

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. 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 October 7, 2024 2 - 8
- 2) Approval of a resolution approving the local Alcohol Beverage Control (ABC) Board's use of the appointing authority's Travel Policy: Resolution No. 64-2024 9 - 19

- 3) Approval of Special Event Applications: 20 – 27
 - a) Downtown Hounds 5K, requested date: November 16, 2024

- 4) Management Reports: 28 - 30
 - a) Planning and Development Monthly summary – September 2024

END OF CONSENT AGENDA

- D. Unfinished Business: 31
 - None

- E. New Business: 32 - 36
 - 1) Extraterritorial Jurisdiction extension discussion

- F. City Manager’s Report 37

- G. Council Announcements and Remarks 37

- H. Adjournment: 37
 - To adjourn a meeting of City Council, a majority of the Council Members must vote for a motion to adjourn.*
 - 1) Motion to adjourn

City of Shelby
Agenda Item Summary
October 21, 2024
City Hall Council Chamber

B. Public Comment:

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

Members of the public are asked to sign up prior to the meeting indicating their name and street address for the record.

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

City of Shelby
Agenda Item Summary
October 21, 2024
City Hall Council Chamber

C. Consent Agenda:

Agenda Item: C-1

- 1) Approval of the Minutes of the Regular Meeting of October 7, 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 October 7, 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

October 7, 2024
Monday, 6:00 p.m.

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

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

Mr. Causby led the Pledge of Allegiance.

A. Approval of agenda:

1) Motion to adopt the proposed agenda as presented.

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

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

Mayor Anthony and City Council members were full of gratitude for the hard-working men and women in the Electric Department that worked tirelessly over the past couple weeks to restore power to the citizens of Shelby after Hurricane

Helene. Several Council members mentioned that it was a “team effort” and thankful for a great team that works well together at the City of Shelby.

City Manager Rick Howell provided information on what it means to be part of a Public Power system. He was also complimentary of the Electric Department and asked the City of Shelby electric linemen that were in attendance to stand up to be recognized. Mr. Howell also thanked the linemen from five other North Carolina cities, Wake Forest, Clayton, High Point, Rocky Mount, and Wilson, that spent the last week in our city helping to restore power to our citizens.

C. Public Hearings:

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

Presenter: Rick Howell, City Manager

- Project Gui is a major manufacturing employer who is considering expansion in Shelby
- Project Gui is proposing to invest over \$286 million dollars in real and personal property over the next four years
- Project Gui is proposing the creation of 113 new jobs with an average wage of \$61,984.00
- If approved this resolution would propose tax incentives of 20% over five years at an estimated value of \$979,410.15

Mayor Anthony opened the public hearing at 6:15 p.m. and the public offered no comments.

Mayor Anthony closed the public hearing at 6:16 p.m.

ACTION TAKEN: Upon a motion made by Mr. Hopper, City Council voted unanimously to approve Resolution No. 60-2024 entitled, “A RESOLUTION IN SUPPORT OF PROJECT GUI ECONOMIC INCENTIVES.”

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

Presenter: Rick Howell, City Manager

- Project Gui is a major manufacturing employer who is considering expansion in Shelby

- Project Gui is proposing to invest over \$286 million dollars in real and personal property over the next four years
- Project Gui is proposing the creation of 113 new jobs with an average wage of \$61,984.00
- If approved this resolution would support the sale of the property at 2215 Randolph Road (Tax Parcel No. 28375) consisting of approximately 30 acres and property located at 376 Washburn Switch Road (Tax Parcel No. 58270) consisting of 1.61 acres for a fair market value of \$500,000.00

Mayor Anthony opened the public hearing at 6:18 p.m. and the public offered no comments.

Mayor Anthony closed the public hearing at 6:19 p.m.

ACTION TAKEN: Upon a motion made by Ms. Arth, City Council voted unanimously to approve Resolution No. 61-2024 entitled, "A RESOLUTION IN SUPPORT OF PROJECT GUI LAND SALE."

D. Consent Agenda:

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

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

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**

Presenter: Rick Howell, City Manager

- **The City of Shelby was approved for grant funding through the 2023 Appropriations Act for the First Broad River Outfall Sewer Improvements Project**
- **The City has since received a letter from NCDEQ increasing the initial fund offer by \$186,923.00**
- **This revision is due to Division of Water Infrastructure (DWI) decreasing their administrative fee from 3% to 1.5%**
- **The revised amount for the First Broad River Outfall Improvement Project is now \$12,274,578.00**
- **Adoption of this ordinance would approve the amount of \$12,274,578 as the grant funding for this project**

ACTION TAKEN: Upon a motion made by Mrs. Bullock, City Council voted unanimously to approve Resolution No. 63-2024 entitled, "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."

F. New Business:

None

G. City Manager's Report

Presenter: Rick Howell, City Manager

- **Now that power has been restored the big issue is the clean-up of debris. This is ongoing but will require patience from citizens because of the magnitude of limbs, trees, and other debris on almost every street**
- **This is also the beginning of leaf season which adds another element of clean-up**
- **Garbage collection is back on schedule after being delayed a few days last week**

- Several big projects are ongoing that will also require patience: Hickory Creek Sewer Outfall, Crosstown 24” Water Main, Water Treatment Filter Rehabilitation, First Broad River Sewer Outfall, and the City Hall Annex project. Some of these projects are going to require tearing up streets and blocking roads for periods of time
- City Hall Annex project had an additional cost of approximately \$103,000 due to asbestos found throughout the building
- Brandon Ruppe reported that the Shell Building #4 on Randolph Road is being used as a drive thru for essential supplies that citizens may need. The hours are 9am – 4pm, Monday – Friday of this week

H. Council Announcements and Remarks

Ms. Arth expressed her appreciation for the EMS and Fire Department’s quick response during Hurricane Helene to help shut off a gas meter at her neighbor’s house.

