

MINUTES

Regular Meeting: Workshop Session
George W. Clay, Jr. Utility Operations Center

March 1, 2010
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, Joel R. Shores, Jr., Andrew L. Hopper, Sr.; City Manager Rick Howell, City Attorney Robert W. (Bob) Yelton, City Clerk Bernadette A. Parduski, CMC, Director of Finance Theodore B. (Ted) Phillips, CPA, Director of Utilities Brad R. Cornwell, PLS, EI, Police Chief Jeffrey H. (Jeff) Ledford, Fire Chief William P. Hunt, Recreation Charlie Holtzclaw, Director of Planning Services Walter (Walt) Scharer, AICP; and media representatives

Clerk's Note:

A Council vacancy (Ward 4) exists due to the resignation of Mr. Putnam on February 10, 2010.

Mayor Alexander called the meeting to order at 6:04 p.m. and welcomed all who were in attendance. Mr. Anthony gave the invocation and Mr. Hopper led the *Pledge of Allegiance*.

A. Approval of Agenda:

- 1) Motion to adopt the proposed agenda

Mr. Shores announced that Item D-2 would be added under New Business as follows: "Consideration of a resolution approving revisions to the City of Shelby Utility Customer Service Policy Manual and Fees Schedule: Resolution No. 14-2010".

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

B. 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. Hopper, the consent agenda and following items were unanimously approved:

- 1) Approval of the Minutes of the Regular Meeting of February 1, 2010

- 2) Approval of a resolution proclaiming The Great American Cleanup from March to May in Shelby, North Carolina: Resolution No. 10-2010
- 3) Approval of a resolution authorizing an agreement between the County of Cleveland and the City of Shelby for a joint fueling station: Resolution No. 11-2010
- 4) Approval of a resolution establishing a bill payment assistance program with the Salvation Army of Cleveland County: Resolution No. 12-2010

END CONSENT AGENDA

C. Unfinished Business:

- 1) Consideration of appointments to City Advisory Boards and Commissions:
 - a. Alcoholic Beverage Control (ABC) Board

Mrs. Parduski reported that the terms of two incumbents, Carl Dockery and Page Morgan, are set to conclude April 2010. Both members wish to continue their service.

Applications on file in the Clerk's Office include the following: Durwin J. Briscoe, Craig Ferree, Sarah E. Kirby-Turner (Mr. Shores noted that Mrs. Turner no longer resides in the City limits.), David Carl Lynn, Peter Potemkin, Mike Royster, Talmadge Strickland, and Wayne Walton.

Mr. Shores nominated Carl Dockery and Page Morgan.

ACTION TAKEN: Upon a motion by Mr. Hopper, second by Mrs. Patterson, City Council voted unanimously to close the nominations and to accept the nominees by acclamation.

- 2) Consideration of a resolution authorizing selection of Woolpert North Carolina, PLLC based on qualifications for the Phase 1 – City Park Enhancement Project: Resolution No. 13-2010

Mr. Howell explained the procurement of architectural, engineering, and surveying services as specified in the North Carolina General Statutes. Specifically, City staff prepared and advertised a Request for Qualifications (RFQ) from firms interested in performing the planning, design, and contract administration for the Phase 1 – City Park Enhancement Project. After several weeks in the selection process to determine the professional design and engineering firm that will oversee the development of the City Park

Enhancement Project, Woolpert North Carolina PLLC was selected by the staff committee consisting of Mr. Holtzclaw, Mr. Scharer, and Mr. Phillips. Mr. Howell recommended Council's approval of the Professional Service Agreement between Woolpert North Carolina, PLLC and the City of Shelby, via Resolution No. 13-2010, which represents the product of the entire submittal and selection process and would allow this project to move forward.

Next Mr. Holtzclaw elaborated on the considerations utilized for the selection of a qualified firm for this project. A total of 13 firms submitted detailed RFQs and the City's committee evaluated the submittals based on the criteria set forth. The project consists of Phase 1 development which includes the design and construction of three (3) multi-purpose ball fields with fencing, and dugouts; a walking trail; horseshoe courts; a playground; a small picnic shelter; a paved parking lot; an entrance road; sidewalks; site preparation; landscaping; planning costs; and contingency. The key components included previous experience with similar projects and North Carolina Park and Recreation Trust Fund projects, and positive, consistent references from previous clients. During the initial round, the committee narrowed the firms based on the information provided in their respective materials. At this point, the three finalists were scheduled to conduct presentations to the committee followed by a question and answer session. After the presentations concluded, the committee spent several days reviewing and considering the information prior to making a final recommendation. The committee unanimously agreed the firm of Woolpert North Carolina, PLLC best met the criteria for the City's project.

