

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. Special Presentation:**

- 1) Recognition of Public Power Week, October 6 – 12, 2024: A Week-long Celebration of the City of Shelby’s Electric System 1 - 2

**C. Public Hearings:**

- 1) Consideration of the resolution in support of Project Gui Economic Incentives: Resolution No. 60-2024 3 - 6
- 2) Consideration of the resolution in support of Project Gui Land Sale: Resolution No. 61-2024 7 - 10

**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) Adoption of a budget ordinance amendment for the City of Shelby’s City Hall Annex Renovation Project: Ordinance No. 62-2024 11 - 14

- |   |         |
|---|---------|
| 2) Approval of a Resolution honoring David Karl Gemes on the occasion of his retirement from employment with the City of Shelby: Resolution No. 62-2024 | 15 - 17 |
| 3) Approval of Special Event Applications:  |         |
| a) Cleveland County Veteran’s Day Parade, requested date: Monday, November 11, 2024   | 18 - 24 |
| b) Light Ball Dash, requested date: Sunday, December 22, 2024   | 25 - 31 |

**END OF CONSENT AGENDA**

**E. Unfinished Business:**

- |   |         |
|---|---------|
| 1) Approval of a resolution for the acceptance of direct appropriations through S.L. 2023-134 for the City of Shelby First Broad River Outfall Sewer Improvements Project: Resolution No. 63-2024 | 32 - 38 |
|---|---------|

**F. New Business:**

None

39

**G. City Manager’s Report**

40

**H. Council Announcements and Remarks**

40

I. Closed Session: 40

- 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).

J. Adjournment: 40

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

Motion to adjourn

City of Shelby  
Agenda Item Summary  
October 7, 2024  
Don Gibson Theatre

**B. Special Presentation:**

- 1) Recognition of Public Power Week, October 6 – 12, 2024: A Week-long Celebration of the City of Shelby's Electric System:

**Presenting: (Stan Anthony, Mayor)**

---

Summary of Available Information:

- Copy of 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 provider means that our electric system is governed by what is best for our customers and not shareholders. A public power provider offers many benefit 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 week and recognize any of the Electric staff that may be in attendance.

**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.

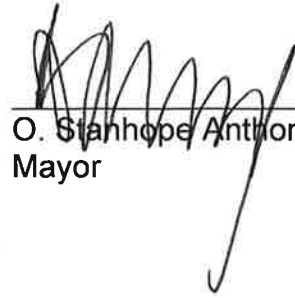
**BE IT FURTHER RESOLVED** that this Resolution be entered upon the permanent Minutes of the City Council.

**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.

ATTEST:

  
Breanna Jones  
Deputy City Clerk



  
O. Stanhope Anthony III  
Mayor

City of Shelby  
Agenda Item Summary  
October 7, 2024  
Don Gibson Theatre

C. Public Hearings:

Agenda Item: C-1

- 1) Consideration of the resolution in support of Project Gui Economic Incentives:  
Resolution No. 60-2024

**Presenting: (Rick Howell, City Manager)**

---

Summary of Available Information:

- Memo dated October 2, 2024 from City Attorney Jason Lunsford to City Manager Rick Howell
  - Resolution No. 60-2024
- 

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 Statute Chapter 158. This hearing has been duly advertised as required by law. Subsequent to the hearing a resolution and agreement for City Council has been prepared for consideration at the regular meeting to be held Monday, October 7, 2024. That resolution will generally propose the following:

1. Project Gui agrees to invest no less than \$286,506,000 within the city limits creating approximately 113 new jobs with an average annual compensation of \$61,984 over the next 4 years.
2. The City agrees to make 5 annual incentive grant payments in an amount equaling 20% of the City's tax levy on the actual net new assessed investment made by Project Gui, an estimated value of \$979,410.15 over 5 years.

**After the conclusion of the public hearing City Council may act upon Resolution No. 60-2024. It is my recommendation that Resolution No. 60-2024 be adopted and approved by City Council at this time.**



PO Box 207 • Shelby, NC 28151-0207

---

*Memorandum*

**To:** Rick Howell, City Manager

**From:** Jason Lunsford

**RE:** Resolution in Support of Project GUI Economic Incentives

**Date:** October 2, 2024

**SUMMARY STATEMENT:**

- Project Gui is a major manufacturing employer who is considering expansion in Shelby, as well as at least one location in South Carolina. Logistics, available land, and the overall cost of doing business are drivers for this new location and expansion.
- 113 new jobs over five years with \$61,984 as an average wage.
- \$286,506,000.00 in real and personal property investment over 4 years.
- The City is proposing tax incentives of twenty percent (20%) over five (5) years at a value of nine hundred seventy-nine thousand four hundred ten dollars and fifteen cents (\$979,410.15).

**PROPOSAL:**

North Carolina Department of Commerce has authorized Project Gui to apply for a OneNC Grant from the State as well as tax grants from the County and the City of Shelby. Given the extent of the proposed investment and creation of the 113 new jobs, it is recommended that the City approve the proposed tax incentives.

Pursuant to N.C. Gen. Stat. § 158-7.1, the City, following a public hearing, may offer economic incentives to a company seeking to expand or locate within NC. Project Gui's proposed location and expansion in Shelby will add to the tax base and provide economic growth as well as stability to the tax base. The additional jobs, paying an average wage above the county average, will also aid in the growth of the tax base as well as growth to the city itself and surrounding businesses.

**RECOMMENDATION:**

Following the public hearing on October 7, 2024, it is recommended that City Council approve a resolution entitled: **RESOLUTION IN SUPPORT OF PROJECT GUI ECONOMIC INCENTIVES** because the incentives will help to attract the business to locate within Shelby, NC. Additionally, the expansion will bring 113 new full time jobs, \$286,506,000.00 in net new real and personal property tax base over 4 years, and it will add stability and diversity to the local economy. Such growth and expansion will also aid in the growth of the City as a whole and surrounding businesses.

