultation with bond counsel and counsel to the City, their execution to constitute conclusive evidence of their approval of any such completions, omissions, insertions, and changes.

8. Any authorization made hereby to the officers of the City to execute a City Document shall include authorization to each of the Mayor and City Manager or their respective designees to execute the document, authorization to the City Clerk or any Deputy City Clerk to affix the seal of the City to such document and attest such seal if necessary, and, where appropriate, to deliver it to the other parties thereto, all in the manner provided in the City Documents.

9. Such officers are hereby authorized and directed to execute and deliver any and all other documents, agreements, instruments, and certificates in the name and on behalf of the City

Resolution No. 37-2024  
May 20, 2024  
Page 4

and to take such other actions on behalf of the City as may be necessary or desirable to the issuance of the Bonds, including but not limited to a nonarbitrage certificate, tax forms, and other certificates. All other acts of the officers of the City previously taken or to be taken that are in conformity with the purposes and intent of this resolution and in furtherance of the undertaking of the Development and the issuance and sale of the Bonds are hereby authorized, ratified, confirmed, and approved.

**ADOPTED AND APPROVED** this the 20th day of May 2024.

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

ATTEST:

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

(SEAL)

City of Shelby  
Agenda Item Summary  
May 20, 2024  
Don Gibson Theatre

**Agenda Item: C-2**

- 2) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina for parcels 30176, 30181, 30190, 30191: Ordinance No. 39-2024

**Presenting: (Justin Longino, Assistant City Manager)**

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Summary of Available Information:

- Memorandum dated May 14, 2024, from Justin Longino, Assistant City Manager to Rick Howell, City Manager
  - Location Map, Zoning Map, Future Land Use Map
  - Application
  - Staff Report
  - Planning Board Recommendation
  - Notice to Surrounding Properties
  - Mailing List
  - Notice of Public Hearing
  - Ordinance No. 39-2024
- 

**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 recommendation from the Planning and Zoning Board is included as part of the packet. I would call attention to Mr. Longino's memorandum noting that the zoning map amendment is **consistent** with the City's current land use plan. I would further note that the recommendation of the Planning and Zoning Board is advisory in nature only and that as a legislative matter Council has broad discretion to take action it believes is in the best interests of the City. City Council has adopted plans and established an advisory board for the purpose of providing reasonable guidance in the decision-making process.

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

City of Shelby  
Agenda Item Summary  
May 20, 2024  
Don Gibson Theatre

See Next Page

§ 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. 39-2024**

**Possible actions:**

**Motion to approve Ordinance No. 39-2024 as presented.**

**OR**

**Motion to deny approval of Ordinance No. 39-2024 as presented.**



TO: Mr. Rick Howell, City Manager

FROM: Justin Longino, Assistant City Manager

DATE: May 14, 2024

SUBJECT: 1764 & 1766 S. Lafayette St. – Zoning Map Amendment

**Background**

The subject properties are located at 1764 & 1766 S Lafayette St, just north of the intersection of S Lafayette St and College Ave. Combined, the properties are approximately 1.72 acres and currently undeveloped. The applicant is proposing to rezone from R10 to CPD (corridor protection district) to allow for commercial uses. The request consists of parcels 30176, 30181, 30190, 30191.

The request is adjacent to property already zoned CPD with commercial uses located at the intersection to the south. The property to the north is zoned residential but has an institutional use, Zoar Baptist Church.

**Recommendation**

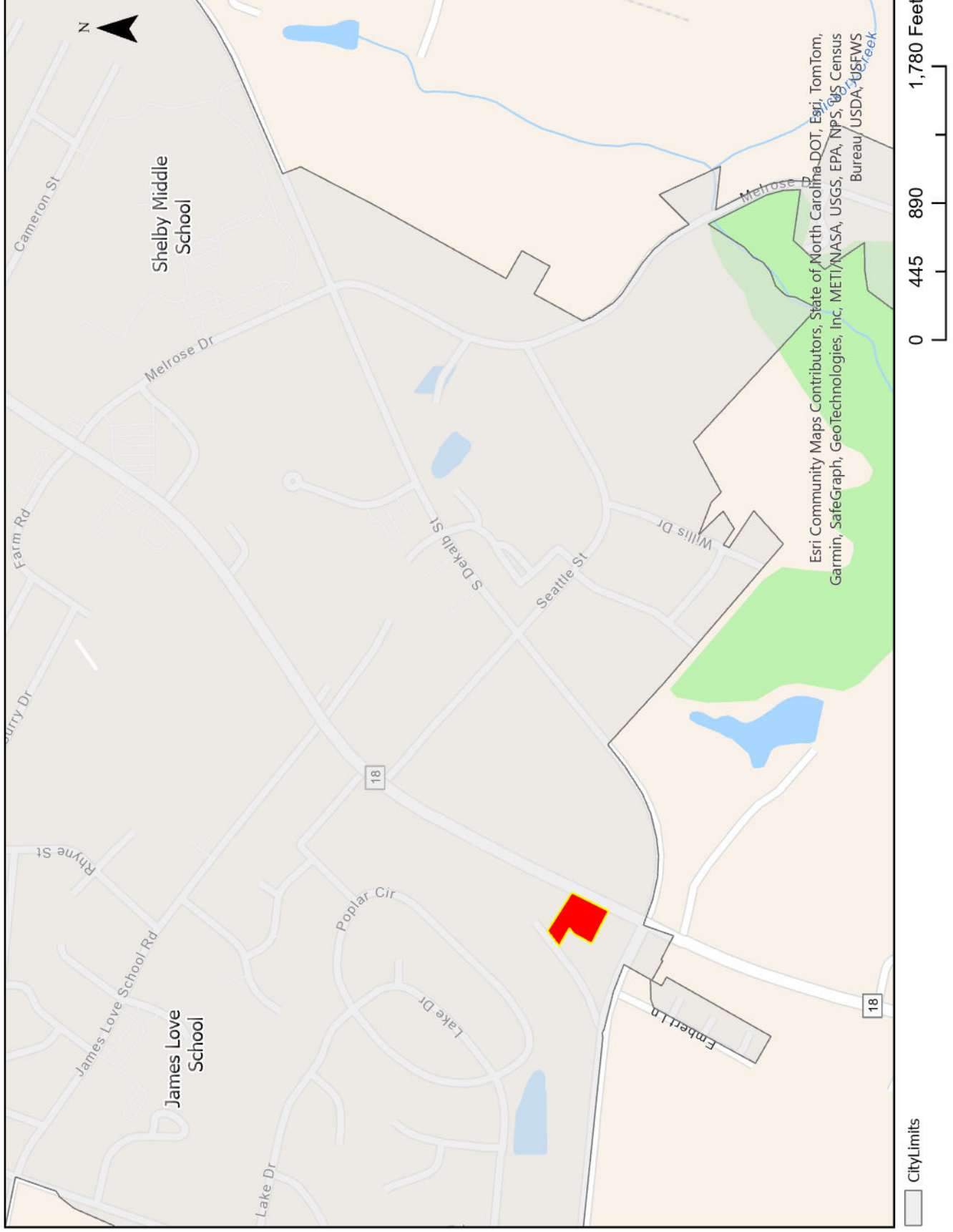
The Comprehensive Land Use Plan identifies this area within the Corridor Revitalization District. It also labels this area as a “Minor Activity Center.” The requested CPD zoning district is ***consistent*** with the commercial uses in both designations on the future land use plan.

Staff and Planning Board recommends approval of the rezoning because it is compatible with other uses along S Lafayette St and consistent with the Comprehensive Land Use Plan.

**Attachments**

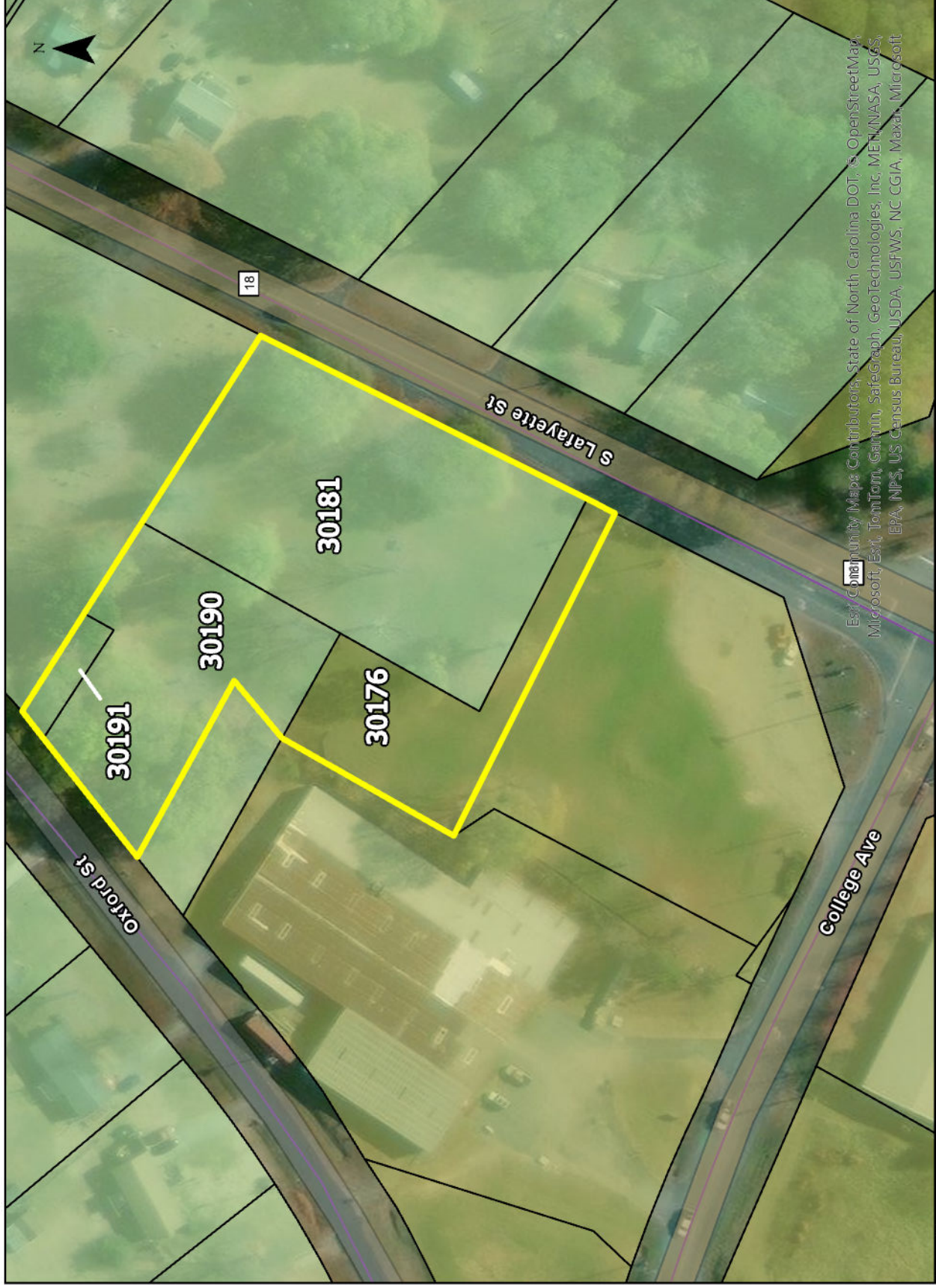
Location Map  
Zoning Map  
Future Land Use  
Application  
Planning Board Staff Report  
Planning Board Recommendation  
Notice to Surrounding Properties  
Mailing List  
Notice of Public Hearing

# 1764 S Lafayette St Site Map

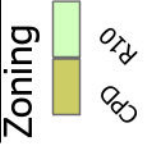


Esri Community Maps Contributors, State of North Carolina-DOT, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau/USDA, USFWS