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).

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. Yarboro, Mr. Ruppe, Mrs. Williams and Mrs. Jones to attend. The motion passed unanimously, and Council moved into closed session at 6:34 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 6:59 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 7:00 p.m.

Respectfully submitted,

Carol Williams
City Clerk

O. Stanhope Anthony, III
Mayor

Minutes of October 7, 2024

City of Shelby
Agenda Item Summary
October 21, 2024
City Hall Council Chamber

Agenda Item: C-2

- 2) Approval of a resolution approving the local Alcohol Beverage Control (ABC) Board's use of the appointing authority's Travel Policy: Resolution No. 64-2024

Consent Agenda Item: (Carol Williams, City Clerk)

Summary of Available Information:

- Memorandum dated October 15, 2024, from Carol Williams, City Clerk to Rick Howell, City Manager
- Resolution No. 64-2024 with “Exhibit A”

City Manager’s Recommendation / Comments

NC General Statute 18B-700(g)(2) requires the appointing authority (in this case City Council) of a local ABC Board to annually authorize in writing the use by the Board of the City’s travel allowance and per diem rate policies. This requirement was initiated in 2010 following legislative reform recommendations coming out of a special joint committee charged with addressing identified ABC issues.

Resolution No. 64-2024 is presented for City Council consideration via the Consent Agenda. If approved this resolution simply allows the Shelby ABC Board to use the adopted travel policy of the City of Shelby rather than the state rate set by NC General Statute 138-6. Board members and employees of the Shelby ABC Board may be reimbursed for travel on official business following the policy set by the City. This policy is attached for your review.

It is my recommendation that Resolution No. 64-2024 be adopted and approved by City Council via the Consent Agenda.

MEMO:

To: Rick Howell, City Manager

From: Carol Williams, City Clerk

Date: October 15, 2024

According to NC GS 18B-700(g2) the Shelby ABC Board can be reimbursed pursuant to GS 138-6 or adopt the local authority's travel policy. The Shelby ABC Board voted to adopt the City of Shelby's Travel Policy at their July 29, 2024 meeting.

A resolution has been prepared along with Exhibit A which includes the City of Shelby Travel policy (revised in Nov. 2023), the City of Shelby Travel Authorization form, and the Travel Expense Report.

A copy of the July 29, 2024 Shelby ABC Board minutes is also included showing the ABC Board voted to adopt the City of Shelby's Travel policy.

Please include this resolution on the October 21, 2024 agenda for Council's approval.

NC GS 18B-700 (g2) - Approved travel on official business by the members and employees of local boards shall be reimbursed pursuant to G.S. 138-6 unless the local board adopts a travel policy that conforms to the travel policy of the appointing authority and such policy is approved by the appointing authority. The local board shall annually provide the appointing authority's written confirmation of such approval to the Commission and a copy of the travel policy authorized by the appointing authority. Any excess expenses not covered by the local board's travel policy shall only be paid with the written authorization of the appointing authority's finance officer. A copy of the written authorization for excess expenses shall be submitted to the Commission by the local board within 30 days of approval.

RESOLUTION NO. XX-2024

A RESOLUTION APPROVING THE LOCAL ALCOHOL BEVERAGE CONTROL (ABC) BOARD'S USE OF THE APPOINTING AUTHORITY'S TRAVEL POLICY

WHEREAS, the mission of the local ABC Board and its employees shall be to serve their locality responsibly by controlling the sale of spirituous liquor and promoting customer-friendly, modern, and efficient stores; and,

WHEREAS, the Shelby ABC board members are appointed by Shelby City Council; and,

WHEREAS, the Shelby ABC Board finds it to be in the best interest of the Board to adopt the City of Shelby's Travel Policy attached hereto as EXHIBIT A; and,

WHEREAS, the Shelby ABC Board shall provide the appointing authority, CITY OF SHELBY'S written confirmation of its approval to the North Carolina Alcoholic Beverage Control Commission along with a copy of the Travel Policy authorized by the appointing authority.

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

Section 1. The appointing authority's written confirmation of its approval herein and a copy of the Travel Policy authorized by the appointing authority is compliant with North Carolina General Statutes 18B-700 (g2).

Section 2. This resolution shall become effective upon its adoption and approval.

Adopted and approved this the 21st day of October, 2024

O. Stanhope Anthony, III
Mayor

ATTEST:

Carol Williams, CMC
City Clerk

EXHIBIT "A"



Effective Date: Nov. 16, 2009

Revision Date: Nov. 20, 2023

Personnel Policy and Procedure Manual

Travel Policy

I. POLICY

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

II. DEFINITIONS

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

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

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

Incidentals – Parking required for attendance, tolls, etc.

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

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

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

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

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

III. GUIDELINES

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

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

IV. PROCEDURES

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

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

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

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

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

V. EXPENSE REPORTS

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

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

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

The following items are NOT reimbursable:

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

North Carolina _____ County
I, _____, a Notary Public for said County and State, do hereby certify that _____ 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 _____, 20 _____. (Official Seal)
Notary Public My commission expires _____, 20 _____.

