MINUTES

Regular Meeting of Shelby City Council **June 1, 2026**
City Hall Council Chambers **Monday, 6:00 p.m.**

Present: Mayor O. Stanhope Anthony, III, presiding; Council Members Andrew Hopper, Sr., David White, Violet Arth, and Charles Webber; City Manager Justin S. Merritt, Assistant City Manager Ben Yarboro, Assistant City Manager Kerri Melton, City Attorney Jason Lunsford, City Clerk Carol Williams, Director of Human Resources Deborah (Deb) Jolly, Chief of Police Brad Fraser, Fire Chief William Hunt, EFO, Director of Planning and Development Services Brian Burgess, Public Information/Communications Officer Chip Nuhrah, and Paralegal Nicole Hart

Absent: Council members Lori Waris and Emilie Bullock

Mayor Anthony called the meeting to order at 6:00 p.m.

Mr. Merritt gave an opening statement providing an update relating to the incident involving former Shelby police officer, Karson Hyder. Mr. Merritt stated the Shelby Police Department has been working with the State Bureau of Investigation (SBI) over the past weekend and Mr. Hyder has been charged with Misdemeanor Assault Inflicting Serious Injury. Mr. Hyder turned himself into the Cleveland County Detention Center at 10:00 a.m. this morning. He was processed and released on a $10,000 secure bond. Mr. Merritt continued by stating that this incident has sent shockwaves into our community. The City understands those concerns and will work to address those concerns and questions over the next days and weeks. The City is committed to full transparency and community engagement and will work to restore the trust we have spent decades building. As the City moves forward, Mr. Merritt asks that our Shelby Police Department and our police officers not be judged by the actions of one individual. The actions seen on the video are horrific and do not reflect the training or protocols of our Police Department. Our officers are trained to serve with compassion, honesty, teamwork, integrity, professionalism and respect. The City will continue to reinforce these values and live them every day throughout our actions. If the City fails to meet these standards, we will take appropriate corrective actions. Mr. Merritt thanked the community for the support they have provided.

Mayor Anthony delivered the invocation, and Mr. Hopper led the Pledge of Allegiance.

A. Approval of agenda:

ACTION TAKEN: Upon a motion from Ms. Arth, City Council voted unanimously to suspend the rules of procedure pertaining to public comment period to allow public comment at tonight's meeting with a total time limit of 15 minutes and

instead of the usual 3 minutes allowed, allowing each speaker 2 minutes.

Due to this action, the agenda was amended to reflect Item B as Public Comment and the other agenda items to follow accordingly.

B. Public Comment:

1) Carolyn Briggs, 405 Gold Street, Shelby, North Carolina, spoke as President of the NAACP, Branch #5379. The mission of the NAACP is to achieve equality, political rights and social inclusion by advancing policies and practices that expand human and civil rights, eliminate discrimination and accelerate the wellbeing of education and economic security of black people and all persons of color. Ms. Briggs continued by saying thank you to the Mayor, Police Chief, City Manager and community leaders for honoring the urgent request for a meeting on Friday afternoon. She appreciated the administrative leave placed on the officer involved, the follow-up communication to the public on Saturday and the decision to terminate the officer. Ms. Briggs is grateful to the request for an SBI investigation which led to the criminal charges; swift actions matter. She hopes for transparency around the training of our officers when responding to people experiencing mental illness and mental health crisis. Ms. Briggs asked that stronger policies be put in place so that officers that have a history of excessive force or aggressive behavior are not allowed to continue to police our community. Our community deserves the full truth, meaningful policy change, and justice.
2) Keelen Surratt, 711 Parkview Street, Shelby, North Carolina, thought the charges brought against Mr. Hyder were too lenient. Due to the nature of the actions by Mr. Hyder, a charge of Aggravated Assault or Assault on a Female should have been given. He asked why the victim was charged with criminal offenses. He wants Mr. Hyder to be stripped of his law enforcement certification to keep him from being employed by any government; keeping him from inflicting harm on anybody else.
3) Charlie Morrison, 1422 S. Morgan Street, Shelby, North Carolina, spoke about the rezoning item located at 1415 S. Morgan Street that is on the agenda tonight. If Council does not deny the rezoning, he would like to propose a revised plan for the trees and landscaping. He provided a drawing for Council and the developers to review.
4) Jackson Plummer, 1615 McFarland Drive, Shelby, North Carolina, commended the City for giving the consequences to Mr. Hyder for his actions and addressing the situation seriously. Mr. Plummer believes more training and more mental health checks are needed. He stated even if this is a one-time incident, it's one too many.

