

## MINUTES

Regular Meeting  
City Hall Council Chamber

January 9, 2023  
Monday, 6:00 p.m.

Present: Mayor O. Stanhope Anthony, III, presiding; Council Members Andrew L. Hopper, Sr., 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 Julie Hooten, 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;

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

Mr. Causby led the Pledge of Allegiance.

### A. Approval of agenda:

- 1) Motion to adopt the agenda as presented.

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

### B. Public Hearing:

- 1) Consideration of an ordinance to extend the corporate limits of the City of Shelby, North Carolina: Ordinance No. 1-2023

Mr. Scharer introduced the property located on Hubbard Terrace just off of Wesson Road as two lots totaling approximately one acre and is contiguous to existing city limits. The two lots are currently zoned R-20 and Mr. Scharer clarified that this hearing is not a rezoning hearing only a contiguous voluntary annexation hearing.

Mayor Anthony opened the public hearing at 6:03 p.m. and invited comments from the public.

Noel MacArthur who resides at 1414 Hubbard Terrace, Shelby, North Carolina acknowledged he is the property owner of the lot adjacent to this site. Mr. MacArthur stated he and his wife are in favor of this annexation. Mr. MacArthur further stated he hopes City Council will allow the annexation of the entire road (Hubbard Terrace) in the future.

Mayor Anthony closed the public hearing at 6:05 p.m.

Mayor Anthony disclosed that Mr. Causby once owned the two lots on Hubbard Terrace but is no longer the property owner. Attorney Hooten advised Mr. Causby does not need to recuse himself from the vote.

**ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to approve Ordinance No. 1-2023 entitled, "AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF SHELBY, NORTH CAROLINA."**

**2) Consideration of an ordinance to extend the corporate limits of the City of Shelby, North Carolina: Ordinance No. 2-2023**

Mr. Scharer introduced the property located on Hubbard Terrace just off of Wesson Road as one lot totaling approximately .66 acre. This lot is non-contiguous to the city limits; therefore, this is considered a satellite voluntary annexation. The lot is currently zoned R-20 and Mr. Scharer clarified that this hearing is not a rezoning hearing only a voluntary satellite annexation hearing.

Mayor Anthony opened the public hearing at 6:06 p.m. and invited comments from the public.

No comments were offered from the public.

Mayor Anthony closed the public hearing at 6:07 p.m.

**ACTION TAKEN: Upon a motion made by Ms. Arth, City Council voted unanimously to approve Ordinance No. 2-2023 entitled, "AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF SHELBY, NORTH CAROLINA."**

**E. Consent Agenda:**

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

- 1) Approval of the Minutes of the Regular Meeting of December 5, 2022
- 2) Adoption of budget ordinance amendment for the City of Shelby's City Park Pool Renovation project: Ordinance No. 3-2023

**F. Unfinished Business:**

None

**G. New Business**

- 1) A resolution awarding the contract for the City of Shelby Stormwater Infrastructure Assistance Program project at 715 S. Dekalb St. in Shelby, North Carolina: Resolution No. 1-2023

Mr. Howell presented this resolution and reminded Council that after the Stormwater Program was adopted, staff recommended a certain amount of money to be used for an "off right of way" stormwater assistance program. Mr. Howell further explained that this allotted money helps residential and commercial property owners with drainage work that improves the flow of rain and floodwaters. Mr. Howell acknowledged if this resolution is approved then Two Brothers Utilities, LLC would be awarded the contract for this project in the amount of \$39,721.

**ACTION TAKEN:** Upon a motion made by Mr. Causby, City Council voted unanimously to approve Resolution No. 1-2023 entitled, "A RESOLUTION AWARDED THE CONTRACT FOR THE CITY OF SHELBY STORMWATER INFRASTRUCTURE ASSISTANCE PROGRAM PROJECT AT 715 S. DEKALB ST. IN SHELBY, NORTH CAROLINA."

- 2) Designation of authorized voting delegate for the North Carolina League of Municipalities 2023-2024 Biennium Legislative Goals, required by January 12, 2023

Mr. Howell introduced this item by reminding Council that the North Carolina League of Municipalities develops legislative goals, and a delegate is required from the city to vote on these goals. Mr. Howell stated he has served as the delegate in the past and would be happy to serve in that capacity again if Council agrees.

**ACTION TAKEN:** Upon a motion made by Mr. Hopper, City Council voted unanimously to designate City Manager Rick Howell as the

authorized voting delegate for the North Carolina League of Municipalities 2023-2024 Biennium Legislative Goals.

#### H. City Manager's Report

- Regarding the City Hall Roof Replacement project: Hope to have a recommendation to Council at the January 23<sup>rd</sup> meeting.
- Regarding Phase 1A of the Rail Trail: Stormwater materials have been delivered, retaining wall materials have been ordered, surveying, clearing and grubbing have been completed, erosion control has been installed and soil testing is ongoing. Completion date is June 5<sup>th</sup>, 2023.
- Mr. Howell welcomed members of the Leadership Cleveland County class.
- February 22<sup>nd</sup> is the League of Municipalities Town/State dinner in Raleigh.
- Annual NCLM conference is April 25 – 27, 2023 in Concord, North Carolina.

#### I. Council Announcements and Remarks:

Mayor Anthony appreciated the hard work of our Public Works and Water Resources Department for their work repairing the multiple water main breaks during the recent subfreezing weather. Mr. Howell thanked the Mayor for mentioning this and acknowledged all the Utility and Public Work employees work hard in sometimes tough conditions.

Ms. Arth stated it was great to see everyone after the New Year.

Mr. White stated the City of Shelby is like one big family and our departments work well together. Mr. White also asked about the manhole between Warren Street and Graham Street; Mr. Howell stated that is a sewer project for a private development on that property.

Mr. Causby acknowledged the increase in COVID cases in our area and encouraged everyone to get vaccinated.

Mr. Webber commended the Mayor for his update on Monday with the Mayor. Mr. Webber also welcomed the Leadership Cleveland County class members and offered his help in any way.

Mr. Hopper gave an update on the Gaston/Cleveland/Lincoln MPO meeting he attends regularly. The main NCDOT project in our area is the redesign of Hwy. 150 and Marion Street. Mr. Hopper stated that in the past the bids for this project all came in too high; then this summer there were no bids submitted by construction companies. Mr. Hopper announced that the project is going to be re-bid on January 10<sup>th</sup> and hopefully there will be some reasonable bids submitted. Mr. Hopper also stated there is major work going on in various locations for the bypass.

**J. Adjournment:**

**1) Motion to adjourn**

**ACTION TAKEN:** Upon a motion made by Ms. Arth, City Council voted unanimously to adjourn the meeting at 6:22 p.m.

**Respectfully submitted,**

**Carol Williams  
City Clerk**

**O. Stanhope Anthony, III  
Mayor**

**Minutes of January 9, 2023**