

Shelby City Council Agenda  
Regular Meeting  
November 4, 2024 at 6:00 p.m.

Don Gibson Theater  
318 South Washington Street  
Shelby, North Carolina

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

*Invocation*

*Pledge of Allegiance*

**A. Approval of Agenda**

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

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

**B. Special Presentation:**

- 1) Presentation of a resolution honoring David Karl Gemes on the occasion of his retirement from employment with the City of Shelby: Resolution No. 62-2024 1 - 3
- 2) Presentation of the accredited agency status by the Commission on Fire Accreditation International to the City of Shelby Fire & Rescue presented by Division Chief David Farnum, Coordinator of the North Carolina Accreditation Consortium 4 - 6

**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 September 9, 2024 7 - 16
- 2) Approval of the Minutes of the Regular Meeting of October 21, 2024 17 - 21

- 3) Approval of a resolution authorizing the donation of easements from three (3) city owned parcels for construction of Phase II of the Carolina Harmony Trail Project: Resolution No. 65-2024 22 - 67
- 4) Adoption of an ordinance establishing a capital project ordinance and budgets for the City of Shelby's Storm Helene FEMA Grant Project: Ordinance No. 63-2024 68 - 71
- 5) Adoption of a budget ordinance amendment for the City of Shelby's City Hall Annex Renovation Project: Ordinance No. 64-2024 72 - 76
- 6) Special Event permit application:
  - a) Atrium Health Cleveland and Kings Mountain Teammate Holiday Celebration, requested date: December 17<sup>th</sup>, 2024 77 - 82
- 7) Management Reports:
  - a) Accreditation Report representing the findings of the peer assessment team that visited the City of Shelby Fire and Rescue Department on April 28 – May 2, 2024 83 - 110

**END OF CONSENT AGENDA**

**D. Unfinished Business: 111**  
**None**

**E. New Business:**

- 1) Corporate Hangar Development Project: 112 - 167
  - a) Presentation of Corporate Hangar Development Project – November 2024 – Ben Yarboro, Assistant City Manager

- b) Adoption of an ordinance establishing a capital project ordinance and budget for the City of Shelby's Airport Corporate Hangar Development Project: Ordinance No. 65-2024
- c) Approval of a resolution authorizing the submittal of a grant application to the North Carolina Department of Transportation - Division of Aviation related to Project Fast at the Shelby-Cleveland County Regional Airport: Resolution No. 66-2024

2) Consideration of appointments to City advisory boards and commissions: 168 - 186

- a) Alcoholic Beverage Control Board

F. City Manager's Report 187

G. Council Announcements and Remarks 187

H. Adjournment: 187

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

Motion to adjourn

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**B. Special Presentations:**

**Agenda Item B-1**

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

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

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- Resolution No. 62-2024

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City Manager's Recommendation / Comments

This time is scheduled on your agenda to recognize Mr. David Karl Gemes on the occasion of his retirement from employment. In keeping with policy City Council previously adopted Resolution No. 62-2024 to recognize him for having served the City faithfully for the past 28 years with the City of Shelby Police Department. He is to be congratulated!

David is a dedicated employee who has provided veteran leadership over the past several years in the performance of his duties. He has been a vital part of the team at the Police Department. He will be missed both personally and professionally. Mr. Gemes finished his career as a School Resource Officer.

As is in keeping with current policy Mr. 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 Mr. Gemes for his many years of service to the City.

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



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# Shelby Police Department

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## 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.

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O. Stanhope Anthony III  
Mayor

ATTEST:

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Carol Williams  
City Clerk

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Agenda Item B-2

- 2) Presentation of the accredited agency status by the Commission on Fire Accreditation International to the City of Shelby Fire & Rescue presented by Division Chief David Farnum, Coordinator of the North Carolina Accreditation Consortium

**Presenting: (William Hunt, Fire Chief)**

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- Memorandum dated October 15, 2024, from William Hunt, Fire Chief to Rick Howell, City Manager

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City Manager's Recommendation / Comments

This time is scheduled a City Council's agenda to allow for the presentation of the award from the Commission on Fire Accreditation International (CFAI) to the City of Shelby recognizing the Fire and Rescue Department for maintaining accreditation status. A tremendous amount of work has gone in to the reaccreditation process and it is certainly appropriate for these efforts to be recognized publicly. Division Chief David Farnam (City of Charlotte Fire and Rescue) will present the plaque on behalf of CFAI. Chief Hunt has also requested a few minutes at this time on the agenda to make a presentation required by the terms of international accreditation received by the City of Shelby Fire and Rescue Department through the Commission on Fire Accreditation International. This re-accreditation is valid for a five year period. An important component is for the department to demonstrate to the accrediting agency that it has worked toward "continuous improvement" and demonstrated accountability to the governing board, city management and the community at large. Chief Hunt will provide relevant information pertaining to the recommendations for improvement identified by the peer assessment team.

**Please join me in congratulating Chief William Hunt and the entire Fire and Rescue Department for their efforts.**



October 15, 2024

**Memorandum:**

To: Rick Howell, City Manager  
From: William Hunt, Fire Chief

Subject: Recognition of the Fire & Rescue Department on its award of accredited agency status by the Commission on Fire Accreditation International (CFAI) through the Center for Public Safety Excellence (CPSE).

Background

*The Center for Public Safety Excellence (CPSE)* is the accrediting body for the fire service profession. The CPSE's *Commission on Fire Accreditation International (CFAI)* oversees the agency accreditation process through a twelve-member commission of professionals representing the fire service, city-county management, standards-making bodies, organized labor, the insurance industry, and the Department of Defense. There are over 300 accredited agencies in the United States, Canada, and US military installations. Approximately 13 percent of the US population is protected by an accredited fire department. Accredited agency status is awarded for a five-year period; the City of Shelby Fire & Rescue has been accredited by CPSE since 2014.

Review

The Fire & Rescue Department filed its final *accredited agency annual compliance report* for the period on July 15, 2023, and subsequently submitted its application for a third term as an accredited agency. After submitting the required agency self-assessment documents, the department was designated candidate status on February 6, 2024. The CFAI formed a peer team consisting of four fire service professionals under the leadership of Deputy Chief Sean Daniels (Mt. Lebanon, PA) to assess the Fire & Rescue Department to determine eligibility. After a preliminary evaluation, a site visit was scheduled for April 28-May 2, 2024, to allow the peer team to verify and validate the findings in the department's self-assessment documents. During the site visit, peer team members reviewed documents and exhibits, toured critical public safety infrastructure, and conducted interviews with fire department staff, city officials, and representatives from partnering agencies.

At the conclusion of the site visit, the peer team found the Fire & Rescue Department credible in all areas and recommended accreditation. On August 7, 2019, representatives from the department attended the CFAI commission hearings in Atlanta, GA. Based on the findings of the peer assessment team's accreditation report and testimony from those in attendance, the commission unanimously approved the City of Shelby Fire & Rescue for accredited agency status for a five-year term ending in 2029.

#### Action

Please place on the Shelby City Council's agenda for November 4, 2024, for the formal presentation of accredited agency status by the Commission on Fire Accreditation International to the City of Shelby Fire & Rescue. Division Chief David Farnum (Charlotte, NC), coordinator of the North Carolina Accreditation Consortium (NCAC), will present the award of accreditation to the city on behalf of CFAI. Following the presentation, I will be available to answer council member questions related to the peer assessment team's report.

Enclosures

cc: Carol Williams, David Farnum

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C. Consent Agenda:

Agenda Item: C-1

- 1) Approval of the Minutes of the Regular Meeting of September 9, 2024

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

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Summary of Available Information:

Please read and offer changes as you deem necessary.

- Minutes of the Regular Meeting of September 9, 2024

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City Manager's Recommendation / Comments

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

## MINUTES

Regular Meeting of Shelby City Council  
Don Gibson Theatre

September 9, 2024  
Monday, 6:00 p.m.

**Present:** Mayor O. Stanhope Anthony, III, presiding; Council Members Andrew L. Hopper, Sr., David Causby, Charles Webber, Violet Arth, David White, and Emilie Bullock; City Manager Rick Howell, MPA, ICMA-CM, Assistant City Manager Ben Yarboro, Assistant City Manager Justin Longino, MBA, City Attorney Jason Lunsford, Deputy City Clerk Breanna Jones, Fire Chief William Hunt, EFO, Director of Planning and Development Services Brian Burgess, Public Works Director Scott Black, Public Information and Communications Officer Chip Nuhrah, Economic Developer Brandon Ruppe, and Jennipher H. Harrill, Social Media Manager, Blue Eyes Media Connections

**Absent:** City Clerk Carol Williams

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

Ms. Arth led the Pledge of Allegiance.

### A. Approval of Agenda:

- 1) Motion to adopt the agenda as presented.

**ACTION TAKEN:** Upon a motion by Mr. Hopper, City Council voted unanimously to approve the agenda with Additions.

### B. Special Presentation

- 1) City of Shelby's Comprehensive Plan Update

**Presenter: Carroll Williamson, representative from Stewart:**

- In the process of initiation and assessment (i.e. community tour, steering committee meetings, stakeholder interviews, and community surveys).
- As the data is gathered, plans and goals that reflect the community will begin.
- Implementation and adoption are projected for June of 2025.
- Steering Committee responsibilities include regular meetings (4-5 throughout project), participation in discussions and contribute ideas and opinions, getting others involved, being an ambassador for this Plan to the

community and being an advocate for the community to the development of this Plan.

- A Comprehensive Plan makes forecasts based on past trends and data and looks forward to a 10-20-year timeframe.
- Future Land Use establishes a vision for the community while zoning establishes the rules for achieving that vision.
- Previous planning efforts include City of Shelby Comprehensive Land Use Plan in 2009, Shelby Center City Master Plan in 2017, Shelby Rail Trail Master Plan in 2018, Shelby Depot Park Master Plan in 2020, Shelby Bike Ped Plan in 2020, Cleveland County Comprehensive Land Use Plan in 2021, and Shelby Parks and Recreation Comprehensive Master Plan in 2021.
- City of Shelby Population has grown by 13% from 2000 to 2020 and the median household income has increased 34% since 2000.
- Visioning Workshops for the Comprehensive Plan will be Monday, September 16<sup>th</sup> from 5:00pm-7:00pm at the City Park and Tuesday, September 17<sup>th</sup> from 4:00pm-6:00pm at Holly Oak Park.
- Stakeholder interviews will be late September-early October.

### **C. Public Comment:**

Phyllis Williams, who resides at 1030 Sue Lane, Shelby, North Carolina spoke on behalf of the homelessness and poverty issues we have in Shelby. Ms. Williams stated she is a Community Chaplin and Cleveland County DSS worker. She shared that the poverty level in Shelby is 18.4%, which she claimed is higher than the national level at 12%. Ms. Williams publicly asked the community to come up with ways to assist the homeless and those living in poverty.

Gary Leigh, who resides at 922 Surry Drive, Shelby, North Carolina spoke towards the issue of homelessness. He stated that he is working to eliminate homelessness in this county and asked that the community join him and put together resources.

Michael McGuirt, who resides at 2313 North Lafayette Street, Shelby, North Carolina spoke on behalf of homelessness and addicts in the area. Mr. McGuirt stated that he is a Re-entry Coordinator and Outreach Worker for Oxford House. He shared that a 2021 report showed that 30% of homeless in the area suffer from mental health issues. Mr. McGuirt shared a concern that the hospital here does not have an opioid testing system for Fentanyl nor an opioid reversal program. He states that there is plenty of infrastructure in the area for programs and it is up to the community to help those that are struggling.

Tracey Norris, who resides at 634 South Lafayette Street, Shelby, North Carolina also shared concerns about the growing homelessness in the area. She stated that her organization, House of Hope Outreach, Inc. assists the homeless



and displaced at their church every Monday from 11:00am-1:00pm. Ms. Norris asked the Council how many empty buildings and boarded up houses they see when riding around Shelby. She states that those could be used to assist homeless in the community.

Brooke Nicholson, who resides at 228 South Lafayette Street, Shelby, North Carolina, from Angie Brooke Boutique, spoke on behalf of a Special Event application that was submitted for council approval. Ms. Nicholson came to answer any questions about the event.

Allyssa Givens, passed

Deborah Blackwell, who resides at 1627 Woodland Avenue, Shelby, North Carolina, spoke in opposition of a Dollar General store being built near her neighborhood. Ms. Blackwell shared her concerns with the store being built right behind her house.

#### D. Public Hearings:

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

Council Member White requested to be recused from the vote as it would be a conflict of interest. Council voted and unanimously approved the recusal.

#### Presenter: Brian Burgess, Planning Director:

- Applicant wishes to amend the zoning district from R10 to Corridor Protection District (CPD) at 215 North Post Road, Shelby, North Carolina.
- The property is approximately 2.3-acres and is located on the eastern side of the city north of the intersection of Marion Street and Post Road.
- The surrounding area has GB, GB2, and R10 zoning districts.
- Corridor Protection District zoning district is consistent with the current development patterns, and inconsistent with the Future Land Use Map.
- Staff recommends the approval of the rezoning.
- Planning and Zoning Board have recommended approval of this zoning request.

Mayor Anthony opened the public hearing at 6:43 p.m.

Marna McMurry, who resides at 317 Tremont Place, Shelby, North Carolina spoke in opposition of the proposed rezoning. Ms. McMurry stated she is against the rezoning request for the following reasons:

- It would not be an appropriate fit for her community as it is a family community.
- The neighborhood will experience a negative traffic impact.
- Being that the proposed rezoning is potentially for a discount food store, it could harm local grocery stores.

Taryn Stetson, who resides at 4500 Cameron Valley Parkway, Charlotte, North Carolina, spoke on behalf of the applicant to answer any questions from Council.

Mayor Anthony closed the public hearing at 6:48 p.m.

**ACTION TAKEN:** Upon a motion made by Ms. Arth, City Council voted 2 - 3 (Arth, Bullock in favor - Webber, Hopper and Causby against) to DENY Ordinance No. 54-2024 entitled, "Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina for parcel 24083 (N Post Road)", so the motion to deny failed.

**ACTION TAKEN:** Upon a motion made by Mr. Causby, City Council voted 3 - 2 (Webber, Hopper and Causby in favor – Bullock and Arth against) to APPROVE and adopt Ordinance No. 54-2024 entitled, "Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina for parcel 24083 (N Post Road)."

- 2) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina for parcels 66586, 28375, and 58270 (Randolph Road): Ordinance No. 55-2024

**Presenter: Brian Burgess, Planning Director:**

- This is a City initiated rezoning request to amend the zoning district located at 2215 Randolph Road, Shelby, NC. It is the site of the most recent Shell Building, and it is approximately 60 acres.
- The City is requesting it be rezoned from LI (Light Industrial) and R20 (Residential) to GI (General Industrial).
- Staff and Planning & Zoning Board recommended approval.

Mayor Anthony opened the public hearing at 6:54 p.m. The public offered no comments.

Mayor Anthony closed the public hearing at 6:55 p.m.

**ACTION TAKEN:** Upon a motion made by Mr. White, with a statement that the rezoning is consistent with the surrounding zonings, City Council voted unanimously to APPROVE and adopt Ordinance No. 55-2024 entitled, "Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina for parcels 66586, 28375, and 58270 (Randolph Road)."

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

**Presenter: Brian Burgess, Planning Director:**

- Applicant wishes to amend the zoning district from R10 (Residential) to CPD (Corridor Protection District) at 1769 S Lafayette Street, Shelby, NC.
- The property is approximately 1.92 acres and is located on S Lafayette Street north of the Dekalb Street/College Avenue Intersection.
- The surrounding zoning has R10 and CPD zoning districts.
- The Future Land Use Map calls for this area to be a commercial zoning district.
- The Corridor Protection District zoning district is consistent with the surrounding area and the Future Land Use map.
- Staff and the Planning & Development Board recommended approval of this zoning request.

Mayor Anthony opened the public hearing at 6:57 p.m. The public offered no comments.

Mayor Anthony closed the public hearing at 6:58 p.m.

**ACTION TAKEN:** Upon a motion made by Ms. Arth, with a statement that the rezoning is consistent with the surrounding zoning district and consistent with the Future Land Use Map, City Council voted unanimously to APPROVE and adopt Ordinance No. 56-2024 entitled, "Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina for parcels 30166, 30167, and 30168 (S Lafayette Street)."

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

Presenter: Brian Burgess, Planning Director:

- Brian explained to Council that the rezoning was a conditional rezoning, which would allow Council to negotiate conditions with the applicant.
- The property is approximately 46.14 acres and is located south of the Cleveland County Fairgrounds and east of Marion Ridge Apartments, with access to E Marion Street and Borders Road.
- The applicant wishes to amend the zoning district from R20 (Residential) to R6-CZ for a single-family subdivision.
- The Planning & Zoning Board voted to table the zoning request and asked the applicant to revise the proposed plan to show additional proposed features.

Mayor Anthony opened the public hearing at 7:03 p.m.

Todd Doupona, who resides at 8307 Hampton Fare Lane, Waxhaw, NC, spoke on behalf of the Applicant and informed Council that the landscape detail that was requested has been added to the front page of the submittal.

Mayor Anthony closed the public hearing at 7:05 p.m.

**ACTION TAKEN:** Upon a motion made by Mr. White, City Council voted unanimously to TABLE Ordinance No. 57-2024 entitled, "Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina for parcels 22186, 22301, and 22284 (E Marion Street, Borders Road)" and send back to Planning & Zoning Board for review.

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

**ACTION TAKEN:** Upon a motion made by Mr. Hopper, City Council voted unanimously to TABLE Ordinance No. 58-2024 entitled, "Consideration of an ordinance to extend the corporate limits of the City of Shelby, North Carolina (E Marion Street, Borders Road)."

#### **E. Consent Agenda:**

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

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

- 2) **Adoption of FY 2024-2025 Budget Ordinance Amendment No. 1: Ordinance No. 59-2024**
- 3) **Adoption of a budget ordinance amendment for the City of Shelby's Depot Project: Ordinance No. 60-2024**
- 4) **Adoption of a budget ordinance amendment for the City of Shelby's City Park Pool Renovation Project: Ordinance No. 61-2024**
- 5) **Approval of a resolution recognizing Public Power Week, October 6-12, 2024: A Week-Long Celebration Of The City Of Shelby's Electric System: Resolution No. 58-2024**
- 6) **Approval of a resolution supporting the nomination of the City Manager, Rick Howell, as Director to the ElectriCities of North Carolina, Inc. Board of Directors: Resolution No. 59-2024**
- 7) **Approval of a Special Event Application:**
  - a) **Falling for Shelby, requested date: Saturday, October 26, 2024**
  - b) **Mush, Music & Mutts Festival: The Official NC Fall Liver Mush Festival, requested date: Saturday, October 19, 2024**

**END OF CONSENT AGENDA**

**F. Unfinished Business:**

**None**

**G. New Business:**

**None**

**H. City Manager's Report:**

**Justin Longino, Assistant City Manager, utilized this time to go over Webbley and Council Chamber Renovation Project updates.**

**Clearscapes, the architectural firm for Webbley came out with the contractor and did an assessment of Webbley. DFI started the stakeholder engagement. As the process continues there will be more staff and Council discussions.**

Mr. Longino received the Structural Report from Clearscapes and their contractor. The report shows the evaluation of the condition and the process/cost to repair. There will be further discussions with Council on next steps.

Mayor Anthony asked if the goal right now is to just get the structure stabilized and to repair the holes in the roof. Mr. Longino confirmed that yes, that is the plan.

Mr. Longino updated Council on the Council Chamber renovations and what the plans are to repair and update it. He also shared that the City plans to replace the City Hall windows and doors as well.

**I. Council Announcements and Remarks:**

Mr. Hopper presented a framed picture of the Golden Knights that the American Legion World Series gifted to the City.

Ms. Arth repeats the locations/times for the upcoming Comp Plan meetings.

**J. 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).
- 2) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations pursuant to North Carolina General Statute § 143-318.11(a)(4).
- 3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged pursuant to North Carolina General Statute § 143-318.11(a)(3).

**ACTION TAKEN:** Mr. White made a motion to enter a closed session pursuant to the appropriate North Carolina General Statutes as cited. Mayor Anthony invited all Council members present, along with Mr. Howell, Mr. Lunsford, Mr.

Longino, Mr. Ruppe, and Mrs. Jones to attend. The motion passed unanimously, and Council moved into closed session at 7:21 p.m.

At the conclusion of the Closed Session item, Mr. White made a motion for City Council to return to the regular session at 7:58 p.m. and seal the minutes.

**K. Adjournment:**

**1) Motion to adjourn**

**ACTION TAKEN:** Upon a motion made by Ms. Arth, City Council voted unanimously to adjourn the meeting at 8:00 p.m.

Respectfully submitted,

Breanna Jones  
Deputy City Clerk

O. Stanhope Anthony, III  
Mayor

Minutes of September 9, 2024

City of Shelby  
Agenda Item Summary  
November 4, 2024  
Don Gibson Theatre

Agenda Item: C-2

2) Approval of the Minutes of the Regular Meeting of October 21, 2024

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

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Summary of Available Information:

Please read and offer changes as you deem necessary.

- Minutes of the Regular Meeting of October 21, 2024

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City Manager's Recommendation / Comments

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



## MINUTES

Regular Meeting of Shelby City Council  
Don Gibson Theatre

October 21, 2024  
Monday, 6:00 p.m.

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

**Absent:** Deputy City Clerk Breanna Jones

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

Ms. Arth led the Pledge of Allegiance.

### A. Approval of Agenda:

- 1) Motion to adopt the agenda as presented.

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

### B. Public Comment:

- 1) Byron A. Moon, who resides at 308 McBrayer Street, Shelby, North Carolina introduced himself to City Council and stated he plans to be a regular at our City Council meetings. He acknowledged that many people his age don't get involved in local government matters but he intends to learn and be present. City Council members encouraged him to attend and to be involved.
- 2) Andrew Molinari, who resides at 624 S. Washington Street, Shelby, North

Carolina wanted to bring attention to the intersection of S. Washington Street and Gidney Street. Mr. Molinari stated that he witnesses frequent accidents at that intersection. Mr. Molinari gave City Council some ideas that may help reduce the number of accidents, such as, installing rumble strips, installing solar lights that flash on the stop signs, making the intersection a four-way stop, or reduce speeds by putting speed enforcement monitors on S. Washington Street for a period of time. Council appreciated Mr. Molinari bringing this matter to their attention.

**C. Consent Agenda:**

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

- 1) Approval of the Minutes of the Regular Meeting of October 7, 2024
- 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
- 3) Approval of Special Event Applications:
  - a) Downtown Hounds 5K, requested date: November 16, 2024
- 4) Management Reports:
  - a) Planning and Development Monthly summary – September 2024

**END OF CONSENT AGENDA**

**D. Unfinished Business:**

None

**E. New Business:**

- 1) Extraterritorial Jurisdiction extension discussion

Mr. Howell explained a current matter regarding an approximate 30-acre tract that Robert Johnson, a local developer, owns and wants to develop. Mr. Johnson would like to have water and sewer available in this new development.

Mr. Howell stated that Mr. Johnson initially requested a voluntary annexation into the City of Shelby, but Patterson Springs is the closest municipality to this parcel, so they would have to agree to annexing this property into the City of Shelby. Mr. Johnson communicated to Mr. Howell that Patterson Springs was not in favor of allowing the annexation, so he has withdrawn his voluntary annexation.

Mr. Howell stated that extending the ETJ would accomplish Mr. Johnson's desire to have water and sewer available at this development. The 30-acre tract is located outside of the current ETJ but adjacent to other city served subdivisions. Mr. Howell stated that if the City proceeds with this request, then the City has to notify the Cleveland County Commissioners for consideration, and then conduct a Public Hearing on the matter.

Mr. Howell also stated that City departments have the ability to supply City services to this 30-acre tract.

By consensus, City Council directed Mr. Howell to proceed with the request to the County Commissioners to extend the current ETJ to include this 30-acre property.

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

Regarding County Home Road project: The removal of the Duke Energy pole is currently delayed due to Hurricane Helene and the recovery efforts being put in by Duke employees. No timeframe given at this time.

Regarding Webbley: DFI plans on conducting small group meetings with Council members the first part of November. Bre will schedule those appointments.

ARP project updates: Mr. Howell will send out these updates to Council next week.

Regarding Depot Park: Plans have been received and a recommendation to Council is upcoming.

Regarding City Hall Annex: Mr. Longino will update Council on this project, there have been some structural issues that need to be addressed.

Regarding Hurricane Helene debris removal: The volume of debris is significant, and people are going to need to be patient. The City has entered into an agreement with the County and third-party contractor to clean up the debris.

There will be no financial obligation from the City; the County will be reimbursed by FEMA funds. With leaf season approaching, it complicates the street clean up. Mr. Howell reiterated to please be patient.

Mr. Howell informed Council that former City Manager Dee Freeman underwent surgery today; our thoughts and prayers are extended to him and his family.

Also, sadly, Mr. Howell mentioned that former Planning and Development Director Walter Scharer passed away earlier today. Walt was a wonderful man, and we want to extend our thoughts and prayers to his family and friends.

**G. Council Announcements and Remarks:**

The Mayor and Council extended their thoughts to Mr. Freeman during his recovery and Mr. Scharer's family and friends on his sudden passing.

Ms. Arth wished our Deputy City Clerk a Happy Birthday today.

**H. Adjournment:**

**1) Motion to adjourn**

**ACTION TAKEN:** Upon a motion made by Ms. Arth, City Council voted unanimously to adjourn the meeting at 6:36 p.m.

Respectfully submitted,

Carol Williams  
City Clerk

O. Stanhope Anthony,  
III Mayor

Minutes of October 21, 2024

City of Shelby  
Agenda Item Summary  
November 4, 2024  
Don Gibson Theatre

Agenda Item: C-3

- 3) Approval of a resolution authorizing the donation of easements from three (3) city owned parcels for construction of Phase II of the Carolina Harmony Trail Project: Resolution No. 65-2024

**Consent Agenda Item: (Ben Yarboro, Assistant City Manager)**

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- Memorandum dated October 29, 2024, from Ben Yarboro, Assistant City Manager to Rick Howell, City Manager
- Memorandum dated October 28, 2024, from Justin Wright, Engineering Manager to Ben Yarboro, Assistant City Manager
- Supporting Documents
- Resolution No. 65-2024

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City Manager's Recommendation / Comments

Resolution No. 65-2024 is presented to City Council via the Consent Agenda as a routine and administrative matter. If approved this resolution simply authorizes the donation of easements for the Carolina Harmony Trail Phase II. Because the City has received federal funds via the NCDOT there are rules governing how any permanent or temporary construction easements are acquired. Two of these easements are construction easements and the remaining two are permanent. Mr. Yarboro has outlined the specifics of this matter in his memorandum dated October 28, 2024.

**It is my recommendation that Resolution No. 65-2024 be adopted and approved by City Council via the Consent Agenda.**

## *Memorandum*

**To:** Rick Howell, City Manager

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

**RE:** City of Shelby Carolina Harmony Trail Phase II - Right of Way Dedication

**Date:** October 29, 2024

### **Background**

As detailed in the attached memorandum from Justin Wright, Engineering Manager, the City of Shelby contracted with TGS Engineers to perform the professional engineering services related to the design of the City of Shelby portion of the Carolina Harmony Trail multi-use path project. We are currently in the final stages of completing the design of Phase II of this project which extends from Marion St. to Depot Park & from Depot Park to Dekalb St. A portion of the funding for this project is from NCDOT and therefore must comply with the requirements of the NCDOT's Local Programs Management Office (LPMO). One of the specific requirements of the NCDOT is that a detailed process for the easements that are necessary for construction must be followed. The plans prepared by TGS Engineers identified 13 properties where temporary and/or permanent easements were required. As noted by Mr. Wright, the City of Shelby owns three (3) properties that must have legal easements established. The total acreage of the easements needed from the properties owned by the City are as follows:

- Temporary easements: 0.618 acres
- Permanent easements: 0.261 acres

The total claim value of all the necessary easements from the City of Shelby properties is \$19,500. As with all of the owners' of property requiring easements for the project, the City of Shelby has the right to donate the easements. With this as an option, City staff recommends the City of Shelby donate the easements detailed by Mr. Wright to the City of Shelby.

Following the completion of the right of way acquisitions in a manner that complies with NCDOT requirements, the City will receive the necessary NCDOT Right of Way certification that is required for the project to be advertised and bid. City staff

anticipates this project being approved by NCDOT for advertising around Dec. 1, 2024 which would result in a bid opening in January 2025.

**Recommendation**

City staff recommends approval of the Resolution that has been prepared for the City of Shelby to donate the temporary and/or permanent easements on the three (3) properties owned by the City of Shelby for construction of the Carolina Harmony Trail Project.

Please advise if you have any questions or need additional information.

Attachments:

- Memorandum (with attachments) from Justin Wright, Engineering Manager

## *Memorandum*

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

**From:** Justin Wright, Engineering Manager

**RE:** City of Shelby Carolina Harmony Trail Phase II Right of Way Dedication

**Date:** October 28, 2024

### **Background**

On October 7, 2019, the Shelby City Council approved Resolution 65-2019, authorizing the selection of TGS Engineers to perform professional services related to the City of Shelby portion of the Carolina Harmony Trail. Following this approval by City Council, staff worked with TGS Engineers to develop a phased plan that will allow sections of the Rail Trail to be constructed. Below are the planned phases of the City's portion of the Carolina Harmony Trail:

- Phase IA (Sunset Cemetery to Marion St.)
- Phase IB (Grover to Sunset Cemetery)
- Phase II (Marion St. to Depot Park & Depot Park to Dekalb St.)

Phase IA of the Carolina Harmony Trail was completed in November of 2023. Phase IA consisted of 0.65 miles of greenway trail that was constructed by Piedmont Utility Group, LLC.

### **Review**

Currently, staff is working with TGS Engineers on the design of Phase II of the Carolina Harmony Trail that goes from Marion Street to Depot Park and Depot Park Dekalb Street. With this being a Locally Administered Project that receives federal funds it has to follow NCDOT guidelines and review process. In the process, NCDOT requires right-of-way plans to be submitted along with the number of properties that require either a permanent or temporary easement. During the design of the right-of-way plans, it was determined that thirteen (13) properties were identified where a right-of-way easement was needed in order to construct Phase II of the Carolina Harmony Trail. Out of these thirteen (13) properties, the City of Shelby owns three (3) of the properties.



The three (3) properties the City owns are listed below, along with the easement areas and Right-of-Way Claim Report Total:

**Parcel 17126**

This parcel is known as the Morgan Street Parking Lot, located behind United Way and Shelby Café. The Permeant Easement is needed for stormwater, curb and gutter, and sidewalk to be installed as a part of the Carolina Harmony Trail Project. A Temporary Construction Easement is needed to allow room for the contractor to work in this area.

- 0.412 Acres for Temporary Construction Easement
- 0.030 Acres for Permeant Easement
- Claim value of \$6,850.00

**Parcel 28706**

This parcel will house Depot Park. Easements are needed for the Carolina Harmony Trail project to install stormwater, curb and gutter, and pavers, along with roadway improvements. The areas identified in the easements are areas where the Carolina Harmony Trail will tie into the Depot Park Project.

- 0.180 Acres for permeant Easement
- Claim value of \$7,375.00

**Parcel 19627**

This parcel is located across from Wendy's on South Lafayette Street. Easements are needed for the Carolina Harmony Trail Project to install stormwater infrastructure.

- 0.206 acres for temporary construction easement
- 0.051 acres for permanent easement
- Claim value of \$5,275.00

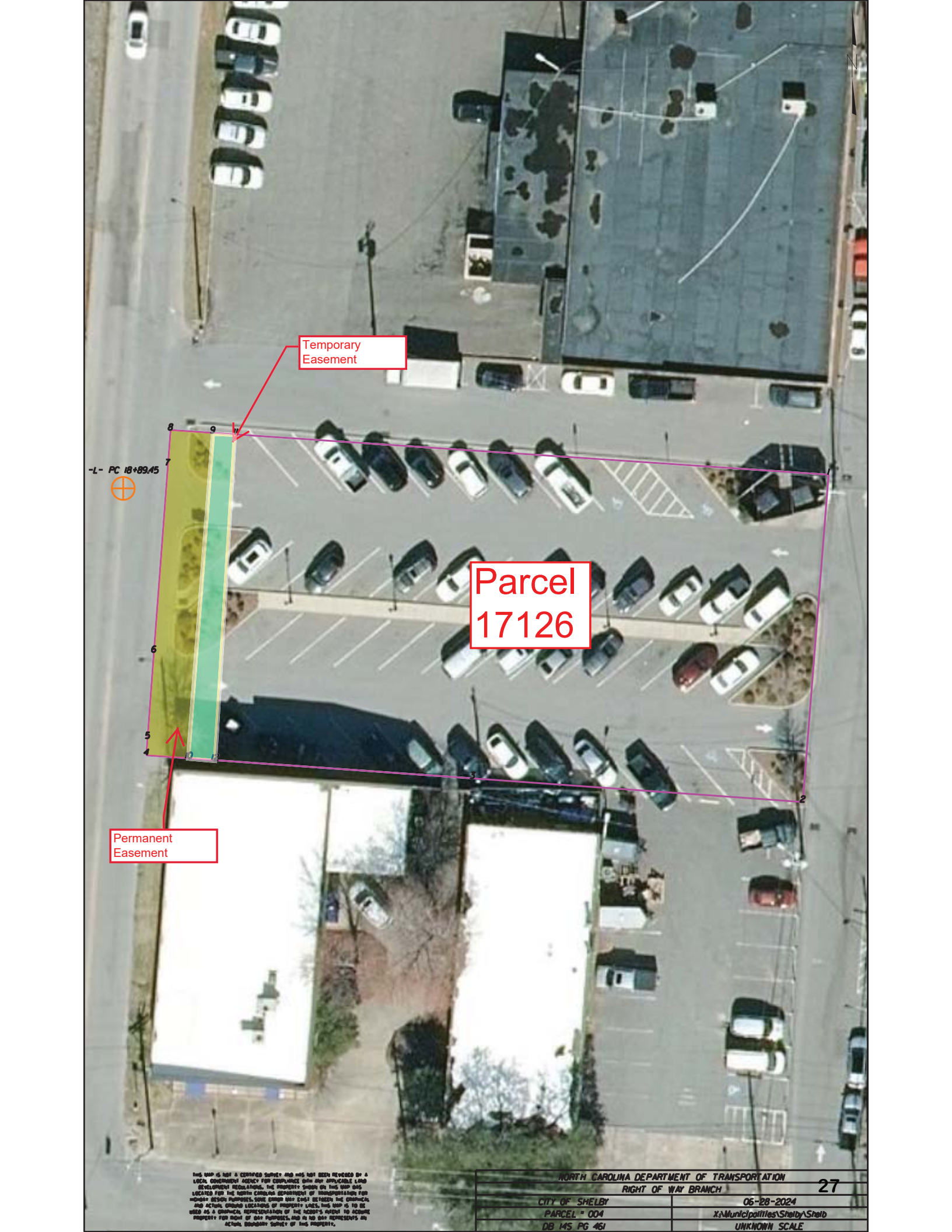
The City of Shelby has the opportunity to donate the property or seek compensation from itself for the easements.