**RESOLUTION NO. 60-2024**

**RESOLUTION IN SUPPORT OF PROJECT GUI ECONOMIC INCENTIVES**

**WHEREAS**, following a public hearing pursuant to N.C. Gen. Stat. § 158-7.1, City Council for the City of Shelby, North Carolina determined that Project Gui intends to create one hundred thirteen (113) new full-time jobs over the next five years with an average annual wage of sixty-one thousand nine hundred eighty-four dollars (\$61,984.00); and

**WHEREAS**, over the next four years, Project Gui plans to create approximately two hundred eighty-six million five hundred six thousand dollars (\$286,506,000.00) in net new investment comprising of both real and personal property, which will contribute to population growth, an increase in taxable property, and overall expansion of business generating increased revenues for the City; and

**WHEREAS**, Project Gui chose to expand in Shelby, NC based on the twenty percent (20%) tax incentive offered by the City of Shelby valued at nine hundred seventy-nine thousand four hundred ten dollars and fifteen cents (\$979,410.15) over five years based on the proposed job creation and investment in net new real and personal property; and

**WHEREAS**, given the planned expansion within the City of Shelby, Project Gui will contribute to increases in the City’s utilities to include increases in water, electricity, natural gas, and sewer; and

**WHEREAS**, the proposed expansion and accompanying incentives will aid the public through increased tax revenues, diversification of the local economy, and job creation by investing in real and personal property totaling two hundred eighty-six million five hundred six thousand dollars (\$286,506,000.00).

**NOW, THEREFORE BE IT RESOLVED, by the City Council for the City of Shelby, North Carolina:**

Section 1. The City Council hereby authorizes the City Manager to enter into negotiations to enter a formal contract agreement with Project Gui pursuant to N.C. Gen. Stat. § 158-7.1 for the purpose of providing economic incentives as outlined above at twenty percent (20%) over five years, which are intended to encourage expansion within the City of Shelby and the creation of new jobs.

Section 2. The Mayor and City Clerk of the City of Shelby are hereby authorized to execute the agreement specified in section 1 of this resolution on behalf of the City of Shelby.

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

Adopted this the 7th day of October, 2024.



Resolution No. 60-2024  
October 7, 2024  
Page 2

---

O. Stanhope Anthony III  
Mayor

ATTEST:

---

Carol Williams  
City Clerk

City of Shelby  
Agenda Item Summary  
October 7, 2024  
Don Gibson Theatre

Agenda Item: C-2

- 2) Consideration of the resolution in support of Project Gui Land Sale: Resolution No. 61-2024

**Presenting: (Rick Howell, City Manager)**

---

Summary of Available Information:

- Memo dated October 2, 2024 from City Attorney Jason Lunsford to City Manager Rick Howell
  - Resolution No. 61-2024
- 

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 Statute Chapter 158. This hearing has been duly advertised as required by law. Subsequent to the hearing a resolution for City Council has been prepared for consideration at the regular meeting to be held Monday, October 7, 2024. That resolution will generally propose the following:

1. The City proposes to convey 30.724 acres (parcel 28375 located at 2215 Randolph Road), and 1.61 acres (parcel 58270 located at 376 Washburn Switch Road) for an economic development project which it believes will stimulate and stabilize the local economy resulting in the creation of new and permanent good paying jobs within the city limits. The proposed sale price has been determined to be \$500,000.00.
2. Project Gui proposes to purchase said parcel paying the full cost at closing for the purpose of expansion of its manufacturing operation.

**After the conclusion of the public hearing City Council may act upon Resolution No. 61-2024. It is my recommendation that Resolution No. 61-2024 be adopted and approved at this time.**



PO Box 207 • Shelby, NC 28151-0207

---

*Memorandum*

**To:** Rick Howell, City Manager  
**From:** Jason Lunsford  
**RE:** Resolution in Support of Project GUI Land Sale  
**Date:** October 2, 2024

**SUMMARY STATEMENT:**

- Project Gui is a major manufacturing employer who is considering expansion in Shelby, as well as at least one location in South Carolina. Logistics, available land, and the overall cost of doing business are drivers for this new location and expansion.
- 113 new jobs over five years with \$61,984.00 as an average wage.
- \$286,506,000.00 in real and personal property investment over 4 years.
- The City is proposing sale of the property at 2215 Randolph Road and further identified by Tax Parcel No. 28375, comprising of approximately 30.724 acres as well as property located at 376 Washburn Switch Road and further identified by Tax Parcel 58270, comprising of approximately 1.61 acres at a fair market value of \$500,000.00 and the company has agreed to pay that price.

**PROPOSAL:**

Pursuant to N.C. Gen. Stat. § 158-7.1, the City, following a public hearing, may offer to sell real property to a company seeking to expand or locate within NC for the purpose of attracting and securing that company to invest in North Carolina. Here, the City owns over 31 acres of land within the city limits and the parcels are connected to City utilities. The City has a fair market value of the land at \$500,000.00 and the company has agreed to pay this price. In contemplation of the sale, the City has considered the proposed creation of 113 new full-time jobs over the next five years at an average wage of \$61,984.00. Additionally, Project Gui's proposed location and expansion in Shelby will add to the tax base and provide economic growth as well as stability to the tax base. The additional jobs, paying an average wage above the county average, will also aid in the growth of the tax base as well as growth to the city itself and surrounding businesses. Moreover, the business will be using City utilities in its everyday operations, further adding to the growth of the City's base.

**RECOMMENDATION:**

Following the public hearing on October 7, 2024, it is recommended that City Council approve a resolution entitled: **RESOLUTION IN SUPPORT OF PROJECT GUI LAND SALE** because the sale of the land will help to attract the business to locate within Shelby, NC. Additionally, Project Gui proposes creating 113 new full-time jobs, \$286,506,000.00 in net new real and personal property tax base over 4 years, and will add stability and diversity to the local economy. Such growth and expansion will also aid in the growth of the City as a whole and surrounding businesses.

