

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:

2-14

- 1) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina for parcel 24083 (N Post Road): Ordinance No. 54-2024
- 2) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina for parcels 65586, 28375, and 58270 (Randolph Road): Ordinance No. 55-2024
- 3) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina for parcels 30166, 30167, and 30168 (S Lafayette Street): Ordinance No. 56-2024
- 4) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina for parcels 22186, 22301, and 22284 (E Marion Street, Borders Road): Ordinance No. 57-2024

15-26

27-41

42-57

- 5) Consideration of an ordinance to extend the corporate limits of the City of Shelby, North Carolina (E Marion Street, Borders Road): Ordinance No. 58-2024 58-72

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 August 19, 2024 73-82
- 2) Adoption of FY 2024-2025 Budget Ordinance Amendment No. 1: Ordinance No. 59-2024 83-86
- 3) Adoption of a budget ordinance amendment for the City of Shelby's Depot Project: Ordinance No. 60-2024 87-90
- 4) Adoption of a budget ordinance amendment for the City of Shelby's City Park Pool Renovation Project: Ordinance No. 61-2024 91-94
- 5) Approval of a resolution recognizing Public Power Week, October 6-12, 2024: A Week-Long Celebration Of The City Of Shelby's Electric System: Resolution No. 58-2024 95-96
- 6) Approval of a Special Event Application:
- a) Falling for Shelby, requested date: Saturday, October 26, 2024 97-109
- b) Mush, Music & Mutts Festival: The Official NC Fall Liver Mush Festival, requested date: Saturday, October 19, 2024 110-122

END OF CONSENT AGENDA

E. Unfinished Business:

None

F. New Business:	123
None	
G. City Manager’s Report	123
H. Council Announcements and Remarks	123
I. Closed Session:	124
1) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease pursuant to North Carolina General Statute § 143-318.11(a)(5).	
2) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations pursuant to North Carolina General Statute § 143-318.11(a)(4).	
J. Adjournment:	124
<i>To adjourn a meeting of City Council, a majority of the Council Members must vote for a motion to adjourn.</i>	
Motion to adjourn	

B. Public Comment:

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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.

C. Public Hearings:

Agenda Item: C-1

- 1) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina for parcel 24083 (N Post Road): Ordinance No. 54-2024

Presenting: (Brian Burgess, Director of Planning & Development)

Summary of Available Information:

- Memorandum dated August 26, 2024, from Brian Burgess, Director of Planning & Development to Rick Howell, City Manager
- Location Map, Zoning Map, Future Land Use Map
- General Application
- Staff Report
- Certified Recommendation
- Notice to Surrounding Properties & Mailing List
- Notice of Public Hearing
- Ordinance No. 54-2024

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. Burgess' memorandum noting that the zoning map amendment is inconsistent with the City's current land use plan but consistent with current development patterns. City staff recommends and the Planning and Zoning Board voted unanimously to recommend the rezoning as submitted.** 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

§ 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)).

TO: Mr. Rick Howell, City Manager
FROM: Brian Burgess, Director of Planning & Development
DATE: August 26, 2024
SUBJECT: 215 N. Post Rd. – Zoning Map Amendment

Background

The subject property is located at 215 N. Post Rd. The site is on the eastern side of the city along N. Post Rd, north of the intersection of Marion Street and N. Post Road. The property is approximately 2.3 acres. The applicant is proposing to rezone from R10 to CPD.

The site is adjacent to R10 on the north, south, east, and west; there is GB and GB2 diagonally southeast across the right-of-way. This site is located within the medium density residential classification on the Future Land Use Map, though nearby development patterns show commercial use to be reasonable as well.

Recommendation

The CPD zoning district is inconsistent with the future land use plan, though consistent with current development patterns. Staff and the Planning & Zoning Board recommend approval of the rezoning because it is compatible with other adjacent uses.

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



Staff Report

To: Shelby Planning & Zoning Board Date: August 6, 2024
From: Audrey Whetten Godfrey Meeting: August 15, 2024
Senior Planner File: #1207

OWNER: White Investments of Shelby **APPLICANT:** TKC CCCLXXII, LLC

LOCATION: 215 North Post Road **PARCEL ID #:** 24083

PRESENT ZONING: R10 **REQUESTED ZONING:** CPD

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

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

ANALYSIS: The subject property is located on the eastern side of the city along N. Post Rd, north of the intersection of Marion Street and Post Road. The site is an undeveloped 2.3-acre parcel zoned R10.

R10 is a medium-density residential zoning district that allows for single family housing. The site is adjacent to R10 on the north, south, east, and west; there is GB and GB2 diagonally southeast across the right-of-way. Water is available in Post Road; the sewer immediately in the area is in the residential neighborhood to the west and south.

The request is to rezone to the CPD Corridor Protection 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 Future Land Use Map in the 2009 Comprehensive Land Use Plan identifies the parcel and surrounding areas as Medium Density Residential.

STAFF COMMENTS: The requested rezoning is inconsistent with the Future Land Use Map designation of Medium Density Residential. The request is consistent with development in the area. Staff recommends this proposed zoning designation.



August 20, 2024

PARKER DENNIS A PARKER DIANA
224 N POST RD
SHELBY NC 28150

RE: Parcel 24083 – 215 N Post Rd – Proposed Zoning Map Amendment

Dear PARKER DENNIS A PARKER DIANA,

The City Council of the City of Shelby will conduct a public hearing during its regular meeting on September 9, 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 215 N Post Rd, Cleveland County Parcel Number 24083.

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 or 704-484-6829.

Sincerely,

Brian Finnegan
Planner

Enclosures

PARKER DENNIS A PARKER DIANA
224 N POST RD
SHELBY NC 28150

LINEBERGER MARY ANN
218 N POST ROAD
SHELBY NC 28152

LINEBERGER GARY LEE LINEBERGER
MARY ANN
218 N POST RD
SHELBY NC 28152

WEBB JAMES E
1630 FARMVILLE RD
SHELBY NC 28150

WHITE INVESTMENTS OF
PO BOX 1420
SHELBY NC 28151

MCCONVILLE CHRISTOPH BROWN
EMILY N
1378 THE CROSSING
ROCK HILL SC 29732

FOXPROP LLC
135 CANDLEWOOD DR
KINGS MOUNTAIN NC 28086

GREENE RODNEY KEITH GREENE
LINDA KAY
1619 WOODLAWN AVE
SHELBY NC 28150-4959

HOYLE KEITH
1623 WOODLAWN AVE
SHELBY NC 28150

MCMURRY MARN R MCMURRY
JOHN EUGENE JR
317 TREMONT PL
SHELBY NC 28150

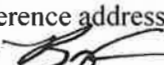
MCMURRY MARN R MCMURRY
JOHN EUGENE JR
317 TREMONT PL
SHELBY NC 28150

WHITE INVESTMENTS OF LLC
PO BOX 1420
SHELBY NC 28151-1420

LAIL MARGARET G
4040 HILLVIEW CIRCLE
SHELBY NC 28152

WHITE INVESTMENTS OF LLC A NC
LIMITED
PO BOX 1420
SHELBY NC 28151-1420

JENNINGS TACOLA T JENNINGS
GERALD LAMONT II
1609 WOODLAWN AVE
SHELBY NC 28150

I certify that the letter to adjacent
property owners was mailed to the
above reference addresses on August
20, 2024. 



Location Map 215 N Post Rd



Legend



Scale 1:6,776 1 inch = 565 feet

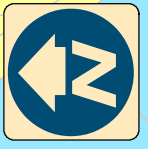
Date: 8/8/2024



Future Land Use Map 215 N Post Rd



Legend	
Future Land Use	
Agriculture	[Green Box]
Commercial	[Purple Box]
Conservation Development	[Light Green Box]
Corridor Revitalization	[Light Green Box with Vertical Lines]
Employment	[Grey Box]
Institutional	[Light Blue Box]
Mixed Use	[Pink and White Striped Box]
Neighborhood Revitalization	[Orange and White Striped Box]
Open Space	[Green Dotted Box]
Residential High Density	[Orange Box]
Residential Low Density	[Light Yellow Box]
Residential Medium Density	[Yellow Box]
Uptown Master Plan District	[Red Box]



Scale 1:6,776 1 inch = 565 feet

Date: 8/8/2024



Zoning Map 215 N Post Rd



Legend	
Zoning	
CB	[Red]
CPD	[Olive Green]
CPD-CU	[Light Orange]
GB	[Purple]
GB-CU	[Teal]
GB2	[Light Green]
GB2-CZ	[Light Purple]
GB2-CU	[Light Blue]
GI	[Grey]
GI-CZ	[Light Green]
GI-CU	[Purple]
LI	[Light Grey]
LI-CU	[Blue]
NB	[Light Orange]
NB-CU	[Pink]
RO	[Cyan]
RO-CZ	[Light Blue]
RO-CU	[Light Blue]
R20	[Light Green]
R20-CU	[Yellow]
R10	[Light Yellow]
R10-CZ	[Light Orange]
R8	[Light Green]
R6	[Orange]
R6-CZ	[Blue]
R6-CU	[Light Purple]

Date: 8/8/2024



Scale 1:6,776 1 inch = 565 feet



City of Shelby
Planning and Development Services Department

General Application

Address of Subject Property:

215 N. Post Rd

Applicant(s) Name: TKC CCCLXXII, LLC
Address: 4500 Cameron Valley Pkwy, Suite 400
Charlotte, NC 28211
Email: bgodfrey@thekeithcorp.com
Phone: 704-365-6000

Owner(s) Name: White Investments, LLC
Email: dwalt50@carolina.rr.com;
Phone: 704-472-1456

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

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
[x] Zoning Map Amendment
[] Conditional Use Map Amendment
[] Zoning Permit or Home Occupation Permit

Project Information (Fill in applicable information):

Parcel Number: 2556685790
Proposed Zoning: CPD
Proposed Land Use:
Previous Use: R-10
Approx. Building Sq. Ft.:
Approx. Project Acreage:
Business Name:
Construction Sq. Ft.:
Valuation:

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

[Blank lines for project description]

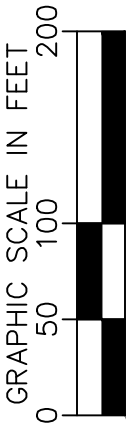
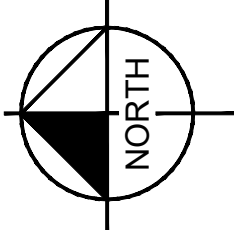
Oath: By signing, I hereby certify that all information that I have provided in this application is correct and complete to the best of my knowledge. I understand that providing false or incomplete information may be grounds for denial of my request or may result in future action by the City Council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

Signature of Applicant

7/24/24
Date

Received by:

Date



215 N POST ROAD, SHELBY, NC 28152

DATE: 07-18-2024

SHEET 1 of 1



200 SOUTH TRYON STREET, SUITE 200
 WELLSVILLE, NORTH CAROLINA 28682
 PHONE: 704-335-5151

THIS DOCUMENT, TOGETHER WITH THE CONCEPTS AND DESIGNS PRESENTED HEREIN, IS INTENDED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF AND IMPROPER RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY KIMLEY-HORN AND ASSOCIATES, INC. SHALL BE WITHOUT LIABILITY TO KIMLEY-HORN AND ASSOCIATES, INC.

ORDINANCE NO. 54-2024

**A PROPOSED ORDINANCE AMENDING THE ZONING MAP OF
THE CITY OF SHELBY, NORTH CAROLINA FOR
PARCEL 24083, FURTHER IDENTIFIED AS 215 N. POST RD.**

WHEREAS, the City of Shelby has received an application requesting the rezoning of property at 215 N. Post Road (Parcel 24083) 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 not consistent with the Comprehensive Land Use Plan for the proposed land use but is consistent with the surrounding zoning and uses; and,

WHEREAS, in accordance with N.C. Gen. Stat. § 160D-602, a public hearing on this proposed rezoning was held by City Council on September 9th 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 development pattern of the surrounding properties 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 parcel on Post Rd (Parcel 24083) is hereby amended from R20 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 September 9th, 2024 upon its adoption and approval.

ADOPTED AND APPROVED this the 9th day of September 2024.

O. Stanhope Anthony III
Mayor

ATTEST:

Breanna Jones
Deputy Clerk

APPROVED AS TO FORM:

Jason Lunsford
City Attorney

Agenda Item: C-2

- 2) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina for parcels 65586, 28375, and 58270 (Randolph Road): Ordinance No. 55-2024

Presenting: (Brian Burgess, Director of Planning & Development)

Summary of Available Information:

- Memorandum dated August 26, 2024, from Brian Burgess, Director of Planning & Development to Rick Howell, City Manager
- Location Map, Zoning Map, Future Land Use Map
- General Application
- Staff Report
- Certified Recommendation
- Notice to Surrounding Properties & Mailing List
- Notice of Public Hearing
- Ordinance No. 55-2024

City Manager's Recommendation / Comments

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(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)).

TO: Mr. Rick Howell, City Manager

FROM: Brian Burgess, Director of Planning & Development

DATE: August 26, 2024

SUBJECT: 2215 Randolph Rd. – Zoning Map Amendment

Background

The subject property is located at 2215 Randolph Rd. The site is southeast of the Washburn Switch interchange on the 74 bypass. The property is approximately 60 acres. The applicant is proposing to rezone from R20 and LI to GI.

The property to the north of this parcel is zoned LI, with R20 located to the south, east, and west. This site is located within the low density residential classification on the Future Land Use Map, though nearby development patterns show industrial use to be reasonable as well.

Recommendation

The GI zoning district is inconsistent with the future land use plan, though consistent with current development patterns. Staff and the Planning & Zoning Board recommend approval of the rezoning because it is compatible with other adjacent uses.

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



Staff Report

To: Shelby Planning & Zoning Board
From: Audrey Whetten Godfrey
Senior Planner

Date: August 7, 2024
Meeting: August 15, 2024
File: # 1208

OWNER/APPLICANT: City of Shelby

LOCATION: Randolph Rd & Washburn Switch Rd **PARCEL ID #s:** 65586, 28375, 58270

PRESENT ZONING: LI, R20 **REQUESTED ZONING:** GI

SURROUNDING ZONING: **North:** R20 **South:** LI, R20 **East:** LI, R20 **West:** R20

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

ANALYSIS: The subject property includes a vacant parcel on Randolph Road, the adjacent lot at 2215 Randolph Road (an industrial shell building), and a connecting parcel on Washburn Switch Road. The site is southeast of the Washburn Switch interchange at the new 74 bypass. The subject property has an area of approximately 60 acres and is within the City limits. The applicant has applied for a zoning designation of GI General Industrial. At present, most of parcel 65586 is zoned LI Light Industrial and the remainder of the site is zoned R20 Residential.

The GI General Industrial district is primarily intended to accommodate a wide range of assembling, fabricating, manufacturing uses, and support retail and service uses. The GI district is established for the purpose of providing appropriate locations and development regulations for uses that may require special measures to ensure compatibility with adjoining residential or business properties.

Water is available in both Randolph Rd and Washburn Switch Rd, and a sewer line connects to the site from Randolph Rd. City electric and gas are also available on the site.

The Future Land Use Map in the 2009 Comprehensive Land Use Plan identifies the two large parcels on Randolph Rd as being in a Low Density Residential area and the small parcel on Washburn Switch as Medium Density Residential. Overall, the site is adjacent to areas designated as Employment, Medium Density Residential, and Mixed Use.

STAFF COMMENTS: This proposal is inconsistent with the Comprehensive Future Land Use Plan but is consistent with development patterns in the area and existing development on the subject property. Staff recommends this proposed zoning designation.



August 19, 2024

«OWNER 1», «OWNER 2»
«OWNER ADDRESS»
«OWNER CITY», «OWNER STATE» «OWNER ZIP»

RE: Parcels 65586, 28375, and 58270 – 2215 Randolph Road – Proposed Zoning Map Amendment

Dear «OWNER 1», «OWNER 2»

On Monday, September 9, 2024, the Shelby City Council will conduct a public hearing, as mandated by North Carolina General Statutes (G.S.) Chapter 160D, Article 6. The purpose of this hearing is to consider a proposed amendment to the zoning map for properties located on Randolph Road and Washburn Switch Road. These properties are identified by Cleveland County Parcel Numbers 65586, 28375, and 58270.

The proposed amendment involves changing the zoning of these parcels from Light Industrial (LI) and Residential (R20) to General Industrial (GI).

For your reference, we have enclosed the zoning map amendment application, a location map, and the current zoning map.

Should you have any questions or require further information, please do not hesitate to contact the Planning Department at 704-484-6829 or via email at zoning@cityofshelby.com.

Sincerely,

A handwritten signature in black ink that reads "Audrey Whetten Godfrey". The signature is written in a cursive style.

Audrey Whetten Godfrey
Senior Planner

Enclosures

2010 PROPERTIES LLC
1137 E MARION ST STE 182
SHELBY, NC 28150

J & J TRUST
125 FRONTIER RD
GAFFNEY, SC 29341

BARBARA BOST HOWIE REVOCABLE
TRUST
1775 COX RD
WEDDINGTON, NC 28105

HEELSTONE LAND HOLDINGS LLC
191 W NATIONWIDE BLV
COLUMBUS, OH 43215

Property Owner
2151 W RANDOLPH RD
SHELBY, NC 28150-7783

SMITH BOBBY GENE
2155 RANDOLPH RD
SHELBY, NC 28150-7783

DOGGETT COLEMAN A
217 ROSECOMMON LANE
CARY, NC 27511

GLENN RALPH P GLENN LYNDA M
2218 AMBER LANE
SHELBY, NC 28150

MCCURRY SAMMY JOE LIFE ESTATE
2220 RANDOLPH RD
SHELBY, NC 28150

VICKERS J D WHITE SUSAN
2226 AMBER LN
SHELBY, NC 28150

BURNS TOMMY ROGER BURNS
ROBIN DOVER
2226 RANDOLPH RD
SHELBY, NC 28150-7784

GRIGG SHERRY
2299 RANDOLPH RD
SHELBY, NC 28150

HAWKINS JIMMY PRESTON
2304 W RANDOLPH RD
SHELBY, NC 28150-7785

HEELSTONE LAND HOLDINGS LLC
236 THIRD STREET
BATON ROUGE, LA 70801

ELECTRIC GLASS FIBER AMERICA LLC
251 LITTLE FALLS DR
WILLMINGTON, DE 19808

PIERCEY JAMES RICHARD PIERCEY
TRACY LYNN
2912 SHEREE LN
SHELBY, NC 28150

CITY OF SHELBY
300 S WASHINGTON ST
SHELBY, NC 28151

MARTINEZ GAUDENCIO GASPAR
388 WASHBURN SWITCH
SHELBY, NC 28150

DAVIS AMANDA DANIELLE
406 WASHBURN SWITCH
SHELBY, NC 28150

ST ROMAIN LUCKY J ST ROMAIN
JANICE N
408 WASHBURN SWITCH
SHELBY, NC 28150

GUNTER BRIAN D
412 WASHBURN SWITCH
SHELBY, NC 28152

SMITH BOBBY GENE JR SMITH
BARBARA B
430 TB THORNTON DR
HARTWELL, GA 30643-6814

SELF WALTER STEVEN SELF WILMA
504 DENNIS DR
SHELBY, NC 28150

BLACK JAMES L BLACK AMY B
506 DENNIS DR
SHELBY, NC 28150

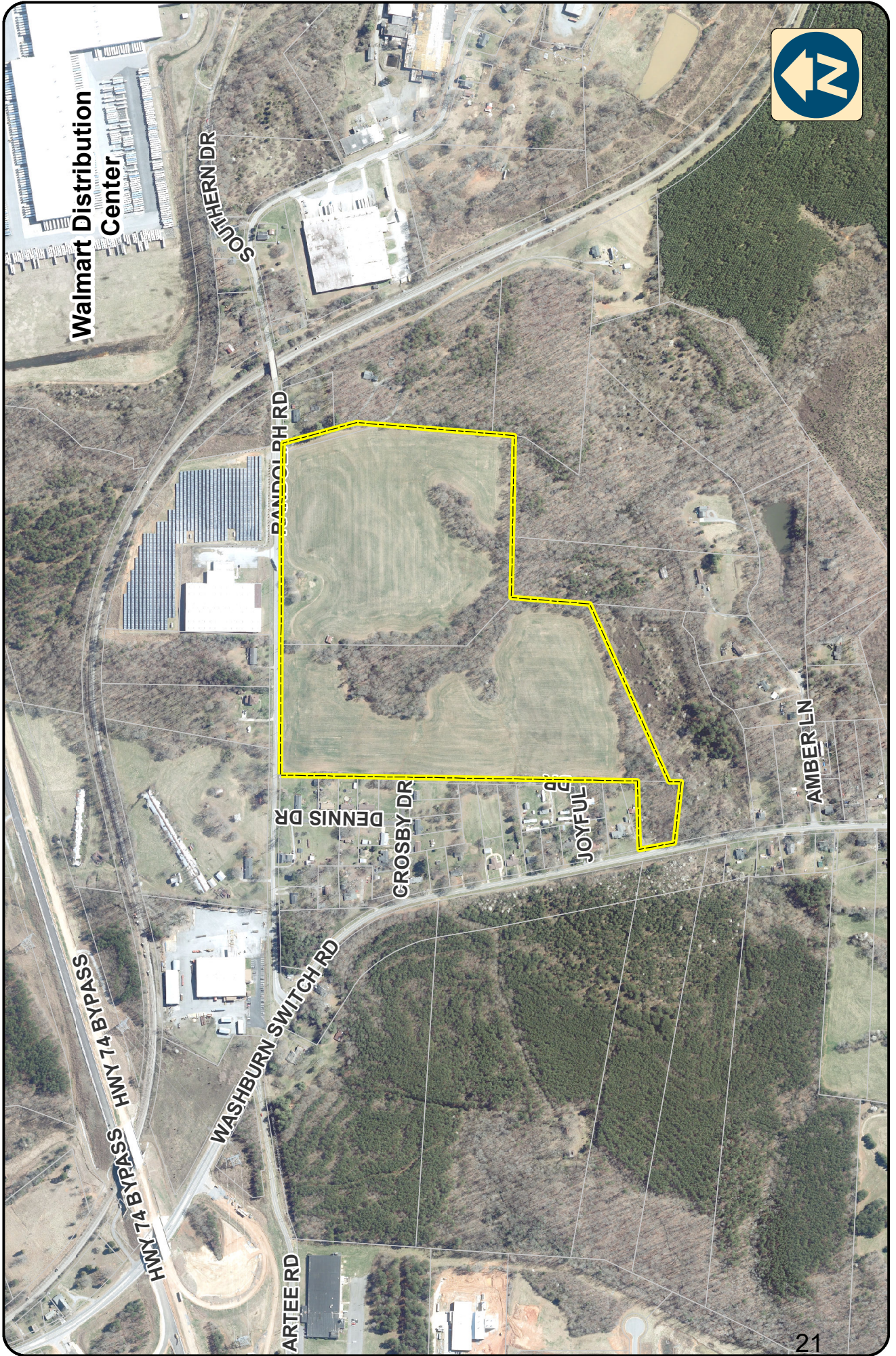
ALTAMIRANO RAMSES ARTICA
LESLIE
508 DENNIS DR
SHELBY, NC 28150

