

MINUTES

Regular Meeting: Organizational
City Hall Council Chamber

December 4, 2023
Monday, 6:00 p.m.

Present: Mayor O. Stanhope Anthony III, presiding; Council Members David W. White, David Causby, Violet Arth, Charles Webber, Andrew L. Hopper Sr., and Emilie Bullock.; City Manager Rick Howell, MPA, ICMA-CM, Assistant City Manager Ben Yarboro, Assistant City Manager Justin E. Longino, MBA, City Attorney Jason Lunsford, City Clerk Carol Williams, Deputy City Clerk Breanna Jones, Director of Finance Elizabeth B. (Beth) Beam, CPA, Director of Human Resources Deborah C. (Deb) Jolly, Director of Water Resources Brian Wilson, Police Chief Brad Fraser, Public Works Director Scott Black, Assistant Fire Chief David Vanhoy, Civil Engineer Justin Wright, and Jennipher H. Harrill, Social Media Manager, Blue Eyes Media Connections

Mayor Anthony called the meeting to order at 6:00 p.m. and welcomed all to Council's organizational meeting and oath ceremonies.

Mayor Anthony gave the invocation and Ms. Arth led the Pledge of Allegiance.

A. Approval of agenda:

Mayor Anthony stated there is an additional agenda item regarding the County Home Road Reconstruction Project that needed to be added under Unfinished Business as Item G-2.

- 1) Motion to adopt the amended agenda, with the addition of Item G-2.

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

B. Assumption of Office:

- 1) Oath of Office administered to Mayor Oliver Stanhope Anthony, III

City Clerk Carol Williams administered the Oath of Office to Mayor Oliver Stanhope Anthony, III who was assisted by his wife, Ann.

- 2) Oath of Office administered to Council Member David Walton White, Ward 2

City Clerk Carol Williams administered the Oath of Office to Council Member David Walton White who was assisted by his wife, Lisa.

- 3) Oath of Office administered to Council Member David Causby, Ward 3

City Clerk Carol Williams administered the Oath of Office to Council Member David Causby who was assisted by his wife, Rebecca.

- 4) Oath of Office administered to Council Member Andrew L. Hopper, Sr., Ward 6

City Clerk Carol Williams administered the Oath of Office to Council Member Andrew L. Hopper, Sr., who was assisted by Council member Violet Arth.

C. Election of Mayor Pro Tempore:

Mayor Anthony explained State law requires every City Council to elect from among its members a Mayor Pro Tempore at its organizational meeting. The duties of the Mayor Pro Tempore include presiding over Council meetings in the Mayor's absence. The Mayor Pro Tempore also serves at the Council's pleasure.

Mayor Anthony opened the floor for nominations.

Mr. Causby nominated Mr. White.

ACTION TAKEN: Upon a motion by Mr. Causby, City Council voted unanimously to close the nominations and accept the nominee by acclamation.

D. Public Comment:

None

E. Public Hearing:

- 1) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina for parcels 21879, 22277, 63473, and 63932: Ordinance No. 54-2023

Mr. Longino presented this item to Council and stated this 80-acre property is located east of Nancy Drive off Thrift Road and east of Cleveland Mall. According to Mr. Longino, this property is unique because it's mostly in Cleveland County and not within the city's ETJ district, but it is adjacent to our city limits, so we have authority to annex and apply zoning regulations to the parcels. Mr. Longino continued by stating tonight's Public Hearing is regarding the zoning designation and proposed plan for these parcels. If approved the zoning changes will not take effect until after an annexation

decision is made in January. Mr. Longino clarified that if the zoning amendment is not approved then the annexation request will be withdrawn.

Mr. Longino continued by stating the zoning requested is Conditional Zoning, allowing a specific plan for the property which cuts down on the uncertainty of what can be developed. According to Mr. Longino the amendment request is for R6-CZ with a density of 2.67 dwelling units per acre and lots ranging from 41 to 66 feet wide. Mr. Longino further stated the developer wishes to use the provision allowed in the UDO that is known as a cluster development, which makes the lot sizes smaller but keeps the open space, natural areas and stream buffers, making the neighborhood more appealing instead of “cookie-cutter”. Mr. Longino concluded by stating that staff and the Planning and Zoning Board recommend the proposed zoning amendment.

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

Gayle Welch who resides at 209 Nancy Drive, Shelby, North Carolina moved to Rucker Downs because of the lot sizes and is against the development adjacent to his neighborhood. He stated if the proposed subdivision is developed then they should have their own entrances and not have the additional traffic come through Rucker Downs.

Leslie Spaes who resides at 214 Nancy Drive, Shelby, North Carolina spoke against the proposed development because it would take away from the landscape and beauty of her neighborhood. She stated that she’s not opposed to growth, but she encouraged the developer to find another way to enter/exit off of Thrift Road instead of Nancy Drive. Ms. Spaes stated she didn’t think Council would want this in their backyard either.