**Recommendation**

City staff recommends approval of the resolution to donate the property to the Carolina Harmony Trail Project. Please advise if you have any questions or need additional information.

**Attachments:**

- Resolution 65-2019
- Parcel 17126 Aerial Map
- Claim Report Parcel 17126
- Donation Form and Easement for Parcel 17126
- Parcel 28706 Aerial Map
- Claim Report Parcel 28706
- Donation Form and Easement for Parcel 28706
- Parcel 19627 Aerial Map
- Claim Report Parcel 19627
- Donation Form and Easement for Parcel 19627



Temporary Easement

Parcel 17126

Permanent Easement

-L- PC 18+89.45



THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS. THE PROPERTY SHOWN ON THIS MAP WAS LOCATED FOR THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR LIMITED DESIGN PURPOSES, SOME UNDER THE EASES BETWEEN THE CONTRACTOR AND ACTUAL OWNERS LOCATIONS OF PROPERTY LINES. THIS MAP IS TO BE USED AS A GRAPHICAL REPRESENTATION OF THE DESIGNER'S INTENT TO ACQUIRE PROPERTY FOR RIGHT OF WAY PURPOSES, AND IS NOT REPRESENTATIVE OF ANY ACTUAL BOUNDARY SURVEY OF THE PROPERTY.

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION  
RIGHT OF WAY BRANCH

27

CITY OF SHELBY

06-28-2024

PARCEL # 004

X:\Municipalities\Shelby\Shelb

DB 145 PG 461

UNKNOWN SCALE

# RIGHT OF WAY CLAIM REPORT

TIP/PARCEL NO. EB-6037A 004 WBS ELEMENT 48854.3.4 COUNTY Cleveland

CLAIM OF City of Shelby PLAN SHEET 4

1. Land Area to be Acquired (Payment per square foot/acre supported by recent land sales on file.)

RIGHT OF WAY	R/W	<u>        </u>	AC	X	\$ <u>        </u>	= \$ <u>        </u>	® <u>        </u>	
PERM Drainage Easement	PDE	<u>        </u>	AC	X	\$ <u>        </u>	= \$ <u>        </u>	® <u>        </u>	
PERM Utility Easement	PUE	<u>        </u>	AC	X	\$ <u>        </u>	= \$ <u>        </u>	® <u>        </u>	
PERM Drainage/Utility Ease	DUE	<u>        </u>	AC	X	\$ <u>        </u>	= \$ <u>        </u>	® <u>        </u>	
PERM Aerial Utility Easement	AUE	<u>        </u>	AC	X	\$ <u>        </u>	= \$ <u>        </u>	® <u>        </u>	
PERM Construction Easement	PCE	<u>        </u>	AC	X	\$ <u>        </u>	= \$ <u>        </u>	® <u>        </u>	
TEMP Construction Easement	TCE	<u>0.412</u>	AC	X	\$ <u>45,500.00x30%</u>	= \$ <u>5,623.80</u>	® <u>5,625.00</u>	
TEMP Drainage Easement	TDE	<u>        </u>	AC	X	\$ <u>        </u>	= \$ <u>        </u>	® <u>        </u>	
TEMP Utility Easement	TUE	<u>        </u>	AC	X	\$ <u>        </u>	= \$ <u>        </u>	® <u>        </u>	
OTHER <u>PERMANENT EASEMENT</u>	PE	<u>0.030</u>	AC	X	\$ <u>45,500.00x90%</u>	= \$ <u>1,228.50</u>	® <u>1,225.00</u>	
<b>LAND TOTAL</b>							<b>\$</b>	<u>6,850.00</u>

2. Payment for improvement(s) to be acquired. Material and labor costs documented in the State's files.

<u>N/A</u>	\$	<u>0.00</u>
<u>        </u>	\$	<u>        </u>
<u>        </u>	\$	<u>        </u>
<b>IMPROVEMENTS TOTAL</b>		<b>\$</b> <u>0.00</u>

3. Cost to Cure (Curable items only)

<u>N/A</u>	<b>COST TO CURE TOTAL</b>	<b>\$</b> <u>N/A</u>
<b>GRAND TOTAL</b>		<b>\$</b> <u>6,850.00</u>

Comments: Land values based on a recent sale of property in the project vicinity. I feel this sale represents and supports land values of \$25,500 / 0.560 ac.= \$45,536 - \$45,500® per acre along this project. Sale Recorded in Deed Book 1887 Page 2712 in the Cleveland County Register of Deeds. Comp information will be retained in subject file.

Certificate of Preparer and Approver: I hereby certify that I am familiar with the property which is the subject of this estimate; that this estimate is based on data contained in the files of the agency and that I have no direct or indirect, present or contemplated future personal interest in this property or in any benefit from the acquisition of this property. **If the total of this estimate is over \$15,000, (1) this estimate must be prepared by someone other than the negotiating agent and (2) the owner must be advised of his/her right to have their property appraised.**

Preparer Signature:  **David Roberts**  
**Consultant Project Manager** Date 08/21/24

NCDOT Approval Signature: \_\_\_\_\_ Date \_\_\_\_\_

TEMPORARY EASEMENT TOTAL \$ 5,625.00 PERMANENT EASEMENT TOTAL \$ 1,225.00

PROPERTY OWNER ACKNOWLEDGMENT OF THE TERMS FOR THE VOLUNTARY  
DONATION OF PROPERTY TO THE CITY OF SHELBY

The undersigned property owner (“Owner”) and/or the undersigned Owner’s legal representative freely acknowledge their desire and willingness to voluntarily transfer their ownership of privately owned real property to the City of Shelby for the benefit of the above sited public Greenway or Rail Trail Project without receipt of just compensation. It is further agreed and acknowledged by the undersigned Owner and/or Owner’s legal representative that Owner and/or Owner’s legal representative has been advised that of the right to have an appraisal made on the property to determine just compensation and the Owner releases the City from this obligation and waives any compensation in exchange for the donation of property as right of way in full settlement of Owner’s claim. The purpose of this document is to ensure compliance under Title 23 of the United States Code of Federal Regulations (CFR), Subchapter H (Right-of-Way and Environment) and its subparts.

\_\_\_\_\_  
(Seal)

\_\_\_\_\_  
(Seal)

**City of Shelby, A North Carolina Municipality**

By: \_\_\_\_\_  
Rick Howell, City Manager

STATE OF NORTH CAROLINA  
COUNTY OF CLEVELAND

I, \_\_\_\_\_, a Notary Public of Cleveland Conty, North Carolina, do here by certify that \_\_\_\_\_, Grantor (Owner or authorized representative) of \_\_\_\_\_, personally came before me this day and acknowledged the due execution of the foregoing instrument on behalf of the company.

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

(SEAL)

STATE OF NORTH CAROLINA  
COUNTY OF CLEVELAND

I, \_\_\_\_\_, a Notary Public of Cleveland County, North Carolina, do hereby certify that Rick Howell personally came before me this day and acknowledged that he is the City Manager of City of Shelby, a North Carolina Municipality, and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Notary Public: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

**ACCEPTANCE**

Accepted by City of Shelby for and on behalf of the City of Shelby, North Carolina, this \_\_\_\_\_ day of \_\_\_\_\_,

The City of Shelby, a North Carolina Municipal Corporation

ATTEST:

(SEAL)

\_\_\_\_\_  
Rick Howell, City Manager

STATE OF NORTH CAROLINA  
COUNTY OF CLEVELAND

I, \_\_\_\_\_, a Notary Public of Cleveland Conty, North Carolina, certify that Rick Howell personally came before me this day and acknowledged that she is City Clerk for the City of Shelby, a North Carolina municipal corporation, and that by authority duly given and as the act of the City Council of the City of Shelby, the foregoing instrument was signed in its name and by its City Manager, sealed with its corporate seal and attested by her as its City Clerk.

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

(SEAL)



Prepared by/ Return to:  
Jason Lunsford, City Attorney  
City of Shelby  
300 South Washington Street  
Shelby, NC 28150

STATE OF NORTH CAROLINA  
CLEVELAND COUNTY

**EASEMENT  
(Deed of Easement)**

This Easement, made this \_\_\_\_\_ day of \_\_\_\_\_, 2024, between City of Shelby, a municipal corporation duly organized and existing under the laws of the State of North Carolina, having a mailing address of 300 South Washington Street Shelby, NC 28150, (“Grantee,”) and City of Shelby, “Grantor” or “Owner,” heirs, successors, and assigns and shall include the singular, plural, masculine, feminine, or neuter as required by context.

**WITNESSETH:**

**WHEREAS**, said Grantor acknowledges it is the fee simple owner of that certain tract of land, further defined herein, and described in Deed Book 14-S Page 461, within the Cleveland County Register of Deeds and has agreed to grant Grantee and Grantee accepts a permanent and temporary easement over the property for the purposes stated herein.

**NOW THEREFORE**, said Grantee paid to the Grantor the sum of \_\_\_\_\_, receipt of which is hereby acknowledged, and in consideration of the foregoing mutual covenants and other valuable consideration, the parties hereby agree as follows:

**Grant:**

Grantor hereby does bargain, sell, and convey to Grantee, its successors and assigns, and Grantee does hereby accept for public use a permanent and temporary construction easement over the easement premises, and more particularly described as follows:

**Legal Description:**

Address: S. Morgan Street  
PID: 17126  
From Deed Book 14S Page 461

Being located in the Southwestern section of the City of Shelby and being what at one time known as the Blanton Stable lot, being bounded on the North by West Arey Street, on the East by Trade Street, on the West by South Morgan Street and on the South by the Farmers Co-op Exchange and Pavonne, Inc. and being described by metes and bounds as follows:

BEGINNING at an iron pin at a point where the South edge of West Arey Street intersects with the West edge of Trade Street; and running thence with the West edge of Trade Street, South 5-30 East 100 feet to an iron pin being the Northeast corner of the Pavonne, Inc. lot; thence with the North lines of the Pavonne, Inc. lot, the Farmers Co-op Exchange lot, South 84-21 West 196.2 feet to an iron pin in the East edge of the right of way The Southern Railway or South Morgan Street; thence with that line North 5-27 West 100 feet to an iron pin in the East edge of the Southern right of way and in the South edge of West Arey Street; thence with the South edge of West Arey Street, North 84-23 East 196.3 feet to the place of BEGINNING, the same being according to a survey by B. Clyde Goforth, Jr., Registered Surveyor, made August, 1973.

Attached under Exhibit A and incorporated herein by reference is a map depicting the affected area of the above described property for which this easement is located.

**Purpose:**

The City of Shelby is constructing a Greenway and requires a temporary construction easement to improve an existing right of way together with the attendant customary uses.

**Release:**

Owner hereby releases Grantee from all claims or rights of action now or hereafter accrued by Grantor, its heirs, successors, or assigns due to injuries to any part of the easement premises or improvements thereon, resulting from City's activities pursuant to this Agreement.

**Binding Effect:**

All rights, title, and privileges herein granted and all benefits and burdens made part of this Agreement shall run with the land and shall be binding upon and inure to the heirs, successors, and assigns of each record owner of a tract.



## **A Permanent and Temporary Construction Easement**

The Grantor acknowledges that the Grantee (the City of Shelby) is obtaining this easement(s) for the purpose of improving a public street and future rail trail located within the City of Shelby and specifically grants unto the Grantee or its agents the right to enter onto and make improvements on the aforesaid property according to such plans and specifications, as will, the Grantee's opinion, best serve the public purpose, including, but not limited to, the right of removing any obstruction interfering with the construction, maintenance, installation, repair, or enlarging of a public street, including the installation of drainage, and erosion control structures on the Grantor's property, as described above.

Nothing herein contained shall be construed as authorizing the Grantee, its successors or assigns to injure, damage, or remove any structure upon the lands of the Grantor adjacent to the above described easements, except as follows:

This easement is related to construction of the Carolina Harmony Trail, roadway, drainage, sidewalk, landscape, and other associated improvements shall be permanent.

The consideration set forth in this document shall be considered full compensation for the property, and for any diminution in value that may result to the remaining property by virtue of proximity to the project, such as: grade alignment, utility installation, or the alteration of drainage patterns and facilities.

Should one or more of the Grantors be natural persons not joined by their respective spouse, it is conclusively presumed that the land conveyed is not the residence or business homestead of such Grantor. Should one or more of the Grantors be a legal entity other than a natural person, it shall be conclusively presumed that the person signing on behalf of that party has been duly and legally authorized to so sign and there shall be no necessity for a seal or attestation.

**TO HAVE AND TO HOLD** the aforesaid lots, tracts, or parcels of land and all privileges and appurtenances belonging thereto, unto the City of, its successors and assigns for street, highway, and roadway purposes forever and the Grantor is hereby bound together with all heirs, executors, administrators, or successors to warrant and forever defend the easements granted herein unto the City of Shelby, or its successors and assigns against the lawful claims of any person against this easement or any part thereof.

In testimony whereof, the said Grantors have hereunto set their hands and seal, this the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Grantor

STATE OF NORTH CAROLINA  
COUNTY OF CLEVELAND

I, \_\_\_\_\_, a Notary Public of Cleveland Conty, North Carolina, do here by certify that \_\_\_\_\_, Grantor (Owner or authorized representative) of \_\_\_\_\_, personally came before me this day and acknowledged the due execution of the foregoing instrument on behalf of the company.

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

(SEAL)

CITY OF SHELBY,  
A MUNICIPAL CORPORATION

**Acceptance of Easement and Agreement**

By: \_\_\_\_\_  
Rick Howell, City Manager

ATTEST:

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

(SEAL)

STATE OF NORTH CAROLINA  
COUNTY OF CLEVELAND

I, \_\_\_\_\_, a Notary Public of Cleveland County, North Carolina, do hereby certify that Carol Williams personally came before me this day and acknowledged that she the City Clerk for the City of Shelby, a North Carolina municipal corporation, and that by authority duly given and as the act of the City Council of the City of Shelby, the foregoing instrument was signed in its name and by its City Manager, sealed with its corporate seal and attested by her as its City Clerk.

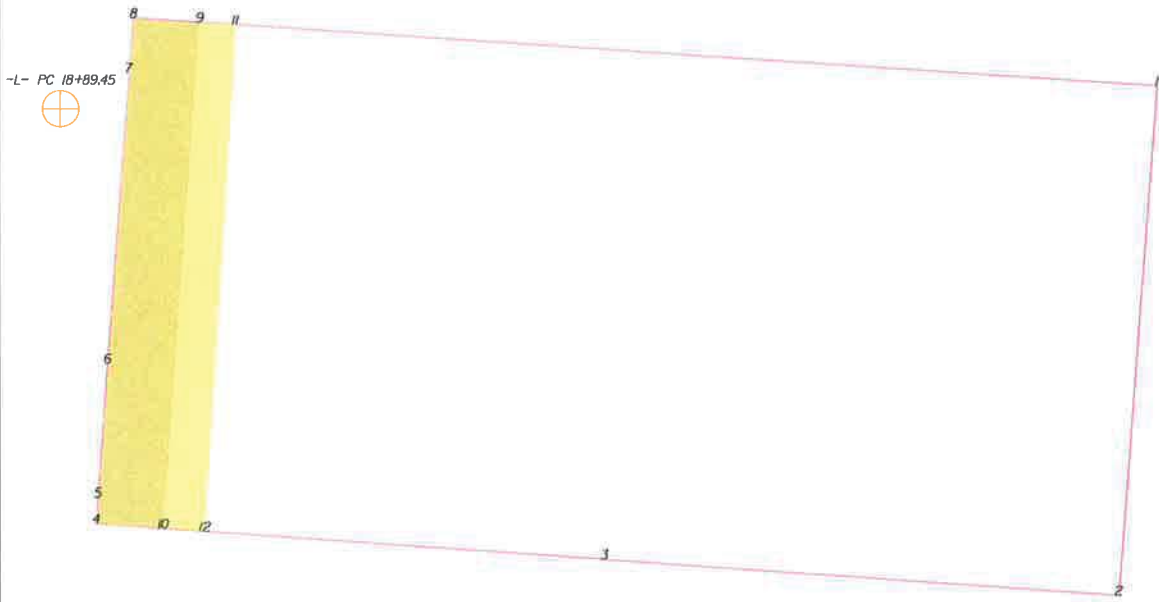
Witness my hand and Notarial stamp or seal, this the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Notary Public: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

(SEAL)

## Exhibit A



THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS. THE PROPERTY SHOWN ON THIS MAP WAS LOCATED FOR THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR HIGHWAY DESIGN PURPOSES. SOME ERRORS MAY EXIST BETWEEN THE GRAPHICAL AND ACTUAL GROUND LOCATIONS OF PROPERTY LINES. THIS MAP IS TO BE USED AS A GRAPHICAL REPRESENTATION OF THE AGENCY'S INTENT TO ACQUIRE PROPERTY FOR RIGHT OF WAY PURPOSES, AND IT DOES NOT REPRESENT AN ACTUAL BOUNDARY SURVEY OF THIS PROPERTY.

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION	
RIGHT OF WAY BRANCH	
CITY OF SHELBY	06-28-2024
PARCEL # 004	X:\Municipal\GIS\SHELBY\SHELBY
DR 14S PG 46I	UNKNOWN SCALE

PE Left	SQR FT	ACRES		SQR M	HECTARES	
	1288.351	00.30		119.692	0.012	
FROM - TO	DISTANCE (FT/M)		BEARING	RADIUS (FT/M)	CURVE LENGTH (FT/M)	
-L- PC 18+189.45 - 9	32.091	9.781	N 58°12'42.0" E			
9 - 8	12.889	3.929	N 86°1'13.6" W			
8 - 7	10.840	3.304	S 41°18'17.8" W			
7 - 6	56.982	17.368	S 41°1'21.8" W			
6 - 5	26.322	8.023	S 41°3'16.4" W			
5 - 4	5.195	1.584	S 41°3'16.4" W			
4 - 10	13.016	3.967	S 85°57'2.1" E			
10 - 9	99.377	30.290	N 41°1'46.0" E			

TCE Left	SQR FT	ACRES		SQR M	HECTARES	
	747.560	0.017		69.451	0.007	
FROM - TO	DISTANCE (FT/M)		BEARING	RADIUS (FT/M)	CURVE LENGTH (FT/M)	
-L- PC 18+189.45 - 11	37.998	11.582	N 64°22'41.2" E			
11 - 9	7.000	2.134	N 86°1'13.6" W			
9 - 10	99.377	30.290	S 41°1'46.0" W			
10 - 12	8.043	2.452	S 85°57'2.1" E			
12 - 11	98.401	30.297	N 3°35'41.1" E			

TYPE	COUNT	SQR FEET	ACRES
Parcel	1	19995.187	0.459
PE Left	1	1288.351	0.030
TCE Left	1	747.560	0.017
ROW Left	0	0.000	0.000
ROW Right	0	0.000	0.000
PDE Left	0	0.000	0.000
PDE Right	0	0.000	0.000
TDE Left	0	0.000	0.000
TDE Right	0	0.000	0.000
TCE Right	0	0.000	0.000
PUE Left	0	0.000	0.000
PUE Right	0	0.000	0.000
TSE Left	0	0.000	0.000
TSE Right	0	0.000	0.000
DUE Left	0	0.000	0.000
DUE Right	0	0.000	0.000
DTE Left	0	0.000	0.000
DTE Right	0	0.000	0.000
AUE Left	0	0.000	0.000
AUE Right	0	0.000	0.000
PCE Left	0	0.000	0.000
PCE Right	0	0.000	0.000
TUE Left	0	0.000	0.000
TUE Right	0	0.000	0.000
REM Left	0	0.000	0.000
REM Right	0	0.000	0.000
Other Left	0	0.000	0.000
Other Right	0	0.000	0.000
PE Right	0	0.000	0.000

THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS. THE PROPERTY SHOWN ON THIS MAP WAS LOCATED FOR THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR HIGHWAY DESIGN PURPOSES. SOME ERROR MAY EXIST BETWEEN THE GRAPHICAL AND ACTUAL SURVEY LOCATIONS OF PROPERTY LINES. THIS MAP IS TO BE USED AS A GRAPHICAL REPRESENTATION OF THE RECORD'S INTENT TO ACQUIRE PROPERTY FOR RIGHT OF WAY PURPOSES, AND IN NO WAY REPRESENTS AN ACTUAL BOUNDARY SURVEY OF THE PROPERTY.

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION	
RIGHT OF WAY BRANCH	
CITY OF SHELBY	06-28-2024
PARCEL * 004	X:\Municipal\lites\Sbelby\Stelb
DB 145 PG 461	UNKNOWN SCALE





Permanent Easement

Parcel 28706

Permanent Easement

This map is not a certified survey and has not been reviewed by a local government agency for compliance with any applicable land development regulations. The property shown on this map was located for the North Carolina Department of Transportation for certain project purposes. Some errors may exist between the graphic and actual ground locations of property lines. This map is to be used as a general representation of the project and is not intended to represent the right of way purposes and does not represent an actual boundary survey of the property.

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION		40
RIGHT OF WAY BRANCH		
CITY OF SHELBY	06-28-2024	
PARCEL # 006	X:\Municipalities\Shelby\Shelby	
DB 1804 PG 1432	UNKNOWN SCALE	

# RIGHT OF WAY CLAIM REPORT

TIP/PARCEL NO. EB-6037A 006 WBS ELEMENT 48854.3.4 COUNTY Cleveland

CLAIM OF City of Shelby PLAN SHEET 4 & 5

1. Land Area to be Acquired (Payment per square foot/acre supported by recent land sales on file.)

RIGHT OF WAY	R/W	_____	AC	X	\$ _____	=	\$ _____	®	_____
PERM Drainage Easement	PDE	_____	AC	X	\$ _____	=	\$ _____	®	_____
PERM Utility Easement	PUE	_____	AC	X	\$ _____	=	\$ _____	®	_____
PERM Drainage/Utility Ease	DUE	_____	AC	X	\$ _____	=	\$ _____	®	_____
PERM Aerial Utility Easement	AUE	_____	AC	X	\$ _____	=	\$ _____	®	_____
PERM Construction Easement	PCE	_____	AC	X	\$ _____	=	\$ _____	®	_____
TEMP Construction Easement	TCE	_____	AC	X	\$ <u>45,500.00x30%</u>	=	\$ _____	®	_____
TEMP Drainage Easement	TDE	_____	AC	X	\$ _____	=	\$ _____	®	_____
TEMP Utility Easement	TUE	_____	AC	X	\$ _____	=	\$ _____	®	_____
OTHER <u>PERMANENT EASEMENT</u>	PE	<u>0.180</u>	AC	X	\$ <u>45,500.00x90%</u>	=	\$ <u>7,371.00</u>	®	<u>7,375.00</u>
<b>LAND TOTAL</b>								\$	<u>7,375.00</u>

2. Payment for improvement(s) to be acquired. Material and labor costs documented in the State's files.

N/A	\$	<u>0.00</u>		
_____	\$	_____		
_____	\$	_____		
_____	\$	_____		
<b>IMPROVEMENTS TOTAL</b>				\$ <u>0.00</u>

3. Cost to Cure (Curable items only)

N/A				
<b>COST TO CURE TOTAL</b>				\$ <u>N/A</u>
<b>GRAND TOTAL</b>				\$ <u>7,375.00</u>

Comments: Land values based on a recent sale of property in the project vicinity. I feel this sale represents and supports land values of \$25,500 / 0.560 ac.= \$45,536 - \$45,500® per acre along this project. Sale Recorded in Deed Book 1887 Page 2712 in the Cleveland County Register of Deeds. Comp information will be retained in subject file.

Certificate of Preparer and Approver: I hereby certify that I am familiar with the property which is the subject of this estimate; that this estimate is based on data contained in the files of the agency and that I have no direct or indirect, present or contemplated future personal interest in this property or in any benefit from the acquisition of this property. **If the total of this estimate is over \$15,000, (1) this estimate must be prepared by someone other than the negotiating agent and (2) the owner must be advised of his/her right to have their property appraised.**

Preparer Signature:  **David Roberts**  
**Consultant Project Manager** Date 08/21/24

NCDOT Approval Signature: \_\_\_\_\_ Date \_\_\_\_\_

TEMPORARY EASEMENT TOTAL \$ 0.00 PERMANENT EASEMENT TOTAL \$ 7,375.00



PROPERTY OWNER ACKNOWLEDGMENT OF THE TERMS FOR THE VOLUNTARY  
DONATION OF PROPERTY TO THE CITY OF SHELBY

The undersigned property owner (“Owner”) and/or the undersigned Owner’s legal representative freely acknowledge their desire and willingness to voluntarily transfer their ownership of privately owned real property to the City of Shelby for the benefit of the above sited public Greenway or Rail Trail Project without receipt of just compensation. It is further agreed and acknowledged by the undersigned Owner and/or Owner’s legal representative that Owner and/or Owner’s legal representative has been advised that of the right to have an appraisal made on the property to determine just compensation and the Owner releases the City from this obligation and waives any compensation in exchange for the donation of property as right of way in full settlement of Owner’s claim. The purpose of this document is to ensure compliance under Title 23 of the United States Code of Federal Regulations (CFR), Subchapter H (Right-of-Way and Environment) and its subparts.

\_\_\_\_\_  
(Seal)

\_\_\_\_\_  
(Seal)

**City of Shelby, A North Carolina Municipality**

By: \_\_\_\_\_  
Rick Howell, City Manager

STATE OF NORTH CAROLINA  
COUNTY OF CLEVELAND

I, \_\_\_\_\_, a Notary Public of Cleveland Conty, North Carolina, do here by certify that \_\_\_\_\_, Grantor (Owner or authorized representative) of \_\_\_\_\_, personally came before me this day and acknowledged the due execution of the foregoing instrument on behalf of the company.

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

(SEAL)

STATE OF NORTH CAROLINA  
COUNTY OF CLEVELAND

I, \_\_\_\_\_, a Notary Public of Cleveland County, North Carolina, do hereby certify that Rick Howell personally came before me this day and acknowledged that he is the City Manager of City of Shelby, a North Carolina Municipality, and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Notary Public: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

**ACCEPTANCE**

Accepted by City of Shelby for and on behalf of the City of Shelby, North Carolina, this \_\_\_\_\_ day of \_\_\_\_\_,

The City of Shelby, a North Carolina Municipal Corporation

ATTEST:

(SEAL)

\_\_\_\_\_  
Rick Howell, City Manager

STATE OF NORTH CAROLINA  
COUNTY OF CLEVELAND

I, \_\_\_\_\_, a Notary Public of Cleveland Conty, North Carolina, certify that Rick Howell personally came before me this day and acknowledged that she is City Clerk for the City of Shelby, a North Carolina municipal corporation, and that by authority duly given and as the act of the City Council of the City of Shelby, the foregoing instrument was signed in its name and by its City Manager, sealed with its corporate seal and attested by her as its City Clerk.

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

(SEAL)

Prepared by/ Return to:  
Jason Lunsford, City Attorney  
City of Shelby  
300 South Washington Street  
Shelby, NC 28150

STATE OF NORTH CAROLINA  
CLEVELAND COUNTY

**EASEMENT  
(Deed of Easement)**

This Easement, made this \_\_\_\_ day of \_\_\_\_\_, 2024, between City of Shelby, a municipal corporation duly organized and existing under the laws of the State of North Carolina, having a mailing address of 300 South Washington Street Shelby, NC 28150, (“Grantee,”) and City of Shelby, “Grantor” or “Owner,” heirs, successors, and assigns and shall include the singular, plural, masculine, feminine, or neuter as required by context.

**WITNESSETH:**

**WHEREAS**, said Grantor acknowledges it is the fee simple owner of that certain tract of land, further defined herein, and described in Deed Book 1804 Page 1432, within the Cleveland County Register of Deeds and has agreed to grant Grantee and Grantee accepts a permanent and temporary easement over the property for the purposes stated herein.

**NOW THEREFORE**, said Grantee paid to the Grantor the sum of \_\_\_\_\_, receipt of which is hereby acknowledged, and in consideration of the foregoing mutual covenants and other valuable consideration, the parties hereby agree as follows:

**Grant:**

Grantor hereby does bargain, sell, and convey to Grantee, its successors and assigns, and Grantee does hereby accept for public use a temporary construction easement over the easement premises, and more particularly described as follows:

**Legal Description:**

Address: S Morgan St.

PID: 28706

From Deed Book 1084 Page 1432

ALL THAT piece or parcel of land situate, lying and being in the City of Shelby, County of Cleveland, State of North Carolina, and being more particularly described as follows, to wit:

That property located at 328 South Market Street Shelby, NC 28150.

For metes and bounds descriptions see the following deed of record, which is incorporated herein by reference, and the accompanying plans listed as "Rails to Trails Project South Section City of Shelby, Cleveland County North Carolina" and prepared by the Timmons Group, Book 1804, Page 1432, within the Cleveland County Registry.

Attached under Exhibit A and incorporated herein by reference is a map depicting the affected area of the above described property for which this easement is located.

**Purpose:**

The City of Shelby is constructing a Greenway and requires a permanent and temporary construction easement to improve an existing right of way together with the attendant customary uses.

**Release:**

Owner hereby releases Grantee from all claims or rights of action now or hereafter accrued by Grantor, its heirs, successors, or assigns due to injuries to any part of the easement premises or improvements thereon, resulting from City's activities pursuant to this Agreement.

**Binding Effect:**

All rights, title, and privileges herein granted and all benefits and burdens made part of this Agreement shall run with the land and shall be binding upon and inure to the heirs, successors, and assigns of each record owner of a tract.

## **A Permanent and Temporary Construction Easement**

The Grantor acknowledges that the Grantee (the City of Shelby) is obtaining this easement(s) for the purpose of improving a public street and future rail trail located within the City of Shelby and specifically grants unto the Grantee or its agents the right to enter onto and make improvements on the aforesaid property according to such plans and specifications, as will, the Grantee's opinion, best serve the public purpose, including, but not limited to, the right of removing any obstruction interfering with the construction, maintenance, installation, repair, or enlarging of a public street, including the installation of drainage, and erosion control structures on the Grantor's property, as described above.

Nothing herein contained shall be construed as authorizing the Grantee, its successors or assigns to injure, damage, or remove any structure upon the lands of the Grantor adjacent to the above described easements, except as follows:

This easement is related to construction of the Carolina Harmony Trail, roadway, drainage, sidewalk, landscape, and other associated improvements and shall be permanent.

The consideration set forth in this document shall be considered full compensation for the property, and for any diminution in value that may result to the remaining property by virtue of proximity to the project, such as: grade alignment, utility installation, or the alteration of drainage patterns and facilities.

Should one or more of the Grantors be natural persons not joined by their respective spouse, it is conclusively presumed that the land conveyed is not the residence or business homestead of such Grantor. Should one or more of the Grantors be a legal entity other than a natural person, it shall be conclusively presumed that the person signing on behalf of that party has been duly and legally authorized to so sign and there shall be no necessity for a seal or attestation.

**TO HAVE AND TO HOLD** the aforesaid lots, tracts, or parcels of land and all privileges and appurtenances belonging thereto, unto the City of, its successors and assigns for street, highway, and roadway purposes forever and the Grantor is hereby bound together with all heirs, executors, administrators, or successors to warrant and forever defend the easements granted herein unto the City of Shelby, or its successors and assigns against the lawful claims of any person against this easement or any part thereof.

In testimony whereof, the said Grantors have hereunto set their hands and seal, this the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Grantor

STATE OF NORTH CAROLINA  
COUNTY OF CLEVELAND

I, \_\_\_\_\_, a Notary Public of Cleveland Conty, North Carolina, do here by certify that \_\_\_\_\_, Grantor (Owner or authorized representative) of \_\_\_\_\_, personally came before me this day and acknowledged the due execution of the foregoing instrument on behalf of the company.

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

(SEAL)

CITY OF SHELBY,  
A MUNICIPAL CORPORATION

**Acceptance of Easement and Agreement**

By: \_\_\_\_\_  
Rick Howell, City Manager

ATTEST:

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

(SEAL)

STATE OF NORTH CAROLINA  
COUNTY OF CLEVELAND

I, \_\_\_\_\_, a Notary Public of Cleveland County, North Carolina, do hereby certify that Carol Williams personally came before me this day and acknowledged that she the City Clerk for the City of Shelby, a North Carolina municipal corporation, and that by authority duly given and as the act of the City Council of the City of Shelby, the foregoing instrument was signed in its name and by its City Manager, sealed with its corporate seal and attested by her as its City Clerk.

Witness my hand and Notarial stamp or seal, this the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

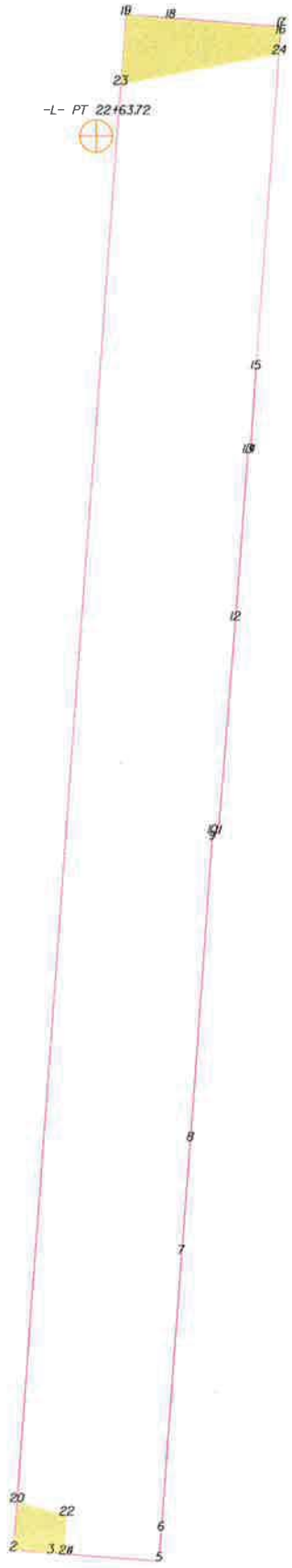
Notary Public: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

(SEAL)



## Exhibit A



THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATION. THE PROPERTY SHOWN ON THIS MAP WAS LOCATED FOR THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR HIGHWAY DESIGN PURPOSES. SOME ERRORS MAY EXIST BETWEEN THE GRAPHICAL AND ACTUAL GROUND LOCATIONS OF PROPERTY LINES. THIS MAP IS TO BE USED AS A GRAPHICAL REPRESENTATION OF THE NCDOT'S INTENT TO ACQUIRE PROPERTY FOR RIGHT OF WAY PURPOSES, AND IN NO WAY REPRESENTS AN ACTUAL BOUNDARY SURVEY OF THE PROPERTY.