J & J TRUST
6009 LEO DR
SHELBY, NC 28150

COUNTY OF CLEVELAND
PO BOX 1210
SHELBY, NC 28151-1210

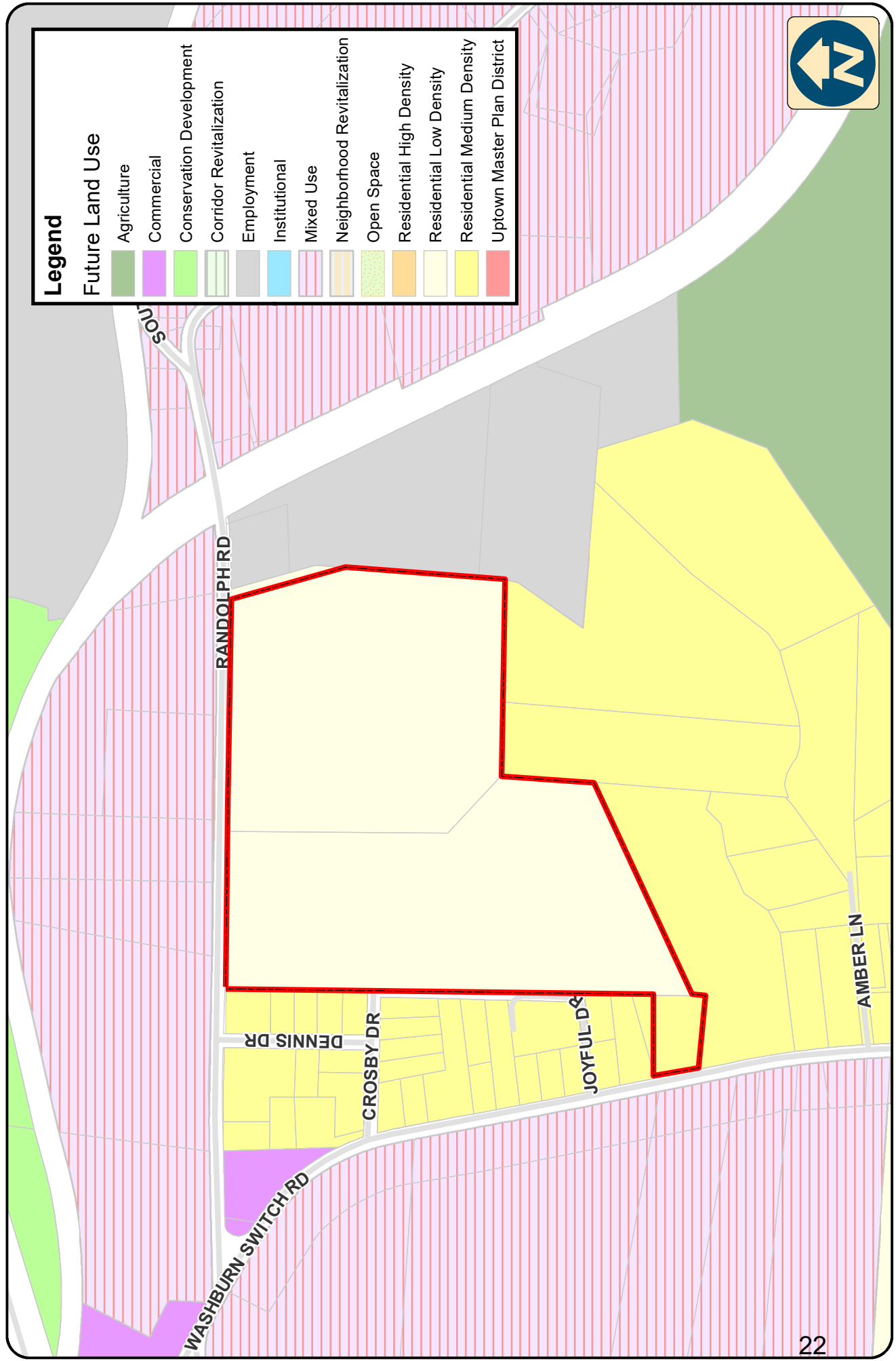
*I certify that the letter to adjoining property
owners was mailed to the above addresses
on Aug. 20, 2024.*
Dudrey Walter Godfrey

Location 2215 Randolph Rd





Future Land Use Map 2215 Randolph Rd

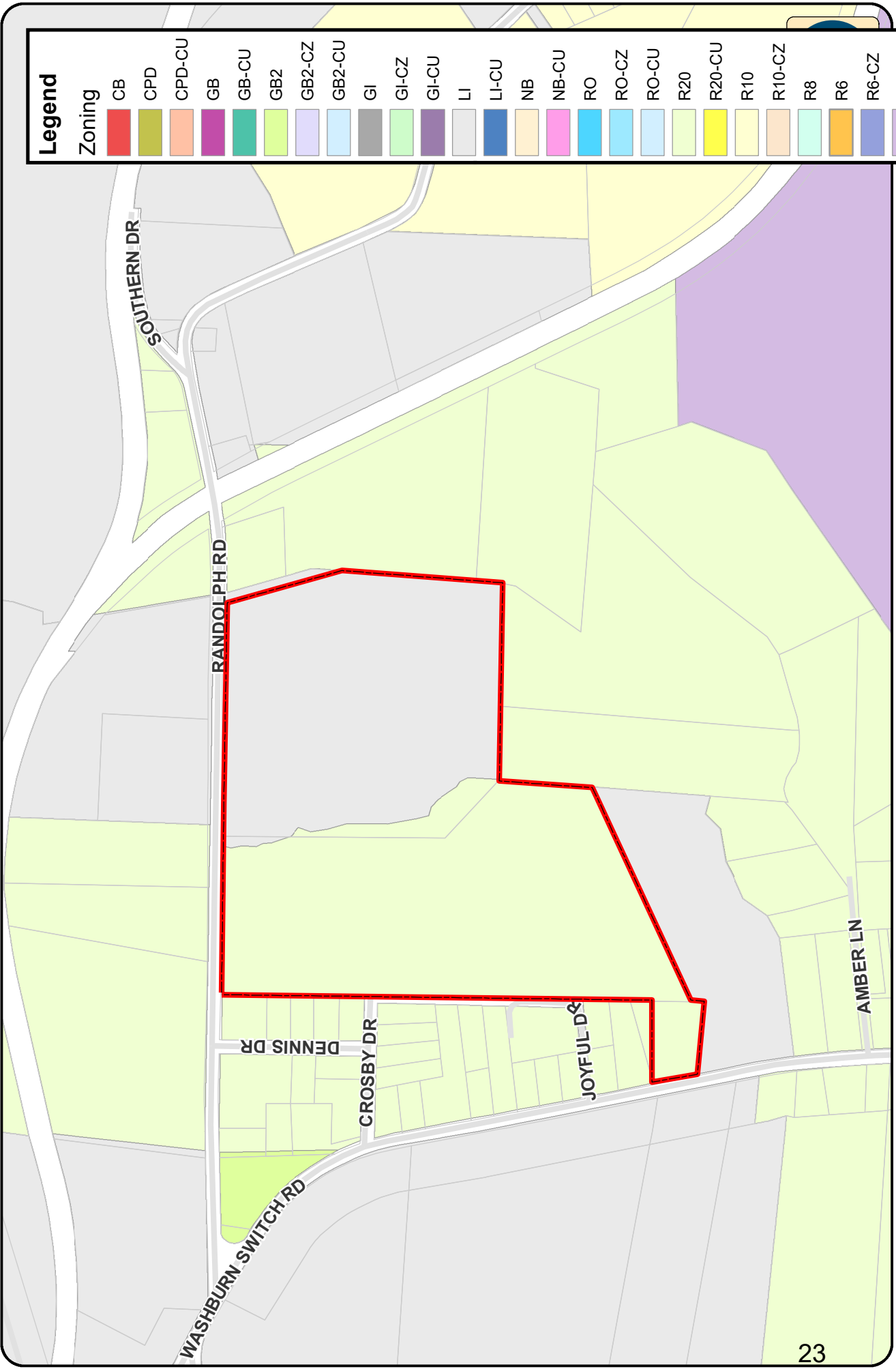


Scale 1:6,776 1 inch = 565 feet

Date: 8/8/2024



Zoning Map 2215 Randolph Rd



Zoning	Color
CB	Red
CPD	Olive Green
CPD-CU	Orange
GB	Purple
GB-CU	Teal
GB2	Light Green
GB2-CZ	Light Purple
GB2-CU	Light Blue
GI	Grey
GI-CZ	Light Green
GI-CU	Purple
LI	Light Grey
LI-CU	Dark Blue
NB	Light Orange
NB-CU	Pink
RO	Light Blue
RO-CZ	Light Blue
RO-CU	Light Blue
R20	Light Green
R20-CU	Yellow
R10	Light Yellow
R10-CZ	Light Orange
R8	Light Green
R6	Orange
R6-CZ	Blue
R6-CU	Purple

1,140 Feet

570

285

0

Scale 1:6,776 1 inch = 565 feet

Date: 8/8/2024



City of Shelby
Planning and Development Services Department

General Application

Address of Subject Property:

2215 Randolph Rd; Parcels 65586 & 28375 + 58270

Applicant(s) Name: City of Shelby

Address: 300 S. Washington Street
Shelby, NC 28150

Email: justin.longino@cityofshelby.com

Phone: 704-484-6834

Owner(s) Name: City of Shelby & Cleveland County

Email: justin.longino@cityofshelby.com; david.cotton@clevelandcountync.gov

Phone: 704-484-6834 & 704-484-4800

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

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
[X] Zoning Map Amendment
Conditional Use Map Amendment
Zoning Permit or Home Occupation Permit

Project Information (Fill in applicable information):

Parcel Number: 65586 & 28375 + 58270

Proposed Zoning: GI

Proposed Land Use: Industrial Manufacturer

Previous Use: Current shell building, vacant parcel

Approx. Building Sq. Ft.: 108k

Approx. Project Acreage: 60

Business Name:

Construction Sq. Ft.:

Valuation:

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

[Blank lines for project description]

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

8/6/2024
Date

Received by:

Date

ORDINANCE NO. 55-2024

**A PROPOSED ORDINANCE AMENDING THE ZONING MAP OF
THE CITY OF SHELBY, NORTH CAROLINA FOR
PARCELS 65586, 28375, AND 58270, FURTHER IDENTIFIED AS 2215 RANDOLPH
RD.**

WHEREAS, the City of Shelby has received an application requesting the rezoning of property at 2215 Randolph Road (Parcels 65586, 28375, AND 58270) 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 not consistent with the Comprehensive Land Use Plan for the proposed land use but is consistent with the surrounding zoning and uses; and,

WHEREAS, in accordance with N.C. Gen. Stat. § 160D-602, a public hearing on this proposed rezoning was held by City Council on September 9th 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 development pattern of the surrounding properties 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 parcel on Randolph Rd (Parcels 65586, 28375, AND 58270) is hereby amended from LI and R20 to GI (General Industrial).

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 September 9th, 2024 upon its adoption and approval.

ADOPTED AND APPROVED this the 9th day of September 2024.

O. Stanhope Anthony III
Mayor

ATTEST:

Breanna Jones
Deputy Clerk

APPROVED AS TO FORM:

Jason Lunsford
City Attorney

Agenda Item: C-3

- 3) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina for parcels 30166, 30167, and 30168 (S Lafayette Street): Ordinance No. 56-2024

Presenting: (Brian Burgess, Director of Planning & Development)

Summary of Available Information:

- Memorandum dated August 26, 2024, from Brian Burgess, Director of Planning & Development to Rick Howell, City Manager
- Location Map, Zoning Map, Future Land Use Map
- General Application
- Staff Report
- Certified Recommendation
- Notice to Surrounding Properties & Mailing List
- Notice of Public Hearing
- Ordinance No. 56-2024

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. Burgess' memorandum noting that the zoning map amendment is consistent with the City's current land use plan and consistent with current development patterns. City staff recommends and the Planning and Zoning Board voted unanimously to recommend the rezoning as submitted.** 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

§ 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)).

TO: Mr. Rick Howell, City Manager

FROM: Brian Burgess, Director of Planning & Development

DATE: August 26, 2024

SUBJECT: 1761, 1765 & 1769 S Lafayette St. – Zoning Map Amendment

Background

The subject property is located at 1761, 1765 & 1769 S Lafayette St. The site just north of the intersection of S Lafayette St and College Ave. The property is approximately 1.92 acres. The applicant is proposing to rezone from R10 to CPD.

The property to the north of this parcel is zoned R10, with CPD and R10 located to the south, east, and west. This site is located within the commercial classification on the Future Land Use Map, and nearby development patterns show commercial use to be reasonable as well.

Recommendation

The CPD zoning district is consistent with the future land use plan, and consistent with current development patterns. Staff and the Planning & Zoning Board recommend approval of the rezoning because it is compatible with other adjacent uses.

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

Staff Report



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

Date: August 7, 2024
Meeting: August 15, 2024
File: #1205

OWNER/APPLICANT: Janice Wright – Applicant; Janice Wright – Owner

LOCATION: 1761, 1765 & 1769 S Lafayette St

PARCEL ID #s: 30166, 30167, 30168

PRESENT ZONING: R10

REQUESTED ZONING: CPD

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

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

ANALYSIS: The subject properties are located at 1761, 1765 & 1769 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 1.92 acres and there is a single family detached home on each property. 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 and in close proximity with commercial uses located at the intersection to the south. The property to the north is zoned residential with existing residential uses. Although these parcels are currently developed with single family detached houses, this is a permitted use by right in the CPD, subject to R6 development standards. Rezoning these properties will not create a nonconforming use or structure.

STAFF COMMENTS: The Comprehensive Land Use Plan identifies this site as future Commercial use. The CPD zoning district is consistent with this land use designation in the future land use plan. Staff recommends approval of the rezoning because it is compatible with other uses in the immediate area and consistent with the Comprehensive Land Use Plan.



August 19, 2024

ALLIED INVESTMENT EN LLC
PO BOX 518
SHELBY NC 28151-0518

RE: Parcels 30166, 30167, & 30168 – 1761, 1765, & 1769 S Lafayette St – Proposed Zoning Map Amendment

Dear ALLIED INVESTMENT EN LLC,

The City Council of the City of Shelby will conduct a public hearing during its regular meeting on September 9, 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 1761, 1765, & 1769 S Lafayette St, Cleveland County Parcel Numbers 30166, 30167, & 30168.

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 or 704-484-6829.

Sincerely,

Brian Finnegan

Planner

Enclosures



City of Shelby
Planning and Development Services Department

General Application

Address of Subject Property:

1761, 1765, 1769
South Lafayette St.

Applicant(s) Name:

Donna Long

Address:

117-1 Tanglewood Lane
Shelby, NC 28152

Email:

Phone:

704-284-0068

Owner(s) Name:

Janice Wright

Email:

Phone:

704-284-0068

Relationship to Property:



Owner



Developer, Contractor, etc.



Other:

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: 30166, 30167, 30168

Proposed Zoning: Commercial

Proposed Land Use:

Previous Use:

Approx. Building Sq. Ft.:

Approx. Project Acreage:

Business Name:

Construction Sq. Ft.:

Valuation:

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

Plan on selling land

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.

Donna Long
Signature of Applicant

8-6-24
Date

Received by:

Date



Location Map 1769 S Lafayette St



Legend



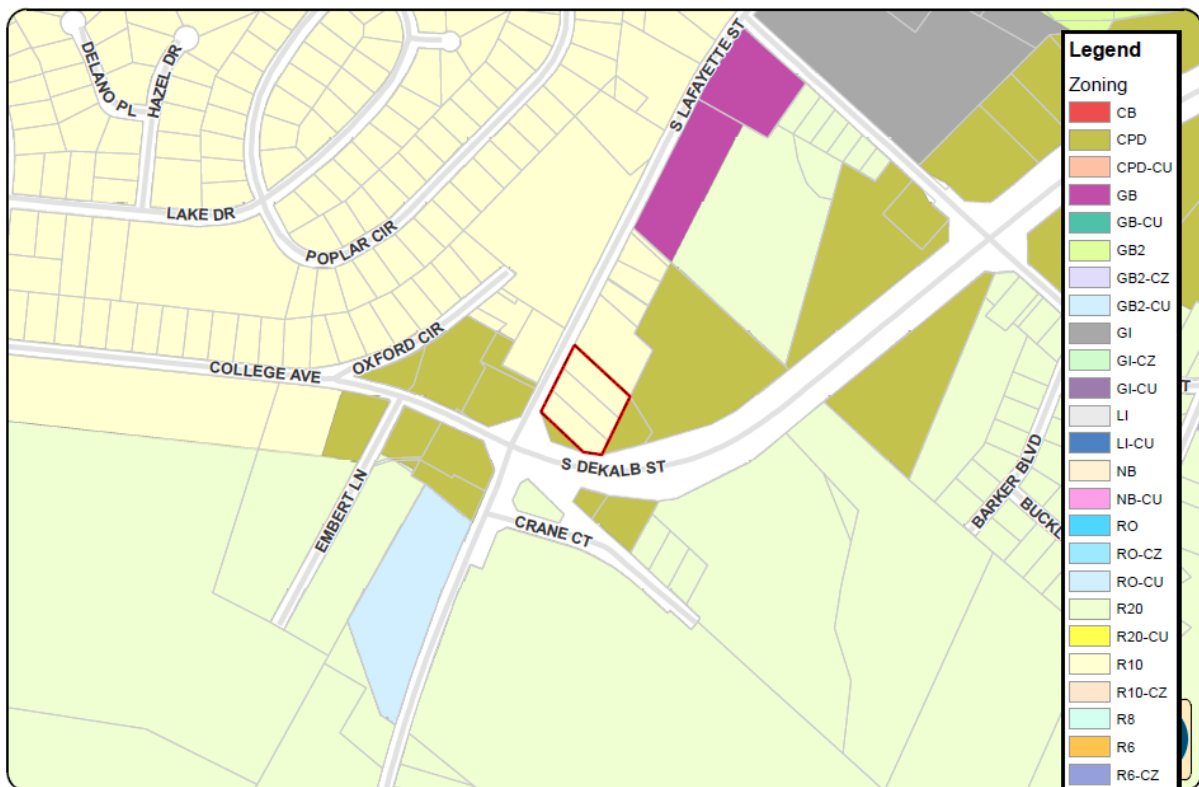
Scale 1:5,459 1 inch = 455 feet



Date: 8/7/2024



Zoning Map 1769 S Lafayette St



Legend

Zoning

- CB
- CPD
- CPD-CU
- GB
- GB-CU
- GB2
- GB2-CZ
- GB2-CU
- GI
- GI-CZ
- GI-CU
- LI
- LI-CU
- NB
- NB-CU
- RO
- RO-CZ
- RO-CU
- R20
- R20-CU
- R10
- R10-CZ
- R8
- R6
- R6-CZ
- R6-CU

Scale 1:5,459 1 inch = 455 feet



Date: 8/7/2024

ALLIED INVESTMENT EN LLC
PO BOX 518
SHELBY NC 28151-0518

CRANE LOIS B
% NICK CRANE
119 A WHITE OAK BLUFF RD
STELLA NC 28582

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

N C DEPARTMENT OF TR
1501 MAIL SERVICE CENTER
RALEIGH NC 27699

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

CAPITOL FUNDS INC
PO BOX 144
SHELBY NC 28151-0144

CRANE THURMAN F ETAL
C/O NICK CRANE
119 A WHITE OAK BLUFF RD
STELLA NC 28582

LEDBETTER ROGER DALE LEDBETTER
MARIE LORRAINE
113 CRANE ST
SHELBY NC 28152

SIMS DYLAN ALEXANDER SIBLA
SARAH BRIANNA
111 CRANE CT
SHELBY NC 28152


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

CLARK GARY GENE CRANE
THURMAN F JR ETALS
C/O NICK CRANE
119 A WHITE OAK BLUFF RD
STELLA NC 28582

IVIE JENNIE B HEIRS
1765 S LAFAYETTE ST
SHELBY NC 28152

LONG RENN AVERY HEIR
1753 S LAFAYETTE ST
SHELBY NC 28152

SWINK BRIAN PATRICK
2110 LINCOLNTON HWY
CHERRYVILLE NC 28021

I certify that the letter to adjacent property owners
was mailed to the above reference addresses on
August 20, 2024. 



City of Shelby
Planning and Development Services

Appointed Agent Form

Address of Subject Property:

1761, 1765, 1769
South Lafayette St.

I, Donna Long, owner of the property located at said address and identified by the Cleveland County Tax Assessor's Office as PIN: 2535489667 2535488479, located in Cleveland County, North Carolina, do hereby appoint Brittany Beam to represent me in filing an application for a permit with the City of Shelby Planning and Development Services Department.

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

Donna Long
Signature of Property Owner

8/7/24
Date

Applicant(s) Name: Janice Wright
Address: 117-1 Tanglewood Lane
Shelby, NC 27152
Email: _____
Phone: 704-284-0068

STATE OF North Carolina
COUNTY OF Cleveland

I, Katie B. Ingle, a Notary Public for said County and State, do hereby certify that Donna Long, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 7th day of August, 2024.

