

MINUTES

Regular Meeting of Shelby City Council
Don Gibson Theatre

May 6, 2024
Monday, 6:00 p.m.

Present: Mayor O. Stanhope Anthony, III, presiding; Council Members Andrew L. Hopper, Sr., David Causby, Violet Arth, Charles Webber, and Emilie Bullock; City Manager Rick Howell, MPA, ICMA-CM, Assistant City Manager Ben Yarboro, 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, Director of Water Resources Brian Wilson, Public Information and Communications Officer Chip Nuhrah, Economic Developer Brandon Ruppe, Electric Department Operations Manager Ronnie Davis, and Jennipher H. Harrill, Social Media Manager, Blue Eyes Media Connections

Absent: Council member David White

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 Ms. Arth, City Council voted unanimously to approve the agenda as presented

B. Public Hearing:

1) Consideration of an ordinance to extend the corporate limits of the City of Shelby, North Carolina: Ordinance No. 36-2024

Presentation – Justin Longino, Assistant City Manager

- The City of Shelby purchased parcels #32695, 32696, 49818 and 63683 off of Artee Road for future industrial development in 2022
- The parcels are approximately 40.76 acres and are partially outside the ETJ
- The City petitioned for annexation pursuant to NCGS 160A-31

- All utilities (water, sewer, electric and natural gas) are available at this site for future development
- Staff recommends the annexation

Mayor Anthony opened the public hearing at 6:03 p.m. and invited comments from the public.

David Drewyour, who resides at 3509 Artee Road, Shelby, North Carolina stated he purchased his home in October 2023 hoping his kids would be able to play and ride bikes up and down the dead-end road; now he has to worry about an industry coming in across the street. He is opposed to the annexation.

Mayor Anthony closed the public hearing at 6:05 p.m.

ACTION TAKEN: Upon a motion made by Mr. Hopper, City Council voted 4 – 1 (Arth opposed) to approve Ordinance No. 36-2024 entitled, “A PROPOSED ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF SHELBY, NORTH CAROLINA”.

2) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina for parcels 32695, 32696, 49818, and 63683: Ordinance No. 37-2024

Presentation – Justin Longino, Assistant City Manager

- The City of Shelby requests amending the Zoning Districts of parcels #32695, 32696, 49818 and 63683 to General Industrial (GI)
- Future Land Use map shows this area as Low Density residential with some industrial uses nearby
- The requested zoning amendment is consistent with the surrounding area with Clearwater Paper and the Foothills Commerce Center nearby; but it is inconsistent with the Future Land Use Plan which has it listed as residential
- Staff recommends the zoning request

Mayor Anthony opened the public hearing at 6:07 p.m. and invited comments from the public. The public offered no comments.

Mayor Anthony closed the public hearing at 6:09 p.m.

ACTION TAKEN: Upon a motion made by Mr. Causby, City Council voted 3 - 2 (Arth, Bullock opposed) to approve Ordinance No. 37-2024 entitled, “A PROPOSED ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF SHELBY, NORTH CAROLINA FOR PARCELS 32695, 32696, 49818, AND 63683 due to

being consistent with the surrounding area and reasonable based on the same.”

D. 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 April 15, 2024
- 2) Adoption of a budget ordinance amendment for the City of Shelby’s Rail Trail Corridor Project: Ordinance No. 38-2024
- 3) Approval of a resolution accepting and approving the City of Shelby Stormwater Management Plan and authorizing submittal of the City of Shelby Stormwater Management Plan to North Carolina Department of Environmental Quality: Resolution No. 33-2024
- 4) Approval of Special Event Applications:
 - a) ALWS Festival 2024, requested date: August 9 – 11, 2024
 - b) Newton Karate Fun Run, requested date: October 12, 2024
- 5) Management Reports:
 - a) Monthly Financial Summary – March 2024

END OF CONSENT AGENDA

D. Unfinished Business:

- 1) **SECOND READING:** Adoption of an ordinance to amend the City of Shelby Code of Ordinances to create the Carolina Harmony Trail Rules of Conduct: Ordinance No. 32-2024
- 2) **SECOND READING:** Adoption of an ordinance to amend the City of Shelby Code of Ordinances to create the Uptown Shelby Social District: Ordinance No. 33-2024