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION	
RIGHT OF WAY BRANCH	
CITY OF SHELBY	06-28-2024
PARCEL # 006	X:\Municipal\GIS\Shelby\Shelb
DB 1804 PG 1432	UNKNOWN SCALE

PE Left	SQR FT 1760.187	ACRES 0.040	SQR M 163.521	HECTARES 0.016	
FROM - TO	DISTANCE (FT/M)		BEARING	RADIUS (FT/M)	CURVE LENGTH (FT/M)
-L- PT 22+63.72 - 20	1216.972	370.934	S 3°23'47.2" W		
20 - 2	43.316	13.203	S 4°16'20.6" W		
2 - 3	33.337	10.161	S 85°47'24.5" E		
3 - 21	11.983	3.652	S 85°47'24.5" E		
21 - 22	34.691	10.574	N 3°42'23.1" E		
22 - 20	45.788	13.956	N 7°55'54.2" W		

PE Left	SQR FT 6103.692	ACRES 0.140	SQR M 567.054	HECTARES 0.057	
FROM - TO	DISTANCE (FT/M)		BEARING	RADIUS (FT/M)	CURVE LENGTH (FT/M)
-L- PT 22+63.72 - 16	189.446	57.743	N 60°56'35.8" E		
16 - 17	6.014	1.833	N 4°22'53.7" E		
17 - 18	99.616	30.363	N 85°33'58.6" W		
18 - 19	40.000	12.392	N 85°33'39.8" W		
19 - 1	0.079	0.024	N 88°37'26.1" W		
1 - 23	62.927	19.180	S 4°16'20.6" W		
23 - 24	1447.40	44.117	N 79°144.7" E		
24 - 16	18.465	5.628	N 4°22'53.7" E		

TYPE	COUNT	SQR FEET	ACRES
Parcel	1	18,3906,345	4,222
PE Left	2	786,3,878	0,181
ROW Left	0	0,000	0,000
ROW Right	0	0,000	0,000
PDE Left	0	0,000	0,000
PDE Right	0	0,000	0,000
TDE Left	0	0,000	0,000
TDE Right	0	0,000	0,000
TCE Left	0	0,000	0,000
TCE Right	0	0,000	0,000
PUE Left	0	0,000	0,000
PUE Right	0	0,000	0,000
TSE Left	0	0,000	0,000
TSE Right	0	0,000	0,000
DUE Left	0	0,000	0,000
DUE Right	0	0,000	0,000
DTE Left	0	0,000	0,000
DTE Right	0	0,000	0,000
AUE Left	0	0,000	0,000
AUE Right	0	0,000	0,000
PCE Left	0	0,000	0,000
PCE Right	0	0,000	0,000
TUE Left	0	0,000	0,000
TUE Right	0	0,000	0,000
REM Left	0	0,000	0,000
REM Right	0	0,000	0,000
Other Left	0	0,000	0,000
Other Right	0	0,000	0,000
PE Right	0	0,000	0,000

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NORTH CAROLINA DEPARTMENT OF TRANSPORTATION	
RIGHT OF WAY BRANCH	
CITY OF SHELBY	06-28-2024
PARCEL # 006	X:\Munic\pallinas\Shelby\Shelb
DB 1804 PG 1432	UNKNOWN SCALE



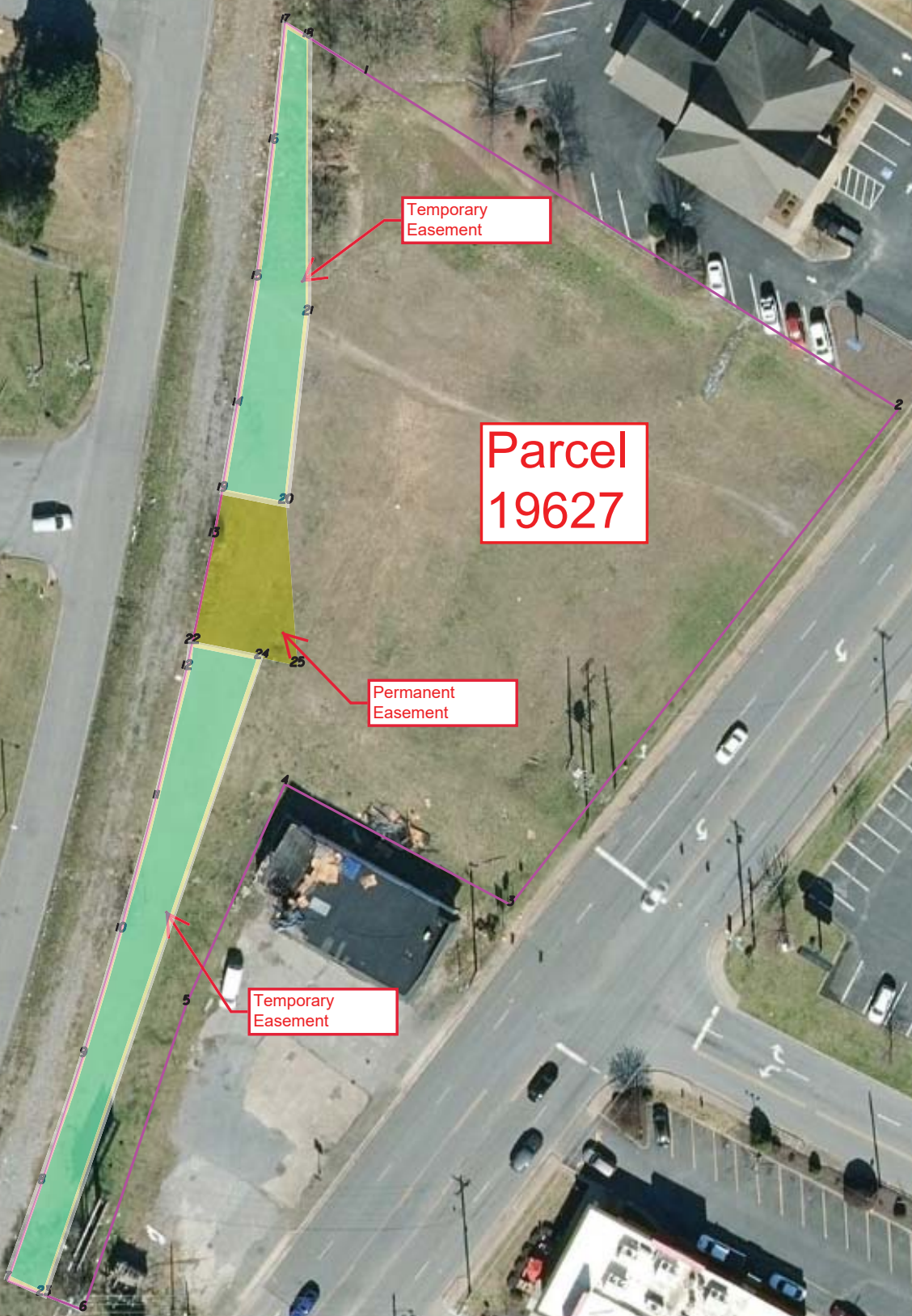
**Parcel  
19627**

Temporary  
Easement

Permanent  
Easement

Temporary  
Easement

L- PT 58+57.11



THIS MAP IS NOT TO BE USED FOR ANY PURPOSE AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT FOR COMPLIANCE WITH ANY APPLICABLE LAND USE REGULATIONS. THE PROPERTY SHOWN ON THIS MAP HAS BEEN LOCATED BY THE COUNTY DEPARTMENT OF TRANSPORTATION FOR PURPOSES OF THE STATE HIGHWAY SYSTEM. THE LOCATION OF PROPERTY LINES, THE MAP IS TO BE REPRESENTATION OF THE COUNTY'S BEST INFORMATION AT THE TIME OF THE PREPARATION OF THIS MAP. THE COUNTY REPRESENTS NO WARRANTY OF ANY KIND, INCLUDING BUT NOT LIMITED TO, THE ACCURACY OF THE INFORMATION SHOWN ON THIS MAP.



# RIGHT OF WAY CLAIM REPORT

TIP/PARCEL NO. EB-6037A 010 WBS ELEMENT 48854.3.4 COUNTY Cleveland

CLAIM OF City of Shelby PLAN SHEET 7

1. Land Area to be Acquired (Payment per square foot/acre supported by recent land sales on file.)

RIGHT OF WAY	R/W	<u>        </u>	AC	X	\$ <u>        </u>	= \$ <u>        </u>	® <u>        </u>	
PERM Drainage Easement	PDE	<u>        </u>	AC	X	\$ <u>        </u>	= \$ <u>        </u>	® <u>        </u>	
PERM Utility Easement	PUE	<u>        </u>	AC	X	\$ <u>        </u>	= \$ <u>        </u>	® <u>        </u>	
PERM Drainage/Utility Ease	DUE	<u>        </u>	AC	X	\$ <u>        </u>	= \$ <u>        </u>	® <u>        </u>	
PERM Aerial Utility Easement	AUE	<u>        </u>	AC	X	\$ <u>        </u>	= \$ <u>        </u>	® <u>        </u>	
PERM Construction Easement	PCE	<u>        </u>	AC	X	\$ <u>        </u>	= \$ <u>        </u>	® <u>        </u>	
TEMP Construction Easement	TCE	<u>0.206</u>	AC	X	\$ <u>45,500.00x30%</u>	= \$ <u>2,811.90</u>	® <u>2,825.00</u>	
TEMP Drainage Easement	TDE	<u>        </u>	AC	X	\$ <u>        </u>	= \$ <u>        </u>	® <u>        </u>	
TEMP Utility Easement	TUE	<u>        </u>	AC	X	\$ <u>        </u>	= \$ <u>        </u>	® <u>        </u>	
OTHER <u>PERMANENT EASEMENT</u>	PE	<u>0.051</u>	AC	X	\$ <u>45,500.00x90%</u>	= \$ <u>2,088.45</u>	® <u>2,100.00</u>	
<b>LAND TOTAL</b>							<b>\$</b>	<u>4,925.00</u>

2. Payment for improvement(s) to be acquired. Material and labor costs documented in the State's files.

<u>Landscaping</u>	\$	<u>350.00</u>
<u>        </u>	\$	<u>        </u>
<u>        </u>	\$	<u>        </u>
<b>IMPROVEMENTS TOTAL</b>		<b>\$</b> <u>350.00</u>

3. Cost to Cure (Curable items only)

<u>N/A</u>	<b>COST TO CURE TOTAL</b>	<b>\$</b> <u>N/A</u>
<b>GRAND TOTAL</b>		<b>\$</b> <u>5,275.00</u>

Comments: Land values based on a recent sale of property in the project vicinity. I feel this sale represents and supports land values of \$25,500 / 0.560 ac.= \$45,536 - \$45,500® per acre along this project. Sale Recorded in Deed Book 1887 Page 2712 in the Cleveland County Register of Deeds. Comp information will be retained in subject file.

Certificate of Preparer and Approver: I hereby certify that I am familiar with the property which is the subject of this estimate; that this estimate is based on data contained in the files of the agency and that I have no direct or indirect, present or contemplated future personal interest in this property or in any benefit from the acquisition of this property. **If the total of this estimate is over \$15,000, (1) this estimate must be prepared by someone other than the negotiating agent and (2) the owner must be advised of his/her right to have their property appraised.**

Preparer Signature:  **David Roberts**  
**Consultant Project Manager** Date 08/21/24

NCDOT Approval Signature: \_\_\_\_\_ Date \_\_\_\_\_

TEMPORARY EASEMENT TOTAL \$ 2,825.00 PERMANENT EASEMENT TOTAL \$ 2,100.00

PROPERTY OWNER ACKNOWLEDGMENT OF THE TERMS FOR THE VOLUNTARY  
DONATION OF PROPERTY TO THE CITY OF SHELBY

The undersigned property owner (“Owner”) and/or the undersigned Owner’s legal representative freely acknowledge their desire and willingness to voluntarily transfer their ownership of privately owned real property to the City of Shelby for the benefit of the above sited public Greenway or Rail Trail Project without receipt of just compensation. It is further agreed and acknowledged by the undersigned Owner and/or Owner’s legal representative that Owner and/or Owner’s legal representative has been advised that of the right to have an appraisal made on the property to determine just compensation and the Owner releases the City from this obligation and waives any compensation in exchange for the donation of property as right of way in full settlement of Owner’s claim. The purpose of this document is to ensure compliance under Title 23 of the United States Code of Federal Regulations (CFR), Subchapter H (Right-of-Way and Environment) and its subparts.

\_\_\_\_\_  
(Seal)

\_\_\_\_\_  
(Seal)

**City of Shelby, A North Carolina Municipality**

By: \_\_\_\_\_  
Rick Howell, City Manager

STATE OF NORTH CAROLINA  
COUNTY OF CLEVELAND

I, \_\_\_\_\_, a Notary Public of Cleveland Conty, North Carolina, do here by certify that \_\_\_\_\_, Grantor (Owner or authorized representative) of \_\_\_\_\_, personally came before me this day and acknowledged the due execution of the foregoing instrument on behalf of the company.

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

(SEAL)

STATE OF NORTH CAROLINA  
COUNTY OF CLEVELAND

I, \_\_\_\_\_, a Notary Public of Cleveland County, North Carolina, do hereby certify that Rick Howell personally came before me this day and acknowledged that he is the City Manager of City of Shelby, a North Carolina Municipality, and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Notary Public: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

**ACCEPTANCE**

Accepted by City of Shelby for and on behalf of the City of Shelby, North Carolina, this \_\_\_\_\_ day of \_\_\_\_\_,

The City of Shelby, a North Carolina Municipal Corporation

ATTEST:

(SEAL)

\_\_\_\_\_  
Rick Howell, City Manager

STATE OF NORTH CAROLINA  
COUNTY OF CLEVELAND

I, \_\_\_\_\_, a Notary Public of Cleveland Conty, North Carolina, certify that Rick Howell personally came before me this day and acknowledged that she is City Clerk for the City of Shelby, a North Carolina municipal corporation, and that by authority duly given and as the act of the City Council of the City of Shelby, the foregoing instrument was signed in its name and by its City Manager, sealed with its corporate seal and attested by her as its City Clerk.

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

(SEAL)



Prepared by/ Return to:  
Jason Lunsford, City Attorney  
City of Shelby  
300 South Washington Street  
Shelby, NC 28150

STATE OF NORTH CAROLINA  
CLEVELAND COUNTY

**EASEMENT  
(Deed of Easement)**

This Easement, made this \_\_\_\_ day of \_\_\_\_\_, 2024, between City of Shelby, a municipal corporation duly organized and existing under the laws of the State of North Carolina, having a mailing address of 300 South Washington Street Shelby, NC 28150, (“Grantee,”) and City of Shelby, “Grantor” or “Owner,” heirs, successors, and assigns and shall include the singular, plural, masculine, feminine, or neuter as required by context.

**WITNESSETH:**

**WHEREAS**, said Grantor acknowledges it is the fee simple owner of that certain tract of land, further defined herein, and described in Deed Book 1804 Page 1432, within the Cleveland County Register of Deeds and has agreed to grant Grantee and Grantee accepts a permanent and temporary easement over the property for the purposes stated herein.

**NOW THEREFORE**, said Grantee paid to the Grantor the sum of \_\_\_\_\_, receipt of which is hereby acknowledged, and in consideration of the foregoing mutual covenants and other valuable consideration, the parties hereby agree as follows:

**Grant:**

Grantor hereby does bargain, sell, and convey to Grantee, its successors and assigns, and Grantee does hereby accept for public use a permanent and temporary construction easement over the easement premises, and more particularly described as follows:

**Legal Description:**

Address: S. Lafayette St.

PID: 19627

From Deed Book 1804 Page 1432

ALL THAT piece or parcel of land situate, lying and being in the City of Shelby, County of Cleveland, State of North Carolina, and being more particularly described as follows, to wit:

For metes and bounds descriptions see the following deed of record, which is incorporated herein by reference, and the accompanying plans listed as "Rails to Trails Project South Section City of Shelby, Cleveland County North Carolina" and prepared by the Timmons Group, Book 1804, Page 1432, within the Cleveland County Registry.

Attached under Exhibit A and incorporated herein by reference is a map depicting the affected area of the above described property for which this easement is located.

**Purpose:**

The City of Shelby is constructing a Greenway and requires a permanent and temporary construction easement to improve an existing right of way together with the attendant customary uses.

**Release:**

Owner hereby releases Grantee from all claims or rights of action now or hereafter accrued by Grantor, its heirs, successors, or assigns due to injuries to any part of the easement premises or improvements thereon, resulting from City's activities pursuant to this Agreement.

**Binding Effect:**

All rights, title, and privileges herein granted and all benefits and burdens made part of this Agreement shall run with the land and shall be binding upon and inure to the heirs, successors, and assigns of each record owner of a tract.

### **A Permanent and Temporary Construction Easement**

The Grantor acknowledges that the Grantee (the City of Shelby) is obtaining this easement(s) for the purpose of improving a public street and future rail trail located within the City of Shelby and specifically grants unto the Grantee or its agents the right to enter onto and make improvements on the aforesaid property according to such plans and specifications, as will, the Grantee's opinion, best serve the public purpose, including, but not limited to, the right of removing any obstruction interfering with the construction, maintenance, installation, repair, or enlarging of a public street, including the installation of drainage, and erosion control structures on the Grantor's property, as described above.

Nothing herein contained shall be construed as authorizing the Grantee, its successors or assigns to injure, damage, or remove any structure upon the lands of the Grantor adjacent to the above described easements, except as follows:

This easement is related to construction of the Carolina Harmony Trail, roadway, drainage, sidewalk, landscape, and other associated improvements and shall be permanent.

The consideration set forth in this document shall be considered full compensation for the property, and for any diminution in value that may result to the remaining property by virtue of proximity to the project, such as: grade alignment, utility installation, or the alteration of drainage patterns and facilities.

Should one or more of the Grantors be natural persons not joined by their respective spouse, it is conclusively presumed that the land conveyed is not the residence or business homestead of such Grantor. Should one or more of the Grantors be a legal entity other than a natural person, it shall be conclusively presumed that the person signing on behalf of that party has been duly and legally authorized to so sign and there shall be no necessity for a seal or attestation.

**TO HAVE AND TO HOLD** the aforesaid lots, tracts, or parcels of land and all privileges and appurtenances belonging thereto, unto the City of, its successors and assigns for street, highway, and roadway purposes forever or until such time that the above mentioned conditions of termination are met and the Grantor is hereby bound together with all heirs, executors, administrators, or successors to warrant and forever defend the easements granted herein unto the City of Shelby, or its successors and assigns against the lawful claims of any person against this easement or any part thereof.

In testimony whereof, the said Grantors have hereunto set their hands and seal, this the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Grantor

STATE OF NORTH CAROLINA  
COUNTY OF CLEVELAND

I, \_\_\_\_\_, a Notary Public of Cleveland Conty, North Carolina, do here by certify that \_\_\_\_\_, Grantor (Owner or authorized representative) of \_\_\_\_\_, personally came before me this day and acknowledged the due execution of the foregoing instrument on behalf of the company.

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

(SEAL)

CITY OF SHELBY,  
A MUNICIPAL CORPORATION

**Acceptance of Easement and Agreement**

By: \_\_\_\_\_  
Rick Howell, City Manager

ATTEST:

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

(SEAL)

STATE OF NORTH CAROLINA  
COUNTY OF CLEVELAND

I, \_\_\_\_\_, a Notary Public of Cleveland County, North Carolina, do hereby certify that Carol Williams personally came before me this day and acknowledged that she the City Clerk for the City of Shelby, a North Carolina municipal corporation, and that by authority duly given and as the act of the City Council of the City of Shelby, the foregoing instrument was signed in its name and by its City Manager, sealed with its corporate seal and attested by her as its City Clerk.

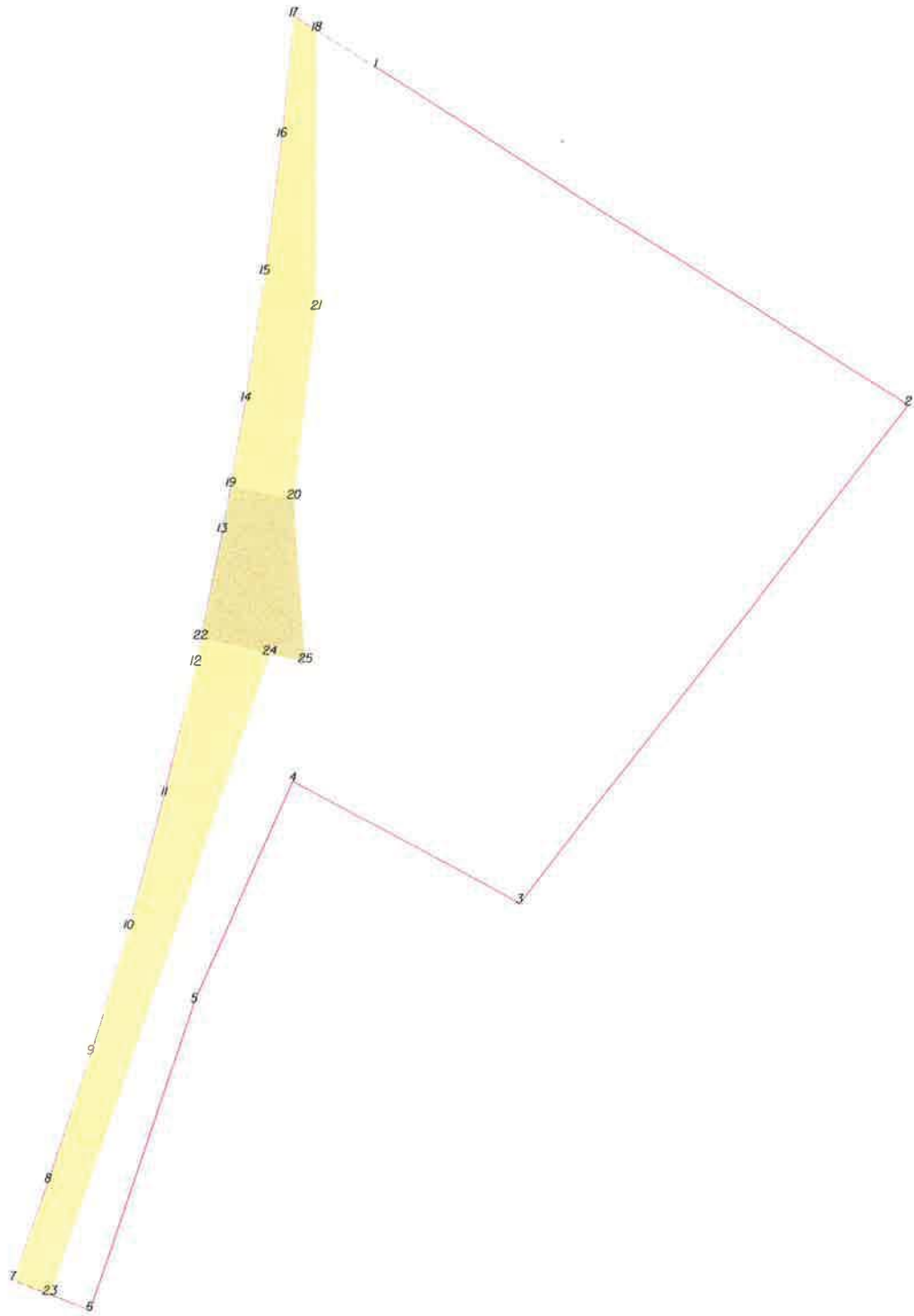
Witness my hand and Notarial stamp or seal, this the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Notary Public: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

(SEAL)

## **Exhibit A**



-L- PT 58+57.11  


THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS. THE PROPERTY SHOWN ON THIS MAP WAS LOCATED FOR THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR HIGHWAY DESIGN PURPOSES. SOME ERRORS MAY EXIST BETWEEN THE GRAPHICAL AND ACTUAL GROUND LOCATIONS OF PROPERTY LINES. THIS MAP IS TO BE USED AS A GRAPHICAL REPRESENTATION OF THE AGENT'S INTENT TO ACQUIRE PROPERTY FOR RIGHT OF WAY PURPOSES, AND IN NO WAY REPRESENTS AN ACTUAL BOUNDARY SURVEY OF THE PROPERTY.

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION	
RIGHT OF WAY BRANCH	
CITY OF SHELBY DB 1804 PG 1432-PB 42 PG 100	06-29-2024
PARCEL # 010	X:\Municipal\files\Shelby\Shelb
	UNKNOWN SCALE

	SQR FT	ACRES	SQR M	HECTARES
TCE Left	368.833	0.085	342.055	0.034
FROM - TO		DISTANCE (FT/M)	BEARING	RADIUS (FT/M)
-L- PT 58+57.11 - 18		50.164 152.755	N 18°24'30.3" E	
18 - 17		10.978 3.346	N 57°50'15.0" W	
17 - 16		49.143 14.979	S 54°36.7" W	
16 - 15		56.249 17.145	S 7°2'3.4" W	
15 - 14		52.310 15.944	S 8°34'51.3" W	
14 - 19		35.265 10.749	S 10°9'39.5" W	
19 - 20		26.451 8.062	S 79°19'27.1" E	
20 - 21		77.565 23.642	N 6°40'34.6" E	
21 - 18		113.179 34.497	N 0°2'11.9" E	

	SQR FT	ACRES	SQR M	HECTARES
TCE Left	5276.204	0.121	490.177	0.049
FROM - TO		DISTANCE (FT/M)	BEARING	RADIUS (FT/M)
-L- PT 58+57.11 - 22		253.624 77.305	N 25°56'22.3" E	
22 - 12		10.836 3.303	S 17°33'45.1" W	
12 - 11		54.510 16.615	S 13°20'21.5" W	
11 - 10		56.191 17.127	S 14°55'58.8" W	
10 - 9		53.169 16.206	S 16°40'37.2" W	
9 - 8		54.627 16.650	S 18°9'56.1" W	
8 - 7		42.181 12.857	S 19°9'54.5" W	
7 - 23		15.740 4.798	S 68°31'27.1" E	
23 - 24		27.4997 83.819	N 18°53'38.7" E	
24 - 22		29.005 8.841	N 77°37'57.4" W	

	SQR FT	ACRES	SQR M	HECTARES
PE Left	2237.227	0.051	207.846	0.021
FROM - TO		DISTANCE (FT/M)	BEARING	RADIUS (FT/M)
-L- PT 58+57.11 - 19		315.261 96.092	N 22°59'57.1" E	
19 - 13		18.958 5.778	S 10°9'39.5" W	
13 - 22		44.368 13.523	S 17°33'45.1" W	
22 - 25		44.005 13.413	S 77°37'57.4" E	
25 - 20		66.822 20.367	N 4°4'42.9" W	
20 - 19		26.451 8.062	N 79°19'27.1" W	

TYPE	COUNT	SQR FEET	ACRES
Parcel	1	66996.493	1.538
TCE Left	2	8958.037	0.206
PE Left	1	2237.227	0.051
ROW Left	0	0.000	0.000
ROW Right	0	0.000	0.000
PDE Left	0	0.000	0.000
PDE Right	0	0.000	0.000
TDE Left	0	0.000	0.000
TDE Right	0	0.000	0.000
TCE Right	0	0.000	0.000
PUE Left	0	0.000	0.000
PUE Right	0	0.000	0.000
TSE Left	0	0.000	0.000
TSE Right	0	0.000	0.000
DUE Left	0	0.000	0.000
DUE Right	0	0.000	0.000
DTE Left	0	0.000	0.000
DTE Right	0	0.000	0.000
AUE Left	0	0.000	0.000
AUE Right	0	0.000	0.000
PCE Left	0	0.000	0.000
PCE Right	0	0.000	0.000
TUE Left	0	0.000	0.000
TUE Right	0	0.000	0.000
REM Left	0	0.000	0.000
REM Right	0	0.000	0.000
Other Left	0	0.000	0.000
Other Right	0	0.000	0.000
PE Right	0	0.000	0.000

THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS. THE PROPERTY SHOWN ON THIS MAP WAS LOCATED FOR THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR HIGHWAY DESIGN PURPOSES. SOME ERROR MAY EXIST BETWEEN THE GRAPHICAL AND ACTUAL GROUND LOCATIONS OF PROPERTY LINES. THIS MAP IS TO BE USED AS A GRAPHICAL REPRESENTATION OF THE NCDOT'S INTENT TO ACQUIRE PROPERTY FOR RIGHT OF WAY PURPOSES, AND AS NO WAY REPRESENTS AN ACTUAL BOUNDARY SURVEY OF THE PROPERTY.

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION	
RIGHT OF WAY BRANCH	
CITY OF SHELBY DB 1804 PG 1432-PB 42 PG 130	06-29-2024
PARCEL # 010	X\Municipal\Hess\Shelby\Shelb
	UNKNOWN SCALE



**RESOLUTION NO. 65 – 2024**

**A RESOLUTION AUTHORIZING THE DONATION OF EASEMENTS FROM THREE (3) CITY OWNED PARCELS FOR CONSTRUCTION OF PHASE II OF THE CAROLINA HARMONY TRAIL PROJECT**

**WHEREAS**, the City of Shelby desires to design a project entitled the Carolina Harmony Trail Phase II, with the primary objectives being to complement ongoing and future community and economic development efforts in the City of Shelby; and,

**WHEREAS**, the Carolina Harmony Trail Phase II project consists of the construction of a greenway that would begin at Marion Street and follow the Norfolk Southern rail line corridor to the intersection of the rail corridor and South Dekalb Street; and,

**WHEREAS**, in Resolution No. 65-2019 the City authorized a contract with TGS Engineers to provide the Engineering Design Services needed for the design of the City of Shelby Carolina Harmony Trail Project; and,

**WHEREAS**, the City of Shelby and NCDOT have a reimbursement agreement that utilizes federal funding, and the Carolina Harmony Trail Project is required to follow NCDOT Project guidelines and review processes; and,

**WHEREAS**, NCDOT requires that right-of-way plans be prepared, and the associated right-of-way acquisitions must occur prior to approval and advertising of final design; and,

**WHEREAS**, the City of Shelby owns three (3) properties (Parcel 17126, 28706, and 19627) that require temporary and/or permanent easements for the Carolina Harmony Trail Phase II Project; and,

**WHEREAS**, The City of Shelby desires to donate the necessary easements from the three (3) aforementioned properties to the Carolina Harmony Trail Phase II Project rather than seeking compensation from itself.

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

Section 1. The City Council of the City of Shelby hereby donates the following easements to the Carolina Harmony Trail Phase II Project:

**Parcel 17126**

Temporary Easement: 0.412 Acres

Permanent Easement: 0.030 Acres

**Parcel 28706**

Permanent Easement: 0.180 Acres

**Parcel 19627**

Temporary Easement: 0.206 Acres

Permanent Easement: 0.051 Acres

Section 2. The City Manager and City Clerk are hereby authorized and directed to execute the applicable voluntary donation forms, easements, agreements and other documents associated with the necessary easements for this project.

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

Adopted and approved this the 4th day of November 2024.

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O. Stanhope Anthony III  
Mayor

ATTEST:

---

Carol Williams  
City Clerk

City of Shelby  
Agenda Item Summary  
November 4, 2024  
Don Gibson Theatre

Agenda Item: C-4

- 4) Adoption of an ordinance establishing a capital project ordinance and budgets for the City of Shelby's Storm Helene FEMA Grant Project: Ordinance No. 63-2024

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

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- Memorandum dated October 30, 2024, from Beth Beam, Director of Finance to Rick Howell, City Manager
- Ordinance No. 63-2024

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City Manager's Recommendation / Comments

Resolution No. 63-2024 is presented to City Council via the Consent Agenda as a routine and administrative matter. If approved this ordinance simply establishes a Project Budget Ordinance to account for expenditures and revenues associated with Hurricane Helene. It will allow the City to properly and systematically account for these expenses and revenues related to the storm for debris removal, emergency operations & repairs as well system repairs. The amounts reflected are our initial estimates of probable expenses and expected reimbursement from FEMA.

**It is my recommendation that Ordinance No. 63-2024 be adopted and approved by City Council via the Consent Agenda.**



To: Rick Howell, City Manager  
From: Beth B. Beam, Director of Finance  
Date: October 30, 2024  
Subject: Storm Helene FEMA Grant Project Budget Ordinance

Background:

The City of Shelby was affected by Hurricane Helene on September 30, 2024. A Federal Disaster was declared by the President which includes Cleveland County. FEMA reimbursement has been awarded in the amount of 100% of eligible expenses.

Review and Comments:

To properly and systematically account for expenses related to the storm for debris removal, emergency operations and repairs and system repairs, a Project Budget Ordinance is necessary.

Recommendation:

The recommendation from staff is to approve the attached project budget ordinance for the Hurricane Helene FEMA grant awarded.

ORDINANCE NO. 63-2024

AN ORDINANCE ESTABLISHING A CAPITAL PROJECT ORDINANCE AND BUDGETS FOR THE CITY OF SHELBY'S STORM HELENE FEMA GRANT PROJECT

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

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

WHEREAS, G.S. 159-13.2 provides that a City may undertake municipal facility renovation, by way of a capital project ordinance providing the necessary balanced budget and funding for the life of the project;

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

**Section 1:** This ordinance is to establish a budget for projects related to the Helene Hurricane Disaster Response ([FEMA Disaster 4827](#)) that will be reimbursed by the Federal Emergency Management Agency (FEMA) Public Assistance Program. Through its [Public Assistance Program](#) (PA), FEMA provides Federal grant assistance for debris removal, emergency protective measures, and the restoration of disaster-damaged, publicly owned facilities. Although FEMA typically covers 75% of the eligible costs, the federal government has increased the cost share in North Carolina for the Helene disaster to 100% for the first 180 days of the incident period. Expenses may be eligible for FEMA reimbursement in the following categories:

**Emergency Work**

Category A: Debris Removal -- Expenses related to clearing debris from public property, including roads, parks, and other infrastructure.

Category B: Emergency Protective Measures -- Costs for actions taken to protect public health and safety, such as: search and rescue operations; sheltering and evacuation; and medical care and emergency response.

**Permanent Work**

Category C: Roads and Bridges -- Repairs and restoration of transportation infrastructure, including highways, streets, and bridges.

Category D: Water Control Facilities -- Restoration and repair of drainage systems, levees, and other flood control measures.

Category E: Public Utilities -- Restoration of water, wastewater, electrical systems, and other essential public utilities.