(SEAL)

Katie B. Ingle
Notary Public

My Commission Expires: 8/24/27



City of Shelby
Planning and Development Services Department

General Application

Address of Subject Property:

1761, 1765, 1769
South Lafayette St.

Applicant(s) Name:

Donna Long

Address:

117-1 Tanglewood Lane
Shelby, NC 28152

Email:

Phone:

704-284-0068

Owner(s) Name:

Janice Wright

Email:

Phone:

704-284-0068

Relationship to Property:



Owner



Developer, Contractor, etc.



Other:

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: 30166, 30167, 30168

Proposed Zoning: Commercial

Proposed Land Use:

Previous Use:

Approx. Building Sq. Ft.:

Approx. Project Acreage:

Business Name:

Construction Sq. Ft.:

Valuation:

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

Plan on selling land

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

Donna L Long

Date

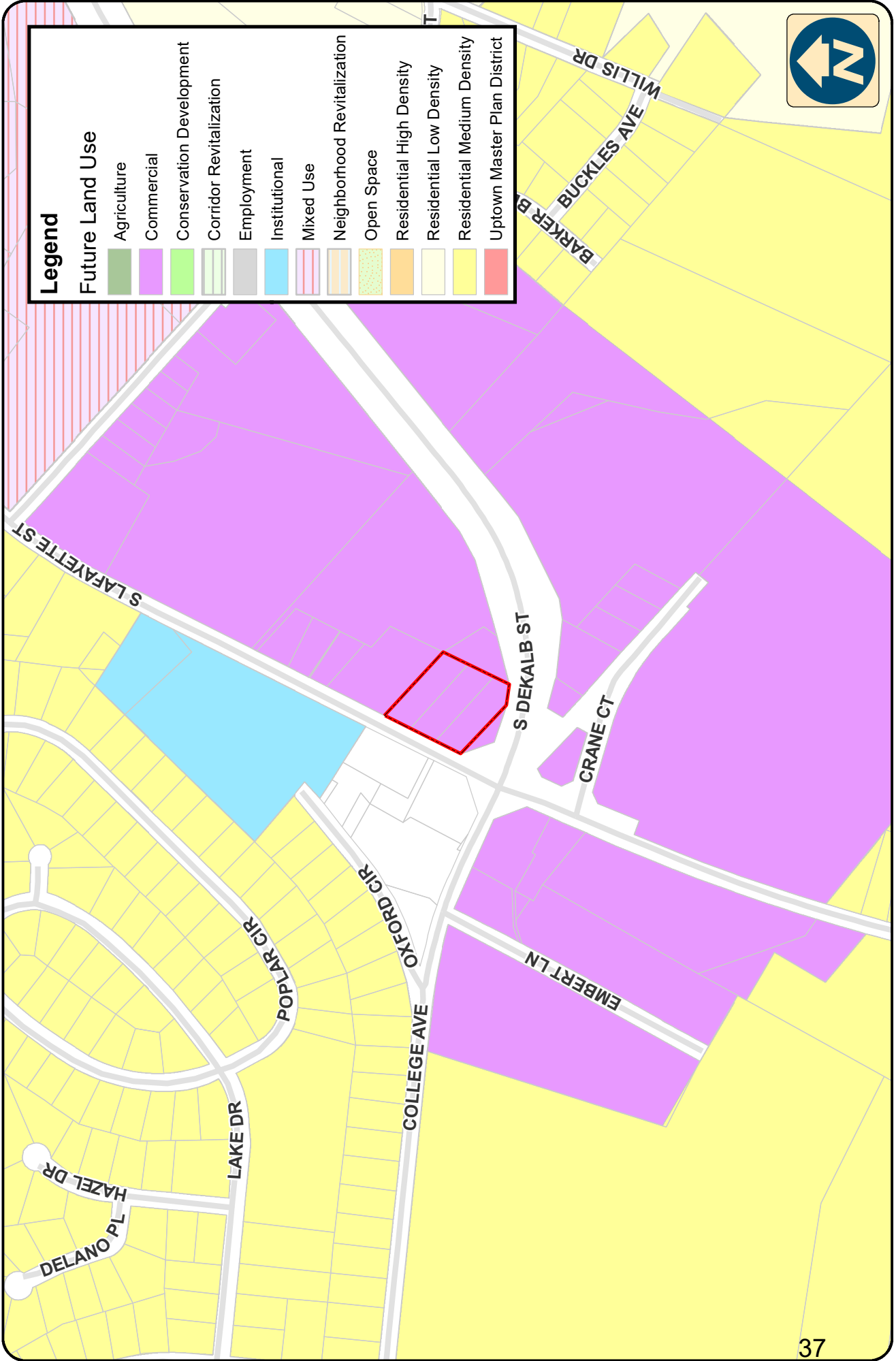
8-6-24

Received by:

Date

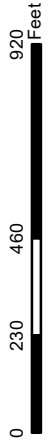
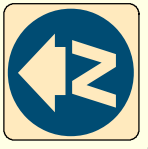


Future Land Use Map 1769 S Lafayette St



Legend

Future Land Use	Agriculture	Commercial	Conservation Development	Corridor Revitalization	Employment	Institutional	Mixed Use	Neighborhood Revitalization	Open Space	Residential High Density	Residential Low Density	Residential Medium Density	Uptown Master Plan District



Scale 1:5,459 1 inch = 455 feet

Date: 8/7/2024



Location Map

1769 S Lafayette St

Legend



Date: 8/7/2024

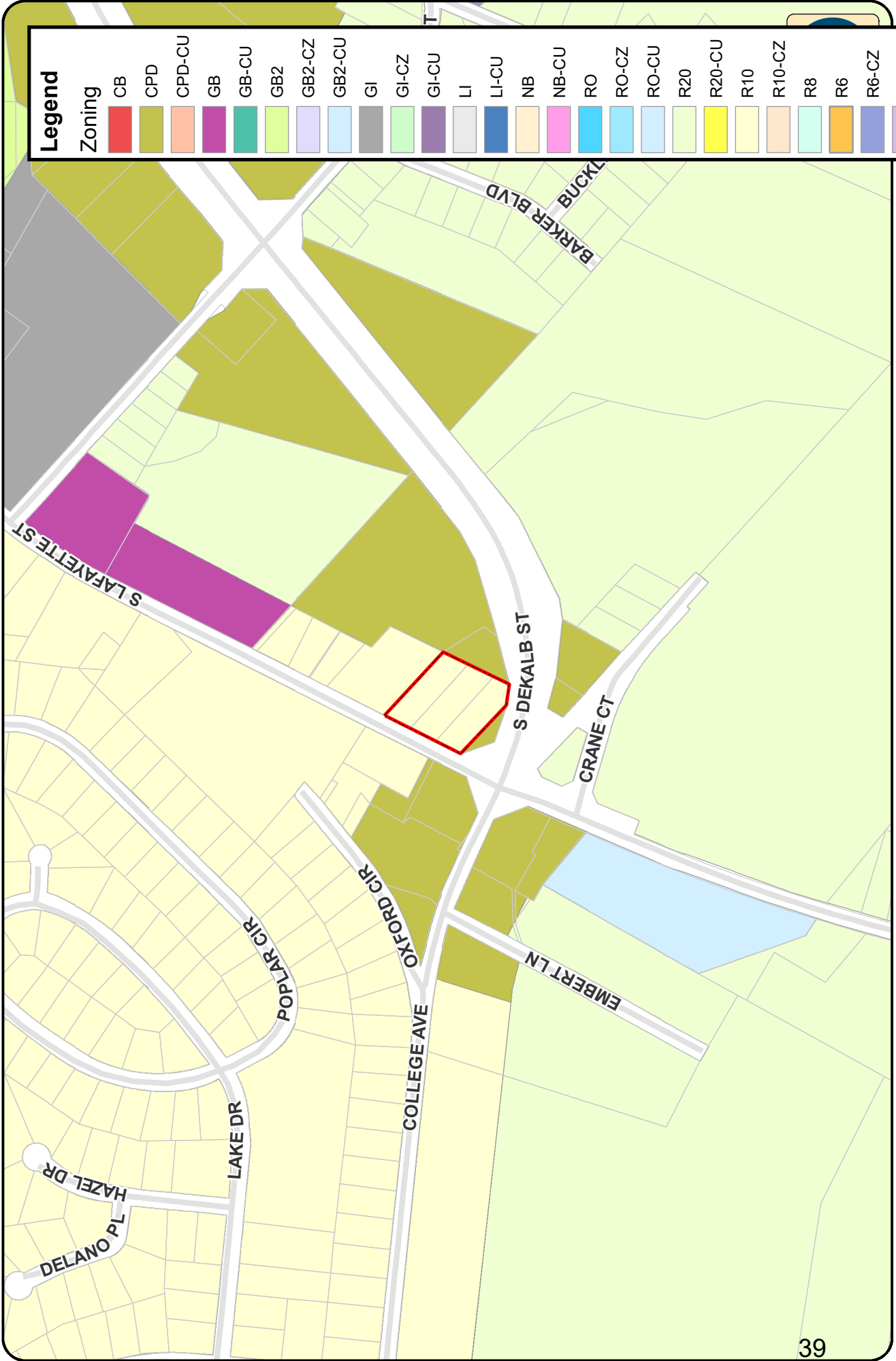


Scale 1:5,459 1 inch = 455 feet



Zoning Map

1769 S Lafayette St



Scale 1:5,459 1 inch = 455 feet



920 Feet

0 230 460 920 Feet

0 230 460 920 Feet

0 230 460 920 Feet

ORDINANCE NO. 56-2024

**A PROPOSED ORDINANCE AMENDING THE ZONING MAP OF
THE CITY OF SHELBY, NORTH CAROLINA FOR
PARCELS 30166, 30167, and 30168, FURTHER IDENTIFIED AS 1761, 1765 & 1769 S
LAFAYETTE ST.**

WHEREAS, the City of Shelby has received an application requesting the rezoning of property at 1761, 1765 & 1769 S Lafayette St (Parcels 30166, 30167, and 30168) 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 is consistent with the surrounding zoning and uses; and,

WHEREAS, in accordance with N.C. Gen. Stat. § 160D-602, a public hearing on this proposed rezoning was held by City Council on September 9th 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 development pattern of the surrounding properties 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 parcel on Lafayette St (Parcels 30166, 30167, and 30168) is 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 September 9th, 2024 upon its adoption and approval.

ADOPTED AND APPROVED this the 9th day of September 2024.

O. Stanhope Anthony III
Mayor

ATTEST:

Breanna Jones
Deputy Clerk

APPROVED AS TO FORM:

Jason Lunsford
City Attorney

Agenda Item: C-4

- 4) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina for parcels 22186, 22301, and 22284 (E Marion Street, Borders Road): Ordinance No. 57-2024

Presenting: (Brian Burgess, Director of Planning & Development)

Summary of Available Information:

- Memorandum dated August 26, 2024, from Brian Burgess, Director of Planning & Development to Rick Howell, City Manager
- Location Map, Zoning Map, Future Land Use Map
- General Application
- Staff Report
- Certified Recommendation
- Notice to Surrounding Properties & Mailing List
- Notice of Public Hearing
- Ordinance No. 57-2024

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. Burgess' memorandum noting that the zoning map amendment is consistent with the City's current land use plan and compatible with other adjacent uses. City staff recommends and the Planning and Zoning Board voted unanimously to recommend the rezoning as submitted.** Because this is a CZ rezoning the Planning and Zoning Board also urge City Council to pay particular attention to landscaping and amenity requirements. 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 act as 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

§ 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)).

TO: Mr. Rick Howell, City Manager

FROM: Brian Burgess, Director of Planning & Development

DATE: August 26, 2024

SUBJECT: 1853 E. Marion St. – Zoning Map Amendment

Background

The subject property is located at 1853 E. Marion St. The site is located on the east side of the city, south of the Cleveland County Fair Grounds and east of Marion Ridge Apartments, with access to E. Marion St and Borders Rd. The property is approximately 46.14 acres. The applicant is proposing to rezone from R20 to R6-CZ.

The property to the north of this parcel is zoned GB, with R20 and R10 located to the south, R20 to the east, and R6, R10, and R20 to the west. This site is located within the medium density residential classification on the Future Land Use Map.

Recommendation

The R6-CZ zoning district is consistent with the future land use plan. Staff and the Planning & Zoning Board recommend approval of the rezoning because it is compatible with other adjacent uses. The Planning & Zoning Board have requested that Council give particular consideration to the landscaping and amenity requirements proposed or to be negotiated prior to approval.

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

Staff Report

To: Shelby Planning & Zoning Board
From: Audrey Whetten Godfrey
Senior Planner

Date: August 7, 2024
Meeting: August 15, 2024
File: #1198

OWNER: Joe B. Rose Jr

APPLICANT: Todd Doupona

LOCATION: 1853 E Marion St and Borders Rd

PARCEL ID #s: 22186, 22301, 22284

PRESENT ZONING: R20,

REQUESTED ZONING: R6-CZ

SURROUNDING ZONING:

North: GB **South:** R-20 **East:** R-20 **West:** R-6, R-10

UTILITIES:

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

UPDATED COMMENTS 8/7/24:

At the July 18, 2024 meeting, the Planning Board voted 5-2 to table this case. The board asked the applicant to resubmit a more complete plan showing what the applicant was describing to the board as their proposal during the meeting. Specifically, the applicant proposed the following during the meeting, and the board asked the applicant to show it on the resubmittal:

- Trails
- Benches
- Landscaping in some of the common open spaces, such as behind lots
- Landscaping buffer around the perimeter of the parent tract

ORIGINAL ANALYSIS: The proposed site is located on the east side of the city, south of the Cleveland County Fair Grounds and east of Marion Ridge Apartments, with access to E. Marion St and Borders Rd. The subject properties are mostly undeveloped except for one existing single family home fronting E. Marion St on parcel 22186. Combined the three parcels are approximately 46.14 acres. Parcels 22301 and 22284 are located within the city limits. Parcel 22186 is in the ETJ; the applicant also intends to petition for the annexation of parcel 22186.

The applicant is requesting this conditional rezoning to allow for increased density through a cluster subdivision. The proposed site plan allows for up to 160 single-family lots at a density of 3.46 du/ac. The minimum lot size (4,500 sf) and minimum lot width (50 ft) are standard for an R6 cluster development. The applicant previously requested a conventional rezoning (R20 to R6) at this site, which the Planning Board recommended against at the February 2024 meeting because it would have allowed for higher density than called for by the Comprehensive Land Use Plan.

To develop lots of the proposed size, the developer must provide public sanitary sewer service. The applicant has proposed connecting to the sewer line on the Marion Ridge Apartment complex property (see attached memo). An 8" waterline is accessible off E. Marion St. There are two entrances proposed, one off Borders Rd and the other off E. Marion St.

If this CZ is approved, compliance with the proposed conditions and site plan are required. Proposed conditions include:

- Up to 160 Single-family lots
- Minimum lot size: 4,500 sf (standard for R6 cluster)
- Minimum lot width: 50 ft (standard for R6 cluster)
- Developer will provide traffic impact analysis and findings/conclusions
 - Developer agrees to be responsible for any traffic improvements that are specific at their sole cost.

- Sidewalks throughout the development + fee-in-lieu for Borders Rd frontage
- All common open space shall be accessible via sidewalk/trail.
- Building materials:
 - Front elevations: brick or precast stone accents
 - Remaining elevations: vinyl (vertical, horizontal, or shake) or cementitious fiber plank
- Minimum 20' driveways (standard)

The R20 residential district is primarily intended to accommodate very low density single-family detached dwellings, modular homes, two-family dwellings, and manufactured homes on individual lots in areas that generally do not have access to public water supplies and are dependent upon septic tanks for sewage disposal. The maximum density within the R20 district is approximately two dwelling units per gross acre for single-family and two-family dwellings. Manufactured home parks are permitted within the R20 district by special use permit. 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 R20 district.

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

The objective of the cluster development option is to place the single-family detached houses in a development closer together and on smaller lots than would normally be permitted by the zoning district in which the development is located, and to place land which would otherwise have been included in private lots into common area for the benefit of the residents. A minimum of 15% of the total land area must be dedicated as common open space, and the open space shall be of usable dimensions and shall be accessible to all homeowners in the development by means of sidewalks or walking trails.

The UDO requires that common areas shall be located within the development to:

- Preserve stands of trees, natural vegetation, lakes, steep slopes, historic sites or other significant features;
- Provide common green space in the development for aesthetic purposes and pedestrian use;
- Provide space for common recreation facilities and meeting places; or
- Provide buffering from adjacent land uses of higher intensity.

On the Future Land Use Map, the subject property and surrounding areas are designated as Medium Density Residential.



Post Office Box 207 • Shelby, NC 28151-0207

August 20, 2024

«OWNER 1», «OWNER 2»
«OWNER ADDRESS»
«OWNER CITY», «OWNER STATE» «OWNER ZIP»

RE: Parcels 22186, 22301, 22284 – East Marion Street and Borders Road – Petition for Conditional Zoning and Petition for Annexation into the City of Shelby

Dear «OWNER 1», «OWNER 2»

We are writing to inform you of two important public hearings that will be held by the Shelby City Council on **Monday, September 9, 2024**. These hearings are in accordance with the requirements of North Carolina General Statutes (G.S.) and concern properties located on East Marion Street and Borders Road, identified as Cleveland County Parcel Numbers 22186, 22301, and 22284.

The first hearing, mandated by G.S. Chapter 160D, Article 6, will address a conditional zoning application for the aforementioned parcels. The application proposes to rezone these parcels from R20 Residential to R6-CZ Residential Conditional Zoning.

Should the conditional zoning be approved, a second hearing will follow, as required by G.S. Chapter 160A, Article 4A. This hearing will consider the annexation of one of these parcels (Parcel 22186 on East Marion Street) into the City of Shelby.

Both public hearings will take place during the regular meeting of the City Council, scheduled for Monday, September 9, 2024, at 6:00 p.m. The meeting will be held at the Don Gibson Theatre, located at 318 South Washington Street, Shelby, North Carolina.

For your reference, we have enclosed the conditional zoning application, the proposed site plan, a location map and zoning map related to the conditional zoning request, as well as the annexation petition and the location map for the proposed annexation.

If you have any questions or require further information, please do not hesitate to contact the Planning Department at 704-484-6829 or via email at zoning@cityofshelby.com.

Sincerely,

Audrey Whetten Godfrey
Senior Planner
Enclosures

STEVENS ON DOUGLAS GEORGE
STEVENS ON LORETTA ANN
109 BORDERS RD
SHELBY, NC 28152-0917

SMITH CHARLOTTE DANIELE
110 BORDERS RD
SHELBY, NC 28152

HENDERSON JAIME FEW
113 BORDERS RD
SHELBY, NC 28152

GOULD MARK EDWARD
115 BORDERS RD
SHELBY, NC 28150

ROSS EDDIE LEE ROSS GAIL BOLTON
135 DAVIS RD
SHELBY, NC 28152

NCDOT
1546 MAIL SERVICE CE
RALEIGH, NC 27611

PEARSON CHRISTY H
1843 E MARION ST
SHELBY, NC 28150

CARNEY ROBERT DEAN JTWR
CARNEY MICHAEL G
1847 E MARION ST
SHELBY, NC 28150

HERRERA JARY M. BARAHONA
1848 E MARION ST
SHELBY, NC 28152

MCGEE RODNEY MICHAEL
1849 E MARION ST
SHELBY, NC 28150

BEAM WAYNE E BEAM IRIS
1853 E MARION ST
SHELBY, NC 28152-6216

ROSE IRIS B LEIGH MARY B ETALS
1853 E MARION ST
SHELBY, NC 28152

LEMLEY JACOB TYLER LEMLEY
FUSCHIA CHRISTINA
1854 E MARION ST
SHELBY, NC 28152

DAVIS RYAN T DAVIS ERIN M
1900 CAROLYN DR
SHELBY, NC 28152

STEVENS ON AUSTIN MICHAEL DONALD
201 BORDERS RD
SHELBY, NC 28152

KISER SANDRA DIANE
300 BORDERS RD
SHELBY, NC 28150

BROOME RANDY DALE BROOME ELLEN
302 BORDERS RD
SHELBY, NC 28150

JOHNSON JOHN H JOHNSON CATHY
303 BORDERS RD
SHELBY, NC 28152

JOHNSON TODD ALAN
305 BORDERS RD
SHELBY, NC 28152-0919

ROSS LOIS A
403 BORDERS RD
SHELBY, NC 28152

PEREZ CLAUDIA DEL CARMEN ARREZ
OLVERA SAUL JAIME
406 TWELVE OAKS DR
SHELBY, NC 28151-2131

CLEVELAND COUNTY SANITARY
DISTRICT
439 CASAR LAWNSDALE R
LAWNSDALE, NC 28090-0788

PC NC MARION RIDGE LLC
4956 NORTH 300 WEST
PROVO, UT 84604

MINTON ELLEN MARIE
8082 MINTWOOD DR
HICKORY, NC 28602

CLEVELAND COUNTY
PO BOX 1210
SHELBY, NC 28151-1210

SHELBY MMR LIMITED PARTNERSHIP
PO BOX 26405
GREENSBORO, NC 27404-6405

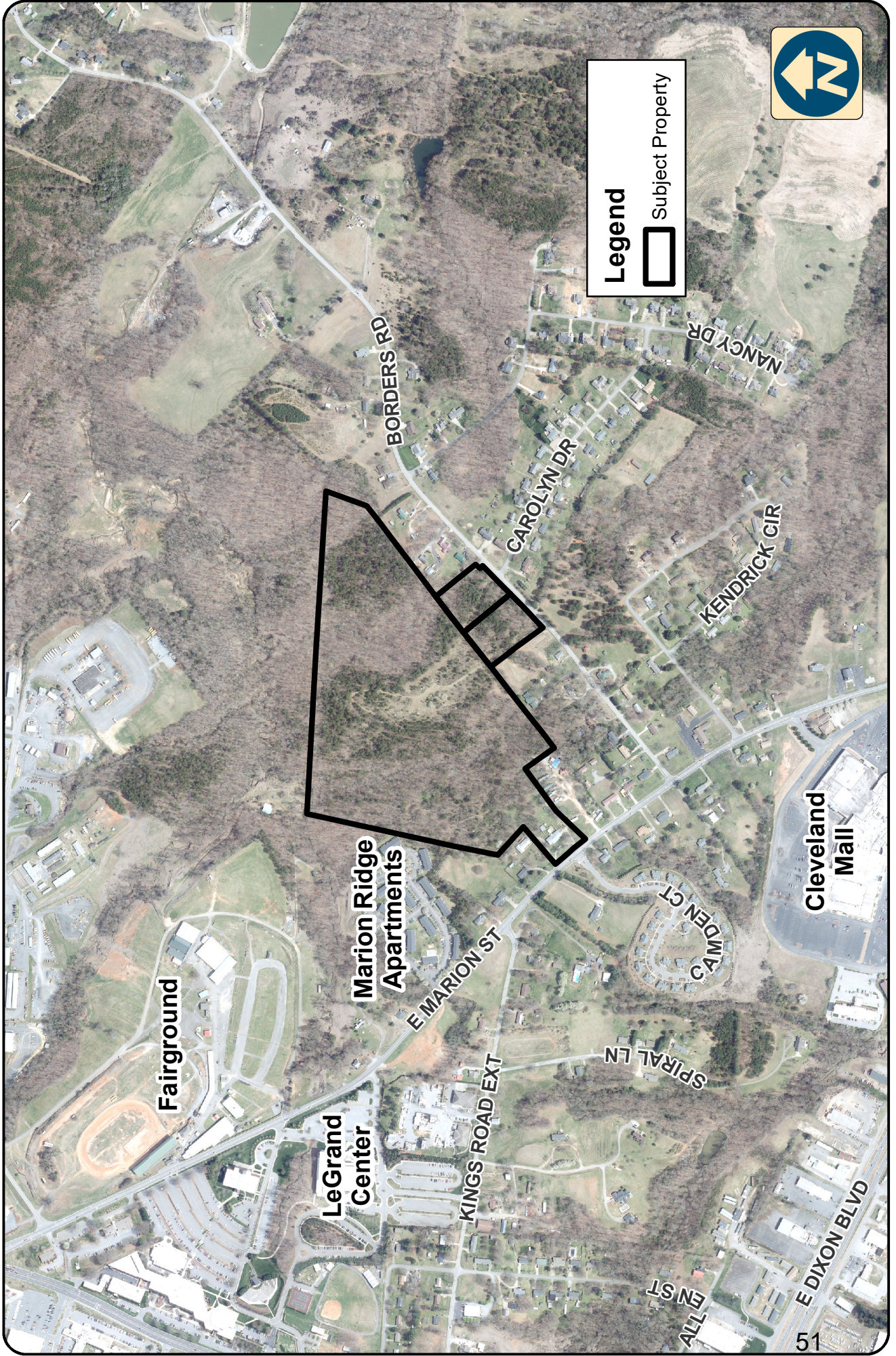
I certify that the letter to adjacent
property owners was mailed to the
above addresses on Aug. 20, 2024.