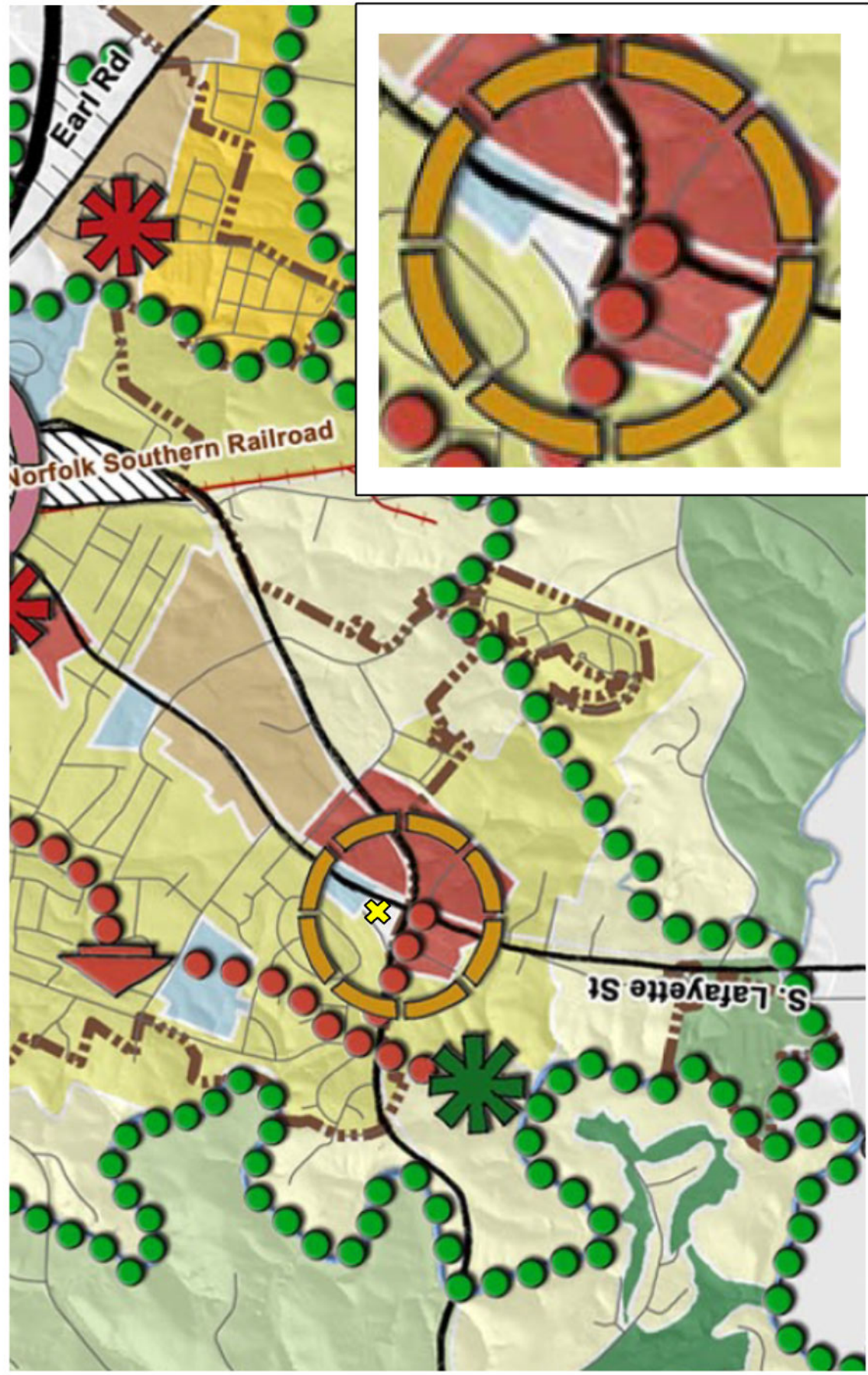
# 1764 S Lafayette St Zoning Map







Esri, Community Maps Contributors, State of North Carolina DOT, OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, HERE, NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS, NC CGIA, Maxar, Microsoft



# 1764 S Lafayette St FLUM



-  Minor Activity Center
-  Commercial
-  Institutional
-  Corridor Revitalization



City of Shelby  
Planning and Development Services Department

General Application

ZA-003121-2024

Address of Subject Property:

PARCELS # 30176, 30181, 30190, 30191  
1764 + 1766 S. LAFAYETTE ST. + 2 PARCELS OXFORD CIR.

Applicant(s) Name:

DON L. PEELER

Address:

101 APPLE HILL DRIVE, SHELBY, N.C. 28152

Email:

DON PEELER NL @ AOL.COM

Phone:

704-913-1033

Owner(s) Name:

ERNEST D. LANE, P.O.A

Email:

CRYSTAL @ CLML - NC.COM

Phone:

Relationship to Property:

Owner

Developer, Contractor, etc.

Other: APPOINTED AGENT

Request for (Check all that apply):

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

Project Information (Fill in applicable information):

Parcel Number: \_\_\_\_\_

Proposed Zoning: \_\_\_\_\_

Proposed Land Use: \_\_\_\_\_

Previous Use: \_\_\_\_\_

Approx. Building Sq. Ft.: \_\_\_\_\_

Approx. Project Acreage: \_\_\_\_\_

Business Name: N/A

Construction Sq. Ft.: \_\_\_\_\_

Valuation: \_\_\_\_\_

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

RE-ZONING TO CPD.

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

Don L. Peeler

Date

3/15/2024

Received by: \_\_\_\_\_

Date \_\_\_\_\_



City of Shelby  
Planning and Development Services

Appointed Agent Form

Address of Subject Property:

1764 SOUTH LAFAYETTE STREET, SHELBY, NC  
1766 SOUTH LAFAYETTE STREET, SHELBY, NC  
+ 2 PARCELS OXFORD LITTLE, SHELBY, NC

I, ERNEST R. CAANE, P.D.A., owner of the property located at said address and identified by the Cleveland County Tax Assessor's Office as PIN: 30176, 30181, 30190, 30191, located in Cleveland County, North Carolina, do hereby appoint DON L. PEELER to represent me in filing an application for a permit with the City of Shelby Planning and Development Services Department.

I further authorize DON L. PEELER to act as my agent in all matters, formal and informal, and to receive all official correspondence as it relates to the PERMIT REVIEW and APPROVAL PROCESS.

[Handwritten Signature]  
Signature of Property Owner

✓ 3/14/2024  
Date



Applicant(s) Name: ERNEST R. CAANE  
Address: \_\_\_\_\_  
Email: CRYSTAL@LLMC-NC.COM  
Phone: \_\_\_\_\_

STATE OF North Carolina  
COUNTY OF Carteret

I, Andrea Marie Phillips, a Notary Public for said County and State, do hereby certify that Ernest R. Caane, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 14<sup>th</sup> day of March, 2024

(SEAL) Andrea Marie Phillips  
Notary Public  
My Commission Expires: 11/01/2024

# Staff Report



To: Shelby Planning & Zoning Board  
From: Brian Finnegan  
Planner

Date: April 2, 2024  
Meeting: April 18, 2024  
File: #1201

---

**OWNER/APPLICANT:** Don Peeler – Applicant; Ernest Crane – Owner

**LOCATION:** 1764 S Lafayette St

**PARCEL ID #s:** 30176, 30181, 30190, 30191

**PRESENT ZONING:** R10

**REQUESTED ZONING:** CPD

**SURROUNDING ZONING:**           **North:** R10   **South:** CPD   **East:** R10   **West:** R20

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

**ANALYSIS:** The subject properties are located at 1764 & 1766 S Lafayette St, just north of the intersection of S Lafayette St and College Ave, in the south of Shelby. Combined, the properties are approximately 1.72 acres and currently undeveloped. The applicant is proposing to rezone from R10 to CPD to allow for commercial uses.

The R10 residential district is primarily intended to accommodate low density moderate density single-family detached dwellings and modular homes at a maximum density of approximately four dwelling units per gross acre. Public water and sewer service is generally available in areas zoned as R10. Nonresidential uses permitted within this district include customary accessory, recreational, educational, and institutional land uses that are compatible with the low-density residential character of the R10 district.

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

The request is adjacent to property already zoned CPD with commercial uses located at the intersection to the south. The property to the north is zoned residential but has an institutional use, Zoar Baptist Church.

**STAFF COMMENTS:** The Comprehensive Land Use Plan identifies this site in the Corridor Revitalization district in an area labeled as a minor activity center. The CPD zoning district is consistent with the commercial uses in both labels on the future land use plan. Staff recommends approval of the rezoning because it is compatible with other uses along S Lafayette St and consistent with the Comprehensive Land Use Plan.

# Certified Recommendation

## City of Shelby Planning & Zoning Board



**Case File:** # 1201

**Amendment:** A Zoning Map Amendment for property located at 1764 S Lafayette St (having Cleveland County parcel numbers 30176, 30181, 30190, and 30191) from Residential R10 to Corridor Protection District CPD.

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**Recommendation:** The Planning and Zoning Board recommends approval of the proposed Zoning Map Amendment for property located at 1764 S Lafayette St (having Cleveland County parcel numbers 30176, 30181, 30190, and 30191) from Residential R10 to Corridor Protection District CPD.

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**Findings &**

**Reasons:**

1. The proposed zoning map amendment is consistent with surrounding zoning.
2. The proposed zoning map amendment is consistent with surrounding uses.

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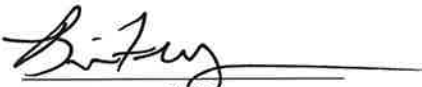
**Motion:** Mr. Royster made a motion to send a recommendation to approve based on the consistency with the future land use plan

**Second:** Ms. Schweppe

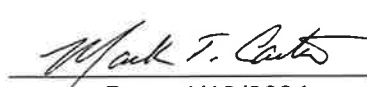
**Action:** This motion passed unanimously.

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**Signatures:** Brian Finnegan  
Planner

  
Date: 4/18/2024

Mark Carter  
Planning and Zoning Board Chair

  
Date: 4/18/2024





April 30, 2024

«AddressBlock»

RE: Parcels 30176, 30181, 30190, 30191 – 1764 & 1766 S Lafayette St – Proposed Zoning Map Amendment

«GreetingLine»

The City Council of the City of Shelby will conduct a public hearing during its regular meeting on May 20, 2024, at 6:00 p.m. at 318 South Washington Street in the Don Gibson Theatre to consider a proposed zoning map amendment from Residential R10 to Corridor Protection District CPD for property located at 1764 & 1766 S Lafayette St, Cleveland County Parcel Numbers 30176, 30181, 30191, & 30191.

Enclosed are the application, location map, and zoning map.

If you have any questions or require additional information, please contact me at [brian.finnegan@cityofshelby.com](mailto:brian.finnegan@cityofshelby.com) or 704-484-6829.

Sincerely,

Brian Finnegan

Planner

Enclosures

LONG RENN AVERY HEIR  
1753 S LAFAYETTE ST  
SHELBY NC 28152

JOHNSON JACQUELINE I CASH  
DEBORAH IVIE  
1765 S LAFAYETTE ST  
SHELBY NC 28152

WRIGHT JANICE LEE IV  
117 1 TANGLEWOOD LN  
SHELBY NC 28152-8525

N C DEPARTMENT OF TR  
MAIN ST  
RALEIGH NC 27600

ZOAR BAPTIST CHURCH  
1740 S LAFAYETTE ST  
SHELBY NC 28152-7151

CRANE THURMAN F ETAL  
C/O NICK CRANE  
STELLA NC 28582

MILLS JAMES MITCHELL  
114 N OAKWOOD DR  
KINGS MOUNTAIN NC 28086

CLARK GARY GENE CRANE  
THURMAN F JR ETALS  
C/O NICK CRANE  
STELLA NC 28582

RABB CLARENCE E RABB MARGARET  
B  
107 OXFORD ST  
SHELBY NC 28152

BELL MICHELLE BACQUE BELL  
STEPHEN WILLIAM  
109 OXFORD CIR  
SHELBY NC 28152

LAMBERT TOMMY RAY LAMBERT  
SHARON M  
111 OXFORD CIR  
SHELBY NC 28152-7500

LEWIS ALICE F  
113 OXFORD CIRCLE  
SHELBY NC 28152

LCW 3 LLC  
500 W WARREN ST  
SHELBY NC 28150

I certify that the letter to adjacent  
property owners was mailed to the  
above reference addresses on April 30,  
2024.



## **NOTICE OF PUBLIC HEARINGS ZONING MAP AMENDMENTS**

The City Council of Shelby, North Carolina will conduct a public hearing during its regular meeting at 6:00 p.m., Monday, May 20, 2024 in the Don Gibson Theatre at 318 South Washington Street, Shelby, North Carolina to consider the following:

A proposed zoning map amendment from R10 Residential Zoning to Corridor Protection District CPD for four properties located at 1764 S Lafayette St, Cleveland County Parcels 30176, 30181, 30190, and 30191, totaling 1.72 acres.

A proposed zoning map amendment from R8 Residential to GB General Business for two properties at 900 Mark Dr, Cleveland County Parcels 20448 and 20453, totaling 2.41 acres.

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

Persons interested in being heard on these matters are invited to comment on the proposed rezonings at the hearings, whether for or against. Comments may be presented orally at the hearings, in writing prior to the hearings, or both.