City of Shelby

Travel Authorization Form

Employee Name and ID Number _____

Department: _____

Date(s) of Proposed Travel _____

Date AP Checks for Payment Needed: _____

Date Advance needed (only if over \$100) _____

Purpose of Travel/Destination: _____

Is travel grant funded: _____

YES

NO

If yes, cite grant source: _____

Is travel mandated by local/state/federal requirements for licensing or certification? _____

YES

NO

If yes, cite requirement: _____

(Continuing Education requirement to maintain SOG and IIMC certification)

Travel Fund Detail (insert amounts and answer questions below):

***No expenses other than meals should be paid with personal credit cards

- 1) Registration Fees - P-Card or AP check
 - 2) Lodging Expenses - P-Card Only
 - 3) Meals and Incidentals - Advance only if over \$100
 - 4) Transportation Costs - Airfare paid by P-Card
Mileage will be reimbursed after travel
- Total Estimated Costs of Travel _____

	List all Estimated Cost	Paid with City of Shelby P-Card	To be paid by City of Shelby AP Check

Funds Needed in Advance _____

Only for non-provided meals in excess of \$100.00

1) IF REGISTRATION FEES are needed, make payable to:

Attach the registration form and agenda even if paid using City P-Card

2) Name of lodging facility: Must include hotel information

3) Number of Meals anticipated while traveling : (Do not include meals provided by Conference or Hotel)

4a) Will city vehicle be used? _____

YES

NO

If NO, anticipated number of business miles to be traveled: _____

4b) If air fare is incurred, name of airline: _____

I HEREBY CERTIFY THAT ALL FUNDS REQUESTED ON THIS FORM ARE TO BE USED IN THE CONDUCT OF CITY BUSINESS. ANY FUNDS RECEIVED BUT NOT SPENT BY ME ARE TO BE RETURNED TO THE CITY WITHIN SEVEN WORKING DAYS AFTER MY RETURN FROM THIS TRAVEL. FUNDS NOT RETURNED TO THE CITY WITHIN THE SPECIFIED PERIOD MAY BE COLLECTED BY PAYROLL DEDUCTION.

Employee Signature: _____ Date _____

APPROVALS

Authorized Signer/Date: _____ City Manager/Date: _____

CITY OF SHELBY TRAVEL EXPENSE REPORT

Date of Report:

Name of Employee:

Department:

Employee ID:

Object of Trip:

Itemized Expenses:	Date Day	Sun	Mon	Tues	Wed	Thurs	Fri	Sat	Totals
A. Personal Auto Mileage(Detail Below)									-
B. Commercial Fare for Travel ***									-
C. Meals: ***									
Breakfast - depart before 6AM \$10.00									-
Lunch - away 9AM- 3PM \$15.00									-
Dinner - arrive after 8PM \$25.00									-
D. Lodging Expenses ***									-
E. Registration Fees ***									-
F. Parking/Tolls ***									-
G. Other Expenses: (itemize below) ***									-
									-
									-
H. Total(vertical and horizontal)		-	-	-	-	-	-	-	-

***RECEIPTS AND/OR INVOICES REQUIRED. IN ADDITION TO RECEIPTS, ATTACH A SIGNED COPY OF TRAVEL AUTHORIZATION

Explanation of business related travel expenses for personal auto

Date	From	To	Odometer Reading		Mileage Claimed	Rate	Amount
			Begin	End			
							-
							-
							-
							-

TALLY: Total expenses of trip including all Fares (should agree with item H above)	\$	-
Less: Lodging, registrations, and other expenses prepaid by City		-
Less: Cash Advanced		-
Balance Due to Employee	\$	-

I certify that the travel indicated hereon was accomplished according to travel authorization, that the information shown hereon is correct and that all expenses were of a business nature.

Signed: _____ Title: _____
(Employee)

Approved: _____ Approved: _____
(Department Head) (Finance Director)

Code: _____

This instrument has been preaudited in a manner as required by the Local Government Budget and Fiscal Control Act.

THE MINUTES
OF
A MEETING OF THE
SHELBY ABC BOARD

After notice duly given, the regular meeting of the Shelby ABC Board was held on Monday, July 29, 2024 at 9:00 a.m. in the Shelby ABC Board Office, Shelby, North Carolina.

Present were:

Chair: Sallie Craig

Board Members: Mary Carlson, Mark Turner and Kevin Karner

General Manager: John Thornlow

Others in attendance were: Scott Hamrick, ALE officer and Kelly Carpenter, Financial Officer

At 9:01 am the meeting of the Shelby ABC Board was called to order by Chair Sallie Craig. The current agenda was call to order, roll call, conflict of interest, minutes of the previous meeting, law enforcement officer's report, general manager's report, unfinished business, new business of financial reports for the quarter by Jay Gragg, employee health insurance, annual cost of living pay raise/bonus and any other business acceptable to the full board.

The first item on the agenda was the approval of the minutes from the previous meeting. On a motion made by Mary Carlson, and seconded by Kevin Karner, minutes held on June 12, 2024 were approved as printed. The motion carried unanimously after a brief discussion.

ALE Officer, Scott Hamrick, presented the ALE officer's report. He issued no violations this month. Kevin Karner made a motion to pass the report as written, Mary Carlson seconded the motion. The motion passed unanimously.

John Thornlow read the monthly report, year to date report. Sales were down for the month of June by 5.63%. Kelly informed the Board the state was down over all by an equal number and is probably a reflection of sales starting to regulate from the COVID sales hike. This is the first year since 2020, the start of the pandemic, where sales have started to normalize and all COVID restrictions have been lifted. Kevin Karner made a motion for the report to be approved as printed and presented. Mark Turner made a second motion. The motion carried unanimously, after a short discussion.

New Business was on next on the Agenda. Sallie Craig and John spoke about the conference they attended earlier in the month. The focus of the conversation was the new social districts.

THE MINUTES
OF
A MEETING OF THE
SHELBY ABC BOARD

As we are required to do every year, we spoke about the travel policy. The Shelby ABC Board adopted their appointing authority, City of Shelby Travel Policy in years past. After a brief discussion, Mary Carlson made a motion to adopt the City of Shelby Travel Policy for the Shelby ABC Board 2024-2025 fiscal year. Mark Turner seconded the motion. The motion passed.