**RESOLUTION NO. 61-2024**

**RESOLUTION IN SUPPORT OF PROJECT GUI LAND SALE**

**WHEREAS**, following a public hearing pursuant to N.C. Gen. Stat. § 158-7.1, City Council for the City of Shelby, North Carolina determined that Project Gui intends to expand in Shelby, NC based on the location of the property at 2215 Randolph Road and further identified by Tax Parcel No. 28375, comprising of approximately 30.724 acres as well as property located at 376 Washburn Switch Road and further identified by Tax Parcel No. 58270, comprising of approximately 1.61 acres; and

**WHEREAS**, the City has valued this land at a fair market value of five hundred thousand dollars (\$500,000.00) and is receiving a sale price of five hundred thousand dollars (\$500,000.00) from Project Gui; and

**WHEREAS**, Project Gui plans to create one hundred thirteen (113) new full-time jobs over the next five years with an average annual wage of sixty-one thousand nine hundred eighty-four dollars (\$61,984.00); and

**WHEREAS**, over the next four years, Project Gui plans to create approximately two hundred eighty-six million five hundred six thousand dollars (\$286,506,000.00) in net new investment comprising of both real and personal property, which will contribute to population growth, an increase in taxable property, and overall expansion of business generating increased revenues for the City; and

**WHEREAS**, City Council finds that approving this sale will benefit the City of Shelby and its citizens by stimulating the economy as well as offering stability to the local economy through an increase in sales tax revenues, increased personal property tax revenues, increased purchases of local goods and services, increased revenues from having the project as an expanding customer of the City for water and sewer services, electric, and natural gas service, and the creation of a substantial number of new full-time permanent jobs.

**NOW, THEREFORE BE IT RESOLVED, by the City Council for the City of Shelby, North Carolina:**

Section 1. The City Council hereby authorizes the City Manager to enter into negotiations to enter a formal contract agreement with Project Gui to sell the above identified property at the agreed upon price pursuant to N.C. Gen. Stat. § 158-7.1 and based on the planned creation of one hundred thirteen (113) new jobs over five years and two hundred eighty-six million five hundred six thousand dollars (\$286,506,000.00) in net new investment comprising of both real and personal property.

Section 2. The Mayor and City Clerk of the City of Shelby are hereby authorized to execute the agreement specified in section 1 of this resolution on behalf of the City of Shelby.

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

Resolution No. 61-2024  
October 7, 2024  
Page 2

Adopted this the 7th day of October, 2024.

---

O. Stanhope Anthony III  
Mayor

ATTEST:

---

Carol Williams  
City Clerk

City of Shelby  
Agenda Item Summary  
October 7, 2024  
Don Gibson Theatre

D. Consent Agenda:

Agenda Item: D-1

- 1) Adoption of a budget ordinance amendment for the City of Shelby's City Hall Annex Renovation Project: Ordinance No. 62-2024

**Consent Agenda Item: (Justin Longino, Assistant City Manager)**

---

Summary of Available Information:

Please read and offer changes as you deem necessary.

- Memo dated October 2, 2024 from Assistant City Manager Justin Longino to City Manager Rick Howell
- Ordinance No. 62-2024

---

City Manager's Recommendation / Comments

Ordinance No. 62-2024 is presented for City Council at this time via the Consent Agenda. If approved Ordinance No. 62-2024 would authorize the appropriation of an additional \$129,000 from the General Fund – unassigned fund balance. These funds will be used to pay unexpected costs related to the building renovation taking place in the City Hall Annex building. This includes removal of tiles floors on both floors and replacement of a collapsed sewer line under the slab that was discovered during construction. This amendment will bring the total construction cost to \$2,010,000.

Anticipated completion of this project is still expected in May 2025. This facility will house building inspections, code enforcement, planning & zoning, economic development, human resources/risk management.

**It is my recommendation that Resolution No. 62-2024 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: October 2, 2024  
SUBJECT: Project Budget Amendment – City Hall Annex

In June of this year, Neill Construction began renovating the City Hall Annex building (former Police Dept). Since that time, several unexpected issues have been identified within the building. One issue resulted in the need to remove tiling from both floors of the building. It was also discovered that the sewer line under the concrete slab of the building had cracked and needed to be replaced. This was verified by our Water Resources Department.

Due to these unexpected issues and expenses, I'm asking that an additional \$129,000 be allocated to the City Hall Annex project. This will bring the total construction cost to \$2,010,000.

A budget ordinance amendment is attached to this email for Council's consideration.

ORDINANCE NO. 62-2024

BUDGET ORDINANCE AMENDMENT FOR THE CITY OF SHELBY'S  
CITY HALL ANNEX RENOVATION 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 City Hall Annex 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. 56-2022, the City's City Hall Annex Renovation Project, is hereby amended as follows to provide for Budget Amendment No. 2 for said project:

Appropriating Revenues:

Fund Balance Appropriated	11001000-39900	\$ 129,000
Transfer to General Capital Projects	110495-49111	\$ 129,000

General Fund Capital Projects:

Transferred from General Fund	11101000-39110-CHARP	\$ 129,000
Construction	111427-53000-CHARP	\$ 129,000

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:**

Revenues:	<u>Current Budget</u>	<u>Amendment No. 2</u>
Transferred from General Fund	\$ 1,995,000	\$ 2,124,000
Appropriation:		
Engineering	\$ 114,000	\$ 114,000
Construction	\$ 1,881,000	\$ 2,010,000

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.



Ordinance No. 62-2024  
October 7, 2024  
Page 2

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

Adopted and Approved this the 7th day of October, 2024.

---

O. Stanhope Anthony, III  
Mayor

ATTEST:

---

Carol Williams  
City Clerk

APPROVED AS TO FORM:

---

Jason Lunsford  
City Attorney

City of Shelby  
Agenda Item Summary  
October 7, 2024  
Don Gibson Theatre

Agenda Item: D-2

- 2) Approval of a Resolution honoring David Karl Gemes on the occasion of his retirement from employment with the City of Shelby: Resolution No. 62-2024

**Consent Agenda Item: (Brad Fraser, Chief of Police)**

---

Summary of Available Information:

- Memorandum dated October 2, 2024, from Brad Fraser, Chief of Police to Rick Howell, City Manager
- Resolution No. 62-2024

---

City Manager's Recommendation / Comments

This time is scheduled on your agenda to consider a resolution recognizing Officer David Karl Gemes on the occasion of his retirement from employment. In keeping with policy Resolution No. 62-2024 will recognize him for having served the City faithfully for the past 28 years as a City of Shelby Police Officer. He is to be congratulated! Officer Gemes will be greatly missed by his fellow police officers.

