

MINUTES

Regular Meeting
City Hall Council Chamber

October 16, 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 E. Longino, MBA, Assistant City Manager Ben Yarboro, Interim City Attorney Julie Hooten, Deputy City Clerk Breanna Jones, Public Information and Communication Officer Chip Nuhrah, Fire Chief William Hunt, EFO, Police Chief Bradley (Brad) Fraser, Director of Planning and Development Services Walter (Walt) Scharer, Public Works Director Scott Black, Director of Water Resources Brian Wilson, and Jennipher H. Harrill, Social Media Manager, Blue Eyes Media Connections

Absent: City Clerk Carol Williams

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 as presented.

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

B. Public Comment:

Bob Cabaniss who resides at 371 Magness Road, Shelby, North Carolina addressed Council about the required 50-foot buffer area between new homes being built. He explained that two parallel parking places uptown side by side are roughly 48-49 feet. He reminded Council that they are the only ones with the authority to change this regulation. He asked that Council consider making it 55 feet or at least strictly enforce the 50 feet between houses. Mr. Cabaniss pointed out that the Planning Board has sent 4-5 new large developments to Council for approval. He encouraged Council to keep in mind this is the City of Pleasant Living, and he would like to continue living pleasantly.

Jimmy Hall who resides at 1442 Fredrick Street, Shelby, North Carolina is with WPCS Shelby Podcast, where they promote community success. He gave a brief description of the purpose of the podcast. He explained that they highlight individuals in and around Shelby, North Carolina that are doing positive things. He came before the Council to present an award to the Mayor, who had been a guest on the podcast.

Richard Hooker who resides at 1520 King Arthur Court, Shelby, North Carolina addressed Council by acknowledging and thanking them for their support of the Minority Enterprise Development (MEG) week over the past years. He asked that they continue their support for MEG week 2023. He pointed out that next week they will kick off the 24th Annual MEG Week Celebration here in Cleveland County. He shared that MEG is a National service that recognizes and celebrates minority business successes. This year they are recognizing business owners who are under 40 years old. The kickoff for the event is Saturday, October 21st with a community conversation and will have a representative from the State Department of Information and Technology there to talk about broadband expansion, the digital economy, and funding opportunities. MEG Week will conclude on Thursday October 26th with an Award's Ceremony. Mr. Hooker is looking for Council support and attendance for both events. He recognized that Council member Charles Webber participated in last year's event as the emcee.

C. Public Hearing:

- 1) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina at 1305 Linton Barnett Sr. Drive: Ordinance No. 45-2023**

Mr. Scharer presented this property located at 1305 Linton Barnett Sr. Drive. Mr. Scharer stated it is currently zoned R10. Mr. Scharer stated the applicant wishes to have the entire property zoned as RO-CZ. 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 6:15 p.m. and invited comments from the public.

Scott Patterson who resides at 1309 Linton Barnett Sr. Drive Shelby, North Carolina, spoke against the zoning amendment. Mr. Patterson is concerned that traffic will impose a problem. He pointed out that the property was previously rezoned as R10 because at that time it was consistent with the Comprehensive Land Use. He stated he is not sure why that has now

changed. Mr. Patterson shared that the HVAC system at 1309 Linton Barnett Sr. Drive crosses the property line to the adjoining property.

Daniel Sherman who resides at 1570 Linton Barnett Sr. Drive Shelby, North Carolina, spoke against the zoning amendment. Mr. Sherman is very concerned with the traffic issues this rezoning could cause on their dead-end neighborhood street. He pointed out that this request states the daycare intends to allow 50-60 children to attend the daycare, which would mean 50-60 vehicles using the road twice a day for five days a week. Mr. Sherman pointed out that there are only seven parking spaces at the daycare, one being handicap. He stated that he feels staff will use most or all of the seven parking spaces, leaving minimal spots for the parents dropping off their children. Mr. Sherman reminded Council that children of this age will likely be restrained in a child safety seat, which will require the parent to park, exit the vehicle, remove the child, and enter the building. He feels that this will cause a major problem on the street with the parking area filling up and cars not able to get in or out. He is concerned that parents will have to drive to the dead end of the road and turn around on their property. Mr. Sherman shared that his family also operates a small family farm and frequently brings in and out large farm equipment. He is concerned that the heavy traffic could cause safety issues with the traffic on Charles Road as there is a blind hill that could cause drivers to not see the farm equipment waiting to turn on Linton Barnett. Mr. Sherman pointed out that this could cause him to be rear ended in the farm equipment. He stated that this intersection is already very congested in the morning and in the afternoon from the school traffic. Mr. Sherman pointed out that the nursing home across from the daycare also causes traffic when people enter and exit.

Mookesh Patel who resides at 1307 Linton Barnett Sr. Drive Shelby, North Carolina, spoke against the zoning amendment. Mr. Patel pointed out that he is the owner of the property next to the proposed daycare. He shared that he moved from Charlotte with his family and purchased the property in 2020. Mr. Patel stated that his son and daughter-in-law own and operate a food truck that they keep parked at his property. His primary concern is the additional traffic the daycare will bring to their street. He stated that the edge of the building at 1305 Linton Barnett Sr. Drive is over his property line. Mr. Patel pointed out that certain events that his son and daughter-in-law participate in with the food truck could be at peak traffic times with the daycare. He is concerned that this could affect their livelihood and income.