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

---

Carol Williams  
City Clerk

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**The Shelby Star:**

**Please publish this notice as a legal line ad on Monday, May 6, 2024 and the same ad again on Monday, May 13, 2024.**

**Mail invoices with affidavits to Audrey Whetten Godfrey, City of Shelby, PO Box 207, Shelby, NC 28151. Thank you.**

**ORDINANCE NO. 39-2024**

**A PROPOSED ORDINANCE AMENDING THE ZONING MAP OF  
THE CITY OF SHELBY, NORTH CAROLINA FOR  
PARCELS 30176, 30181, 30190, 30191**

**WHEREAS**, the City of Shelby has received an application requesting the rezoning of property on South Lafayette Street (Parcels 30176, 30181, 30190, 30191) located in Cleveland County and within the corporate limits of 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 consistent with the surrounding zoning and uses; and,

**WHEREAS**, in accordance with GS 160D-602, a public hearing on this proposed rezoning was held by City Council on May 20th 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, Article 6 and Article 7 of the North Carolina General Statutes, as amended, the Shelby Unified Development Ordinance and Shelby Zoning Map (Appendix A of the Shelby City Code), the parcels on South Lafayette Street (Parcels 30176, 30181, 30190, 30191) are hereby amended from R10 to CPD (corridor protection district).

**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 May 20<sup>th</sup>, 2024 upon its adoption and approval.

**ADOPTED AND APPROVED** this the 20th day of May 2024.

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O. Stanhope Anthony III  
Mayor

ATTEST:

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Carol Williams  
City Clerk

APPROVED AS TO FORM:

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Jason Lunsford  
City Attorney

City of Shelby  
Agenda Item Summary  
May 20, 2024  
Don Gibson Theatre

Agenda Item: C-3

- 3) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina for parcels 20448 and 20453: Ordinance No. 40-2024

**Presenting: (Justin Longino, Assistant City Manager)**

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Summary of Available Information:

- Memorandum dated May 14, 2024, from Justin Longino, Assistant City Manager to Rick Howell, City Manager
  - Location Map, Zoning Map, Future Land Use Map
  - Application
  - Staff Report
  - Planning Board Recommendation
  - Notice to Surrounding Properties
  - Mailing List
  - Notice of Public Hearing
  - Ordinance No. 40-2024
- 

**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 recommendation from the Planning and Zoning Board is included as part of the packet. I would call attention to Mr. Longino's memorandum noting that the zoning map amendment is **consistent** with the City's current land use plan. I would further note that the recommendation of the Planning and Zoning Board is advisory in nature only and that as a legislative matter Council has broad discretion to take action it believes is in the best interests of the City. City Council has adopted plans and established an advisory board for the purpose of providing reasonable guidance in the decision-making process.

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

See Next Page

City of Shelby  
Agenda Item Summary  
May 20, 2024  
Don Gibson Theatre

*§ 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. 40-2024**

**Possible actions:**

**Motion to approve Ordinance No. 40-2024 as presented.**

**OR**

**Motion to deny approval of Ordinance No. 40-2024 as presented.**

TO: Mr. Rick Howell, City Manager

FROM: Justin Longino, Assistant City Manager

DATE: May 15, 2024

SUBJECT: Marantha Baptist Church – Zoning Map Amendment

**Background**

The subject properties (parcels 20448 and 20453) are located at 900 Mark Drive. Marantha Baptist Church and the parsonage, 904 Mark Dr, are both located on these properties. The site is just south of E Dixon Blvd, east of Governor’s Inn, in the southwest of Shelby. Combined, the properties are approximately 2.41 acres. The applicant is proposing to rezone from R8 to GB.

The request is adjacent to property already zoned GB. Governor’s Inn is zoned GB to the north and west, and the Bojangles site directly north is also GB with a commercial use. This site is located within the Corridor Revitalization Corridor on the Future Land Use Map. This district identifies both commercial and retail as potential uses. Both are permitted in the GB District.

**Recommendation**

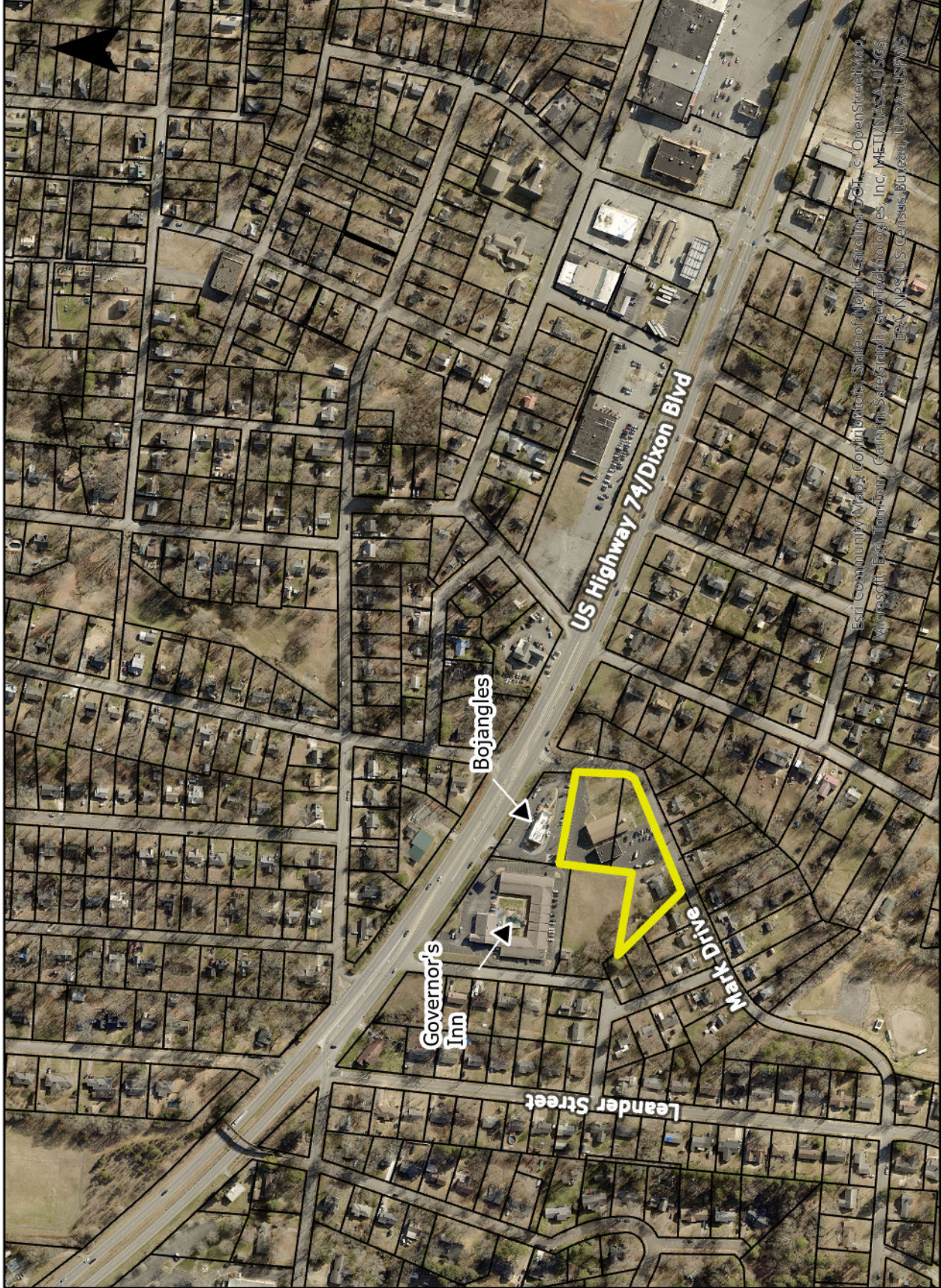
The GB zoning district is consistent with the commercial uses in both labels on the future land use plan. Staff recommends approval of the rezoning because it is compatible with the current use of the property, other adjacent uses along Dixon Blvd, and is consistent with the Comprehensive Land Use Plan.

**Attachments**

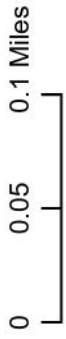
- Location Map
- Zoning Map
- Future Land Use
- Application
- Planning Board Staff Report
- Planning Board Recommendation
- Notice to Surrounding Properties
- Mailing List
- Notice of Public Hearing



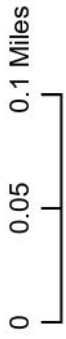
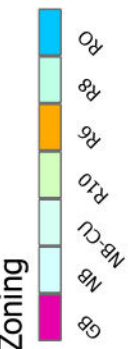
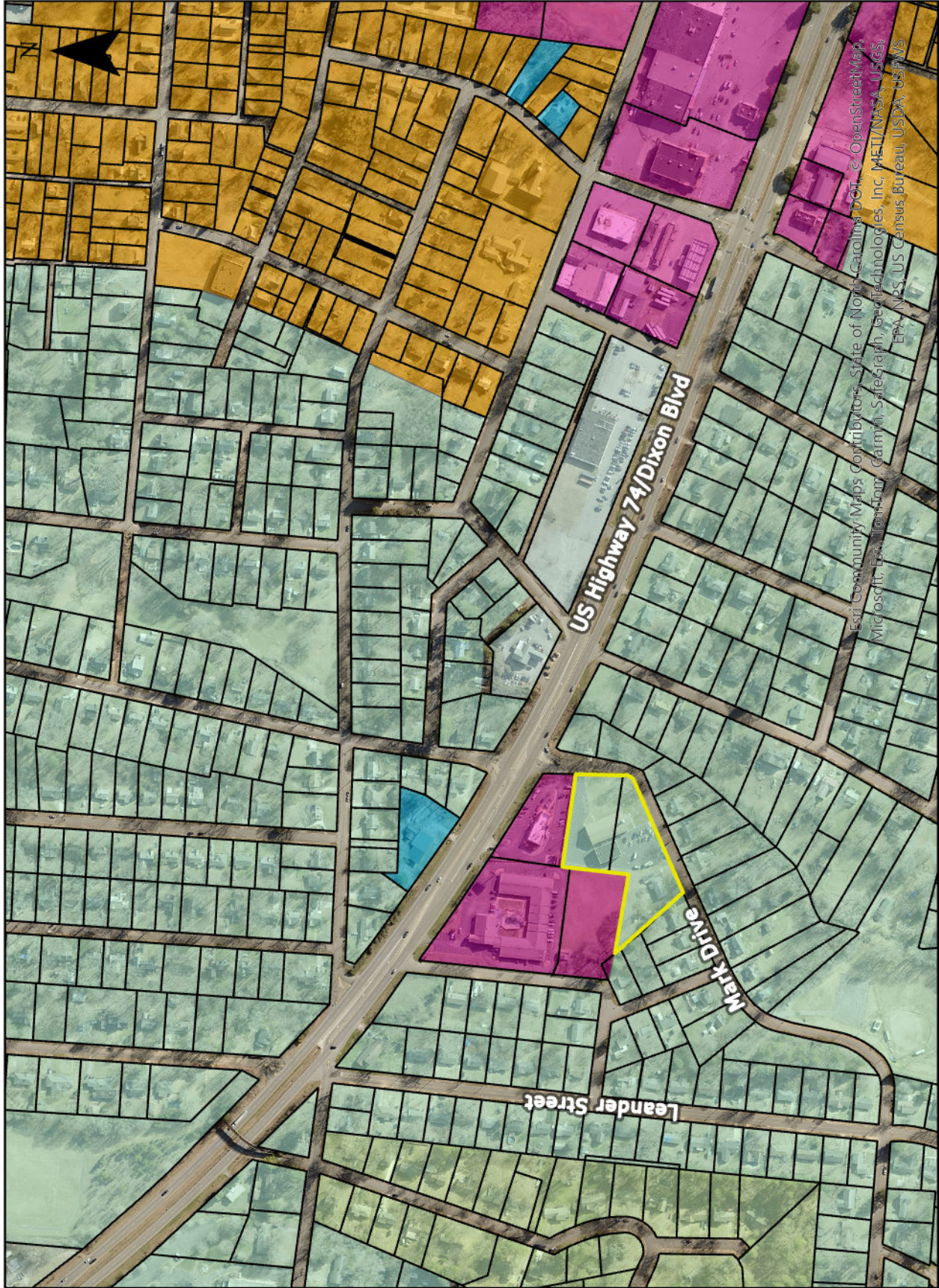
# Mark Drive Rezoning Location Map



Esti Community Maps contributors: State of North Carolina, 2011, © OpenStreetMap contributors, Microsoft, Bing, TomTom, Garmin, SafeGraph, GeoTechnology, Inc, METLIANSA, USGS, Esri, NPS, US Census Bureau, USDA, USFS

