

MINUTES

Regular Meeting
City Hall Council Chamber

November 21, 2022
Monday, 6:00 p.m.

Present: Mayor O. Stanhope Anthony, III, presiding; Council Members Andrew L. Hopper, Sr., David Causby, Violet Arth, 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, Interim Public Works Director Scott Black, and Jennipher H. Harrill, Social Media Manager, Blue Eyes Media Connections;

Absent: Council member David White

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

Mrs. Bullock led the Pledge of Allegiance.

A. Approval of agenda:

- 1) Motion to adopt the proposed agenda, noting the correct Ordinance numbers for the Public Hearing.

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

B. Special Presentations:

- 1) Shelby Fire and Rescue 2022 Strategic Plan – Chief William Hunt, presenting

Chief Hunt presented to Council the Shelby Fire and Rescue Strategic Plan for 2022. According to Chief Hunt a team of subject matter experts developed this plan for Shelby Fire and Rescue. Strategic planning is described as follows:

- It is a requirement for continued accreditation

- It is a planning process where an organization examines its priorities, products and services, and expectations through the eye of the community (customers).
- It is a management tool which provides direction over time, builds a shared organizational vision, sets goals and objectives, and optimizes use of resources.

Chief Hunt continued with the different elements that were used to evaluate Shelby Fire and Rescue Department:

- Current plan review
- Service Delivery analysis
- Community analysis
- Internal Stakeholder review
- External Stakeholder review
- Recommendations

Strengths – what is the department doing well

Weaknesses – where does the department need to improve

Opportunities – what is the department missing

Threats – what may affect the department

Chief Hunt explained the strengths identified are the following:

- Modern apparatus and equipment (according to the SF&R department)
- Organized and well-led department (according to City departments)
- Technically competent across public safety disciplines (according to response partners)
- Professional and caring staff (according to community)

Chief Hunt explained the weaknesses identified are the following:

- Succession planning and leadership development (according to the SF&R department)
- Emergency planning at the city level (according to City departments)
- Over reliance on automatic and mutual-aid from volunteer agencies (according to response partners)
- Community outreach and safety education (according to community)

Chief Hunt explained the opportunities identified are the following:

- Joint specialty operations with Cleveland County (according to the SF&R department)
- Collaboration with other city departments and the community (according to City departments)

- Inter-agency training opportunities (according to response partners)
- Competitive pay and compensation (according to community)

Chief Hunt explained the threats identified are the following:

- Health, wellness, and morale of employees (according to the SF&R department)
- Fire & Rescue services keeping pace with the city's growth (according to City departments)
- Split City-County E911 Communications (according to response partners)
- Recruitment and retention of quality employees (according to community)

After all the previous listed data was collected from the SF&R department, the other city departments, the response partners and the community, Chief Hunt stated the Strategic Initiatives for Shelby Fire & Rescue are the following:

- Recruitment, retention and wellness
- Professional readiness and development
- Community engagement
- Leveraging partnerships
- Deployment, planning and mitigation
- Resources and infrastructure

Chief Hunt concluded his presentation by going over the next steps:

- Review observations and recommendations
- Develop short and long-term goals and objectives around the strategic initiatives
- Formal approval of completed plan
- Publish the plan documents internally and to the departments section of city website
- Review and revise goals and objectives at least annually over the life of the plan.

C. Public Comment: None

D. Public Hearing:

- 1) Consideration of proposed ordinances amending the zoning map of the City of Shelby, North Carolina on 1536 South Lafayette Street and Melrose Drive and: Ordinance No. 61-2022 and Ordinance No. 62-2022

Mr. Scharer introduced a zoning map amendment for properties located at 1536 S. Lafayette Street and Melrose Drive. The 1536 South Lafayette Street property is currently GB2 and R10 zoning districts, and the applicant is proposing R6 Conditional Zoning district. The Melrose Drive property is currently zoned R20, and the applicant is proposing Corridor Protection District. Mr. Scharer further stated that the properties are in a mixed-use area and the proposal is consistent with the Comprehensive Future Land Use plan. Mr. Scharer explained that the applicant wishes to build a multi-family development and further explained that there will be conditions such as increased buffer requirements. Mr. Scharer stated that Council did not have to approve the rezoning of both properties, they could choose to rezone one or the other, both or neither. Mr. Scharer concluded by stating the Planning and Zoning Board did recommend this project and the zoning amendment; however, another Special Use permit hearing will be necessary before the project moves forward because it is a multi-family development with 200 units proposed.