As is in keeping with current policy Officer Gemes will be presented with a framed resolution, a city lapel pin, and a key to the City. It is customary and appropriate to recognize David Gemes for his many years of service to the City. Officer Gemes' dedication to the City is to be admired. Officer Gemes has for the past several years served as a School Resource Officer.

Please join me in wishing him a healthy and happy retirement.

**It is recommended that Resolution No. 62-2024 be adopted and approved via the Consent Agenda.**

---

# Shelby Police Department

---



## Memorandum

To: Rick Howell, City Manager  
From: Brad Fraser, Chief of Police  
Date: October 2, 2024  
RE: Retirement Resolution Request; David Karl Gemes

### Background

Officer David Karl Gemes was hired by the City of Shelby as a law enforcement officer on May 2, 1996. On October 1, 2024, Officer Gemes retired after twenty-eight years of honorable service to the Shelby Police Department and our community. During his tenure with the Shelby Police Department, Officer Gemes served in many roles, including Patrol Officer, Criminal Investigations Division Detective, CALEA (Commission on Accreditation for Law Enforcement Agencies, Inc.) Accreditation Manager, G.R.E.A.T. (Gang Resistance Education and Training) Program Officer, and most recently served as a School Resource Officer. Officer Gemes was well known and respected both within the department and in our community. During his tenure, Officer Gemes completed over 2,900 hours of law enforcement training and has received his Law Enforcement Advanced Certificate from the North Carolina Criminal Justice Education and Training Standards Commission.

### Review

When Officer Gemes retired on October 1, 2024, he had twenty-eight years of credible service in the NC Local Government Retirement System. Prior to his retirement, a reception was held in honor of his service to our community. During this time, he was honored for his leadership and commitment to protect and serve our community.

### Recommendation

Officer Gemes has had a long, successful career with the City of Shelby and has demonstrated his dedication and commitment to public service over the last twenty-eight years. It is recommended that consideration be given honoring Officer Gemes's service to our community through a Shelby City Council resolution.

**RESOLUTION NO. 62-2024**

**A RESOLUTION HONORING DAVID KARL GEMES  
ON THE OCCASION OF HIS RETIREMENT FROM EMPLOYMENT  
WITH THE CITY OF SHELBY**

**WHEREAS**, on the occasion of his retirement from employment on October 1, 2024, it is fitting for City Council to express its appreciation to David Karl Gemes for his loyal service to the City of Shelby from May 2, 1996 to October 1, 2024; and

**WHEREAS**, Mr. Gemes has been a loyal team member in the continuing development of the City of Shelby Police Department and to the City of Shelby government as a whole; and,

**WHEREAS**, the City of Shelby is most grateful for the professional contributions Mr. Gemes has given to all the citizens and organizations within the Shelby community; and,

**WHEREAS**, the City Council of the City of Shelby wishes to acknowledge and express its appreciation to Mr. Gemes for his over 28 years of employment, noting that Mr. Gemes will be missed both professionally and as a fellow co-worker.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and City Council publicly express their sincere appreciation to David Karl Gemes and extend the very best wishes for a successful, healthy, safe, and happy retirement.

**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 7th day of October, 2024.

---

O. Stanhope Anthony III  
Mayor

ATTEST:

---

Carol Williams  
City Clerk

City of Shelby  
Agenda Item Summary  
October 7, 2024  
Don Gibson Theatre

**Agenda Item: D-3**

1) Approval of Special Event Applications:

- a) Cleveland County Veteran's Day Parade, requested date: Monday, November 11, 2024
- b) Light Ball Dash, requested date: Sunday, December 22, 2024

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

---

Summary of Available Information:

- Memo(s) dated October 2, 2024, from Carol Williams, City Clerk to Rick Howell, City Manager
- Special Event Application(s)

---

City Manager's Recommendation / Comments

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

# Memo

**To:** Rick Howell, City Manager

**From:** Carol Williams, City Clerk

**Date:** October 2, 2024

**Re:** Special Event Permit Application

---

## BACKGROUND:

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

- ✓ Veteran's Day Parade, requested date: November 11, 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 October 7, 2024 for Council's review and approval.

## ATTACHMENT:

- A. Special Event Permit Application packet received September 17, 2024

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

## CITY OF SHELBY SPECIAL EVENT PERMIT APPLICATION

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

1. **EVENT NAME:** Cleveland County Veterans  
Day Parade

2. **PURPOSE AND BRIEF DESCRIPTION OF EVENT:**  
Veterans Day Parade

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

4. **PLEASE INDICATE:**  
Approximately how many people will attend the event? 200  
Approximately how many vehicles will be present? 55  
Approximately how many animals will be present? 0

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

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

All lanes in travel direction YES

Whole street yes

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

Name: Marty Pendergraft

Address: 434 Compfield Ch Rd, Ellenboro NC 28040

Phones: 704 287 8912  
(Daytime) (Evening)

marty.pendergraft@gmail.com  
E-mail address

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

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

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

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

**6. PLEASE LIST THE FOLLOWING:**

Requested day(s) and date(s) Monday, 11 Nov. 2024

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

Requested hours of operation, from 1000 AM/PM to 1100 AM/PM

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

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



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

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

Will alcoholic beverages be served? NONE

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? NONE

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

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

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

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

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

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

Phones: \_\_\_\_\_

Indicate medical services that will be provided for the event.