Audrey Whetter Godfrey



Conditional Zoning Location

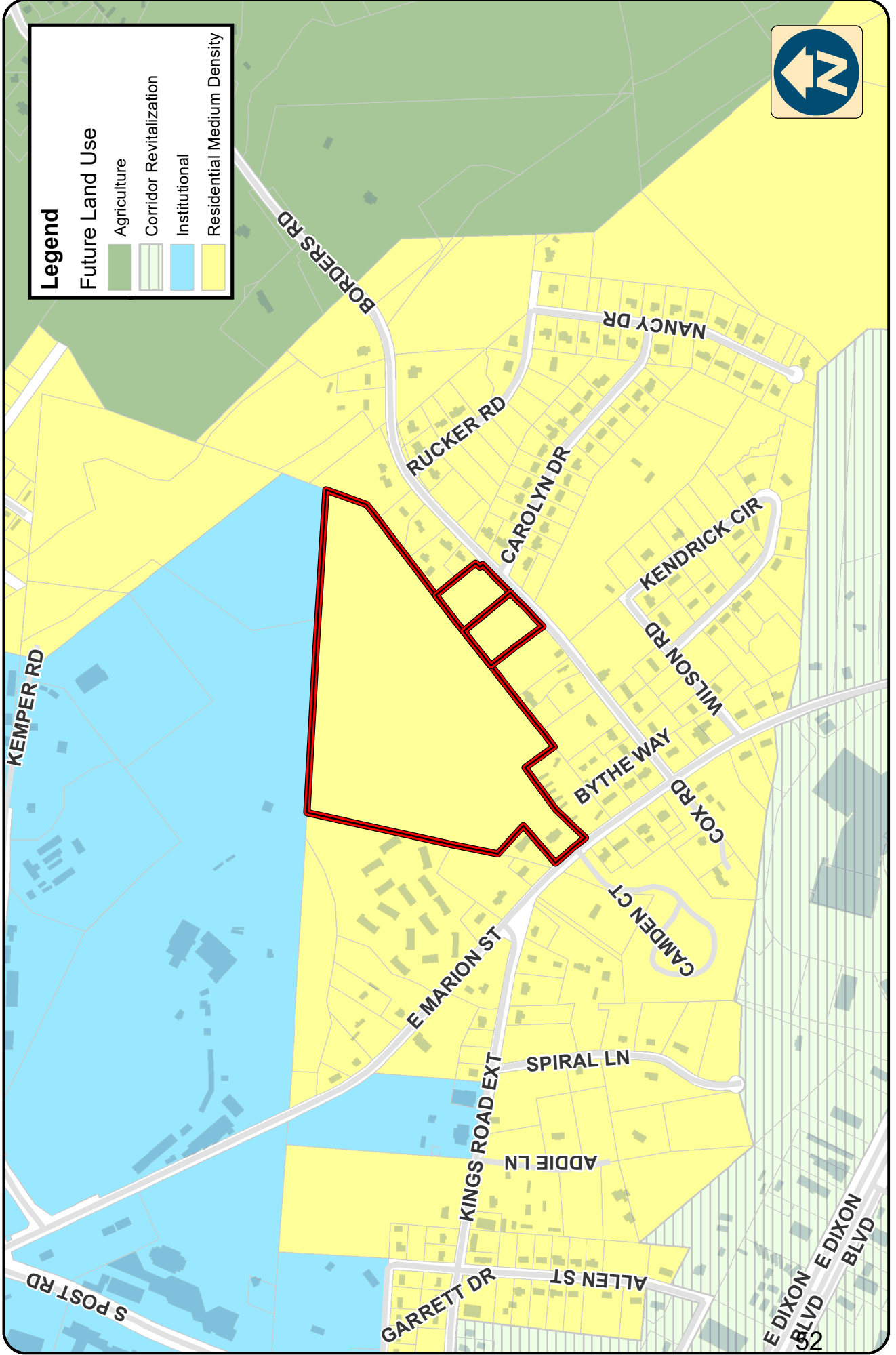
E. Marion St/Borders Rd - parcels 22186, 22301, 22284





Future Land Use

E. Marion St/Borders Rd - parcels 22186, 22301, 22284



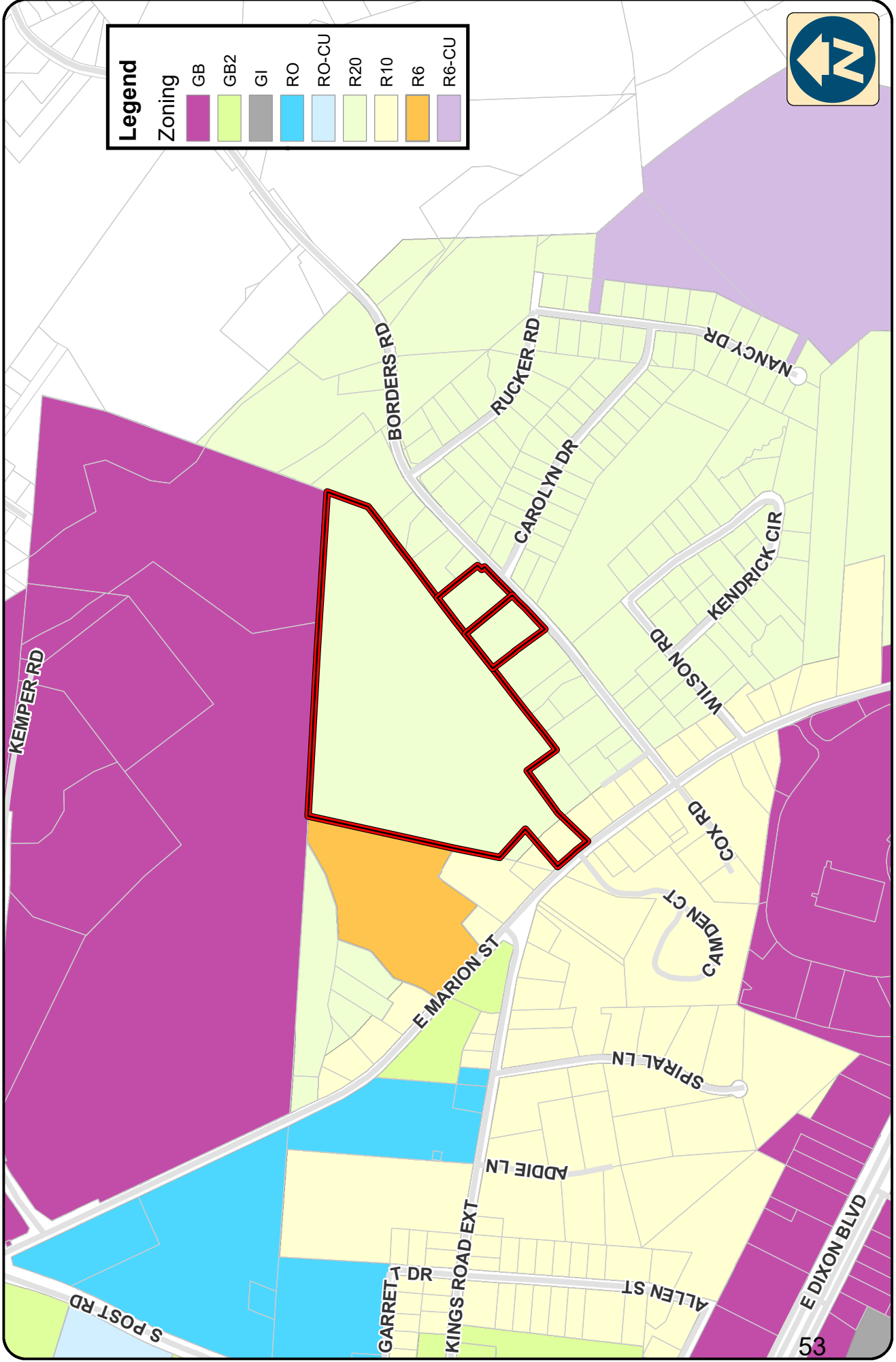
Scale 1:9,000 1 inch = 750 feet

Date: 8/19/2024

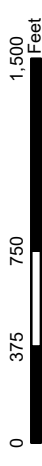


Zoning Map

E. Marion St/Borders Rd - parcels 22186, 22301, 22284



Scale 1:9,000 1 inch = 750 feet



Date: 8/19/2024



City of Shelby
Planning and Development Services Department

General Application

Address of Subject Property:

Parcels 22186, 22301, 22284

Applicant(s) Name: Todd Doupona

Address: 8307 Hampton Fare Lane
Waxhaw, NC 28173

Email: tdoupona@wdgse.com

Phone: 919-901-8299

Owner(s) Name: Joe B Rose Jr.

Email: tracywisnant@remax.com

Phone: 704-477-7391

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

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: Parcels 22186, 22301, 22284

Proposed Zoning: R-6 Cluster

Proposed Land Use: Single Family

Previous Use: Vancant

Approx. Building Sq. Ft.: _____

Approx. Project Acreage: _____

Business Name: Weeks Development

Construction Sq. Ft.: _____

Valuation: _____

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

Rezoning existing parcels from current R-20 zoning to R-6 Cluster

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.

Todd Doupona
Signature of Applicant

3/7/24
Date

Received by: _____

Date _____



City of Shelby
Planning and Development Services

Appointed Agent Form

Address of Subject Property:

Parcels 22186, 22301, 22284

I, Wayne E. Beam/Iris C. Beam, owner of the property located at said address and identified by the Cleveland County Tax Assessor's Office as PIN: 2556946968, 2566041417, 2566043604, located in Cleveland County, North Carolina, do hereby appoint Todd Doupona to represent me in filing an application for a permit with the City of Shelby Planning and Development Services Department.

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

Wayne E. Beam
Iris C. Beam

03-11-24

Signature of Property Owner

Date

Applicant(s) Name: Todd Doupona
Address: 8307 Hampton Fare Lane
Waxhaw, NC 28173
Email: tdoupona@wdgse.com
Phone: 919-901-8299

STATE OF North Carolina
COUNTY OF Cleveland

I, Serella M. Greene, a Notary Public for said County and State, do hereby certify that Wayne E. Beam and Iris C. Beam, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 11th day of March, 2024.

(SEAL)



Serella M. Greene
Notary Public

My Commission Expires: October 24, 2026

ORDINANCE NO. 57-2024

**A PROPOSED ORDINANCE AMENDING THE ZONING MAP OF
THE CITY OF SHELBY, NORTH CAROLINA FOR
PARCELS 22186, 22301, AND 22284, FURTHER IDENTIFIED AS 1853 E. MARION ST.**

WHEREAS, the City of Shelby has received an application requesting the rezoning of property at 1853 E. Marion St. (Parcels 22186, 22301, and 22284) 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 not consistent with the Comprehensive Land Use Plan for the proposed land use but is consistent with the surrounding zoning and uses; and,

WHEREAS, in accordance with N.C. Gen. Stat. § 160D-602, a public hearing on this proposed rezoning was held by City Council on September 9th 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 development pattern of the surrounding properties 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 parcel on Randolph Rd (Parcels 22186, 22301, and 22284) is hereby amended from R20 to R6-CZ (Residential Conditional Zoning), subject to the conditions and provisions shown on the plans and proposed requirements included in the site map accompanying this ordinance.

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 September 10th, 2024 upon its adoption and approval.

ADOPTED AND APPROVED this the 9th day of September 2024.

O. Stanhope Anthony III
Mayor

ATTEST:

Breanna Jones
Deputy Clerk

APPROVED AS TO FORM:

Jason Lunsford
City Attorney

Agenda Item: C-5

- 5) Consideration of an ordinance to extend the corporate limits of the City of Shelby, North Carolina (E Marion Street, Borders Road): Ordinance No. 58-2024

Presenting: (Brian Burgess, Director of Planning & Development)

Summary of Available Information:

- Memorandum dated August 26, 2024, from Brian Burgess, Director of Planning & Development to Rick Howell, City Manager
- Location Map
- Annexation Plat
- General Application
- Notice of Public Hearing
- Ordinance No. 58-2024

City Manager's Recommendation / Comments

This request is being submitted by the property owner as a voluntary annexation.

This public hearing is being held in accordance with NCGS 160A-31. This property consists of approximately 41.5 acre site off East Marion St. The property currently meets the statutory requirements for annexation and is contiguous to existing primary corporate limits. It is being considered for future residential development and has access to City water, sewer, and natural gas utilities. This property lies contiguous to the primary city limits on the eastern side of the city.

After the conclusion of the public hearing City Council may act upon Ordinance No. 58-2024.

MEMORANDUM

To: Mr. Rick Howell – City Manager

From: Brian Burgess, Director of Planning & Development

Date: March 25, 2024

Subject: Borders Road Parcel 22186 – Annexation

Background

The City has received a petition for annexation pursuant to NCGS 160A-31. The parcel is Cleveland County parcel #22186 off Borders Road, as well as having frontage on Marion St.

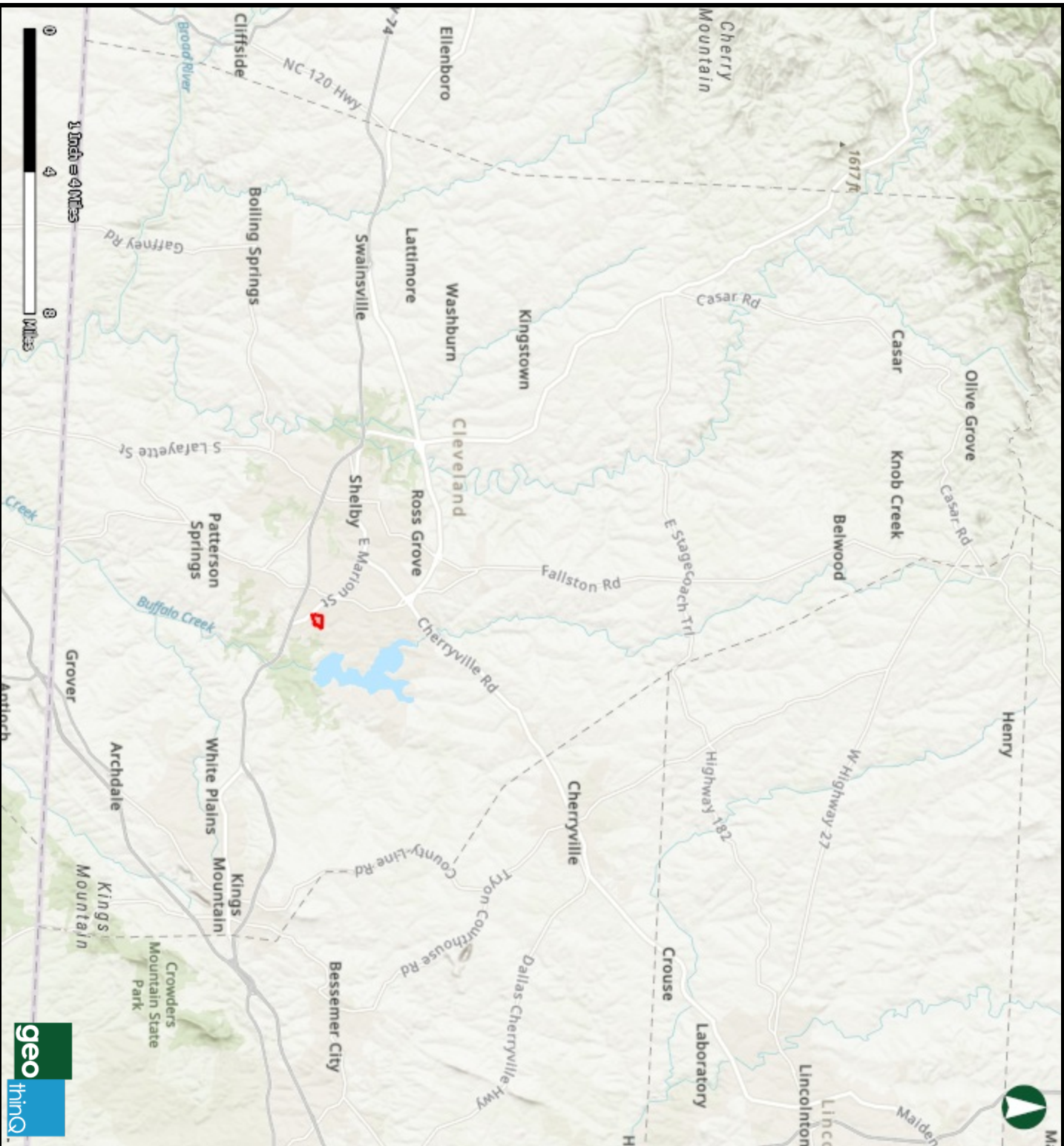
A notice of public hearing for the annexation was published in the Shelby Star on August 28th and September 4th. The property is within the City of Shelby ETJ and has requested the zoning designation of R6-CZ.

Recommendation

The request has been reviewed by applicable staff/departments and approval of the contiguous annexation request is recommended.

Attachments

Location Map
Annexation Plat
Application Package
Notice of Public Hearing



**Cleveland Country
Tax Map**

03/18/2024



REVIEW OFFICER CERTIFICATION
STATE OF NORTH CAROLINA, COUNTY OF CLEVELAND

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

REVIEW OFFICER _____ DATE _____

CERTIFICATE OF OWNERSHIP

I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY DESCRIBED HEREON, WHICH PROPERTY IS WITHIN THE SUBDIVISION REGULATION JURISDICTION OF THE CITY OF SHELBY, AND THAT I (WE) FREELY ADOPT THIS PLAN OF SUBDIVISION. I (WE) FURTHER CERTIFY THAT THE RESIDUAL TRACT ON THIS PLAN CANNOT BE FURTHER SUBDIVIDED USING THE MINOR SUBDIVISION PLAT APPROVAL PROCESS WITHIN TWO YEARS OF THE DATE OF RECORDATION.

OWNER _____ DATE _____

CERTIFICATE OF MINOR PLAT APPROVAL

I HEREBY CERTIFY THAT THE MINOR SUBDIVISION SHOWN ON THIS PLAT DOES NOT INVOLVE THE CREATION OF NEW PUBLIC STREETS OR ANY CHANGE IN EXISTING PUBLIC STREETS THAT THE SUBDIVISION SHOWN IS IN ALL RESPECTS IN COMPLIANCE WITH THE SHELBY UNIFIED DEVELOPMENT ORDINANCE AND THAT THEREFORE THIS PLAT HAS BEEN APPROVED BY THE SHELBY UDO ADMINISTRATOR SUBJECT TO ITS BEING RECORDED IN OFFICE OF THE REGISTER OF DEEDS WITHIN THIRTY DAYS OF THE DATE BELOW.

UDO ADMINISTRATOR _____ DATE _____

- I, KEITH BURNS, REGISTERED LAND SURVEYOR NO. L-5265, CERTIFY TO ONE OR MORE OF THE FOLLOWING AS INDICATED THUS: OR :
- A. THAT THIS PLAT IS OF A SURVEY THAT CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.
- B. THAT THIS PLAT IS OF A SURVEY THAT IS LOCATED IN SUCH PORTION OF A COUNTY OR MUNICIPALITY THAT IS UNREGULATED AS TO AN ORDINANCE THAT REGULATES PARCELS OF LAND.
- C. THAT THIS PLAT IS OF A SURVEY OF AN EXISTING PARCEL OR PARCELS OF LAND.
- D. THAT THIS PLAT IS OF A SURVEY OF ANOTHER CATEGORY, SUCH AS THE RECONSTRUCTION OF EXISTING PARCELS, A COURT-ORDERED SURVEY OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.
- E. THAT THE INFORMATION AVAILABLE TO THIS SURVEYOR IS SUCH THAT I AM UNABLE TO MAKE A DETERMINATION TO THE BEST OF MY PROFESSIONAL ABILITY AS TO PROVISIONS CONTAINED IN (A) THROUGH (D) ABOVE.