5) Jordan Mitchell, 821 Churchill Drive, Shelby, North Carolina stated that trust has not been shaken, it has been broken. She stated she knows this is not the first incident of abuse that has occurred and she is watching and going to be vocal. She wanted to be clear that she will not back down. The community is joining together and standing together. Changes need to occur including mental health training and racial justice training. She encouraged community engagement so that this doesn't happen just on a Ring camera, but that the community is involved as these incidents are happening. She concluded by stating reforms are needed.
6) Alexsis Huskey, 1955 W. Randolph Road, Shelby, North Carolina, suggested a Citizen Review Board to keep up with the process of what is happening behind the scenes with this incident. Also, the charges against Mr. Hyder were not serious enough, seems like a slap on the wrist. Justice is needed for the victim, Ms. Cherrie Moore and for Asha Degree. She concluded by stating that people need to be heard and actions need to occur.
7) Rayshad Lockhart, 515 Dover Street, Shelby, North Carolina, stated he comes from poverty but loves everyone and is not racist. People need to stand unified. USA starts with US.

Mayor Anthony stressed that City Council greatly appreciates the comments that were made tonight and assured the public that City Council is very tuned in to the seriousness of this matter and there will be opportunities for community engagement.

Mayor Anthony called for a brief recess at 6:24 p.m. to allow camera crews to exit the Council Chamber.

The meeting resumed at 6:26 p.m.

C. Special Presentation:

1) Annual Stormwater Update - Alan Gossett, Stormwater Coordinator, presenting

Mr. Gossett provided an update on our Stormwater program by giving the following information:

Stormwater Division tasks are as follows:

- Day-to-day management of the stormwater program include:
  - Site Plan Review
  - Site Inspections
  - Responds to Citizen Calls/Reports

- **Overseeing improvements to the stormwater system within the city such as**
  - **Capital Improvement Projects**
  - **Off Right of Way Assistance**
- **Manage the Stormwater Program and accomplish all tasks listed in NCDEQ permit which include:**
  - **Public Education/Outreach**
  - **Public Involvement**
  - **Illicit Discharge Detection and Elimination**
  - **Post Construction**
  - **Construction Run Off Control**
  - **Good Housekeeping**

What is the Stormwater Program:

- **This is a program mandated by the North Carolina Department of Environmental Quality.**
- **Shelby was designated as a Phase II stormwater entity on January 14, 2010 (population greater than 10,000).**
- **Shelby received its first Phase II Stormwater Permit dated December 1, 2012.**
- **The Stormwater Division was established within the City Engineering Department in June 2015.**
- **The City of Shelby stormwater program is aimed at protecting the city's surface water from water quality impacts due to stormwater runoff.**
- **Shelby renewed its Phase II Stormwater Permit on June 1, 2024.**

The stormwater program includes the following six minimum measures:

1) **Public Education and Outreach**
2) **Public Participation/Involvement**
3) **Illicit Discharge Detection and Elimination**
4) **Construction Site Runoff Control**
5) **Post-construction Runoff Control**
6) **Pollution Prevention /Good Housekeeping**

Mr. Gossett's update focused on Public Education and Outreach, Public Participation and Involvement, and Good Housekeeping.