Mayor Anthony opened the public hearing at 6:29 p.m. and invited comments from the public.

Sara Shirley whose address listed is 8008 Corporate Center Drive, Charlotte, North Carolina acknowledged she is present on behalf of the development. Ms. Shirley stated it is her understanding the City of Shelby needs mid-level housing; and the plan proposed helps alleviate that need by developing 200 attached single family homes which provides lower maintenance of the residence and the yard. According to Ms. Shirley a development of attached single family homes is a good transition between a residential development and commercial development. She further explained that making the proposed properties all the same zoning makes a unified and cohesive area instead of a chaotic zoning area.

Ms. Shirley further addressed the lower density of R6 which would allow approximately 7 dwelling units per acre for single family detached dwellings to over 19 multifamily dwellings per acre; she pointed out the developer's proposed density is approximately 4.89, and of the 44 acres the developers are preserving 27 acres of open space. Ms. Shirley continued by stating this open space would be concentrated around the environmental areas - so the streams are buffered, wetlands are protected, and reserve enough area for stormwater to prevent flooding issues.

Ms. Shirley spoke about the connectivity opportunities of Melrose Drive, South Lafayette Street and South DeKalb Street, City water and sewer availability, and infrastructure improvements are 100% developer funded and developer installed; and that new homes bolster the local economy and is a positive change. Ms. Shirley listed some of the conditions proposed are to develop a buffer along Farm Road property homes to retain existing vegetation and also enhance that area with evergreen trees and fencing as needed; in addition,

streetscape which includes sidewalks will be provided to improve the area and make it look like homes, and not just a structure facing the road.

Kyle diPretoro who resides at 234 Kingsley Park Drive, Fort Mill, South Carolina stated he is the developer of the project and will be glad to answer any questions.

Ruth Harris who resides at 872 E. Southgate Drive, Shelby, North Carolina is a homeowner adjacent to the property being discussed. Ms. Harris refers to her neighborhood as a little slice of heaven, because she's in the City limits but it doesn't feel like the City. Ms. Harris stated she feels a higher density project in her neighborhood would reduce the close-knit community she has with her neighbors. Ms. Harris' other concerns were:

- In front of James Love School there is currently a sidewalk to nowhere which is pointless, so she wonders where the proposed sidewalks will be located – will they connect the entire neighborhood or be placed just in front of the new development
- Increased traffic with the addition of 200 new homes – will there be a stoplight at Shelby Middle School to help with that intersection
- James Love Elementary School is currently a low performing school, and this development means potentially new students – will the school be able to accommodate for that possible influx of students
- The wildlife that is in the proposed property – what will happen to the turtles, deer, foxes, and other animals due to increased development

Susan McCarty who resides at 1525 Rhyne Street, Shelby, North Carolina has lived in the neighborhood for 32 years and has watched this area get more closed in and is concerned about:

- Where will the animals go that inhabit the wooded area
- The lack of sidewalks in the neighborhood
- 200 more homes will change the dynamic of the neighborhood
- Possible reduced home values
- Flooding that happens when it rains heavily

Ms. McCarty stated she is fine with progress, but this development is too large for the proposed area.

Mr. Darin Holliday who resides at 737 Farm Road, Shelby, North Carolina stated he didn't have any questions or comments.

Mayor Anthony closed the public hearing at 6:44 p.m.

ACTION TAKEN: Upon a motion made by Mr. Causby, City Council voted 4 -1 (Arth opposed) to approve Ordinance No. 61-2022 entitled, “A PROPOSED ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF SHELBY, NORTH CAROLINA AT 1536 SOUTH LAFAYETTE STREET because it is consistent with the Comprehensive Land Use Plan and the development in the area.”

ACTION TAKEN: Upon a motion made by Mr. Causby, City Council voted unanimously to approve Ordinance No. 62-2022 entitled, “A PROPOSED ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF SHELBY, NORTH CAROLINA AT MELROSE DRIVE because it is consistent with the Comprehensive Land Use Plan and the development in the area.”