The next item to be discussed was the financial statement for the quarter ending June 30th, 2024 and the end of the fiscal year June 30, 2024, presented by Jay Gragg. Jay was not able to attend the meeting in person but did provide financial statements for the board to review. As sales go up the overall cost of sales and taxes also go up. The cost of salaries and retirement also grew based on excessive overtime due to multiple Full time employees being out for extended medical leave. With higher than average pay, taxes are higher and so is retirement. Kelly is working to keep the overtime down as much as possible when writing employee schedules recently and in the future. Kelly talked about the advantages of hiring more part time employees to fill the gaps in scheduling instead of scheduling overtime. The Board reviewed the suggested distributions on the financial statement. The Audit may result in a small adjustment to the amounts suggested by Jay. \$43,014.00 to each the County and City, \$5,211.00 to Law Enforcement and \$3,648.00 to be paid to CODAP. On a motion made by Mary Carlson and seconded by Kevin Karner, Jays financial statements were approved as written and to pay the suggested distributions.

Kelly then opened the discussion for the renewal of the employee health insurance. The Board members were given a copy of the insurance renewal quotes for review. The Board reviewed the quotes and discussed the matter. Sallie asked John for his input. John stated it was part of his hiring package and he would like to keep the current coverage. Mary Carlson made a motion to approve the renewal of the current Blue Cross health insurance for 2024 - 2025. Kevin Karner seconded the motion. The motion passed unanimously.

Kelly Carpenter then spoke about the employee's cost of living raise. Sallie Craig requested to move the meeting to an executive, closed session. On a motion made by Mary Carlson and seconded by Kevin Karner, the motion to begin an executive session was passed. All others left the conference room to allow the 4 attending board members to discuss pay raises at 9:50 a.m.

At 9:55 John and Kelly were called back into the room to discuss the decision. Sallie informed the board she would talk to John and Kelly about the raises after the meeting.

THE MINUTES
OF
A MEETING OF THE
SHELBY ABC BOARD

During the session a discussion and vote was made to determine the amount of raises.

With no further business to be discussed, the meeting adjourned at 10:01 a.m.

Sincerely,

Kelly Carpenter
Financial Officer
Shelby ABC

City of Shelby
Agenda Item Summary
October 21, 2024
City Hall Council Chamber

Agenda Item: C-3

3) Approval of Special Event Applications:

- a) Downtown Hounds 5K, requested date: November 16, 2024

Consent Agenda Item: (Carol Williams, City Clerk)

Summary of Available Information:

- Memorandum dated October 14, 2024, from Carol Williams, City Clerk to Rick Howell, City Manager
- Special Event Application

City Manager's Recommendation / Comments

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

Memo

To: Rick Howell, City Manager

From: Carol Williams, City Clerk

Date: October 14, 2024

Re: Special Event Permit Application

BACKGROUND:

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

- ✓ Downtown Hounds 5K, requested date: November 16, 2024

REVIEW:

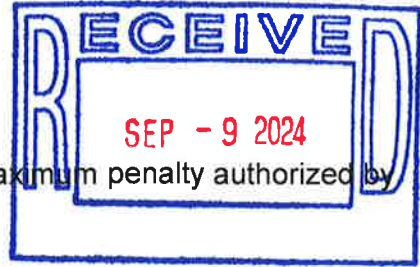
All responding City departments have received, reviewed, and approved the referenced application.

RECOMMENDATION:

Please place the attached Special Event Permit Application on the Consent Agenda of October 21, 2024 for Council's review and approval.

ATTACHMENT:

- A. Special Event Permit Application packet received September 9, 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:

Downtown Hounds 5K

2. PURPOSE AND BRIEF DESCRIPTION OF EVENT:

5K run to raise funds for Clifford's Army Reserve, a all volunteer SOLC3 Nonprofit animal rescue.

3. LOCATION OF EVENT (ATTACH MAP):

- Turn left out of Rollover onto Warren Street .
- Turn right on Morgan Street behind the police department.
- Hop on the Carolina Harmony Trail at Morgan Street and Marion Street.
- Follow the trail to the end, turn right onto gravel behind an old concrete plant.
- Then left on Grover Street, stay on sidewalk.
- Turn around at end of sidewalk.

Approximately how many people will attend the event? 200

Approximately how many vehicles will be present? 100

Approximately how many animals will be present? 20

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

Single lane _____

All lanes in travel direction _____

Whole street _____

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

Name: Clifford's Army Rescue

Address: P.O. Box 370 Earl NC 28038

Phones: 704 473 2153 704 460 9030
(Daytime) (Evening)

cliffordsarmy@gmail.com
E-mail address

Name: Angie Cannon

Address: _____

Phones: 704-473-2153
(Daytime) (Evening)

E-mail address

6. PLEASE LIST THE FOLLOWING:

Requested day(s) and date(s) Saturday November 16, 2024

Alternate day(s) and date(s) NA

Requested hours of operation, from 8 AM/PM to 12 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? water ~~beer~~ for 5k runners

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: _____

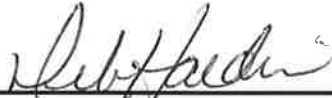
DOCTOR (S): _____

PARAMEDICS: _____

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.



SIGNATURE

Clifford's Army Rescue

APPLICANT

704 460 9030

PHONE

1054 Old Bowling Springs Rd

PHYSICAL ADDRESS

Shelby NC 28152

@cliffordsarmy@gmail.com

E-MAIL ADDRESS

09/09/24

DATE



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

J.R. "JOEY" HOPKINS
SECRETARY

September 6, 2024

County: Cleveland

Subject: Request to temporarily use/close state-maintained route US 74 Bus. (Marion Street) and NC 18 (Lafayette Street) on Saturday September 21st, 2024, from 12:00 pm to 6:00 pm for the Shelby Downtown Hounds 5K 2024.