Category F: Parks, Recreational Facilities, and Other -- Repair or replacement of parks, recreational areas, and public spaces.

Category G: Buildings and Equipment -- Repairs or replacements of public buildings, such as schools, community centers, and related equipment.

**Administrative Work**

Category Z: Management Costs -- Administrative costs related to the overall management of disaster response and recovery efforts, which are capped at a certain percentage of eligible project costs.

**Section 2:** The following revenues are anticipated to be available to complete the project:

FEMA Reimbursement Funds	11101000-34511-HELEN	\$ 225,000
FEMA Reimbursement Funds	62106000-34511-HELEN	\$ 25,000
FEMA Reimbursement Funds	63106000-34511-HELEN	\$ 925,000

**Section 3:** The following amounts are appropriate for the eligible projects and authorized for expenditure:

111412-44912-HELEN	Debris Removal Labor	\$200,000
	Emergency Operations/Repairs	\$ 25,000
621726-44912-HELEN	Emergency Operations/Repairs	\$ 25,000
631736-44912-HELEN	Emergency Operations	\$ 25,000
	System Repairs	\$300,000
	Labor	\$600,000

**Section 4:** The Finance Officer is hereby directed to maintain sufficient specific detailed accounting records to satisfy the requirements of the grantor agency and the grant terms and conditions.

**Section 5:** The Finance Officer is hereby directed to report the financial status of the projects to the governing board on a quarterly basis.

**Section 6:** The provisions of this capital project ordinance shall be entered in the minutes of the Shelby City Council and copies filed with the City Manager as Budget Officer, the Finance Director, and the City Clerk for their direction and guidance in receiving revenues and expending the monies due thereunder.

**Section 7:** This grant project ordinance expires when final FEMA reimbursements are received related to FEMA Disaster 4827.

**Section 8:** This ordinance shall become effective upon its adoption and approval.

Adopted and Approved this the 4th day of November, 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  
November 4, 2024  
Don Gibson Theatre

Agenda Item: C-5

- 5) Adoption of a budget ordinance amendment for the City of Shelby's City Hall Annex Renovation Project: Ordinance No. 64-2024

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

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- Memorandum dated October 30, 2024, from Justin Longino, Assistant City Manager to Rick Howell, City Manager
- Ordinance No. 64-2024

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City Manager's Recommendation / Comments

Ordinance No. 64-2024 is presented to City Council via the Consent Agenda as a routine and administrative matter. If approved this ordinance would amend Ordinance No. 56-2024 previously adopted by City Council. It appropriates an additional \$173,500 for unanticipated structural repairs to the City Hall Annex building.

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

TO: Mr. Rick Howell, City Manager

FROM: Justin Longino, Assistant City Manager

DATE: October 30, 2024

SUBJECT: Project Budget Ordinance Amendment – CHARP (Annex Project)

The City Hall Annex project has been underway since June 2024. They have progressed well and are on-site almost every working day. During some of the demolition work, a wall covering was removed from portions of the exterior masonry walls and several significant cracks were found. A structural engineer was contacted to come out to look at the cracks.

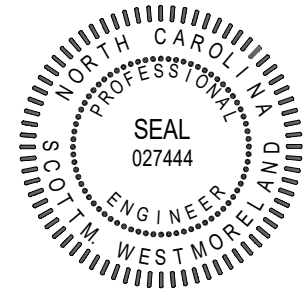
Cracks were observed in the brick veneers in the corners of the building due to a lack of expansion joints. Cracks were also found in the concrete masonry on the upper floor. This was determined to be caused by a lack of steel reinforcement within the walls. To remedy this, the inside face of the block will need to be slotted, have rebar installed, and then filled with grout. This will need to be placed on both floors, from the roof elevation down to the first-floor slab. New expansion joints will also be installed. This work should have been done during the initial construction of the building but was not completed.

I recommend approval of the attached PBA to cover the cost of this additional work. This will make the building structurally sound and safe for future occupancy.



# Solid Rock Structural PLLC

Scott Westmoreland, P.E. - Structural Engineer



*September 26, 2024*

*Re:* Shelby City Hall Annex  
311 South Lafayette St. Shelby, N.C.

To Whom it may Concern

On 9-25-24 I went out to the aforementioned site to inspect cracks in the masonry walls. There are a number of cracks in the exterior masonry wall as well as the exterior brick veneer. The following is a summary of the type of cracks encountered and the repair for each.

1. Cracks in veneer at corners.

This type of crack is due to expansion of the brick veneer. Full height vertical expansion joints are typically installed on brick veneer buildings at opening locations, at building corners and a maximum of 20'-0" o.c. This building doesn't have any expansion joints. I recommend installing new vertical expansion joints at all corners. These joints should extend all the way through the veneer and be caulked with an expansion joint sealant. Existing cracks should be repointed and/or sealed to prohibit water intrusion. It doesn't appear expansion joints are required at the other typical areas as mentioned above at this time. If in the future, new expansion cracks appear, additional joints may be required.

2. Horizontal cracks in the CMU

The upper floor has horizontal cracks approximately 2'-0" and/or 3'-4" off the floor. These cracks transition into a stairstep type cracks at the building corners. The cracks are stress cracks due to the wall bowing inward from wind load. The reason for this is because the walls don't have any steel reinforcement. To repair the walls, the inside face of the block shall be slotted enough to install #4 bars at 48" o.c. Cells with new bars shall then be filled with grout. Reinforcement shall extend from roof elevation down to second floor elevation. Even though the first floor doesn't have cracks, it is recommended to continue the reinforcement to the first floor slab as well. At the new stair openings where walls are 2 story, a new #6 bar at 24" o.c. shall be installed from roof elevation down to the first floor elevation

3. Vertical crack in CMU

The rear wall has a vertical crack from the second floor up to the roof. This is an expansion crack. This is due to a combination of no vertical control joints and no horizontal joint reinforcement. I recommend filling joint with an expansion type sealant. New #4 vertical bars as detailed in item number 2 should be installed within 2'-0" of both sides of this crack. This crack should be monitored for additional movement over time. More drastic repair methods, such as full block width control joints and/or horizontal reinforcement may be required in the future.

If you have any questions or comments concerning this letter, please contact the undersigned at your convenience.

Thank you,  
Scott Westmoreland, P.E.

**Solid Rock Structural PLLC**  
**Firm License Number P-0390**  
71 Glenn Hill Lane  
Hiddenite, NC 28636

Cell: 704 819 6415  
FAX: 704 585-6529  
E-mail: [scott@solidrockstructural.com](mailto:scott@solidrockstructural.com)

ORDINANCE NO. 64-2024

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. 3 for said project:

Appropriating Revenues:

Fund Balance Appropriated	11001000-39900	\$ 173,500
Transfer to General Capital Projects	110495-49111	\$ 173,500

General Fund Capital Projects:

Transferred from General Fund	11101000-39110-CHARP	\$ 173,500
Construction	111427-53000-CHARP	\$ 173,500

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. 3</u>
Transferred from General Fund	\$ 2,124,000	\$ 2,297,500
Appropriation:		
Engineering	\$ 114,000	\$ 114,000
Construction	\$ 2,010,000	\$ 2,183,500

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. 64-2024  
November 4, 2024  
Page 2

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

Adopted and Approved this the 4th day of November, 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  
November 4, 2024  
Don Gibson Theatre

Agenda Item: C-6

6) Special Event permit application:

a) Atrium Health Teammate Holiday Celebration, requested date:  
December 17<sup>th</sup>, 2024

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

---

- Memorandum dated October 31, 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 31, 2024

**Re:** Special Event Permit Application

---

## BACKGROUND:

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

- ✓ Atrium Health Holiday Celebration requested date: December 17, 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 November 4, 2024 for Council's review and approval.

## ATTACHMENT:

- A. Special Event Permit Application packet received October 29, 2024

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

**CITY OF SHELBY  
SPECIAL EVENT PERMIT APPLICATION**

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

1. **EVENT NAME:** Atrium Health Cleveland and Kings Mountain Teammate Holiday Celebration.
2. **PURPOSE AND BRIEF DESCRIPTION OF EVENT:**  
Providing food from Shelby Cafe. Offering carriage rides to teammates. Santa and Company will be onsite for the Teammates & children.
3. **LOCATION OF EVENT (ATTACH MAP):** Farmers' Market Pavilion in Uptown Shelby. Map location [TEMP EP]
4. **PLEASE INDICATE:**  
Approximately how many people will attend the event: 500+  
Approximately how many vehicles will be present: 6 Carriages  
Approximately how many animals will be present: 6 Horses

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

Single lane For carriage rides to go around court square. Carriages will integrate with traffic

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

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

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

Name: Atrium Health Cleveland & Kings Mountain/Adam Taylor Nestlerode  
Address: 201 East Grover St  
Phones: (980) 487-3471 (Daytime) (704) 692-4809 (Evening)  
adam.nestlerode@atriumhealth.org  
(e-mail address)

Name: \_\_\_\_\_  
Address: N/A  
Phones: \_\_\_\_\_ (Daytime) \_\_\_\_\_ (Evening)  
\_\_\_\_\_  
(e-mail address)

6. **PLEASE LIST THE FOLLOWING:**

Requested day(s) and date(s) 1 Evening/December 17th  
Alternate day(s) and date(s) \_\_\_\_\_  
Requested hours of operation. from 4:30pmAM/PM to 8:30pmAM/PM

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

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

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

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

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

9. **SECURITY AND SAFETY PROCEDURES:**

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

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

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

Name: Police/First Responders will be onsite based on contract with Shelby City Park

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

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

Indicate medical services that will be provided for the event.

AMBULANCE: 911

DOCTOR (S): 911

PARAMEDICS: 911

10. **CITY SERVICES/EQUIPMENT REQUESTED FOR THIS EVENT:** City Park Rental Agreement for Pavillion

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11. **ANY ADDITIONAL COMMENTS:**

Shelby Cafe will be catering the event. We will have Santa, possibly Mrs. Claus. There will also be a DJ at the Event. To Elaborate on Carriage rides, Ride will start @ the Pavilion, make their way up Marion to court square, circle court square, come down N. Lafayette, cross Marion St., and turn left down 1st alley back to the Pavilion.



**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.

*Adam Taylor Nestlerode*  
\_\_\_\_\_  
(SIGNATURE)

(980) 487-3471 or (704) 692-4809

Adam Taylor Nestlerode/ Atrium Health Cleveland/KMH email: [adam.nestlerode@atriumhealth.org](mailto:adam.nestlerode@atriumhealth.org)  
\_\_\_\_\_  
(APPLICANT) (PHONE)

201 E. Grover St. Shelby, N.C. 28150  
\_\_\_\_\_  
(ADDRESS)

10/21/2024  
\_\_\_\_\_  
(DATE)

City of Shelby  
Agenda Item Summary  
November 4, 2024  
Don Gibson Theatre

Agenda Item: C-7

7) Management Reports:

- a) Accreditation Report representing the findings of the peer assessment team that visited the City of Shelby Fire and Rescue Department on April 28 – May 2, 2024

**Consent Agenda Item: (William Hunt, Fire and Rescue Chief)**

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- Shelby Fire and Rescue Accreditation Report

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City Manager's Recommendation / Comments

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



# **Accreditation Report**

**City of Shelby Fire & Rescue  
506 East Grover Street  
Shelby, North Carolina 28150  
United States of America**

**This report was prepared on June 2, 2024  
by the  
Commission on Fire Accreditation International**

**This report represents the findings  
of the peer assessment team that visited the  
City of Shelby Fire & Rescue  
on April 28 – May 2, 2024**

**Peer Assessment Team  
Sean Daniels, CFO, Team Leader  
Fletcher Dahman, CFO, Peer Assessor  
Jarrett Hawley, CFO, Peer Assessor  
Kierstan Lynch, Peer Assessor**

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## **PREFACE**

To the citizens and the governing body of the agency: This report represents a thorough review of the organization to verify and validate how this agency is executing its stated mission in accordance with universally accepted practices for a contemporary fire and emergency services organization. Quality improvement can only be initiated and realized by those agencies that challenge themselves through a comprehensive self-assessment. This report documents that this agency is seeking organizational improvements and discovering elements of excellence. Please note that the recommendations by the peer assessment team are opportunities for improvement provided from professionals in the fire and emergency service industry.

To the agency: This report communicates the outputs and outcomes of your dedication and commitment to quality improvement. Your self-assessment, community risk assessment/ standards of cover, and strategic plan amount to years of work to understand your community, establish accountable goals, institute transparency, and factually comprehend what you did not know about your organization. The verification and validation of your agency by a team of peers represents a major accomplishment. The recommendations in this report are opportunities to become better and stronger in your community. Finally, take this report and communicate to your community the areas you identified during your self-assessment that were outstanding and those that represent improvement opportunities.

## **EXECUTIVE SUMMARY**

The City of Shelby Fire & Rescue (SFR) is a career organization with 56 uniformed personnel, staffing three fire stations within the city. These stations house 16 firefighters per shift deployed on 4 fire apparatus composed of 2 engine companies, a squad company which responds on a quint apparatus and operates primarily as an engine company but may operate as a ladder company as operations require, a ladder/heavy rescue company, and 1 battalion chief. All apparatus are staffed with a minimum of three firefighters and equipped to provide non-transport basic life support (BLS). The primary provider of basic and advanced pre-hospital emergency care and transport in the county is provided by Cleveland County Emergency Medical Service. The department operates 24 hours a day, 7 days a week with a minimum of 14 personnel. The number of personnel dedicated to community risk reduction/public fire education is four full-time personnel in the fire marshal's office. One full-time person is dedicated to fire training.

The city covers just over 22 square miles and is located in the foothills of the Blue Ridge Mountains in the southwestern part of North Carolina. The city is the county seat of Cleveland County, North Carolina and was chartered in 1843. The historic city is about 45 miles west of Charlotte, North Carolina. The 2020 census indicated a population of 21,918.

The Commission on Fire Accreditation International (CFAI) has completed a comprehensive review and appraisal of the Shelby Fire & Rescue agency based upon the tenth edition of the accreditation model. The commission's goals are to promote organizational self-improvement and to award accreditation status in recognition of good performance. The peer assessment team's objectives were to validate the department's self-assessment study, identify and make recommendations for

improvement, issue a report of findings, and conclude if the department is eligible for an award of accreditation.

The peer assessment team followed CFAI processes and City of Shelby Fire & Rescue demonstrated that its self-study accreditation manual, community risk assessment/standards of cover (CRA/SOC), and strategic plan met all core competencies and criteria. The peer assessment team recommends accredited agency status for City of Shelby Fire & Rescue from the Commission on Fire Accreditation International.

The peer assessment team observed a strong commitment by the agency to the CFAI accreditation process and to ensuring appropriate succession training for the accreditation manager position. The agency wants to establish a dedicated position within the organization to manage the accreditation process. The current accreditation manager regularly acts as peer assessor and the fire chief acts as a peer team lead for CFAI. These approaches ensure continuity, more direct access to quality improvement with similar organizations, and the engagement of a broader spectrum of the department.

The peer assessment team had a meeting with the city manager who expressed a long-standing interest in the process. There is clearly a commitment to continue to follow and support the implementation of identified opportunities for improvement. It can be anticipated that all representatives will be supporters and network participants as the full benefits of going through the self-assessment process are realized and built on in the future.

The peer assessment team identified opportunities for improvement that are provided below. These recommendations flowed from discussions, interviews, and a review of supplied documentation to support its self-assessment conclusions.

The following represents a synopsis of the recommendations that were made by the peer assessment team during the on-site visit. Additional details for each of these recommendations can be found in the Observations Section of this report. For each of the recommendations, the performance indicator from the model is provided, including notating if it is a core competency (CC).

## **Recommendations**

Recommendations were developed from the evaluation of criterion, core competencies, and performance indicators.

1. It is recommended that the agency evaluate and document outcomes for non-fire risk events. [\(2B.3\)](#)
2. It is recommended that the agency evaluate, and adjust if needed, effective response force benchmarks to ensure they are reflective of desired performance. [\(CC 2C.5\)](#)
3. It is recommended the agency seek adoption of its community risk assessment/standards of cover by the city council. [\(2D.8\)](#)
4. It is recommended that the agency develop a plan to provide updates on progress and completion of goals and objectives to the community. [\(3D.3\)](#)

5. It is recommended that the agency update its all-hazards plan to reflect the recent changes to emergency management operations facilities and current practices. [\(5D.1\)](#)
6. It is recommended that the agency further develop a continuity of operations plan (COOP) for the city that addresses operational needs beyond personnel. [\(5D.6\)](#)
7. It is recommended that the agency develop a process for the collection, documentation, storage, and security of patient care records. [\(5F.7\)](#)
8. It is recommended that the agency evaluate the location of fitness equipment as part of its carcinogen-exposure reduction efforts. [\(6B.1\)](#)
9. It is recommended that the agency evaluate the current system for performing maintenance and implement a system that has a systematic or planned approach to address facility needs. [\(6B.2\)](#)
10. It is recommended that the agency work with their automatic aid agencies and establish a plan for joint training when developing future annual training plans. [\(8B.2\)](#)
11. It is recommended that Shelby Fire & Rescue continue to work with the Cleveland County Communications Center to analyze call processing times in the records management system to identify areas for improvement. [\(9B.7\)](#)
12. It is recommended that the agency conduct a staffing analysis to ensure overall administrative functions reflect the needs of the agency. [\(CC9C.1\)](#)
13. It is recommended that the agency tailor its public information messaging to the intended audience to support the agency's perception in the community. [\(9C.2\)](#)
14. It is recommended the agency expand its formal review cycle process for all organizational documents. [\(CC9C.3\)](#)
15. It is recommended that the agency formalize an internal reporting process for near miss incidents and provide training for agency personnel to ensure the success of the program. [\(11A.6\)](#)

The department responded to a total of 2,352 emergencies in 2023 including: 427 fire calls (18.2 percent); 1,785 emergency medical service (EMS) calls (75.9 percent); and 140 miscellaneous calls (5.9 percent). Servicing these calls in 2023 resulted in a total of 5,132-unit movements.

In 2019, the Insurance Services Office (ISO) visited the city to rate its public protection classification. The outcome of the visit was an improvement of the public protection classification from Class 4 to Class 2. The results of the most recent visit in April of 2024 are pending.

The City of Shelby Fire & Rescue (SFR) has a very robust child car seat safety program. Forty-two front line personnel hold current car seat installation technician certifications. This number of personnel allows anyone in the community to visit any station at any time to ensure they have a properly installed car seat. In 2023, SFR was awarded the Child Passenger Safety Program of the Year award for the State of North Carolina.



## OBSERVATIONS

### **Category 1 — Governance and Administration**

The governing body and/or agency manager is legally established to provide general policies to guide the agency, approved programs and services, and appropriated financial resources. The City of Shelby is legally established under North Carolina General Statute, Chapter 160A. The city's ordinances define governmental function, service delivery and regulations including fire protection. City of Shelby Fire & Rescue (SFR) was established on June 1, 1927, through the City of Shelby Code of Ordinances, Chapter 18, Fire Protection and Prevention. The city provides appropriate guidelines and fiscal resources for the agency to execute its mission.

The City of Shelby operates in a council-manager form of government which has six elected council members representing six wards throughout the city. An at-large mayor is also elected as a non-voting member of the council who serves as a tie-breaker if needed. The council appoints the city manager who is responsible for running the city's operations. The city manager is solely responsible for appointing all department heads, including the fire chief.

The organizational structure aligns with or supports the agency's mission, purposes, goals, strategies and objectives. The SFR administrative structure reflects the size, scope, and complexity of the organization, which provides an array of services to its response area. The city and agency have a well-developed set of job descriptions and an organizational chart that clearly defines the organizational structure.

### **Category 2 — Assessment and Planning**

The agency collects and analyzes data specific to the distinct characteristics of its legally defined service area(s) and applies the findings to organizational services and services development. City of Shelby Fire & Rescue (SFR) has documented and adopted service area boundaries that are legally established. The agency has automatic and mutual aid agreements that are reviewed and updated as necessary. The response area is divided into three districts and further segmented into planning zones that use the descriptive term of risk hazard zones. Risk hazard zones are defined utilizing population, land use, geography, non-contiguous incorporated areas, and census tracts. The agency segments the community into 68 risk hazard zones. This information has been utilized in determining new station placement for one additional station and the relocation of an existing station.

The agency identifies and assesses the nature and magnitude of all hazards and risks within its jurisdiction. Risk categorization and deployment impact consider factors such as cultural, economic, historical and environmental values, as well as operational characteristics. SFR has a documented and adopted methodology for classifying fire and non-fire risk in the agency's area of responsibility. The agency utilizes a model to score risk based on incident type, agency, community impact, and historical data. Both fire and non-fire risks have been identified and documented for each planning zone.

The agency monitors outcomes through fire loss and life loss data for fire events. However, outcomes for non-fire events are not identified. [It is recommended that the agency evaluate and document outcomes for non-fire risk events.](#)

The agency identifies and documents the nature and magnitude of the service and deployment demands within its jurisdiction. Based on risk categorization and service impact considerations, the agency's deployment practices are consistent with jurisdictional expectations and with industry research. Efficiency and effectiveness are documented through quality response measurements that consider overall response, consistency, reliability, resiliency and outcomes throughout all service areas. The agency develops procedures, practices and programs to appropriately guide its resource deployment.

SFR has a documented and adopted response strategy that provides consistent and reliable coverage to the service area. Benchmarks have been established for each risk classification and category of risk. The agency measures performance against the benchmarks for all risk classifications for both fire and non-fire incidents. Total response time components have been defined and documented. Critical tasking is identified for all risk categories, and data analyses recognizes critical tasking benchmark and baseline statements.

The agency is currently outperforming several benchmarks, most notably in the effective response force for moderate and high-risk emergency medical service incidents. [It is recommended that the agency evaluate, and adjust if needed, effectiveness response force benchmarks to ensure they are reflective of desired performance.](#)

The agency has assessed and provided evidence that its current deployment methods for emergency services appropriately address the risk in its service area. Its response strategy has evolved to ensure that its deployment practices have maintained and/or made continuous improvements in the effectiveness, efficiency and safety of its operations, notwithstanding any external influences beyond its control. The agency has identified the impacts of these external influences and communicates them to the authority having jurisdiction.

SFR's service delivery performance is monitored on a weekly, monthly, and annual basis to maintain and improve emergency response. Performance gaps are identified and response opportunities for improvement are evaluated and implemented in accordance with the adopted response model. The agency embraces the continuous improvement model and continues to develop their data analytics capabilities. The fire chief meets with the city manager on a regular basis to ensure any performance gaps are communicated in a timely fashion.

The fire chief updates the city manager and city council to keep the elected officials apprised of any issues with the agency. The elected officials are provided a copy of the standard of cover as well. However, the city council has not formally adopted the standard of cover. [It is recommended the agency seek adoption of its community risk assessment/standards of cover by the city council.](#)

### **Category 3 — Goals and Objectives**

The mission, vision and values of the agency are incorporated into a strategic plan. Once a strategic plan is in place and resources are available, the strategic plan provides direction, determines initiatives, and guides the goals and objectives of the agency. City of Shelby Fire & Rescue (SFR) has a five-year strategic plan with established goals and objectives that direct the agency's priorities in a manner consistent with its mission, vision, and values. SFR's strategic plan has six goals. All goals have objectives providing direction, guidance, and timeframes.

The strategic plan was created in 2022 with an addendum added in 2023. Agency members at all levels were included in its development to ensure it included all divisions and programs. Upon completion, the plan was adopted by the city council and reviewed by the city manager as the authority having jurisdiction. .

The strategic plan defines the agency's general goals and S.M.A.R.T. (specific, measurable, attainable, realistic and time-bound ) objectives, directs its activities in a manner consistent with its mission and is appropriate for the community it serves. City of Shelby Fire & Rescue's strategic plan defines and establishes direction for all department members that are involved in the accomplishment of their goals and objectives, and ensures they are consistent and appropriate for the community it serves.

S.M.A.R.T. goals and objectives have been established that measure the effectiveness of the six strategic plan goals using metrics and key performance indicators. Stakeholder input was also used to determine gaps and issues in the department's performance and service delivery. Multiple community meetings have been held to survey external stakeholders' input to determine the effectiveness of the department's goals and objectives. Internal stakeholder input for the department's goals and objectives was obtained through stakeholder input, surveys, and meetings. The agency evaluates the goals and objectives in its regular planning meetings.

The agency uses a management process to implement its goals and objectives. SFR has established a management process for implementation of goals and objectives utilizing a periodic program review procedure. All goals and objectives are assigned to managers throughout their completion. Progress on objectives and tasks are monitored monthly as an agenda item in the chief officer's staff meetings.

All members of the department have access to both the strategic plan and the addendum via a hard copy in each station's library, in addition to digital format on the city and agency's intranet. All staff members received briefings explaining the goals and objectives and provided additional input related to strategic goal development.

Processes are in place to measure and evaluate progress toward completion of goals and objectives and overall plan performance. The goals and objectives are re-examined and modified periodically. SFR has processes in place to measure and evaluate progress towards completion of specific goals, objectives, and overall system performance. Multiple levels of personnel are involved in the measurement and tracking of the strategic goals to ensure the highest level of service possible is being delivered to the community.

The agency evaluates its administrative and operational processes using the Commission on Fire Accreditation International's (CFAI) self-assessment format. The agency's monthly meeting agendas follow the category and programming formulation contained in the *Quality Improvement for the Fire and Emergency Services* book. Additionally, the CFAI annual compliance report is used as a tool for evaluating administrative and operational processes and is submitted to the city manager annually.

The agency provides progress reports on the goals and objectives to city management through the fire chief's meetings with the city manager, in addition to providing an update to the city council at their annual planning retreat. The agency has not provided the community with progress updates on the goals and objectives. [It is recommended that the agency develop a plan to provide updates on progress and completion of goals and objectives to the community.](#)

## **Category 4 — Financial Resources**

Agency planning involves broad staff and community participation in financial planning and resource allocation. The agency's financial planning and budget process reflects sound strategic planning and a commitment to its stated goals and objectives. The agency prepares a balanced budget, which adequately maintains level of service and personnel resources. The City of Shelby's operational and capital budgeting processes follow established state law and city ordinances. The city's finance director and city manager are responsible for developing a recommended budget for the city which includes City of Shelby Fire & Rescue (SFR). The city uses a zero-based budget process that begins in November with all departments assembling budget requests for the upcoming fiscal year which runs from July 1st to June 30th. Department heads meet with the finance director and city manager to review funding requests. The city manager assembles these requests and develops a recommended budget for the city. This recommended budget is available to the public for comment when provided to the city council. Budget hearings are held in April and May of each year where the manager's recommended budget is reviewed by the city council. By June 30th, a balanced budget will be submitted for adoption that takes effect July 1st.

Agency financial management demonstrates sound budgeting and control, proper recording, reporting and auditing. The City of Shelby utilizes proper financial controls in budgeting and expenditure. The local government and fiscal control act as outlined in North Carolina General Statute 159, requires the city to publish complete financial statements. These statements are audited annually by an outside accounting firm to ensure accuracy and adherence to generally accepted accounting practices. In 2022, the city received the Certificate of Achievement for Excellence in Financial Reporting (certificates) from the Government Finance Officers Association (GFOA) of the United States and Canada for its Budget and their Annual Comprehensive Financial Report (ACFR). dated June 30, 2022. The city has received this certificate for the last 25 consecutive years. The city currently has an A1 bond rating for any debt issuance.

Appropriately allocated financial resources support the organizational mission, stated long-term plan, goals and objectives and maintain the quality of programs and services. The city allocates funding for City of Shelby Fire & Rescue through the general fund as is done with non-utility city departments. Funding for city utilities is a separate process handled through the enterprise fund. The fire chief solicits input from staff, historical experiences, and future initiatives to formulate budget requests for the coming year. The chief then submits annual funding requests for the agency that support the mission of the organization to the city manager to be considered for funding in the city operating budget.

The city does not utilize any one-time or grant funding sources for operational costs. An eight percent reserve fund is maintained by ordinance. The city has a policy that outlines what constitutes a capital expenditure that may require one-time funding sources. On occasion, the city will issue debt for large capital projects.

## **Category 5 — Community Risk Reduction Program**

### **Criterion 5A – Prevention Program**

The agency operates an adequate, effective and efficient program as identified in the community risk assessment and standards of cover. The approach is comprehensive and includes both prevention and

mitigation strategies such as life safety, hazard risk reduction, plan review, code compliance, and the detection, reporting and control of fire and non-fire risks. City of Shelby Fire & Rescue's (SFR) prevention program is coordinated through the fire marshal's office, which employs a full-time fire marshal and three inspectors/investigators. The inspector-investigators work a 24-hour shift, consistent with the operations staff. The city has adopted the North Carolina State Building and Fire Prevention Codes and enforces all applicable laws which are locally enforced through the City of Shelby's code of ordinances, chapter 18 - Fire Prevention and Protection. The agency works with the city's building department on new construction and inspection duties. The peer assessment team noted that the agency has a great working relationship with the building official and department staff during the site visit. They work together to ensure that safety requirements are met, and reviews and inspections are completed on time. Communication lines are open and allow for quality work to continue throughout the city.

### **Criterion 5B – Public Education Program**

A public education program is in place and directed toward reducing community risks in a manner consistent with the agency's mission and as identified within the community risk assessment and standards of cover. City of Shelby Fire & Rescue provides a robust public education program to the City of Shelby. The agency runs the program through the fire marshal's office with a staff of four. These personnel are augmented by operations personnel that hold fire and life safety education certifications that allow these individuals to regularly participate in the delivery of programs.

The agency has partnerships with several organizations throughout the area that support the mission of the agency's public safety education programs. These organizations include Atrium Health-Safe Kids Cleveland County, Cleveland County Health Department, and the City of Shelby Police Department. In 2023, the agency received the Child Passenger Safety program of the year award for the state of North Carolina for their car seat installation program.

### **Criterion 5C – Fire Investigation, Origin and Cause Program**

The agency operates an adequate, effective, and efficient program directed toward origin and cause investigation and subsequent classification of fires, explosions, and other emergency situations that endanger life or property to drive community risk reduction activities. City of Shelby Fire & Rescue's fire investigation, origin, and cause program is coordinated through the fire marshal's office. The fire marshal's office is staffed with one full-time fire marshal and three full-time inspector-investigators. The fire inspector-investigators work a 24 hours on-duty/48 hour off-duty schedule and are available city-wide for investigations. Each member of the fire marshal's office holds fire investigation credentials through the North Carolina Office of the State Fire Marshal and/or the International Association of Arson Investigators (IAAI). The agency is also supported by the Shelby Police Department for any investigation that involves serious injury or death and suspected criminal activity.

The agency utilizes the current edition of National Fire Protection Association 921: *Guide for Fire and Explosion Investigations*, state statutes and city code ordinances to guide fire investigations. The fire investigators have appropriate access to both state and federal resources as needed.

### **Criterion 5D – Domestic Preparedness Program**

The agency operates an all-hazards preparedness program that includes a coordinated multiagency response plan designed to provide the community preparedness and resiliency in response to terrorist threats or attacks, major disasters, and other large-scale emergencies occurring at or in the immediate area. The City of Shelby maintains an all-hazard domestic preparedness program that is compliant with the National Incident Management System. The City of Shelby Fire & Rescue (SFR) fire marshal is designated as the city's emergency management coordinator. The fire marshal works closely with the Cleveland County Emergency Management Agency to ensure the city is prepared for a significant event within the city. The county maintains an emergency management plan and a continuity of operations plan. Both plans were updated in 2022. Exercises are conducted to test these plans which include the city.

The city has a published all-hazards plan. However, the plan has not been updated to reflect the most current operational practices and job titles. [It is recommended that the agency update its all-hazards plan to reflect the recent changes to emergency management operations facilities and current practices.](#) The city maintains a continuity of operations plan to address personnel needs. However, the existing plan does not address needs for facilities, equipment, technology, and infrastructure. [It is recommended that the agency further develop a continuity of operations plan \(COOP\) for the city that addresses operational needs beyond personnel.](#)

### **Criterion 5E – Fire Suppression Program**

The agency operates an adequate, effective, efficient and safe fire suppression program directed toward controlling and/or extinguishing fires to protect the community from injury or death and reduce property loss. City of Shelby Fire & Rescue's (SFR) methodology utilized for fire suppression data collection and analysis has resulted in the fire suppression program being subdivided into an additional criterion referenced in Criterion 5L - Non-Structural Fire Suppression. The fire suppression program is reflective of the structural fire response program of the agency. SFR responds from three fire stations within the city. These stations are staffed with 16 firefighters per shift deployed on 4 fire apparatus composed of 2 engine companies, a squad company which responds on a quint apparatus and operates primarily as an engine company but may operate as a ladder company as operations require, a ladder/heavy rescue company, and 1 battalion chief. The agency maintains its apparatus fleet and equipment consistent with the requirements set forth by North Carolina Response Rating System (NCRRS) and recognized industry standards. General operating guidelines are in place to direct the agency's staffing, apparatus deployment and response for all structural firefighting operations.

The agency utilizes the National Incident Management System (NIMS) to manage assignments and resources for all structural fire responses. Annual NIMS refresher training is performed for all agency personnel to ensure proficiency is maintained. The agency deploys an incident safety officer on all structural fire responses. ICS is utilized daily and functions successfully at several larger scale local and regional events including the; American Legion World Series, the seventh inning stretch concerts, the Cleveland County Fair, and the Music Mush and Mutts Festival.

Monthly reports and program updates are reviewed at the chief officer's staff meeting. The fire suppression program is formally reviewed annually during the third quarter of the year. This format

has provided a mechanism for the agency to properly analyze the effectiveness of this specific program and the overall impacts with the agency’s community risk reduction efforts.

Performance Gap Analysis

The following table represents the agency’s actual performance (baseline) versus the goal (benchmark). The gaps are provided in red (representing improvement opportunities), and green (when actual performance exceeds the goal).

2019-2023 Moderate Risk Fire Suppression Response Times				
1st/ERF	Urban/Rural	Baseline	Benchmark	Gap
1st Due	Urban	8:49	7:50	00:59
		n=1,422		
ERF	Urban	12:36	12:50	00:14
		n=443		

2019-2023 Significant Risk Fire Suppression Response Times				
1st/ERF	Urban/Rural	Baseline	Benchmark	Gap
1st Due	Urban	8:48	7:50	00:58
		n=50		
ERF	Urban	15:36	12:50	02:46
		n=12		

2019-2023 Maximum Risk Fire Suppression Response Times				
1st/ERF	Urban/Rural	Baseline	Benchmark	Gap
1st Due	Urban	10:42	7:50	02:52
		n=12		
ERF	Urban	15:42	12:50	02:52
		n=8		

Criterion 5F – Emergency Medical Services (EMS) Program

The agency operates an EMS program with a designated level of out-of-hospital emergency medical care that protects the community from injury or death. City of Shelby Fire & Rescue (SFR) provides non-transport emergency medical services with four staffed fire apparatus companies deployed from three fire stations located within the city. The agency provides basic life support (BLS) care which is supplemented by an advanced life support (ALS) response from Cleveland County EMS (CCEMS). CCEMS operates an ALS ambulance out of all three agency fire stations. CCEMS is the only EMS transport agency for the city. The agency follows the North Carolina College of Emergency Physicians (NCCEP) protocols supplemented by certain specific additions for drug interventions and equipment provisions. Medical control and protocol oversight is maintained by the Atrium Health System in the county hospitals and implemented on scene by CCEMS. Recurring recertification training for agency personnel is also administered through CCEMS. All NCCEP protocols and local additions are reviewed, at a minimum, annually by the county medical director and CCEMS and updated as necessary.