FOR REVIEW ONLY

KEITH BURNS
P.L.S. No. L-5265

I, KEITH BURNS, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GPS SURVEY MADE UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THIS SURVEY:
CLASS OF SURVEY: AA
POSITIONAL ACCURACY: H: 0.05 V: 0.07
GPS PROCEDURE: REAL-TIME KINEMATIC
DATE OF SURVEY: 11/03/2023
DATUM/EPOCH: NAD83/2011
PUBLISHED/FIXED CONTROL USE: DG2953
GEOID MODEL: 18
COMBINED GRID FACTOR: 0.99984130
UNITS: US SURVEY FEET

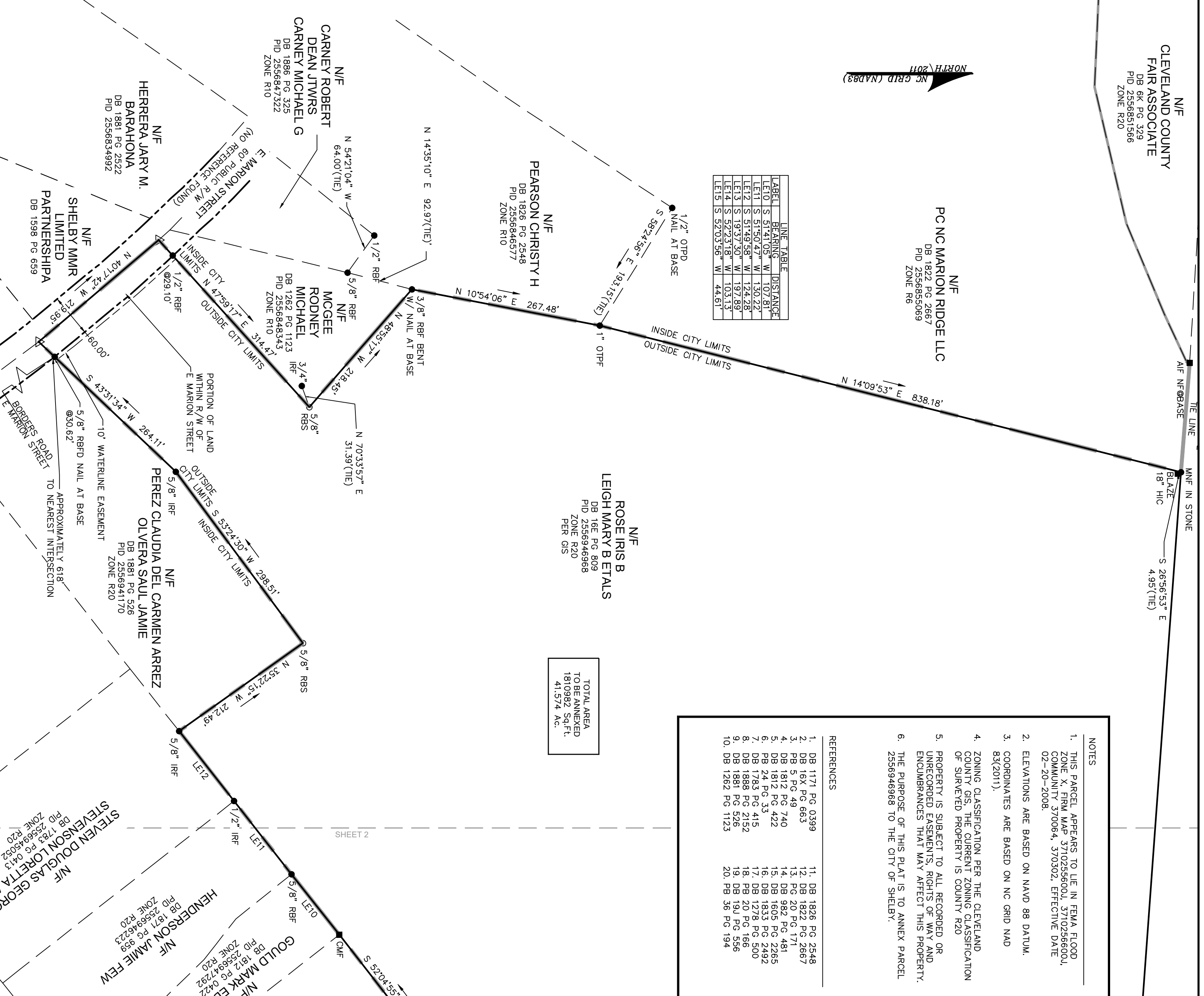
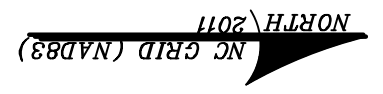
FOR REVIEW ONLY

KEITH BURNS
P.L.S. No. L-5265

CLEVELAND COUNTY
FAIR ASSOCIATE
DB 86 PG 329
PID 2556851566
ZONE R20

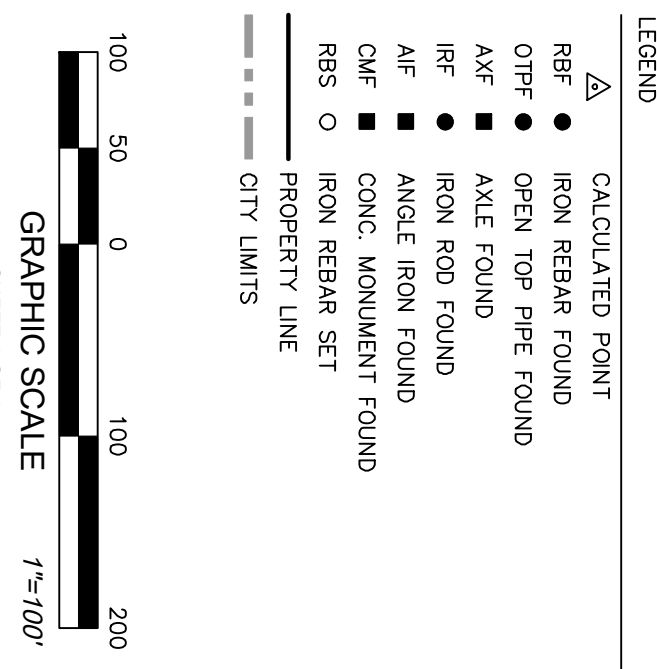
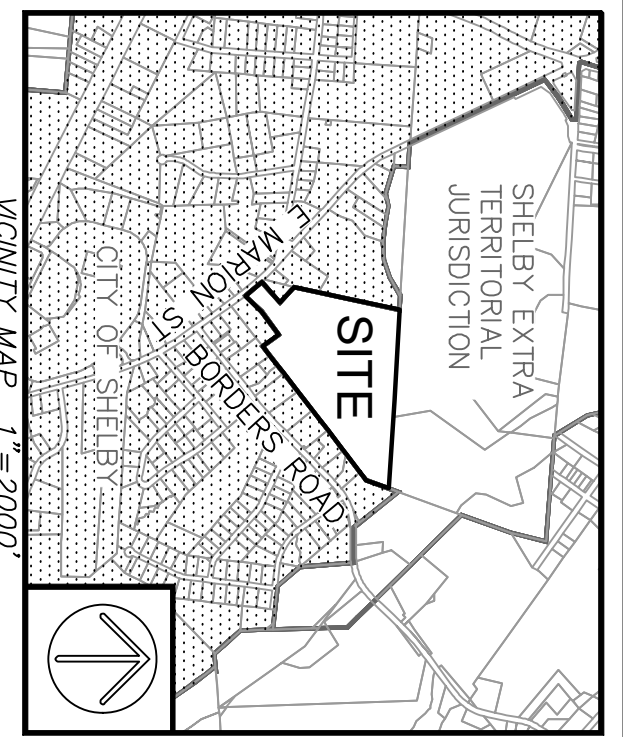
N/F
PC NC MARION RIDGE LLC
DB 1822 PG 2667
PID 2556855069
ZONE R6

LABEL	BEARING	DISTANCE
LE10	S 51°41'05" W	107.81'
LE11	S 51°50'47" W	130.22'
LE12	S 51°49'58" W	124.28'
LE13	S 19°37'30" W	197.89'
LE14	S 52°23'18" W	103.13'
LE15	S 52°03'56" W	44.61'



- NOTES**
1. THIS PARCEL APPEARS TO LIE IN FEMA FLOOD ZONE X. FIRM MAP 3710255600U, 3710256600U, COMMUNITY 370064, 370302, EFFECTIVE DATE 02-20-2008.
 2. ELEVATIONS ARE BASED ON NAVD 88 DATUM.
 3. COORDINATES ARE BASED ON NC GRID NAD 83(2011).
 4. ZONING CLASSIFICATION PER THE CLEVELAND COUNTY GIS, THE CURRENT ZONING CLASSIFICATION OF SURVEYED PROPERTY IS COUNTY R20
 5. PROPERTY IS SUBJECT TO ALL RECORDED OR UNRECORDED EASEMENTS, RIGHTS OF WAY AND ENCUMBRANCES THAT MAY AFFECT THIS PROPERTY. THE PURPOSE OF THIS PLAT IS TO ANNEX PARCEL 2556946968 TO THE CITY OF SHELBY.
- REFERENCES**
1. DB 1171 PG 0399
 2. DB 16X PG 663
 3. PB 5 PG 49
 4. DB 1812 PG 740
 5. DB 1812 PG 422
 6. PB 24 PG 33
 7. DB 1783 PG 415
 8. DB 1888 PG 2152
 9. DB 1881 PG 526
 10. DB 1262 PG 1123
 11. DB 1826 PG 2548
 12. DB 1822 PG 2667
 13. PG 20 PG 171
 14. DB 982 PG 481
 15. DB 1805 PG 2265
 16. DB 1833 PG 2492
 17. DB 1278 PG 500
 18. PB 20 PG 166
 19. DB 191 PG 556
 20. PB 36 PG 194

TOTAL AREA
TO BE ANNEXED
1810982 Sq. Ft.
41.574 Ac.



AN ANNEXATION PLAT PREPARED FOR:
WEEKS DEVELOPMENT GROUP

PARCEL ID No. 2556946968

1853 E MARION STREET

CLEVELAND COUNTY, NORTH CAROLINA

CURRENT OWNER OF RECORD:

ROSE IRIS B

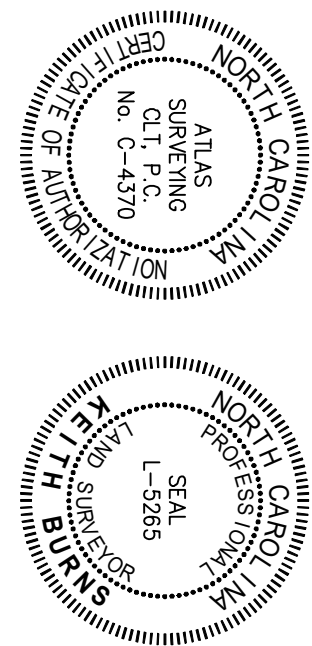
LEIGH MARY B ET ALS

FIELD WORK: RJC
FIELD CHECK: RMB
DRAWN BY: 08/27/2023
SCALE: 1"=100'
PROJECT No.: CLT-23099
FILE: CLT-23099.TOPODWG

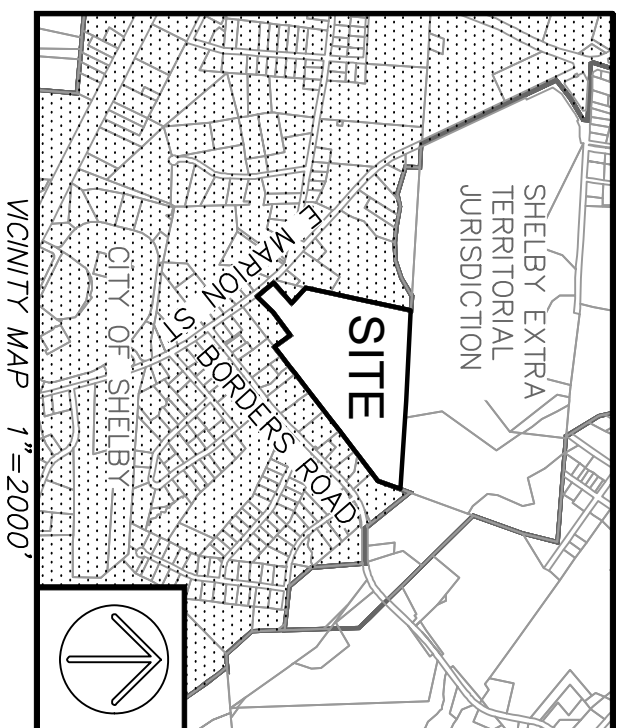
I, KEITH BURNS, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (SEE LISTED REFERENCES). THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM INFORMATION OR LISTED REFERENCES. THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY IS GREATER THAN 1:10,000. AND THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

FOR REVIEW ONLY

KEITH BURNS
P.L.S. No. L-5265



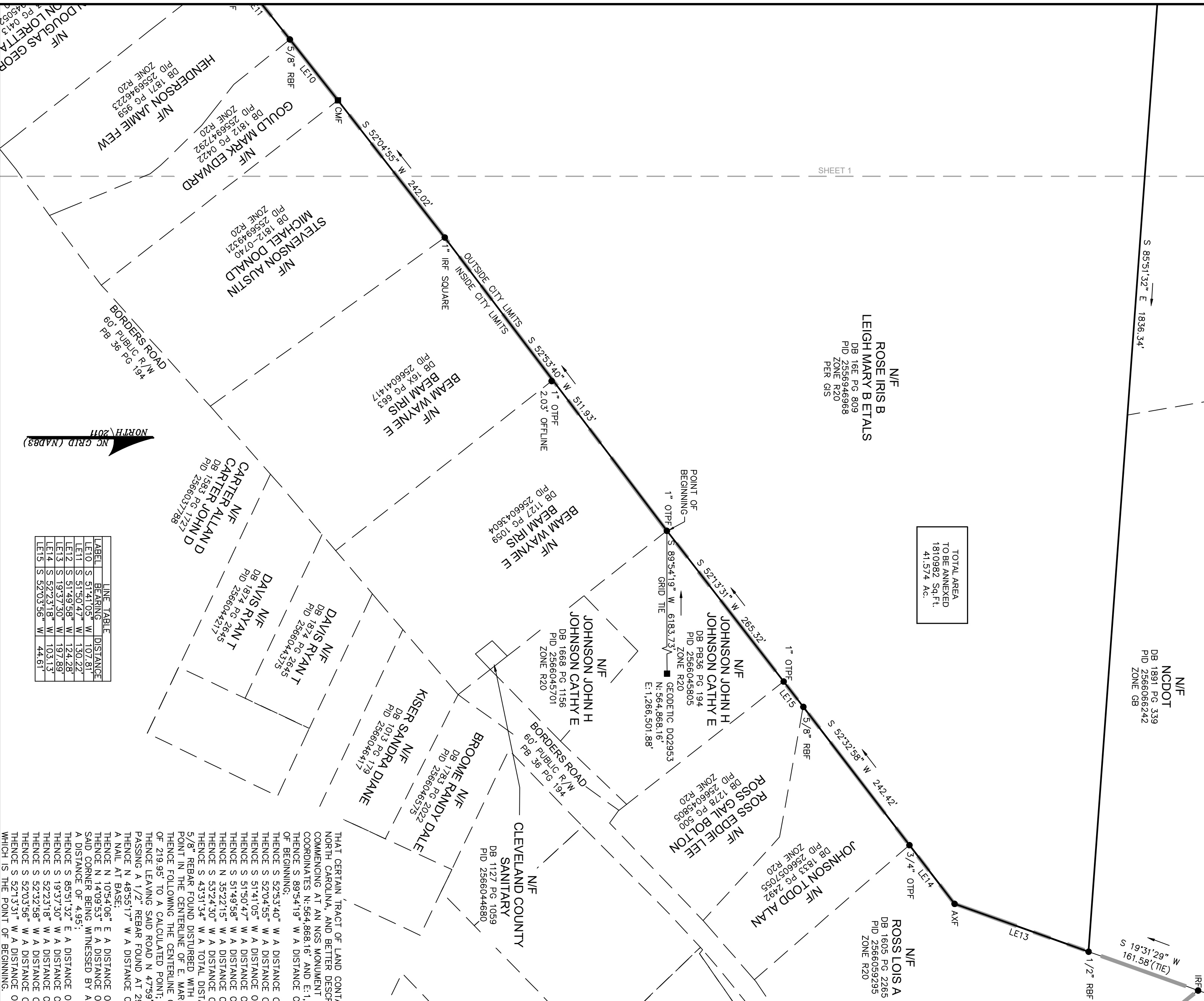
ATLAS SURVEYING, INC.
13331 YORK CENTER DRIVE, SUITE E
CHARLOTTE, NC 28273
PHONE: (980) 949-8475
WEBSITE: WWW.ATLASSURVEYING.COM



VICINITY MAP 1"=2000'

- NOTES**
1. THIS PARCEL APPEARS TO LIE IN FEMA FLOOD ZONE X. FIRM MAP 3710255500J, 3710256600J, COMMUNITY 370064, 370302, EFFECTIVE DATE 02-20-2008.
 2. ELEVATIONS ARE BASED ON NAVD 88 DATUM.
 3. COORDINATES ARE BASED ON NC GRID NAD 83(2011).
 4. ZONING CLASSIFICATION PER THE CLEVELAND COUNTY GIS. THE CURRENT ZONING CLASSIFICATION OF SURVEYED PROPERTY IS COUNTY R20.
 5. PROPERTY IS SUBJECT TO ALL RECORDED OR UNRECORDED EASEMENTS, RIGHTS OF WAY AND ENCUMBRANCES THAT MAY AFFECT THIS PROPERTY.
 6. THE PURPOSE OF THIS PLAT IS TO ANNEX PARCEL 2556946968 TO THE CITY OF SHELBY.
- REFERENCES**
- | | |
|---------------------|---------------------|
| 1. DB 1171 PG 0399 | 11. DB 1826 PG 2548 |
| 2. DB 16X PG 663 | 12. DB 1822 PG 2667 |
| 3. PB 5 PG 49 | 13. PG 20 PG 171 |
| 4. DB 1812 PG 740 | 14. DB 982 PG 481 |
| 5. DB 1812 PG 422 | 15. DB 1605 PG 2265 |
| 6. PB 24 PG 33 | 16. DB 1833 PG 2492 |
| 7. DB 1783 PG 415 | 17. DB 1278 PG 500 |
| 8. DB 1888 PG 2152 | 18. PB 20 PG 166 |
| 9. DB 1881 PG 526 | 19. DB 19J PG 556 |
| 10. DB 1282 PG 1123 | 20. PB 36 PG 194 |

TOTAL AREA TO BE ANNEXED
1810982 Sq.Ft.
41,574 Ac.



REVIEW OFFICER CERTIFICATION
STATE OF NORTH CAROLINA, COUNTY OF CLEVELAND

REVIEW OFFICER

DATE

THAT CERTAIN TRACT OF LAND CONTAINING 41,574 ACRES, LOCATED IN CLEVELAND COUNTY NORTH CAROLINA, AND BETTER DESCRIBED AS FOLLOWS:
COMMENCING AT AN NOS MONUMENT "D029653" LOCATED WITH NORTH CAROLINA STATE PLANE COORDINATES N:564,868.16" AND E:1,266,501.88";
THENCE S 89°54'19" W A DISTANCE OF 6183.73' TO A 1" OPEN TOP PIPE, WHICH IS THE POINT OF BEGINNING;
THENCE S 52°53'40" W A DISTANCE OF 511.93' TO A 1" SQUARE IRON ROD FOUND;
THENCE S 52°04'55" W A DISTANCE OF 242.02' TO A CONCRETE MONUMENT FOUND;
THENCE S 51°41'08" W A DISTANCE OF 107.81' TO A 5/8" REBAR FOUND;
THENCE S 51°50'47" W A DISTANCE OF 130.22' TO A 1/2" IRON ROD FOUND;
THENCE S 51°49'58" W A DISTANCE OF 124.28' TO A 5/8" IRON ROD FOUND;
THENCE N 35°22'15" W A DISTANCE OF 212.49' TO A 5/8" REBAR SET;
THENCE S 53°24'30" W A DISTANCE OF 298.51' TO A 5/8" IRON ROD FOUND;
THENCE S 43°31'34" W A TOTAL DISTANCE OF 264.11', PASSING THROUGH A 5/8" REBAR FOUND DISTURBED WITH A NAIL FOUND AT 233.49', TO A CALCULATED POINT IN THE CENTERLINE OF E. MARION STREET;
THENCE FOLLOWING THE CENTERLINE OF SAID ROAD N 40°17'42" W A DISTANCE OF 219.95' TO A CALCULATED POINT;
THENCE LEAVING SAID ROAD N 47°59'17" E A TOTAL DISTANCE OF 314.47', PASSING A 1/2" REBAR FOUND AT 291.01', TO A 5/8" REBAR SET;
THENCE N 48°35'17" W A DISTANCE OF 218.45' TO A 1/2" REBAR FOUND BENT WITH A NAIL AT BASE;
THENCE N 10°54'06" E A DISTANCE OF 287.48' TO A 1" OPEN TOP PIPE FOUND;
THENCE N 14°09'53" E A DISTANCE OF 838.18' TO A MAG NAIL FOUND IN A STONE, SAID CORNER BEING WITNESSED BY A BLAZE IN A 18" HICKORY LOCATED S 26°56'53" E A DISTANCE OF 4.95';
THENCE S 85°51'32" E A DISTANCE OF 1836.34' TO A 1/2" REBAR FOUND;
THENCE S 19°37'30" W A DISTANCE OF 197.89' TO AN AXLE FOUND;
THENCE S 52°23'18" W A DISTANCE OF 103.13' TO A 3/4" OPEN TOP PIPE FOUND;
THENCE S 52°32'58" W A DISTANCE OF 242.42' TO A 5/8" REBAR FOUND;
THENCE S 52°03'56" W A DISTANCE OF 44.61' TO A 1" OPEN TOP PIPE FOUND;
THENCE S 52°13'31" W A DISTANCE OF 265.32' TO A 1" OPEN TOP PIPE FOUND;
WHICH IS THE POINT OF BEGINNING.