Council discussion followed and some of the issues raised were how the bidding process is not applicable to these services, the scope of services (including total site visits/meetings, reimbursable expenses, and construction testing covered under geotechnical subsurface exploration), the project timeline, and Woolpert's availability for project updates to various interested groups.

ACTION TAKEN: Upon a motion by Mr. Anthony, second by Mr. Shores, City Council voted unanimously to approve and adopt Resolution No. 13-2010 entitled, "A RESOLUTION AUTHORIZING SELECTION OF WOOLPERT NORTH CAROLINA, PLLC BASED ON QUALIFICATIONS FOR THE PHASE 1 – CITY PARK ENHANCEMENT PROJECT", with the following exceptions to the Professional Service Agreement between Woolpert North Carolina, PLLC and City of Shelby North Carolina which are to be renegotiated by the City Manager as follows:

- Under Task 5 – Periodic Construction Contract Administration/Inspection Phase

- B. Total Site Visits/Meetings – not limited to 15 visits; leave open-ended**
- **Attachment B: Compensation Lump Sum Summary**
 - A. Reimbursable Expenses (all phases) – cap at \$7,000 to include cost for bid documents, etc.**
- 3) Discussion and prioritization of Council’s Goals for Fiscal Year 2010-2011**

Mr. Howell presented a summary listing of all potential actions which had been gleaned from the discussions throughout the Council’s recent retreat. This format allowed Council to remove or edit action items, assign priorities, identify timeframes, lead responsibilities, etc. It was suggested that the Council review all of the actions to see if any can be removed from the listing as being an administrative function requiring no Council level action.

Once all of the priorities were established, the Mayor and Council members were given an opportunity to prioritize which strategies should be focused on during the upcoming fiscal year by initialing up to five separate priorities.

The results of the top five ranking were:

- **Economic Development – Continue development of Foothills Commerce Center (FCC) and shell building, attracting tenant and jobs**
- **Develop specific Neighborhood Redevelopment Plan, creating infill incentives**
- **Research development of a Citywide recycling program, utilizing feedback from citizen surveys**
- **Develop Employee Cost Savings Idea Incentive Program**
- **Pursue development of a long-term plan to finance implementation of Parks and Recreation Master Plan with an watchful eye toward County funding**

And the results of the secondary ranking were:

- **Research and develop a proposal for the implementation of a voluntary utility bill round-up program to generate funds for community development purposes, developing a Council policy for distribution of those funds**

- Continue working on past strategies
- Explore development of wireless broadband system including the need, cost, and benefits
- Encourage development of a non-profit i.e. “Friends of the Park”
- Review City ordinances related to the construction of towers (handle at staff level through Keep Shelby Beautiful)

Mr. Howell concluded by stating that this final set of goals and priorities will be drafted and put into resolution format for Council’s approval on March 15, 2010.

D. New Business:

- 1) Consideration of an ordinance amending the Shelby City Code to fix the time and place for the regular meetings of the Shelby City Council:
Ordinance No. 7-2010

Mayor Alexander duly noted that the start time of 6:00 p.m. remains the same; however, the location for all regularly scheduled meetings of the City Council will be City Hall Council Chamber effective April 1, 2010.

There was discussion and consensus about maintaining the workshop format for the first meeting of month.

ACTION TAKEN: Upon a motion by Mr. Mabry, second by Mrs. Patterson, City Council voted unanimously to approve and adopt Ordinance No. 7-2010 entitled, “AN ORDINANCE AMENDING THE SHELBY CITY CODE TO FIX THE TIME AND PLACE FOR THE REGULAR MEETINGS OF THE SHELBY CITY COUNCIL”.

- 2) Consideration of a resolution approving revisions to the City of Shelby Utility Customer Service Policy Manual and Fees Schedule: Resolution No. 14-2010

Mr. Howell introduced Resolution No. 14-2010 for Council’s consideration. He stated that the City has taken credit cards for utility payments for a number of years: at the payments counter, over the phone, and on the website. The City has offered this service to all customers free of charge even though the City was charged more than two percent for this service by the credit card companies. Currently the City processes approximately 1,500 credit card payments a month and pays approximately \$7,000 in fees a

month, which amounts to over \$85,000 in credit card processing fees annually. Additionally, Mr. Howell said that credit card payments are labor intensive as the City's customer service representative must manually process the payment.