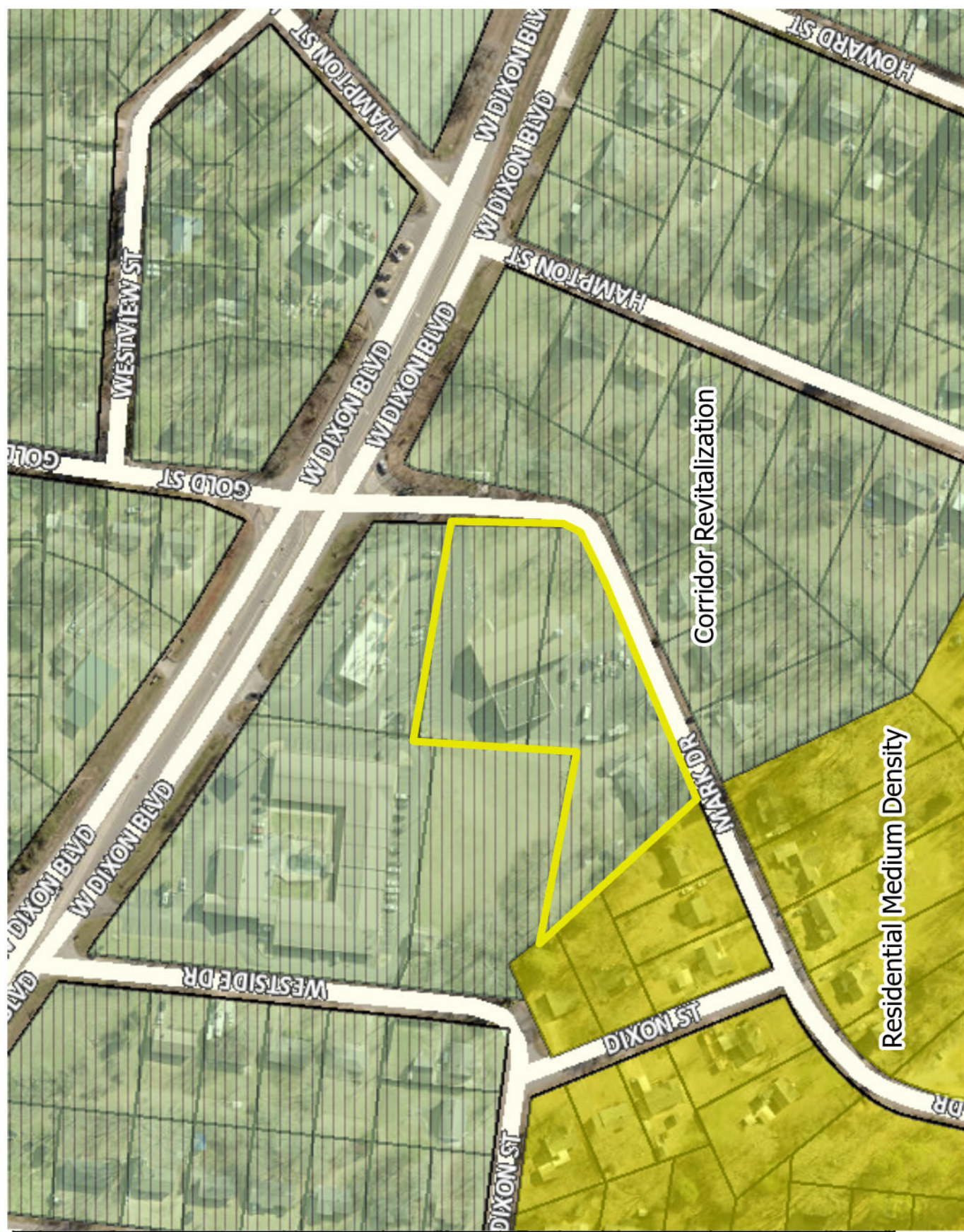


# Mark Drive Rezoning Area Map



Esri Community Maps Contributors, State of North Carolina DOT, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

# Future Land Use Map





City of Shelby  
Planning and Development Services Department

General Application

ZA-~~20~~3120-2024

Address of Subject Property:

900 Mark Drive

Applicant(s) Name:

James Davidson

Address:

1513 Rhyme St, Shelby NC 28152

Email:

pastor@mbcshelby.org

Phone:

704-600-8591

Owner(s) Name:

Maranatha Baptist Church

Email:

pastor@mbcshelby.org

Phone:

704-284-0158

Relationship to Property:

Owner

Developer, Contractor, etc.

Other:

Pastor of the Church

Request for (Check all that apply):

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

Project Information (Fill in applicable information):

Parcel Number: \_\_\_\_\_

Proposed Zoning: \_\_\_\_\_

Proposed Land Use: \_\_\_\_\_

Previous Use: \_\_\_\_\_

Approx. Building Sq. Ft.: \_\_\_\_\_

Approx. Project Acreage: \_\_\_\_\_

Business Name: Maranatha Baptist Church

Construction Sq. Ft.: \_\_\_\_\_

Valuation: \_\_\_\_\_

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

we want to change the zoning for the property from R-48 to G.B. This would allow us to erect an antenna for a low power FM radio station

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

*James Davidson*

Date

2/27/24

Date

3/19/24

Received by:

# Staff Report



To: Shelby Planning & Zoning Board  
From: Brian Finnegan  
Planner

Date: April 5, 2024  
Meeting: April 18, 2024  
File: #1200

---

**OWNER/APPLICANT:** James Davidson – Applicant; Marantha Baptist Church – Owner

**LOCATION:** 900 Mark Dr

**PARCEL ID #s:** 20448 & 20453

**PRESENT ZONING:** R8

**REQUESTED ZONING:** GB

**SURROUNDING ZONING:**

**North:** GB

**South:** R8

**East:** R8

**West:** GB

**UTILITIES:**

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

**ANALYSIS:** The subject properties are located at 900 Mark Drive. Marantha Baptist Church and the parsonage, 904 Mark Dr, are both located on these properties. The site is just south of E Dixon Blvd, east of Governor’s Inn, in the southwest of Shelby. Combined, the properties are approximately 2.41 acres. The applicant is proposing to rezone from R8 to GB.

The R8 residential district is primarily intended to accommodate moderate density single-family detached dwellings, modular homes, and two-family dwellings. Maximum densities within the R10 district include approximately five dwelling units per gross acre. Public water and sewer service is generally available in areas zoned as R8. Nonresidential uses permitted within this district include customary accessory, recreational, educational, and institutional land uses that are compatible with the low-density residential character of the R8 district.

The GB business district is established as a district in which to accommodate a wide range of retail; business, professional, and personal services; office; and limited wholesale and warehousing uses. Areas zoned as GB are generally located on the fringe of the central business district and along major highway corridors. Residential uses are permitted at the same density and according to the same dimensional requirements as the R6 residential district.

The request is adjacent to property already zoned GB. Governor’s Inn is zoned GB to the north and west, and the Bojangles site directly north is also GB with a commercial use. This site is located within the Corridor Revitalization Corridor on the Future Land Use Map. This district identifies both commercial and retail as potential uses. Both are permitted in the GB District.

**STAFF COMMENTS:** The GB zoning district is consistent with the commercial uses in both labels on the future land use plan. Staff recommends approval of the rezoning because it is compatible with the current use of the property, other adjacent uses along Dixon Blvd, and is consistent with the Comprehensive Land Use Plan.

# Certified Recommendation

## City of Shelby Planning & Zoning Board



**Case File:** # 1200

**Amendment:** A Zoning Map Amendment for property located at 900 Mark Drive (having Cleveland County parcel numbers 20448 and 20453) from Residential R8 to General Business GB.

---

**Recommendation:** The Planning and Zoning Board recommends approval of the proposed Zoning Map Amendment for property located at 900 Mark Drive (having Cleveland County parcel numbers 20448 and 20453) from Residential R8 to General Business GB.

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**Findings &**

**Reasons:**

1. The proposed zoning map amendment is consistent with surrounding zoning.
2. The proposed zoning map amendment is consistent with surrounding uses.

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**Motion:** Mr. Carter made a motion to send a recommendation to the City Council to approve the request as presented because it is consistent with existing land use in the area north of the property.

**Second:** Mr. Royster

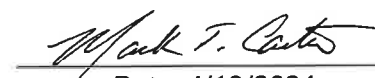
**Action:** This motion passed unanimously.

---

**Signatures:** Brian Finnegan  
Planner

  
Date: 4/18/2024

Mark Carter  
Planning and Zoning Board Chair

  
Date: 4/18/2024



April 30, 2024

GURULAXMI LLC  
825 W DIXON BLVD  
SHELBY NC 28150

RE: Parcels 20448 & 20453 – 900 Mark Dr – Proposed Zoning Map Amendment

Dear GURULAXMI LLC,

The City Council of the City of Shelby will conduct a public hearing during its regular meeting on May 20, 2024, at 6:00 p.m. at 318 South Washington Street in the Don Gibson Theatre to consider a proposed zoning map amendment from Residential R8 to General Business GB for property located at 900 Mark Dr, Cleveland County Parcel Numbers 20448 & 20453.

Enclosed are the application, location map, and zoning map.

If you have any questions or require additional information, please contact me at [brian.finnegan@cityofshelby.com](mailto:brian.finnegan@cityofshelby.com) or 704-484-6829.

Sincerely,

Brian Finnegan  
Planner

Enclosures

MARTIN TONI LOUISE  
204 CHARLES RD  
SHELBY NC 28152

BLACKWELL ALYCE GREENE LIFE  
ESTATE  
1117 BOWMAN COURT  
TAYLORSVILLE NC 28681

HOSKINS DERRICK V HOSKINS  
SHANDA Y  
115 ASHLEY ST  
SHELBY NC 28150

GURULAXMI LLC  
825 W DIXON BLVD  
SHELBY NC 28150

MARANTHA BAPTIST CHURCH OF  
MOORESBORO NC  
900 MARK DR  
SHELBY NC 28152-6455

BIGGS FURMAN KENNETH III BRITT  
ELIZABETH BIGGS  
PO BOX 967  
LUMBERTON NC 28359

DENNIS FRANCES V. LIFE ESTATE  
1001 MARK DR  
SHELBY NC 28152

HALLAM PROPERTIES II LLC  
909 GREENTREE DR  
CHARLOTTE NC 28211

GREENE KATHY L  
910 MARK DR  
SHELBY NC 28150

ROBINSON JAMES WILIAM  
ROBINSON JOY S  
149 LAKEMONT DR  
SHELBY NC 28150

SANDERS TROY  
804 DIXON ST  
SHELBY NC 28152

HAMRICK JOHN E HAMRICK JOYCE A  
1311 MT PLEASANT CH  
MOORESBORO NC 28114

ALLEN JERRY LEE  
PO BOX 1588  
SHELBY NC 28151-1588

HUTTON KRISTEN PUTNAM HUTTON  
THOMAS ALAN  
800 DIXON ST  
SHELBY NC 28152

'FMJC PROPERTIES LLC  
C/O ORVILLE FRANK CL  
CHERRYVILLE NC 28021

DAWKINS VINCENT B DAWKINS  
TRACEY  
905 MARK DR  
SHELBY NC 28152

PREMIUM PROPERTY GROUP LLC  
PO BOX 2244  
SHELBY NC 28151

FOSTER NANCY  
382 FOSTER FAMILY DR  
MOORESBORO NC 28114-6833

LMFNBHG LLC  
PO BOX 3076  
SHELBY NC 28151

WEAVER KAMMIE  
908 MARK DR  
SHELBY NC 28152

ROBINSON JAMES WILIAM  
ROBINSON JOY S  
149 LAKEMONT DR  
SHELBY NC 28150

I certify that the letter to adjacent  
property owners was mailed to the  
above reference addresses on April 30,  
2024.



## **NOTICE OF PUBLIC HEARINGS ZONING MAP AMENDMENTS**

The City Council of Shelby, North Carolina will conduct a public hearing during its regular meeting at 6:00 p.m., Monday, May 20, 2024 in the Don Gibson Theatre at 318 South Washington Street, Shelby, North Carolina to consider the following:

A proposed zoning map amendment from R10 Residential Zoning to Corridor Protection District CPD for four properties located at 1764 S Lafayette St, Cleveland County Parcels 30176, 30181, 30190, and 30191, totaling 1.72 acres.

A proposed zoning map amendment from R8 Residential to GB General Business for two properties at 900 Mark Dr, Cleveland County Parcels 20448 and 20453, totaling 2.41 acres.

