

MINUTES

Regular Meeting
City Hall Council Chamber

September 18, 2023
Monday, 6:00 p.m.

Present: Mayor O. Stanhope Anthony, III, presiding; Council Members Andrew L. Hopper, Sr., David Causby, David White, Violet Arth, Charles Webber, and Emilie Bullock; City Manager Rick Howell, MPA, ICMA-CM, Assistant City Manager Ben Yarboro, Assistant City Manager Justin Longino, Interim City Attorney Julie Hooten, City Clerk Carol Williams, Deputy City Clerk Breanna Jones, Director of Human Resources Deborah (Deb) Jolly, Director of Finance Elizabeth (Beth) Beam, CPA, Fire Chief William Hunt, EFO, Chief of Police Brad Fraser, Director of Planning and Development Services Walter (Walt) Scharer, Public Works Director Scott Black, Director of Water Resources Brian Wilson, Public Information and Communications Officer Chip Nuhrah, Director of Parks and Recreation Charlie Holtzclaw, 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 proposed agenda as presented.

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

B. Special Presentation:

- 1) Oath of Office – Swearing in of Bradley Steve Fraser, Chief of Police

Mayor Anthony acknowledged the promotion of Bradley Steve Fraser to Chief of Police and administered the oath of office with Chief Fraser's wife and son present. Chief Fraser recognized his family and Police staff in attendance. Chief Fraser stated he was proud to be a part of a great team and lead the Shelby Police Department with over 100 of the best law enforcement officers in North Carolina.

C. Public Comment:

1) Cedric Sims who resides at 5203 Devonport Court, Glenn Dale, Maryland, spoke to Council about his dilemma regarding the property at 407 Oakland Drive, Shelby, North Carolina, which he hopes to acquire but indicated his efforts have been hindered. Mayor Anthony responded to Mr. Sims that the City Manager and City Attorney are aware of the situation. Ms. Hooten stated she would speak to Mr. Sims after the meeting. Mr. Sims provided hard copies of his correspondences to the City Clerk.

D. Public Hearing:

- 1) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina at 600 South Morgan Street: Ordinance No. 42-2023

Mr. Scharer presented this item to Council and stated this property is located at 600 S. Morgan Street and is currently dual zoned as Light Industrial (LI) and R6. The applicant is requesting to rezone both parcels to LI-CZ. The Conditional Zoning (CZ) confines this property to only being a sign fabrication shop with accessory uses to park their vehicles and an office. Mr. Scharer further stated this is consistent with the development patterns in the area and consistent with the Comprehensive Future Land Use Plan. Mr. Scharer stated the Planning Board does recommend this zoning amendment.

Mayor Anthony opened the public hearing at 6:14 p.m. and invited comments from the public.

Justin Hamrick, who resides at 101 Bear Creek Drive, Shelby, North Carolina stated he is in support of this zoning amendment and is available if Council has any questions.

Mayor Anthony closed the public hearing at 6:15 p.m.

ACTION TAKEN: Upon a motion made by Ms. Arth, City Council voted unanimously to approve Ordinance No. 42-2023 entitled, "A PROPOSED ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF SHELBY, NORTH CAROLINA AT 600 SOUTH MORGAN STREET."

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 August 21, 2023
- 2) Approval of a resolution approving an application by the City of Shelby Police Department to the U.S. Department of Justice for an Edward Byrne Memorial Justice Assistance Grant and accepting the funds of same: Resolution No. 66-2023
- 3) Adoption of an ordinance granting permission by the City Council of the City of Shelby, North Carolina to use the 10%/70% development option available in the City's Unified Development Ordinance: Ordinance No. 43-2023
- 4) Approval of Special Event Application:
 - a) Single Moms' Night of Hope at the Don Gibson Theater hosted by Pleasant City Church: requested date: September 23, 2023
 - b) Pinnacle Classical Academy's Homecoming Parade: requested date: Friday, December 1, 2023
- 5) Management Reports:
 - a) Monthly Financial Summary, dated July 2023

END OF CONSENT AGENDA

F. Unfinished Business:

- 1) City of Shelby's County Home Road Electric Relocation Project:
 - a) Adoption of an ordinance establishing a capital project ordinance and budgets for the City of Shelby's County Home Road Electric Relocation Project: Ordinance No. 44-2023
 - b) Approval of a resolution accepting and approving a utility relocation agreement for Duke Energy infrastructure in conflict with the County Home Road Reconstruction Project in Shelby, North Carolina: Resolution No. 67-2023

Mr. Howell reminded Council that the closing of a section of County Home Road was due to the traffic and safety concerns in this area; the City negotiated with the State Employees' Credit Union to develop a road that better lined up with Magnolia Plantation and reduce the safety and traffic issues. Mr. Howell stated Resolution No. 67-2023 approves a utility relocation

agreement with Duke Energy, and Ordinance No. 44-2023 establishes a budget to provide funding for the relocation project.

