

## MINUTES

Regular Meeting  
City Hall Council Chamber

March 20, 2023  
Monday, 6:00 p.m.

Present: Mayor O. Stanhope Anthony, III, presiding; Council Members David Causby, David White, Andrew L. Hopper, Sr., Violet Arth, Charles Webber, and Emilie Bullock.; City Manager Rick Howell, MPA, ICMA-CM, Assistant City Manager Justin S. Merritt, MPA, Assistant City Manager Ben Yarboro, Interim City Attorney Julie Hooten, City Clerk Carol Williams, Deputy City Clerk Breanna Jones, Public Information and Communication Officer Chip Nuhrah, Director of Human Resources Deborah (Deb) Jolly, Fire Chief William Hunt, EFO, Police Chief Jeffrey (Jeff) Ledford, Director of Planning and Development Services Walter (Walt) Scharer, 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. Webber led the Pledge of Allegiance.

### A. Approval of agenda:

- 1) Motion to adopt the proposed agenda as presented.

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

### B. Public Comment:

Courtney Carver who resides at 816 Kings Road, Shelby, North Carolina addressed Council about a vicious dog attack that happened on Saturday, March 11<sup>th</sup>. The dog belongs to her neighbor and has bitten two others in the neighborhood. Mrs. Carver shared her story of the incident and showed Council the bite wounds on her leg. Mrs. Carver wanted Council to be aware that the Cleveland County Animal Shelter has refused to quarantine the dog for 10 days after an attack as State laws require or label the dog as dangerous after the first biting incident. Mrs. Carver would appreciate any help with this issue. Mayor Anthony stated City staff will look into this and do what we can to help with this situation.

Marissa Cascino who resides at 814 Kings Road, Shelby, North Carolina reiterated the concerns of the vicious dog and what steps she has to take to stay safe in her own yard. Ms. Cascino has had to put one of her dogs down

due to aggressive behavior and wonders what it's going to take for the County to do the same about the dog on Kings Road. Ms. Cascino also addressed the speeding cars on Kings Road and requested a speed trap or additional signage to help with the issue.

Betty Samole who resides at 815 Kings Road, Shelby, North Carolina reiterated the concerns of the vicious dog. Ms. Samole listed the steps she has to take every day to be safe in her own yard, and how she can't even let her own dog out in her yard. Ms. Samole stated her neighborhood is in desperate need of some help with this situation.

Dwight Samole who resides at 1439 Foust Road, Shelby, North Carolina reiterated the concerns of the vicious dog. Mr. Samole states that Animal Control has said they're doing all they can do. Mr. Samole believes Animal Control is scared, and have been threatened by the dog owner, so they do not want to deal with the issue. Mr. Samole is a NC EMT and gave examples of how quickly a dog bite can become deadly.

Autumn Shong who resides at 1208 Gidney Street, Shelby, North Carolina addressed Council about the cats that show up at her house. Ms. Shong suggested a free or low cost Spay/Neuter clinic at the Animal Shelter would be helpful. Ms. Shong also addressed Council about the proposed homeless shelter on Gidney Street. Ms. Shong stated she's in favor of helping the homeless but wonders why some can't find a job when they appear to be young and able to work and there are jobs everywhere.

#### **D. Public Hearing:**

- 1) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina at 307 Buffalo Street: Ordinance No. 15-2023

Mr. Scharer presented this property located on N. DeKalb Street and Buffalo Street. Mr. Scharer stated it is currently zoned General Industrial and Neighborhood Business. Mr. Scharer stated the applicant wishes to have the entire property zoned as Neighborhood Business. Mr. Scharer concluded by stating the proposed zoning change is consistent with the Comprehensive Land Use Plan and the Planning and Zoning Board recommends this zoning amendment.

Mayor Anthony opened the public hearing at 6:20 p.m. and invited comments from the public. The public offered no comments.

Mayor Anthony closed the public hearing at 6:21 p.m.