Deb Hardin
Clifford's Army
P.O Box 370
Earl, NC 28038

Dear: Ms. Hardin

We are in agreement with the proposed event/closure based on the information and map provided. You must have law enforcement and/or other adequately trained personnel to properly handle any/all closures and traffic control. All detours must be properly signed.

Thank you for your interest in highway safety, and we hope you have a safe and successful event. If you have other questions or concerns regarding this matter, please contact this office.

Respectfully yours,

M. E. Stafford, PE
Division Engineer

By: James A. Jamison Jr.
Assistant Division Traffic Engineer

JAJ

cc: Mr. Wesley Clary Assistant District Supervisor
Mr. John Wortman, County Maintenance Engineer
Mr. Scott Poston, Division Traffic Engineer

Mailing Address:
NC DEPARTMENT OF TRANSPORTATION
DIVISION TWELVE
P. O. BOX 47
SHELBY, NC 28151-0047

Telephone: (980) 552-4200
Fax: (704) 480-5401
Customer Service: 1-877-368-4968

Website: www.ncdot.gov

Location:
1710 EAST MARION STREET
SHELBY, NC 28151



Sidewalk only on Grover Street

Off-Road this Point North

Start 100-bik W. Warren @ Court square

City of Shelby
Agenda Item Summary
October 21, 2024
City Hall Council Chamber

Agenda Item: C-4

4) Management Reports:

- a) Planning and Development Monthly summary – September 2024

Consent Agenda Item: (Rick Howell, City Manager)

Summary of Available Information:

- September Planning Report

City Manager's Recommendation / Comments

The above listed reports are for City Council information and are placed on the agenda to ensure documentation that they were formally presented by management during a regular meeting. In the coming months I will be adding regular reports prepared for the City Manager by staff including the Airport and other departments. These are intended as information to allow the Council to have a clearer understanding of regular activities conducted by City management.



Post Office Box 207 • Shelby, NC 28151-0207

MEMORANDUM

To: Rick Howell – City Manager
 From: Brian Burgess, Planning and Development Director
 CC: Justin Longino – Assistant City Manager
 Date: October 11, 2024
 Subject: September Planning Report

PERMITS ISSUED / FEES COLLECTED

Permit Type	August	Sept.	YTD	2023
<i>Inspections</i>				
Single Family Reno/Addition Building Permits	4	1	55	167
New Single Family Building Permits	6	23	150	142
Commercial Reno/Addition Building Permits	2	3	40	30
New Commercial Building Permits	0	1	10	25
Permit Fees	\$19,323	\$40,484	\$1,012,458*	\$160,855
<i>Planning</i>				
Commercial Site Plan Review	3	1	45	31
Annexation	0	0	0	3
Major Subdivision (more than 5 lots)	2	1	21	7
Minor Subdivision (less than 5 lots)	3	2	34	26
Residential Site Plan	20	25	203	177
Zoning Map Amendment (Rezoning)	1	0	10	11
Conditional Use Map Amendment	1	0	3	4
Special Use Permit	0	0	1	5
Zoning Permit	2	1	55	127
Preliminary Plats Approved**	0	1	5	--
Permit Fees	\$2,135	\$3,415	\$36,745	\$63,547
<i>Code Enforcement (Closed Cases)</i>				
Cases / Closed	133	53	806	--
Solid Waste	22	7	136	137
High Grass/Weeds	61	16	312	927
Trash	7	1	30	28
Abandoned Vehicle	0	1	16	28
Minimum Housing	6	1	16	40
Planning Violation	11	21	67	47
Violation Fees	\$433	\$1,876	\$24,921	\$\$\$

Notes:

*Excluding the justice center, this is already double from last year.