ACTION TAKEN: Upon a motion by Mr. Causby, City Council voted unanimously to adopt Ordinance No. 44-2023 entitled, “AN ORDINANCE ESTABLISHING A CAPITAL PROJECT ORDINANCE AND BUDGETS FOR THE CITY OF SHELBY’S COUNTY HOME ROAD ELECTRIC RELOCATION PROJECT” and Resolution No. 67-2023 entitled, “A RESOLUTION ACCEPTING AND APPROVING A UTILITY RELOCATION AGREEMENT FOR DUKE ENERGY INFRASTRUCTURE IN CONFLICT WITH THE COUNTY HOME ROAD RECONSTRUCTION PROJECT IN SHELBY, NORTH CAROLINA.”

G. New Business

- 1) **Approval of a resolution for the acceptance of the Local Assistance for Stormwater Infrastructure Investments (LASII) funding grant offer for citywide stormwater modeling, infrastructure assessment, and master plan: Resolution No. 68-2023**

Mr. Howell introduced Resolution No. 68-2023 and stated this resolution accepts the Local Assistance Stormwater Infrastructure Investments funding grant in the amount of \$330,000 which would allow the City to do some modeling and improve our stormwater situation in the city limits. Mr. Howell stated no match is required, but formal acceptance of this grant is necessary.

ACTION TAKEN: Upon a motion by Mr. Hopper, City Council voted unanimously to adopt Resolution No. 68-2023 entitled, “A RESOLUTION FOR THE ACCEPTANCE OF THE LOCAL ASSISTANCE FOR STORMWATER INFRASTRUCTURE INVESTMENTS (LASII) FUNDING GRANT OFFER FOR CITYWIDE STORMWATER MODELING, INFRASTRUCTURE ASSESSMENT, AND MASTER PLAN.”

- 2) **Consideration of appointments to City advisory boards and commissions:**
 - a) **Planning and Zoning Board**

Mayor Anthony reported the terms of three incumbents, Charles Hamrick, Greg Taylor and Jeff Aderholdt concluded June 2023; Mr. Hamrick and Mr. Taylor wish to continue their service on this board. Mr. Aderholdt wishes to step down at this time; he is an ETJ member. Cleveland County is aware of the ETJ vacancy and will advise the City when they have an ETJ applicant.

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

- Ashley Hemming Ward 4
- Tasha Smith Ward 2
- Ric Francis Ward 4
- Matt Albinger Ward 4

ACTION TAKEN: Mr. Hopper nominated Charles Hamrick and Greg Taylor for reappointment. Mr. White made a motion to close the nominations and accept the nominations by acclamation. City Council voted unanimously to approve the nominations.

H. City Manager's Report

Rail Trail Phase 1A – Announced the ribbon cutting will be on October 21st during the Livermush Festival; making good progress with some concrete poured and pavers placed soon.

Hickory Creek Sewer Outfall construction is underway and making progress with that project.

ARP funds – We have three major projects and a few smaller projects that are being funded with ARP funds. Bids have come in significantly over what we anticipated. Money for the three major projects has to be encumbered by the end of 2024 and the money spent by the end of 2026.

Mr. Howell hopes to have a report in October to update Council on the status of ongoing projects and the TAMP Phase I and Phase II project.

I. Council Announcements and Remarks:

Mayor Anthony requested Mr. Howell obtain a status update on the Marion Street/Hwy. 150 project. Mr. Howell said he would talk with the Division Engineer at the Department of Transportation. Mr. Howell stated this project is relatively small but it's complicated due to the need for a Highway license and the fact that traffic has to remain moving during construction. Mayor Anthony stated he heard there was again only one bid when the project was put up for bid in August.

Members of Council congratulated Chief Fraser on his swearing in and look forward to his leadership.

J. Adjournment:

1) Motion to adjourn

ACTION TAKEN: Upon a motion made by Ms. Arth, City Council voted unanimously to adjourn the meeting at 6:33 p.m.

Respectfully submitted,

**Carol Williams
City Clerk**

**O. Stanhope Anthony, III
Mayor**

Minutes of September 18, 2023