

MINUTES

Regular Meeting
City Hall Council Chamber

October 19, 2009
Monday, 6:00 p.m.

Present: Mayor W. Ted Alexander, presiding; Council Members Christopher H. (Chris) Mabry, Oliver Stanhope (Stan) Anthony, III, Jeanette D. Patterson, Michael R. (Mike) Royster, Joel R. Shores, Jr., Andrew L. Hopper, Sr.; City Manager Rick Howell, City Attorney Robert W. (Bob) Yelton, City Clerk Bernadette A. Parduski, CMC, Fire Chief William P. Hunt, Director of Public Works Daniel C. (Danny) Darst, Jr., Director of Planning Services Walter (Walt) Scharer, AICP; and media representatives

Mayor Alexander called the meeting to order at 6:00 p.m. and welcomed all who were in attendance. Mr. Howell gave the invocation and Mr. Royster led the *Pledge of Allegiance*.

Mrs. Patterson reminded all that October is recognized as National Breast Cancer Awareness Month and early detection of the disease saves lives. Before the Council meeting, she distributed the symbolic pink ribbons, which promote awareness of breast cancer issues, to the Mayor, Council members, City Attorney, and staff to wear on their lapels. Mrs. Patterson expressed her appreciation for support of the cause and announced that as of August 2009 she has been cancer-free for five years.

A. Approval of agenda:

- 1) Motion to adopt the proposed agenda

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

B. Special Presentations:

- 1) Shelby/Cleveland County Ten Year Plan to End Homelessness update – Dick T. Schafer, Facilitator, Mayor’s Task Force on Homelessness

Mr. Schafer began his presentation with background information dating back to 2005 when the City of Shelby embarked on an ambitious plan to break the cycle of homelessness in ten years. As part of a national movement, cities and towns formed an alliance with the United States Interagency Council on Homelessness in Washington, DC. Mayor Alexander, supported by a number of constituents representing social services agencies, community leaders,

non-profit organizations, and faith-based community leaders, engaged in work to create solutions and strategies to end the cycle of homelessness. The leadership of Mayor Alexander and the work of each constituent member have resulted in progress and commitment to do more to advance the work of this plan. The plan was a call to action to seek the key ingredients that will ultimately break the cycle of homelessness in the City of Shelby in Cleveland County.

Mr. Schafer stated much work has been already done in developing this plan and organizing around key components. During the past several years, the Task Force on Homelessness has worked diligently to look at National Best Practices to end homelessness, community engagement, and community will. Through the North Carolina Coalition to End Homelessness, a consultant was engaged to facilitate discussion and synthesize recommendations to advance the work of the Task Force. The end product was a strong expression for a renewed commitment and energy in continuing to engage the community to develop and implement positive solutions that will break the cycle of homelessness. The executive summary drafted in January 2009 by Christine Achre of Achre Consulting, which is entitled, “It Takes A Community To Make A Home”, outlines the following strategies as elaborated by Mr. Schafer:

- Mobilize and coordinate existing agency and community resources by preventing new individuals and families from becoming homeless.
- Adopt a “housing first” model in which chronic homeless individuals are placed in housing. This involves identifying the chronic person, funding and securing housing, and assigning case workers and volunteers to guide and train.
- Develop a wraparound support system. Rooted in faith-based organizations, coupled with available case management expertise, homeless families and individuals would be nurtured, supported, and trained through transitional housing into re-entering the community in acceptable rental housing, or, if affordable, home ownership.
- Establish oversight and evaluation. A ten-year plan commission should be established to phase out the Mayor’s Task Force on Homelessness.

Mr. Schafer added that underpinning the document, “It Takes a Community To Make A Home”, are the accomplishments of the Mayor’s Task Force on Homelessness. He highlighted the following actions and activities:

- **Identifying the scope of the problem. A census of the homeless population is taken and reviewed annually. The Task Force has a profile of the community's homeless.**
- **Identifying the cost of the homeless to the City of Shelby. Mr. Schafer cited two examples:**
 - **In 2008 Gaston County estimated the cost of a homeless person per year to be \$16,620. In a "housing first" model the cost is \$5,675.**
 - **The City of Charlotte recently announced a cost per person for the chronically homeless at \$37,500. The "housing first" cost is \$10,000 each.**
- **Through a grant secured and administered by the Abuse Prevention Council, the Task Force placed six chronically homeless into apartments. All have successfully re-entered society after six months to a year.**
- **Visits by the City of Denver's program administrator, a recent visit by The Men of Faith from a Michigan homeless program, and continuing interaction with federal, state, and county agencies focused on homelessness have resulted in a workable, affordable plan.**
- **Creation of a new faith-based coalition, a non-profit dedicated to the support and revitalization of homeless men. Plans include a new men's shelter and a day center all focused to implement the concepts developed in "It Takes a Community To Make A Home".**
- **A current grant aimed at the homeless program will be administered and monitored for Cleveland County by the Isothermal Planning and Development Commission. Securing grant funds and entities to administer those grants will be essential in the future to the success of the Ten Year Plan and to minimize the financial impact to the City of Shelby.**

Mr. Schafer concluded his presentation by commending Council for their foresight and support of the Mayor's Task Force on Homelessness and for the acceptance of the initial Ten Year Plan to End Homelessness. He also urged their endorsement of the updated document, "It Takes a Community To Make A Home", as presented. While expressing appreciation from the Task Force, Mr. Schafer requested Council's continued recognition and support of the program.