** Planning Board Approvals

SUBDIVISION	TYPE	COUNCIL APPROVAL?	STATUS	# UNITS
No contact with Planning Dept yet				
The Farm at Edgewater	SF	N	No submittal or inquiries yet	5
S. Dekalb multi-family (diagonal from Palisades)	MF	TBD	No submittal or inquiries yet	TBD
Conceptual				
Meacham/Mull properties	SF	Y	Awaiting revised submittal and CZ application	453
E Ross Grove Rd near N. Lafayette (parcel26972)	TBA	Y	Sketch plan meeting held; awaiting sketch submittal	68
Spake Circle	TBA	Y	Awaiting sketch plan submittal	200
McClendon Meadows	SF	Y	Met 7/9; awaiting digital sketch plan submittal	432
McKenzie Landing ("Homestead")	SF	Y	Preliminary sketch plan under review	357
E. Marion/Borders	SF	Y	Revised submittal for AX and CZ pending PZB	161
365 Washburn Switch Rd (Beaver Run)	SF	TBD	Awaiting sketch plan submittal	TBD
Unnamed Royster subdivision (Sumter/Marion)	SF	TBD	Awaiting sketch plan submittal; "higher end homes"	200
Charles Rd/Dellinger Rd	SF	N	Awaiting revised submittal	9
Sedgefield/Leander THs	TH	N	Awaiting revised submittal	12
Magness Rd / Moonshadow Ln	SF	N	Awaiting revised sketch or civil drawings	51
Metcalf Rd / Grover St (parcel 21522)	SF	N	Awaiting revised sketch or civil drawings	141
W. Sumter at Hartley St	SF	N	resubmitted as a minor subdivision - under review	5
Senior Center condos	TH	N	Sketch plan under review	8
East of Metcalf/west of N. Lafayette (parcel 64208)	TBD	N	Sketch plan under review	40
W. Elm subdivision	TBD	TBD	requested utility availability letter	TBD
Pending Council action				
Rhoda Springs (Toms St/Wyke Rd)	SF	Y	CZ approved 2022; revised CZ submitted	117
Earl Rd / Industry Dr	SF	Y	Application withdrawn for revision	166
Waiting on civil drawings				
The Preserve at Edgewater (ETJ)	SF	N	PZB approval expired; must reapply	20
Kings View THs	TH	Y	SUP1 expired March 2024; must reapply unless firewalls	101
Gidney St THs	TH	Y	SUP1 approved	159
Blanton Farm	SF / TH	Y	CZ approved	1642
W. Ross Grove Rd THs	TH	N	site plan approved but may change again	10
Fincastle Glen (S. Lafayette/Melrose)	SF	Y	CZ approved	137
Cambridge Commons	MF	Y	SUP1 approved	98
Joe's Lake Road THs	TH	Y	SUP1 approved	84
Civil drawings under review				
Riverwalk	SF / TH	N	Plat expired	144
Willowbrook (adjacent to Magnolia Plantation)	SF	N	PZB agenda7/18	144
Willow Estates	SF / TH	N	Site construction underway	
Thrift Rd / Nancy Dr	SF	Y	CZ and annexation approved	213
Zoning approved; construction not begun				
Cleveland Hill (Eaves Road)	SF	Y	AX approved; Approved by PZB	193
The Pines at Edgewater (ETJ)	SF	N	Approved by PZB; Final plat signed	8
Maple Glen	SF / TH	N	Approved by PZB	60
Royster Ave THs	TH	N	Building permit is awaiting details from applicant	12
Site and/or dwelling construction underway				
Villas at Kingsview	SF	N	Site construction underway	49
Willow Estates	SF / TH	N	Site construction underway; RTAP under review	246
Seattle Crossing	SF	N	Site construction underway	78
Arboretum at Edgewater (ETJ)	SF	N	Preliminary plat approved by PZB	17
Palisades	MF	Y	Construction on-going; now leasing with TCO	312
Pinnacle Estates	SF	N	Construction of dwellings on-going	92
Lake George Drive	SF	N	Construction of dwellings on-going	38
TOTAL DWELLING UNITS				6282

City of Shelby
Agenda Item Summary
October 21, 2024
City Hall Council Chamber

D. Unfinished Business:

None

City of Shelby
Agenda Item Summary
October 21, 2024
City Hall Council Chamber

E. New Business:

Agenda Item: E-1

- 1) Extraterritorial Jurisdiction Extension Discussion

New Business Agenda Item: (Rick Howell, City Manager)

Summary of Available Information:

- NCGS 160D-202 (ETJ Extension) See highlight.
- NCGS 160A-58.1 (Voluntary Noncontiguous Annexation) See highlight.

City Manager's Recommendation / Comments

I have previously made Council aware that the City was approached by Mr. Robert Johnson the owner and developer of a 130-acre parcel located outside the City's ETJ. Mr. Johnson wishes to have City water and sewer service to the proposed development as well as to fall under the zoning jurisdiction of the City. The provision of water and sewer along with City zoning would allow Mr. Johnson to develop his property at a greater density that would otherwise be allowed under County zoning.

Mr. Johnson had previously inquired about the possibility of voluntary annexation in to the Shelby city limits so that future residents could receive the full complement of City services. However, the property lies closer to the primary corporate limits of the Town of Patterson Springs than to the City of Shelby. In this instance NC General Statute 160A-58.1(b)(2) requires that a noncontiguous (satellite) annexation must meet certain standards. Once these being that ***"No point on the proposed satellite corporate limits may be closer to the primary corporate limits of another city than to the primary corporate limits of the annexing city, except as set forth in subsection (b2) of this section."*** Subsection (b2) essentially allows for the two municipalities to enter into an agreement permitting the voluntary annexation. In this case the initial response from the Town of Patterson Springs was not favorable to doing so. Although, to my knowledge, no formal action was taken by the Town Council of Patterson Springs.

That being said, Mr. Johnson still wants City of Shelby water and sewer service as well as the ability to fall under the City's UDO. The latter would require extension of the Extraterritorial Jurisdiction. The City may under the provisions of 160D-202(c) extend the boundary of the ETJ following the process set out in the statute. The purpose of this discussion is to ascertain the willingness of Council to do so. The only action requested at this time is for Council to direct management as to its preference.

§ 160A-58.1. Petition for annexation; standards.

(a) Upon receipt of a valid petition signed by all of the owners of real property in the area described therein, a city may annex an area not contiguous to its primary corporate limits when the area meets the standards set out in subsection (b) of this section. The petition need not be signed by the owners of real property that is wholly exempt from property taxation under the Constitution and laws of North Carolina, nor by railroad companies, public utilities as defined in G.S. 62-3(23), or electric or telephone membership corporations. A petition is not valid in any of the following circumstances:

- (1) It is unsigned.
- (2) It is signed by the city for the annexation of property the city does not own or have a legal interest in. For the purpose of this subdivision, a city has no legal interest in a State-maintained street unless it owns the underlying fee and not just an easement.
- (3) It is for the annexation of property for which a signature is not required and the property owner objects to the annexation.

(b) A noncontiguous area proposed for annexation must meet all of the following standards:

- (1) The nearest point on the proposed satellite corporate limits must be not more than three miles from the primary corporate limits of the annexing city.
- (2) No point on the proposed satellite corporate limits may be closer to the primary corporate limits of another city than to the primary corporate limits of the annexing city, except as set forth in subsection (b2) of this section.
- (3) The area must be so situated that the annexing city will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits.
- (4) If the area proposed for annexation, or any portion thereof, is subject to subdivision regulation as described in G.S. 160D-802, all of the subdivision must be included.
- (5) The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, may not exceed ten percent (10%) of the area within the primary corporate limits of the annexing city.

