

MINUTES

Regular Meeting of Shelby City Council
Don Gibson Theatre

February 19, 2024
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 Longino, MBA, City Attorney Jason Lunsford, 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, Public Works Director Scott Black, Director of Water Resources Brian Wilson, Public Information and Communications Officer Chip Nuhrah, 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 presented.

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

B. Public Comment:

None

C. Public Hearing:

- 1) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina for parcel 66481 (Metcalf/Magness):
Ordinance No. 14-2024

Mr. Longino presented this item to Council and stated this parcel consists of 1.86 acres on the corner of Metcalf Road and Magness Road. Mr. Longino stated the preliminary discussion with the applicant is to build townhomes on

this property; however, Mr. Longino cautioned that this is a conventional rezoning so no conditions are stipulated and anything in the R-6 zoning district category would be allowed if this parcel is rezoned. This property is currently zoned as R-20 which allows 2 dwelling units per acre. The applicant has requested a zoning amendment to R-6 which primarily allows a variety of high density single-family detached dwellings, apartments, condominiums, and townhomes with a maximum density of approximately 7 – 19 dwelling units per acre. Mr. Longino presented the future land use map which shows the majority of the area as low density residential. Mr. Longino further stated that this property is in a watershed which would require a special intensity allocation permit which is a separate process and will occur only if the zoning amendment is approved. Mr. Longino concluded that the Planning and Zoning Board did not recommend this rezoning amendment.

Mayor Anthony opened the public hearing at 6:09 p.m. and invited comments from the public.

Greg Paring who resides at 1315 Moonshadow Lane, Shelby, North Carolina stated he has lived in Shelby for twelve years and commended the City Manager and Council for the phenomenal improvement in Shelby during those twelve years. Mr. Paring stated this same area was slated years ago for a zoning change to R-6 which was not approved at that time. Mr. Paring asked Council to follow the recommendation of the Planning and Zoning Board and deny this current request.

Julie Rubin who resides at 1301 Turtle Crossing, Shelby, North Carolina referenced Governor Cooper's Executive Order # 305 which among other things, adds protection to native plants. Ms. Rubin stated the 26 cedar trees on the property are native to North Carolina, therefore, should be protected.

Stacy Rumpfelt who resides at 1351 Moonshadow Lane, Shelby, North Carolina conveyed to Council that she's concerned with the surplus of available homes due to the new developments throughout the City. Ms. Rumpfelt referenced the median number of days a house is on the market, and stated currently there are nine homes in Grey Fox Forest that are for sale. Ms. Rumpfelt stated she is a proponent of development when it is the right development in the right space. She encouraged Council to listen to their constituents and the Planning and Zoning Board and deny this rezoning amendment request.

Mr. Kevin Dedmon who resides at 1352 Harvest Moon Lane, Shelby, North Carolina presented a petition to Council and read the petition statement. Mr. Dedmon stated he grew up in Shelby, graduated from Shelby High School, and returned to Shelby to raise his family. He is always proud to say he's from Shelby. Mr. Dedmon continued by stating Shelby has a strong sense of identity, a strong sense of community, and through thoughtful leadership

Shelby has always had a strong sense of future planning. Mr. Dedmon further stated that development is essential to growth, but it needs to be done with purpose and attention to detail, and to listen to the citizen boards like the Planning and Zoning Board on their recommendations. Mr. Dedmon concluded by stating he hopes Council will deny the zoning amendment.

Robert Smith who resides at 1324 Moonshadow Lane, Shelby, North Carolina stated he agrees with the neighbors that have spoken. He is also in favor of keeping the cedar trees on the corner. Mr. Smith questioned the amount of useable land on the property after easements and utilities are established, and the amount of potential water runoff is another concern.

Kathy Woody who resides at 1347 Moonshadow Lane, Shelby, North Carolina stated she has built seven homes in the Grey Fox Forest subdivision. She does not believe there is space for townhomes on the proposed property and worries it might affect the property values of the homes in Grey Fox Forest. Mrs. Woody also stated that if the property is rezoned to R-6 it could open the property up to many possibilities, not necessarily just townhomes. Mrs. Woody asked Council to take everything into consideration when they vote tonight.

Anne Eskridge who resides at 1306 Turtle Crossing, Shelby, North Carolina is concerned with the rapid development in the City. She stated one main concern is the availability of healthcare if the City grows too swiftly. Ms. Eskridge gave statistics from the North Carolina Medical Board as to the number of physicians and the availability of beds at our hospital compared to the number of people needing medical care. Ms. Eskridge concluded by stating that for this reason and the many reasons given by her neighbors, she asks Council to decline the rezoning request.

