

## MINUTES

Regular Meeting – Electronic Meeting  
City Hall and Don Gibson Theatre

August 17, 2020  
Monday, 6:00 p.m.

**Present:** Mayor O. Stanhope Anthony III, presiding; Council Members Eric B. Hendrick, David W. White, David Causby, Violet Arth Dukes, Charles Webber, and Andrew Hopper, Sr.; City Manager Rick Howell, MPA, ICMA-CM, Assistant City Manager Justin S. Merritt, MPA, Interim City Attorney Martha R. Thompson, City Clerk Bernadette A. Parduski, Director of Finance Elizabeth B. (Beth) Beam, Assistant Director of Finance/Customer Services Manager Sam Clark, Director of Human Resources Deborah C. (Deb) Jolly, Director of Energy Services Julie R. McMurry, Director of Water Resources David W. Hux, Director of Engineering Services Benjamin (Ben) Yarboro, Police Chief Jeffrey H. (Jeff) Ledford, Fire Chief William P. Hunt, MPA, EFO, Director of Planning and Development Services Walter (Walt) Scharer, AICP, Public Information and Communications Officer Chip Nuhrah, Lead for North Carolina (LFNC) Fellow Shelby Holmes, Jennipher H. Harrill, Social Media Manager, Blue Eyes Social Media Connections, and Stan Lowery, Executive Director, Don Gibson Theatre

Mayor Anthony called the meeting to order at 6:00 p.m. and certified a quorum was present. It was noted a location for public access to the meeting was established at the Don Gibson Theatre and monitored by Mr. Nuhrah. A maximum of ten (10) persons would be allowed to attend.

The Mayor called for a moment of silence and reflection. Afterwards, he delivered an invocation.

**A. Approval of agenda:**

- 1) Motion to adopt the proposed agenda

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

**B. Public Comment: None**

**C. Public Hearing:**

- 1) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina: Ordinance No. 26-2020

Mr. Scharer presented the proposed zoning map amendment. The 22-acre property on Wease Drive is currently undeveloped and located within the Extraterritorial Jurisdiction (ETJ). The site is zoned Residential 20 (R20). The R20 District is primarily intended to accommodate very low-density single-

family detached dwellings, two-family dwellings, and manufactured homes on individual lots. The applicant, Eric Little, has requested Residential 6 – Conditional Use (R6-CU). The R6 District is primarily intended to accommodate a variety of high-density single-family detached dwellings, apartments, townhouses, and condominiums. Mr. Scharer explained Conditional Use Districts are circumstances where a general zoning designation allowing a use by right would not be appropriate for a particular property even though the use itself could, if properly planned, be appropriate for the property consistent with the objectives of the Unified Development Ordinance (UDO) and the Shelby Comprehensive Land Use Plan. The conditional use district process was established to address situations when a particular use may be acceptable but the general zoning district which would allow that use, would not be acceptable. It allows City Council to approve a proposal for a specific use with reasonable conditions to assure compatibility of the use with the surrounding properties.

Mr. Scharer added the Shelby Comprehensive Land Use Plan for this area designates the site as Low Density Residential. The low-density residential classification is for single-family detached residential land uses where sewer is not available. Utilizing a location map, Mr. Scharer stated the subject property is located south of the Highway 150/18 (Dekalb and South Lafayette Streets) intersection. In this case, he noted the higher density residential uses and the Hickory Creek Trunk are adjacent to this property and can serve this proposed development with sewer.

Mr. Scharer recommended approval of this proposed zoning map amendment from Residential 20 (R20) zoning district to Residential 6 – Conditional Use (R6-CU) zoning district, the higher density zoning district.

Mayor Anthony opened the public hearing at 6:08 p.m. and invited comments from the public:

Eric Little who resides at 2111 Belle Vernon Avenue in Charlotte, North Carolina and his partner, Demetrius Crayton, identified as the applicants. Mr. Little spoke in support of their proposed zoning map amendment for property located on Wease Drive from Residential 20 to Residential 6 Conditional Use.

Christine Ledford who resides at 107 Wease Drive in Shelby, North Carolina spoke against the proposed zoning map amendment for the property located on Wease Drive. Miss Ledford expressed her concerns that the proposed zoning is not compatible with the residential character and neighborhood atmosphere of Wease Drive. She stated the rezoning will negatively impact her safety.

Carrie Williams who resides at 101 Wease Drive in Shelby, North Carolina spoke against the proposed zoning map amendment for the property located

on Wease Drive. Miss Williams expressed concerns about safety, stating her and her daughter's mental and physical well-being would be put in jeopardy.

Tanya Smith who resides at 109 Wease Drive in Shelby, North Carolina spoke against the proposed zoning map amendment for the property located on Wease Drive. Miss Smith expressed her concerns related to increased traffic, lack of security, and lower property values if the project is developed. She stated the use is not compatible with the safety of families in her neighborhood.

Jordan Navey who resides at 111 Wease Drive in Shelby, North Carolina spoke against the proposed zoning map amendment for the property located on Wease Drive. Mrs. Navey expressed her concerns for the safety of her children and her neighbors.

Ashley Ledford who resides at 113 Wease Drive in Shelby, North Carolina spoke against the proposed zoning map amendment for the property located on Wease Drive. Miss Ledford expressed her concerns about the proposed zoning by stating it is not compatible with the residential character of Wease Drive and it is not a good fit. This decision directly impacts the lifestyle, safety, livelihood, and mental and physical well-being of all her neighbors. Miss Ledford also mentioned whether the proposed rezoning creates new City limits.