AMBULANCE: \_\_\_\_\_

DOCTOR (S): \_\_\_\_\_

PARAMEDICS: \_\_\_\_\_

11. CITY SERVICES/EQUIPMENT REQUESTED FOR THIS EVENT:

public works - traffic control

**Event Power Request Form and Pricing**

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

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

Name of Special Event: \_\_\_\_\_

Authorize Event/Vendor Coordinator: \_\_\_\_\_

Phone No.: \_\_\_\_\_ Mobile No.: \_\_\_\_\_

Email: \_\_\_\_\_

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

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

**Full Day Rentals only**

Total Number of Event Panels:

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

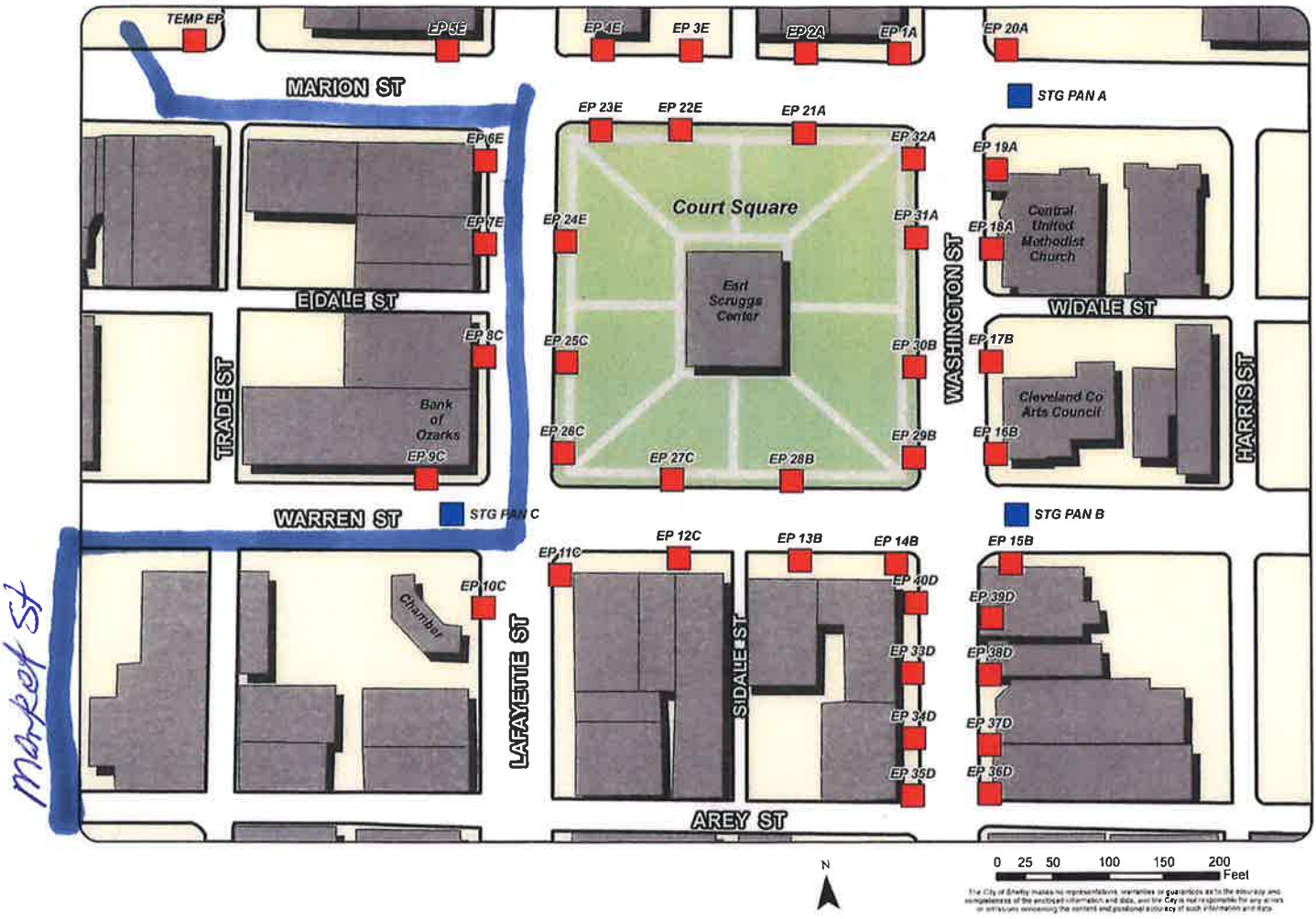
Total Number of Stage Panels:

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

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

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

# City of Shelby Uptown Event Panels



## Legend

- Event Panel
- Stage Panel

# Memo

**To:** Rick Howell, City Manager

**From:** Carol Williams, City Clerk

**Date:** October 2, 2024

**Re:** Special Event Permit Application

---

## BACKGROUND:

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

- ✓ Light Ball Dash, requested date: December 22, 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 October 7, 2024 for Council's review and approval.

## ATTACHMENT:

- A. Special Event Permit Application packet received September 12, 2024

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

## CITY OF SHELBY SPECIAL EVENT PERMIT APPLICATION

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

**1. EVENT NAME:**

The Light Ball Dash

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

A one mile race to enjoy Christmas lights with our friends and neighbors and benefit Feeding Kids Cleveland County.

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

Teach St. Neighborhood  
Race begins at Marion School and ends on Teach St.

**4. PLEASE INDICATE:**

Approximately how many people will attend the event? 200-300

Approximately how many vehicles will be present? 0

Approximately how many animals will be present? 0

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

Single lane N/A

All lanes in travel direction N/A

Whole street N/A

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

Name: Mitch Suzanne and Hattie Hensley

Address: 604 Peach St. Shelby NC 28150

Phones: Mitch 704-477-3004 Suzanne 336-327-6503  
(Daytime) (Evening)

mitch-hensley@ychoo.com  
E-mail address

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

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

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

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

**6. PLEASE LIST THE FOLLOWING:**

Requested day(s) and date(s) Sunday December 22, 2024

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

Requested hours of operation, from 5:00 AM/PM to 7:00 AM/PM

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

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

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

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

Will alcoholic beverages be served?           No          

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

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

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

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

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

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

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

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

Phones: \_\_\_\_\_

Indicate medical services that will be provided for the event.