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

Persons interested in being heard on these matters are invited to comment on the proposed rezonings at the hearings, whether for or against. Comments may be presented orally at the hearings, in writing prior to the hearings, or both.

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

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Carol Williams  
City Clerk

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**The Shelby Star:**

**Please publish this notice as a legal line ad on Monday, May 6, 2024 and the same ad again on Monday, May 13, 2024.**

**Mail invoices with affidavits to Audrey Whetten Godfrey, City of Shelby, PO Box 207, Shelby, NC 28151. Thank you.**

**ORDINANCE NO. 40-2024**

**A PROPOSED ORDINANCE AMENDING THE ZONING MAP OF  
THE CITY OF SHELBY, NORTH CAROLINA FOR  
PARCELS 20448 AND 20453**

**WHEREAS**, the City of Shelby has received an application requesting the rezoning of property on South Lafayette Street (Parcels 20447 and 20453) located in Cleveland County and within the corporate limits of 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 consistent with the surrounding zoning and uses; and,

**WHEREAS**, in accordance with GS 160D-602, a public hearing on this proposed rezoning was held by City Council on May 20th 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, Article 6 and Article 7 of the North Carolina General Statutes, as amended, the Shelby Unified Development Ordinance and Shelby Zoning Map (Appendix A of the Shelby City Code), the parcels on South Lafayette Street (Parcels 20448 and 20453) are hereby amended from R8 to GB (general business).

**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 May 20<sup>th</sup>, 2024 upon its adoption and approval.

Ordinance No. 40 – 2024

May 20, 2024

Page 2

**ADOPTED AND APPROVED** this the 20th day of May 2024.

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O. Stanhope Anthony III  
Mayor

ATTEST:

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Carol Williams  
City Clerk

APPROVED AS TO FORM:

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Jason Lunsford  
City Attorney

City of Shelby  
Agenda Item Summary  
May 20, 2024  
Don Gibson Theatre

**D. Consent Agenda:**

**Agenda Item: D-1**

- 1) Approval of the Minutes of the Regular Meeting of May 6, 2024

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

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Summary of Available Information:

Please read and offer changes as you deem necessary.

- Minutes of the Regular Meeting of May 6, 2024

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**City Manager's Recommendation / Comments**

**Approve the minutes as presented or as amended by the Mayor and City Council via the Consent Agenda.**

## MINUTES

Regular Meeting of Shelby City Council  
Don Gibson Theatre

May 6, 2024  
Monday, 6:00 p.m.

**Present:** Mayor O. Stanhope Anthony, III, presiding; Council Members Andrew L. Hopper, Sr., David Causby, Violet Arth, Charles Webber, and Emilie Bullock; City Manager Rick Howell, MPA, ICMA-CM, Assistant City Manager Ben Yarboro, Assistant City Manager Justin Longino, MBA, City Attorney Jason Lunsford, City Clerk Carol Williams, Deputy City Clerk Breanna Jones, Director of Human Resources Deborah (Deb) Jolly, Director of Finance Elizabeth (Beth) Beam, CPA, Fire Chief William Hunt, EFO, Chief of Police Brad Fraser, Director of Water Resources Brian Wilson, Public Information and Communications Officer Chip Nuhrah, Economic Developer Brandon Ruppe, Electric Department Operations Manager Ronnie Davis, and Jennipher H. Harrill, Social Media Manager, Blue Eyes Media Connections

**Absent:** Council member David White

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

Mr. Causby led the Pledge of Allegiance.

A. Approval of agenda:

1) Motion to adopt the proposed agenda presented.

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

B. Public Hearing:

1) Consideration of an ordinance to extend the corporate limits of the City of Shelby, North Carolina: Ordinance No. 36-2024

Presentation – Justin Longino, Assistant City Manager

- The City of Shelby purchased parcels #32695, 32696, 49818 and 63683 off of Artee Road for future industrial development in 2022
- The parcels are approximately 40.76 acres and are partially outside the ETJ
- The City petitioned for annexation pursuant to NCGS 160A-31

- All utilities (water, sewer, electric and natural gas) are available at this site for future development
- Staff recommends the annexation

Mayor Anthony opened the public hearing at 6:03 p.m. and invited comments from the public.

David Drewyour, who resides at 3509 Artee Road, Shelby, North Carolina stated he purchased his home in October 2023 hoping his kids would be able to play and ride bikes up and down the dead-end road; now he has to worry about an industry coming in across the street. He is opposed to the annexation.

Mayor Anthony closed the public hearing at 6:05 p.m.

**ACTION TAKEN:** Upon a motion made by Mr. Hopper, City Council voted 4 – 1 (Arth opposed) to approve Ordinance No. 36-2024 entitled, “A PROPOSED ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF SHELBY, NORTH CAROLINA”.

2) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina for parcels 32695, 32696, 49818, and 63683: Ordinance No. 37-2024

**Presentation – Justin Longino, Assistant City Manager**

- The City of Shelby requests amending the Zoning Districts of parcels #32695, 32696, 49818 and 63683 to General Industrial (GI)
- Future Land Use map shows this area as Low Density residential with some industrial uses nearby
- The requested zoning amendment is consistent with the surrounding area with Clearwater Paper and the Foothills Commerce Center nearby; but it is inconsistent with the Future Land Use Plan which has it listed as residential
- Staff recommends the zoning request

Mayor Anthony opened the public hearing at 6:07 p.m. and invited comments from the public. The public offered no comments.

Mayor Anthony closed the public hearing at 6:09 p.m.

**ACTION TAKEN:** Upon a motion made by Mr. Causby, City Council voted 3 - 2 (Arth, Bullock opposed) to approve Ordinance No. 37-2024 entitled, “A PROPOSED ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF SHELBY, NORTH CAROLINA FOR PARCELS 32695, 32696, 49818, AND 63683 due to

being consistent with the surrounding area and reasonable based on the same.”

**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 April 15, 2024
- 2) Adoption of a budget ordinance amendment for the City of Shelby’s Rail Trail Corridor Project: Ordinance No. 38-2024
- 3) Approval of a resolution accepting and approving the City of Shelby Stormwater Management Plan and authorizing submittal of the City of Shelby Stormwater Management Plan to North Carolina Department of Environmental Quality: Resolution No. 33-2024
- 4) Approval of Special Event Applications:
  - a) ALWS Festival 2024, requested date: August 9 – 11, 2024
  - b) Newton Karate Fun Run, requested date: October 12, 2024
- 5) Management Reports:
  - a) Monthly Financial Summary – March 2024

**END OF CONSENT AGENDA**

**D. Unfinished Business:**

- 1) **SECOND READING:** Adoption of an ordinance to amend the City of Shelby Code of Ordinances to create the Carolina Harmony Trail Rules of Conduct: Ordinance No. 32-2024
- 2) **SECOND READING:** Adoption of an ordinance to amend the City of Shelby Code of Ordinances to create the Uptown Shelby Social District: Ordinance No. 33-2024

**Presentation – Jason Lunsford, City Attorney**

- In April 2024, City Council passed both Ordinance No. 32-2024 and Ordinance No. 33-2024 by a unanimous vote

- NCGS 160A-175 requires a second reading because both of these ordinances contemplated criminal punishment
- This second reading is to further note that criminal punishment is possible
- A proposed implementation date for the Social District is July 1, 2024
- For clarification, the vote for both ordinances that occurred in April carries, this second reading is necessary only because criminal punishment is possible within the Carolina Harmony Trail or the Uptown Shelby Social District
- No additional vote is required from City Council

**E. New Business:**

- 1) Approval of a resolution awarding the contracts for the electric material order for Substation 8 reconductoring: Resolution No. 34-2024

**Presentation – Ronnie Davis, Operations Manager, City of Shelby Electric Department**

- The City plans to eliminate 47,000 feet of the #4 and #6 copper conductor which is small and brittle and prone to break in wind and storms
- This project at Substation #8 (behind Walmart) replaces about 7,000 feet of the old copper conductor with larger aluminum conductor which is more reliable and easier to work with
- Bids were advertised on April 2, 2024 and the project was awarded to Wesco Distribution for the wood poles and to Border States for the wiring
- The total bids for both were \$158,278.23
- Progressive Engineering’s estimate for this project was \$250,000.00
- Staff plans to bid labor out in June 2024 with construction beginning in August 2024

**ACTION TAKEN: Upon a motion made by Mr. Webber, City Council voted unanimously to approve Resolution No. 34-2024 entitled, “A RESOLUTION AWARDING THE CONTRACTS FOR THE ELECTRIC MATERIAL ORDER FOR SUBSTATION 8 RECONDUCTORING.”**

- 2) Approval of a resolution authorizing the City Manager to negotiate a contract for a consultant to update the Comprehensive Land Use Plan: Resolution No. 35-2024

**Presentation – Justin Longino, Assistant City Manager**

The current Comprehensive Land Use Plan was adopted in 2009. Staff recognizes updates to the plan are necessary due to the ongoing growth and development within the City. The updated Comprehensive Land Use Plan will guide Council on future zoning decisions.



**Timeline of Comprehensive Land Use Plan update process:**

- RFQ was sent out in March 2024 and 8 proposals were received and then reviewed by seven City staff members
- Selection of a firm – the City chose Stewart based on their proposal
- Kickoff with the selected firm will be planned
- Stewart will conduct meetings with staff, review the process and gather expectations
- Kickoff community engagement which includes introducing firm to Council, community surveys, walking tours, online feedback, vision workshops, interviews, and review of current plans – this could be an 8 - 10-month process
- A draft plan will be presented to city staff to discuss strategic goals and resources and implementation steps; this may include Council and Planning Board to get additional feedback
- The firm will compile the recommendations, and the plan will be amended
- A final plan will be presented to Council for adoption

**A brief synopsis about Stewart:**

- They are an experienced Planning and Landscaping Architecture firm
- Focus on small to mid-size communities – they’ve worked with Clayton, Huntersville, Pittsboro and Brevard
- They will enhance their experience level by partnering with Boudreaux in Charlotte

Mr. Longino concluded his presentation by stating that the resolution presented to Council tonight is to authorize the City Manager to negotiate a contract with a firm to update the Comprehensive Land Use Plan and staff recommend Stewart.

**ACTION TAKEN: Upon a motion made by Ms. Arth, City Council voted unanimously to approve Resolution No. 35-2024 entitled, “A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE A CONTRACT FOR A CONSULTANT TO UPDATE THE COMPREHENSIVE LAND USE PLAN.”**

**3) Consideration of appointments to City advisory boards and commissions:**

**a) Housing and Redevelopment Advisory Commission**

Mrs. Williams reported the terms of three incumbents, Brenda Marable, Darrell Gerald and Michael Shawn Collins concluded March 2024. Mrs. Marable and Mr. Gerald both wish to step down, Mr. Collins wishes to be considered for reappointment.

There is one application on file in the Clerk's office:

- **Phyllis Williams**

Ms. Arth nominated Michael Shawn Collins for reappointment, and Phyllis Williams for appointment.

**ACTION TAKEN:** Upon a motion by Mr. Causby, City Council voted unanimously to close the nominations and appoint the nominees by acclamation.

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

- **Commended Mr. Lunsford for his diligent work on getting the purchase of the Webbley property finalized on April 18<sup>th</sup>. A request for qualifications (RFQ) for architectural services has been advertised and responses are due no later than close of business on May 17<sup>th</sup>. City staff along with our partners at DFI will evaluate the responses and make a recommendation to City Council within 30 days. The City has received the funding for the directed grant from the State of North Carolina in the amount of \$3,995,500. These funds are restricted "for the purchase and restoration of the historic home (Webbley) of former Governor O. Max Garder." Ground clutter and dead tree limbs will be removed in the next couple weeks. The house and other structures are boarded up and cameras have been installed.**
- **The City closed the purchase of the Hotel Charles property on April 23<sup>rd</sup>. Three proposals have been received for the redevelopment of the Hotel Charles. City staff and DFI have evaluated the details of each proposal. I anticipate a briefing for City Council by the end of May.**
- **Commended Mr. Longino and staff for initiating the Comprehensive Land Use Plan update process and preparing the RFQ, reviewing the proposals, and selecting the Stewart firm.**
- **Construction on the Aquatics Center project was completed, and the facility was open to the public during the 2023 season. Portions of the pool concrete deck will be finally completed by the end of this week weather permitting. The pool is set to open as usual the Memorial Day weekend.**
- **Cross Town Water Main 24" Transmission Line Phase II (\$8,976,174.) SRP-D-ARP-0030 - This project will extend the 24" diameter water main approximately 9,000 lf from the intersection of Marion Street/Morgan Street along S. Morgan Street to Graham Street to the South Tank on S. Lafayette Street and to the intersection with Forest Hill Drive/Beaumonde. Approximately 4,500 lf of sewer main in conflict with the line will also be replaced. This is the second of a multiphase project to improve water supply to the south, east, and north of the uptown area. It is intended to**

improve fire flow, water volume/pressure, and water quality overall in the system. It is high priority. Fuller and Company, (Crouse, NC) is the contractor. Substantial completion is expected in May 2025. Statutory completion deadline to expend all funds is December 31, 2026.

