

MINUTES

Regular Meeting of Shelby City Council
Don Gibson Theatre

September 9, 2024
Monday, 6:00 p.m.

Present: Mayor O. Stanhope Anthony, III, presiding; Council Members Andrew L. Hopper, Sr., David Causby, Charles Webber, Violet Arth, David White, 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, Deputy City Clerk Breanna Jones, Fire Chief William Hunt, EFO, Director of Planning and Development Services Brian Burgess, Public Works Director Scott Black, Public Information and Communications Officer Chip Nuhrah, Economic Developer Brandon Ruppe, 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.

Ms. Arth led the Pledge of Allegiance.

A. Approval of Agenda:

- 1) Motion to adopt the agenda as presented.

ACTION TAKEN: Upon a motion by Mr. Hopper, City Council voted unanimously to approve the agenda with Additions.

B. Special Presentation

- 1) City of Shelby's Comprehensive Plan Update

Presenter: Carroll Williamson, representative from Stewart:

- In the process of initiation and assessment (i.e. community tour, steering committee meetings, stakeholder interviews, and community surveys).
- As the data is gathered, plans and goals that reflect the community will begin.
- Implementation and adoption are projected for June of 2025.
- Steering Committee responsibilities include regular meetings (4-5 throughout project), participation in discussions and contribute ideas and opinions, getting others involved, being an ambassador for this Plan to the

community and being an advocate for the community to the development of this Plan.

- A Comprehensive Plan makes forecasts based on past trends and data and looks forward to a 10-20-year timeframe.
- Future Land Use establishes a vision for the community while zoning establishes the rules for achieving that vision.
- Previous planning efforts include City of Shelby Comprehensive Land Use Plan in 2009, Shelby Center City Master Plan in 2017, Shelby Rail Trail Master Plan in 2018, Shelby Depot Park Master Plan in 2020, Shelby Bike Ped Plan in 2020, Cleveland County Comprehensive Land Use Plan in 2021, and Shelby Parks and Recreation Comprehensive Master Plan in 2021.
- City of Shelby Population has grown by 13% from 2000 to 2020 and the median household income has increased 34% since 2000.
- Visioning Workshops for the Comprehensive Plan will be Monday, September 16th from 5:00pm-7:00pm at the City Park and Tuesday, September 17th from 4:00pm-6:00pm at Holly Oak Park.
- Stakeholder interviews will be late September-early October.

C. Public Comment:

Phyllis Williams, who resides at 1030 Sue Lane, Shelby, North Carolina spoke on behalf of the homelessness and poverty issues we have in Shelby. Ms. Williams stated she is a Community Chaplin and Cleveland County DSS worker. She shared that the poverty level in Shelby is 18.4%, which she claimed is higher than the national level at 12%. Ms. Williams publicly asked the community to come up with ways to assist the homeless and those living in poverty.

Gary Leigh, who resides at 922 Surry Drive, Shelby, North Carolina spoke towards the issue of homelessness. He stated that he is working to eliminate homelessness in this county and asked that the community join him and put together resources.

Michael McGuirt, who resides at 2313 North Lafayette Street, Shelby, North Carolina spoke on behalf of homelessness and addicts in the area. Mr. McGuirt stated that he is a Re-entry Coordinator and Outreach Worker for Oxford House. He shared that a 2021 report showed that 30% of homeless in the area suffer from mental health issues. Mr. McGuirt shared a concern that the hospital here does not have an opioid testing system for Fentanyl nor an opioid reversal program. He states that there is plenty of infrastructure in the area for programs and it is up to the community to help those that are struggling.

Tracey Norris, who resides at 634 South Lafayette Street, Shelby, North Carolina also shared concerns about the growing homelessness in the area. She stated that her organization, House of Hope Outreach, Inc. assists the homeless

and displaced at their church every Monday from 11:00am-1:00pm. Ms. Norris asked the Council how many empty buildings and boarded up houses they see when riding around Shelby. She states that those could be used to assist homeless in the community.

Brooke Nicholson, who resides at 228 South Lafayette Street, Shelby, North Carolina, from Angie Brooke Boutique, spoke on behalf of a Special Event application that was submitted for council approval. Ms. Nicholson came to answer any questions about the event.

Allyssa Givens, passed

Deborah Blackwell, who resides at 1627 Woodland Avenue, Shelby, North Carolina, spoke in opposition of a Dollar General store being built near her neighborhood. Ms. Blackwell shared her concerns with the store being built right behind her house.