**2) Destination Cleveland County, Inc. (DCC) update – Emily Epley,
Executive Director**

Mrs. Epley began her presentation by providing Council with a timeline on DCC's various activities since their last update in March 2009 and elaborated on the following:

- May 2009 – Raleigh visit with the Cleveland County Chamber to the North Carolina Department of Commerce and North Carolina Museum of History**
- June 2009 – Attended Golden Leaf Foundation seminar in Asheville, North Carolina; Frank Jernigan, Director of National Group Travel, Department of Commerce, visited Cleveland County; Conducted walk through of Billy Graham Library with DCC leadership; Filmed Earl Scruggs in Cleveland County; Performance of Earl Scruggs: Home Again Concert**
- August 2009 – Cissy Anklam, Museum Team Leader, visited; DCC Board authorized Phase I Exhibit Design**
- September 2009 – Had site visit by a potential funder; Photo researcher visited Cleveland County; Design firm sent representative to photograph key artifacts; DCC History Team conducted interviews for part-time Collections Manager**
- October 2009 – DCC traveled to Washington, DC to meet with legislators; Collection Manager, Ann Marie Riley, began work; launched The Don Gibson Theatre website, www.DGShelby.com**
- November 2009 – The Don Gibson Theatre premiere acts include performances by a Beatles tribute band, 1964, with all the proceeds to benefit Shelby's Salvation Army and the grand opening act, Marty Stuart and his Fabulous Superlatives, is sold out.**

On behalf of DCC, Mrs. Epley invited the public to attend the Marquee Lighting Ceremony on October 27, 2009 at 8:00 p.m. at the Don Gibson Theatre. The date marks the 70th anniversary of the opening of the original State Theatre on October 27, 1939.

Mrs. Epley concluded her presentation by reiterating DCC's goal of positive economic impact for Shelby and Cleveland County and expressed appreciation to Council for their continuing support.

Upon questioning, Mrs. Epley responded that the Smithsonian Institution

Traveling Exhibition, Museum on Main Street, is in the planning stages for late 2010 at the Don Gibson Theatre and the Earl Scruggs Museum is tentatively anticipated to open in late 2011.

Mayor Alexander recognized DCC's Chair, Brownie Plaster, and Executive Director of the Don Gibson Theatre, David Jenkins, in attendance.

C. Public Comment: None

D. Consent Agenda:

ACTION TAKEN: Mayor Alexander presented the consent agenda. Mr. Shores made a motion to approve the consent agenda and each item as presented. After a second from Mr. Royster, the consent agenda and following items were unanimously approved:

- 1) Approval of the Minutes of the Regular Meeting of October 5, 2009
- 2) Approval of a resolution endorsing the Shelby/Cleveland County Ten Year Plan to End Homelessness: Resolution No. 65-2009
- 3) Approval of a resolution honoring Michael R. (Mike) Royster for his service to the City of Shelby: Resolution No. 66-2009
- 4) Approval of a resolution approving the participation of the City of Shelby in the National League of Cities (NLC) Prescription Discount Card Program: Resolution No. 67-2009
- 5) Approval of a resolution adopting a policy in which the City Council of the City of Shelby may change the street name of an existing street: Resolution No. 68-2009
- 6) Adoption of FY 2009-2010 Budget Ordinance Amendment No. 2: Ordinance No. 46-2009

END CONSENT AGENDA

E. Unfinished Business:

- 1) Consideration of appointments to City Advisory Boards and Commissions:
 - a. Shelby Appearance Commission

Mrs. Parduski reported that, upon his appointment to City Council, Mr. Anthony resigned from this board on September 30, 2009. Currently, there

are two vacancies for unexpired terms concluding January 2011 and January 2012. Mrs. Parduski mentioned there will be a third vacancy after Michael Putnam takes his seat on City Council in December 2009. There is only one application on file in the Clerk's Office that of Randy Skelton.

By consensus, Council continued the nominations.

b. Zoning Board of Adjustment

Mrs. Parduski reminded Council that there is a vacancy for an Extraterritorial Jurisdiction (ETJ) member with an unexpired term concluding July 2012. There are no applications on file in the Clerk's Office.