This subdivision does not apply to the Cities of Archdale, Asheboro, Belmont, Claremont, Concord, Conover, Durham, Elizabeth City, Gastonia, Greenville, Hickory, Kannapolis, Kings Mountain, Locust, Lowell, Marion, Mount Airy, Mount Holly, New Bern, Newton, Oxford, Randleman, Roanoke Rapids, Rockingham, Saluda, Sanford, Salisbury, Shelby, Southport, Statesville, and Washington and the Towns of Ahoskie, Angier, Apex, Ayden, Belville, Benson, Bladenboro, Bridgeton, Bunn, Burgaw, Calabash, Carthage, Catawba, China Grove, Clayton, Columbia, Columbus, Cramerton, Creswell, Dallas, Dobson, Four Oaks, Franklin, Franklinton, Franklinville, Fuquay-Varina, Garner, Godwin, Goldston, Granite Quarry, Green Level, Grimesland, Harrisburg, Holly Ridge, Holly Springs, Hookerton, Hope Mills, Huntersville, Jamestown, Kenansville, Kenly, Knightdale, Landis, Liberty, Lillington, Louisburg, Maggie Valley, Maiden, Mayodan, Maysville, Middlesex, Midland, Mocksville, Morrisville, Mount Pleasant, Nashville, North Wilkesboro, Norwood, Oak Island, Oakboro, Ocean Isle Beach, Pembroke, Pine Level, Pollocksville, Princeton, Ramseur, Ranlo, Richlands, Rockwell, Rolesville, Rutherfordton, Shallotte, Siler City, Smithfield, Spencer, Spring Lake, Stanley, Stem, Stovall, Surf City, Swansboro, Taylorsville, Troutman, Troy, Vass, Wallace, Warsaw, Watha, Waynesville,

Weldon, Wendell, West Jefferson, Wilson's Mills, Windsor, Wingate, Yadkinville, Youngsville, and Zebulon.

(b1) Repealed by Session Laws 2004-203, ss. 13(a) and 13(d), effective August 17, 2004.

(b2) A city may annex a noncontiguous area that does not meet the standard set out in subdivision (b)(2) of this section if the city has entered into an annexation agreement pursuant to Part 6 of this Article with the city to which a point on the proposed satellite corporate limits is closer and the agreement states that the other city will not annex the area but does not say that the annexing city will not annex the area. The annexing city shall comply with all other requirements of this section.

(c) The petition shall contain the names, addresses, and signatures of all owners of real property within the proposed satellite corporate limits (except owners not required to sign by subsection (a)), shall describe the area proposed for annexation by metes and bounds, and shall have attached thereto a map showing the area proposed for annexation with relation to the primary corporate limits of the annexing city. When there is any substantial question as to whether the area may be closer to another city than to the annexing city, the map shall also show the area proposed for annexation with relation to the primary corporate limits of the other city. The city council may prescribe the form of the petition.

(d) A city council which receives a petition for annexation under this section may by ordinance require that the petitioners file a signed statement declaring whether or not vested rights with respect to the properties subject to the petition have been established under G.S. 160D-108 or G.S. 160D-108.1. If the statement declares that such rights have been established, the city may require petitioners to provide proof of such rights. A statement which declares that no vested rights have been established under G.S. 160D-108 or G.S. 160D-108.1 shall be binding on the landowner and any such vested rights shall be terminated. (1973, c. 1173, s. 2; 1989 (Reg. Sess., 1990), c. 996, s. 4; 1997-2, s. 1; 2001-37, s. 1; 2001-72, s. 1; 2001-438, s. 1; 2002-121, s. 1; 2003-30, s. 1; 2004-203, s. 13(a), (c); 2004-57, s. 1; 2004-99, s. 1; 2004-203, ss. 13(a)-(d); 2005-52, s. 1; 2005-71, s. 1; 2005-79, s. 1; 2005-173, s. 1; 2005-433, s. 9; 2006-62, s. 1; 2006-122, s. 1; 2006-130, s. 1; 2007-17, s. 1; 2007-26, ss. 1, 2(a); 2007-62, s. 1; 2007-225, s. 1; 2007-311, s. 1; 2007-342, s. 1; 2008-24, s. 1; 2008-30, s. 1; 2009-40, s. 2; 2009-53, s. 1; 2009-111, s. 1; 2009-156, s. 1; 2009-298, s. 1; 2009-323, s. 1; 2011-57, s. 1; 2012-96, s. 1; 2013-248, s. 1; 2014-30, s. 2(a); 2015-80, s. 1; 2015-81, s. 2(a); 2015-172, s. 2; 2016-48, s. 2; 2018-56, s. 1; 2019-58, s. 1; 2019-103, s. 1; 2019-160, s. 1; 2021-17, s. 2; 2021-21, s. 1; 2021-86, s. 1; 2021-87, s. 1; 2021-101, s. 1; 2022-22, s. 1; 2022-26, s. 1; 2022-62, s. 45; 2023-143, s. 5.)

§ 160D-202. Municipal extraterritorial jurisdiction.

(a) **Geographic Scope.** – Any city may exercise the powers granted to cities under this Chapter within a defined area extending not more than one mile beyond its contiguous corporate limits. In addition, a city of 10,000 or more population but less than 25,000 may exercise these powers over an area extending not more than two miles beyond its limits and a city of 25,000 or more population may exercise these powers over an area extending not more than three miles beyond its limits. In determining the population of a city for the purposes of this Chapter, the city council and the board of county commissioners may use the most recent annual estimate of population as certified by the Secretary of the North Carolina Department of Administration. Pursuant to G.S. 160A-58.4, extraterritorial municipal planning and development regulation may be extended only from the primary corporate boundary of a city and not from the boundary of satellite areas of the city.