- Hickory Creek Sewer Outfall - Windsor Drive to Holly Oak Park (\$4,627,000) SRP-W-ARP-0029 - Construction on this sewer outfall project has begun. It will replace approximately 5,000 lf of existing sewer outfall with 24" diameter pipe. It runs along Hickory Creek from the end of Windsor Drive to Dixon Blvd. This project replaces an existing sewer outfall that has been plagued with Sanitary Sewer Overflows due to infiltration and inflow. Construction began in August 2023. Dellinger (Monroe, NC) is the contractor. Substantial completion is expected in June 2024. Statutory deadline to expend all funds is December 31, 2026.
- WTP Filter Rehabilitation & Sedimentation Valve Replacement Project (\$4,133,200.) ARP - This project consists of the rehabilitation and repair of 8 water treatment plant filters as well as the repair/replacement of the sedimentation basin gate and mud valves. JS Haren (Athens, TN) is the contractor. Construction began on this project in late 2023. Substantial completion is anticipated in September 2024. Statutory deadline to expend all funds is December 31, 2026.
- City Hall Annex – This project was put out to bid in March. Upland Architecture has largely completed design. This project will involve the relocation of personnel from the Planning and Development Services Department (Planning/Zoning, Code Enforcement and Building Inspections) and the Human Resources Department to the former SPD building. Bids will be opened on May 9.
- A Budget workshop needs to be rescheduled for either Monday or Tuesday of next week – by consensus, Council decided on Tuesday, May 14th at noon at the Don Gibson Theatre.

## G. Council Announcements and Remarks

Mayor Anthony reminded Council of the upcoming events:

**May 16<sup>th</sup>** – Police Week Memorial Service at the Raper/Roark Park

**May 20<sup>th</sup>** – Chamber Legislative Breakfast

**May 25<sup>th</sup>** – Fallen Heros Memorial Service at Raper/Roark Park – commemorating the 45<sup>th</sup> anniversary of the Uptown Shelby fire

Mayor Anthony recognized Council member Webber for attaining his Doctorate.

Mr. Hopper reminisced that his first interaction with Mr. Webber was at Fort Bragg, North Carolina where Mr. Webber excelled as a soldier; in fact, Mr. Webber was an honor student out of almost 800 students.

**Mr. Webber acknowledged Mr. Hopper and stated he always refers to him as Sgt. Major Hopper out of respect for his accomplishments in the service.**

**Mr. Causby acknowledged that Sunday is Mother's Day, and he wishes all the mothers a Happy Mother's Day.**

**H. Adjournment:**

**1) Motion to adjourn**

**ACTION TAKEN: Upon a motion made by Ms. Arth, City Council voted unanimously to adjourn the meeting at 6:50 p.m.**

**Respectfully submitted,**

**Carol Williams  
City Clerk**

**O. Stanhope Anthony, III  
Mayor**

**Minutes of May 6, 2024**

City of Shelby  
Agenda Item Summary  
May 20, 2024  
Don Gibson Theatre

Agenda Item: D-2

2) Approval of Special Event applications:

- a) First Friday at Greenbrook Design, requested date: June 7, 2024

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

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Summary of Available Information:

- Memorandum dated May 15, 2024, from Carol Williams, City Clerk to Rick Howell, City Manager
- Special Event Application

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**City Manager's Recommendation / Comments**

**This event is 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:** May 15, 2024

**Re:** Special Event Permit Application

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## BACKGROUND:

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

- ✓ First Friday at Greenbrook Design: requested date June 7, 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 May 20, 2024 for Council's review and approval.

## ATTACHMENT:

- A. Special Event Permit Application packet received May 14, 2024

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:**

\_\_\_\_\_ First Friday \_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_ Networking \_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_ 112 N. Lafayette St. / Campbell St. \_\_\_\_\_  
\_\_\_\_\_

**4. PLEASE INDICATE:**

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

Approximately how many vehicles will be present? N/A

Approximately how many animals will be present? Ø

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

Single lane N/A

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

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



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

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

Name: Stacey Walker / Greenbrook Design

Address: 112 N. Lafayette St. Shelby, MS

Phones: 980-404-9600 (Daytime) 704-692-0550 (Evening)

E-mail address: Stacey@greenbrookdesign.com

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

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

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

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

**6. PLEASE LIST THE FOLLOWING:**

Requested day(s) and date(s) Friday June 7th 2024

Alternate day(s) and date(s) N/A

Requested hours of operation, from 4:30 AM/PM to 7:30 AM/PM

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

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

**9. AVAILABILITY OF FOOD, BEVERAGES, AND/OR**

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

Will alcoholic beverages be served? NO

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

Will food and/or no-alcoholic beverages be served? Yes - inside Greenbrook

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:**

Street Closure barricades

**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.**

**12. ANY ADDITIONAL COMMENTS:**

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**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.



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SIGNATURE

Sierra McLaughlin 704-418-0619

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APPLICANT PHONE

112 N. Lafayette St. Shelby, NC

---

PHYSICAL ADDRESS

Sierra@greenbrookdesign.com

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E-MAIL ADDRESS

04/18/2024

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DATE

N Lafayette St

18

N Lafayette St

Campbell St

Campbell St

Campbell St

Closure 4pm - 7:30pm

WalkShop  
Vintage Market  
Antique store

Uptown Indigo

Greenbrook Design  
Kitchen and Bath...

Personal Services  
Unlimited

N Dale St

N Dale St

N Dale St

N Dale St

Campbell St

N Dale St

Electric Films

Law Offices of  
Dillon W Barnes

Toscanos Bistro

Gregg Financial

N Washington St

N Washington St

N Washington St

N Washington St

N Washington St

City of Shelby  
Agenda Item Summary  
May 20, 2024  
Don Gibson Theatre

Agenda Item: D-3

3) Management Reports:

- a) Planning Report – March/April 2024
- b) Raper-Roark Report – April 2024

**Consent Agenda Item: (Rick Howell, City Manager)**

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Summary of Available Information:

- Planning Report – March/April 2024
- Raper-Roark Report – April 2024

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**City Manager’s Recommendation / Comments**

The preceding report(s) and information are included on the City Council agenda in an effort to provide you with regular updates on matters affecting the City. It is also an effort to continue to provide transparency to the public related to how business is being conducted on their behalf.

MEMORANDUM

To: Rick Howell – City Manager  
 From: Justin Longino – Assistant City Manager  
 Date: May 3, 2024  
 Subject: April Planning Report

**PERMITS ISSUED / FEES COLLECTED**

Permit Type	April	March	YTD	2023
<i>Inspections</i>				
Single Family Reno/Addition Building Permits	6	6	18	167
New Single Family Building Permits	22	12	43	142
Commercial Reno/Addition Building Permits	0	4	6	30
New Commercial Building Permits	5	0	6	25
<b>Permit Fees</b>	<b>\$649,873*</b>	<b>\$35,969</b>	<b>\$798,321</b>	<b>\$160,855</b>
<i>Planning</i>				
Commercial Site Plan Review	6	9	29	31
Annexation	0	0	0	3
Major Subdivision (more than 5 lots)	2	2	10	7
Minor Subdivision (less than 5 lots)	6	4	20	26
Residential Site Plan	23	27	87	177
Zoning Map Amendment (Rezoning)	2	2	5	11
Conditional Use Map Amendment	0	1	1	4
Special Use Permit	0	0	126	5
Zoning Permit	6	6	0	127
Preliminary Plats Approved*	0	0	0	--
<b>Permit Fees</b>	<b>\$4,395</b>	<b>\$4,985</b>	<b>\$15,690</b>	<b>\$63,547</b>
<i>Code Enforcement (Closed Cases)</i>				
Cases Open / Closed	164 / 94	47	222	--
Solid Waste	26	21	61	137
High Grass/Weeds	30	2	39	927
Trash	5	3	9	28
Abandoned Vehicle	2	0	11	28
Minimum Housing	1	1	4	40
Planning Violation	0	0	9	47
<b>Violation Fees</b>	<b>\$966</b>	<b>\$2,213</b>	<b>\$3,179</b>	<b>\$\$\$</b>

\*Notes:

\$590k of this was from the courthouse.

No preliminary plats were approved this month.

SUBDIVISION	TYPE	COUNCIL APPROVE	STATUS	# UNITS
<b>Conceptual</b>				
Rhoda Springs (Toms St/Wyke Rd)	SF	Y	CZ approved 2022; awaiting revised submittal	117
Meacham/Mull properties	SF	Y	Awaiting revised submittal and CZ application	453
E Ross Grove Rd near N. Lafayette (parcel 26972)	TBA	Y	Sketch plan meeting held; awaiting sketch submittal	68
Spake Circle		Y	Awaiting application or sketch plan	200
McClendon Meadows	SF	Y	Awaiting application or sketch plan	455
Homestead	SF	Y	Awaiting application or sketch plan	351
E. Marion/Borders	SF	Y	Awaiting revised submittal for AX and CZ	161
365 Washburn Switch Rd	SF	TBD	Awaiting sketch plan submittal	TBD
Unnamed Royster subdivision (Marion/74)	TBD	TBD	Awaiting sketch plan submittal	40
Charles Rd/Dellinger Rd	SF	N?	Awaiting sketch plan submittal	9
Sedgefield/Leander THs	TH	N	Awaiting revised submittal	12
W. Ross Grove Rd THs	TH	N	Awaiting revised submittal	10
Magness Rd / Moonshadow Ln	SF	N	Awaiting revised submittal	51
Metcalf Rd / Grover St (parcel 21522)	SF	N	Awaiting revised submittal	141
W. Sumter at Hartley St	SF	N	withdrawn; per surveyor "the client is not sure what he wants to do here"	
Senior Center THs	TH	N	Sketch plan meeting held; awaiting sketch submittal	8
East of Metcalf/west of N. Lafayette (parcel 64208)	TBD	N	Email inquiry; we're compiling watershed variance info for them to conduct test fit on site	TBD
<b>Pending Council action</b>				
Earl Rd / Industry Dr	SF	Y	Conventional rezoning application is under review	166
<b>Waiting on civil drawings</b>				
The Preserve at Edgewater (ETJ)	SF	N	PZB approval expired; must reapply	20
Kingsview THs	TH	Y	SUP1 expired March 2024; must reapply	101
Gidney St THs	TH	Y	SUP1 approved	159
Thrift Rd / Nancy Dr	SF	Y	CZ and annexation approved	213
Blanton Farm	SF / TH	Y	CZ approved	1642
S. Lafayette St / Melrose Dr	SF	Y	CZ approved	137
Joe's Lake Road THs	TH	Y	SUP1 approved	84
Riverwalk	SF	N	Will go back to PZB	144
<b>Civil drawings under review</b>				
Cambridge Commons	MF	Y	SUP1 approved	98
Willowbrook (adjacent to Magnolia Plantation)	SF	N		144
Cleveland Hill (Eaves Road)	SF	Y	AX approved	195
<b>Zoning approved; construction not begun</b>				
The Pines at Edgewater (ETJ)	SF	N	Approved by PZB; Final plat signed	8
Maple Glen	SF	N	Approved by PZB	42
Royster Ave THs	TH	N	Building permit is awaiting details from applicant	12
<b>Site and/or dwelling construction underway</b>				
Villas at Kingsview	SF	N	Site construction underway	49
Willow Estates	SF / TH	N	Site construction underway	246
Seattle Crossing	SF	N	Site construction underway	40
Arboretum at Edgewater (ETJ)	SF	N	Preliminary plat approved by PZB	17
Palisades	SF	Y	Construction on-going; now leasing with TCO	312
Pinnacle Estates	SF	N	Construction of dwellings on-going	92
Lake George Drive	SF	N	Construction of dwellings on-going	38
Southridge	SF	N	Construction complete	9
<b>TOTAL DWELLING UNITS</b>				<b>6044</b>



**Raper - Roark Trust Fund  
Financial Report  
April 30, 2024**

**Raper Roark Trust Fund  
Balance Sheet  
As of April 30, 2024**

**ASSETS**

Current Assets	
Checking/Savings	<u>55,569.30</u>
Total Checking/Savings	55,569.30
Other Current Assets	
CD - Bank of Ozarks	687,482.88
Total Other Current Assets	<u>687,482.88</u>
Total Current Assets	<u>743,052.18</u>