Peter Newberry who resides at 1322 Moonshadow Lane, Shelby, North Carolina is concerned about the increase in traffic in the area if townhomes are built at that intersection. Mr. Newberry referenced another property that is already zoned R-6 is for sale on Metcalf Road and slated for 139 homes which would bring even more traffic to the area. Mr. Newberry concluded by stating he opposes the rezoning request.

Mayor Anthony closed the public hearing at 6:28 p.m.

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to deny Ordinance No. 14-2024 entitled, "A PROPOSED ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF SHELBY, NORTH CAROLINA FOR PARCEL 66481 (METCALF/MAGNESS)" due to it being inconsistent with the Shelby adopted Comprehensive Plan and in receiving disapproval from the Planning Board the request is unreasonable because the

surrounding zoning is R20 and the current area is zoned R10 and R20, low density, the proposed change would not conform with the surrounding neighborhood and other community would not support the change to high density.

D. Consent Agenda:

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

- 1) Approval of the Minutes of the Regular Meeting of February 5, 2024
- 2) Approval of the Minutes of the Special Meeting of January 27, 2024
- 3) City Of Shelby FY 2023-2024 Budget Ordinance Amendment (911 Grant): Ordinance No. 15-2024
- 4) Approval of a resolution adopting the City Of Shelby's Customer Services Policy: Resolution No. 13-2024
- 5) Approval of a resolution approving the contract for the performance of the City Of Shelby's annual audit and preparation of financial statements for the Fiscal Year ended June 30, 2024: Resolution No. 14-2024
- 6) Approval of a resolution directing the City Clerk to determine sufficiency of a voluntary annexation petition from Caleb Peeler: Resolution No. 15-2024 (Eaves Road)
- 7) Approval of a resolution accepting property from the Optimist Club of Shelby, N.C., Inc.: Resolution No. 16-2024
- 8) Approval of a resolution accepting a dedication of land for the Relocation of Juan Place and Justice Place: Resolution No. 17-2024
- 9) Adoption of a budget ordinance amendment for the City Of Shelby's Carolina Thread Trail Project: Ordinance No. 16-2024
- 10) Acceptance of the Certificate of Sufficiency regarding Petition of Annexation of applicant, Piedmont Amistad

Mayor Anthony neglected to read Item D-11 as a Consent item, so another motion was presented from Ms. Arth to add the Management Reports to the Consent Agenda, Council unanimously adopted the Management Reports:

11) Management Reports:

- a) **Shelby City Park Economic Impact Report – 2023**
- b) **Financial Report – January 2024**

END OF CONSENT AGENDA

E. Unfinished Business:

- 1) **Adoption of an ordinance establishing a capital project ordinance and budgets for the city of Shelby’s O. Max Gardner Home Acquisition and Restoration Project: Ordinance No. 17-2024**

Mr. Howell stated as background that Senator Alexander through a directed state grant from the NC General Assembly provided for a grant to the City of Shelby in the amount of \$3,995,000 which is specified for the acquisition and restoration of the home of former Governor O. Max Gardner. Mr. Howell introduced this ordinance by stating if adopted this ordinance establishes a capital budget, which is the first step in moving forward with this project. Mr. Howell stated the City is not authorized to spend any of the grant funds until the final grant documents are signed by the State which should be in the next few weeks; when we receive the documents and the funding, then the City will discuss the next steps.

ACTION TAKEN: Upon a motion by Mr. Causby, City Council voted unanimously to adopt Ordinance No. 17-2024 entitled, “AN ORDINANCE ESTABLISHING A CAPITAL PROJECT ORDINANCE AND BUDGETS FOR THE CITY OF SHELBY’S O. MAX GARDNER HOME ACQUISITION AND RESTORATION PROJECT.”

F. New Business

None

G. City Manager’s Report:

- **Construction of the new County Home Road segment near the SECU is set to begin as soon as some required electric utility relocation is completed by Duke Energy. Once that work is completed the City’s contractor can begin road construction. Estimated completion date is still by end of May.**
- **The deadline for proposals from potential developers for the Hotel Charles project is March 8th.**