LINE TABLE

LABEL	BEARING	DISTANCE
LETO	S 51°41'08" W	107.81
LE10	S 51°50'47" W	130.22
LE17	S 51°49'58" W	124.28
LE12	S 19°37'30" W	197.89
LE14	S 52°23'18" W	103.13
LE15	S 52°03'56" W	44.61

FOR REVIEW ONLY

KEITH BURNS
P.L.S. No. L-5265

ATLAS SURVEYING, INC.
13331 YORK CENTER DRIVE, SUITE E
CHARLOTTE, NC 28273
PHONE: (980) 949-8475
WEBSITE: WWW.ATLASSURVEYING.COM

AN ANNEXATION PLAT PREPARED FOR:
WEEKS DEVELOPMENT GROUP

PARCEL ID No. 2556946968

1835 E MARION STREET
CLEVELAND COUNTY, NORTH CAROLINA

CURRENT OWNER OF RECORD:
**ROSE IRIS B
LEIGH MARY B ETALS**

FIELD WORK: RJC
DRAWN BY: RMB
CHECKED BY: RMB
SCALE: 1"=100'
PROJECT No.: CLT-23898
FILE: CLT-20098 TOPODWG

1. KEITH BURNS, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (SEE LISTED REFERENCES). THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM INFORMATION OR LISTED REFERENCES. THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY IS GREATER THAN 1:10,000; AND THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

GRAPHIC SCALE 1"=100'

SHEET 2 OF 2



City of Shelby
Planning and Development Services Department

Petition for Annexation
(Satellite or Contiguous)

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

Address of Subject Property:

Parcels 22186, 22301, 22284

Applicant(s) Name: Todd Doupona
Address: 8307 Hampton Fare Lane
Waxhaw, NC 28173
Email: tdoupona@wdgse.com
Phone: 919-901-8299

Owner(s) Name: Wayne E. Beam/Iris C. Beam
Email:
Phone:

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

Provide a brief description of the subject property. Attach additional pages or documentation if necessary.
This is a proposed single family subdivision located on approximately 46 acres at 1853 East Marion Street in Light Oak, North Carolina.

Signature of Owners:

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

Wayne E. Beam
Signature of Owner

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

Iris C. Beam
Signature of Owner

If Owner is a Corporation:

Registered Name of Corporation

(Corp. Seal) Signature of President/Vice President

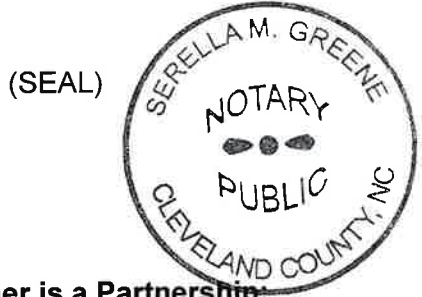
Attested by:
Signature of Secretary/Assistant Secretary

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

STATE OF North Carolina
COUNTY OF Cleveland

I, Serella M. Greene, a Notary Public for said County and State, do hereby certify that Wayne E. Beam and Eric C. Beam, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 15th day of March, 2024.



Serella M. Greene
Notary Public

My Commission Expires: October 24, 2026

If Owner is a Partnership:

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

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

(SEAL)

Notary Public

My Commission Expires: _____

If Owner is a Corporation:

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

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

(SEAL)

Notary Public

My Commission Expires: _____



City of Shelby

CONTIGUOUS ANNEXATION CHECKLIST Requirements for filing an application

- 1. One (1) completed **checklist** (this form).
- 2. One (1) completed **application**, signed by the applicant.
- 3. Application fee of **\$500.00**. Make checks payable to "City of Shelby".
The check is in the mail
- 4. One (1) copy of a **metes and bounds description** or a reference to the location within a recorded subdivision plat of the specific property for which annexation is requested.
- 5. One (1) copy of information as to the location of a **recorded document** by which undersigned owner(s) acquired ownership of the property in question (i.e. Record Book 1106, Page 923 or File No. 91 E 296, and/or any other source).
- 6. Three (3) copies of an **annexation plat**, no larger than 24" by 36" and drawn to scale, that shows metes and bounds. **Must be sealed by a registered engineer, surveyor, architect, or landscape architect licensed to practice in the State of North Carolina.*
- 7. One (1) copy of the **Cleveland County Tax Map**, at 8.5" by 11", showing the location of the subject property.
- 8. One (1) copy or PDF version, at 8.5" by 11", of the **metes and bounds, annexation plat, tax map, and any additional information** submitted for review.
- 9. **Contact person/Appointed Agent** (See Appointment of Agent Application) identified. This person will be contacted to provide additional information and will receive the written Decision Letter.



City of Shelby
Planning and Development Services

Appointed Agent Form

Address of Subject Property:

Parcels 22186, 22301, 22284

I, Wayne E. Beam/Iris C. Beam, owner of the property located at said address and identified by the Cleveland County Tax Assessor's Office as PIN: 2556946968, 2566041417, 2566043604, located in Cleveland County, North Carolina, do hereby appoint Todd Doupona to represent me in filing an application for a permit with the City of Shelby Planning and Development Services Department.

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

Wayne E. Beam
Iris C. Beam

03-11-24

Signature of Property Owner

Date

Applicant(s) Name: Todd Doupona
Address: 8307 Hampton Fare Lane
Waxhaw, NC 28173
Email: tdoupona@wdgse.com
Phone: 919-901-8299

STATE OF North Carolina
COUNTY OF Cleveland

I, Serella M. Greene, a Notary Public for said County and State, do hereby certify that Wayne E. Beam and Iris C. Beam, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 11th day of March, 2024.

(SEAL)



Serella M. Greene
Notary Public

My Commission Expires: October 24, 2026

INTERNET
14395

MAIL TO: BRIDGES, GILBERT & FOSTER, P.A., P. O. Box 2365, Shelby, NC 28151
INSTRUMENT PREPARED BY: R. L. Gilbert, III (NO TITLE SEARCH PERFORMED)

QUITCLAIM DEED

STATE OF NORTH CAROLINA, CLEVELAND COUNTY

THIS DEED, made and entered into this the 6 day of December, 1995, by and between GAIL B. HUMPHRIES and husband, DWIGHT S. HUMPHRIES, of Cleveland County, North Carolina, hereinafter called Grantor, and DIANA B. WRIGHT (of Cleveland County, North Carolina), IRIS B. ROSE (of Cleveland County, North Carolina), MARY B. LEIGH (of Cleveland County, North Carolina), WAYNE E. BEAM (of Cleveland County, North Carolina), and WILDA ELOISE BEAM (of Buncombe County, North Carolina), Heirs of the Estate of Esther Allen Beam, hereinafter called Grantees.
1853 E. MARION ST. Shelby, NC 28152

THAT said Grantor, for and in consideration of the sum of \$10.00 to her in hand paid, the receipt of which is hereby acknowledged, has remised and released and by these presents does remise, release, convey and forever quitclaim unto the Grantees, their heirs, and/or successors and assigns, all right, title, claim and interest of the Grantor in and to a certain parcel of land lying and being in NUMBER SIX (#6) TOWNSHIP, Cleveland County, North Carolina, and being more particularly described as follows:

BEING that certain property as described in a certain deed from E. L. Beam, Commissioner, to Ernest E. Beam and wife, Esther Allen Beam, dated May 22, 1951, and recorded in Book 6-L, Page 625, of the Cleveland County Registry, consisting of two tracts, more particularly described as follows:

BEGINNING at a stone in the Shelby and Kings Mountain Road, Lester Roberts' corner, running with his line N 52 E 98 poles to a stone, a new corner; thence a new line N 52 W 76 poles to a small white oak, a new corner; thence with The County Home line, N 86 W 14 poles to a stone, Thomas Allen's corner; thence with his line S 13-1/4 W 87-3/4 poles to a stone in the Shelby Road; thence with the road S 36 E 26 poles to the beginning, containing 30 acres, more or less.

BEGINNING at a small white oak a new corner in the County Home property line running with same S 86 E 100 poles to a stake, Thomas Kendrick and County Home corner; thence with Kendrick's line, S 20 W 12 poles to a stone, Lester Roberts corner; thence with his line S 52 W 45 poles to a stone, a new corner of Lot 6; thence a new line with lot 6, N 2 W 76 poles to the BEGINNING, containing 15 acres, more or less.

THERE IS EXCEPTED from the above described property a tract of land comprised of "Beam's Trailer Park" being more particularly described as follows:

BEGINNING at a point in the center of East Marion Street, being the old Southwestern corner in the above tract; running thence with the centerline of East Marion Street, N 35-41-33W 87.54 feet to a point in the center of the street; thence continuing with the centerline, N 37-18-43W 92.24 feet to a point, a new corner; thence a new line N 43-33-58E 264.15 feet to a point; thence N 53-32-28E 298.49 feet, a new corner; thence S 35-14-19E 212.48 feet to a point in the old southern boundary; thence with the old line, S 52-13-31W 554.13 feet to the place of BEGINNING, containing 2.66 acres, more or less, according to a survey by Ledford, Bankhead & Associates, dated December 6, 1989.

The purpose of this deed is to provide for a division of real property pursuant to the provisions of the Will and Trust Agreement of Esther Allen Beam.

To have and to hold the aforesaid lot or parcel of land and all privileges thereunto belonging to them, the Grantees, their heirs and/or successors and assigns, free and discharged from all right, title, claim or interest of the Grantor or anyone claiming by, through or under them.

The designation Grantor and Grantees as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

COPY
HEMPHRETT
INTERNET

IN WITNESS WHEREOF, the Grantor has hereunto set her hand and seal, or if corporate has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written

Gail B. Humphries (SEAL)
GAIL B. HUMPHRIES

Dwight S. Humphries (SEAL)
DWIGHT S. HUMPHRIES

SEAL-STAMP



NORTH CAROLINA, CLEVELAND COUNTY

I, a Notary Public of the County and State aforesaid, certify that GAIL B. HUMPHRIES and husband, DWIGHT S. HUMPHRIES, personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official stamp or seal, this 10th day of December, 1995.

Mary B. Leigh
Notary Public

My Commission Expires: May 8, 1999

The foregoing Certificate(s) of Mary B. Leigh a N.P. is certified to be correct. This instrument and its certificate are duly registered this 8 day of Dec, 1995, at 4:35 o'clock A.M., P.M., Book 1171, Page 399.

Bonnie C. Reece Register of Deeds for CLEVELAND COUNTY, NORTH CAROLINA.
By: Sharon Hillis Deputy/Assistant - Register of Deeds

INTERNET COPY INTERNET COPY INTERNET COPY INTERNET COPY INTERNET COPY
CLEV. CO., NC
FILED
95 DEC -8 PM 4:35
BONNIE E. REECE
REGISTER OF DEEDS

THAT CERTAIN TRACT OF LAND CONTAINING 41.574 ACRES, LOCATED IN CLEVELAND COUNTY NORTH CAROLINA, AND BETTER DESCRIBED AS FOLLOWS:
COMMENCING AT AN NGS MONUMENT "DQ2953" LOCATED WITH NORTH CAROLINA STATE PLANE COORDINATES N:564,868.16' AND E:1,266,501.88';
THENCE S 89°54'19" W A DISTANCE OF 6183.73' TO A 1" OPEN TOP PIPE, WHICH IS THE POINT OF BEGINNING;
THENCE S 52°53'40" W A DISTANCE OF 511.93' TO A 1" SQUARE IRON ROD FOUND;
THENCE S 52°04'55" W A DISTANCE OF 242.02' TO A CONCRETE MONUMENT FOUND;
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THENCE S 53°24'30" W A DISTANCE OF 298.51' TO A 5/8" IRON ROD FOUND;
THENCE S 43°31'34" W A TOTAL DISTANCE OF 264.11', PASSING THROUGH A 5/8" REBAR FOUND DISTURBED WITH A NAIL FOUND AT BASE AT 233.49', TO A CALCULATED POINT IN THE CENTERLINE OF E. MARION STREET;
THENCE FOLLOWING THE CENTERLINE OF SAID ROAD N 40°17'42" W A DISTANCE OF 219.95' TO A CALCULATED POINT;
THENCE LEAVING SAID ROAD N 47°59'17" E A TOTAL DISTANCE OF 314.47', PASSING A 1/2" REBAR FOUND AT 29.10', TO A 5/8" REBAR SET;
THENCE N 48°55'17" W A DISTANCE OF 218.45' TO A 1/2" REBAR FOUND BENT WITH A NAIL AT BASE;
THENCE N 10°54'06" E A DISTANCE OF 267.48' TO A 1" OPEN TOP PIPE FOUND;
THENCE N 14°09'53" E A DISTANCE OF 838.18' TO A MAG NAIL FOUND IN A STONE, SAID CORNER BEING WITNESSED BY A BLAZE IN A 18" HICKORY LOCATED S 26°56'53" E A DISTANCE OF 4.95';
THENCE S 85°51'32" E A DISTANCE OF 1836.34' TO A 1/2" REBAR FOUND;
THENCE S 19°37'30" W A DISTANCE OF 197.89' TO AN AXLE FOUND;
THENCE S 52°23'18" W A DISTANCE OF 103.13' TO A 3/4" OPEN TOP PIPE FOUND;
THENCE S 52°32'58" W A DISTANCE OF 242.42' TO A 5/8" REBAR FOUND;
THENCE S 52°03'56" W A DISTANCE OF 44.61' TO A 1" OPEN TOP PIPE FOUND;
THENCE S 52°13'31" W A DISTANCE OF 265.32' TO A 1" OPEN TOP PIPE FOUND;
WHICH IS THE POINT OF BEGINNING.

NOTICE OF PUBLIC HEARING CONDITIONAL ZONING MAP AMENDMENT

The public will please take notice that the City Council of the City of Shelby will conduct a public hearing during its regular meeting on **Monday, September 9, 2024, at 6:00 p.m.** in the Don Gibson Theatre at 318 South Washington Street, Shelby, North Carolina to consider a petition for a conditional zoning district. The proposed area to be considered for the conditional zoning district application includes one parcel on East Marion Street and two parcels on Borders Road, further described as Cleveland County Parcel Numbers 22186, 22301, and 22284, and approximately 46.14 acres in size.

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

NOTICE OF PUBLIC HEARING TO ANNEX 41.57 acres on East Marion Street and Borders Road

In the event there is a passing vote to approve the conditional zoning request described above, the City Council of the City of Shelby will conduct a Public Hearing during its regular meeting on Monday, September 9, 2024, at 6:00 p.m. in the Don Gibson Theatre at 318 South Washington Street, Shelby as required by North Carolina General Statutes (G.S.) Chapter 160A, Article 4A to consider the annexation of one of the same parcels (parcel 22186 on East Marion Street). A map of the proposed annexation is on file and available for inspection at the City of Shelby Planning & Development Services office, 315 South Lafayette Street, Shelby, North Carolina.

Both Public Hearings will be held during the regular meeting of City Council on **Monday, September 9, 2024 at 6:00 p.m.** in the Don Gibson Theatre at 318 South Washington Street, Shelby, North Carolina.

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

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

Carol Williams
City Clerk

The Shelby Star:

Please publish this notice as a legal line ad on Wednesday August 28, 2024 and the same ad again on Wednesday September 4, 2024.

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

ORDINANCE NO. 58-2024

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

WHEREAS, the Shelby City Council has been petitioned by Todd Doupona under G.S. 160A-31, as amended, to annex the area described herein; and,

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

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at **the Don Gibson Theatre, 318 South Washington Street, Shelby, North Carolina** on September 9, 2024 at 6:00 p.m. **after due notice by publication on August 28, 2024 and September 4, 2024;** and,

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

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

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

Section 1. By virtue of the authority granted by GS 160A-31, as amended, the following described contiguous territory is hereby annexed and made part of the City of Shelby as of September 9, 2024:

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

CLEVELAND COUNTY TAX PARCEL NUMBER 22186:

Being the full contents of the 41.574 acre tract, bound by Borders Road, and the Marion St.

TITLE REFERNCE: See Deed at Book 16E, Page 874 of the Cleveland County Registry.

Section 2. Upon and after September 9, 2024, the above-described territory, also known as Cleveland County Parcel Number 22186, and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Shelby and shall be entitled to the same privileges and benefits as other parts of the City of Shelby. Said territory shall be subject to municipal taxes according to GS 160A-58.10.

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

Adopted and approved this 9th day of September 2024.

O. Stanhope Anthony, III Mayor

ATTEST:

Breanna Jones
Deputy Clerk

APPROVED AS TO FORM:

Jason Lunsford
City Attorney

D. Consent Agenda:

Agenda Item: D-1

- 1) Approval of the Minutes of the Regular Meeting of August 19, 2024

Consent Agenda Item: (Carol Williams, City Clerk)

Summary of Available Information:

Please read and offer changes as you deem necessary.

- Minutes of the Regular Meeting of August 19, 2024

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

August 19, 2024
Monday, 6:00 p.m.

Present: Mayor O. Stanhope Anthony, III, presiding; Council Members Andrew L. Hopper, Sr., David Causby, Charles Webber, Violet Arth, David White, 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 Finance Elizabeth (Beth) Beam, CPA, Director of Human Resources Deborah (Deb) Jolly, Fire Chief William Hunt, EFO, Director of Planning and Development Services Brian Burgess, Director Parks and Recreation Charlie Holtzclaw, Public Works Director Scott Black, Director of Water Resources Brian Wilson, Public Information and Communications Officer Chip Nuhrah, Economic Developer Brandon Ruppe, and Jennipher H. Harrill, Social Media Manager, Blue Eyes Media Connections

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

Mr. Hopper led the Pledge of Allegiance.

A. Approval of Agenda:

- 1) Motion to adopt the agenda as presented.

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

B. Public Comment:

None

C. Public Hearings:

- 1) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina for parcel 26023, further identified as 2221 Kings Rd.: Ordinance No. 51-2024

Presenter: Brian Burgess, Planning Director:

- Applicant wishes to amend the zoning district from R10 to General Business (GB) at 2221 Kings Road, Shelby, North Carolina.
- The property is approximately 1.68 acres and sits just east of the Magnolia Plantation neighborhood.
- The surrounding area has both GB and R10 zoning districts.
- General Business zoning district is consistent with the current development patterns, and inconsistent with the Future Land Use Map.
- Staff recommends the approval of the rezoning.
- Planning and Zoning Board have recommended denial of this zoning request.

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

Randy McSwain, who resides at 110 Victoria Park Drive, Shelby, North Carolina spoke on behalf of the Magnolia Plantation Homeowners Association Board. Mr. McSwain stated the HOA is against the rezoning request for the following reasons:

- Many residents in the neighborhood are elderly and exiting and entering the neighborhood is sometimes tricky due to the volume of traffic
- They are concerned about the increase of traffic due to the development of approximately 130 new homes already planned for the Magnolia Plantation neighborhood
- The HOA is also expecting an increase in traffic at their neighborhood entrance due to the County Home Road and Kings Road intersection realignment

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

ACTION TAKEN: Upon a motion made by Ms. Arth, City Council voted unanimously to DENY Ordinance No. 51-2024 entitled, "A PROPOSED ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF SHELBY, NORTH CAROLINA FOR PARCEL 26023, FURTHER IDENTIFIED AS 2221 KINGS RD." due to it being inconsistent with Shelby's adopted comprehensive land use plan and approval is not recommended by the planning board and this request is unreasonable because the surrounding neighborhood is R-10, and the encroaching GB district would be too much for that area."

2) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina for Parcel Numbers 30167 and 30168 (1769 S. Lafayette Street): ****Applicant has withdrawn their application – no action required at this time**

- Applicant wishes to amend the initial application, so there is no action required at this time.

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 August 5, 2024
- 2) Adoption of an ordinance establishing a capital project ordinance and budgets for the City of Shelby's City Hall Chamber Renovation, Windows and Doors Replacement Project: Ordinance No. 52-2024
- 3) Approval of a resolution authorizing the acceptance of an agreement between the Town of Boiling Springs and the City of Shelby for equipment maintenance and upkeep of the Boiling Springs Surge Relief Valve: Resolution No. 55-2024
- 4) Approval of Special Event Applications:
 - a) Shiloh Baptist Church Community Block Party, requested date: September 21, 2024
 - b) Uptown Carriage Rides and Christmas Tree Lighting, requested date: Nov. 30th, Dec. 6th, 13th and 20th, 2024
 - c) Shelby Christmas Parade, requested date: December 1, 2024
 - d) Pinnacle Homecoming Parade, requested date: December 6, 2024
- 5) Management Reports:
 - a) Raper-Roark Financial Report – July 2024
 - b) Mayor's appointees to Comprehensive Land Use Plan Steering Committee

- 6) Acceptance of the Certificate of Sufficiency regarding Petition of Annexation of applicant, Wayne and Iris Beam
- 7) Notice of Cancellation in the Regular Meeting Schedule of Shelby City Council

END OF CONSENT AGENDA

E. Unfinished Business:

None

F. New Business:

- 1) Approval of a resolution naming a certain City of Shelby park facility in honor of Mr. Mitchell Terrill, Sr.: Resolution No. 56-2024

Presenter: Charlie Holtzclaw, Parks and Recreation Director

- In April 2024 an application was received to rename the Holly Oak Park ballfield to Mitchell Terrill Sr. Field
- Three community workshops were held with approximately 40 citizens attending and 11 speakers, in addition, numerous emails and letters were received
- In July 2024 the Parks and Recreation Advisory Board voted unanimously to approve the renaming request
- Approval from City Council is recommended to finalize the renaming request

ACTION TAKEN: Upon a motion made by Mr. Webber, City Council voted unanimously to approve Resolution No. 56-2024 entitled, "A RESOLUTION NAMING A CERTAIN CITY OF SHELBY PARK FACILITY IN HONOR OF MR. MITCHELL TERRILL, SR."