Eddie Moore is employed with McAdams Engineering and is working with the developer of this property. He is available for any questions.

Paula Dedmon who resides at 200 Nancy Drive, Shelby, North Carolina stated she will pass on speaking due to others expressing her same thoughts.

Allison Hodges who resides at 215 Nancy Drive, Shelby, North Carolina realized something was going on in her neighborhood when she noticed three cameras placed along the streets. She was later told a traffic assessment was occurring and that there would be 4000 trips in the neighborhood per day with the proposed addition of 200+ houses. Ms. Hodges compared the cluster development with almost 3 houses on an acre of land to a mobile home park. Ms. Hodges stated she didn’t think the city allowed mobile home parks so why should they allow this development. Ms. Hodges requested Council table this zoning decision tonight and do more investigation or table the entire development altogether.

Ellen Broome who resides at 302 Borders Road, Shelby, North Carolina stated she enjoys walking through her neighborhood and isn't opposed to another neighborhood adjacent so she could walk through it as well, but she would like the houses to be nice, and the yard size nice. She believes when neighbors live so close to each other, they don't get along. Ms. Broome concluded by stating it feels like this proposed development is being built for a Charlotte community instead of Shelby.

Carol Wiegand who resides at 210 Nancy Drive, Shelby, North Carolina spoke of the lovely view from her backyard of the rolling hills and is upset that the view will be taken away. She stated she can see Kings Mountain from her back patio. Ms. Weigand invited Council and staff to come to Rucker Downs and look around the neighborhood. Ms. Weigand asked whether Mr. Rucker was going to continue to hunt on the property behind her, and if the proposed houses were going to have sewers. Ms. Weigand believes her property value will decrease if this new neighborhood is developed as proposed.

Timothy Reek who resides at 1921 Carolyn Drive, Shelby, North Carolina spoke of his concerns about the number of homes and the lot sizes proposed. Mr. Reek addressed the issue that the proposed entrance on Thrift Road doesn't have a stoplight at that intersection, so the new neighborhood will most likely drive through Rucker Downs and on to Borders Road where there is a stoplight; this will make Nancy Drive and Carolyn Avenue "like a highway."

Will Rucker who resides at 110 Edgewater Drive, Shelby, North Carolina stated he is a family member of the property owner. Mr. Rucker gave some background of how his family acquired the property and how a decision was made to build neighborhoods in that area instead of the family farming business. Mr. Rucker stated that the recorded plat clearly states that Phase II of Rucker Downs shows the adjoining property is for future development and that there is an access road for future development. Mr. Rucker stated that due to the uncertainty of the location of the 74 Bypass further development in the Rucker Downs area stalled for several years, but the vision and intent never wavered. Mr. Rucker said his family kept the property mowed and addressed the issue of hunters on the property. With family members aging and having other interests, a decision was made that now was the time to look at the options available for this property. Mr. Rucker stated the desired program is to protect the existing neighborhood and current property values and for this new development to be family friendly with sidewalks and walking trails.

Shaun Gasparini who is employed by True Homes, LLC located at 2649 Brekonridge Centre Drive, Monroe, North Carolina addressed Council as the applicant. Mr. Gasparini presented to Council the following:

- showed the land uses around the property are mostly R20 and General Business
- explained medium density as stated in the Comprehensive Land Use Plan is a single family detached development with approximately 4 units per acre – the plan presented tonight is 2.67 units per acre, so well within the guidelines
- explained Conditional Zoning district creates a very specific plan that the developer implements and must follow
- explained the benefits of a cluster development which preserves tree space and open spaces
- showed the style of homes expected to be built – with a variety of materials used to keep the neighborhood from feeling “cookie-cutter”
- explained the community will have a connective feel with walking trails and sidewalks implemented, along with pergolas, and bench seating

Mr. Gasparini concluded his presentation by stating the plan, if approved, entails a single-family detached development with 213 maximum number of homes, which is 2.76 per acre, preserving 15% of the development as open space, 23% set aside for tree space, and each house will have an attached garage and covered entry.

Mr. Gasparini acknowledged that Mr. Rucker has been asked to stay on as a member of their consulting team due to his expertise. Mr. Gasparini also stated that True Homes, LLC is a local home builder with 350 associates in the Carolinas and not a national builder. Mr. Gasparini was proud to say that True Homes, LLC treats their clients like family and friends.

Tammy Harbison who resides at 1919 Rucker Road, Shelby, North Carolina expressed to Council that she just received her letter on Saturday, but she agrees with the sentiments of her neighbors. Mrs. Harbison and her husband bought their house ten years ago because of the privacy of the neighborhood; now that they are ready to retire, she is disappointed this new development is proposed. Ms. Harbison asked the developer to find another entrance to the new development so traffic doesn't go through Rucker Downs. Mrs. Harbison stated True Homes, LLC has been reported to the Better Business Bureau. Mrs. Harbison concluded stating that she didn't think Council would want this happening in their neighborhood.