AMBULANCE: \_\_\_\_\_

DOCTOR (S): \_\_\_\_\_

PARAMEDICS: \_\_\_\_\_

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

streets to be blocked to prevent car traffic.  
needed at Peach St & Forest Hill, Brookdale Dr. &  
Forest Hill Rd.; Hillside and Brookdale, Montrose Cir  
and Montrose Dr.

**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: N/A

Authorize Event/Vendor Coordinator: \_\_\_\_\_

Phone No.: \_\_\_\_\_ Mobile No.: \_\_\_\_\_

Email: \_\_\_\_\_

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

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

**Full Day Rentals only**

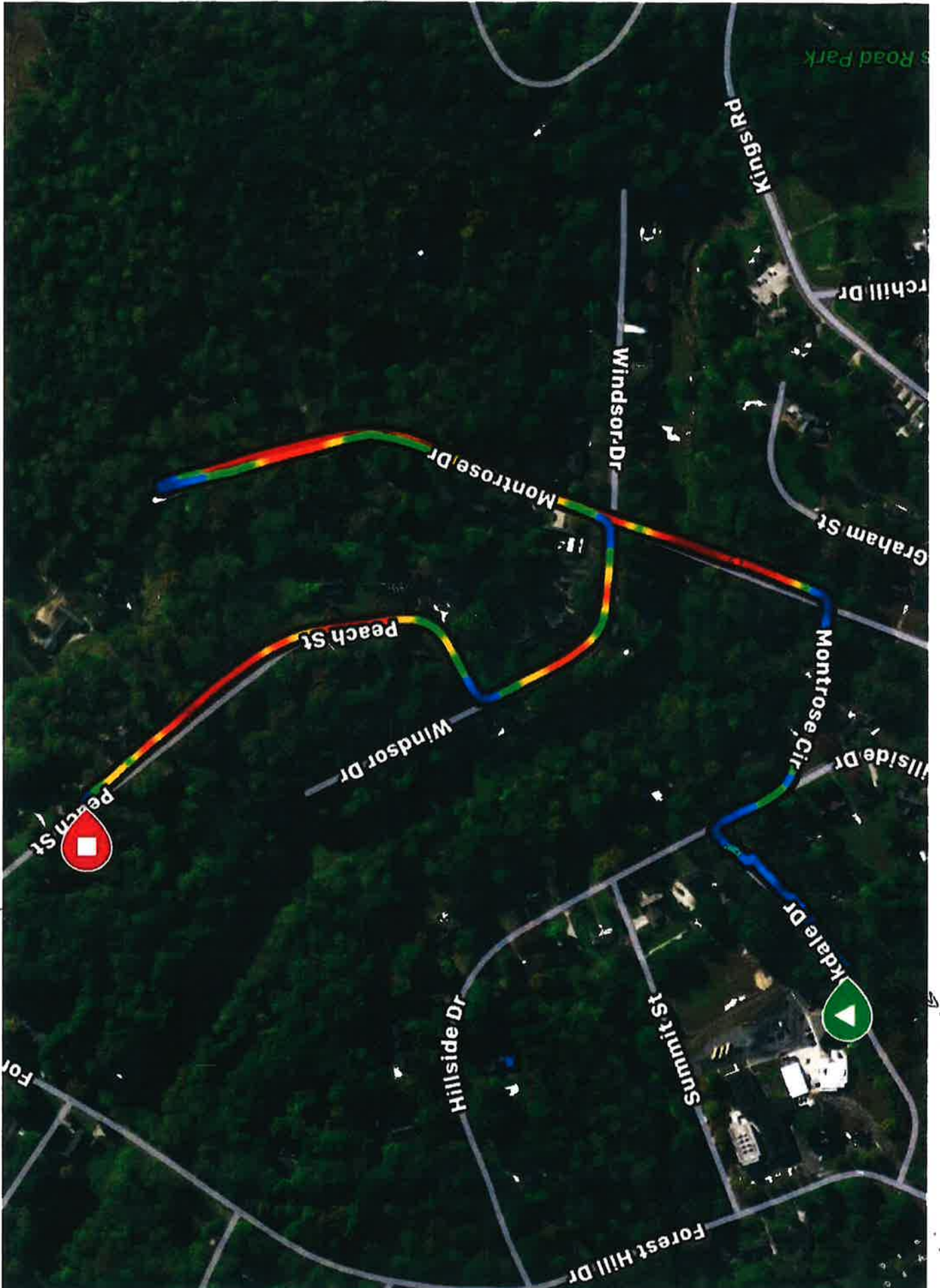
Total Number of Event Panels:  
\_\_\_\_\_ x \$15.00 x Number of Days \_\_\_\_\_ = \$ \_\_\_\_\_

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

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

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





Road Park

Archill Dr

Kings Rd

Windsor Dr

Graham St

Montrose Dr

Peach St

Windsor Dr

Montrose Cir

Hillside Dr

Peach St

Hillside Dr

Summit St

Forest Hill Dr

Kale Dr



Start

Stop

**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.

*Mitch Hensley*  
\_\_\_\_\_  
SIGNATURE

*Mitch Hensley* *704-477-3004*  
\_\_\_\_\_  
APPLICANT PHONE

*607 Peach St. Shelby NC 28150*  
\_\_\_\_\_  
PHYSICAL ADDRESS

*Mitch\_hensley@yahoo.com*  
\_\_\_\_\_  
E-MAIL ADDRESS

*9/12/24*  
\_\_\_\_\_  
DATE

City of Shelby  
Agenda Item Summary  
October 7, 2024  
Don Gibson Theatre

**E. Unfinished Business:**

**Agenda Item: E-1**

- 1) Approval of a resolution for the acceptance of direct appropriations through S.L. 2023-134 for the City of Shelby First Broad River Outfall Sewer Improvements Project: Resolution No. 63-2024

**Unfinished Business Agenda Item: (Presenting: Brian Wilson, Director of Water Resources)**

---

Summary of Available Information:

- Memorandum dated October 2, 2024, from Brian Wilson, Director of Water Resources to Ben Yarboro, Assistant City Manager and Rick Howell, City Manager
- North Carolina Department of Environmental Quality Funding Offer Letter
- First Broad River Outfall Sewer Improvements Project Map
- Resolution No. 63-2024

---

City Manager's Recommendation / Comments

Resolution No. 63-2024 is presented for City Council consideration as unfinished business. Council will recall that the City received an appropriation within the state budget through the 2023 Appropriations Act (S.L. 2023-134) for wastewater collection system improvements. This resolution would simply accept the direct appropriation and the revised amount of \$12,274,578, accept the conditions and assurances to the NC DEQ and authorize the City Manager to execute other required documents.