The agency utilizes both online and offline medical control. When agency responders arrive prior to CCEMS personnel, offline medical control serves as the basis for initial patient care through standing orders. Once CCEMS personnel arrive, they assume patient care as the higher certified clinicians. Patient care records are collected, documented, and stored in accordance with the Health Insurance Portability and Accountability Act (HIPAA) regulations. All agency personnel receive annual HIPAA compliance training as part of the annual training program offered through the Cleveland Community College. The agency participates in a quality assurance review program managed by Atrium Health Systems and CCEMS.

City of Shelby Fire & Rescue has partnered with the Cleveland County EMS response agency to supply automatic external defibrillators (AED) for each emergency response vehicle. In 2018, the City of Shelby implemented a safety program placing an AED in each public, city-owned facility. Monthly reports and program updates are reviewed at chief officer’s staff meetings. EMS program analysis and compliance is a monthly topic at these meetings. This format has provided a mechanism for the agency to properly analyze the effectiveness of this specific program and the overall impacts with the agency’s community risk reduction efforts. A formal review is completed by the agency’s EMS program manager.

State regulation and county medical protocol require the transport provider, CCEMS to properly collect, document, store and safeguard all pertinent patient information and records. The agency aids in gathering this information and at times performs care offline through standing orders. As CCEMS is responsible for patient records, patient information is passed along during incidents. However, patient care information collected by SFR personnel prior to CCEMS arrival is not maintained in SFR records. [It is recommended that the agency develop a process for the collection, documentation, storage, and security of patient care records.](#)

Performance Gap Analysis

The following table represent the agency’s actual performance (baseline) versus the goal (benchmark). The gaps are provided in red (representing improvement opportunities), and green (when actual performance exceeds the goal).

2019-2023 Moderate Risk EMS Response Times				
1st/ERF	Urban/Rural	Baseline	Benchmark	Gap
1st Due	Urban	9:01	7:50	<b>01:11</b>
		n=145		
ERF	Urban	9:08	12:50	<b>03:42</b>
		n=85		

2019-2023 Significant Risk EMS Response Times				
1st/ERF	Urban/Rural	Baseline	Benchmark	Gap
1st Due	Urban	9:38	7:50	<b>01:48</b>
		n=5,449		
ERF	Urban	9:47	12:50	<b>03:03</b>
		n=4,701		



2019-2023 Maximum Risk EMS Response Times				
1st/ERF	Urban/Rural	Baseline	Benchmark	Gap
1st Due	Urban	9:20	7:50	<b>01:30</b>
		n=24		
ERF	Urban	11:49	12:50	<b>01:01</b>
		n=12		

**Criterion 5G – Technical Rescue Program**

The agency operates an adequate, effective, efficient and safe technical rescue program directed toward rescuing the community from any life-endangering causes (e.g., structural collapse, vehicle accidents, swift water or submersion, confined space, cave-in, trench collapse). City of Shelby Fire & Rescue (SFR) responds to a variety of rescue calls and has an automatic aid agreement with Cleveland County Emergency Management (CCEM) for any additional assistance needed to meet the program's needs. The agency is well-equipped with the tools and resources needed. All staff is required to be certified as a North Carolina Rescue Technician. In addition, they are required to obtain at least one specialty certification within one year of employment.

The agency's technical rescue program maintains a strong relationship with the CCEM as they provide automatic aid to responses outside of the agency's capabilities. All operating companies can deliver technical rescue services, and the agency cross-staffs a heavy rescue apparatus for deployment.

**Performance Gap Analysis**

The following table represents the agency's actual performance (baseline) versus the goal (benchmark). The gaps are provided in red (representing improvement opportunities), and green (when actual performance exceeds the goal).

2019-2023 Moderate Risk Tech Rescue Response Times				
1st/ERF	Urban/Rural	Baseline	Benchmark	Gap
1st Due	Urban	7:46	7:50	<b>00:04</b>
		n=169		
ERF	Urban	12:55	12:50	<b>00:05</b>
		n=148		

2019-2023 Significant Risk Tech Rescue Response Times				
1st/ERF	Urban/Rural	Baseline	Benchmark	Gap
1st Due	Urban	9:36	7:50	<b>01:46</b>
		n=374		
ERF	Urban	19:30	12:50	<b>06:40</b>
		n=269		

It was verified and validated by the peer assessment team that Shelby Fire & Rescue had an insignificant number of maximum risk technical rescue incidents for 2019 - 2023, to provide a

sufficient data set to study. Therefore, no performance gap analysis for maximum risk is provided in this report.

**Criterion 5H – Hazardous Materials (Hazmat) Program**

The agency operates an adequate, effective, efficient, and safe hazardous materials program directed toward protecting the community from the hazards associated with the uncontrolled releases of hazardous and toxic materials. City of Shelby Fire & Rescue (SFR) has general operating guidelines along with staffing policies that define the response for the hazardous materials program and incident response. All agency personnel are certified as North Carolina Hazardous Materials responders and are required to maintain certification at the operations level. In addition, many members hold technician level certification. The agency is supported by the Cleveland County Hazardous Material Response Team (CCHMRT) on maximum risk incidents. This response group is made up of responders throughout the county and maintains a cache of equipment and will support a response with a minimum of six additional responders.

SFR staff maintain re-certification training through both the agency and offerings delivered via the CCHMRT. All training meets the requirements listed by the North Carolina Office of the State Fire Marshal and the Insurance Services Office. Personnel receive an annual physical from the agency medical provider and must successfully pass such to maintain response status.

**Performance Gap Analysis**

The following table represent the agency’s actual performance (baseline) versus the goal (benchmark). The gaps are provided in red (representing improvement opportunities), and green (when actual performance exceeds the goal).

2019-2023 Moderate Risk Hazmat Response Times				
1st/ERF	Urban/Rural	Baseline	Benchmark	Gap
1st Due	Urban	10:10	7:50	02:20
		n=119		
ERF	Urban	14:05	12:50	01:15
		n=69		

It was verified and validated by the peer assessment team that Shelby Fire & Rescue had an insignificant number of significant and maximum risk hazardous materials incidents for 2019 - 2023, to provide a sufficient data set to study. Therefore, no performance gap analysis for significant and maximum risk is provided in this report.

**Criterion 5I – Aviation Rescue and Fire Fighting Services Program**

The agency operates an adequate, effective, efficient and safe aviation rescue and firefighting program directed toward protecting the community from an aviation accident or incident occurring at or in the immediate area. City of Shelby Fire & Rescue (SFR) provides an adequate, effective, efficient and safe aviation rescue and firefighting program to the Shelby-Cleveland County Regional airport. The 5,002 foot runway is owned and operated by the City of Shelby and serves corporate and general aviation air traffic. The agency is responsible for responding to and mitigating all emergencies occurring on airport property. Aircraft crashes, in-flight emergencies, fuel spills,

hydraulic landing gear failures, smoke, or fire aboard inflight aircraft, are examples of aviation type emergencies the agency is prepared to mitigate following general operating guideline (GOG) 505.1-*Shelby-Cleveland County Regional Airport* (GOG 505.1). The airport is not Federal Aviation Administration 14 CFR part 139 certified thus specialized aviation rescue and firefighting response vehicles are not required. The members of the agency are trained and certified to the North Carolina Office of the State Fire Marshal Airport Firefighter level.

The agency provides appropriate staffing through structural firefighting equipment and personnel. The agency annually reviews policy and procedures associated with the aviation firefighting and rescue response in *GOG 300.05-Service Delivery of Fire and Rescue Services – Aviation Rescue Firefighting* and *GOG 505.1- Shelby-Cleveland County Regional Airport*.

The agency has determined that the analysis and compilation of data and performance standards has been minimal due to the limited number of responses to the airport.

#### Performance Gap Analysis

It was verified and validated by the peer assessment team that Shelby Fire & Rescue had an insignificant number of aviation rescue firefighting incidents for 2019 - 2023, to provide a sufficient data set to study. Therefore, no performance gap analysis is provided in this report.

#### **Criterion 5L – Non Structural Fire Suppression**

The agency operates an adequate, effective, efficient and safe fire suppression program directed toward controlling and/or extinguishing fires to protect the community from injury or death and reduce property loss. City of Shelby Fire & Rescue's (SFR) methodology utilized for fire suppression data collection and analysis has resulted in the fire suppression program being subdivided into an additional criterion. Non- Structural Fire Suppression is reflective of the non-structural fire response program of the agency. This includes fires involving utility infrastructure, mobile property and wildland/interface areas.

City of Shelby Fire & Rescue responds from three fire stations within the city. These stations are staffed with 16 firefighters per shift deployed on 4 fire apparatus composed of 2 engine companies, a squad company which responds on a quint apparatus and operates primarily as an engine company but may operate as a ladder company as operations require , a ladder/heavy rescue company, and 1 battalion chief. Additionally, the department provides a brush unit for natural cover fire responses. General operating guidelines covering staffing and response provide the framework for this program. The brush unit and equipment are maintained at the Grover Fire Station (Station #1). Members assigned at this station respond with the brush unit in support of incidents where this resource is needed.

Over the past several budget cycles the agency has made significant purchases of wildland and urban-wildland interface firefighting equipment to aid with readily available resources for this type of response. Additional wildland resources are available through the North Carolina Forest Service. The program is reviewed annually through the process of data analysis and resourcing review during a scheduled time at the monthly staff officers meeting.

#### Performance Gap Analysis

The following table represents the agency’s actual performance (baseline) versus the goal (benchmark). The gaps are provided in red (representing improvement opportunities), and green (when actual performance exceeds the goal).

2019-2023 Moderate Risk Non-Structural Response Times				
1st/ERF	Urban/Rural	Baseline	Benchmark	Gap
1st Due	Urban	7:43	7:50	00:07
		n=50		
ERF	Urban	12:36	12:50	00:14
		n=31		

2019-2023 Significant Risk Non-Structural Response Times				
1st/ERF	Urban/Rural	Baseline	Benchmark	Gap
1st Due	Urban	9:43	7:50	01:53
		n=48		
ERF	Urban	11:15	12:50	01:35
		n=21		

It was verified and validated by the peer assessment team that Shelby Fire & Rescue had an insignificant number of maximum risk non- structural fire suppression incidents for 2019 - 2023, to provide a sufficient data set to study. Therefore, no performance gap analysis for maximum risk is provided in this report.

***Category 6 — Physical Resources***

Development and use of physical resources are consistent with the agency’s established plans. A systematic and planned approach to the future development of facilities is in place. City of Shelby Fire & Rescue (SFR) works within the framework of adopted city plans, the agency's strategic plan, the city's capital improvement plan, and the annual fiscal budget to ensure that existing and planned physical resources can meet the agency's service delivery needs and community expectations. The agency operates out of three stations and is currently planning to relocate the existing Station 2 and add a new Station 4 in the western part of their service area.

The agency designs, maintains and manages fixed facility resources that meet the agency’s goals and objectives. SFR has identified the need for new and replacement facilities, as identified in the city's capital improvement plan and strategic plan. Emergency response times, repairs to existing stations, and the economic climate dictate the need for additional facilities, which are evaluated regularly by the fire chief and city leadership.

Some of the fitness and workout equipment for the agency is maintained in apparatus bays as identifying dedicated fitness rooms can be challenging where fire stations were not originally designed with this need in mind. [It is recommended that the agency evaluate the location of fitness equipment as part of its carcinogen-exposure reduction efforts.](#)

City of Shelby Fire & Rescue maintains its facilities which are cleaned daily, by agency personnel as a part of their shift duties. Ground maintenance services are outsourced and cared for under an existing city contract. Each platoon is responsible for additional quarterly maintenance tasks,

including waxing assigned vehicles, cleaning building windows and other routine maintenance. Minor repairs to the facilities are also handled by agency staff. Major repairs are contracted to third-party contractors; these contracts are managed and coordinated through the professional development and logistics officer. Maintenance is performed as needed. However, there is no systematic or planned approach in place. [It is recommended that the agency evaluate the current system for performing maintenance and implement a system that has a systematic or planned approach to address facility needs.](#)

Apparatus resources are designed, purchased and maintained to adequately meet the agency's goals and objectives. City of Shelby Fire & Rescue apparatus and vehicles are appropriate for the operations, functions, and special operations in the community. The City of Shelby fleet facility is used for most of the repairs and maintenance of fire department vehicles. The fleet maintenance staffing is adequate for the department and the professional development and logistics officer has established a good working relationship with the garage supervisor to ensure that repairs are completed promptly. Minor repairs and routine maintenance are done in-house, while major repairs are outsourced to a contracted vendor. The agency has a system in place that is acceptable for their maintenance needs.

The inspection, testing, preventive maintenance, replacement schedule and emergency repair of all apparatus are well established and meet the emergency apparatus service and reliability needs. The city's Fleet Maintenance Division conducts routine and non-routine maintenance on all agency apparatus. The agency's use of iOps 360, a cloud-based operation management system, helps keep records and improves communication of repairs needed and the progress of repairs to completion. Third-party vendors have remained consistent, which provides ease in scheduling annual maintenance.

Equipment and supplies are adequate and designed to meet the agency's goals and objectives. Each company is supplied with the tools and equipment needed as determined by industry standards and agency policies. An inventory check list of equipment is completed every morning by the assigned personnel. The engineer is responsible for ensuring their apparatus and assigned equipment is in serviceable condition. The professional development and logistics officer is responsible for oversight of all apparatus and equipment for the agency.

Safety equipment is adequate and designed to meet agency goals and objectives. City of Shelby Fire & Rescue provides each employee with essential personal protective gear and station duty wear. Staff are issued all the necessary safety gear to meet Occupational Safety & Health Administration and National Fire Protection Association standards. All personal protective equipment is maintained per manufacturers' recommendations.

### **Category 7 — Human Resources**

General human resources administration practices are in place and are consistent with local, state/provincial and federal statutory and regulatory requirements. The City of Shelby human resources (HR) department consists of a department director, an employment benefits manager, a safety and risk coordinator, and an employment coordinator. The staffing level has proven appropriate and effective to accomplish the city's human resource administrative functions. The human resources department maintains a current job description defining the credentials and qualifications for the director's position.

The City of Shelby maintains a personnel policy manual that is consistent with local, state, and federal requirements. Personnel policies and any changes to policies are approved by the director of human resources, city manager, and reviewed by the city attorney. Internal City of Shelby Fire & Rescue (SFR) policy is consistent with city policy.

Systems are established to attract, select, retain and promote qualified personnel in accordance with applicable local, state/provincial and federal statutory requirements. The City of Shelby has systems in place to attract, select, retain and promote qualified personnel in accordance with applicable local, state, and federal statutory requirements. The human resources department coordinates the processes for all entry level, lateral and promotional job opportunities across all city departments. The mechanisms that guide the identification and announcement of open positions are contained in the personnel policy manual and are administered by the HR department.

The agency's staff members are part of the recruiting process of attracting and evaluating candidates for employment with the agency. The fire chief and the human resources director solicit recruitment twice a year from the Cleveland County Community College's firefighter academy class. The agency uses internal assessors for its assessment center for the firefighter position. Additional members conduct all phases of the process including interviews, written exams, and evaluation of the physical ability test.

The HR department ensures that the employment processes, screenings, and qualification devices are job-related across all city departments and are consistent with requirements set forth in various sections of the City of Shelby personnel policy manual and meet current legal requirements.

The agency has a process in place to attract women and minorities to better reflect the demographics of the community. They have specifically used the Cleveland Community College's firefighter recruit academy to attract women and ethnic minorities. The agency's strategic plan developed the goal of creating a recruitment and retention committee. That committee was formed in 2017 and the department has budgeted for recruitment items based on the committee's recommendations.

The City of Shelby has an orientation process conducted by the HR department for all new members. All newly hired full-time or promoted employees with the City of Shelby serve a probationary period of six months as set forth in the *City of Shelby Personnel Policy Manual*. During the probationary period, members are evaluated to ensure they possess the core required knowledge, skills, and abilities for the position. Probationary staff members receive feedback concerning their progress and a performance evaluation is conducted at the end of the period for recommendation to regular status as a city employee.

The City of Shelby conducts exit interviews of all employees upon their separation. Exit interviews are voluntary, and the human resources department conducts them. The results of the interviews are shared with the department director and the city manager as feedback.

Documented personnel policies and procedures are in place to guide both administrative and personnel behavior. The City of Shelby policies, procedures, and rules are written and current with contemporary practice. The policies are consolidated within the *City of Shelby Personnel Policy Manual* and are communicated to all employees. The personnel policy manual has been maintained in written form, communicated to all city employees, and revised accordingly. The agency has maintained hard copy manuals in each of its three fire stations, in addition to maintaining an electronic copy on file on its intranet site.

Both the City of Shelby and SFR have policies that prohibit sexual, racial, disability, or other forms of harassment, bias, and unlawful discrimination of employees. The city and agency provide periodic refresher training on the policies. A plan is in place to annually review the policies with the human resources department and revise as needed.

There is a policy covering disciplinary action within the City of Shelby Personnel Policy Manual applicable to all city departments and employees. The policy outlines the general purpose of the policy, responsibility of supervisors, forms of discipline and guidelines for administering discipline. The City of Shelby maintains a position classification system administered and managed by the human resources department. In addition, the city maintains an appraisal system for all city employees to be evaluated at least annually in a pay for performance system.

Human resources development and utilization is consistent with the agency's established mission, goals and objectives. City of Shelby Fire & Rescue works closely with the City of Shelby's HR department for all human resources elements, including recruitment, testing for employment and promotion, in addition to training for current positions.

The City of Shelby encourages and actively seeks input from its employees through its employee bright ideas program. The agency has an employee recognition program in place in concurrence with the City of Shelby.

The agency has job descriptions in place for all positions and a written policy guideline for career development covering all position classifications through battalion chief. The agency plans to review the existing policy annually. The agency has a succession plan in place with a written policy outlined in GOG 203.03 - *Certification, Continuing Education & Development*.

A system and practices for providing employee/member compensation are in place. The City of Shelby's rates of pay and benefits are published and administered by the human resources department and are readily accessible to city employees. The City of Shelby offers a competitive compensation package for full-time employees that includes salary, a comprehensive health-care plan, enrollment in the local government retirement system, employer 401K contributions, longevity pay, paid vacation, and sick leave. The HR department publishes an employee benefits handbook that is updated annually consistent with any changes to the benefits package.

### **Category 8 — Training and Competency**

A training program is established to support the agency's needs. The agency provides access to and guidance on educational programs that increase advancement potential and support the agency's needs. City of Shelby Fire & Rescue (SFR) effectively identifies its training needs and establishes a training and recertification plan that meets the mission of the agency and the needs of all personnel. The professional development and logistics officer is responsible for the oversight of this program. General operating guidelines and state regulations help to guide the development of the training program. An agency training calendar is produced and made available annually. This calendar is readily accessible to all personnel via the agency *Outlook* calendar.

City of Shelby Fire & Rescue has established minimum qualifications and levels of training for all positions within the agency. New hire employees are provided with a workbook which guides their initial training and defines necessary competency skills to be completed within their first six months

of employment. Workbooks have also been created for relief drivers and relief captains as part of a career development path to prepare employees for advancement within the agency.

Training and education programs are provided to support the agency's needs. City of Shelby Fire & Rescue as multiple means for providing training and education for personnel. As part of the development of the annual training calendar, the agency ensures that all needed recertification hours and Insurance Services Offices (ISO) recommended hours are met for each position description. This process is outlined in the agency's general operating guidelines. The training and education programs made available by the agency have proven to be successful in providing access to needed training opportunities which allow SFR members to remain proficient with their skills.

The agency partners with the Cleveland County Community College to utilize the Brown Emergency Training Center. This training center offers a wide variety of fire and rescue scenario props including access to live-burn activities. The professional development and logistics officer for the agency and the support representative from the college work to schedule availability for agency crews and personnel to have access to the facility. Instructors from the college and the agency lead the training that takes place at this facility. Crews often can reach out to the college and secure the facility on short notice for additional training and drills as needed.

The Cleveland County Emergency Medical Services (EMS) department manages much of the EMS training and recertification for the agency. This is done through both didactic and practical training designed to meet the needs of the agency and its personnel and to complete the needed recertification hours to maintain licensure all agency emergency medical technicians.

The agency also provides internal training opportunities for personnel through agency instructors that cover a broad subject area. Personnel train daily both individually and as part of their company. All training is documented within *EPR Fireworks*, the agency's records management system and *Vector Solutions*. Cleveland County EMS utilizes *Vector Solutions* for tracking all EMS training. Agency personnel have access to each system and can readily check their status regarding current training hours completed.

The agency receives automatic aid from multiple county agencies for maximum risk responses in several community risk programs. This response brings additional physical resources and personnel to the incident scene which aids in more timely incident stabilization and mitigation. However, training with these aid agencies fell off during the pandemic. [It is recommended that the agency work with their automatic aid agencies and establish a plan for joint training when developing future annual training plans.](#)

Printed and nonprinted training and education resources, library materials, media equipment, facilities and staff are available in adequate quantity, relevancy and diversity, and are current. City of Shelby Fire & Rescue has provided access to relevant training materials for all personnel through multiple avenues. The agency maintains a small training library containing current publications of fire service training materials in the office of the professional development and logistics officer. These include International Fire Service Training Association (IFSTA) manuals, National Fire Protection Association (NFPA) standards and fire service industry periodicals. Along with this, the agency provides an online subscription to the NFPA codes. Staff members can access current editions of the code online anywhere they have access to an internet connection. Last, personnel have access to a wide variety of training and instructional materials via *Vector Solutions*.



The facilities and equipment utilized by the agency meet the training needs for personnel and are maintained and upgraded or replaced on a schedule as needed. The facilities and equipment located at the Cleveland County Community College provide additional training resources for agency personnel and these are satisfactorily maintained by the college.

## **Category 9 — Essential Resources**

### **Criterion 9A – Water Supply**

The water supply resources are reliable and capable of distributing adequate volumes of water and pressures to all areas of agency responsibility. All areas meet fire flow requirements in accordance with applicable fire flow criteria. City of Shelby Fire & Rescue (SFR) water supply resources are reliable and capable of distributing adequate volumes of water and pressures to all areas throughout its jurisdiction. The agency adopts the North Carolina Fire Code Appendix B to determine required fire flows. All current areas meet fire flow requirements in accordance with the North Carolina Fire Code for references for obtaining minimum fire flow requirements.

The City of Shelby’s water system meets the minimum fire flow requirements for all structures in their coverage area. The water system has over 218 miles of water lines and four above-ground storage tanks. There is one main pumping station, an emergency back-up station, and an emergency inter-connection with the City of Kings Mountain’s water system. The system is rated to pump 12 million gallons of water per-day. The community currently has a class 1 rating for water supply that was performed in 2019.

### **Criterion 9B – Communication Systems**

The public and the agency have an adequate, effective and efficient emergency communications system. The system is reliable and able to meet the demands of major operations, including command and control within fire/rescue services during emergency operations, and meets the needs of other public safety agencies. The Cleveland County Communications Center (CCCC) is the primary dispatching agency and serves as one of the public safety answering points for City of Shelby Fire & Rescue (SFR).

The department communicates in the field using a digital 800 megahertz (MHz) trunked radio system that is interoperable with all other public safety agencies in the City of Shelby and Cleveland County. The agency has a mobile radio in each apparatus in addition to assigned portable radios for each position on the apparatus. As a backup for loss of signal, the agency can operate on North Carolina’s Voice Interoperability Plan for Emergency Responders (VIPER) 800 MHz radio system. Any buildings that pose a communications problem for the 800 MHz channels are addressed by all units switching to a line of sight or direct talk channel that functions well in those situations.

The CCCC can receive natural disaster notifications and weather updates from the North Carolina Division of Criminal Information and the National Weather Service’s weather alerting system. The CCCC has been adequately designed and equipped to meet the department’s needs. Emergency power is provided by an on-site generator and a secondary generator, both are tested regularly.

The agency has time-based objectives for alarm handling that includes a benchmark goal of alarm processing times of 90 seconds or less, 90 percent of the time for all emergent calls for service to the 911 center. SFR provides its desired benchmark goals to the CCCC director and managers which are

reviewed annually. The baseline call processing times are at a slightly higher level than desired. There is no delay in receiving the records management system (RMS) data from dispatch by the agency. [It is recommended that SFR continue to work with the CCCC to analyze call processing times in the RMS to identify areas for improvement.](#)

Cleveland County Communications has maintained a training program that ensures adequate, timely, and reliable emergency response. In addition, all employees have completed annual training requirements through the continuing dispatcher education program to maintain certification. Cleveland County Communications Center personnel are certified through the International Academies of Emergency Dispatch (IAED). The IAED program includes the emergency medical dispatch protocols and requires monthly quality assurance reviews.

Cleveland County Communications has a backup plan and a continuity of operations plan approved by the North Carolina 911 Board that meets the general statute requirements for communications in North Carolina. The plan has two tiers of activation based on disruption or failure type to ensure continuity of service to both citizens and responders. This plan is tested annually as required by state statute.

The CCCC has a formal and documented appraisal plan in place. That plan is used to determine the effectiveness of the system and personnel. The agency works with the CCCC Director to ensure that the communications center remains effective for the operations of SFR.

### **Criterion 9C – Administrative Support Services and Office Systems**

Administrative support services and general office systems are in place with adequate staff to efficiently and effectively conduct and manage the agency's administrative functions such as organizational planning and assessment, resource coordination, record keeping, reporting, business communications, public interaction and purchasing. City of Shelby Fire & Rescue (SFR) executive administration functions encompass financial management, human resource management, facilities management, fleet services maintenance, training and education, code enforcement and investigation, and fire and rescue operations. There is currently one administrative assistant who has been in place for about 18 months, the position was vacant for several years previously. This employee is an essential component that handles an abundance of the general office systems. The agency's administrative functions currently meet its needs. However, with the anticipated growth of the agency, the current resource allocation to administrative support may be inadequate. [It is recommended that the agency conduct a staffing analysis to ensure overall administrative functions reflect the needs of the agency.](#)

The agency utilizes public information channels and external communications to provide community information. However, some messaging is not tailored to the public, possibly causing the intended message to be missed. [It is recommended that the agency tailor its public information messaging to the intended audience to support the agency's perception in the community.](#)

The fire chief is ultimately responsible for the oversight and accountability of the agency's operational documents. The agency utilizes Vector Solutions to track the review cycle of operating guidelines. Some documents outside of operating guidelines were not formally notated as reviewed within the cycle. [It is recommended the agency expand its formal review cycle process for all organizational documents.](#)

### **Criterion 9D – Information Technology**

Information technology resources are in place with adequate staff to efficiently and effectively conduct and manage the agency's information technology functions, such as hardware and software implementation and maintenance and data analysis. Shelby Fire & Rescue (SFR) has multiple operating systems in place that assist in everyday business and operations and are adequate for the department's needs. The agency utilizes several comprehensive data-based management systems for day-to-day operations. The agency is knowledgeable about the systems in which they are operating. The city's information technology department employs two staff members and assists the agency with the purchase, installation, and training of all the agency's hardware and software. They are also available for technical assistance should the need arise. The staffing is adequate and meets the needs of SFR. The information technology department is up to date on all the policies and procedures as it relates to the agency's security and data governance.

In April of 2020 the city's computer infrastructure suffered a significant cyber-attack. Due to this, the IT department had to clear and reprogram every device attached to the network. The external hack caused numerous problems throughout the city while the IT department worked to restore and upgrade the network's protection. Since the cyber-attack, the IT department has moved more of the operational program to cloud-based systems and upgraded the firewalls, anti-virus programs, and intrusion prevention systems.

### **Category 10 — External Systems Relationships**

The agency's operations and planning efforts include relationships with external agencies and operational systems that affect or may influence its mission, operations and/or cost effectiveness. Shelby Fire & Rescue (SFR) has developed and maintained effective relationships with external agencies at the local and state level that support their mission and operations while providing cost effective services to the community. As a part of the Cleveland County Firefighters Association, the department participates in a mutual aid agreement among the fifteen member agencies in Cleveland County.

The agency participates in the North Carolina Intra-State Mutual Aid Plan which coordinates mutual-aid fire resource support from agencies across North Carolina. Additional state level relationships with the North Carolina Emergency Management and the State Bureau of Investigation.

The 2022 Strategic Plan identifies support programs, groups, and agencies which complement the service delivery of the agency in meeting its mission requirements. There is an agreement with Cleveland County Emergency Medical Service (EMS) to provide emergency medical technician (EMT) basic and advanced life support transport to the City of Shelby.

The agency maintains current agreements with those external agencies which support the identified programs. SFR maintains three automatic aid contracts in addition to mutual aid agreements and has been reviewing them at least annually during their budget planning process. In addition, the agency has a process in place of continually reviewing and measuring external agency performance and related contracts to ensure their validity and any needed additions, training, or funding.

The agency's mutual aid agreements and automatic aid contracts provide support or specific assignments to accomplish their mission and service delivery. These automatic aid agreements include aircraft related incident and structure fires on airport property, confirmed commercial structures, apartment complexes, and to commercial properties on the west side of the city that would otherwise have extended travel time.

## **Category 11 — Health and Safety**

The agency's occupational health, safety and risk management programs protect the organization and personnel from unnecessary injuries, loss, and liability. The health, safety, and risk management programs of City of Shelby Fire & Rescue (SFR) are managed by the City of Shelby safety, health and risk coordinator, a fulltime employee within the city Human Resources office. The fire marshal is the agency liaison for the city safety committee. The City of Shelby maintains a personnel policy manual which provides guidance and direction for reporting, addressing, and communicating workplace hazards and accidents. The safety committee meets regularly to address safety issues or concerns within the city. The fire marshal performs an annual inspection on all city facilities to ensure fire code compliance. The agency has specific general operating guidelines which further define the safety and health program for the agency.

All agency employees receive annual bloodborne pathogen and communicable disease training, and agency staff ensure that the agency maintains adherence to all agency and city procedures along with county medical protocols related to occupational exposure. New hires receive this initial training during their orientation period with the city. The agency is working with the city to ensure a city-wide administrative occupational health and safety policy is developed to support the existing agency policy.

Recently, the safety committee has begun a renewed effort to improve near-miss reporting throughout the city. The agency has utilized activities such as post-incident analysis to identify near-miss concerns on the incident scene but is also confident that many such concerns are missed during this opportunity or go unreported. Formal accident reporting for the agency meets expectations and is completed as required within policy. The agency, along with the City of Shelby, has identified areas to improve upon the near miss reporting in the city. [It is recommended that the agency formalize an internal reporting process for near miss incidents and provide training for agency personnel to ensure the success of the program.](#)

The agency has a well-developed practice guided by policy regarding personal protective equipment (PPE) cleaning and maintenance. Each agency employee has two different sets of PPE which are identified with different colors of reflective striping. The color coding is used to identify the correct PPE to be worn during even and odd months. . All PPE is appropriately cleaned and decontaminated following exposure in a an IDLH atmosphere. Any PPE requiring repair is sent to a licensed shop for repair. Personnel exposure records are maintained as required by policy.

The agency deploys an incident safety officer to all significant and maximum risk incident responses. The professional development and logistics officer is designated to serve in this role. All other Chief Officers or the on-duty inspector may also serve in this capacity as needed. The Incident Safety Officer is dedicated solely to monitoring and gauging the overall work/scene environment for safe/unsafe conditions and is not formally included in operational support thus allowing the focus to be operational firefighter safety.

The agency has a wellness/fitness program for personnel. The agency specifies and communicates the provisions if employees/members do not comply with the wellness/fitness program. SFR requires pre-employment medical and physical fitness evaluations along with substance screenings to candidates who have successfully completed all pre-employment testing requirements. All personnel receive annual medical and fitness evaluations. Additionally, the agency performs random and

reasonable suspicion screenings for all personnel. Cancer, behavioral health and cardiac screenings are provided for all employees beginning with baselines at the initial point of hire.

Fitness equipment is provided at each fire station to include some type of cardio machine and strength training equipment. Personnel are allowed time on shift to complete physical exercise with the discretion of the company officer concerning the specific time. Physical fitness instruction is offered to each employee during the time of their annual physical and medical evaluations which are performed through a third-party vendor. Fitness and exercise education is also provided through the City of Shelby Wellness Committee.

The agency offers member assistance for behavioral counseling services. These are provided through the City of Shelby Employee Assistance Program (EAP) and generally managed through the human resources department.

Agency policy has been in place for over a decade that guides the health and wellness programs for the agency. The agency remains proactive with program evaluation and makes additions and improvements as needed. The program is formally reviewed annually by agency staff.

City of Shelby  
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Don Gibson Theatre

Agenda Item: D

Unfinished Business

None

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**E. New Business**

**Agenda Item: E-1**

- 1) Corporate Hangar Development Project:
  - a) Presentation of Corporate Hangar Development Project – November 2024 – Ben Yarboro, Assistant City Manager
  - b) Adoption of an ordinance establishing a capital project ordinance and budget for the City of Shelby’s Airport Corporate Hangar Development Project: Ordinance No. 65-2024
  - c) Approval of a resolution authorizing the submittal of grant application to the North Carolina Department of Transportation - Division of Aviation related to Project Fast at the Shelby-Cleveland County Regional Airport: Resolution No. 66-2024

**New Business Item: (Rick Howell, City Manager and Ben Yarboro, Assistant City Manager)**

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- Presentation
- Memorandum dated October 29, 2024, from Ben Yarboro, Assistant City Manager to Rick Howell, City Manager
- Memorandum dated October 28, 2024, from Jack Poole, Airport Supervisor to Ben Yarboro, Assistant City Manager
- Memorandum dated October 28, 2024, from Jack Poole, Airport Supervisor to Ben Yarboro, Assistant City Manager
- Supporting Documentation
- Ordinance No. 65-2024
- Resolution No. 66-2024

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City Manager’s Recommendation / Comments

- a) Presentation – Mr. Yarboro has prepared a presentation to give Council an overview and better understanding of the project that is under consideration tonight.
- b) Ordinance No. 65-2024 is presented for Council consideration as new business. If approved this ordinance would establish a capital project budget for the airport corporate hangar development project. Estimated revenue from the tentatively approved NCDOT Board of Transportation grant is \$1,235,273. Expenditures are estimated at the same amount with \$220,000 designated for engineering and design with the remaining \$1,015,273 going toward actual construction. This grant does not require a local match.

