

MINUTES

Regular Meeting
City Hall Council Chamber

October 17, 2022
Monday, 6:00 p.m.

Present: Mayor pro tem Andrew L. Hopper Sr., presiding; Council Members David Causby, Violet Arth, David White, Charles Webber, and Emilie Bullock.; City Manager Rick Howell, MPA, ICMA-CM, Assistant City Manager Justin S. Merritt, MPA, Assistant City Manager Benjamin (Ben) Yarboro, Interim City Attorney John Kubis, City Clerk Carol Williams, Deputy City Clerk Breanna Jones, Public Information and Communications Officer Chip Nuhrah, Director of Human Resources Deborah (Deb) Jolly, Director of Finance Elizabeth (Beth) Beam, CPA, Police Chief Jeffrey (Jeff) Ledford, Fire Chief William Hunt, EFO, Director of Planning and Development Services Walter (Walt) Scharer, and Jennifer H. Harrill, Social Media Manager, Blue Eyes Media Connections;

Absent: Mayor O. Stanhope Anthony III

Mayor pro tem Hopper called the meeting to order at 6:00 p.m. Mr. Webber delivered the invocation and Mr. Causby led the Pledge of Allegiance.

A. Approval of agenda:

Mayor pro tem Hopper requested the addition of Resolution No. 66-2022 be added as Item C-4 under Consent Items.

1) Motion to adopt the amended agenda

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

B. Public Comment:

Debbie Chaffin who resides at 101 Victoria Park Drive, Shelby, North Carolina presented to City Council three safety concerns that she and her neighbors have that live in the Magnolia Plantation subdivision:

- The proposed new cut thru from Kings Road to the service road – many residents have lived in the neighborhood when there was a cut thru to the service road and when there was not; they prefer not having a cut thru to the service road.
- The construction of a new hotel to the right of the proposed new cut through – the residents are not concerned about the actual hotel

being built but worry about strangers that walk thru their neighborhood from the hotels.

- The addition of a proposed subdivision to the left and rear of Magnolia Plantation with plans for 138 homes – the residents are very concerned about the increase in traffic and are worried about the safety due to only one way in and one way out of the neighborhood.

Ms. Chaffin distributed a handout for City Council which contains more details and data on the three safety concerns she spoke about. She thanked Council for their time and thanked the City staff she spoke to for being so helpful.

Cora Peeler who resides at 2037 Green Oak Drive, Shelby, North Carolina distributed a handout to Council which is a petition signed by over 40 residents of the Hickory Hill community. Ms. Peeler stated that the people in the Hickory Hill community are joining together to petition that the Hickory Hill community will never be zoned again; or will never again have two separate houses built on a single lot as long as these residents are homeowners in this neighborhood. Ms. Peeler continued by stating that Council should have investigated the new proposed home structures and whether they compare to the other homes in the neighborhood. Ms. Peeler also questioned the lack of zoning notification that the neighborhood received; saying the sign placed in the yard wasn't very noticeable and only two families received a notification in the mail. Ms. Peeler suggested the rezoning notification could have been mailed with the utility bill that the residents receive each month. Ms. Peeler concluded by stating the residents of Hickory Hill take pride in their community and stated, "Do unto others as you would have them do unto you."

C. Public Hearing:

- 1) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina at Gilliatt Street and East Marion Street: Ordinance No. 55-2022

Mr. Scharer introduced a zoning map amendment for property located at Gilliatt Street and East Marion Street from R10 zoning district to General Business (GB) zoning district. Mr. Scharer listed the various commercial uses on this section of East Marion Street which include a produce stand, butcher shop, coffee shop, a laundromat and a self-storage facility. According to Mr. Scharer this particular property is surrounded by General Business and Residential zoning districts. Mr. Scharer concluded by stating the Planning and Zoning Board recommended the proposed zoning amendment due to the development patterns in the area.

Mayor pro tem Hopper opened the public hearing at 6:19 p.m. and invited comments from the public.