(b) **Authority in the Extraterritorial Area.** – A city may not exercise any power conferred by this Chapter in its extraterritorial jurisdiction that it is not exercising within its corporate limits. A city may exercise in its extraterritorial area all powers conferred by this Chapter that it is exercising within its corporate limits. If a city fails to extend a particular type of development regulation to the extraterritorial area, the county may elect to exercise that particular type of regulation in the extraterritorial area.

(c) **County Approval of City Jurisdiction.** – Notwithstanding subsection (a) of this section, no city may extend its extraterritorial powers into any area for which the county has adopted and is enforcing county zoning and subdivision regulations. However, the city may do so where the county is not exercising both of these powers, or when the city and the county have agreed upon the area within which each will exercise the powers conferred by this Chapter. No city may extend its extraterritorial powers beyond one mile from its corporate limits without the approval of the board or boards of county commissioners with jurisdiction over the area.

(d) **Notice of Proposed Jurisdiction Change.** – Any municipality proposing to exercise extraterritorial jurisdiction under this Chapter shall notify the owners of all parcels of land proposed for addition to the area of extraterritorial jurisdiction, as shown on the county tax records. The notice shall be sent by first-class mail to the last addresses listed for affected property owners in the county tax records. The notice shall inform the landowner of the effect of the extension of extraterritorial jurisdiction, of the landowner's right to participate in a legislative hearing prior to adoption of any ordinance extending the area of extraterritorial jurisdiction, as provided in G.S. 160D-601, and of the right of all residents of the area to apply to the board of county commissioners to serve as a representative on the planning board and the board of adjustment, as provided in G.S. 160D-303. The notice shall be mailed at least 30 days prior to the date of the hearing. The person or persons mailing the notices shall certify to the city council that the notices were sent by first-class mail, and the certificate shall be deemed conclusive in the absence of fraud.

(e) **Boundaries.** – Any council exercising extraterritorial jurisdiction under this Chapter shall adopt an ordinance specifying the areas to be included based upon existing or projected urban development and areas of critical concern to the city, as evidenced by officially adopted plans for its development. A single jurisdictional boundary shall be applicable for all powers conferred in this Chapter. Boundaries shall be defined, to the extent feasible, in terms of geographical features identifiable on the ground. Boundaries may follow parcel ownership boundaries. A council may, in its discretion, exclude from its extraterritorial jurisdiction areas lying in another county, areas separated from the city by barriers to urban growth, or areas whose projected development will have minimal impact on the city. The boundaries specified in the ordinance shall at all times be drawn on a map, set forth in a written description, or shown by a combination of these techniques. This delineation shall be maintained in the manner provided in

G.S. 160A-22 for the delineation of the corporate limits and shall be recorded in the office of the register of deeds of each county in which any portion of the area lies.

Where the extraterritorial jurisdiction of two or more cities overlaps, the jurisdictional boundary between them shall be a line connecting the midway points of the overlapping area unless the city councils agree to another boundary line within the overlapping area based upon existing or projected patterns of development.

(f) County Authority Within City Jurisdiction. – The county may, on request of the city council, exercise any or all of these powers in any or all areas lying within the city's corporate limits or within the city's specified area of extraterritorial jurisdiction.

(g) Transfer of Jurisdiction. – When a city annexes, or a new city is incorporated in, or a city extends its jurisdiction to include, an area that is currently being regulated by the county, the county development regulations and powers of enforcement shall remain in effect until (i) the city has adopted such development regulations or (ii) a period of 60 days has elapsed following the annexation, extension, or incorporation, whichever is sooner. Prior to the transfer of jurisdiction, the city may hold hearings and take any other measures consistent with G.S. 160D-204 that may be required in order to adopt and apply its development regulations for the area at the same time it assumes jurisdiction.

(h) Relinquishment of Jurisdiction. – When a city relinquishes jurisdiction over an area that it is regulating under this Chapter to a county, the city development regulations and powers of enforcement shall remain in effect until (i) the county has adopted such development regulation or (ii) a period of 60 days has elapsed following the action by which the city relinquished jurisdiction, whichever is sooner. Prior to the transfer of jurisdiction, the county may hold hearings and take other measures consistent with G.S. 160D-204 that may be required in order to adopt and apply its development regulations for the area at the same time it assumes jurisdiction.

(i) Process for Local Government Approval. – When a local government is granted powers by this section subject to the request, approval, or agreement of another local government, the request, approval, or agreement shall be evidenced by a formally adopted resolution of the governing board of the local government. Any such request, approval, or agreement can be rescinded upon two years' written notice to the other governing boards concerned by repealing the resolution. The resolution may be modified at any time by mutual agreement of the governing boards concerned.

(j) Local Acts. – Nothing in this section shall repeal, modify, or amend any local act that defines the boundaries of a city's extraterritorial jurisdiction by metes and bounds or courses and distances.

(k) Effect on Vested Rights. – Whenever a city or county, pursuant to this section, acquires jurisdiction over a territory that theretofore has been subject to the jurisdiction of another local government, any person who has acquired vested rights in the surrendering jurisdiction may exercise those rights as if no change of jurisdiction had occurred. The city or county acquiring jurisdiction may take any action regarding such a development approval, certificate, or other evidence of compliance that could have been taken by the local government surrendering jurisdiction pursuant to its development regulations. Except as provided in this subsection, any building, structure, or other land use in a territory over which a city or county has acquired jurisdiction is subject to the development regulations of the city or county. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)

City of Shelby
Agenda Item Summary
October 21, 2024
City Hall Council Chamber

Agenda Item: F

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.

My report will include updates on storm recovery, infrastructure projects as well as other notable issues.

Agenda Item: G

Council Announcements and Remarks

H. Adjournment:

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

- 1) Motion to adjourn