By consensus, Council continued the nominations.

F. New Business: None

G. City Manager's Report:

- 1) Mr. Howell initiated a follow-up discussion regarding residents' concerns voiced to Council and Mr. Shores about the volume of tractor-trailers utilizing Charles Road as a cut-through between NC 150 and US 74. Mr. Howell spoke to Gary Spangler, District Engineer of the North Carolina Department of Transportation in Cleveland County, who stated that Charles Road is regulated by the NCDOT, which does not have any current plans to limit or ban trucks from the road. By consensus, Council directed staff to continue talks with the DOT to find a possible solution and attempt to meet with representatives from the businesses whose trucks are using the route in the hopes of getting the truckers to voluntarily stop using the cut-through, among other suggestions.
- 2) With regard to county sales tax distribution, Mr. Howell explained that every April counties can change the method of distributing local option sales tax revenues within the county from per capita to the proportion of ad valorem tax levies or vice versa. The method chosen by the county board of commissioners determines the division of money within a county area among county and municipal governments for the next year. The county commissioners may choose to distribute the proceeds between the county and the municipalities on a population basis. After adding the total population of the county to the population of each municipality, the distribution of the tax to each unit is on a per capita basis. The county commissioners may choose to distribute the net proceeds of the tax collected in the county on an ad valorem basis. If they choose this method, the proceeds must be divided between the county and the municipalities in proportion to the total amount of ad valorem taxes levied

by each. Therefore, a large tax increase by a unit in one year may distort the next year's allocations. When a county increases tax rates and/or has growth each year and the municipalities in that county hold the line on tax increases or have minimal growth, it is possible for municipalities in ad valorem distribution counties to find that not only are their sales tax revenues not increasing but that they are lower than the previous year.

Following his explanation, Mr. Howell informed Council that the City's share of the total sales tax that comes back to Cleveland County has dropped from 12.6 percent of the total to 12.4 percent as of July 2009. This drop is attributed to growth outside Cleveland County outpacing growth (i.e. the Duke Energy Cliffside Expansion Project and the Southern Power Electric Generating Plant Project) in the municipalities. Because Cleveland County chooses to use the ad valorem distribution instead of the per capita method, the overall share municipalities in Cleveland County see will slowly erode. Mr. Howell said he and staff will continue to monitor the sales tax revenue outlook and suggested entering into reasonable, preliminary discussions with the County Manager to determine if there is willingness on the Board of Commissioners' side to soften this potential loss and hold the municipalities harmless. Council gave their consensus to Mr. Howell to pursue these discussions and explore the options.

- 3) Mr. Howell announced that the Environmental Management Commission (EMC) Water Quality Committee approved a list of candidates for Phase II stormwater designation. This action covered candidate municipalities in the Broad, Neuse, Chowan, and Pasquotank River Basins, the scheduled river basins for review in 2009. Shelby was included on this list of proposed candidates. The North Carolina Department of Environment and Natural Resources (NCDENR) has undertaken this designation pursuant to North Carolina law, which established procedures for implementation of the federal Phase II National Pollutant Discharge Elimination System (NPDES) stormwater permitting program for certain municipal separate sewer systems. Mr. Howell said Shelby meets the criteria for designation as follows:
- Housing units (over 4,000) and at least 400 housing unit per square mile
 - Population (over 10,000) and population density (1,000 persons per square mile)
 - Stormwater discharges that have the potential to adversely impact water quality

Mr. Howell said this does not mean Shelby has been designated at this point. Various pieces of information, including public and community input, will be considered before making final decisions on state designations. The EMC Water Quality Committee, and then the full EMC, must review and approve final designations. Once designated, municipalities must obtain an NPDES permit and implement a stormwater program. Mr. Howell will follow the designation process and have further discussions on this potential designation.

H. Council Announcements and Remarks:

- 1) Mayor Alexander mentioned he has received and compiled Council's performance evaluation forms concerning the City Attorney's position and will meet with Mr. Howell to proceed with the evaluation process.

Mayor Alexander reminded all that the Cleveland County Arts Council will present the 7th annual Art of Sound Music Festival, October 22-24, 2009, in Uptown Shelby at several different venues.

- 2) Mrs. Patterson extended her congratulations to Mr. Mabry on winning his City Council seat.
- 3) Mr. Anthony expressed his appreciation to Mr. Howell for the recent tour of City facilities.

J. Adjournment:

- 1) Motion to adjourn

ACTION TAKEN: Upon a motion by Mr. Shores, second by Mr. Anthony, City Council voted unanimously to adjourn the meeting at 6:55 p.m.

Respectfully submitted,

Bernadette A. Parduski, CMC
City Clerk

W. Ted Alexander
Mayor