I do want to mention the importance of this project again. Our Water Resources Department, led by Brian Wilson, continue to do an excellent job using the financial resources provided. I know I have mentioned the value of the investments made to both our water and sewer systems. Much of these coming in the last 10-15 years. They have been carefully planned and constructed. This project is no exception.

## *Memorandum*

**To:** Rick Howell, City Manager

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

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

**Date:** October 2, 2024

**Subject:** Acceptance of the 2023 State Appropriations Act Grant – First Broad River Outfall Sewer Improvements

### Background

The City of Shelby was approved for grant funding through 2023 Appropriations Act established in S.L. 2023-134. With approval of this funding, the City of Shelby identified a project that met the criteria for the funding for water/wastewater infrastructure needs. The project selected for use of these funds is the First Broad River Outfall Sewer Improvements Project. This project would consist of the construction of approximately 8,000 LF of 36-inch gravity sewer and approximately 40 manholes to replace aging infrastructure and provide increased sewer capacity for West Shelby.

On July 22, 2024, The City of Shelby received a letter from the State of North Carolina Department of Environmental Quality (NCDEQ) – Division of Water Infrastructure (DWI) revising the initial fund offer to increase the amount by \$186,923. This increase was due to DWI decreasing their administrative fee from 3% to 1.5%. The revised amount for the First Broad River Outfall Improvements is now \$12,274,578.

### Review

Upon acceptance of the funding, the City of Shelby must submit the following items to the Division of Water Infrastructure: a resolution adopted by the governing body which accepts the offer and makes the applicable assurances therein contained, a signed copy of the offer and acceptance document, a federal identification number memo, and a sales tax reimbursement certification form. Once all documents have been submitted, the City of Shelby will be eligible for reimbursement for engineering and construction costs related to the First Broad River Outfall Improvements Project.

### Recommendation

The recommendation from Water Resources Staff is to approve the attached resolution to accept the 2023 Appropriations Act Grant offer in the amount \$12,274,578 for engineering and construction related to the City of Shelby First Broad River Outfall Sewer Improvements Project.

Please let me know if additional information is needed.

Attachments:

- NCDEQ Funding Offer Letter
- First Broad River Outfall Sewer Improvements Project Map



NORTH CAROLINA  
*Environmental Quality*

ROY COOPER

*Governor*

ELIZABETH S. BISER

*Secretary*

SHADI ESKAF

*Director*

July 22, 2024

Rick Howell, City Manager  
City of Shelby  
300 S. Washington Street  
Shelby, NC 28150

SUBJECT: Funding Offer  
Project No. SRP-W-134-0096  
First Broad River Outfall Improvements

Dear Mr. Howell:

The City of Shelby has been approved for funding assistance according to the subject funding offer. This offer is made subject to the Assurances and Conditions attached to this document.

Upon your acceptance, please submit the following items to the Division, via email at [DEQ.DWI.FundingOffer@deq.nc.gov](mailto:DEQ.DWI.FundingOffer@deq.nc.gov):

1. One (1) copy of the original Offer and Acceptance Document executed by the Authorized Representative for the project, along with the Conditions and Assurances. **Retain the other copy for your files.**
2. A resolution adopted by the governing body accepting the funding offer and making the applicable Conditions and Assurances contained therein. (Sample copy attached)
3. Federal Identification Number and Unique Entity ID Number of the Recipient (UEID required for federally funded projects)
4. Sales-Tax Certification (attached)

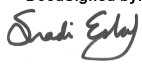
The Site Certification and a Capital Project Ordinance (or budget ordinance covering the project) are due before disbursements begin.

Disbursement requests are to be submitted via Laserfiche at the following link: <https://edocs.deq.nc.gov/Forms/DW-Document-Upload-Form>. A reference copy of the Disbursement Request Form (also found on the DWI website) has been enclosed for your convenience.



On behalf of the Department of Environmental Quality, I am pleased to make this funding offer. Should you have any questions concerning this offer of funding, or any of the stipulations outlined in this offer package, please contact David Smith at david.smith@deq.nc.gov or (919) 707-3885.

Sincerely,

DocuSigned by:  


6300A872077B4C5...