**TOTAL ASSETS** 743,052.18

**LIABILITIES & EQUITY  
EQUITY**

Available for Appropriation	55,569.30
Fund Corpus	<u>687,482.88</u>
Total Equity	<u>743,052.18</u>

**TOTAL LIABILITIES & EQUITY** 743,052.18

**Raper Roark Trust Fund  
Profit & Loss  
Quarter Ended April 2024**

Ordinary Income	
Contributions Income	
Total Ordinary Income	<u>0.00</u>
Net Ordinary Income	<u><u>0.00</u></u>
Other Income/Expense	
Interest Income	<u>7,979.23</u>
Total Other Income	<u>7,979.23</u>
Other Expense	
Transfer to Fund Corpus	
Total Other Expense	<u>0.00</u>
Net Other Income/Expense	<u><u>7,979.23</u></u>
<b>Net Income</b>	<b><u><u>7,979.23</u></u></b>

**RAPER-ROARK TRUST FUND  
 QUARTERLY REPORT  
 April 30, 2024**

Fund Corpus, Beginning Balance	\$ 687,482.88
Contributions:	
Total Contributions	-
Expenditures:	
Total Expenditures	-
Total Fund Corpus, Current	<b>\$ 687,482.88</b>

Expendable Portion, Beginning Balance	\$ 47,590.07
CD Accrued Interest	
Interest Income - Bank OZK	4,046.08
Interest Income - Home Trust	3,933.15
Total	55,569.30
Expenditures:	
Total Expenditures	-
Other Receipts:	
City's Co-Pay	
Tax Refunds	
Available for Appropriation	<b>\$ 55,569.30</b>

City of Shelby  
Agenda Item Summary  
May 20, 2024  
Don Gibson Theatre

E. Unfinished Business

None

City of Shelby  
Agenda Item Summary  
May 20, 2024  
Don Gibson Theatre

Agenda Item: F-1

New Business

- 1) Consideration of appointments to City advisory boards and commissions:
  - a) Alcoholic Beverage Control Board

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

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Summary of Available Information:

- Memorandum dated May 15, 2024, from Carol Williams, City Clerk to Rick Howell, City Manager
- Application(s) for Alcoholic Beverage Control Board

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**City Manager's Recommendation / Comments**

Volunteers are an essential part of the work the City performs each year. As always this is just a reminder that we all should work to recruit qualified and quality people to serve whenever possible. Solicitation of both qualified and interested citizens to serve on these important advisory boards remains a priority for 2024. I would challenge each of you to recruit viable candidates who possess the knowledge and willingness to serve during the coming months.

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

**OFFICE OF THE  
CITY CLERK**



**Memo**

To: Rick Howell, City Manager  
From: Carol Williams, City Clerk  
Date: May 15, 2024  
Re: Appointments to City Advisory Boards

---

**BOARD REVIEW:** Alcoholic Beverage Control Board –

The term of one incumbent, David Schweppe, concluded April 2024. He wishes to continue his service.

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

**Phil Reid  
Phyllis Williams  
Montana Judd  
Devin McCullough  
Niya Brooks  
Mark Turner**

**Barry Beaver  
Patrick Lavender  
Donald Eslick  
Brett Wease  
Spencer Borders  
Jacob Potter**

**POSSIBLE ACTION:**

Council can begin the nominating process or take appointive action for one new term concluding April 2027.

**Attachment:**

- A. Alcoholic Beverage Control Board roster 2023

## ALCOHOLIC BEVERAGE CONTROL BOARD 2023

MEMBERS	ADDRESS	TERM	PHONE
David M. Schweppe <a href="mailto:david@lawshelby.com">david@lawshelby.com</a>	104 Lynhurst Lane Shelby, NC 28150	April 2024	H: 704 472-9826 W: 704 487-7204
Mary Carlson <a href="mailto:carlsone141@clevelandcc.edu">carlsone141@clevelandcc.edu</a>	1321 Montrose Drive Shelby, NC 28150	April 2026	H: 434-825-4241 C: 704-669-4222
Sallie M. Craig, Chair <a href="mailto:smcraig@gmail.com">smcraig@gmail.com</a>	910 Meadowbrook Lane Shelby, NC 28150	April 2026	H: 704 484-2014
Kevin Karner <a href="mailto:kjkarner@gmail.com">kjkarner@gmail.com</a>	181 Appian Way Shelby, NC 28150	April 2025	C: 704 472-9036
Willie McIntosh <a href="mailto:wbmccintosh@yahoo.com">wbmccintosh@yahoo.com</a>	219 New Bethel Ch. Rd. Lawndale, NC 28090	April 2025	H: 704 538-3768

Meetings are held on the fourth Monday of the month at 9:00 a.m., ABC Store, 824 West Warren Street, Shelby, NC

Three-year (3) appointments; Board Chair appointed by City Council on May 3, 2021

City Council Liaison: David White – Ward 2  
1717 Arbor Way Drive  
Shelby, NC 28150C:  
704 482-9240  
E-mail: [dwalt50@carolina.rr.com](mailto:dwalt50@carolina.rr.com)

This Board was appointed by action taken by the City Council at a Special Meeting held on March 29, 1975. General Assembly of NC House Bill 1841 increased members on the Shelby ABC Board from three to five members beginning July 1, 2006.

Staffed by: Roland Webber, General Manager; Kelly Carpenter, Financial Officer, ABC Store, 824 West Warren Street, Shelby, NC 28150; 704 482-7921; [dshelbyabcboar@carolina.rr.com](mailto:dshelbyabcboar@carolina.rr.com)

ABC Officer Detective Scott Hamrick, Shelby Police Department, 130 West Warren Street, Shelby, NC 28150, Office: 704 484-7166 or [scott.hamrick@cityofshelby.com](mailto:scott.hamrick@cityofshelby.com)



Name of Board  
**SHELBY ABC BOARD**

	Jan 23	Feb 27	Mar 27	Apr 24	May 22	June 26	July 24	Aug 28	Sept 25	Oct 23	Nov 29	Dec 18
<b>2023</b>												
<b>Board Members:</b>												
SALLIE CRAIG	PRESENT	PRESENT	PRESENT	PRESENT	PRESENT	PRESENT	PRESENT	X	PRESENT	PRESENT	PRESENT	PRESENT
DAVID SCHWEPPE	PRESENT	PRESENT	PRESENT	PRESENT	PRESENT	PRESENT	ABSENT	X	PRESENT	ABSENT	PRESENT	PRESENT
GERALD WEATHERS	PRESENT	PRESENT	PRESENT	PRESENT	REMOVED	X	X	X	X	X	X	X
WILLIE McINTOSH	PRESENT	ABSENT	PRESENT	PRESENT	ABSENT	PRESENT	PRESENT	X	ABSENT	ABSENT	PRESENT	ABSENT
KEVIN KARNER	PRESENT	PRESENT	PRESENT	PRESENT	PRESENT	PRESENT	PRESENT	X	PRESENT	ABSENT	PRESENT	PRESENT
MARY CARLSON					PRESENT	PRESENT	PRESENT	X	PRESENT	PRESENT	PRESENT	PRESENT
CHARLES WEBBER	ABSENT	PRESENT	PRESENT	PRESENT	PRESENT	ABSENT	PRESENT	X	PRESENT	ABSENT	PRESENT	ABSENT

\*\*AUGUST MEETING WAS CANCELED.

Name of Board  
**SHELBY ABC BOARD**

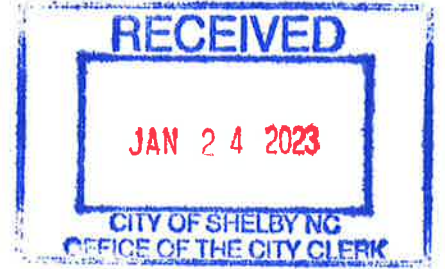
	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
<b>2024</b>												
<b>Board Members:</b>												
SALLIE CRAIG	PRESENT	PRESENT	PRESENT	PRESENT								
DAVID SCHWEPPE	PRESENT	ABSENT	PRESENT	PRESENT								
WILLIE McINTOSH	ABSENT	PRESENT	ABSENT	ABSENT								
KEVIN KARNER	PRESENT	PRESENT	PRESENT	PRESENT								
MARY CARLSON	PRESENT	PRESENT	PRESENT	PRESENT								
<b>CITY LIAISON:</b>												
DAVID WHITE	X	PRESENT	PRESENT	PRESENT								



APPLICATION FOR APPOINTMENT TO BOARDS AND COMMISSIONS

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

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



DATE 1/24/2023

NAME Phil Reid

ADDRESS (No P O Boxes please) 1010 Kelly Cir

CITY / STATE / ZIP Shelby

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

DO YOU RESIDE WITHIN THE CITY OF SHELBY'S EXTRATERRITORIAL JURISDICTION (ETJ)? yes

WARD #1

PHONE NUMBERS: Home Cell 704-692-4994 Work retired

EMAIL ADDRESS philreid@bellsouth.net

OCCUPATION retired

EDUCATIONAL BACKGROUND Master's

- BOARD OR COMMISSION INTERESTED IN:
1. ABC
2.
3.

OTHER COMMENTS:

SIGNATURE [Signature] DATE 1/24/23

\* **Date**  
01/31/2024

\* **Full Name**  
Barry Beaver

\* **Full Address**  
2614 Flagstone Ct  
Shelby North Carolina 28150

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

**If you live in Shelby, how many years and months?**  
15 years 3 months

**Date of Birth**  
12/21/1965

**Home Phone**  
(704) 692-3832

**Mobile Phone**  
(704) 692-3832

**Work Phone**  
\*\*SKIPPED\*\*

\* **Email**  
beavercompanies1@gmail.com

**Occupation**  
President

**Why are you interested in serving on the ABC Board?**  
Keeping shelby, continuing to grown the city

**Please list any previous board service (If applicable)**  
Airport authority

**Interests, skills, expertise or experiences that may be of assistance to the ABC Board's success**  
Currently own Beaver Creek Bar & Grill, Business owner past 22 years. Wanting to give back to our great city.

\* **Type your name for signature**  
Barry G. Beaver





**APPLICATION FOR APPOINTMENT TO BOARDS AND COMMISSIONS**

The Shelby City Council believes that all citizens should have the opportunity to actively participate in governmental decisions. One way of participating is by serving as a voluntary member of one of the City's Boards, Commissions or Committees as outlined below. If you have interest in being considered for appointment, please complete the form below and mail it to the City Clerk, City of Shelby, and P.O. Box 207, Shelby, North Carolina 28151-0207.

- Shelby-Cleveland County Regional Airport Advisory Commission
- Shelby Alcoholic Beverage Control Board
- Shelby Appearance Advisory Commission
- Shelby Zoning Board of Adjustment
- Shelby Community Relations Council
- Shelby Fireman's Relief Fund Board of Trustees
- Shelby Housing & Redevelopment Advisory Board
- Shelby Parks & Recreation Advisory Commission
- Shelby Planning & Zoning Advisory Board
- \*Other committees that may be formed by the Mayor and City Council

DATE April 17, 2023

NAME Phyllis Williams

ADDRESS (No PO Boxes, please) 1030-3 Sue Lane, Apt. 3 Ward 2

CITY / STATE / ZIP Shelby / North Carolina

TELEPHONE (Home) 704-418-9782 (Work) \_\_\_\_\_

EMAIL ADDRESS pwillia2@gardner-webb.edu

OCCUPATION Volunteer Community Advocate / Volunteer Emergency Services

EDUCATIONAL BACKGROUND B.A-Sociology (N.C. A&T State Univ.), M. Div.-  
Pastoral Care And Counseling(Gardner-Webb Univ.), & LCSW Candidate (Winthrop Univ.)

BOARD OR COMMISSION INTERESTED IN:

1. Shelby Housing And Redevelopment Advisory Board

2. Shelby Alcoholic Beverage Control Board

3. \_\_\_\_\_

OTHER COMMENTS:

As a community member whom has spent a great deal working with and identifying the needs of our homeless population, I would love to speak with Mayor Anthony in reference to some of the concerns that I spoke on at city board meeting on 4-17-2023.