- 2) Adoption of an ordinance to repeal Article II Sections 34-31 and 34-32, "Determination; bond" and "Going on private residence without invitation," of the City Code of Ordinances: Ordinance No. 53-2024

Presenter: Jason Lunsford, City Attorney

- In reviewing the evolving applicable law pertaining to solicitation under the First Amendment's freedom of commercial speech, the City's present

ordinance is ripe for challenge and a repeal would protect the City from future litigation.

- Additionally, the City does not impose or collect a fee or bond under Section 34-31 of Article II relating to itinerant merchants and such an ordinance without justification may also violate the First Amendment's freedom of commercial speech, it is recommended to repeal this section as well.
- Repealing the present ordinances will allow the City time to gather data, either positive or negative, pertaining to door-to-door solicitation, which may be used to provide justifications for a future amended ordinance addressing solicitation and the documented concerns.

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to approve Ordinance No. 53-2024 entitled, "AN ORDINANCE TO REPEAL ARTICLE II SECTIONS 34-31 AND 34-32, "DETERMINATION; BOND" AND "GOING ON PRIVATE RESIDENCE WITHOUT INVITATION," OF THE CITY CODE OF ORDINANCES."

- 3) Approval of a resolution to abolish the Redevelopment Commission of the City of Shelby: Resolution No. 57-2024

Presenter: Jason Lunsford, City Attorney

- In February of 1969, the then City Council created the Redevelopment Commission of the City of Shelby pursuant to N.C. Gen. Stat. § 160A-500, the 'Urban Redevelopment Law.'
- In 1981, the Commission created the West Shelby Redevelopment Plan. This plan affected various lots throughout the area in an effort to make wide scale improvements with the use of grant funding. The properties affected had deed restrictions placed upon them pursuant to N.C. Gen. Stat. § 160A-514 and such restrictions may only be addressed through the Commission pursuant to 160A- N.C. Gen. Stat. § 160A-513(k).
- Shelby no longer has an active member on the Commission and does not appear to utilize the Commission.
- City Council has the authority through N.C. Gen. Stat. § 505(b) to abolish the Commission and have the delegated power, rights, and privileges restored to City Council.
- Upon the abolition of the Commission, City Council, after 90 days from passing the resolution, may act under the powers of the Commission pursuant to N.C. Gen. Stat. § 160A-505(a) and remove the deed restrictions previously placed upon the deeds.
- The removal of these restrictions will allow the affected properties to be sold and developed without the limitations in place.

- The City has received calls from at least two developers that are seeking the restrictions be removed for this very reason.

ACTION TAKEN: Upon a motion made by Mr. Hopper, City Council voted 5 -1 (Arth oppose) to approve Resolution No. 57-2024 entitled, “A RESOLUTION TO ABOLISH THE REDEVELOPMENT COMMISSION OF THE CITY OF SHELBY.”

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

a) Planning and Zoning Board

Mayor Anthony reported that Karla Haynes, Rick Washburn, Mark Carter, Bob Cabaniss, and Emanuel Hunt, Jr. are up for reappointment and they all wish to continue to serve. There are five applications on file in the Clerk’s office:

- Ashley Hemming
- Tasha Smith
- Ric Francis
- Matt Albinger
- Guz Martinez

Mayor Anthony opened the floor for nominations:

Mr. White nominated Karla Haynes, Rick Washburn, Mark Carter, Bob Cabaniss, and Emanuel Hunt, Jr. for reappointment.

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

b) Parks and Recreation Advisory Board

Mayor Anthony reported that Juan Cherry, Chris Gray, Michael Shawn Collins, and Shanda Hoskins are up for reappointment, and they all wish to continue to serve. There are no applications on file in the Clerk’s office:

Mr. Hopper nominated Juan Cherry, Chris Gray, Michael Shawn Collins, and Shanda Hoskins for reappointment.

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

G. City Manager’s Report:

Bid opening for Depot Park was earlier this month but we did not receive any bids. We have put it out for re-bid and since it's a re-bid process now, only one bid is necessary instead of the initial three bids needed. Bids are due on August 29, 2024. Staff has contacted a few contractors to see if interested.

TGS Engineering continues the design of the remainder of Phase II of the Carolina Harmony Trail. This essentially is the section from Marion Street to Graham Street and then from Gardner Street to DeKalb Street (exclusive of the Depot Park section). This section is tentatively scheduled to go out to bid in the fall of this year. We have a DOT grant for this portion of the rail trail so there are hurdles to go through. NCDOT also has to approve the plans. Tentative timeline is: final plan approval should be by the end of October, then advertise the project in November, with a bid opening in mid-December, construction starting in March 2025, and a mid-2026 project completion date.

The Cross-Town Water Main 24" Transmission Line Phase II 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.

Construction on the Hickory Creek 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. The contractor is over the allotted number of days and behind schedule.

The WTP Filter Rehabilitation & Sedimentation Valve Replacement 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. The contractor is behind schedule with about 55% of the work completed. The completion date is now January 2025. Statutory deadline to expend all funds is December 31, 2026.

The First Broad River Sewer Outfall project provides for the replacement of approximately 9,000 linear feet of 36-inch diameter pipe on a major sewer outfall located on the First Broad River. A number of Sanitary Sewer Overflows (SSO's)

have occurred on this line for the past several years during and after heavy rainfall. McGill Associates has been selected as the project engineer and design work is ongoing. City Council has previously approved the project budget ordinance. Engineering and design work is ongoing.

KFC sinkhole repair should be completed by the end of August.

Graham Street should be reopened this week.

City Hall Annex – This project was bid in March. Upland Architecture is the design architect. 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. The bid was awarded by Council to Neill Grading on June 3rd. Work should be completed mid-Spring 2025.

City Council Chambers – A scope of work is being developed to renovate the interior of the chambers after the broken water line flooded the room. Anticipate the scope to include a new sound system, camera system, addition of a video display system, carpet replacement, furnishings, ADA bathroom upgrades, lighting improvements as well as other improvements. A detailed update will be given at the September 9th meeting.

H. Council Announcements and Remarks:

Mr. Hopper reminded everyone that the Golden Knights will perform at the American Legion World Series on Tuesday at 5:30pm before the Championship game. The Warbirds have been flying over Shelby and the ballfield this week.

I. Closed Session:

- 1) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations pursuant to North Carolina General Statute § 143-318.11(a)(4).**
- 2) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease pursuant to North Carolina General Statute § 143-318.11(a)(5).**

ACTION TAKEN: Mr. White made a motion to enter a closed session pursuant to the appropriate North Carolina General Statutes as cited. Mayor Anthony invited all Council members present, along with Mr. Howell, Mr. Lunsford, Mr. Longino, Mr. Ruppe, Mrs. Williams and Mrs. Jones to attend. The motion passed unanimously, and Council moved into closed session at 7:04 p.m.

At the conclusion of the Closed Session item, Mr. White made a motion for City Council to return to the regular session at 7:31 p.m. and seal the minutes.

J. Adjournment:

1) Motion to adjourn

ACTION TAKEN: Upon a motion made by Ms. Arth, City Council voted unanimously to adjourn the meeting at 7:32 p.m.

Respectfully submitted,

Carol Williams
City Clerk

O. Stanhope Anthony, III
Mayor

Minutes of August 19, 2024

Agenda Item: D-2

- 2) Adoption of FY 2024-2025 Budget Ordinance Amendment No. 1: Ordinance No. 59-2024

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

Summary of Available Information:

- Memorandum dated August 27, 2024, from Beth Beam, Director of Finance to Rick Howell, City Manager
- Ordinance No. 59-2024

City Manager's Recommendation / Comments

Ordinance No. 59-2024 is presented for City Council at this time via the Consent Agenda. If approved Ordinance No. 59-2024 would recognize and appropriate \$286,570 within the Housing Fund. These funds were authorized by HUD during the pandemic and are specifically for capital expenditures for the 172 public housing units owned and operated by the City.

It is my recommendation Ordinance No. 59-2024 be adopted and approved by City Council at this time.



To: Rick Howell, City Manager
From: Beth B. Beam, Director of Finance
Date: August 27, 2024
Subject: Budget Amendment #1

Background:

In FY20, HUD awarded the funds for the 2020 HUD expenditures. Because of the Corona Virus, the expiration of those funds was extended to FY25. A portion of the award was spent in FY23 and a portion was spent in FY24 leaving an unspent balance of \$286,570. The balance was not budgeted in the original FY25 budget.

Review and Comments:

The FY25 budget now needs to be amended to record the revenue and expenditure remaining budget amount for the NC19P34501-20 HUD award.

Recommendation:

The recommendation from staff is to approve the FY25 Budget Amendment #1.

Ordinance No. 59-2024
September 9, 2024
Page 2

O. Stanhope Anthony, III
Mayor

ATTEST:

Breanna Jones
Deputy City Clerk

APPROVED AS TO FORM:

Jason Lunsford
City Attorney

Agenda Item: D-3

- 3) Adoption of a budget ordinance amendment for the City of Shelby's Depot Project:
Ordinance No. 60-2024

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

Summary of Available Information:

- Memorandum dated September 4, 2024, from Beth Beam, Director of Finance to Rick Howell
- Ordinance No. 60-2024

City Manager's Recommendation / Comments

Ordinance No. 60-2024 is presented for City Council at this time via the Consent Agenda. If approved Ordinance No. 60-2024 would authorize movement of the remaining \$29,700 from the construction line item to the engineering professional services line item within the Depot Project Budget ordinance. These funds will be used toward the construction of the Depot Park Project once it is fully funded.

It is my recommendation that Resolution No. 60-2024 be adopted and approved by the City Council via the Consent Agenda.



To: Rick Howell, City Manager
From: Beth B. Beam, Director of Finance
Date: September 4, 2024
Subject: Depot Project Budget Amendment #3

Background:

The City of Shelby set up budgets for the Depot project by Budget Amendment #48-2023 approved October 16, 2023 in the Depot project account.

Review and Comments:

To close out the existing project the attached project budget amendment is needed to move the expenditure budget amount from construction to engineering to match expenses.

Recommendation:

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

CITY OF SHELBY
 ORDINANCE NO. 60-2024
 BUDGET ORDINANCE AMENDMENT FOR THE CITY OF SHELBY’S DEPOT PROJECT

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

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

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

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

Section 1. Ordinance No. 48-2023, the City’s Depot Project, is hereby amended as follows to provide for Budget Amendment No. 3 for said project:

General Fund Capital Projects:

Engineering	111612-42004-DEPOT	\$29,700
Construction	111612-53000-DEPOT	(\$29,700)

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

General Fund Capital Projects:

	<u>Current Budget</u>	<u>Amendment No. 3</u>
Revenues:		
Transferred from General Fund	\$ 50,000	\$ 50,000
Cleveland County Grant	\$ 198,450	\$ 198,450
State SCIF Grant	\$ 100,000	\$ 100,000
Power Agency Grant	\$ 10,000	\$ 10,000
Commerce Grant	\$ 0	\$ 0
Appropriation:		
Engineering	\$ 300,000	\$ 329,700
Construction	\$ 808,450	\$ 28,750

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

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

Ordinance No. 60-2024
September 9, 2024
Page 2

Adopted and Approved this the 9th day of September, 2024.

O. Stanhope Anthony, III
Mayor

ATTEST:

Breanna Jones
Deputy City Clerk

APPROVED AS TO FORM:

Jason Lunsford
City Attorney

Agenda Item: D-4

- 4) Adoption of a budget ordinance amendment for the City of Shelby's City Park Pool Renovation Project: Ordinance No. 61-2024

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

Summary of Available Information:

- Memorandum dated September 3, 2024, from Justin Longino, Assistant City Manager to Rick Howell, City Manager
- Ordinance No. 61-2024

City Manager's Recommendation / Comments

Ordinance No. 61-2024 is presented for City Council at this time via the Consent Agenda. If approved Ordinance No. 61-2024 would appropriate an additional \$12,209 to complete this project. These funds will be used toward the engineering and construction not covered within the original project budget ordinance. This amendment essentially closes out the pool renovation project.

It is my recommendation that Resolution No. 61-2024 be adopted and approved by the City Council via the Consent Agenda.



Post Office Box 207 · Shelby, NC 28151-0207

TO: Mr. Rick Howell, City Manager
FROM: Justin Longino, Assistant City Manager
DATE: September 3, 2024
SUBJECT: Project Budget Amendment – City Park Pool

Background

This project budget ordinance amendment covers a couple more engineering and construction invoices for the City Park Pool project not covered in the original ordinance. CHA (engineering) and Sossamon (construction) have completed extra work on a timeline well beyond the original expected.

For all intents and purposes, this closes out the pool project. There is a sum of \$2,500 being held until Sossamon’s contractor comes out to install anchors for the pool cover this fall (expected in early October). That is the last expense for this project with no other work planned or scheduled.

Recommendation

Staff recommends approval of the PBO amendment so that we can cover expenses and near the end of the City Park Pool project.

CITY OF SHELBY
 BUDGET ORDINANCE AMENDMENT FOR THE CITY OF SHELBY’S CITY PARK POOL
 RENOVATION PROJECT NO. 61-2024

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

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

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

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

Section 1. Ordinance No. 38-2021, the City of Shelby’s City Park Pool Renovation Project, is hereby amended as follows to provide for Budget Amendment No. 5 for said project:

Appropriating Fund Balance:

Fund Balance Appropriated	64006000-39900	\$12,209
Transfer to General Cap. Projects	640741-49111	\$12,209

City Park Pool Renovation Project

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

11101000-39640-CPPRP	Transferred from Nat. Gas Fund	\$12,209
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(2) The following General Fund Cap. Project Expenditures are amended by the City:

111612-42004-CPPRP	Engineering	\$11,355
111612-53000-CPPRP	Construction	\$ 854

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

<u>City Park Pool Renovation Project</u>	<u>Current Budget</u>	<u>Amendment No. 5</u>
Revenues		
Transferred from Nat. Gas Fund	\$2,761,595	\$2,773,804
Expenditures		
Engineering	\$ 125,800	\$ 137,155
Construction	\$2,635,795	\$2,636,649

Ordinance No. 61-2024
September 9, 2024
Page 2

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

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

Adopted and Approved this the 9th day of September 2024.

O. Stanhope Anthony, III
Mayor

ATTEST:

Breanna Jones
Deputy City Clerk

APPROVED AS TO FORM:

Jason Lunsford
City Attorney

Agenda Item: D-5

- 5) Approval of a resolution recognizing Public Power Week, October 6-12, 2024: A Week-Long Celebration of the City Of Shelby's Electric System: Resolution No. 58-2024

Consent Agenda Item: (Rick Howell, City Manager)

Summary of Available Information:

- Resolution No. 58-2024

City Manager's Recommendation / Comments

Each year during the first week of October, Public Power Week is celebrated across our nation. The City of Shelby has been a proud public power provider since 1912. During this week the City will take the time to thank our customers for trusting us to meet their power needs. Being a public power providers means that our electric system is governed by what is best for our customers and not shareholders.

A public power provider offers many benefits to our customers including:

- A locally and publicly owned and operated electric system.
- A not for profit, but function to serve the utility needs of their citizens while offering competitive rates.
- Offer reliable service to their customers and respond quickly to outages and emergencies.
- A consistently lower instance of power outages.
- We know and care about the people they serve.

Please join me in celebrating Public Power Provider week.

It is my recommendation that Resolution No. 58-2024 be adopted and approved by City Council at this time via the Consent Agenda.

RESOLUTION NO. 58-2024

**A RESOLUTION RECOGNIZING PUBLIC POWER WEEK, OCTOBER 6-12, 2024:
A WEEK-LONG CELEBRATION OF THE CITY OF SHELBY'S
ELECTRIC SYSTEM**

WHEREAS, public power is a crucial component of cities and towns across North Carolina, contributing to the overall health of communities by providing reliable electricity, excellent local service, and prompt restoration; and

WHEREAS, North Carolina's more than 70 public power cities and towns are among more than 2,000 across the country; and

WHEREAS, many of North Carolina's public power cities and towns have been electric providers for more than 100 years, assisting their communities through boom times as well as pandemics and economic downturns; and

WHEREAS, the City of Shelby has been providing reliable and affordable electric service to our customers since May 1, 1912, and our current customer base consists of 7,788 households, and 826 businesses, for a total of 8,614 electric customers; and

WHEREAS, the City of Shelby recognizes Public Power Week and commends the public power cities and towns across our state for their outstanding contributions to our communities.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council publicly express their appreciation to the City of Shelby employees that provide excellent customer service and reliable electric service to our customers.

BE IT FURTHER RESOLVED that this Resolution be entered upon the permanent Minutes of the City Council.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Shelby to be affixed this the 9th day of September 2024.

O. Stanhope Anthony III
Mayor

ATTEST:

Breanna Jones
Deputy City Clerk

Agenda Item: D-6

6) Approval of a Special Event Application:

- a) Falling for Shelby, requested date: Saturday, October 26, 2024
- b) Mush, Music & Mutts Festival: The Official NC Fall Liver Mush Festival, requested date: Saturday, October 19, 2024

Consent Agenda Item: (Breanna Jones, Deputy City Clerk)

Summary of Available Information:

- Memorandum(s) dated September 4, 2024, from Breanna Jones, Deputy City Clerk to Rick Howell, City Manager
- Special Event Application(s)

City Manager's Recommendation / Comments

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

Memo

To: Rick Howell, City Manager

From: Breanna Jones, Deputy City Clerk

Date: September 4, 2024

Re: Special Event Permit Application

BACKGROUND:

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

- ✓ Falling for Shelby, requested date: October 26, 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 September 9, 2024, for Council's review and approval.

ATTACHMENT:

- A. Special Event Permit Application packet received August 27, 2024



Request for
road closure
has been
submitted to
NC DOT.
Will send
approval when
received.
KED

TO: SPECIAL EVENT SPONSORS

PLEASE COMPLETE THE ATTACHED SPECIAL EVENT PERMIT APPLICATION AND RETURN IT, ALONG WITH THE \$20 PROCESSING FEE PAYABLE TO THE CITY OF SHELBY, TO THE CITY CLERK'S OFFICE AT LEAST THIRTY (30) DAYS PRIOR TO THE SCHEDULED EVENT. YOUR APPLICATION WILL BE REVIEWED BY THE APPROPRIATE CITY DEPARTMENTS AND ULTIMATELY APPROVED BY CITY COUNCIL AT A REGULARLY SCHEDULED MEETING. THE CITY CLERK WILL MAIL A CONFIRMING PERMIT LETTER TO YOU PRIOR TO THE EVENT DATE.

IF YOU HAVE ANY QUESTIONS OR NEED ADDITIONAL INFORMATION, PLEASE CALL THE CITY CLERK AT 704 669-6588.

**CITY OF SHELBY
SPECIAL EVENT PERMIT
APPLICATION INSTRUCTIONS**

1. **EVENT NAME:** Provide the common name by which the event is to be known.
2. **PURPOSE AND BRIEF DESCRIPTION OF EVENT:** Please explain what type of event will be held. For example: A parade, fundraiser, festival, etc.
3. **LOCATION OF EVENT:** Please explain where you plan to hold your event. A map containing the event location and the event layout is required.
4. **PERSONS/VEHICLES/ANIMALS:** Please explain the number of people expected to attend the event. In addition, estimate the number of vehicles that will be at the event and list any animals, which will be present.
5. **RESPONSIBLE PARTIES:** Please list the individual(s) who will be responsible for the well being of the event.
6. **DATE, HOURS, TIME OF ASSEMBLY:** The date of the event must be at least thirty (30) days after the date of submittal of the application. Activities on a weekday will be prohibited from taking place during the peak rush periods 7-9 a.m. and 4-7 p.m. to the extent that the activity uses a major thoroughfare. Please list an alternate date that would be appropriate for the event in case a conflict arises.
7. **EVENT NOTIFICATION TO RESIDENTS AND BUSINESSES:**

Events that require temporarily closing streets or sidewalks require event notification to nearby residents and businesses. **You are responsible for notifying the neighbors and businesses in the surrounding area of your event** at least thirty (30) days prior to the event application. Please show respect to our local neighbors and businesses by giving them notice about any impact the event may have on them. Please plan to notify both the property owner and the tenants. Common factors to consider are traffic, noise, and any temporary street closures.

At a minimum, you should provide direct notification (typically door-to-door visits) to:

- Residents and businesses on and adjacent to a proposed temporary street closure
- Residents and businesses who may be seriously impacted by the temporary street closure (especially those whose primary access to their property is affected by the closure)

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 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:

Falling for Shelby

2. PURPOSE AND BRIEF DESCRIPTION OF EVENT: The purpose is to create a new event that encompasses the culture of Shelby in a positive way. To increase awareness of those businesses located on S. La Fayette within the festival area.

3. LOCATION OF EVENT (ATTACH MAP):

S. La Fayette N of Graham to S of Warren

4. PLEASE INDICATE:

Approximately how many people will attend the event? 5,000

Approximately how many vehicles will be present? 0

Approximately how many animals will be present? Only brought by attendees

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

Single lane _____

All lanes in travel direction _____

Whole street _____

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

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: Cleveland County EMS

Address: _____

Phones: 911

Indicate medical services that will be provided for the event.