(Item E-1 continued on next page)

City of Shelby  
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Don Gibson Theatre

- c) Resolution No. 66-2024 is presented for City Council consideration as new business. If approved this resolution would formally authorize the City Manager to submit and execute the proposed grant agreement on behalf of the City.

**It is my recommendation that Ordinance No. 65-2024 and Resolution No. 66-2024 be adopted and approved at this time.**





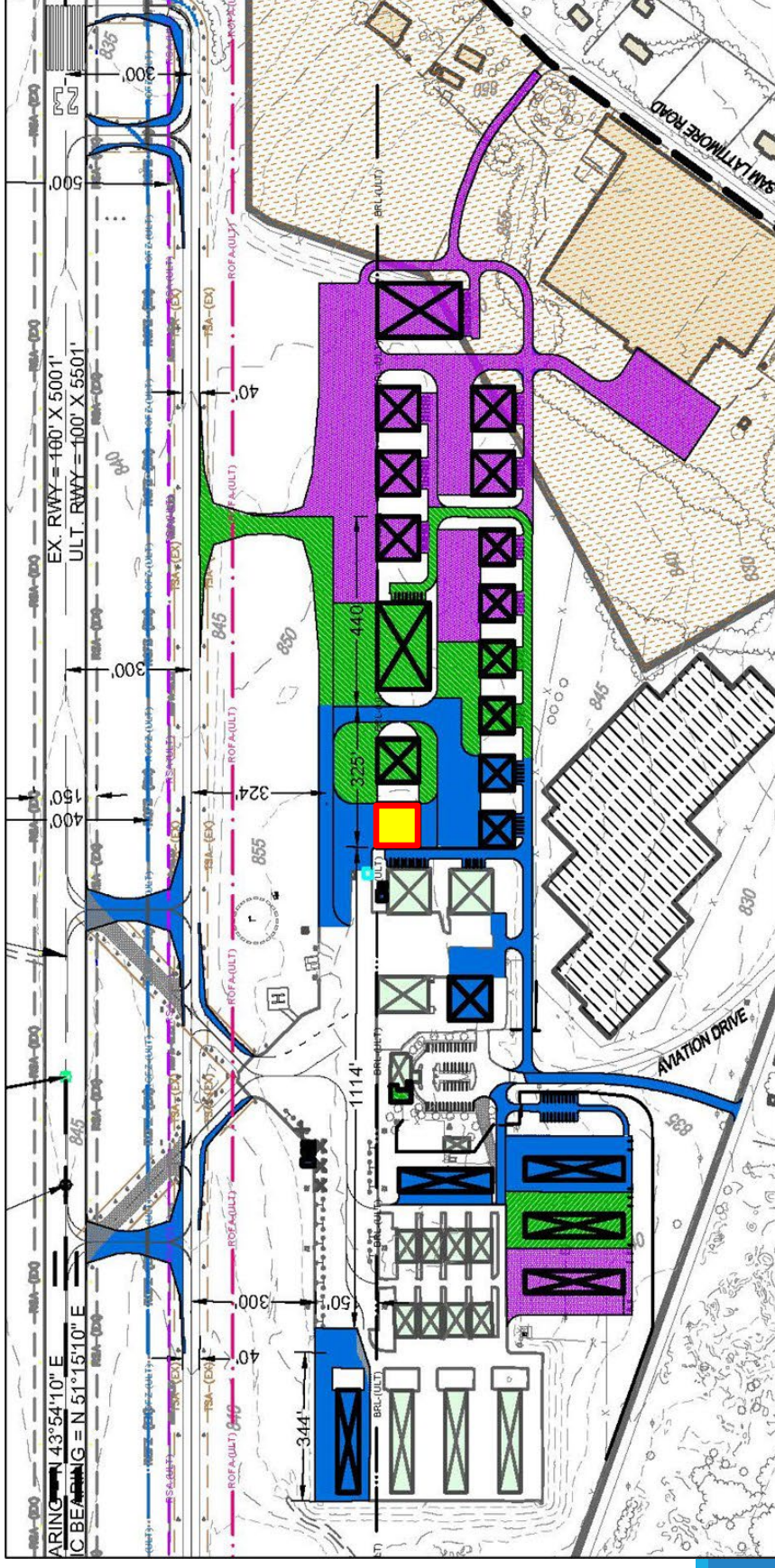
# Shelby-Cleveland County Regional Airport

Corporate Hangar Development Project – November 2024



## Airport Development Background

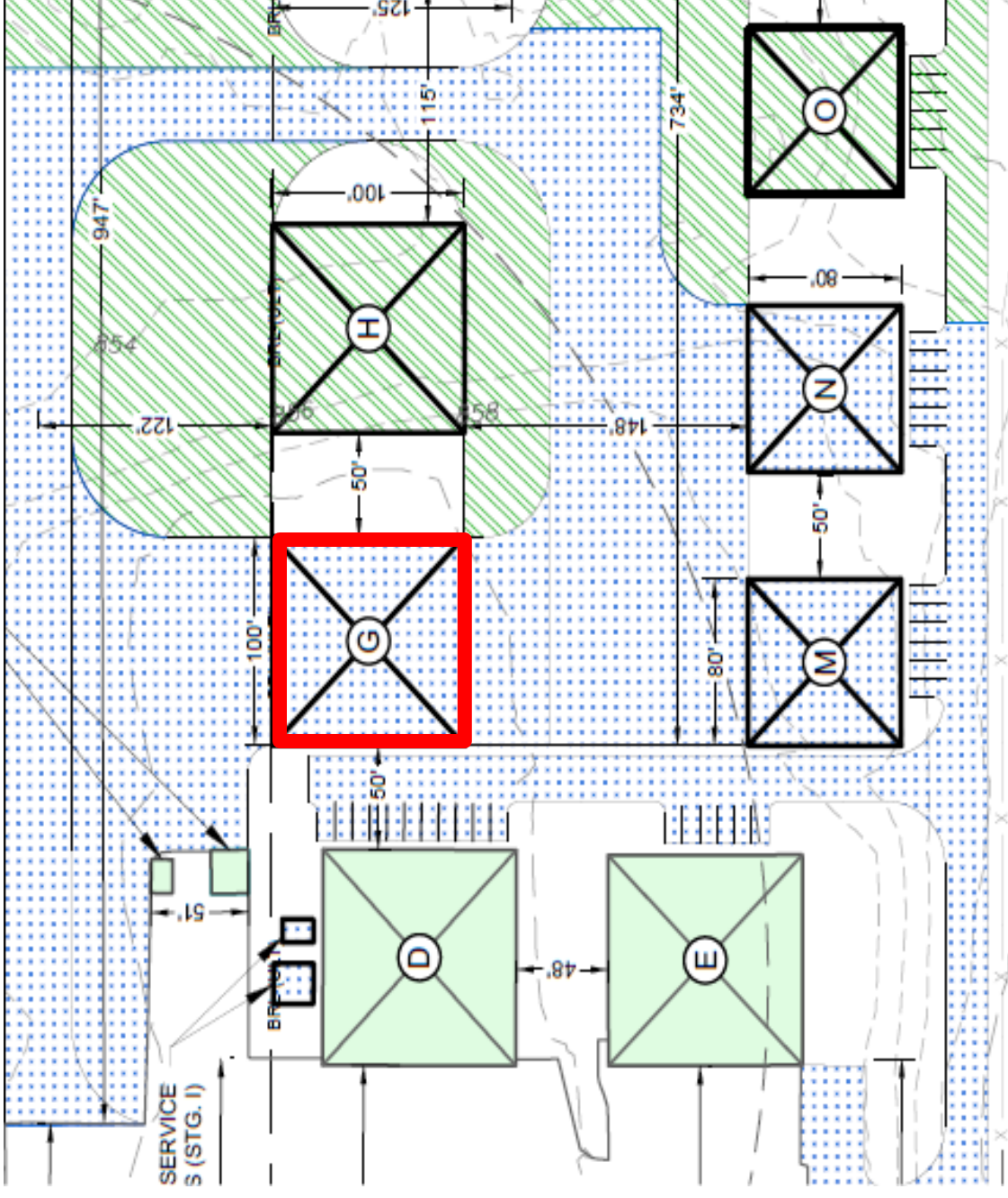
- **Airport Layout Plan (ALP)** adopted by City Council on February 20, 2023
- ALP includes projects for future improvement, development, or expansion of airport facilities
- A project must be included in the ALP to be eligible for state or federal grant funding
- **Corporate Hangar Development** is one of the projects included on the ALP to be completed





## Corporate Hangar Development

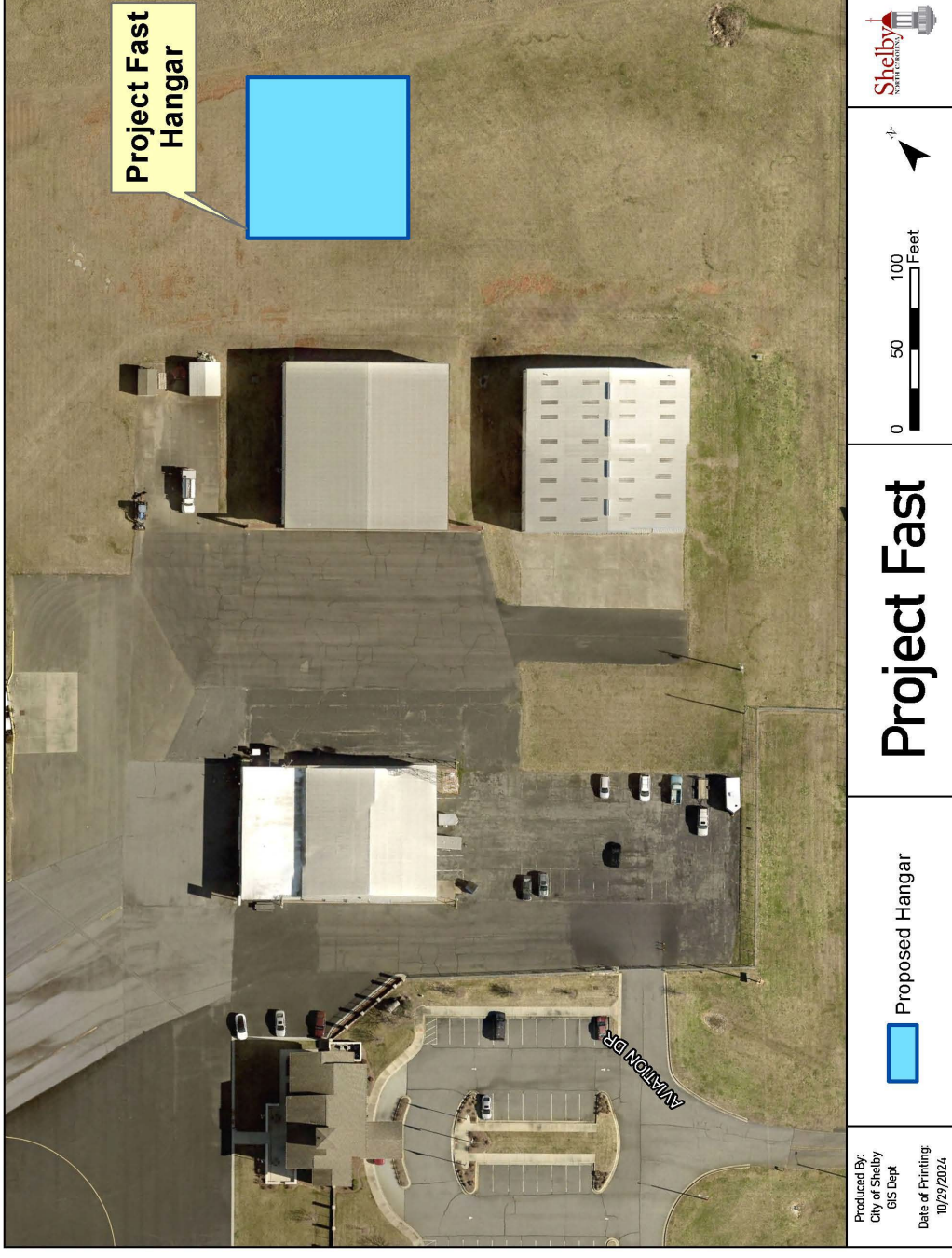
- Corporate Hangar Development is the City's most desired project listed on our current ALP
- Provides for construction of additional hangars of various sizes
- Prepares the airport for future growth and expansion
- Separates business aviation and larger aircraft from private aviation and smaller aircraft



## Project Background

- In February 2024, Fast Aircraft Supplies, Inc. inquired about available space at the airport to construct a hangar for installing aircraft avionics
- Fast Aircraft is an existing aviation business in Greenville, SC looking to relocate operations.
- NCDOT- Division of Aviation (NCDOA) Economic Development funding was a potential option
- City staff and the Airport Advisory Board reviewed the request and agreed the project fit the current ALP and would be beneficial to the airport, if approved for DOA funding

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## Project History

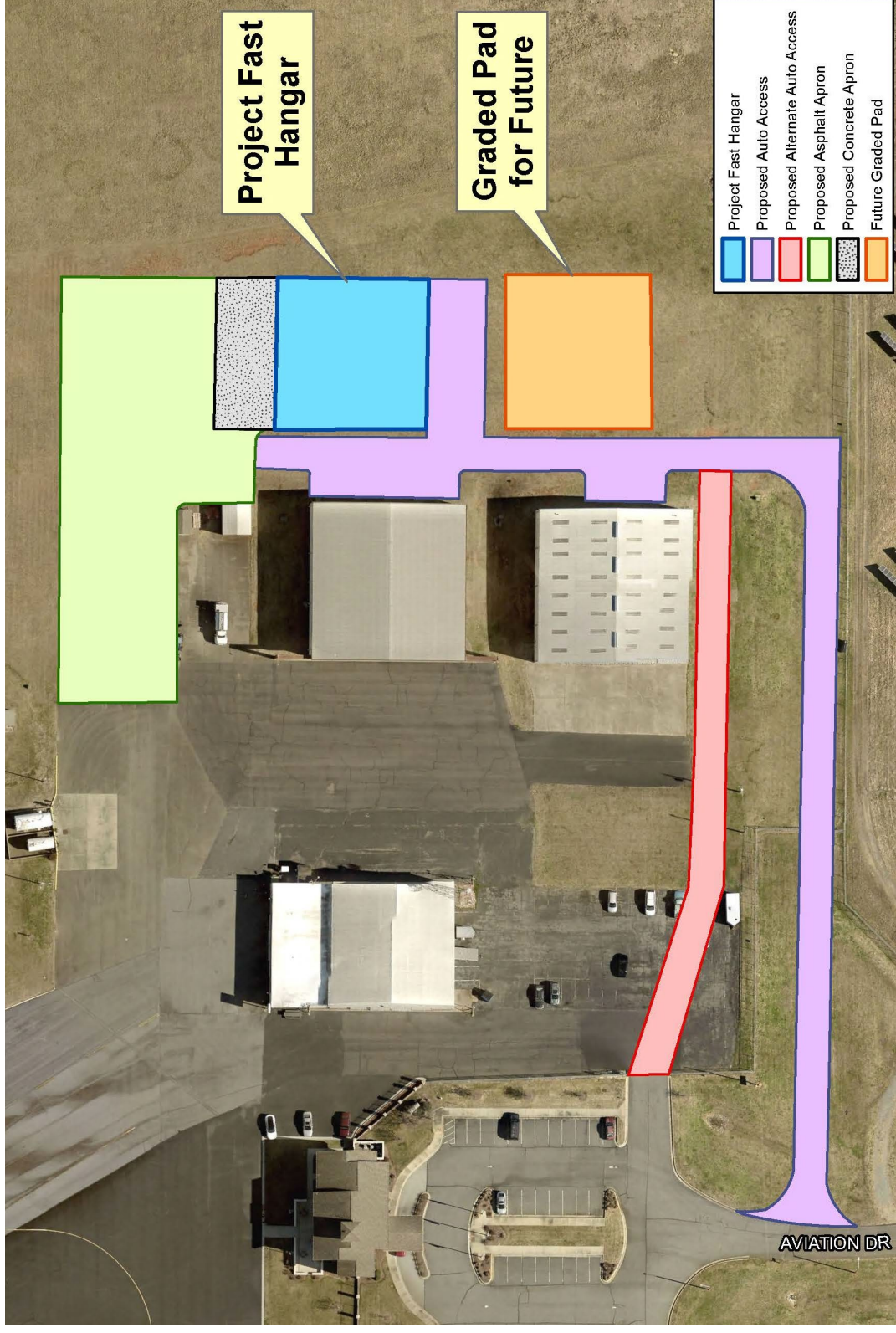
- In May 2024, the airport applied for Economic Development funding through NCDOA
- Benefit-Cost analysis was completed and reviewed by the NC Director of Aviation
- In October 2024, NCDOT Board of Transportation awarded a **\$1,235,273** Economic Development Grant to Shelby
- A grant application has been prepared and upon council approval will be submitted to NCDOA
- A proposal has been prepared by W.K Dickson for professional services for the design and bid portion of the project as required by NCDOA





## Project Funding and Scope

- Grant amount is \$1,235,273
- **100% Grant** with no local match for airport's portion of project
- Provides graded hangar pad(s)
- Provides auto access and parking to the project area
- Alternate access may be required to meet grant funding amount (shown in red)
- Water, sewer, electric, and gas extensions will be provided to the project area
- Ramp extension and hangar apron will be completed.
- Hangar building will be constructed by Fast Aircraft at 100% their expense



## Project Fast Hangar Construction

- Fast Aircraft Supplies, Inc. will privately fund a 100'x100' hangar on the project site
- Fast Aircraft will transfer ownership of the constructed hangar to the City upon completion of construction
- Hangar will be lease free for Fast Aircraft for 25 years
- City will take possession of the hangar at the end of the 25-year period
- City will begin to lease or rent the hangar space at this time for increased revenue



## Project Fast Benefits

- Fast Aircraft Supplies, Inc. will provide eleven (11) new jobs to the state and airport
- Minimum wage of new jobs is estimated to be \$43,564 annually
- State estimated economic benefits for Fast Aircraft Supplies, Inc. is \$11,040,000 annually
- Fast Aircraft Supplies, Inc. will provide additional services needed for local and regional aircraft owners







# Questions ?

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***Memorandum***

**To: Rick Howell, City Manager**

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

**RE: Shelby-Cleveland County Regional Airport Corporate Hangar Development Project – Project Budget Ordinance and Authorization to Submit Grant Application**

**Date: October 29, 2024**

**Background**

As noted in the detailed memo from Jack Poole, Airport Supervisor dated October 25, 2024, the City of Shelby has received an economic development grant from the NCDOT – Division of Aviation for \$1,235,273 for the site preparation related to a corporate hangar construction project. The City was approached by Fast Aircraft Supplies, Inc. from Spartanburg, SC in February 2024 about the potential for them to construct a 100' x 100' corporate hangar to conduct their avionics business in. In this situation, the City needs to provide a graded building pad and other site and utility improvements to allow for the private company to then construct the hangar building at their own expense.

The NCDOA has limited funds available for use across the state for justified and beneficial economic development projects. Mr. Poole and Brandon Ruppe (City Economic Developer) worked diligently with the NCDOA to obtain support for the project and to determine through a benefit-cost analysis, that the City was eligible for \$1,235,273 of state grant funding. It is important to note that this economic development funding is 100% grant funding with no local match required.

City staff have prepared a Project Budget Ordinance and Resolution for City Council consideration that establishes a budget for this project and authorizes the submittal of the application and associated documents for this economic development grant.

After submittal of this application to the NCDOA, the City will then receive a grant agreement for execution. Following approval of execution of the grant agreement at a subsequent City Council meeting, W.K. Dickson will be able to proceed with the design/bidding of this project.

It should be noted the that the continued support of the NC Division of Aviation and dedicated work by City staff allow the Shelby-Cleveland County Regional Airport to

continue to grow and better serve the needs of the aviation community in North Carolina.

**Recommendation**

City staff recommends that the Shelby City Council approve the Project Budget Ordinance and Resolution that have been prepared for this NC Division of Aviation economic development grant for corporate hangar development.

Please advise if you have any questions or need additional information.

Attachments:

- Memo (with attachments) from Jack Poole, Airport Supervisor

## *Memorandum*

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

**From:** Jack Poole, Airport Supervisor

**RE:** Airport Corporate Hangar Grant Application – Project Fast

**Date:** October 28, 2024

### **Background**

In February 2024, a company named Fast Aircraft Supplies, Inc., based in Spartanburg, SC reached out to the City of Shelby showing interested in moving their business to North Carolina and building a hangar for the installation of avionics upgrades to aircraft. Fast Aircraft Supplies, Inc. would bring eleven (11) new jobs to our area with a minimum wage of \$43,564 annually. The estimated economic benefits for this company in our area would be \$11,040,000. They would provide additional services needed for local and regional aircraft owners. This project has been named “Project Fast.” In May 2024, the City of Shelby applied for Economic Development Funds from the North Carolina Department of Transportation, Division of Aviation (NCDOA). A Benefit-Cost Analysis was completed by the NCDOA determining the maximum amount of funds that the City could receive for the project. The consultant for the Shelby-Cleveland County Regional Airport is W.K. Dickson. W.K. Dickson designed the scope of the project to fit the \$1,235,273 funding amount and provided a project schematic. There was a second Benefit-Cost Analysis performed by the NCDOA after the redesigned scope was submitted. On October 8, 2024, the North Carolina Department of Transportation, Division of Aviation awarded \$1,235,273 to the Shelby-Cleveland County Regional Airport for Project Fast. These funds would be 100% State funded with no local match required.

### **Review**

Now that the NCDOA has sent the award letter, the City must submit the grant application to the NCDOA, sign the associated forms, and establish a Project Budget Ordinance in the amount of \$180,000 for the design/bidding phase services that W.K. Dickson will provide for the hangar related to Project Fast. The cost estimate and work authorization are attached to show the cost breakdown for the design/bidding services related to Project Fast. Upon approval of the submittal of the grant

[www.cityofshelby.com](http://www.cityofshelby.com)

application, a grant agreement will be developed and signed by the City. W.K. Dickson can then begin the design of this project, which will take approximately four (4) months with an NCDOA review required before the project construction is sent out to bid. Once the project has been bid and a low bidder has been established, the construction of the project can begin. Construction will take approximately four (4) months from start to finish. The project will consist of grading, parking, vehicle access, apron improvements, utility extensions, and the construction of a 100'x100' hangar on the northeast side of the airport (see attached site plan).

### **Recommendation**

City Staff recommends City Council approval to sign and submit the grant application, AV-508, and AV-509/AV-510 forms related to Project Fast so that this project can move forward as planned.

Please advise if you have any questions or need additional information.

### Attachments:

- Grant Application
- Site Plan
- W.K. Dickson Work Authorization #1
- Project Fast (Design/Bidding) Project Bidding
- NCDOA Award Letter
- AV-508 Form
- AV-509/AV-510 Form

<b>Airport Name</b>	Shelby-Cleveland County Regional	<b>Application Number</b>	1000023688
<b>Airport ID</b>	EHO	<b>Vendor ID</b>	1000002842
<b>Project Request</b>	00005038	<b>WBS</b>	36244.23.15.1
<b>Description</b>	PROJECT FAST		
Long Description	Site preparation for hangar development in support of the expansion for new tenants.		

**Request For Aid**

<b>Sponsor</b>	Name of Agency	CITY OF SHELBY		
	Contact Person	Ben Yarboro		
	Address	SHELBY-CLEVELAND CO REGIONAL AIRPORTPO Box 207 SHELBY, NC 28151-0207		
	Telephone Number	+1 (704) 484-6840	Email	ben.yarboro@cityofshelby.com
<b>Accounting</b>	Name of Budget Official *			
	Title *			
	Address *			
	Telephone Number *		Email *	
<b>Consultant</b>	Name of Firm			
	Project Manager			
	Address			
	Telephone Number		Email	

**Certification of Local Funds and Accounting Information**

STATE AID AIRPORTS PROJECT
  STATE MATCH/AIP GRANT
  FEDERAL BLOCK GRANT PROGRAM

Approved Project Cost	\$0	Compute Local Matching:	Based on Percentage
Local Matching Funds Required:	\$0.00	representing a	0.00000% local share of the project
If this is a Federal Aid (AIP) Project indicate Federal Project Number			

**WORK ELEMENTS AND FUNDS REQUESTED (round funds to the nearest dollar)**

Work Element	State Aid Requested	FAA Funds Proposed	Local Funds Committed	Total Estimated Cost
<b>TOTALS</b>				





<b>Airport Name</b>	Shelby-Cleveland County Regional	<b>Application Number</b>	1000023688
<b>Airport ID</b>	EHO	<b>Vendor ID</b>	1000002842
<b>Project Request</b>	00005038	<b>WBS</b>	36244.23.15.1

Code & Category of Expenditure		Estimated Cost
Remaining Amount (Informational Only)		\$0.00
A101 - Administrative Expense		
A102 - Preliminary Eng., Planning, Testing		
A103 - Land Acq., Str./Utility Relocation		
A104 - Engineering Services Basic Fees		
A105 - Project Inspection, QA, Testing		
A106 - Const. & Project Improvement Cost		
A107 - Equipment(i.e. nav aids, Fire Truck		
A108 - Miscellaneous(specify)		
A109- In-Kind		
<b>Expenditure &amp; In-Kind Total</b>		

Billable     Non-Billable

Estimated Project Funding	Percent	Project Req Amt	Amount
FEDERAL	0.00000%	\$0.00	\$0.00
FEDERAL	0.00000%	\$0.00	\$0.00
STATE	100.00000%	\$0.00	\$0.00
LOCAL	0.00000%	\$0.00	\$0.00

Cash Flow						
Year(s) YYYY	1st Quarter <i>July 1 - Sep. 30</i>	2nd Quarter <i>Oct. 1 - Dec. 31</i>	3rd Quarter <i>Jan. 1 - Mar. 31</i>	4th Quarter <i>April 1 - June 30</i>	Total	Add
						Remove
Total						

**Application Request Certifications**

<b>Airport Name</b>	Shelby-Cleveland County Regional	<b>Application Number</b>	1000023688
<b>Airport ID</b>	EHO	<b>Vendor ID</b>	1000002842
<b>Project Request</b>	00005038	<b>WBS</b>	36244.23.15.1

<input type="checkbox"/>	<p>I hereby certify that the local matching share for this project has been officially approved, placed into the budget of the Sponsoring local governmental unit and will be available for expenditure upon execution of the State Aid to Airports Grant Agreement and start of this project. I further certify that the authority of the Sponsoring local governmental unit to enter into contracts with the state of North Carolina has been reviewed by the governmental attorney and, in his opinion, the Sponsoring local governmental unit is duly authorized to commit the Sponsor to an Agreement with the North Carolina Department of Transportation.</p> <p>I further certify that all expenditures of this project will be accounted for in a manner consistent with the requirements of the State Auditor, that the Sponsor has made appropriate arrangements to have its accounts audited on an annual basis in conformance with the Single Audit Act of the State of North Carolina, and that each annual Single Audit will contain the required information about this project.</p>
<input type="checkbox"/>	I certify that, to the best of my knowledge, the estimated costs shown above were derived from careful analysis of the project, include all anticipated project expenses, and represent the intended budget of the Sponsor for this project.
<input type="checkbox"/>	I acknowledge the above DBE/MBE/WBE goal and certify that it was used in the bid documents for the project according to applicable federal law CFR Title 49 Part 26 and state statutes GS 136-28.4; EO 106; GS 143-48; GS 136-28.10.

	Name	Title	Pin	Date
Sponsor/Representative Authorization				



Future Hangar

	Future Hangar
	Proposed Auto Access
	Proposed Alternate Auto Access
	Proposed Asphalt Apron
	Proposed Concrete Apron



AVIATION DR

**Work Authorization #1**  
**Shelby-Cleveland County Regional Airport (EHO)**  
**Project Fast (Design/Bidding)**  
October 22, 2024

**CONTRACT FOR PROFESSIONAL SERVICES**

**Dated August 8<sup>th</sup>, 2024**

**Expiration: August 8<sup>th</sup>, 2029**

**WBS Number: 36244.23.15.1**

**Funding: Economic Development Grant**  
100% State/ 0% Local

**PROJECT DESCRIPTION**

The Shelby-Cleveland County Regional Airport (OWNER) wishes to construct one new 100'x100' aircraft hangar that is to be occupied by Fast Aircraft Supplies, Inc. Fast Aircraft Supplies will perform maintenance and avionics in the new hangar and this development will bring 11 new jobs to the community. The proposed hangar will be located in the existing corporate hangar area, just northeast of the existing terminal building, as shown on Exhibit 1. The proposed hangar layout compliments the current Airport Layout Plan (ALP) that was approved on May 2,2023. This project will include the required site preparation consisting of embankment and the associated erosion control, extension of the existing asphalt apron to provide aircraft access to the new hangar, an asphalt auto access drive with parking on the side of the new hangar, power supply, water, and sanitary sewer service to the new hangar. The new hangar building will be designed and constructed by others. At the start of the design effort, WK Dickson (CONSULTANT) will confirm the site layout and hangar size with the OWNER. Once the layout is confirmed, the ENGINEER will proceed with the development of the bid documents.

Design shall be in accordance with the following FAA Advisory Circulars:

- 150/5300-13B: Airport Design
- 150/5320-6G: Airport Pavement Design and Evaluation
- 150/5340-1M: Standards for Airport Markings
- 150/5320-5D: Airport Drainage Design
- 150/5370-2G: Operational Safety on Airports During Construction
- 150/5370-10H: Standards for Specifying Construction of Airports

The scope of services below outlines project management and grant administration, survey,



geotechnical investigation, design, permitting, and bidding to be provided by CONSULTANT to assist the OWNER with this project. This scope of work and fee estimate includes the work that is known to be required for this project as defined below. All professional consultants and sub-consultants must be NCDOT pre-qualified or provide Evidence of Competency per FAA guidelines.

## **SCOPE OF SERVICES**

### **Basic Services**

The CONSULTANT will provide the Basic Services listed below and in accordance with Section I of the General Provisions of the Contract for Professional Services, dated August 8, 2024 (AGREEMENT).

1. **Project Management and Grant Administration:** Project Management and Grant Administration shall generally consist of project development; consultation with OWNER, state and federal government agencies to clarify and define the requirements for the project and review available data; coordination with subconsultants on administrative items; assistance to the OWNER with the administration of project applications, grant applications, grant compliance issues, routine status reports and correspondence and applications for funding reimbursements; and preparing and updating project budgets, project schedules, and cash flow forecasting for the duration of the project. Grant administration tasks will be in accordance with the most current aviation checklists on the NCDOA website.
2. **Design and Plan Preparation:** The CONSULTANT will provide civil design phase services for Project Fast. FAA standard operating procedures will be followed if applicable. Services shall include:
  - a. Prior to the development of bid documents, CONSULTANT will confirm the new hangar dimensions and site layout geometry with the OWNER.
  - b. CONSULTANT will submit 30% & 60% drawings and 90% drawings and specifications to OWNER and NCDOA for review and approval prior to bidding. The anticipated list of drawings are as follows:
    - i. Cover & Index Sheet
    - ii. General Notes
    - iii. Construction Safety and Phasing Plans (CSPP)
    - iv. Existing Conditions and Demolition Plan
    - v. Site Layout Plan
    - vi. Plan and Profiles



- vii. Pavement Details
- viii. Grading, Drainage, and Erosion Control Plan
- ix. Drainage Details
- x. Storm Pipe Profiles
- xi. Erosion and Sedimentation Control Details
- xii. Utility Layout Plan
- xiii. Sanitary Sewer Pipe Profile
- xiv. Utility Details
- c. Site visit to evaluate and confirm existing conditions.
- d. Prepare technical specifications.
- e. Prepare for review and approval by OWNER, his legal counsel and other advisors contract agreement forms, general conditions and supplementary conditions, and (where appropriate) bid forms, invitation to bid and instructions to bidders, and assist in the preparation of other related documents. Forms will include a listing of all sub-contractors. All sub-contractors must be NCDOT pre-qualified. The listing shall specify which ones are MBE/WBE/DBE's.
- f. Prepare an Engineers report, results of preliminary engineering evaluations for the manner that the work will be accomplished; and a project cost estimate based upon the final design. The report will follow the NCDOA guidance provided.
- g. Compile a 30% design package, submit to OWNER and NCDOA for review, and respond to review comments.
- h. Compile a 60% design package, submit to OWNER and NCDOA for review, and respond to review comments.
- i. Submit 90% drawings, specifications and cost estimate to OWNER and NCDOA for review and approval prior to bidding.
- j. Prepare final design, contract drawings, specifications and contract documents.
- k. Prepare erosion and sediment control permit application package and submit to NCDEQ.
- l. Prepare and submit Construction Safety and Phasing Plan (CSPP) and required checklist to NCDOA for review. CONSULTANT will facilitate review process and address review comments to achieve NCDOA concurrence prior to submitting to FAA for 7460 for approval. The 7460 will be submitted and approved prior to construction.
- m. CONSULTANT will submit construction estimate to NCDOA for determination of minority





goal once design is complete and prior to developing bid documents and advertisements. DBE/MBE/WBE commitments or Good Faith Effort will be sent to NCDOA after bidding and prior to determination of the lowest responsible bidder.

- n. CONSULTANT will perform internal quality review of plans, specifications, and contract documents prior to advertising project.
3. **Bidding Assistance:** The CONSULTANT will provide the following Bidding services for the Project Fast bid package:
- a. Assist the Owner with advertising the project in accordance with FAA/State laws. The actual cost of the advertisements in the newspapers shall be paid for by the Owner.
  - b. Conduct a pre-bid conference in accordance with FAA Advisory Circular AC 150/5370-12B.
  - c. Answer contractor questions and issue addenda, if necessary.
  - d. Assist the OWNER in obtaining bids, preparing bid tabulations, and analysis of bid results and compliance with prequal requirements, and furnishing recommendations in connection with the award of construction contracts. The bid tabulation, Sponsor concurrence, Non-collusion affidavit, and list of all sub-contractors will be shared with NCDOA for review/approval prior to making contract award.
  - e. Assistance in preparation of formal contract documents for the award of construction contract.

If upon completion of bid advertisement and the pre-bid meeting additional solicitation and pre-bid meetings are required in order to solicit the minimum number of bidders this may be provided as an additional service.