Thanks for you time.  
P. Williams

SIGNATURE



DATE April 17, 2023

\* **Date**  
03/31/2023

\* **Full Name**  
Patrick C. Lavender

\* **Full Address**  
735 Wilson Cornwell Road  
Shelby NC 28150

\* **Do you live within Shelby's city limits?**  
No

County



**If you live in Shelby, how many years and months?**  
48 years, 10 months

**Date of Birth**  
06/24/1974

**Home Phone**  
\*\*SKIPPED\*\*

**Mobile Phone**  
(704) 477-5382

**Work Phone**  
\*\*SKIPPED\*\*

\* **Email**  
iuec135@outlook.com

**Occupation**  
Business Manager for IUEC Local 135

**Why are you interested in serving on the ABC Board?**  
I would like to become involved with Shelby Politics. I believe my knowledge in this field would be beneficial.

**Please list any previous board service (If applicable)**  
\*\*SKIPPED\*\*

**Interests, skills, expertise or experiences that may be of assistance to the ABC Board's success**  
Business and Financial Manager of IUEC Local 135

\* **Type your name for signature**  
Patrick Lavender

\* Date  
03/10/2023

\* Full Name  
Montana L. Judd

\* Full Address  
212 Country Club Rd  
Shelby North Carolina 28150

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

Ward 2



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

**Date of Birth**  
11/20/1988

Home Phone  
(512) 552-7600

Mobile Phone  
(512) 552-7600

Work Phone  
(512) 552-7600

\* Email  
mjudd1120@gmail.com

**Occupation**  
Business Operations Consultant | Owner/Operator

**Why are you interested in serving on the ABC Board?**

Having moved back to the area after being away for many years, I am slowly starting to learn more about how the ABC regulations affect Cleveland County, and specifically the Uptown Shelby area - and I truly believe that being on the board would help further my education and understanding of the legalities for businesses and how things are supposed to operate according to North Carolina law.

**Please list any previous board service (If applicable)**

CEO of The Rogers Theater Board (Current); Irreverant Warriors Board Member (former); 22 Until None Board Member & Area Coordinator for the Tampa Bay Area

**Interests, skills, expertise or experiences that may be of assistance to the ABC Board's success**

I have worked in area development in multiple large metropolitan areas, and the basis of my business is to help business owners create a strong foundation for successful establishments in different industries. I do a lot of operations consulting, which includes permitting, consumer services requirements for different states, and regulatory processes to keep those businesses operating per state guidelines.

\* Type your name for signature  
Montana L. Judd



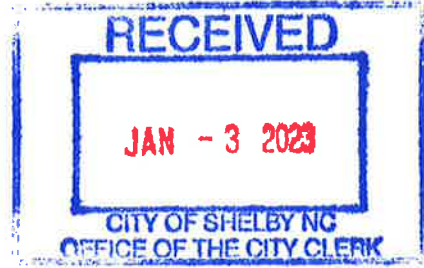
\* **Date**  
01/02/2023

\* **Full Name**  
Donald C. Eslick

\* **Full Address**  
805 Hawthorne Road  
Shelby NC 28150

Ward 1

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



**If you live in Shelby, how many years and months?**  
14 8 months

**Date of Birth**  
02/21/1985

**Home Phone**  
(704) 419-9800

**Mobile Phone**  
\*\*SKIPPED\*\*

**Work Phone**  
\*\*SKIPPED\*\*

\* **Email**  
donaldeslick@gmail.com

**Occupation**  
Registered Nurse

**Why are you interested in serving on the ABC Board?**

By serving on the ABC board, I hope to help support, not only the community of Shelby. As more and more businesses apply for liquor licenses, I hope to be a support to restaurants and business owners. Just as important, I look forward to working with the current board members with budgets of each store and assist in any capacity to help make our ABC stores successful.

**Please list any previous board service (If applicable)**

I previously managed the Foothills Farmers Market, which allowed me to gain experience in working with a board of directors. As a team, we worked together in balancing annual budget, project planning and grant writing.

**Interests, skills, expertise or experiences that may be of assistance to the ABC Board's success**

I have experience in project planning, marketing, and budget reports. I have managed the local farmers market, a nonprofit 501C3, as well as been on the planning committee to open the Earl Scruggs Center. I am invested in my community and want to see its continued flourishing and growth.

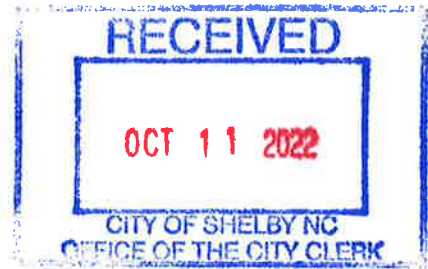
\* **Type your name for signature**  
Donald Eslick

\* Date  
10/11/2022

\* Full Name  
Devin P. McCullough

\* Full Address  
435 Country Club Ct  
Shelby NC 28150

Ward 2



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

**If you live in Shelby, how many years and months?**  
11 years 4 months

**Date of Birth**  
11/20/1979

Home Phone  
\*\*SKIPPED\*\*

Mobile Phone  
(980) 295-9583

Work Phone  
\*\*SKIPPED\*\*

\* **Email**  
devin\_mccullough@yahoo.com

**Occupation**  
anesthesiologist

**Why are you interested in serving on the ABC Board?**

While I am not a Shelby native I have lived here for well over a decade and have raised my children here. I have served this community in other ways in the past and know I have a background and skill set that would compliment the boards mission. I have enjoyed serving the community in the past and am of the mindset that serving the community you live in will inevitably make the whole population thrive.

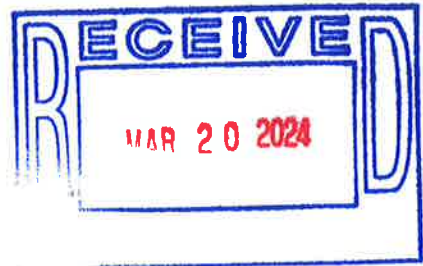
**Please list any previous board service (If applicable)**

I have previously served as the Chief of Staff for Atrium Cleveland hospital, a role in which I served as the lead liaison between the physicians and administration to help ensure our county received efficient and quality healthcare. I have served on the Younglife skeetshoot board to help raise funds for young members of the community to attend camps. Previously, I have been heavily involved with the American Heart Association locally to help plan and fundraise , for large fundraising events.

**Interests, skills, expertise or experiences that may be of assistance to the ABC Board's success**

Given my medical background I can assist in the boards need for public alcohol education and any new ideas that have been introduced that are aimed at promoting responsible consumption of alcohol. Additionally, I hold an MBA from Garnder-Webb which would be beneficial to the board to help analyze sales, profits and overall financial health. I believe the combination of my skill set would bring a fresh perspective to the board while also advancing the mission of the board in our community.

\* **Type your name for signature**  
Devin P McCullough, DO MBA



**\* Date**  
03/12/2024

**Full Name**  
Brett T. Wease

**\* Full Address**  
211 Silver Creek Lane  
Shelby NC 28152

**\* Do you live within Shelby's city limits?**  
No

**If you live in Shelby, how many years and months?**  
Other than 2 years in Kings Mountain, 8 years

**Date of Birth**  
03/31/1989

**Home Phone**  
(704) 477-9458

**Mobile Phone**  
(704) 477-9458

**Work Phone**  
\*\*SKIPPED\*\*

**\* Email**  
brettwease@jollyrealtygroup.com

**Occupation**  
Real Estate Agent

**Why are you interested in serving on the ABC Board?**

I recognize the important role that responsible alcohol regulation plays in our community's well-being. Having been a member of this community for pretty much my entire life, I have seen first hand the impact that effective regulation can have on public safety, business development, and social responsibility. My background in management and current career in real estate, especially dealing with numbers and forecasting makes me a great fit to be an asset to the board.

**Please list any previous board service (If applicable)**

Local boards --- sports (American Legion), ABCA

**Interests, skills, expertise or experiences that may be of assistance to the ABC Board's success**

Great with numbers, strong knowledge of and interest in the process of making alcohol and distribution, forecasting, sales, implementing strategies to achieve successes.

**\* Type your name for signature**

Brett Wease

**\* Date**  
01/10/2024

**\* Full Name**  
Niya W. Brooks

**\* Full Address**  
1800 David Dr  
Shelby NC 28150

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

**If you live in Shelby, how many years and months?**  
7 years 8months

**Date of Birth**  
06/13/1977

**Home Phone**  
(704) 430-2405

**Mobile Phone**  
(704) 430-2405

**Work Phone**  
(704) 669-5818

**\* Email**  
vintagebeauty.co@gmail.com

**Occupation**  
Business owner

**Why are you interested in serving on the ABC Board?**

I bring a wealth of managerial experience and a proven track record in promoting responsible sales. My commitment to the mission of the Shelby ABC Board includes ensuring customer-friendly liquor stores that operate efficiently. I am dedicated to upholding the board's values and contributing to the responsible control of spirituous liquor sales in our localities.

**Please list any previous board service (If applicable)**  
Cleveland County Library Board

**Interests, skills, expertise or experiences that may be of assistance to the ABC Board's success**

My interest lies in contributing to the ABC Board's mission of responsible liquor control. With a background in regulatory compliance and a keen understanding of customer service, I aim to enhance operational efficiency while maintaining a strong commitment to promoting responsible alcohol sales.

**\* Type your name for signature**  
Niya W. Brooks





**\* Date**  
12/01/2023

**\* Full Name**  
Stephen S. Borders

**\* Full Address**  
1101 East Sanders Road  
Shelby North Carolina 28150

**\* Do you live within Shelby's city limits?**  
No

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

**Date of Birth**  
11/08/1978

**Home Phone**  
(919) 270-0235

**Mobile Phone**  
(919) 270-0235

**Work Phone**  
\*\*SKIPPED\*\*

**\* Email**  
spencer.borders@foothillscommercial.com

**Occupation**  
Real Estate Brokerage

**Why are you interested in serving on the ABC Board?**

It would be a pleasure to serve the community as a member of this board. I believe that it is critically important for a government controlled service like the ABC to have input and guidance from citizens in the community who operate successful businesses. My experience in helping other business owners make decisions would be key in helping the ABC to operate in a way that prioritizes safety in the community while keeping the organization on solid ground financially.

**Please list any previous board service (If applicable)**

I have served on the following Boards: Cleveland County Community Foundation (current ) Uptown Shelby Association (current board member and past President) Historic Shelby Foundation Shelby Presbyterian Diaconate (former chair) Raleigh Meals on Wheels

**Interests, skills, expertise or experiences that may be of assistance to the ABC Board's success**

I was born in Cleveland County and went to Shelby High School. I graduated from The Citadel with honors in 2002 and received a Masters of Business Administration 2005. I'm an Eagle Scout and currently own and operate Foothills Commercial Real Estate in Uptown Shelby.

**\* Type your name for signature**  
Spencer Borders

**\* Date**  
04/25/2023

**\* Full Name**  
Mark Stephen. Turner

Ward 5

**\* Full Address**  
1400 Beverly ave . Mark Turner  
Shelby North Carolina 28152

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

**If you live in Shelby, how many years and months?**  
45

**Date of Birth**  
10/05/2023

**Home Phone**  
(704) 487-5074

**Mobile Phone**  
(704) 487-5074

**Work Phone**  
(704) 487-5074

**\* Email**  
mturnermark@yahoo.com

**Occupation**  
Plumber

**Why are you interested in serving on the ABC Board?**  
I have done plumbing for the ABC board for years. I have a very good rapport with the board and with members of the board.

**Please list any previous board service (If applicable)**  
I served on the community board for Cleveland County Schools.

**Interests, skills, expertise or experiences that may be of assistance to the ABC Board's success**  
I am interested in providing more sought after alcohol for our community. I try to stay up-to-date with the trends and feel that I would be a good addition to the board. I would like to see our local restaurants have increased revenue from these top shelf liquors.

**\* Type your name for signature**  
Mark Turner



**\* Date**  
05/10/2024

**\* Full Name**  
Jacob R. Potter

**\* Full Address**  
4026 Littlejohn Circle  
Shelby NC 28152

**\* Do you live within Shelby's city limits?**  
No

**If you live in Shelby, how many years and months?**  
0 years 10 months

**Date of Birth**  
12/29/1982

**Home Phone**  
(814) 215-7775

**Mobile Phone**  
(814) 215-7775

**Work Phone**  
\*\*SKIPPED\*\*

**\* Email**  
jacob.r.potter1@gmail.com

**Occupation**  
Retired

**Why are you interested in serving on the ABC Board?**  
Retired Army looking for something to do

**Please list any previous board service (If applicable)**  
\*\*SKIPPED\*\*

**Interests, skills, expertise or experiences that may be of assistance to the ABC Board's success**  
Military service, sales, marketing

**\* Type your name for signature**  
Jacob R Potter



City of Shelby  
Agenda Item Summary  
May 20, 2024  
Don Gibson Theatre

Agenda Item: G

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: H

Council Announcements and Remarks

I. 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