D. Public Hearings:

- 1) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina for parcel 24083 (N Post Road): Ordinance No. 54-2024

Council Member White requested to be recused from the vote as it would be a conflict of interest. Council voted and unanimously approved the recusal.

Presenter: Brian Burgess, Planning Director:

- Applicant wishes to amend the zoning district from R10 to Corridor Protection District (CPD) at 215 North Post Road, Shelby, North Carolina.
- The property is approximately 2.3-acres and is located on the eastern side of the city north of the intersection of Marion Street and Post Road.
- The surrounding area has GB, GB2, and R10 zoning districts.
- Corridor Protection District zoning district is consistent with the current development patterns, and inconsistent with the Future Land Use Map.
- Staff recommends the approval of the rezoning.
- Planning and Zoning Board have recommended approval of this zoning request.

Mayor Anthony opened the public hearing at 6:43 p.m.

Marna McMurry, who resides at 317 Tremont Place, Shelby, North Carolina spoke in opposition of the proposed rezoning. Ms. McMurry stated she is against the rezoning request for the following reasons:

- **It would not be an appropriate fit for her community as it is a family community.**
- **The neighborhood will experience a negative traffic impact.**
- **Being that the proposed rezoning is potentially for a discount food store, it could harm local grocery stores.**

Taryn Stetson, who resides at 4500 Cameron Valley Parkway, Charlotte, North Carolina, spoke on behalf of the applicant to answer any questions from Council.

Mayor Anthony closed the public hearing at 6:48 p.m.

ACTION TAKEN: Upon a motion made by Ms. Arth, City Council voted 2 - 3 (Arth, Bullock in favor - Webber, Hopper and Causby against) to DENY Ordinance No. 54-2024 entitled, "Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina for parcel 24083 (N Post Road)", so the motion to deny failed.

ACTION TAKEN: Upon a motion made by Mr. Causby, City Council voted 3 - 2 (Webber, Hopper and Causby in favor – Bullock and Arth against) to APPROVE and adopt Ordinance No. 54-2024 entitled, "Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina for parcel 24083 (N Post Road)."

- 2) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina for parcels 66586, 28375, and 58270 (Randolph Road): Ordinance No. 55-2024**

Presenter: Brian Burgess, Planning Director:

- **This is a City initiated rezoning request to amend the zoning district located at 2215 Randolph Road, Shelby, NC. It is the site of the most recent Shell Building, and it is approximately 60 acres.**
- **The City is requesting it be rezoned from LI (Light Industrial) and R20 (Residential) to GI (General Industrial).**
- **Staff and Planning & Zoning Board recommended approval.**

Mayor Anthony opened the public hearing at 6:54 p.m. The public offered no comments.

Mayor Anthony closed the public hearing at 6:55 p.m.

ACTION TAKEN: Upon a motion made by Mr. White, with a statement that the rezoning is consistent with the surrounding zonings, City Council voted unanimously to APPROVE and adopt Ordinance No. 55-2024 entitled, "Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina for parcels 66586, 28375, and 58270 (Randolph Road)."

- 3) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina for parcels 30166, 30167, and 30168 (S Lafayette Street): Ordinance No. 56-2024

Presenter: Brian Burgess, Planning Director:

- Applicant wishes to amend the zoning district from R10 (Residential) to CPD (Corridor Protection District) at 1769 S Lafayette Street, Shelby, NC.
- The property is approximately 1.92 acres and is located on S Lafayette Street north of the Dekalb Street/College Avenue Intersection.
- The surrounding zoning has R10 and CPD zoning districts.
- The Future Land Use Map calls for this area to be a commercial zoning district.
- The Corridor Protection District zoning district is consistent with the surrounding area and the Future Land Use map.
- Staff and the Planning & Development Board recommended approval of this zoning request.

Mayor Anthony opened the public hearing at 6:57 p.m. The public offered no comments.

Mayor Anthony closed the public hearing at 6:58 p.m.

ACTION TAKEN: Upon a motion made by Ms. Arth, with a statement that the rezoning is consistent with the surrounding zoning district and consistent with the Future Land Use Map, City Council voted unanimously to APPROVE and adopt Ordinance No. 56-2024 entitled, "Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina for parcels 30166, 30167, and 30168 (S Lafayette Street)."