Don Peeler who resides at 101 Apple Hill Drive, Shelby, North Carolina spoke as the applicant and in favor of the zoning amendment. Mr. Peeler stated the property owner, Cecil Lee Gilliatt, Jr., desires to have medium to upscale apartments built on the property. Mr. Peeler explained the General Business zoning district works best for this property because of the density required and for a better layout of the proposed apartments. Mr. Peeler stated his hope is to have an apartment complex similar to Crystal Springs that he developed a few years ago. Mr. Peeler stated he doesn't know how many apartments will fit on the property, but they will be all brick.

Mayor pro tem Hopper closed the public hearing at 6:24 p.m.

Mr. Howell reminded Council that in their decision-making they must consider that amending this property to General Business zoning district allows any business use permitted under the General Business classification in the future.

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to approve Ordinance No. 55-2022 entitled, "A PROPOSED ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF SHELBY, NORTH CAROLINA AT GILLIATT STREET AND EAST MARION STREET."

D. Consent Agenda:

Mayor pro tem Hopper 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 3, 2022**
- 2) Adoption of budget ordinance establishing a capital project ordinance and budgets for the City of Shelby's City Hall Annex Renovation Project: Ordinance No. 56-2022**
- 3) 800Mhz Radio Purchase Project for Fire and Police Departments:**
 - a) Approval of a resolution approving a financing agreement authorized by North Carolina General Statute 160A-20: Resolution No. 65-2022**
 - b) Adoption of Fiscal Year 2022-2023 Budget Ordinance Amendment No. 1: Ordinance No. 57-2022**

- 4) Approval of a resolution authorizing an application for North Carolina Department of Commerce Rural Transportation Grant Fund Rural Engagement & Investment Program (Depot Park): Resolution No. 66-2022

E. Unfinished Business:

None

F. New Business

None

G. City Manager's Report:

- Regarding Shell Building #4: Wall panels are up, and the roofing system should be going in this week.
- Regarding Rail Trail: Continuing to work with NC DOT on the \$4.16 million grant awarded a few years ago to help construct a portion of the Rail Trail. This is federal grant money that must be used for that specific purpose.
- Regarding Water and Sewer projects: The City identified projects for the \$400,000 American Rescue Plan grant for analysis of the aging parts of the Water and Sewer systems. Mr. Hux is working with the State and moving those projects along.

H. Council Announcements and Remarks:

Ms. Arth asked Mr. Howell to make sure someone follows up with the residents of the Hickory Hill community to see why they were not better notified of the rezoning last month. Ms. Arth also commented that her boyfriend won the Livermush Cook-off on Saturday.

Mr. White was glad to see so many people in Shelby on Saturday with all the events that were taking place.

Mr. Causby thoroughly enjoyed going Uptown Saturday with his grandchildren on Saturday.

Mr. Webber reiterated what Ms. Arth said about City staff reaching out to the citizens of Hickory Hill and address their concerns. Mr. Webber attended the 100-year celebration for Enloe Mortuary on Saturday. Apparently, Enloe

Mortuary is one of sixteen businesses in the country that are still in operation after 100 years.

Mayor pro tem Hopper also stated it was a busy weekend in Shelby and it was great to see so many people in town. Mr. Hopper also attended the Enloe Mortuary celebration. Mr. Hopper mentioned Pink Bell has worked at the funeral home for 67 years – he started as a teenager. Mr. Hopper had a conversation with Bobby Bell, and he extended his appreciation to the City of Shelby for their condolences when his wife passed away earlier this year. Enloe Mortuary staff truly appreciated City Council for presenting to them the key to the City in honor of their 100th anniversary. Mr. Hopper stated the mortuary also had a well-attended Health Fair, which was a festive occasion for them to host. Mr. Hopper wanted to publicly thank Chip Nuhrah for his work on Saturday coordinating and producing the Enloe Mortuary anniversary event. Mr. Hopper also thanked the Police and Fire chiefs for their support and work over the weekend.

I. 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**

**Andrew L. Hopper, Sr.
Mayor pro tem**

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