AMBULANCE: 911

DOCTOR (S): 911

PARAMEDICS: 911

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

Name: Leslie Henderson - Owner Sutton and Brooks

Res-
Address: 602 Leander St, Shelby, NC 28150

Phones: 704-692-9937
(Daytime) (Evening)

Valerieleslie09@hotmail.com
E-mail address

Name: Allyssa Givens - Owner Minnie Jean Design Co

Res
Address: 3870 Fallston-Waco Road, Fallston, NC 28090

Phones: 704-297-5203
(Daytime) (Evening)

bhsbulldogs-09@yahoo.com
E-mail address

see additional sheet for other parties

6. PLEASE LIST THE FOLLOWING:

Requested day(s) and date(s) October 26, 2024 Saturday

Alternate day(s) and date(s) _____

Requested hours of operation, from 2:00 AM/PM to 10:00 AM/PM

Road Closure 10-26-24 12:01 AM to 10-26-24 11:59 PM

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

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

11. CITY SERVICES/EQUIPMENT REQUESTED FOR THIS EVENT:

Police as needed or required
Trash Cans
Electrical
Street Department (8 trash cans)
& Road Barriers

12. ANY ADDITIONAL COMMENTS:

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

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

Leslie Henderson
SIGNATURE

Leslie Henderson (704) 692-9937
APPLICANT PHONE

236 S. Lafayette St.
PHYSICAL ADDRESS

valerieleslie09@hotmail.com
E-MAIL ADDRESS

8/27/24
DATE

11. CITY SERVICES/EQUIPMENT REQUESTED FOR THIS EVENT:

2. Event Panels
Barriers
Trash Cans

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: Falling for Shelby
Authorize Event/Vendor Coordinator: Leslie Henderson / Kim Davis
Phone No.: ^(#-#) 704-692-8937 Mobile No.: ^{KDH} 704-473-8248
Email: valericleslie09@hotmail.com Kim@dragonflymarketing.ca

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

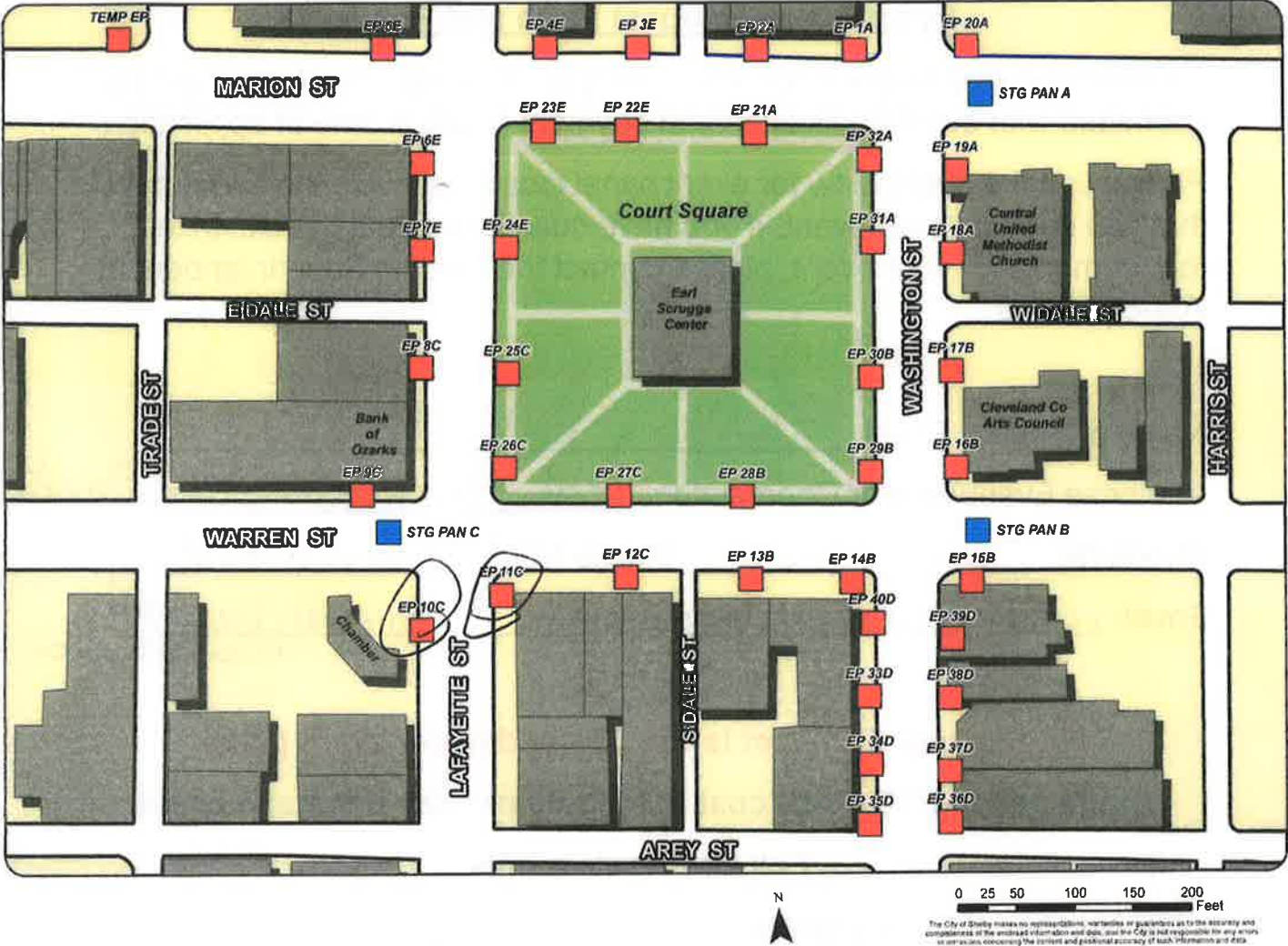
Total Number of Event Panels:
2 x \$15.00 x Number of Days 1 = \$ 30

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

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

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

City of Shelby Uptown Event Panels



Legend

- Event Panel
- Stage Panel

Brooke Nicholson - Owner Angie Brooks
Boutique

Bus. Address 228 S. Lafayette St
Shelby, NC 28150

864-316-2347

brookenicholason2020@yahoo.com

Event Planner

Kim Davis - Owner Dragonfly Marketing
and Events

Bus. Address 211 S. Washington St
Shelby, NC 28150

704-473-8248

kim@dragonflymarketing.cc

CITY OF SHELBY
PO Box 207
Shelby, NC 28151-0207
704-484-6866, option 3

paulaaa1 08/27/2024 11:38
Receipt: 2815806

NEW CHARGES
FILING FEES / SPECIA
FALLING FOR SHELBY 20.00

TOTAL: 20.00
=====

PAYMENTS
CASH 20.00

TOTAL: 20.00
=====

TENDERED: 20.00
APPLIED: 20.00

CHANGE DUE: 0.00
BALANCE 0.00

Pay on-line at www.cityofshelby.com

CITY OF SHELBY
PO Box 207
Shelby, NC 28151-0207
704-484-6866, option 3

paulaaa1 08/27/2024 11:40
Receipt: 2815807

NEW CHARGES
E-OTHER INCOME
FALLING FOR SHELBY 30.00

TOTAL: 30.00
=====

PAYMENTS
CASH 30.00

TOTAL: 30.00
=====

TENDERED: 30.00
APPLIED: 30.00

CHANGE DUE: 0.00
BALANCE 0.00

Pay on-line at www.cityofshelby.com

Memo

To: Rick Howell, City Manager

From: Breanna Jones, Deputy City Clerk

Date: September 4, 2024

Re: Special Event Permit Application

BACKGROUND:

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

- ✓ Mush, Music & Mutts Festival: The Official NC Fall Liver Mush Festival, requested date: October 19, 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 September 9, 2024, for Council's review and approval.

ATTACHMENT:

- A. Special Event Permit Application packet received August 30, 2024



TO: SPECIAL EVENT SPONSORS

PLEASE COMPLETE THE ATTACHED SPECIAL EVENT PERMIT APPLICATION AND RETURN IT, ALONG WITH THE \$20 PROCESSING FEE PAYABLE TO THE CITY OF SHELBY, TO THE CITY CLERK'S OFFICE AT LEAST THIRTY (30) DAYS PRIOR TO THE SCHEDULED EVENT. YOUR APPLICATION WILL BE REVIEWED BY THE APPROPRIATE CITY DEPARTMENTS AND ULTIMATELY APPROVED BY CITY COUNCIL AT A REGULARLY SCHEDULED MEETING. THE CITY CLERK WILL MAIL A CONFIRMING PERMIT LETTER TO YOU PRIOR TO THE EVENT DATE.

IF YOU HAVE ANY QUESTIONS OR NEED ADDITIONAL INFORMATION, PLEASE CALL THE CITY CLERK AT 704 669-6588.

**CITY OF SHELBY
SPECIAL EVENT PERMIT
APPLICATION INSTRUCTIONS**

1. **EVENT NAME:** Provide the common name by which the event is to be known.
2. **PURPOSE AND BRIEF DESCRIPTION OF EVENT:** Please explain what type of event will be held. For example: A parade, fundraiser, festival, etc.
3. **LOCATION OF EVENT:** Please explain where you plan to hold your event. A map containing the event location, and the event layout is required.
4. **PERSONS/VEHICLES/ANIMALS:** Please explain the number of people expected to attend the event. In addition, estimate the number of vehicles that will be at the event and list any animals that will be present.
5. **RESPONSIBLE PARTIES:** Please list the individual(s) who will be responsible for the well-being of the event.
6. **DATE, HOURS, TIME OF ASSEMBLY:** The date of the event must be at least thirty (30) days after the date of submittal of the application. Activities on a weekday will be prohibited from taking place during the peak rush periods 7-9 a.m. and 4-7 p.m. to the extent that the activity uses a major thoroughfare. Please list an alternate date that would be appropriate for the event in case a conflict arises.
7. **EVENT NOTIFICATION TO RESIDENTS AND BUSINESSES:**

Events that require temporarily closing streets or sidewalks require event notification to nearby residents and businesses. **You are responsible for notifying the neighbors and businesses in the surrounding area of your event** at least thirty (30) days prior to the event application. Please show respect to our local neighbors and businesses by giving them notice about any impact the event may have on them. Please plan to notify both the property owner and the tenants. Common factors to consider are traffic, noise, and any temporary street closures.

At a minimum, you should provide direct notification (typically door-to-door visits) to:

- Residents and businesses on and adjacent to a proposed temporary street closure
- Residents and businesses who may be seriously impacted by the temporary street closure (especially those whose primary access to their property is affected by the closure)

8. **SANITATION:** You will need to explain your plan of action to promote and maintain a sanitary environment. Include the number and location of trash containers to be provided for the event. Include the 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

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:

Mush, Music & Mutts Festival: The Official NC Fall Liver Mush Festival

2. PURPOSE AND BRIEF DESCRIPTION OF EVENT:

The purpose of this event is to provide a family-friendly festival to create community pride and draw

visitors to Uptown Shelby.

A. Celebrate a unique local food (liver mush)

- a. Mack's Liver Mush and Corriher's Liver Mush will both be represented
- b. Uptown restaurants invited to plan liver mush-themed menu items
- c. Food trucks invited to offer a liver mush menu item
- d. Liver Mush Eating Contest
- e. Liver Mush Recipe Contest and Livestream Cook-Off at Greenbrook Design

B. Celebrate and showcase our music heritage by presenting music representing local and NC music roots as well as fostering inclusivity

C. Rollover Pets presents a festival for pets and owners including a pet costume contest, pet parade, pet products, and services plus live performances from the Dynamo Dogs and Shelby Police K9s

D. Family-Friendly Experiences

- a. Carolina Harmony Trail Stage – With a focus on rising, local talent
- b. Baby Comfort Station – Provided in partnership with the Chamber of Commerce and Cleveland County Health Department. This area provides changing spaces, a nursing area, and quiet time for visitors with babies and young children.
- c. Activities and music in the festival area and Farmers' market to tie into the festival
- d. Children's Parade (costume optional)
- e. Pumpkin painting for kids provided by Central United Methodist Church and HomeTrust Bank
- f. Kids Zone with kid/family-friendly activities and photo opportunities

3. LOCATION OF EVENT (ATTACH MAP):

The event will be held in Uptown Shelby, primarily around the court square with activity extending approximately half a block on some streets in the festival zone. See attached map. Major locations of the event and primary street closures are:

- **Marion** between Harris and Morgan
- **Warren** between Harris and Lafayette
- **Lafayette** between Warren and Campbell
- **Washington** between Warren and Campbell

4. PLEASE INDICATE:

Approximately how many people will attend the event?

12,000-15,000 based on mobile data analytics from 2022 and 2023. The weather may impact.

Approximately how many vehicles will be present?

On the festival grounds, vehicles are limited to vendors, display, and emergency vehicles. Attendee vehicles in the area could be approx. 4,000-6,000 in designated parking lots and street spaces.

Cleveland County Government's County Administration Building parking lots are added as public options. We are finalizing community partnerships with Shelby Parks and Recreation and others for bus/shuttle transport from satellite parking areas.

Approximately how many animals will be present?

Approximately 250 domestic animals with their owners within the laws of Uptown Shelby will participate in the Mutts portion of the festival, primarily on Warren.

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

Not applicable

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

Name: Emily Epley, Cleveland County Travel and Tourism Director (Overall)

Address: 311 E. Marion Street, Shelby, NC 28150

Phones: 704-484-4804 704-692-5463
(Daytime) (Evening)

E-mail address: Emily.Epley@clevelandcountync.gov

Name: Fred and Jennipher Harrill, Owners, Roll Over, LLC

Address: 105 W. Warren Street, Shelby, NC 28150

Phones: 704-406-9251
(Daytime) (Evening)

E-mail address: Fred@rolloverpets.com

6. PLEASE LIST THE FOLLOWING:

Requested day(s) and date(s) Saturday, October 19th, 2024

Alternate day(s) and date(s) Not applicable

Requested hours of operation, from 9 AM to 4 PM

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

We partner with the Uptown Shelby Association to notify local businesses and residents through emails, fliers, and signs regarding the event road closure dates/time as well as phone calls to key locations impacted.

Street closures around the court square will begin Friday evening – reopening by approximately 6:30 pm Saturday (or once the vendors are gone and we can clean up from the festival).

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

Wesson Septic is working with us again to provide adequate portable toilets as well as handwashing sinks. Delivery is scheduled for Friday, October 18th after 5 pm and will be picked up after 4:30 pm on Saturday, October 19th.

This will include:

- A 4-stall portable unit
- 10 – Special Event Party Units
- 5 - ADA Handicapped Units
- 10 - Free Standing Sinks Units

Wesson will service these units if required. Most of the sinks and toilets will be located in the alley near the Arts Council off Washington Street. The remaining units and sinks will be at Warren Street near the Pet Festival and another location near PSU in the parking area.

Based on the number of trash and recycling units provided in previous years for this event, we request that the City determine appropriate quantities. Our staff/volunteers will distribute the units to the designated locations in the festival area and return them to the designated area for pickup. We will have heavier concentration near primary areas for food trucks and seating.

9. AVAILABILITY OF FOOD, BEVERAGES, AND/OR

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

Entertainment will consist of:

- **Announcements** – Recipe Contest and Eating Contest Winners announced at the Visitor Information Center in front of the Arts Council, Pet Festival at Rollover Pets
- **Livestream of Cookoff at Greenbrook Design**
- **Live Music from 9 am to 2:30 pm on the Carolina Harmony Trail Stage** – Located at the intersection of Trade and W. Marion. This stage will be broken down first to allow for the reopening of Marion Street.
- **Live Music from 10 am to 4 pm on the Main Stage** – Located on the corner of Washington and Marion next to Gragg and Gragg. This will allow for the seamless reopening of Marion Street at the conclusion of the festival.
- **Kids Activities** – Cleveland County YMCA will offer inflatables, mini-golf, and fitness challenges for kids/parents and other activities that promote wellness. Pumpkin painting and story time with the Cleveland County Library System will take place on the court square lawn.

Will alcoholic beverages be served?

Yes, up to 3 vendors will sell and serve alcohol within the Social District limits including Newgrass Brewing Company, Baker Buffalo Creek Vineyard and Winery, and the Uptown Shelby Association. Each has been provided the link and information for the ABC Special Occasion permit application per Detective Hamrick's guidance and the City of Shelby website.

Will food and/or non-alcoholic beverages be served?

Yes, there will be approximately 20-25 food and non-alcoholic beverage vendors who are required to provide appropriate permits for the Cleveland County Health Department as well as a copy of their liability insurance policy. Necessary Health Department paperwork will be filed within the designated deadline.

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.

Star Stage and Sound handles stages/sound and any required permits. Inflatables are provided by Cleveland County YMCA.

Got You Covered will set up one tent on Friday, the 18th in front of the Earl Scruggs Center porch and one on Washington Street for Event Staff use.

Festival staff is exploring options for bleachers to be placed in front of Greenbrook Design for the livestream of the Liver Mush Cookoff.

We are working with the Shelby Police Department, as well as the Cleveland County Sheriff's Office, Cleveland County Emergency Management, and Cleveland County EMS to ensure a strong Festival Emergency Plan and public safety presence throughout the festival area. Police officers will be hired to provide safety and security.

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: Sammy Davis, Assistant Director, Cleveland County EMS
Address: 1333 Fallston Road, Shelby, NC, 28150
Phones: 704-418-3256 (cell)

Indicate medical services that will be provided for the event.

AMBULANCE: Cleveland County EMS
PARAMEDICS: Cleveland County EMS

11. CITY SERVICES/EQUIPMENT REQUESTED FOR THIS EVENT:

Additional trash cans, recycling cans, sanitation trucks on site, road closures, and active event panels/power in the designated festival area, including the City Pavilion.

Event Power Request Form and Pricing

To utilize the event panels for power in Uptown Shelby, this form must be submitted with the event application and payment made at the 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: Mush, Music & Mutts Festival

Authorize Event/Vendor Coordinator: Emily Epley

Phone No.: 704-484-4804 Mobile No.: 704-692-5463

Email: Emily.epley@clevelandcountync.gov

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:

30 x \$15.00 x Number of Days 1 = \$450.00

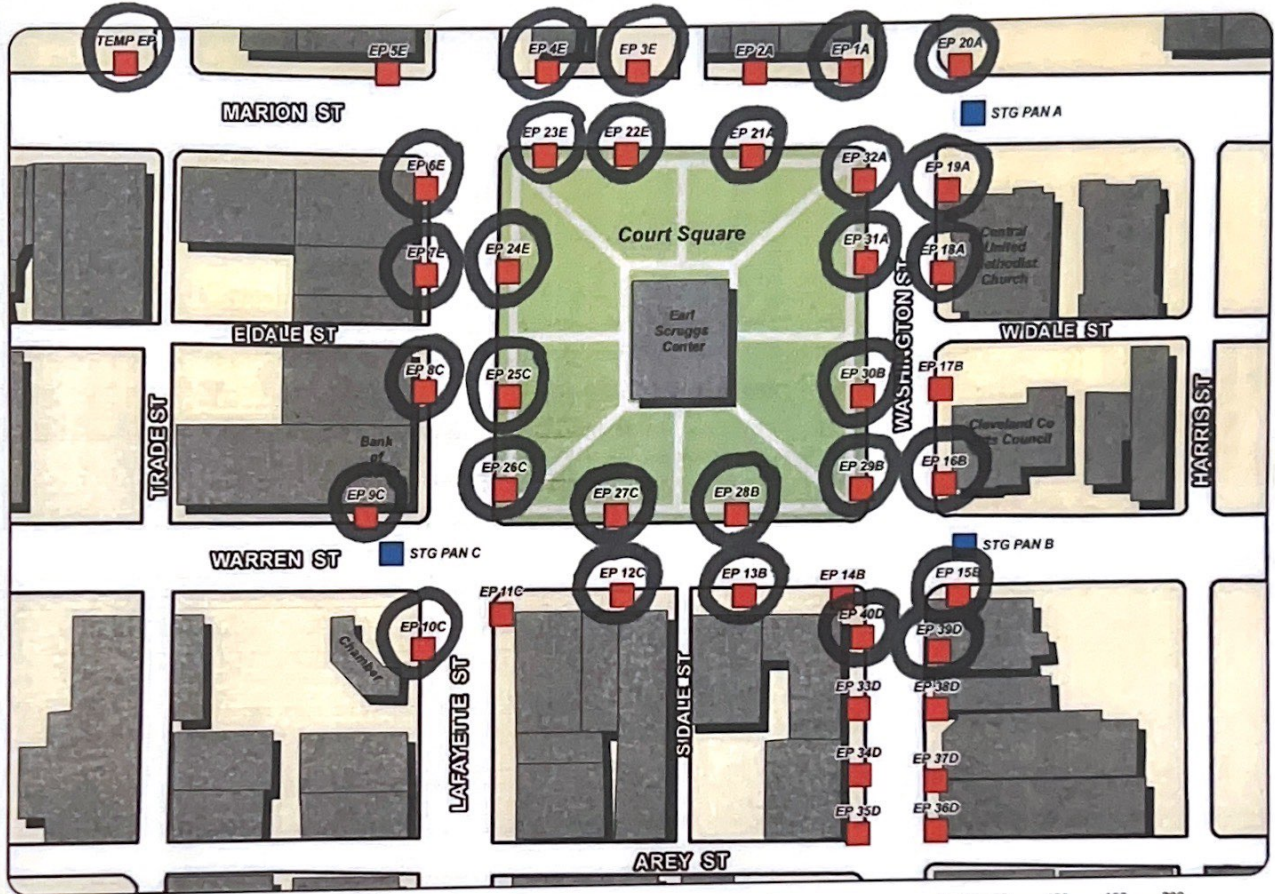
Total Number of Stage Panels:

0 x \$110.00 x Number of Days 0 = \$110.00

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

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

City of Shelby Uptown Event Panels



0 25 50 100 150 200 Feet
The City of Shelby makes no representations, warranties or guarantees as to the accuracy and completeness of the enclosed information and data, and the City is not responsible for any errors or omissions concerning the content and professional accuracy of such information and data.

2024 Mush, Music & Mutts Festival



Legend

- Event Panel
- Stage Panel

12. ANY ADDITIONAL COMMENTS:

I will coordinate with all the partners of this event to ensure all rules and guidelines are being followed. I will personally walk through the event area at the conclusion to ensure the area is left clean without negative impact. We have pride in the community and will do all we can to ensure an event that represents this during as well as after the event in how we leave the festival area.

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.

Emily Epley

SIGNATURE

Emily Epley

APPLICANT

704-692-5463

PHONE

311 E. MARION ST. SHELBY, NC 28150

PHYSICAL ADDRESS

emily.epley@clevelandcountync.gov

E-MAIL ADDRESS

August 30, 2024

DATE

E. Unfinished Business

None

F. New Business

None

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

Agenda Item: I

Closed Session:

- 1) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations pursuant to North Carolina General Statute § 143-318.11(a)(4).
- 2) To establish, or to instruct the public body's staff or negotiating agent concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease pursuant to North Carolina General Statute § 143-318.11(a)(5).

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