Mr. Phillips added that the new Harris NorthStar utility billing software has made available to the City a number of enhancements to services the City can offer the utility customer. In the very near future, the City will have its eCare module up and running, and this will allow customers to go online and not only pay their bill with a credit card but see the balance of their bill and the last year of service usage by month. However, Mr. Phillips stated this will require the City to change credit card providers. Harris has partnered with two credit card providers and the City has reviewed the services and fees of both, recommending CollectorSolutions, Inc. (CSI) as the best fit. After consulting with the credit card service provider, Harris Computer Systems, and other utility providers that are using these same services, Mr. Phillips recommended a flat fee of \$3.75 be passed on to the City's customers who would like to pay with their debit or credit cards.

Mr. Phillips went on to state that other than the obvious issue of the customer having to pay an extra \$3.75, the only other disadvantage of this change would be that the City would no longer be able to accept Visa credit cards over the counter. Again, after consulting with the credit card service provider, Harris Computer Systems, and other utility providers, Mr. Phillips recommended the Customer Service Department no longer accept credit card payments over the counter so there is no perception that the City accepted a credit card from one customer and not from another customer.

Mr. Howell concluded by requesting Council's authorization to enter into an agreement with CSI as the City's new credit card payment processing provider and to update the City's fee schedule to include a \$3.75 convenience fee (also known as a transaction fee) for customers who pay their utility bills with debit or credit cards.

ACTION TAKEN: Upon a motion by Mr. Hopper, second by Mrs. Patterson, City Council voted unanimously to approve and adopt Resolution No. 14-2010 entitled, "A RESOLUTION APPROVING REVISIONS TO THE CITY OF SHELBY UTILITY CUSTOMER SERVICE POLICY MANUAL AND FEES SCHEDULE".

3) Discussion and consideration of Council's procedure in filling the City Council Ward 4 vacancy

Mr. Howell explained that North Carolina General Statute 160A-63 authorizes a vacancy that occurs in an elective office of a city to be filled by appointment of the City Council. However, it does not prescribe the actual process to be

followed by City Council. As such and for discussion purposes, Mr. Howell prepared a draft notice and timeline which is generally the same process used for the Ward 2 vacancy which was filled in August 2009. Mr. Howell reiterated the importance of an agreed upon process with the essential element of transparency for the sake of the public.

There was discussion concerning Council's requirements of each applicant, including a letter of interest, a resume, an application, and a brief presentation. The necessary qualifications of being a registered voter and the Ward 4 residency requirement were also discussed.

By consensus, Council agreed to require a standard application along with the necessary letter of interest and resume from each candidate and to accept the timeline and process as proposed by Mr. Howell for the Ward 4 City Council Vacancy Appointment Process.

E. City Manager's Report:

- 1) Mr. Howell mentioned that the State certified industrial park known as Shelby's Foothills Commerce Center was listed in the economic development publication of ElectriCities, "Developments", Winter 2010.
- 2) Mr. Howell stated that the Strategic Growth Plan has been compiled in a spreadsheet format for tracking purposes. Staff has been reviewing the document as to progress, achievements, successes, completion, etc. Mr. Howell suggested Council may wish to schedule this topic for a workshop session since the Plan was adopted almost five years ago.
- 3) Mr. Howell informed Council that the Environmental Management Commission has determined that the City of Shelby is required to develop a stormwater management program within five years and apply for a stormwater permit within 18 months of notification which was February 9, 2010.
- 4) Mr. Howell distributed ElectriCities publications, which included the "Elected Official Information Kit" and the "Council Connector", to Council.
- 5) Mr. Howell reminded Council to attend the Cleveland County Chamber's Legislative Breakfast on March 2, 2010 at 7:30 a.m. at Cleveland Community College, Jack Hunt Campus Center, Room 1140.

F. Council Announcements and Remarks:

- 1) Mayor Alexander announced that Keep Shelby Beautiful (KSB) is participating in Keep America Beautiful's Great American Cleanup from

March through May 2010. KSB is seeking volunteers on April 17, 2010 for a litter cleanup event called Litter Sweep targeting Marion Street, Lafayette Street, and West Warren Street.

- 2) Mayor Alexander commemorated the passing of Ezra Bridges at 104 years of age on February 19, 2010. On behalf of the City of Shelby, the Mayor expressed condolences to the family and friends of Miss Bridges.

G. Adjournment:

- 1) Motion to adjourn

ACTION TAKEN: Upon a motion by Mr. Hopper, second by Mr. Shores, City Council voted unanimously to adjourn the meeting at 7:50 p.m.

Respectfully submitted,

Bernadette A. Parduski, MMC
City Clerk

W. Ted Alexander
Mayor

Minutes of March 1, A. D. 2010