Public Education and Outreach:

- ▶ **Stormwater is rainwater that hits an impervious surface such as parking lot, roof, street, etc. and creates stormwater runoff.**
- ▶ **Impervious surfaces cannot absorb liquids**
- ▶ **This runoff can pick up pollutants and other less desirable substances which can flow through our stormwater system and directly enter creeks and streams without being treated.**

- **The Stormwater staff attend multiple festivals each year to promote education and pollution prevention methods. Staff interacts directly with the public as well as give free items that advertise the program and give tips on how to help prevent pollution in the stormwater system.**
    - **In 2025/2026 the Stormwater division attended:**
        - **Cleveland County Fair – 93,000 attendees**
        - **Livermush Festival – 25,000 attendees**
        - **5th Grade Career Fair – 1,100 students**
        - **Merry-Go-Round Festival**

Public Participation and Involvement:

- **Public participation/involvement is an integral part of upholding the stormwater program.**
- **Some of the ways to facilitate public involvement are through creek cleanups, litter sweeps, and drain marking events.**
- **During these events staff teams up with the public to clean waterways and roadsides in the city.**
- **When the citizens become involved, it promotes teamwork and facilitates a sense of accountability and care for the city's appearance.**
- **Ultimately the goal is to keep the waterways as free of pollution as possible.**
- **In 2025, 740 pounds of trash were removed in the Palmer Park creek area**
- **On June 13th, 2026, there will be a Creek Cleanup event at Eastview Street.**
- **The 2026 Litter Sweep was held near Dover Street, and the public and city staff collected almost 1,380 pounds of debris from the roadside.**
- **There will be an Annual Drain Marking Event coming soon. Emblems or spray-painted stencils are used to identify storm drains.**

Good Housekeeping and System Improvements:

- **The stormwater program is always striving to assess the overall condition of the stormwater conveyance system.**
- **When issues are found, they are documented with photographs and are addressed in the appropriate manner.**
- **Some of the system improvements that have been made recently include:**
    - **Carolina Avenue Drainage Improvements – replaced 97 feet of rusted metal drainage pipe**
    - **Sumter Street Culvert Replacement – replaced 2 culverts near the City Park entrance**
    - **Whisnant Street Drainage Improvements – replaced 70 feet of rusted metal drainage pipe**

Mr. Gossett concluded by stating that everyone has a part to play in upholding the stormwater program and its requirements. He welcomes any questions or feedback on how the City can engage the community even better.

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 May 18, 2026**

2) **Approval of a resolution to accept an offer to purchase property by Upset Bid Process (Parcel #17778, 426 Gardner St.): Resolution No. 33-2026**

3) **Approval of a resolution to accept an offer to purchase property by Upset Bid Process (Parcel #17787, 504 Gardner St.): Resolution No. 34-2026**

4) **Approval of a resolution authorizing the sale of City of Shelby owned real property identified by parcel number 17794 through the Upset Bid Procedure of N. C. General Statute § 160A-269 (417 Clegg Street): Resolution No. 35-2026**

5) **Approval of a resolution authorizing the sale of City of Shelby owned real property identified by parcel number 18175 through the Upset Bid Procedure of N. C. General Statute § 160A-269 (608 Legrand Street): Resolution No. 36-2026**

6) **Approval of a resolution approving acceptance of maintenance and ownership of the water and sewer infrastructure extensions for Willow Estates Subdivision Phase 1: Resolution No. 37-2026**

7) **Special Event Application:**

    a) **Juneteenth Block Party, requested date: June 13, 2026**

8) **Management Report:**

    b) **Financial Summary Report – April 2026**

END OF CONSENT AGENDA

E. Unfinished Business:

1) **Adoption of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina for parcel 27791, located on S. Morgan St.: Ordinance No. 14-2026**

<u>Brian Burgess, Director of Planning and Development Services, presenting:</u>

- **As a reminder, this item was presented at the April 20, 2026, meeting where a conditional rezoning was considered and a public hearing was held. The property is located at 1415 S. Morgan Street and is the Palisades Phase 2 project.**

- **The property is roughly 2.5 acres and is currently zoned R20. The applicant is requesting a CPD-CZ zoning.**

- **The proposed development will consist of 60 multi-family apartment units, and no additional driveways have been proposed.**

- **At the April 20th meeting, Council asked the developer for more information regarding the location, type and widths of the buffers; and if there were any areas where trees can be preserved, with details including tree locations and caliper.**

- **The developer has submitted a detailed site plan showing where the existing trees will be preserved and additional trees will be planted.**

- **City staff feels like the developer has addressed the requests City Council asked for at the April 20th meeting.**

The applicant, William Ratchford, addressed City Council and stated that he and Charlie Morrison spoke. Mr. Ratchford stated that he is fine doing a berm on the lefthand side of the property except where a sidewalk needs to be cut, but grading would need to be done in the Carolina Harmony Trail right of way to create a proper berm. The berm would only encroach into the right of way, not the trail.