Shadi Eskaf, Director

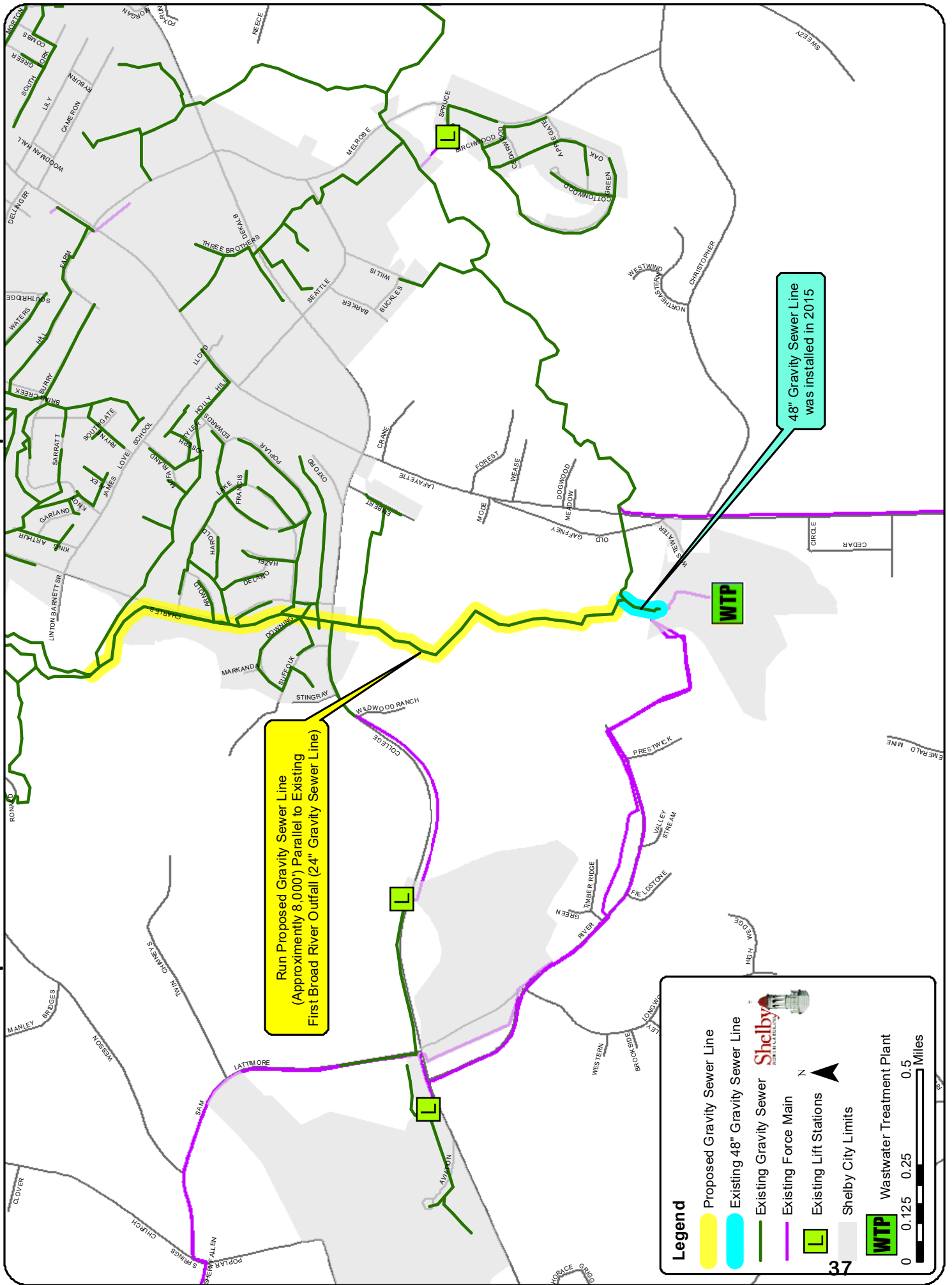
Division of Water Infrastructure, NCDEQ

Enclosures: Offer and Acceptance Document  
Assurances & Conditions  
Federal ID and UEID Number Request Memo  
Resolution to Accept Funding Offer (suggested format)  
Sales-Tax Certification Form  
Disbursement Request Form  
Guidance Document (North Carolina Wastewater Funding Programs Overview)  
Site Certification  
Capital Project Ordinance (Sample)

cc: Rick Howell, City Manager, City of Shelby ([rick.howell@cityofshelby.com](mailto:rick.howell@cityofshelby.com))  
Brian Wilson, City of Shelby ([brian.wilson@cityofshelby.com](mailto:brian.wilson@cityofshelby.com))  
R.J. Mozeley, P.E., McGill Associates ([rj.mozeley@mcgillassociates.com](mailto:rj.mozeley@mcgillassociates.com))  
Mark Hubbard (Via DocuSign)  
David Smith (Via DocuSign)  
DWI Administrative Unit (Via DocuSign)  
Carrie Shortt (Via DocuSign)  
Teresa Tripp (Via DocuSign)  
[DEQ.DWI.FundingOffer@deq.nc.gov](mailto:DEQ.DWI.FundingOffer@deq.nc.gov)  
FILE: SRP-134 Project File (**COM\_LOX**)  
Agreement ID#: 2000075769



# Proposed First Broad River Outfall Improvements



Run Proposed Gravity Sewer Line  
(Approximately 8,000') Parallel to Existing  
First Broad River Outfall (24" Gravity Sewer Line)

48" Gravity Sewer Line  
was installed in 2015

**Legend**

- Proposed Gravity Sewer Line
- Existing 48" Gravity Sewer Line
- Existing Gravity Sewer
- Existing Force Main
- Existing Lift Stations
- Shelby City Limits
- WTP Wastewater Treatment Plant

Scale: 0 0.125 0.25 0.5 Miles

North Arrow

Shelby County Logo



**RESOLUTION NO. 63-2024**

**A RESOLUTION FOR THE ACCEPTANCE OF DIRECT APPROPRIATIONS THROUGH S.L. 2023-134 FOR THE CITY OF SHELBY FIRST BROAD RIVER OUTFALL SEWER IMPROVEMENTS PROJECT**

**WHEREAS**, the City of Shelby has qualified for direct appropriations for water and wastewater projects to provide construction grants for public water and wastewater infrastructure from S.L. 2023-134; and,

**WHEREAS**, the North Carolina Department of Environmental Quality presented a request for funding in the amount of \$12,274,578 to perform work associated with the City of Shelby First Broad River Outfall Sewer Improvements Project; and,

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

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

Section 1. That City of Shelby does hereby accept the direct appropriations provided by S.L. 2023-134 of \$12,274,578 for the City of Shelby First Broad River Outfall Sewer Improvements Project.

Section 2. That the City of Shelby does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to.

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

Adopted this the 7<sup>th</sup> day of October 2024 at Shelby, North Carolina.

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

ATTEST:

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

City of Shelby  
Agenda Item Summary  
October 7, 2024  
Don Gibson Theatre

F. New Business

None

City of Shelby  
Agenda Item Summary  
October 7, 2024  
Don Gibson Theatre

Agenda Item: G

City Manager's Report

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

Agenda Item: H

Council Announcements and Remarks

Agenda Item: I

Closed Session

- 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).

J. Adjournment:

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

- 1) Motion to adjourn