**ACTION TAKEN: Upon a motion made by Ms. Arth, City Council voted unanimously to approve Ordinance No. 15-2023 entitled, "A PROPOSED ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF SHELBY, NORTH CAROLINA AT 307 BUFFALO STREET."**

**2) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina at 318 Gidney Street: Ordinance No. 16-2023**

**Mr. Scharer presented this rezoning proposal located at 318 Gidney Street which is currently zoned Limited Industrial and R8. Mr. Scharer stated the applicant wishes to have the property zoned GB2-CZ to allow three uses: a homeless shelter, a thrift store, and a warehouse. Mr. Scharer further stated the proposed amendment is inconsistent with the Comprehensive Land Use Plan; however, the Planning and Zoning Board has recommended this amendment. Mr. Scharer further noted that the property owner contacted Mr. Scharer's staff and reported they are against the rezoning and that the applicant falsified information about the uses of the property.**

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

**Shonda Hoskins who resides at 115 Ashley Street, Shelby, North Carolina, spoke against the zoning amendment. Ms. Hoskins stated her experience in working with the judicial system has given her insight about the many vices that homeless people have (drug addiction, alcohol abuse, mental illness) and these issues expand out into neighborhoods. Ms. Hoskins is concerned with the number of people congregating at the back of Lowe's Hardware and they are coming into her yard and her neighbor's yard. Ms. Hoskins also addressed the false information given by the applicant and wondered if the applicant has experience with dealing with homeless people. Ms. Hoskins reminded Council that all the heating and air conditioning of the building at 318 Gidney Street has been stolen, and so how are people to be housed inside the building.**

**Anita Dunmeyer who resides at 311 Horseshoe Drive, Shelby, North Carolina, spoke against the zoning amendment. Ms. Dunmeyer is not insensitive to helping the homeless and has seen success with some able to obtain jobs and bank accounts. Ms. Dunmeyer's main concern was the number of single women that live in the neighborhood and fear for their safety with so many strangers roaming the streets.**

**Jeffrey Littlejohn who resides at 329 Deerfield Drive, Shelby, North Carolina, spoke against the zoning amendment and stated there were 31 people that have signed a petition against it as well. Mr. Littlejohn's wife came home one day, and a man was in their driveway; when asked what he was doing he behaved wildly; the police were called and located him. Mr. Littlejohn shared**

other instances of homeless people roaming their streets. Mr. Littlejohn shared photos of tents in their neighborhood; a mattress on the property with someone laying on it; and the trash piled up on the side of the street for as long as two weeks sometimes. Mr. Littlejohn expressed it is no longer safe for children to ride bikes or walk in the neighborhood.

Sharon McKinney who resides at 321 Gidney Street, Shelby, North Carolina reiterated the concerns already addressed; and would appreciate any consideration given to the issue.

Martha Bynum who resides at 319 Horseshoe Drive, Shelby, North Carolina reiterated the concerns for safety in her neighborhood.

Julie Davidson who resides at 1202 Pamela Drive, Shelby, North Carolina stated there has been an increase in begging at the back entrance of Lowe's; it seems like the people are on a rotation. Ms. Davidson stated trash, tents, grocery baskets, and sheets are throughout the woods in her neighborhood. Ms. Davidson stated her concerns for safety, trash, and unwanted traffic. Ms. Davidson concluded by stating she is against the zoning amendment.

Mayor Anthony closed the public hearing at 6:38 p.m.

**ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to Table Ordinance No. 16-2023 entitled, "A PROPOSED ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF SHELBY, NORTH CAROLINA AT 318 GIDNEY STREET."**

#### **C. 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 March 6, 2023
- 2) Approval of a resolution authorizing the sale of City of Shelby owned real property identified by Parcel Numbers 26520 and 26521 through the upset bid procedure of N.C. General Statute 160A-269: Resolution No. 15-2023
- 3) Approval of a resolution authorizing the execution of a purchase and sale agreement for the real property located at 106 South Lafayette Street: Resolution No. 16-2023
- 4) Highway 74 Bypass Section D & E Natural Gas Relocation Project:

- a) Adoption of budget ordinance amendment for the City of Shelby's Highway 74 Bypass section D & E Natural Gas Line Relocation Project: Ordinance No. 17-2023
  - b) Approval of a resolution awarding the contract for the Highway 74 Bypass section D & E Natural Gas Line Relocation Project: in Shelby, North Carolina to Classic City Mechanical: Resolution No. 17-2023
- 5) Approval of resolution for the acceptance of the American Rescue Plan grant offer for the water treatment plant filter rehabilitation and sedimentation valve replacement project: Resolution No. 18-2023
- 6) Approval of a resolution declaring April 10-16, 2023, as National Public Safety Telecommunicators week and honor the men and women who serve as public safety telecommunicators in our community: Resolution No. 19-2023
- 7) Approval of Special Event Applications:
- a) Car Show and Concert at Don Gibson Theater, requested date: April 14, 2023

#### **END OF CONSENT AGENDA**

#### **D. Unfinished Business:**

**None**

#### **E. New Business**

- 1) Consideration of appointments to City advisory boards and commissions:
- a) Keep Shelby Beautiful

Mayor Anthony reported the terms of five incumbents, Linda Bridges, Laurie Hendrick, Charles Hamrick, Modestenia Bush and Chris Carter concluded January 2023. Two incumbents wish to continue their service (Mr. Hamrick and Ms. Bush). Mayor Anthony further stated there is a vacancy that needs to be filled as well with a term concluding in January 2024 due to Wiley Smith moving away from Shelby.

There are four applications on file in the Clerk's Office:

- Claire Mangione
- Marie Jackson
- Angela Bell
- Benjamin Cabaniss

Ms. Arth nominated Charles Hamrick and Modestenia Bush for reappointment and Claire Mangione, Marie Jackson, Angela Bell and Benjamin Cabaniss for appointment to fill the other four terms.

**ACTION TAKEN:** Upon a motion made by Ms. Arth, City Council voted unanimously to approve to close the nominations and accept the nominations by acclamation.

**ACTION TAKEN:** Upon a motion made by Mr. White, City Council voted unanimously to appoint Angela Bell to fill the vacancy concluding in 2024.

**b) Airport Advisory Board**

Mayor Anthony reported the terms of four incumbents, Richard Fletcher, Paul Hounshell, Jr., Eric Bester, and Billy Wright concluded February 2023. Three incumbents wish to continue their service (Mr. Hounshell, Mr. Bester, and Mr. Wright). Mayor Anthony further stated that Stephen Jones' term needs to be filled concluding in February 2024.

There are two applications on file in the Clerk's Office:

- Barry Beaver
- Bill Plowden

Mr. White nominated Paul Hounshell, Jr., Eric Bester, and Billy Wright for reappointment and Barry Beaver and Bill Plowden for appointment to fill the other two terms.

**ACTION TAKEN:** Upon a motion made by Mr. White, City Council voted unanimously to approve to close the nominations and accept the nominations by acclamation.

**ACTION TAKEN:** Upon a motion made by Mr. White, City Council voted unanimously to appoint Barry Beaver to fill the vacancy concluding in 2024.

**F. City Manager's Report**

None

**G. Council Announcements and Remarks:**

**Mayor Anthony acknowledged the upcoming events and reminded Council of the CityVision conference in Concord.**

**Mr. Hopper acknowledged the great job Mr. White did in surprising Mr. Howell with the plaque displayed at Dragonfly Wine Market on Warren Street. Mr. Hopper stated the Council is appreciative of the hard work our City Manager has given the City for many years.**

**Mr. Webber shared the same sentiments as Mr. Hopper; and also acknowledged kudos to Gardner Webb Women's basketball team for making it to the NCAA.**

**Mr. Causby shared the same sentiments on Mr. Howell's plaque.**

**Mr. White is proud of many things in his life, and the plaque is one of the proudest things he's ever done.**

**Ms. Arth acknowledged to the audience that they were heard tonight, and she thanked them for coming to Council with their concerns.**

**H. Adjournment:**

**1) Motion to adjourn**

**ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to adjourn the meeting at 6:56 p.m.**

**Respectfully submitted,**

**Carol Williams  
City Clerk**

**O. Stanhope Anthony, III  
Mayor**