Presentation – Jason Lunsford, City Attorney

- In April 2024, City Council passed both Ordinance No. 32-2024 and Ordinance No. 33-2024 by a unanimous vote

- NCGS 160A-175 requires a second reading because both of these ordinances contemplated criminal punishment
- This second reading is to further note that criminal punishment is possible
- A proposed implementation date for the Social District is July 1, 2024
- For clarification, the vote for both ordinances that occurred in April carries, this second reading is necessary only because criminal punishment is possible within the Carolina Harmony Trail or the Uptown Shelby Social District
- No additional vote is required from City Council

E. New Business:

- 1) Approval of a resolution awarding the contracts for the electric material order for Substation 8 reconductoring: Resolution No. 34-2024

Presentation – Ronnie Davis, Operations Manager, City of Shelby Electric Department

- The City plans to eliminate 47,000 feet of the #4 and #6 copper conductor which is small and brittle and prone to break in wind and storms
- This project at Substation #8 (behind Walmart) replaces about 7,000 feet of the old copper conductor with larger aluminum conductor which is more reliable and easier to work with
- Bids were advertised on April 2, 2024 and the project was awarded to Wesco Distribution for the wood poles and to Border States for the wiring
- The total bids for both were \$158,278.23
- Progressive Engineering’s estimate for this project was \$250,000.00
- Staff plans to bid labor out in June 2024 with construction beginning in August 2024

ACTION TAKEN: Upon a motion made by Mr. Webber, City Council voted unanimously to approve Resolution No. 34-2024 entitled, “A RESOLUTION AWARDED THE CONTRACTS FOR THE ELECTRIC MATERIAL ORDER FOR SUBSTATION 8 RECONDUCTORING.”

- 2) Approval of a resolution authorizing the City Manager to negotiate a contract for a consultant to update the Comprehensive Land Use Plan: Resolution No. 35-2024

Presentation – Justin Longino, Assistant City Manager

The current Comprehensive Land Use Plan was adopted in 2009. Staff recognizes updates to the plan are necessary due to the ongoing growth and development within the City. The updated Comprehensive Land Use Plan will guide Council on future zoning decisions.

Timeline of Comprehensive Land Use Plan update process:

- RFQ was sent out in March 2024 and 8 proposals were received and then reviewed by seven City staff members
- Selection of a firm – the City chose Stewart based on their proposal
- Kickoff with the selected firm will be planned
- Stewart will conduct meetings with staff, review the process and gather expectations
- Kickoff community engagement which includes introducing firm to Council, community surveys, walking tours, online feedback, vision workshops, interviews, and review of current plans – this could be an 8 - 10-month process
- A draft plan will be presented to city staff to discuss strategic goals and resources and implementation steps; this may include Council and Planning Board to get additional feedback
- The firm will compile the recommendations, and the plan will be amended
- A final plan will be presented to Council for adoption

A brief synopsis about Stewart:

- They are an experienced Planning and Landscaping Architecture firm
- Focus on small to mid-size communities – they’ve worked with Clayton, Huntersville, Pittsboro and Brevard
- They will enhance their experience level by partnering with Boudreaux in Charlotte

Mr. Longino concluded his presentation by stating that the resolution presented to Council tonight is to authorize the City Manager to negotiate a contract with a firm to update the Comprehensive Land Use Plan and staff recommend Stewart.

ACTION TAKEN: Upon a motion made by Ms. Arth, City Council voted unanimously to approve Resolution No. 35-2024 entitled, “A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE A CONTRACT FOR A CONSULTANT TO UPDATE THE COMPREHENSIVE LAND USE PLAN.”

3) Consideration of appointments to City advisory boards and commissions:

a) Housing and Redevelopment Advisory Commission

Mrs. Williams reported the terms of three incumbents, Brenda Marable, Darrell Gerald and Michael Shawn Collins concluded March 2024. Mrs. Marable and Mr. Gerald both wish to step down, Mr. Collins wishes to be considered for reappointment.

There is one application on file in the Clerk's office:

- **Phyllis Williams**

Ms. Arth nominated Michael Shawn Collins for reappointment, and Phyllis Williams for appointment.