4. **Documented CATEX:** Pursuant to Order 1050.1F paragraphs 5-6.4.a, e, f, and o., A Categorical Exclusion (CATEX) will be issued for the project and will be prepared in accordance with FAA Order 1050.1 Environmental Impacts: Policies and Procedures, FAA Order 5050.4, National Environmental Policy Act (NEPA) Implementing Instructions for Airport Actions and FAA Environmental Desk Reference for Airport Actions.

Review and approval of document will be performed by NCDOA. Documented CATEX will also include the following:

- a. Completion of the ARP SOP 5.1 Appendix A "Documented CATEX" Form and generation of supporting Exhibits and documentation.



- b. Site Visit and field check will be completed by a certified wetland scientist to determine the presence or absence of Wetlands, Waters of the US and other applicable ecological resources. United States Army Corp of Engineers (USACE) and North Carolina Division of Water Resources (DWR) data forms will be completed for any Waters of the US or channelized drainage features within the project area.
- c. GPS positions will be recorded for any observed Waters of the US found onsite.
- d. Inter-agency scoping will be conducted to notify agencies of the proposed work and the existing resources within the project area in order scope anticipated impacts of the project. Scoping efforts include notification to the following agencies:
  - i. US Fish and Wildlife
  - ii. State Environmental Review Clearinghouse
  - iii. State Historic Preservation Office, SHPO
  - iv. United States Army Corps of Engineers (submittal of the forms of concurrence, as appropriate)
- e. Facilitate NCDOA review and respond to review comments. Package to include the wetlands data forms and subsequent permitting agency coordination; the Clearinghouse review submittal package and associated agency responses; and the coordination package submitted to FWS and the agency's response/determination.

Based on existing knowledge of the site, it is not anticipated that environmental determinations, a protected species survey or other formal regulatory agency coordination will be required. These items and any other item not listed above are excluded from this task.

### **Special Services**

The CONSULTANT will provide the Special Services listed below and in accordance with Section II of the AGREEMENT.

1. **Topographic Survey:** Perform survey necessary to collect information needed for design of Project Fast. Survey will be completed by Lawrence Associates as a subconsultant to CONSULTANT. Subconsultant proposal and survey areas are shown in Attachment 'B'.

Information collected will generally consist of the following:

- a. Topographic survey at 1' contour intervals.
- b. Existing features including but not limited to, fencing, drainage features, pavement, dirt roads and path, above ground utilities, power poles, and property corners.



- c. Storm sewer and sanitary sewer locations and inverts within the survey area.
  - d. Underground utility locations within the survey area (SUE quality level B).
2. **Geotechnical Investigation:** Geotechnical testing will be conducted to evaluate existing subsurface conditions and determine design recommendations regarding subsurface soils, groundwater, site preparation and earthwork, hangar footing design, and pavements. Geotechnical investigation will be completed by ECS Southeast LLC, as a subconsultant to CONSULTANT. Subconsultant proposal is shown in Attachment 'C'.

### **DELIVERABLES**

The CONSULTANT will provide the following project deliverables to the OWNER and NCDOT Division of Aviation:

1. Electronic copies, in PDF and/or AutoCAD format, of topographic survey
2. Electronic copies, in PDF, of Geotechnical Report
3. Electronic copies, in PDF and/or AutoCAD format, of drawings and specifications produced under this contract.
4. Electronic copies, in PDF, of design plans, for 30% and 60% submittals
5. Electronic copies, in PDF, of design plans, specifications, and CSPP for 90% submittals
6. Electronic copies, in PDF, of Engineer's Report
7. Electronic copies, in PDF, of permitting documents
8. 7460 approval
9. Bid Tabulation and Recommendation of Contractor Award
10. Construction Contract Documents
11. Documented CatEx
12. Electronic copies of all Grant, Design, and Bidding documentation as required by the following NCDOT grant checklists:
  - AV-100 - GA Program Development Checklist (dated October 2020), Design and Bidding Sections.
  - AV-101 – Sponsor Request for Aid (RFA) Checklist (dated July 2020)



WK Dickson & Co., Inc.

- AV-102 – Sponsor Budget Revision & Grant Modification Request Checklist (dated January 2021)
- AV-103 – Sponsor Reimbursement Request (Claim) Checklist (dated July 2020)

**SCHEDULE**

The following summarizes the timeline anticipated to follow the execution of this contract:

- Complete Survey and Geotechnical Investigation.....60 days
- Confirm site layout, proposed hangar size, and facilitate 30% review with OWNER and NCDOA.....90 days
- Facilitate 60% design review with OWNER and NCDOA.....120 days
- Prepare 90% bid documents.....150 days
- Facilitate 90% bid document review with OWNER and NCDOA.....210 days
- Advertise for bids and open.....240 days

**FEE SCHEDULE**

The above services shall be provided and billed according to the below Fee Schedule

Basic Services

Project Management & Grant Administration	Lump Sum	\$16,740
Design and Plan Preparation	Lump Sum	\$109,642
Bidding Assistance	Lump Sum	\$12,193
Documented CatEx	Lump Sum	\$9,778

Special Services

Topographic Survey	At Cost	\$12,000
Geotechnical Investigation	At Cost	\$17,525

The total fee of all work and expenses is in the amount of **\$177,878** and is summarized in Attachment 'A'. Miscellaneous additional work required but not contained in the above scope of services will be paid for in accordance with the current rate schedule at that time and will be subject to prior approval by the OWNER.





All other provisions of the AGREEMENT shall remain in full force and effect and unmodified other than as noted herein.

**Requested By:**

**City of Shelby**

By: \_\_\_\_\_  
Typed Name: Rick Howell  
Title: City Manager  
Date: \_\_\_\_\_

**Accepted By:**

**W.K. DICKSON & CO., INC.**

By: \_\_\_\_\_  
Typed Name: Brian Tripp  
Title: Vice President  
Date: \_\_\_\_\_

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

By: \_\_\_\_\_  
Typed Name: Beth Beam  
Title: Finance Officer

**ATTACHMENTS:**

- Exhibit #1 – Work Authorization Schematic
- Attachment ‘A’ - Manhour Summary and Direct Expenses
- Attachment ‘B’ - Sub-consultant Proposal – Topographic Survey (Lawrence)
- Attachment ‘C’ - Sub-consultant Proposal – Geotechnical Investigation (ECS)



**W.K. DICKSON**  
 CONSULTING ENGINEERS  
 1213 W. MOREHEAD ST.  
 SUITE 300  
 CHARLOTTE, NC 28208  
 (704) 334-5348  
 (704) 334-0078  
 WWW.WKDICKSON.COM  
 NC LICENSE NO. F-0574

**CORPORATE HANGAR SCHEMATIC**  
 FOR THE  
 SHELBY-CLEVELAND COUNTY REGIONAL AIRPORT (EHO)  
 SHELBY, NORTH CAROLINA

PROJECT NAME:

PROJ. MGR.: GWK  
 DESIGN BY: GWK  
 DRAWN BY: CDC  
 PROJ. DATE: MAY 2024  
 DRAWING NUMBER:  
 1 OF 1  
 WKD PROJ. NO.:

PLANNING DOCUMENT - DO NOT USE FOR CONSTRUCTION

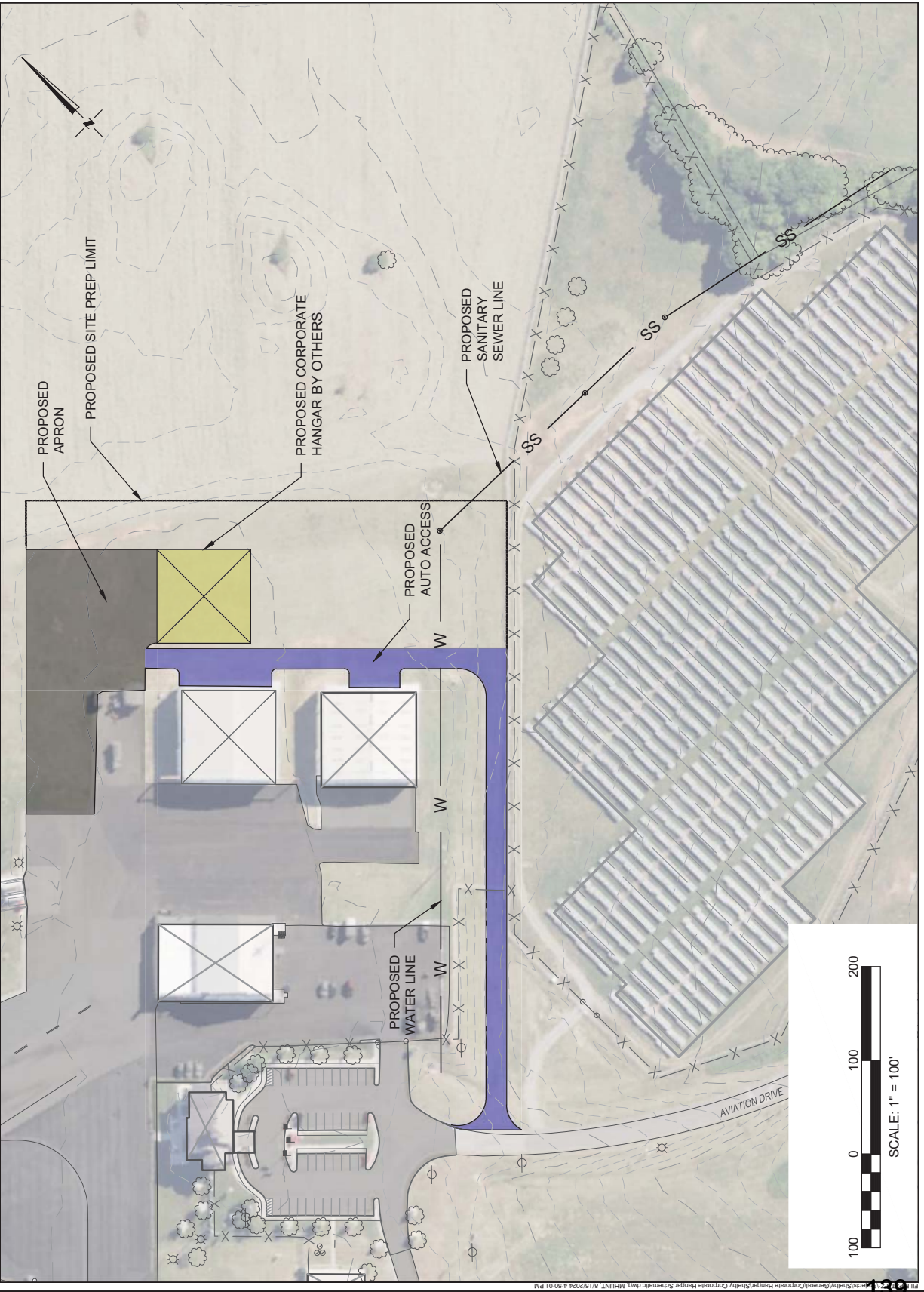


Exhibit No. 1

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**MAN-HOUR/FEE ESTIMATE  
SUMMARY PAGE  
Shelby-Cleveland County Regional Airport  
Project Fast (Design Bid)**

**BASIC AND SPECIAL SERVICES: LABOR SUMMARY**

<b>MAJOR TASK:</b>	<b>MAJOR TASK DESCRIPTION:</b>	<b>COST:</b>
Task A (A-104)	Project Management and Grant Administration	\$16,740.00
Task B (A-104)	Design and Plan Preparation	\$109,642.00
Task C (A-104)	Bidding Assistance	\$12,193.00
Task D (A-102)	Environmental Documentation (CATEX)	\$9,778.00
<b>SUBTOTAL LABOR:</b>		<b>\$148,353.00</b>

**SUBCONSULTANTS OR SUBCONTRACTORS**

Topographic Survey (A-102)	PROVIDED BY: Lawrence Associates	\$12,000.00
Geotech Investigation (A-102)	PROVIDED BY: ECS Southeast	\$17,525.00
<b>SUBTOTAL OF SUBCONSULTANTS:</b>		<b>\$29,525.00</b>

**TOTAL FEE:** **\$177,878.00**

PREPARED BY:	Greg Kershaw
TITLE:	Project Manager
REPRESENTING:	WK Dickson
DATE:	10/22/2024

SPONSOR:	Rick Howell
TITLE:	City Manager
WBS NUMBER:	36244.23.15.1

TASK NUMBER	PHASE AND TASK DESCRIPTION	DATE PREPARED: 10/22/2024										AVIATION NUMBER:							
		Principal	Sr. Project Manager	Project Manager	Sr. Project Engineer	Project Engineer	Sr. Civil Designer	Civil Designer	Const. Observer	Admin. Manager	SUB-TOTAL	TIP NUMBER:	WBS NUMBER:						
	<b>Special Services</b>																		
	<b>Project Management and Grant Administration</b>																		
1	Project Scoping, Contract Development, Sub-Consultant Agreement Coordination	2.00		8.00										4.00	14.00				
2	Sub-Consultant Coordination during design			12.00										4.00	16.00				
3	Sponsor and Review Agency Coordination - NCDOT-DOA, FAA / Initial Grant Application			8.00										4.00	12.00				
4	Cash Flow and Project Schedule Development per DOA Requirements			4.00											4.00				
5	Grant Reimbursements			30.00										8.00	38.00				
	<b>TOTAL HOURS/CATEGORY:</b>	2.00	0.00	62.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	20.00	84.00				
	<b>RATES PER HOUR:</b>	\$101.90	\$75.34	\$71.26	\$65.69	\$59.73	\$59.51	\$45.85	\$45.13					\$35.14					
	<b>PAYROLL BURDEN:</b>	\$203.80	\$0.00	\$4,418.12	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00				
	<b>TOTAL WORK HOURS:</b>	84.00																	
	<b>TOTAL PAYROLL BURDEN:</b>	\$5,324.72																	
	<b>GENERAL OVERHEAD @ 182.83 %:</b>	\$9,735.19																	
	<b>SUBTOTAL:</b>	\$15,059.91																	
	<b>COMPARATIVE FEE @ 11 %:</b>	\$1,656.59																	
	Cost of Capital @ 0.44 %	\$23.43																	
	<b>TOTAL:</b>	\$16,739.92																	
	<b>DIRECT EXPENSES:</b>																		
	<b>PRIME GRAND TOTAL:</b>	\$16,739.92																	
	<b>Sub Consultant TOTAL:</b>	\$0.00																	
	<b>GRAND TOTAL:</b>	<b>\$16,739.92</b>																	

36244-23.15.1

*From Expenses Tab*

PROJECT TITLE: Project Fast (Design Bid)		DATE PREPARED: 10/22/2024		AVIATION NUMBER:										
PREPARED BY: GMK		TIP NUMBER:		WBS NUMBER: 30244.23.15.1										
TASK NUMBER	PHASE AND TASK DESCRIPTION	Employee Classifications										SUB-TOTAL		
		Principal	Sr. Project Manager	Project Manager	Project Engineer	Sr. Project Engineer	Project Engineer	Sr. Civil Designer	Civil Designer	Const. Observer	Admin. Manager			
	<b>Basic Services</b>													
	<b>Design and Plan Preparation</b>													
a.	Confirm the new hangar dimensions and site layout geometry with the OWNER			8							16			24
b.	Plan Development (90% Submittal to Owner and NCDQA)													0
i.	Cover & Index Sheet			1							2			3
iii.	General Notes			2							8			10
iii.	Construction Safety and Phasing Plans (CSPP)			2							8			10
iv.	Existing Conditions and Demolition Plan			4							16			20
v.	Site Layout Plan			12							40			52
vi.	Plan and Profiles			12							40			52
vii.	Pavement Details			4							8			12
viii.	Grading, Drainage, and Erosion Control Plan			16							80			96
ix.	Drainage Details			4							12			16
x.	Storm Pipe Profiles			6							24			30
xi.	Erosion and Sedimentation Control Details			4							16			20
xii.	Utility Layout Plan			12							40			52
xiii.	Sanitary Sewer Pipe Profile			4							24			28
xiv.	Utility Details			4							12			16
c.	Site Visit			8							8			16
d.	Prepare Technical Specifications			12							6			18
e.	Prepare Front End Documents			6							6244.23.15.1			6
f.	Prepare Engineers Report			2							12			14
g.	Complete a 30% design package, submit to Owner and NCDQA for review, and respond to review comments			4							8			12
g.	Compile a 60% design package, submit to Owner and NCDQA for review, and respond to review comments			6							12			18
g.	Facilitate 90% review with Owner NCDQA			2							4			6
h.	Furnish Final Bid Documents			6							16			22
i.	Erosion and Sediment Control Permitting through NCDEQ			2							8			10.00
j.	7460 & CSPP submittal to NCDQA and FAA			2							16			
k.	Preparation of Construction Cost estimates for Minority Goals			2							8			
l.	Internal Quality Review of Documents			16							12			
	<b>TOTAL HOURS/CATEGORY:</b>	0.00	16.00	149.00	0.00	0.00	0.00	456.00	0.00	0.00	0.00	0.00	0.00	539.00
	<b>RATES PER HOUR:</b>	\$101.90	\$75.34	\$71.26	\$66.69	\$59.73	\$50.51	\$46.85	\$46.13	\$46.13	\$46.13	\$46.13	\$46.13	\$35.14
	<b>PAYROLL BURDEN:</b>	\$0.00	\$1,205.44	\$10,617.74	\$0.00	\$0.00	\$23,032.56	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	<b>TOTAL WORK HOURS:</b>	621.00												
	<b>TOTAL PAYROLL BURDEN:</b>	\$34,855.74												
	<b>GENERAL OVERHEAD @ 182.83 %:</b>	\$63,726.75												
	<b>SUBTOTAL:</b>	\$98,582.49												
	<b>COMPARATIVE FEE @ 11 %:</b>	\$10,844.07												
	Cost of Capital @ 0.44 %	\$153.37												
	<b>TOTAL:</b>	\$109,579.93												
	<b>DIRECT EXPENSES:</b>	\$61.64												
	<b>PRIME GRAND TOTAL:</b>	\$109,641.57												
	<b>Sub Consultant TOTAL:</b>	\$0.00												
	<b>GRAND TOTAL:</b>	\$109,641.57												

From Expenses Tab

PROJECT TITLE: Project Fast (Design Bid)		DATE PREPARED: 10/22/2024				AVIATION NUMBER:															
PREPARED BY: GMK		TIP NUMBER:				WBS NUMBER: 36244.23.15.1															
TASK NUMBER	PHASE AND TASK DESCRIPTION	Employee Classifications										SUB-TOTAL									
		Principal	Sr. Project Manager	Project Manager	Sr. Project Engineer	Project Engineer	Project Engineer	Sr. Civil Designer	Civil Designer	Const. Observer	Admin. Manager										
	<u>Basic Services</u>																				
	Bidding Assistance																				
a	Advertisement																				
b	Pre-Bid Conference (1 Conference) RFI and Addenda																				
c	Respond to Questions / Addendums																				
d	Bid Opening (1 Bid Opening)																				
d	Bid Tabulations																				
d	Bid Analysis/Recommendations																				
e	Contract Award																				
	TOTAL HOURS/CATEGORY:	0.00	0.00	45.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	53.00
	RATES PER HOUR:	\$101.90	\$75.34	\$71.26	\$66.69	\$59.73	\$50.51	\$46.85	\$46.13	\$46.13	\$46.13	\$46.13	\$46.13	\$46.13	\$46.13	\$46.13	\$46.13	\$46.13	\$46.13	\$46.13	\$35.14
	PAYROLL BURDEN:	\$0.00	\$0.00	\$3,206.70	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$632.52
	TOTAL WORK HOURS:	63.00																			
	TOTAL PAYROLL BURDEN:	\$3,839.22																			
	GENERAL OVERHEAD @ 182.83 %:	\$7,019.25																			
	SUBTOTAL:	\$10,858.47																			
	COMPARATIVE FEE @ 11 %:	\$1,194.43																			
	Cost of Capital @ 0.44 %	\$16.89																			
	TOTAL:	\$12,069.79																			
	DIRECT EXPENSES:	\$123.28																			
	PRIME GRAND TOTAL:	\$12,193.07																			
	Sub Consultant TOTAL:	\$0.00																			
	<b>GRAND TOTAL:</b>	<b>\$12,193.07</b>																			

PROJECT TITLE: Project Fast (Design Bid)		DATE PREPARED: 10/22/2024			AVIATION NUMBER:								
PREPARED BY: GMK		TIP NUMBER:			WBS NUMBER: 36244.23.15.1								
TASK NUMBER	PHASE AND TASK DESCRIPTION	Employee Classifications										SUB-TOTAL	
		Principal	Sr. Project Manager	Project Manager	Sr. Project Engineer	Project Engineer	Sr. Civil Designer	Civil Designer	Const. Observer	Admin. Manager			
	<u>Special Services</u>												
	<u>Environmental Documentation (CATEX)</u>												
a	Complete ARP SOP 5.1 Appendix A and generate supporting exhibits and documentation				4.00								
b	Site visit / field check				8.00								
c	GPS mapping				2.00								
d	Interagency-scoping and coordination				8.00								
e	Facilitate NCDQA review and respond to review comments				8.00								
	TOTAL HOURS/CATEGORY:	0.00	0.00	0.00	30.00	0.00	18.00	0.00	0.00	0.00	0.00	0.00	54.00
	RATES PER HOUR:	\$101.90	\$75.34	\$71.26	\$65.69	\$59.73	\$59.51	\$46.85	\$46.13	\$35.14	\$210.84		
	PAYROLL BURDEN:	\$0.00	\$0.00	\$0.00	\$1,970.70	\$0.00	\$909.18	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	TOTAL WORK HOURS:	54.00											
	TOTAL PAYROLL BURDEN:	\$3,090.72											
	GENERAL OVERHEAD @ 182.83 %:	\$5,650.76											
	SUBTOTAL:	\$8,741.48											
	COMPARATIVE FEE @ 11 %:	\$961.56											
	Cost of Capital @ 0.44 %	\$13.60											
	TOTAL:	\$9,716.65											
	DIRECT EXPENSES:	\$61.64											
	PRIME GRAND TOTAL:	\$9,778.29											
	Sub Consultant TOTAL:	\$0.00											
	<b>GRAND TOTAL:</b>	<b>\$9,778.29</b>											

36244.23.15.1

From Expenses Tab

## DIRECT EXPENSES, Design and Plan Preparation

PROJECT TITLE: Project Fast (Design Bid)

PREPARED BY: GMK

AVIATION NUMBER:

TIP NUMBER:

WBS NUMBER: 36244.23.15.1

DATE PREPARED: 10/22/2024

REVIEWED BY UNIT HEAD ON:

GENERAL PROJECT WORK:	ITEM	QTY	DESCRIPTION		UNIT COST	
	Travel:					
	Sedan (Engineer)	1	Trip(s) @	92 miles @	\$0.670	\$61.64
	Sedan (Construction Observer)		Trip(s) @	miles @	\$0.670	\$0.00
	Carry All		Trip(s) @	miles @	\$0.695	\$0.00
	Carry All		Trip(s) @	miles @	\$0.695	\$0.00
	Car Rental			days @	\$50.00	\$0.00
	Gas for Rental			miles @	\$0.20	\$0.00
	Per Diem:		Breakfast		\$10.10	\$0.00
			Lunch		\$13.13	\$0.00
			Dinner		\$23.10	\$0.00
			Lodging (on lump sum Incl. taxes)		\$89.10	\$0.00
	Reproduction:		8 1/2 x 11 Xerox Copies @		\$0.09	\$0.00
			11 x 17 Xerox Copies @		\$0.15	\$0.00
			Blueprints - 8 1/2 x 11 @		\$0.35	\$0.00
			Blueprints - 42 x 72 @		\$1.30	\$0.00
			Bond - 8 1/2 x 11 @		\$0.42	\$0.00
			Bond - 34" x 68" @		\$3.50	\$0.00
			Vellum		\$3.00	\$0.00
			Stick-Ons		\$1.00	\$0.00
			Cover(s) @		\$0.50	\$0.00
			Binder(s) @		\$0.50	\$0.00
			Mylar - 8 1/2 x 11 @	36244.23.15.1	\$5.90	\$0.00
			Mylar - 3' x 4' @		\$21.00	\$0.00
	Film and Developing:		Roll(s) @		\$20.00	\$0.00
			<b>Subtotal</b>			<b>\$61.64</b>
MAPS AND DOCUMENTS:	ITEM	QTY	DESCRIPTION		UNIT COST	
	County Tax Maps:	0	Map(s) @		\$7.00	\$0.00
	USGS Maps:	0	Map(s) @		\$7.00	\$0.00
			<b>Subtotal</b>			<b>\$0.00</b>
Miscellaneous Other	Item	Amount	Description		Cost Per	
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
			<b>Subtotal</b>			<b>\$0.00</b>
			<b>TOTAL</b>			<b>\$61.64</b>

\* Sum of all plots





## DIRECT EXPENSES, CATEX

PROJECT TITLE: Project Fast (Design Bid)

PREPARED BY: GMK

AVIATION NUMBER:

TIP NUMBER:

WBS NUMBER: 36244.23.15.1

DATE PREPARED: 10/22/2024

REVIEWED BY UNIT HEAD ON:

GENERAL PROJECT WORK:	ITEM	QTY	DESCRIPTION		UNIT COST	
	Travel:					
	Sedan (Engineer)	1	Trip(s) @	92 miles @	\$0.670	\$61.64
	Sedan (Construction Observer)		Trip(s) @	miles @	\$0.670	\$0.00
	Carry All		Trip(s) @	miles @	\$0.695	\$0.00
	Carry All		Trip(s) @	miles @	\$0.695	\$0.00
	Car Rental			days @	\$50.00	\$0.00
	Gas for Rental			miles @	\$0.20	\$0.00
	Per Diem:		Breakfast		\$10.10	\$0.00
			Lunch		\$13.13	\$0.00
			Dinner		\$23.10	\$0.00
			Lodging (on lump sum Incl. taxes)		\$89.10	\$0.00
	Reproduction:		8 1/2 x 11 Xerox Copies @		\$0.09	\$0.00
			11 x 17 Xerox Copies @		\$0.15	\$0.00
			Blueprints - 8 1/2 x 11 @		\$0.35	\$0.00
			Blueprints - 42 x 72 @		\$1.30	\$0.00
			Bond - 8 1/2 x 11 @		\$0.42	\$0.00
			Bond - 34" x 68" @		\$3.50	\$0.00
			Vellum		\$3.00	\$0.00
			Stick-Ons		\$1.00	\$0.00
			Cover(s) @		\$0.50	\$0.00
			Binder(s) @		\$0.50	\$0.00
			Mylar - 8 1/2 x 11 @	36244.23.15.1	\$5.90	\$0.00
			Mylar - 3' x 4' @		\$21.00	\$0.00
	Film and Developing:		Roll(s) @		\$20.00	\$0.00
			<b>Subtotal</b>			<b>\$61.64</b>
MAPS AND DOCUMENTS:	ITEM	QTY	DESCRIPTION		UNIT COST	
	County Tax Maps:	0	Map(s) @		\$7.00	\$0.00
	USGS Maps:	0	Map(s) @		\$7.00	\$0.00
			<b>Subtotal</b>			<b>\$0.00</b>
Miscellaneous Other	Item	Amount	Description		Cost Per	
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
			<b>Subtotal</b>			<b>\$0.00</b>
			<b>TOTAL</b>			<b>\$61.64</b>

\* Sum of all plots

August 27, 2024

WK Dickson & Co., Inc.  
Attn. Greg Kershaw, PE  
1213 W. Morehead Street  
Suite 300  
Charlotte, NC 28208

Reference: Shelby-Cleveland County Airport  
Lawrence Associates Job No. 5241

Dear Greg,

Lawrence Associates, P.A. is pleased to submit to you a proposal for professional surveying at Shelby-Cleveland County Airport. Shown below are the services to be provided by Lawrence Associates.

### Scope of Services

#### Utility/Topographic Survey

- Complete a physical, topographic, and utility survey of the requested area identified on the attached exhibit (+/- 13.73 Acres).
  - Location to include 25'x25' grid on paved areas, pavement markings, all above ground structures / utilities, underground utilities (include locate services level B SUE), storm drainage pipe sizes, rims, and inverts.
  - A vertical tolerance of 0.01' will be provided on existing pavement spot shots.
- Set three benchmarks.
  - Benchmarks must be set with a vertical tolerance of 0.01' and a horizontal tolerance of 0.1.'
  - Benchmarks will be provided outside the limits of construction/disturbance so as not to be displaced during construction.
  - Benchmarks must be included in the electronic and hard copy deliverables.
  - Data deliverable will be in CAD or XML format compatible with Civil 3D.
  - A signed sealed PDF of the completed survey will be provided.

Not to Exceed

\$9,000

Utility Sub-Consultant

- Contract with utility sub-consultant to mark underground utilities (SUE level B) within the requested area.

Not to Exceed                      \$3,000

**Fee Schedule**

Lawrence Associates proposes to provide the above services for the following fee:

**Not to Exceed                      \$12,000**

**Elements and Assumptions**

- This proposal does not include a boundary survey.
- All data will be provided on NC Grid.
- This proposal does not include ground penetrating radar (GPR) as an SUE service.

**Additional Services**

Any item not contained in the Scope of Services and/or listed, as an exclusion will be deemed as an Additional Service. Lawrence Associates will provide Additional Services beyond the scope of this proposal where authorized in writing by the client on an hourly basis. Additional Services can also be provided on a negotiated fee basis.

**Conditions**

If acceptable, please execute and return one original copy of this proposal. Please contact Lawrence Associates if you have any questions about the scope of services. We look forward to working with you on this project.

Respectfully submitted,



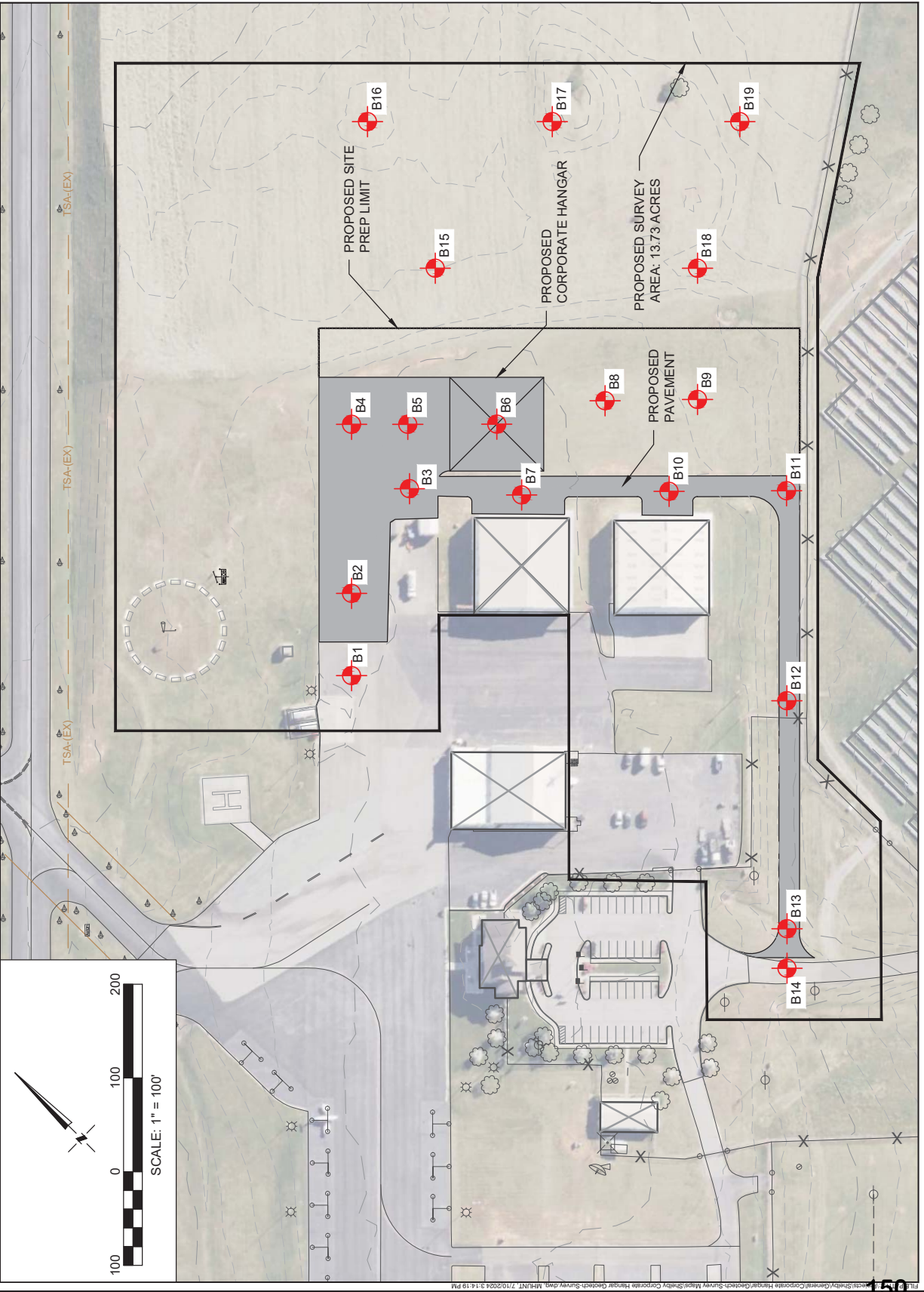
Clint D. Lawrence, PE, PLS  
Principal

**CORPORATE HANGAR SCHEMATIC**  
 FOR THE  
 SHELBY-CLEVELAND COUNTY REGIONAL AIRPORT (EHO)  
 SHELBY, NORTH CAROLINA

PROJECT NAME:

PROJ. MGR.:	GMK
DESIGN BY:	GMK
DRAWN BY:	MH
PROJ. DATE:	JULY 2024
DRAWING NUMBER:	1 OF 1
WKD PROJ. NO.:	

PLANNING DOCUMENT - DO NOT USE FOR CONSTRUCTION







# ECS Southeast, LLC

Proposal for Subsurface Exploration and Geotechnical Engineering Services

Shelby-Cleveland County Regional Airport – Corporate Hangar  
Shelby, Cleveland County, North Carolina

ECS Proposal Number 08:30454P

July 15, 2024



July 15, 2024

Mr. Greg Kershaw, P.E.  
WK Dickson & Co., Inc.  
1213 W. Morehead Street, Suite 300  
Charlotte, North Carolina 28208

Reference: Proposal for Subsurface Exploration and Geotechnical Engineering Services  
Shelby-Cleveland County Regional Airport – Corporate Hangar  
Shelby, Cleveland County, North Carolina  
ECS Proposal Number 08:30454P

Dear Mr. Kershaw:

ECS Southeast, LLC (ECS) is pleased to provide this proposal to perform a Subsurface Exploration and provide Geotechnical Engineering Services at the above referenced site. This proposal is based on our review of the provided project information and contains ECS' understanding of the project, proposed scope of services, activity schedule, fees, and authorization requirement.