E. 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 November 7, 2022
- 2) Approval of Special Event Application:
 - a) Foothills Farmer’s Market – Holiday Market, requested date: December 3, 2022
- 3) Approval of a resolution adopting the 2022 Fire & Rescue Department Strategic Plan: Resolution No. 70-2022

F. Unfinished Business:

None

G. New Business

- 1) Approval of a resolution directing the City Clerk to determine sufficiency of a voluntary annexation petition from Helmsman Homes: Resolution No. 71-2022

Mr. Scharer presented this resolution which sets up a Public Hearing scheduled for January 9, 2023 for annexation of the property. Mr. Scharer continued by stating the City Clerk would bring a Certificate of Sufficiency to Council at their next meeting which is December 5, 2022.

ACTION TAKEN: Upon a motion made by Mr. Hopper, City Council voted unanimously to approve Resolution No. 71-2022 entitled, "A RESOLUTION DIRECTING THE CITY CLERK TO DETERMINE SUFFICIENCY OF A VOLUNTARY ANNEXATION PETITION FROM HELMSMAN HOMES."

- 2) Approval of a resolution directing the City Clerk to determine sufficiency of a voluntary annexation petition from Helmsman Homes: Resolution No. 72-2022

Mr. Scharer presented this resolution which sets up a Public Hearing scheduled for January 9, 2023 for annexation of the property. Mr. Scharer continued by stating the City Clerk would bring a Certificate of Sufficiency to Council at their next meeting which is December 5, 2022.

ACTION TAKEN: Upon a motion made by Mrs. Bullock, City Council voted unanimously to approve Resolution No. 72-2022 entitled, "A RESOLUTION DIRECTING THE CITY CLERK TO DETERMINE SUFFICIENCY OF A VOLUNTARY ANNEXATION PETITION FROM HELMSMAN HOMES."

H. City Manager's Report

- Mr. Howell stated he will have updates on several projects at the next meeting on December 5, 2022.
- Mr. Howell stated that it is leaf season, and the City has two leaf trucks down. Public Works is doing the best they can, so please be patient.
- The City Attorney search continues and on December 5th there will be small group meetings with Council and GovHR, the headhunter retained to help with the search.
- Due to the holiday season, the City Manager has requested Council cancel the December 19th meeting and move the January 2nd and January 16th meetings to January 9th and January 23rd, respectively.
- Mr. Howell requested Council to consider Saturday, February 18th, 2023 as the Council Planning Retreat. Please let Mr. Howell know if that date is suitable.

I. Council Announcements and Remarks:

Mayor Anthony updated Council on several upcoming events:

- **Carrousel Christmas on December 3rd at the City Park**
- **Keep Shelby Beautiful awards banquet on December 7th**
- **Legislative Planning Board meeting on December 8th**
- **Annual Christmas Tree lighting will be Uptown on Friday, November 25th around 7:00pm**

Mrs. Bullock, Mr. Webber and Mr. Hopper wished everyone a happy holiday and safe travels.

Ms. Arth informed everyone about the gala at The Rogers Theater on December 3rd, should be a great event and fundraiser to help with the restoration of an Uptown location that is being brought back to life.

J. Closed Session:

To establish, or to instruct staff concerning the position to be taken by or on behalf of City Council in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease pursuant to North Carolina General Statute 143-318.11(a)(5).

ACTION TAKEN: Mr. Webber made a motion to enter a closed session pursuant to the appropriate North Carolina General Statute as cited. The Mayor invited all Council members present along with Mr. Howell, Mr. Kubis, Mrs. Williams, Mrs. Jones, Mr. Merritt, and Mr. Yarboro to attend. The motion passed unanimously, and Council moved into closed session at 7:16 p.m.

Council returned to the regular session at 7:54 p.m.

K. Adjournment:

1) Motion to adjourn

ACTION TAKEN: Upon a motion made by Ms. Arth, City Council voted unanimously to adjourn the meeting at 7:55 p.m.

Respectfully submitted,

**Carol Williams
City Clerk**

**O. Stanhope Anthony, III
Mayor**

Minutes of November 21, 2022