Ken Howell who resides at 404 S. Washington Street Shelby, North Carolina, spoke in favor of the zoning amendment. Mr. Howell thanked all the neighbors for coming out and sharing their concerns. He stated that he is happy to answer any questions they may have. Mr. Howell also pointed out that the property was previously a motorcycle clubhouse, and his intentions are to bring a positive atmosphere back to the property with the laughter of

children. He shared that the property is designed to be a daycare and he intends to revitalize it so that it can operate as such. Mr. Howell stated that 58% of all families will need daycare and there is a waiting list at most daycares in Cleveland County right now. He shared that his wife has worked as a nurse in an elementary school previously and has gone back to school to receive a degree in childcare development to operate a daycare. He hopes to provide the City with a valuable service. Mr. Howell shared that he could add additional parking spaces to address one of the concerns of the neighbors and Council. He pointed out that current amount of parking is up to code.

Mayor Anthony closed the public hearing at 6:30 p.m.

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted 5-1 to approve (Causby voted against) Ordinance No. 45-2023 entitled, "A PROPOSED ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF SHELBY, NORTH CAROLINA AT 1305 LINTON BARNETT SR DRIVE."

2) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina on Earl Road: Ordinance No. 46-2023

Mr. Scharer presented this rezoning proposal located on Earl Road, which is currently zoned R20, RO, and R6. Mr. Scharer stated the applicant wishes to have the property zoned R6-CZ to allow for a cluster single-family dwelling subdivision. Mr. Scharer further stated the proposed amendment is consistent with the Comprehensive Land Use Plan and the proposed zoning map amendment is consistent with development patterns in the area. The Planning and Zoning Board recommends this proposed zoning amendment.

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

Charles Peeler who resides at 1309 Earl Road, Shelby, North Carolina, spoke against the zoning amendment. Mr. Peeler would like to know what the distance between the houses will be from the proposed development. He explained that he does not have any knowledge of what the houses will look like, but the development would be very close to his property on Earl Road. Mr. Peeler wanted to know how close the houses will be to his yard.

Bryan Johnson who resides at 1305 Earl Road, Shelby, North Carolina, spoke against the zoning amendment. Mr. Johnson provided Council with copies of a traffic/accident analysis from the North Carolina Department of Transportation. He pointed out the high amount of traffic in the area as well as accidents that occur as a result of the high traffic. Mr. Johnson shared his concern for the additional vehicles traveling on this road and intersection with the proposed development.

Mayor Anthony closed the public hearing at 7:00 p.m.

ACTION TAKEN: Upon a motion made by Ms. Arth, City Council voted unanimously to deny Ordinance No. 46-2023 entitled, "A PROPOSED ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF SHELBY, NORTH CAROLINA ON EARL ROAD."

C. Consent Agenda:

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

- 1) Approval of the Minutes of the Regular Meeting of October 2, 2023**
- 2) Adoption of a budget ordinance amendment for the City of Shelby's Carolina Thread Trail Project: Ordinance No. 47-2023**
- 3) Adoption of an ordinance establishing a capital project ordinance and budgets for the City of Shelby's Depot Project: Ordinance No. 48-2023**
- 4) Adoption of a budget ordinance amendment for the City of Shelby's Depot Park Project: Ordinance No. 49-2023**
- 5) Adoption of a budget ordinance amendment for the City of Shelby's Palisades at Hickory Creek Underground Electric Installation: Ordinance No. 50-2023**
- 6) Management Reports:**
 - a) Monthly Financial Summary, dated August 2023**

END OF CONSENT AGENDA

D. Unfinished Business:

None

E. New Business

None

F. City Manager's Report

- **Mr. Howell introduced the new City Attorney, Jason Lunsford.**
- **Mr. Howell notified Council that on the November 6, 2023 meeting, they will hear presentations from Sara VanLear, Project Manager from the UNC School of Government about the Hotel Charles project, and from Carly Bostic, Executive Director of the Uptown Shelby Association about the proposed social district.**
- **The November 6, 2023 meeting will also have the required Public Hearing for Project Sunrise.**
- **Mr. Howell explained that the Cleveland County Commissioners will have their Public Hearing on November 7, 2023 and the project may be announced by the Governor on November 8, 2023.**
- **Mr. Howell reminded Council of the Ribbon Cutting for Phase 1A of the Carolina Harmony Train on October 21, 2023.**
- **There will be an audit presentation on the November 20, 2023 Council Meeting.**

G. Council Announcements and Remarks:

Mayor Anthony highlighted the upcoming Shelby Trail Days events and thanked Chip Nuhrah, Public Information Officer, for his hard work and dedication to this event. He also pointed out that his band, the Dancing Fleas will be taking the stage to perform prior to the Ribbon Cutting.

Council members welcomed Jason Lunsford, City Attorney, and his family to Shelby.

H. Adjournment:

1) Motion to adjourn

ACTION TAKEN: Upon a motion made by Ms. Arth, City Council voted unanimously to adjourn the meeting at 7:18 p.m.

Respectfully submitted,

**Breanna Jones
Deputy City Clerk**

**O. Stanhope Anthony, III
Mayor**

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