#### PROJECT UNDERSTANDING

The subject site is located at 830 College Avenue in Shelby, Cleveland County, North Carolina. The subject site is within the parcel labeled as Cleveland County Parcel Identification Number (PIN) 3251-1-12L. Based on our review of available aerial imagery, the site appears to be paved drives, taxiways, and open fields adjacent to the existing hangars and taxiways. Based on our review of the provided site plan, ECS understands the proposed development will include the construction of a new corporate hangar structure within a footprint of approximately 10,000 square feet, taxiway apron, paved parking/drive areas, and a temporary sediment basin. No additional information has been provided to us.

#### SCOPE OF SERVICES

##### Soil Borings

Per your request, ECS will perform a total of nineteen (19) soil test borings as summarized below:

- Two (2) borings within the proposed building footprint to a depth of 20 feet.
- Ten (10) borings within the proposed apron, and parking/drive areas to a depth of 10 feet.
- Two (2) pavement cores with subgrade soil borings to a depth of 5 feet within the existing pavement areas.
- Five (5) borings within the anticipated sediment basin area to a depth of 10 feet.

The soil borings will be extended to the noted depths below the existing ground surface or auger refusal, whichever occurs first. Overall, up to **200** linear feet of soil drilling is proposed. Standard Penetration Tests, in general accordance with ASTM D1586, will be performed in each soil boring at 2½ foot intervals in the upper 10 feet and at 5 foot intervals thereafter. In conjunction with the penetration testing, split-spoon soil samples will be recovered at each test depth. Additionally, two (2) bulk soil samples will be

obtained from within the proposed pavement areas. The soil samples obtained during our subsurface exploration will be returned to our laboratory for visual classification and laboratory testing.

#### Site Access

Based on our review of available aerial photography from Google Earth, the site appears to be readily accessible to our drilling equipment. Therefore, mechanical clearing or difficult access have not been included in our scope of services or lump sum fee. However, coordination with airport personnel and limited traffic control (i.e. traffic cones at select testing locations) is anticipated and has been included in our lump sum fee.

#### Groundwater

Groundwater will be measured at the termination of drilling activities and the borings will be backfilled with the auger cuttings and asphalt cold patched, where applicable, prior to our demobilization from the site.

#### Laboratory Services

The laboratory services will consist of visual classifications of the soil samples by the project geotechnical engineer. These visual classifications will be used to generate the final soil Boring Logs that will be included in the engineering report. Additionally, laboratory testing for this project may include up to five (5) natural moisture content tests, five (5) percent fines tests, five (5) Atterberg limits tests, two (2) standard Proctor tests, and two (2) California Bearing Ratio tests. Laboratory testing will be performed in general accordance with ASTM Standards.

#### Report

Upon completion of the field and laboratory services, an engineering report will be produced. The report for this project will address the following:

- Information on site conditions including geologic information and special site features.
- Description of the field exploration and laboratory tests performed.
- Final logs of the soil borings and records of the field exploration and laboratory tests in accordance with the standard practice of geotechnical engineers. This includes a subsurface profile, site location diagram and boring location diagram.
- Measurement of the surficial organic laden soils, if encountered, at each boring location and notation of this information on the boring logs and in the text of the report. ECS can provide approximate grade elevation for the top of borings if a relevant topography survey is provided.
- Recommendations regarding foundation options for the structure and settlement potential. This will include bearing capacity information for shallow foundations or preliminary recommendations for the use of deep foundations (if soil conditions warrant). Settlement potential will be provided based on assumed loading and structure details from the project information obtained at the time of the analysis. Estimated loading information and structural detail will be required for a more detailed analysis.
- Recommendations regarding slab-on-grade construction and design.
- Seismic site classification per the North Carolina Building Code using the average N-value method.
- Light and heavy duty pavement section recommendations (passenger vehicular traffic), and hangar apron pavement section recommendations using obtained CBR test results and provided (or assumed if not available) traffic loading.



- Evaluation of the on-site soil characteristics encountered in the soil borings. Specifically, we will discuss the suitability of the on-site materials for reuse as Engineered Fill to support ground slabs and pavements. A discussion of groundwater, in-place fill, rock, and alluvial soils (if discovered) and their potential impact on structures and project construction will be provided.
- Recommendations for minimum soil cover during frost heaving, compaction requirements for fill and backfill areas, and slab-on-grade construction.
- Recommendations regarding site preparation and construction observations and testing.

### PROPOSAL ASSUMPTIONS

ECS has made the following assumptions in developing this proposal:

- Client will provide or obtain right-of-entry for ECS to conduct our field services. Client will also provide a detailed, scaled site plan showing proposed and existing features if available.
- Field exploration (drilling) will be performed Monday through Friday during normal business hours. Additional fees will be required for field services required by the Client during off-hours or weekends. Also, we have not budgeted for delays (e.g., waiting for site access or contact personnel, time for meetings, etc.) once the drill rig arrives at the site.
- Care will be exercised to mitigate damage to lawn, landscape, pavement, soft ground and other areas that may be disturbed during the field exploration. Due to the weight of the drilling equipment, rutting of exposed subgrade, or cracking of existing pavements (i.e. roads, sidewalks, etc.) could occur in those areas traversed by the drilling equipment especially when the subgrade is wet. Our fee does not include time or expenses associated with the repair of ruts or damage.
- Excess soil cuttings generated from drilling activities will not be removed from the site by ECS. The boreholes will be backfilled with auger cuttings and asphalt cold patch, where applicable. If bentonite seals, grout, or additional asphalt patching are required, additional fees will be assessed. Excess soil cuttings will be left on site and placed in greenbelt areas, unless directed otherwise.
- Client will inform us of any known or suspected environmental site conditions which could affect the health and safety of our drill crew. We will report unusual odors and colorations of the soil or groundwater observed in the borings. Environmental sampling and analytical testing would be required to evaluate the presence or absence of contamination but is beyond the proposed scope of services.

Although ECS offers other services for the project, our proposed scope of services for this geotechnical evaluation does not include detailed recommendations for construction dewatering, excavation sheeting, allowable temporary slopes or erosion control; retaining wall design; pavement design; cost or quantity estimates; construction materials services; time for meetings; or a significant amount of consulting time after transmittal of our report. Additional project work not specifically addressed by this proposal shall be charged at a time and materials rate. Additional work, if required, shall be authorized by the client prior to initiation.

### PUBLIC UTILITY CLEARANCE

ECS will contact North Carolina 811 (NC811) to locate underground utilities at the site; however, our experience indicates that NC811 normally will not locate private utilities. ECS will coordinate our soil boring locations in order to avoid underground utilities indicated by the NC811 locating system. Due to

the existing development at the site, the use of a private utility locator to attempt to locate private utilities within close proximity to the proposed testing locations (within about a 10 foot radius) has been included in our lump sum fee.

Contracting a private utility locator service is not a guarantee that all utilities within a work site will be identified, but a service that is offered to lower the risk of the owner/client. ECS and our clients have had past success in avoiding utility conflicts by augmenting the NC811 services with a private utility locator service utilizing Electromagnetic (EM) technology. EM locating can identify utility alignments that incorporate significant iron content in the conduit materials. However, private utilities possessing the higher likelihood of not being easily identifiable, beyond the point of distribution, include all utilities not containing significant ferrous (iron) content (examples would include but not be limited to most sanitary sewer alignments, copper or PVC water lines, fiber optic lines without tracer ribbon, copper electric lines with no surface exposure, drain tile/pipes, and irrigation lines). Additional location services such as Ground Penetrating Radar (GPR) are also available to augment the Electromagnetic (EM) locating services. Please let us know if you would like to discuss these additional services.

Where a private locator service identifies a potential risk that is not traceable through conventional methods, ECS will notify the client and work to resolve the issue. Additional costs related to the resolution of these potential conflicts will be invoiced per our unit rates or as negotiated and approved at the time of the occurrence.

#### **SCHEDULE OF WORK**

ECS can generally mobilize to the site for drilling within 5 to 7 days of receiving written authorization to proceed and utility clearance. Our field exploration is expected to require approximately 2 to 3 working days to complete, weather permitting. Laboratory testing is expected to require approximately 1 ½ to 2 weeks to complete. The engineering report will be provided to you within 2 to 3 weeks after completion of drilling and laboratory testing; however, verbal findings can be provided within 2 to 3 days after completion of drilling.

#### **FEES**

ECS will provide the proposed base geotechnical scope of services outlined herein for a lump sum fee of **\$17,525** which includes the use of a private utility locator, asphalt coring, and asphalt coring/cold patch (where applicable). If unanticipated subsurface conditions are encountered that require modification to the proposed scope of services, you will be contacted for both your review and authorization.

#### **SUMMARY AND ACCEPTANCE**

Attached to this letter, and an integral part of our proposal, are our Terms and Conditions of Service. Our insurance carrier requires that we receive written authorization prior to initiation of work, and a signed contract prior to the release of any work product. This letter is the agreement for our services. Your acceptance of this proposal may be indicated by signing and returning the enclosed copy to us. We are pleased to have this opportunity to offer our services and look forward to working with you on the project.

#### **AUTHORIZATION**

If the above scope of work is acceptable to you, please sign the Proposal Acceptance Form and return one copy of the proposal acceptance form to us. Alternatively, you could issue a letter of acceptance or

purchase order; but we would ask that you reference and include our proposal by reference showing proposal number and date. This proposal is valid for a period of sixty days beyond that date it may be necessary to revise our schedule or fee.

Thank you for the opportunity to submit this proposal to provide services and serve as your consultant. We look forward to the opportunity to work with you on this project and to hopefully serve as your consultant in the future. If you have any questions, or if we can be of any additional service, please contact us at 704.525.5152.

Respectfully submitted,

**ECS SOUTHEAST, LLC**



Christopher J. Conway, P.E.  
Principal Engineer



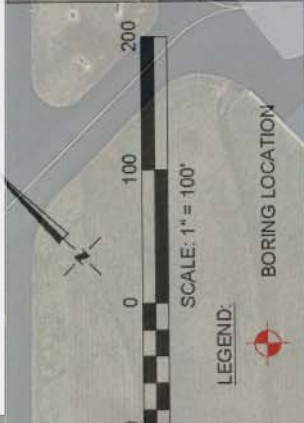
Walid M. Sobh, P.E.  
Senior Principal

Enclosures:      Proposal Acceptance Form  
                         Proposed Boring Location Diagram  
                         ECS Terms & Conditions



# Proposed Boring Location Diagram

ECS Proposal No. 08:30454P



**WK DICKSON**  
COMMUNITY AFFAIRS AND PLANNING  
1213 W. MOREHEAD ST.  
SUITE 300  
CHARLOTTE, NC 28208  
(704) 334-5348  
(704) 334-0078  
WWW.WKDICKSON.COM  
N.C. LICENSE NO. F-0374

PROJECT NAME  
SHELBY-CLEVELAND COUNTY REGIONAL AIRPORT (EHO)  
SHELBY, NORTH CAROLINA  
CORPORATE HANGAR SCHEMATIC  
FOR THE

PROJ. MGR.: GMK  
DESIGN BY: GMK  
DRAWN BY: MH  
PROJ. DATE: JULY 2024  
DRAWING NUMBER  
1 OF 1  
WKD PROJ. NO.:



PLANNING DOCUMENT - DO NOT USE FOR CONSTRUCTION

SHELBY-CLEVELAND COUNTY REGIONAL AIRPORT

Project Fast (Design/Bidding) Project Budget

Grant # 36244.23.15.1

October 22, 2024

**A101, Administrative Expense**

Administrative (Direct expenses paid by Owner)	\$2,100.00
Sub Total	<u>\$2,100.00</u>

**A102, PRELIMINARY ENGINEERING PLANNING & TESTING**

Environmental Documentation (CATEX)	\$9,778.00
Topographic Survey	\$12,000.00
Geotechnical Investigation	\$17,525.00
Sub Total	<u>\$39,303.00</u>

**A104, ENGINEERING SERVICES**

Project Management and Grant Administration	\$16,740.00
Design and Plan Preparation	\$109,642.00
Bidding Assistance	\$12,193.00
Sub Total	<u>\$138,575.00</u>

**Grand Total = \$179,978.00**

Grant Funds (100%)	\$179,978.00
Local Share (0%)	\$0.00
	<u>\$179,978.00</u>



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

ROY COOPER  
GOVERNOR

J.R. "JOEY" HOPKINS  
SECRETARY

10/08/2024

Mr. Rick Howell, Manager  
City of Shelby  
PO Box 207 (824 W. Grover Street)  
Shelby, NC 28150

**RE: NOTIFICATION OF AWARD**

Dear Mr. Howell:

On behalf of N.C. Governor Roy Cooper, Transportation Secretary J.R. "Joey" Hopkins, and the NC Board of Transportation, this Notification of Award serves as official verification that State Economic Development funds have been programmed for **Shelby-Cleveland County Regional Airport**, Project Request No. 5038 for state fiscal year (SFY) 2025 and were approved at the October 2, 2024 Board of Transportation meeting.

Any disbursement of funds described or contemplated herein is subject to appropriation by the N.C. General Assembly and appropriate approval or authorization from the N.C. Department of Transportation and/or Board of Transportation.

The specific work elements and funding allocation is noted below:

<b>Award ID</b>	<b>Description</b>	<b>State Economic Development Funds</b>
36244.23.15.1	Project Fast	\$1,235,273

Upon receipt of this award letter, the Division of Aviation requires that you submit a Request for Aid within 120 days of receipt. Please visit the NCDOT Connect website for links to detailed grant and development resources.

The Division of Aviation requires effective project management for all projects to ensure that funds needed to complete this project are expended within two years from the date of this letter.

After the project is completed and the final reimbursement request has been processed, the Division has the authority to rescind any remaining unused funds (with the exception of nonprimary entitlement and discretionary funds) for use toward other projects.

*Mailing Address:*  
NC DEPARTMENT OF TRANSPORTATION  
DIVISION OF AVIATION  
1560 MAIL SERVICE CENTER  
RALEIGH, NC 27699-1560

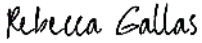
*Telephone:* 919-814-0550  
*Fax:* 919-840-9267

*Location:*  
1050 MERIDIAN DRIVE  
MORRISVILLE, NC 27560

*Website:* [ncdot.gov/aviation](http://ncdot.gov/aviation)

The NCDOT Division of Aviation appreciates your commitment and contribution to our state aviation system, and we are excited to partner with you on this grant.

Sincerely,

DocuSigned by:  
  
C1CE8F0F9F7A430...  
Rebecca Gallas, P.E.  
Director of Aviation

RJG/ah

cc: N.C. Governor Roy Cooper  
J.R. "Joey" Hopkins, Secretary, NCDOT  
Julie A. White, Deputy Secretary for Multi-Modal Transportation, NCDOT  
Brad C. Lail, Board of Transportation Representative  
Jack Poole, Airport Supervisor, Shelby-Cleveland County Regional Airport  
Ben Yarboro, Engineering Services Director, Shelby-Cleveland County Regional Airport  
Mark Stafford, P.E., Division 12 Engineer, NCDOT  
Rachel S. Bingham, P.E., Aviation Development Manager/Deputy Director, NCDOT  
Jason B. Schronce, P.E., Deputy Director of Programs and Planning, NCDOT  
Mostafa Moradi, Airport Project Manager, NCDOT



## AV-508 Pre Bid DBE/MBE/WBE Goal Notification and Certification

Airport Name: Shelby-Cleveland County Regional Airport

WBS Number: 36244.23.15.1

Project Description: Project Fast

DBE/MBE/WBE Goal: N/A

I acknowledge the above goal and certify that it was used in the bid documents for the project according to the applicable federal law CFR Title 49 Part 26 and state statues GS 136-28.4; EO 106; GS 143-48; GS 136-28.10

\_\_\_\_\_  
Sponsor Signature Date

Beth Beam, Finance Director, City of Shelby

\_\_\_\_\_  
Name, Title



**AV-509/AV-510 DBE/MBE/WBE/HUB VENDOR COMMITMENTS/AWARDS/PAYMENTS**

AIRPORT NAME: Shelby-Cleveland County Regional Airport

CONTRACTOR PAY REQUEST #: N/A

WBS #: 36244.23.15.1

FINAL

Instructions: Select the Final button if this is the last payment for this project. If any percentages are not 100%, then also submit an AV-514. The % column includes total payment, including the current payment to meet the goal.

Payor Name	SAP Payor Report ID	Vendor / Sub Name	SAP Vendor / Sub Report ID	Awards and Billings			Date Paid to Vendor / Sub this Invoice	%
				Committed Award (\$)/AV-509	Total Prior Payments (\$)(AV-510)	Current Payment (\$)		
							\$ 0.00	0%
							\$ 0.00	0%
							\$ 0.00	0%
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							\$ 0.00	0%

PAYOR NAME:

PAYOR SIGNATURE:

DATE SIGNED:

SPONSOR NAME:

SPONSOR SIGNATURE:

DATE SIGNED:

Beth Beam, Finance Director  
City of Shelby

Notes:

Professional Services Only, Minority Goal is N/A

(AV-509/AV-510) (10/19) Form must be complete in order to be processed. Incomplete forms will be returned which will delay reimbursement request. For SAP Payor Report ID and SAP Vendor/Sub Report ID, please go to <https://www.ebs.nc.gov/VendorDirectory/default.html> to verify IDs.

## *Memorandum*

**To:** Beth Beam, Director of Finance

**From:** Jack Poole, Airport Supervisor

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

**RE:** Airport Corporate Hangar Grant Project Budget Ordinance –  
Project Fast

**Date:** October 28, 2024

### **Background**

In February 2024, a company named Fast Aircraft Supplies, Inc., based in Spartanburg, SC reached out to the City of Shelby showing interest in moving their business to North Carolina and building a hangar for the installation of avionics upgrades to aircraft. Fast Aircraft Supplies, Inc. would bring eleven (11) new jobs to our area with a minimum wage of \$43,564 annually. The estimated economic benefits provided by NC Division of Aviation for this company in our area would be \$11,040,000. They would provide additional services needed for local and regional aircraft owners. This project has been named “Project Fast.” In May 2024, the City of Shelby applied for Economic Development Funds from the North Carolina Department of Transportation, Division of Aviation (NCDOA). A Benefit-Cost Analysis was completed by the NCDOA determining the maximum amount of funds that the City could receive for the project. The consultant for the Shelby-Cleveland County Regional Airport is W.K. Dickson. W.K. Dickson designed the scope of the project to fit the \$1,235,273 funding amount and provided a project schematic. There was a second Benefit-Cost Analysis performed by the NCDOA after the redesigned scope was submitted. On October 8, 2024, the North Carolina Department of Transportation, Division of Aviation awarded \$1,235,273 to the Shelby-Cleveland County Regional Airport for Project Fast. These funds would be 100% State funded with no local match required.

### **Review**

Now that the NCDOA has sent the award letter, the City must establish a Project Budget Ordinance in the amount of \$180,000 for the design/bidding phase services that W.K. Dickson will provide for the hangar related to Project Fast. The cost

[www.cityofshelby.com](http://www.cityofshelby.com)

estimate and work authorization are attached to show the cost breakdown for the design/bidding services related to Project Fast. Upon approval of the submittal of the grant application, a grant agreement will be developed by NCDOA for City Council acceptance. Following execution of the aforementioned agreement, W.K. Dickson can then begin the design of this project. The design process is anticipated to take approximately four (4) months with a NCDOA review required before the project construction is sent out to bid. Once the project has been bid and a construction contract has been awarded by City Council, the construction of the project can begin. Construction is anticipated to take approximately four (4) months from complete. The project will consist of grading, parking, vehicle access, apron improvements, utility extensions on the northeast side of the airport (see attached site plan).

### **Recommendation**

City Staff recommends City Council approval to set up a Project Budget Ordinance in the amount of \$180,000 for the design/bidding services related to the site preparation to allow for construction of a corporate hangar for Project Fast as described above. The funds for this requested PBO are part of the \$1,235,273 awarded by the North Carolina Department of Transportation, Division of Aviation on October 8, 2024. As previously outlined, this grant funding is 100% state funding with no local match required.

Please advise if you have any questions or need additional information.

#### Attachments:

- NCDOA Award Letter
- W.K. Dickson Work Authorization #1
- Project Fast (Design/Bidding) Project Budget
- Project Fast (Design/Bidding) Administrative Expense Letter

ORDINANCE NO. 65-2024

AN ORDINANCE ESTABLISHING A CAPITAL PROJECT ORDINANCE AND BUDGET FOR THE CITY OF SHELBY’S AIRPORT CORPORATE HANGAR DEVELOPMENT PROJECT

WHEREAS, in accordance with applicable provisions of the North Carolina Budget and Fiscal Control Act the City of Shelby finds it advisable and necessary to establish a capital project ordinance and budget for the City of Shelby’s Airport Corporate Hangar Development Project; and,

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

WHEREAS, G.S. 159-13.2 provides that a City may undertake projects such as the Airport Corporate Hangar construction project by way of a capital project ordinance providing the necessary balanced budget and funding for the life of the project.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHELBY, NORTH CAROLINA: The City of Shelby’s Airport has received grants for the development and construction of a corporate hangar. The proceeds and disbursements of this grant are required to be appropriated.

Section 1. It is estimated that the following revenues will be available for the Airport Corporate Hangar Development Project:

11105000-34501-APCHD	State Grants	\$1,235,273
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Section 2. The following amounts are hereby appropriated for the Airport Corporate Hangar Development Project:

111453-42004-APCHD	Engineering	\$ 220,000
111453-53000-APCHD	Construction	\$1,015,273

Section 3. The provisions of this capital project ordinance shall be entered in the minutes of the Shelby City Council and copies filed with the City Manager as Budget Officer, the Finance Director, and the City Clerk for their direction and guidance in receiving revenues and expending the monies due thereunder.

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

Adopted and Approved this the 4th day of November, 2024.

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

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Jason Lunsford  
City Attorney

**RESOLUTION NO. 66 – 2024**

**A RESOLUTION AUTHORIZING THE SUBMITTAL OF A  
GRANT APPLICATION TO THE NORTH CAROLINA DEPARTMENT  
OF TRANSPORTATION - DIVISION OF AVIATION RELATED TO  
PROJECT FAST AT THE SHELBY-CLEVELAND COUNTY  
REGIONAL AIRPORT**

**WHEREAS**, a project named Project Fast is currently in the planning stages, where a company named Fast Aircraft Supplies, Inc., based in Spartanburg, SC, desires to build a hangar at their expense at the Shelby-Cleveland County Regional Airport to operate their avionics business; and,

**WHEREAS**, Project Fast would result in the creation of eleven (11) new jobs with a minimum wage of \$43,564 annually and the economic benefits are estimated to be \$11,040,000 annually for this region of North Carolina; and,

**WHEREAS**, in May 2024, the City of Shelby applied for Economic Development Funds from the North Carolina Department of Transportation - Division of Aviation (NCDOA) for Project Fast; and,

**WHEREAS**, a Benefit-Cost Analysis was completed by the NCDOA, and the Shelby-Cleveland County Regional Airport was awarded \$1,235,273 on October 8, 2024 for site preparation to support Project Fast; and,

**WHEREAS**, the City must now submit the grant application to the NCDOA and sign the associated forms related to the grant funding; and,

**WHEREAS**, City staff recommends City Council approval to submit the grant application and sign the associated forms for the NCDOA economic development grant funding related to Project Fast.

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

Section 1. The Shelby City Council desires to submit the grant agreement to the N.C. Department of Transportation - Division of Aviation related to the grant funds in the amount of \$1,235,273 for Project Fast at the Shelby-Cleveland County Regional Airport.

Section 2. The City Manager or his designee is hereby authorized to execute documents associated with this grant application.

Section 8. This resolution shall become effective upon its adoption and approval.

Adopted and approved this the 4<sup>th</sup> day of November, 2024.

Resolution No. 66-2024  
November 4, 2024  
Page 2

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O. Stanhope Anthony III  
Mayor

ATTEST:

---

Carol Williams  
City Clerk



City of Shelby  
Agenda Item Summary  
November 4, 2024  
Don Gibson Theatre

Agenda Item: E-2

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

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

---

- Memorandum dated October 28, 2024, from Carol Williams, City Clerk to Rick Howell, City Manager
- Memorandum dated October 21, 2024, from Sallie Craig, Shelby ABC Board Chair to City Council
- ABC Board 2024 Roster
- ABC Board Member Application(s)

---

City Manager's Recommendation / Comments

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

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

**OFFICE OF THE  
CITY CLERK**



**Memo**

To: Rick Howell, City Manager  
From: Carol Williams, City Clerk  
Date: October 28, 2024  
Re: Appointments to City Advisory Boards

---

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

Due to the resignation of Willie McIntosh from the ABC Board, there is a vacancy for the term concluding in April 2025.

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

**Phil Reid  
Phyllis Williams  
Montana Judd  
Devin McCullough  
Niya Brooks  
Eric Hendrick**

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

**POSSIBLE ACTION:**

Council can begin the nominating process or take appointive action to fulfill the term concluding April 2025.

**Attachment:**

- A. Alcoholic Beverage Control Board roster 2024

# SHELBY ABC BOARD

P. O. BOX 1649 – Shelby, North Carolina 28151-1649 – (704) 482-7921 – Fax (704) 482-8915

Sallie Craig  
*Chair*  
Mark Turner

Willie McIntosh  
Kevin Karner  
E. Mary Carlson

---

To: The Shelby City Council,

Date: October 21, 2024

We were informed Mr. Willie McIntosh, a current member of the Shelby ABC Board, will no longer be able to fulfill his duties to the board due to health reasons. This information was discussed directly during a telephone call between Ms. Sallie Craig, Board Chair, and Mr. McIntosh. During this phone conversation Mr. McIntosh gave Ms. Craig his oral resignation.

At this time, we request that the City Council move to fill the vacancy left by Mr. McIntosh's departure.

We look forward to meeting the person you choose to join our Board.

ABC Board meetings are held on the 4<sup>th</sup> Monday of the month unless there is a holiday or inclement weather. The meetings start at 9:00 a.m. and are held at the W. Warren Street Store. Meetings last from 10 to 30 minutes.

Sincerely,



Sallie Craig  
Chair  
Shelby ABC Board

## ALCOHOLIC BEVERAGE CONTROL BOARD 2024

MEMBERS	ADDRESS	TERM	PHONE
Mark Turner <a href="mailto:mturnermark@yahoo.com">mturnermark@yahoo.com</a>	1400 Beverly Lane Shelby, NC 28152	April 2027	H: 704-487-5074
Mary Carlson <a href="mailto:carlsone141@clevelandcc.edu">carlsone141@clevelandcc.edu</a>	1321 Montrose Drive Shelby, NC 28150	April 2026	H: 434-825-4241 C: 704-669-4222
Sallie M. Craig, Chair <a href="mailto:smcraig@gmail.com">smcraig@gmail.com</a>	910 Meadowbrook Lane Shelby, NC 28150	April 2026	H: 704 484-2014
Kevin Karner <a href="mailto:kjkarner@gmail.com">kjkarner@gmail.com</a>	181 Appian Way Shelby, NC 28150	April 2025	C: 704 472-9036
Vacant		April 2025	H:

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

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

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

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

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

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

Name of Board  
**SHELBY ABC BOARD**

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

MARK TURNER REPLACED DAVID SCHWEPPE STARTING IN MAY 2024

**\* Date**  
10/17/2024

**\* Full Name**  
Michael C. DeArment

**\* Full Address**  
1718 Arbor Way Drive  
Shelby NC 28150

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

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

**Date of Birth**  
02/24/1972

**Home Phone**  
(704) 692-4213

**Mobile Phone**  
(704) 692-4213

**Work Phone**  
(980) 487-2700

**\* Email**  
mcdearment@gmail.com

**Occupation**  
Physician- Pulmonary and Critical Care Physician

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

I would like to serve to help the ABC Board maintain an effective service to the people of Cleveland County. I would like to work with other members of the board to serve and sustain services to our community.

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

President Medical Staff, Cleveland Regional Medical Center (2022-2024), Chief of Staff, Cleveland Regional Medical Center 2014, Western Market Medical Director, Atrium Health 2017-2024

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

I have experience conducting meetings and leading a diverse group of individuals working toward a common goal in healthcare. I have also managed private practice finances as the managing Cleveland Pulmonary and Sleep from 2004-2009 and as the Site-Based Medical Director of Atrium Health Pulmonary and Sleep- —Cleveland 2010-2024. I can help find ways to improve efficiency and be attentive to cost-effectiveness. I am very good at working with others.

**\* Type your name for signature**  
Michael C. DeArment



**\* Date**  
10/16/2024

**Full Name**  
ERIC HENDRICK

**\* Full Address**  
926 Elizabeth Rd  
SHELBY NC 28150-4764

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

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

**Date of Birth**  
04/22/1978

**Home Phone**  
(704) 418-5688

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

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

**\* Email**  
EHENDRICK926@GMAIL.COM

**Occupation**  
Small Business Owner

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

I enjoy working with board members and employees to achieve better customer-friendly, modern, and efficient stores. By joining this board I hope to learn from the people already on it, and also look forward to the opportunity to share my knowledge and experiences with those same people!

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

Humane society, Laura's Homes, and Hand on Missions

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

Served on City Council, Small Business Owner, and served as liaison while on council.

**\* Type your name for signature**

ERIC HENDRICK



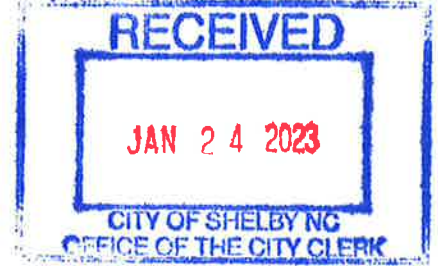




APPLICATION FOR APPOINTMENT TO BOARDS AND COMMISSIONS

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

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



DATE 1/24/2023

NAME Phil Reid

ADDRESS (No P O Boxes please) 1010 Kelly Cir

CITY / STATE / ZIP Shelby

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

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

WARD #1

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

EMAIL ADDRESS philreid@bellsouth.net

OCCUPATION retired

EDUCATIONAL BACKGROUND Masters

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

OTHER COMMENTS:
SIGNATURE [Signature] DATE 1/24/23

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

\* **Full Name**  
Barry Beaver

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

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

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

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

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

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

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

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

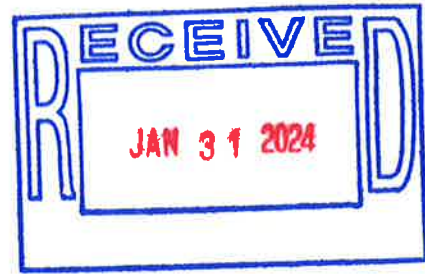
**Occupation**  
President

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

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

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

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





**APPLICATION FOR APPOINTMENT TO BOARDS AND COMMISSIONS**

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

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

DATE April 17, 2023

NAME Phyllis Williams

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

CITY / STATE / ZIP Shelby / North Carolina

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

EMAIL ADDRESS pwillia2@gardner-webb.edu

OCCUPATION Volunteer Community Advocate / Volunteer Emergency Services

EDUCATIONAL BACKGROUND B.A-Sociology (N.C. A&T State Univ.), M. Div.-

Pastoral Care And Counseling(Gardner-Webb Univ.), & LCSW Candidate (Winthrop Univ.)

BOARD OR COMMISSION INTERESTED IN:

1. Shelby Housing And Redevelopment Advisory Board
2. Shelby Alcoholic Beverage Control Board
3. \_\_\_\_\_

OTHER COMMENTS:

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

Thanks for you time.  
P. Williams

SIGNATURE  DATE April 17, 2023

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

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

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

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

County



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

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

Home Phone  
\*\*SKIPPED\*\*

Mobile Phone  
(704) 477-5382

Work Phone  
\*\*SKIPPED\*\*

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

**Occupation**  
Business Manager for IUEC Local 135

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

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

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

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

\* Date  
03/10/2023

\* Full Name  
Montana L. Judd

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

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

Ward 2



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

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

Home Phone  
(512) 552-7600

Mobile Phone  
(512) 552-7600

Work Phone  
(512) 552-7600

\* Email  
mjudd1120@gmail.com

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

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

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

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

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

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

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

\* Type your name for signature  
Montana L. Judd

\* Date  
01/02/2023

\* Full Name  
Donald C. Eslick

\* Full Address  
805 Hawthorne Road  
Shelby NC 28150

Word 1

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

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

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

Home Phone  
(704) 419-9800

Mobile Phone  
\*\*SKIPPED\*\*

Work Phone  
\*\*SKIPPED\*\*

\* Email  
donaldeslick@gmail.com

**Occupation**  
Registered Nurse

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

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

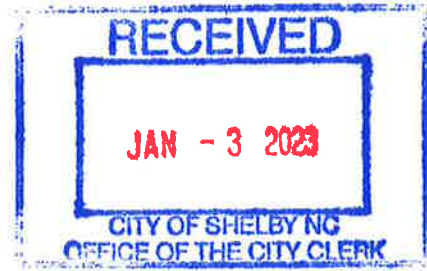
**Please list any previous board service (If applicable)**

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

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

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

\* Type your name for signature  
Donald Eslick





\* Date  
10/11/2022

\* Full Name  
Devin P. McCullough

\* Full Address  
435 Country Club Ct  
Shelby NC 28150

Ward 2



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

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

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

Home Phone  
\*\*SKIPPED\*\*

Mobile Phone  
(980) 295-9583

Work Phone  
\*\*SKIPPED\*\*

\* Email  
devin\_mccullough@yahoo.com

**Occupation**  
anesthesiologist

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

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

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

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

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

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

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



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

**Full Name**  
Brett T. Wease

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

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

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

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

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

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

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

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

**Occupation**  
Real Estate Agent

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

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

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

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

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

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

**\* Type your name for signature**

Brett Wease

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

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

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

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

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

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

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

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

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

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

**Occupation**  
Business owner

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

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

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

Cleveland County Library Board

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

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

**\* Type your name for signature**

Niya W. Brooks





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

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

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

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

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

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

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

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

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

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

**Occupation**  
Real Estate Brokerage

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

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

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

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

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

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

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

\* Date  
05/10/2024

Full Name  
Jacob R. Potter

\* Full Address  
4026 Littlejohn Circle  
Shelby NC 28152

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

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

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

Home Phone  
(814) 215-7775

Mobile Phone  
(814) 215-7775

Work Phone  
\*\*SKIPPED\*\*

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

**Occupation**  
Retired

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

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

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

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



City of Shelby  
Agenda Item Summary  
November 4, 2024  
Don Gibson Theatre

Agenda Item F

City Manager's Report: Rick Howell, City Manager

I will report to Mayor and Council on a number of 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: 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