- 4) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina for parcels 22186, 22301, and 22284 (E Marion Street, Borders Road): Ordinance No. 57-2024

Presenter: Brian Burgess, Planning Director:

- Brian explained to Council that the rezoning was a conditional rezoning, which would allow Council to negotiate conditions with the applicant.
- The property is approximately 46.14 acres and is located south of the Cleveland County Fairgrounds and east of Marion Ridge Apartments, with access to E Marion Street and Borders Road.
- The applicant wishes to amend the zoning district from R20 (Residential) to R6-CZ for a single-family subdivision.
- The Planning & Zoning Board voted to table the zoning request and asked the applicant to revise the proposed plan to show additional proposed features.

Mayor Anthony opened the public hearing at 7:03 p.m.

Todd Doupona, who resides at 8307 Hampton Fare Lane, Waxhaw, NC, spoke on behalf of the Applicant and informed Council that the landscape detail that was requested has been added to the front page of the submittal.

Mayor Anthony closed the public hearing at 7:05 p.m.

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to TABLE Ordinance No. 57-2024 entitled, "Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina for parcels 22186, 22301, and 22284 (E Marion Street, Borders Road)" and send back to Planning & Zoning Board for review.

- 5) Consideration of an ordinance to extend the corporate limits of the City of Shelby, North Carolina (E Marion Street, Borders Road): Ordinance No. 58-2024

ACTION TAKEN: Upon a motion made by Mr. Hopper, City Council voted unanimously to TABLE Ordinance No. 58-2024 entitled, "Consideration of an ordinance to extend the corporate limits of the City of Shelby, North Carolina (E Marion Street, Borders Road)."

E. 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 August 19, 2024

- 2) **Adoption of FY 2024-2025 Budget Ordinance Amendment No. 1: Ordinance No. 59-2024**
- 3) **Adoption of a budget ordinance amendment for the City of Shelby's Depot Project: Ordinance No. 60-2024**
- 4) **Adoption of a budget ordinance amendment for the City of Shelby's City Park Pool Renovation Project: Ordinance No. 61-2024**
- 5) **Approval of a resolution recognizing Public Power Week, October 6-12, 2024: A Week-Long Celebration Of The City Of Shelby's Electric System: Resolution No. 58-2024**
- 6) **Approval of a resolution supporting the nomination of the City Manager, Rick Howell, as Director to the ElectriCities of North Carolina, Inc. Board of Directors: Resolution No. 59-2024**
- 7) **Approval of a Special Event Application:**
 - a) **Falling for Shelby, requested date: Saturday, October 26, 2024**
 - b) **Mush, Music & Mutts Festival: The Official NC Fall Liver Mush Festival, requested date: Saturday, October 19, 2024**

END OF CONSENT AGENDA

F. Unfinished Business:

None

G. New Business:

None

H. City Manager's Report:

Justin Longino, Assistant City Manager, utilized this time to go over Webbley and Council Chamber Renovation Project updates.

Clearscapes, the architectural firm for Webbley came out with the contractor and did an assessment of Webbley. DFI started the stakeholder engagement. As the process continues there will be more staff and Council discussions.

Mr. Longino received the Structural Report from Clearscapes and their contractor. The report shows the evaluation of the condition and the process/cost to repair. There will be further discussions with Council on next steps.

Mayor Anthony asked if the goal right now is to just get the structure stabilized and to repair the holes in the roof. Mr. Longino confirmed that yes, that is the plan.

Mr. Longino updated Council on the Council Chamber renovations and what the plans are to repair and update it. He also shared that the City plans to replace the City Hall windows and doors as well.

I. Council Announcements and Remarks:

Mr. Hopper presented a framed picture of the Golden Knights that the American Legion World Series gifted to the City.

Ms. Arth repeats the locations/times for the upcoming Comp Plan meetings.

J. Closed Session:

- 1) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease pursuant to North Carolina General Statute § 143-318.11(a)(5).
- 2) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement 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).
- 3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged pursuant to North Carolina General Statute § 143-318.11(a)(3).

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, Mr. Ruppe, and Mrs. Jones to attend. The motion passed unanimously, and Council moved into closed session at 7:21 p.m.

At the conclusion of the Closed Session item, Mr. White made a motion for City Council to return to the regular session at 7:58 p.m. and seal the minutes.

K. Adjournment:

1) Motion to adjourn

ACTION TAKEN: Upon a motion made by Ms. Arth, City Council voted unanimously to adjourn the meeting at 8:00 p.m.

Respectfully submitted,

Breanna Jones
Deputy City Clerk

O. Stanhope Anthony, III
Mayor

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