- The deadline for submittal of the USDOT RAISE grant application for construction of the remainder of the Carolina Harmony Trail to the SC state line is February 28th.
- On March 4th agenda there will be a Request for Qualifications for firms to conduct the development of a new Comprehensive Land Use Plan will go out in the coming weeks. The current plan was completed in April 2009.
- Carolina Harmony Trail (Rail Trail) - TGS Engineering continues the design of the remainder of Phase I of the rail trail. This essentially is the section from Marion Street to Dekalb Street (exclusive of the Depot Park section). This section is tentatively scheduled to go out to bid in late early fall 2024.
- Depot Park - Destination by Design is working on the engineering and architectural design for the renovation of the old depot and construction of Depot Park. Design is expected to be complete by the end of the first quarter 2024. It is anticipated that bid notification will be issued in March to be received in May with a construction start in July/August on the Depot Park portion.
- The Depot building work is a little behind the park bidding process due to a need to address State Historic Preservation Office comments and requirements involving the roof of the depot structure. It is scheduled to be vacated no later than April 15th.
- Aquatics Center - Construction on this project is complete and the facility was open to the public during the 2023 season. Portions of the pool concrete deck are being replaced by the contractor once temperatures allow.
- Dog Park - Planning has begun for the development of a dog park on a portion of the former Shelby Middle School ballfield. This 6-acre site is adjacent to and will eventually be accessed from the rail trail. A more detailed schedule will be shared with Council once the site has been fully evaluated to address stormwater issues. An engineer has been retained to assist this project.
- TAMP - Phase I of the implementation of the Transportation Asset Management Plan is nearing completion. Approximately \$2.8 million of the \$10 million street improvement bonds passed by voters in November 2023 have been used in this phase for street resurfacing. Approximately 17 miles of streets have been resurfaced in TAMP Phase I.

Planning for Phase II is in process as staff continues plans for viable utility improvements prior to the start of resurfacing in late Winter / early Spring 2024. Approximately 15 miles of additional resurfacing will be completed by the end of 2024. This brings total street resurfacing to 32 miles. Approximately \$6.0 million of the \$10 million street improvement bonds passed by voters in November 2021 have been used to date for street resurfacing.

TAMP Phase III planning is moving forward. Much of this work is contingent on the planning, budgeting and construction of underground utility repair and replacement projects in advance of resurfacing. This phase would resurface approximately 18 miles. It is proposed for funding from the remaining \$4.0 million in authorized street / sidewalk improvement bonds. A revenue source for repayment of these bonds has not yet been identified.

- **City Council Chambers** – A scope of work is being developed to renovate the interior of the chambers after the broken water line flooded the room. I anticipate the scope to include a new sound system, camera system, addition of a video display system, carpet replacement, furnishings, ADA bathroom upgrades, lighting improvements as well as other improvements.
- **City Hall Annex** – This project is expected to be bid in March. Upland Architecture has largely completed design. This project will involve the relocation of personnel from the Planning and Development Services Department (Planning/Zoning, Code Enforcement and Building Inspections) and the Human Resources Department to the former SPD building.

H. Council Announcements and Remarks:

Mayor Anthony mentioned that the Essentials of Local Government training he and Mr. Hopper attended this week was very productive. Mayor Anthony said that even though he and Mr. Hopper have been on Council a long time, there is always something new to learn and he hoped everyone could attend the training. One topic discussed was the Public Value Compass which has four points: Liberty, Community, Equity and Prosperity, which are values Council deals with every meeting.

Mayor Anthony mentioned the Town and State Dinner on March 6th at the Speedway Club at Charlotte Motor Speedway in Concord is from 5:15 p.m. – 8:00 p.m. Also, the City Vision Conference is in Winston-Salem this year on April 23rd – 25th.

Mr. Hopper reiterated what the Mayor proclaimed about how informative the training was that they attended in Asheville last week. Mr. Hopper also stated that attending this type of training helps Council members become more knowledgeable about what a Council can and cannot accomplish; with this knowledge Council meetings can run more effectively.

I. Closed Session:

- 1) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including on a tentative list of economic development incentives that may be offered by the public body in negotiations pursuant to North Carolina General Statute 143-318.11(a)(4).

ACTION TAKEN: Mr. White made a motion to enter a closed session pursuant to the appropriate North Carolina General Statutes as cited. Mayor Anthony invited all Council members present, along with Mr. Howell, Mr. Lunsford, Mr. Longino, Mrs. Williams and Mrs. Jones to attend. The motion passed unanimously, and Council moved into closed session at 6:53 p.m.

At the conclusion of the Closed Session item, Ms. Arth made a motion for City Council to return to the regular session at 7:03 p.m. and seal the minutes.

J. Adjournment:

- 1) Motion to adjourn

ACTION TAKEN: Upon a motion made by Ms. Arth, City Council voted unanimously to adjourn the meeting at 7:04 p.m.

Respectfully submitted,

Carol Williams
City Clerk

O. Stanhope Anthony, III
Mayor

Minutes of February 19, 2024