Mr. Merritt stated the width of the right of way varies along the Carolina Harmony Trail and he would be hesitant to allow an encroachment into the right of way, because that part of the trail has not been developed yet.

Mayor Anthony restated that the developer could create part of the berm that would not encroach into the right of way.

Mr. Ratchford stated his resubmitted plan shows the location of the existing trees that he can preserve but to get additional height on the new plantings a berm would be necessary.

Mr. Merritt clarified the discussion by stating what is being proposed is to approve the plan with the modifications that incorporate the buffer as proposed to and agreed by the developer and continue working with city staff. By consensus, City Council agreed to the motion suggested by Mr. Merritt.

ACTION TAKEN: Upon a motion from Mr. White, City Council voted unanimously to approve Ordinance No. 14-2026 entitled, "PROPOSED ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF SHELBY, NORTH CAROLINA FOR PARCEL 27791, LOCATED ON S. MORGAN ST. due to it being inconsistent with Shelby's adopted comprehensive plan, however, this zoning request is reasonable because the request is consistent with current development patterns, it is consistent with planned future use, and there is residential nearby."

F. New Business

1) **Adoption of an ordinance establishing a capital project ordinance and budgets for the City of Shelby's Payment In Lieu of Sidewalks Project: Ordinance No. 24-2026**

<u>Justin Merritt, City Manager, presenting:</u>

Currently, the City has the option to accept a payment in lieu of from developers for the construction of sidewalk or trail at a specific site. In some instances, instead of constructing a sidewalk or trail, the developer will pay the City a fee in lieu and the City constructs the sidewalk or trail.

As it stands now, the fee in lieu payments go into the General Fund. This ordinance establishes a capital project fund which will set aside the money for the City to use to construct the sidewalk or trail at a future date.

The concern with how it is set up right now is that the sidewalk/trails are budgeted in the General Fund, but they may not be used in that fiscal year, so the money goes to the General Fund balance.

The City calculated what it has received for the past five years in fee in lieu of funds, plus what the City has collected this current fiscal year, and recommends transferring that amount to the Payment in Lieu of Sidewalks Capital Project Fund. This ordinance will improve the way the City collects these fees, so these funds do not get lost in the General Fund balance.

This project ordinance correlates to Priority 2, Goal 1 of the Goals and Priorities adopted by City Council in April 2025.

ACTION TAKEN: Upon a motion from Mr. Webber, City Council voted unanimously to approve Ordinance No. 24-2026 entitled, "AN ORDINANCE ESTABLISHING A CAPITAL PROJECT

ORDINANCE AND BUDGETS FOR THE CITY OF SHELBY'S PAYMENT IN LIEU OF SIDEWALKS PROJECT."

2) **Consideration of appointments to City advisory boards and commissions:**

    a) **Alcoholic Beverage Control Board**

Mayor Anthony reported the terms of two incumbents, Sallie Craig and Mary Carlson concluded April 2026. Ms. Craig wants to step down from serving on the board. Ms. Carlson wishes to continue serving on the board.

The ABC Board has narrowed down the sixteen applicants and given Council three names to consider:

- **Mary Carlson**
- **Niya Brooks**
- **Mark Hudson**

Mr. White made a motion to nominate Ms. Carlson for reappointment and Mr. Hudson for appointment. There were no other nominations.

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

Due to Ms. Craig having served as the Board Chair for the past several years, Mayor Anthony asked for nominations for the Board Chair.

ACTION TAKEN: Upon a motion by Mr. White, City Council voted unanimously to appoint Mr. Kevin Karner Board Chair by acclamation.

3) **Consideration of appointment to the North Carolina Municipal Power Agency 1 (NCMPA1) Board of Commissioners as Commissioner and Second Alternate:**

Currently:	**Commissioner:**	**vacant – previously, Rick Howell**
	1st Alternate:	**Ben Yarboro**
	2nd Alternate:	**Justin Longino**
Proposed:	**Commissioner:**	**Justin Merritt**

1st Alternate: Ben Yarboro

2nd Alternate: Kerri Melton

Mayor Anthony stated that with the retirement of Rick Howell, the City needs to appoint a Commissioner and due to Mr. Longino's resignation, the City needs to appoint a 2nd Alternate.