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

F. City Manager's Report

- **Commended Mr. Lunsford for his diligent work on getting the purchase of the Webbley property finalized on April 18th. A request for qualifications (RFQ) for architectural services has been advertised and responses are due no later than close of business on May 17th. City staff along with our partners at DFI will evaluate the responses and make a recommendation to City Council within 30 days. The City has received the funding for the directed grant from the State of North Carolina in the amount of \$3,995,500. These funds are restricted "for the purchase and restoration of the historic home (Webbley) of former Governor O. Max Garder." Ground clutter and dead tree limbs will be removed in the next couple weeks. The house and other structures are boarded up and cameras have been installed.**
- **The City closed the purchase of the Hotel Charles property on April 23rd. Three proposals have been received for the redevelopment of the Hotel Charles. City staff and DFI have evaluated the details of each proposal. I anticipate a briefing for City Council by the end of May.**
- **Commended Mr. Longino and staff for initiating the Comprehensive Land Use Plan update process and preparing the RFQ, reviewing the proposals, and selecting the Stewart firm.**
- **Construction on the Aquatics Center project was completed, and the facility was open to the public during the 2023 season. Portions of the pool concrete deck will be finally completed by the end of this week weather permitting. The pool is set to open as usual the Memorial Day weekend.**
- **Cross Town Water Main 24" Transmission Line Phase II (\$8,976,174.) SRP-D-ARP-0030 - This project will extend the 24" diameter water main approximately 9,000 lf from the intersection of Marion Street/Morgan Street along S. Morgan Street to Graham Street to the South Tank on S. Lafayette Street and to the intersection with Forest Hill Drive/Beaumonde. Approximately 4,500 lf of sewer main in conflict with the line will also be replaced. This is the second of a multiphase project to improve water supply to the south, east, and north of the uptown area. It is intended to**

improve fire flow, water volume/pressure, and water quality overall in the system. It is high priority. Fuller and Company, (Crouse, NC) is the contractor. Substantial completion is expected in May 2025. Statutory completion deadline to expend all funds is December 31, 2026.

- Hickory Creek Sewer Outfall - Windsor Drive to Holly Oak Park (\$4,627,000) SRP-W-ARP-0029 - Construction on this sewer outfall project has begun. It will replace approximately 5,000 lf of existing sewer outfall with 24" diameter pipe. It runs along Hickory Creek from the end of Windsor Drive to Dixon Blvd. This project replaces an existing sewer outfall that has been plagued with Sanitary Sewer Overflows due to infiltration and inflow. Construction began in August 2023. Dellinger (Monroe, NC) is the contractor. Substantial completion is expected in June 2024. Statutory deadline to expend all funds is December 31, 2026.
- WTP Filter Rehabilitation & Sedimentation Valve Replacement Project (\$4,133,200.) ARP - This project consists of the rehabilitation and repair of 8 water treatment plant filters as well as the repair/replacement of the sedimentation basin gate and mud valves. JS Haren (Athens, TN) is the contractor. Construction began on this project in late 2023. Substantial completion is anticipated in September 2024. Statutory deadline to expend all funds is December 31, 2026.
- City Hall Annex – This project was put out to 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. Bids will be opened on May 9.
- A Budget workshop needs to be rescheduled for either Monday or Tuesday of next week – by consensus, Council decided on Tuesday, May 14th at noon at the Don Gibson Theatre.

G. Council Announcements and Remarks

Mayor Anthony reminded Council of the upcoming events:

May 16th – Police Week Memorial Service at the Raper/Roark Park

May 20th – Chamber Legislative Breakfast

May 25th – Fallen Heros Memorial Service at Raper/Roark Park – commemorating the 45th anniversary of the Uptown Shelby fire

Mayor Anthony recognized Council member Webber for attaining his Doctorate.

Mr. Hopper reminisced that his first interaction with Mr. Webber was at Fort Bragg, North Carolina where Mr. Webber excelled as a soldier; in fact, Mr. Webber was an honor student out of almost 800 students.

Mr. Webber acknowledged Mr. Hopper and stated he always refers to him as Sgt. Major Hopper out of respect for his accomplishments in the service.

Mr. Causby acknowledged that Sunday is Mother's Day, and he wishes all the mothers a Happy Mother's Day.

H. Adjournment:

1) Motion to adjourn

ACTION TAKEN: Upon a motion made by Ms. Arth, City Council voted unanimously to adjourn the meeting at 6:50 p.m.

Respectfully submitted,

**Carol Williams
City Clerk**

**O. Stanhope Anthony, III
Mayor**

Minutes of May 6, 2024