Sybil Hollifield who resides at 1901 South Lafayette Street in Shelby, North Carolina spoke against the proposed zoning map amendment for the property located on Wease Drive. Mrs. Hollifield stated the rezoning and conditional use are not the right fit for the Wease Drive neighborhood. She also expressed her concerns about increased traffic and decreased property values.

Gary Gamble who resides at 135 Forest Drive in Shelby, North Carolina spoke against the proposed zoning map amendment for the property located on Wease Drive. Mr. Gamble stated the Wease Drive neighborhood has always been residential and he wishes it to remain that way. He reminded Council that all the property owners have spoken out against the proposed rezoning in unison.

Edward Learn who resides at 126 Forest Drive in Shelby, North Carolina spoke against the proposed zoning map amendment for the property located on Wease Drive. Mr. Learn prefers the safety and quietness of the Wease Drive neighborhood to remain as is. He suggested there are many other areas in Cleveland County already zoned the way Wease Drive is being proposed to be zoned and those need to be developed to start with.

Mayor Anthony closed the public hearing at 6:23 p.m.

Both Mayor Anthony and Mr. Scharer clarified that although this is a Conditional Use Zoning Map Amendment only the legislative hearing for this proposal took place. City Council may act at the next City Council meeting of September 21, 2020. If the zoning map amendment is approved, City Council may then proceed with the Quasi-Judicial Public Hearing for the proposed use associated with this Conditional Use Map Amendment. Approval of the Zoning Map Amendment does not approve the Conditional Use. This may only take place following a Quasi-Judicial Public Hearing. Additionally, and due to the North Carolina COVID-19 law, when City Council holds a virtual meeting with a public hearing, action may not be taken immediately. Public comment is required to be accepted at a minimum of 24 hours after the scheduled meeting.

Next, Mr. Howell clarified the question regarding the City limits, stating this case is strictly a zoning matter and has nothing to do with the annexation of property on Wease Drive.

Council took no action.

**D. Consent Agenda:**

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

- 1) Approval of the Minutes of the Regular Meeting of August 3, 2020
- 2) Approval of a resolution authorizing termination of lease agreements: Resolution No. 37-2020
- 3) Approval of a resolution awarding the contract for the City of Shelby Stormwater Infrastructure Assistance Program Project at 110 Shady Ridge Lane in Shelby, North Carolina: Resolution No. 38-2020
- 4) Approval of a Notice of Cancellation in the Regular Meeting Schedule of Shelby City Council

**E. Unfinished Business: None**

**F. New Business: None**

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

- 1) Mr. Howell previously provided Council with the City's Monthly Financial Summary for the Fiscal Year ending June 2020 and commented that given the circumstances of the pandemic and the economic slowdown, the City closed the fiscal year strong. He reported several steps were

implemented to slow spending and to hold vacant positions, managing these budgets well enough to have positive results. Some financial challenges remain, and the final revenue picture will not be entirely clear until the City receives its final figures from the State of North Carolina. Mr. Howell also reported the City's audit process has begun with the field work to take place in August and September 2020.

- 2) Regarding the Norfolk Southern Rail Corridor, Mr. Howell informed Council the contractor for Norfolk Southern is in the process of removing all the rails and the streets will be patched according to the North Carolina Department of Transportation standards. Also, the contractor will be removing the crossties over the next four weeks. All remaining debris is to be removed as well.
- 3) Mr. Howell announced that Greenheck's new architectural products facility in the Foothills Commerce Center is hiring and operating.
- 4) Regarding the Job Ready Industrial Shell Building No. 3 Project, Mr. Howell reported the construction activities are progressing to date and include the concrete pad, wall panels, roofing, parking areas, and lastly grading with completion anticipated by December 2020.
- 5) Regarding the Uptown Shelby Streetscaping Project, Mr. Howell stated construction activities including paving, activation of the new signals intersection by intersection, landscaping, punch list items, and clean-up, are nearing completion by early September 2020. A ribbon cutting ceremony will then be planned and scheduled.
- 6) Mr. Howell provided Council with updates about the various projects honoring Bobby Bell. The signs renaming City Pavilion to Bobby Bell Pavilion are complete and have been delivered. The honorary designation of Dekalb Street to Bobby Bell Boulevard is in process with the North Carolina Department of Transportation. The Request for Qualifications for the City of Shelby Bobby Bell Mural Project has been advertised and the deadline for submittals from artists is August 21, 2020. Further details regarding these projects and the scheduling of the recognition event for Bobby Bell will be shared when available.

#### **G. Council Announcements and Remarks:**

- 1) Mayor Anthony formally read his Proclamation honoring the 100<sup>th</sup> anniversary of the 19<sup>th</sup> amendment to the United States Constitution prepared by City Clerk Bernadette Parduski. The proclamation will be posted to the City's social media platforms for viewing by the public.

- 2) Mayor Anthony and Council members welcomed back a healthy David White, who was grateful to return to City Council.

**H. Adjournment:**

- 1) Motion to adjourn

**ACTION TAKEN:** Upon a motion made by Mr. Causby, City Council voted unanimously to adjourn the meeting at 6:43 p.m.

Respectfully submitted,

Bernadette A. Parduski, NCCMC, MMC  
City Clerk

O. Stanhope Anthony III  
Mayor

Minutes of August 17, 2020