Mayor Anthony closed the public hearing at 6:49 p.m.

ACTION TAKEN: Upon a motion made by Ms. Arth, City Council voted unanimously to TABLE Ordinance No. 54-2023 entitled, “A PROPOSED ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF SHELBY, NORTH CAROLINA FOR PARCELS 21879, 22277, 63473, AND 63932.”

F. Consent Agenda:

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

- 1) Approval of the Minutes of the Regular Meeting of November 20, 2023**
- 2) City of Shelby's Riverwalk Sewer Project:**
 - a) Adoption of an ordinance establishing a capital project ordinance and budgets for the City of Shelby's Riverwalk Sewer Project : Ordinance No. 55-2023**
 - b) Approval of a resolution for acceptance of the Utility Extension Agreement for residential development for Riverwalk Subdivision: Resolution No. 78-2023**
- 3) Purchase and Sale Agreement for Real Property located at 607 West Grover Street:**
 - a) Adoption of FY 2022-2023 Budget Ordinance Amendment #2: Ordinance No. 56-2023**
 - b) Approval of a resolution authorizing the execution of a purchase and sale agreement for real property located at 607 West Grover Street: Resolution No. 79-2023**
- 4) Approval of Special Event Applications:**
 - a) Light Ball Dash, requested date: December 17, 2023**
 - b) Tony's Walk: requested date: January 6, 2024**
- 5) Management Reports:**
 - a) Monthly Financial Summary – October 2023**
- 6) Approval of Notice of Cancellation in the Regular Meeting Schedule of Shelby City Council**

END OF CONSENT AGENDA

G. Unfinished Business:

1) Consideration of Council liaison appointments to City advisory boards

Mrs. Williams reminded Council that liaison appointments rotate every two years based on a policy developed in January 2002. Mrs. Williams announced the liaison appointments to the City's advisory boards for the term 2024-2025 as follows:

Ward 1/Emilie Bullock – Housing and Redevelopment Board and Shelby Public Art Board

Ward 2/David White – Alcohol Beverage Control (ABC) Board

Ward 3/David Causby – Shelby-Cleveland County Regional Airport Advisory Board and Zoning Board of Adjustment

Ward 4/Violet Arth – Keep Shelby Beautiful (KSB) Commission

Ward 5/Charles Webber – Parks and Recreation Advisory Board

Ward 6/Andrew Hopper – Planning and Zoning Board

Mayor Anthony encouraged Council members to regularly attend their respective advisory board meetings and to be a liaison between the community boards and City Council.

Regarding the Gaston-Cleveland-Lincoln Metropolitan Planning Organization (GCL-MPO) Board, Mayor Anthony stated this would be addressed at another time.

2) City of Shelby's County Home Road Project:

- a) Adoption of an ordinance establishing a capital project ordinance and budgets for the City of Shelby's County Home Road Project: Ordinance No. 57-2023
- b) Approval of a resolution awarding the contract for the County Home Road Reconstruction Project in Shelby, North Carolina: Resolution No. 80-2023

Mr. Howell introduced Ordinance No. 57-2023 and Resolution No. 80-2023 for Council's consideration. If adopted, this ordinance establishes a capital

project ordinance and budget that appropriates the necessary funding for construction of the new section of County Home Road. If approved, the resolution awards the contract for construction to Asphalt Paving of Shelby in the amount of \$430,000. A total of \$483,000 (\$473,000 for construction and \$10,000 for professional services) will be appropriated from the fund balance of the Powell Bill fund. Mr. Howell stated a start date for this project is probably late January or early February, 2024 and it will take approximately four months to complete.

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to approve and adopt Ordinance No. 57-2023 entitled, "AN ORDINANCE ESTABLISHING A CAPITAL PROJECT ORDINANCE AND BUDGETS FOR THE CITY OF SHELBY'S COUNTY HOME ROAD PROJECT" and Resolution No. 80-2023 entitled, "A RESOLUTION AWARDDING THE CONTRACT FOR THE COUNTY HOME ROAD RECONSTRUCTION PROJECT IN SHELBY, NORTH CAROLINA".

H. New Business:

None

I. City Manager's Report:

None

J. Council Announcements and Remarks:

- 1) Mayor Anthony encouraged all Council members to participate in the Shelby Christmas parade on Sunday, December 17, 2023, and listed some of the other events coming up for Council.
- 2) Council members wished everyone a joyous holiday season.
- 3) Mr. Hopper thanked the voters of the City of Shelby for electing the members sworn in tonight and looks forward to serving four more years.

K. Adjournment:

1) Motion to adjourn

ACTION TAKEN: Upon a motion made by Ms. Arth, City Council voted unanimously to adjourn the meeting at 7:05 p.m.

Respectfully submitted,

**Carol Williams
City Clerk**

**O. Stanhope Anthony III
Mayor**

Minutes of December 4, 2023