ACTION TAKEN: Upon a motion made by Mr. Hopper, City Council voted unanimously to nominate and appoint Mr. Merritt by acclamation as Commissioner representing the City of Shelby on the NCMPA1 Board of Commissioners and nominate and appoint Ms. Melton as the 2nd Alternate representing the City of Shelby on the NCMPA1 Board of Commissioners.

G. City Manager's Report:

- **Regarding the drought conditions – As of May 26th, the City is at D2 which means severe drought. Over the past two weeks the City has recorded over three inches of rainfall which has provided significant relief to the First Broad River. City staff monitor the drought conditions every day and will keep everyone updated.**
- **Regarding the Webbley – Two proposals were received but after reviewing them it was determined there were significant deficiencies in both proposals. The City rejected both proposals but will accept resubmittals or new submittals until June 22nd, 2026. The City has spoken to the two developers that submitted and both have indicated they are still interested and will resubmit revised proposals.**
- **24" Crosstown Waterline – The installation of the waterline is complete. There will no longer be any road closures, except for spot closures along the route as the contractor tests and flushes the line. All work is expected to be complete, including resurfacing the roads, by July 3rd.**
- **Two events are scheduled for June 16th:**
  - **Continuation of our Community Meetings in conjunction with Uptown Shelby will be held at the Shelby Police Department in the Community Room at 9:00 a.m. City staff, Shelby Police personnel, and representatives from Uptown Shelby will be there.**
  - **Community Walk Through – City Staff and Shelby Police personnel will meet at Mt. Calvary Baptist Church at 1:30 p.m. and walk through the neighborhood and visit with residents. The City hopes to schedule these walkthroughs on a quarterly basis.**
  - **Cancellation of the July 6th meeting will be considered at our June 15th meeting.**

H. Council Announcements and Remarks:

Mayor Anthony mentioned that CAGO would like to have a representative to serve on the Board of Directors from each municipality in Cleveland County. He offered to take that role, unless someone else wanted it. By consensus, Council agreed for Mayor Anthony to be the representative.

Regarding America 250 – The City will be hosting a tree planting ceremony at Hanna Park. The dates suggested were either June 30th or July 1st. Council agreed to July 1st.

Airport Fly-In will be this weekend, Saturday, June 6th.

Juneteenth Celebration at Holly Oak Park on Saturday, June 13th from 11 a.m. – 3 p.m.

Fireworks Extravaganza will be at Shelby City Park on July 3rd.

Mayor Anthony thanked Ms. Arth for her great job presiding over the last couple meetings while he was traveling.

Ms. Arth, Mayor Anthony and all Council members thanked the public for coming tonight and acknowledged that their comments were heard.

Mr. White welcomed the public to come back any time.

Mr. Webber commented that the incident that happened on Friday was horrific; however, he was encouraged by the swift response taken by the City dealing with the matters. He was also encouraged by the citizens that came tonight and voiced their concerns. Shelby has always been able to work out and facilitate its problems when they occur. The community belongs to all of us, not just some of us. We can try to do better today than we did yesterday.

Mr. Hopper thanked the City staff and the entire police department and citizens. He mentioned he once worked with the Shelby Police Department and the Baltimore Police Department. It takes years to build a network with the community, but it only takes one incident to destroy all that. He encouraged the community to stay involved and take an interest in all the things the City is doing. Chief Fraser and the City Manager are available and willing to talk to citizens. If there's a trend going on in the community, let our staff know of your concerns.

Mayor Anthony stated our city staff and City Council are available to listen to citizen concerns, please feel free to reach out.

I. Adjournment:

1) **Motion to adjourn**

ACTION TAKEN: Upon a motion made by Ms. Arth, City Council voted unanimously to adjourn the meeting at 7:14 p.m.

Respectfully submitted,

Carol Williams
City Clerk

O. Stanhope Anthony, III
Mayor

Minutes of June 1, 2026