

MINUTES

Regular Meeting
City Hall Council Chamber

September 20, 2010
Monday, 6:00 p.m.

Present: Mayor W. Ted Alexander, presiding; Council Members Christopher H. (Chris) Mabry, O. Stanhope (Stan) Anthony, III, Jeanette D. Patterson, Dennis C. Bailey, Joel R. Shores, Jr., Andrew L. Hopper, Sr.; City Manager Rick Howell, City Attorney Robert W. (Bob) Yelton, City Clerk Bernadette A. Parduski, MMC, Director of Finance Theodore B. (Ted) Phillips, CPA, Police Chief Jeffrey H. (Jeff) Ledford, Fire Chief William P. Hunt, Director of Public Works Daniel C. (Danny) Darst, Director of Parks and Recreation Charlie Holtzclaw, 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. Mrs. Patterson gave the invocation and Mrs. Stephanie Roberts led the *Pledge of Allegiance*.

Prior to the Pledge, the Mayor recognized the Roberts family and introduced Mrs. Roberts as the wife of decorated Vietnam War veteran, Richard Wayne Roberts, who is currently in Hospice care. Mr. Roberts will be awarded his Bronze Star Medal in a military ceremony tomorrow, September 21, 2010.

A. Approval of agenda:

- 1) Motion to adopt the proposed agenda

Mayor Alexander announced a change in the sequence of agenda items with the placement of New Business before Special Presentations.

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

B. New Business:

- 1) Consideration of a resolution authorizing implementation of the Labor Day Recognition Bonus Program: Resolution No. 69-2010

Mr. Howell introduced Resolution No. 69-2010 for Council's consideration. Given the sentiments expressed by Council during the very challenging budget process for management to somehow find ways to reward

City employees and recognize their service and commitment to the citizens of Shelby, Mr. Howell requested Mrs. Jolly, Human Resources Director, to study and review options to be considered. She was given direction to consider the additional annual leave given to County employees by the County Commissioners as well as any other ideas that may have merit. Mr. Howell stated while it would be preferable to be able to monetarily reward City employees, at this point in time it is not possible. This one-time award will be given to all full-time employees, based on years of continuous, full-time service, as of September 1, 2010. The recognition bonus, like vacation hours, will be placed in the employee's vacation accruals and used like any other vacation time. For employees who work a regular schedule greater than 40 hours per week specifically the Police and Fire Departments, the bonus will be adjusted appropriately on a pro rata basis. The Labor Day Recognition Bonus Program will be based on the following schedule:

Length of Service in Years	Labor Day Recognition Bonus Hours based on 40 hour work week
0 – 2	8
3 – 8	16
9 – 14	24
15 – 19	32
20 and over	40

Mr. Howell recommended authorizing the implementation of the Labor Day Recognition Bonus Program.

ACTION TAKEN: Upon a motion by Mr. Hopper, second by Mr. Shores, City Council voted unanimously to approve and adopt Resolution No. 69-2010 entitled, "A RESOLUTION AUTHORIZING IMPLEMENTATION OF THE LABOR DAY RECOGNITION BONUS PROGRAM".

- 2) Consideration of a resolution authorizing compensation levels for the Chairman and Board members of the Shelby Alcoholic Beverage Control (ABC) Board: Resolution No. 70-2010

Mayor Alexander recognized the members of the Shelby ABC Board in attendance: Chair Phil Hege, Gerald Weathers, Carl Dockery, and Page Morgan.

At the request of Mr. Hege, Chair of the Shelby ABC Board, Mr. Howell drafted and introduced Resolution No. 70-2010 for Council's consideration. The proposed resolution is necessary as part of the ABC reform legislation enacted by the North Carolina General Assembly this past June. Prior to the

enactment of the referenced statute, the compensation for ABC board members was set by the local appointing authority, in this case City Council, with no oversight by the State ABC Commission. The new legislation caps local ABC Board member compensation to \$150 per board meeting unless otherwise approved by City Council. It further prohibits non-monetary compensation unless otherwise authorized by the statute.

Because the total compensation exceeds that which is authorized by the revised statute, it is necessary for City Council to formally act to authorize the current level of compensation:

- Board Chair – \$225 per meeting and life insurance policy premium of \$22.65 per month for a total monthly compensation of \$247.65
- Board Member – \$150 per meeting, life insurance policy premium of \$41.30 per month, and dental insurance policy premium of \$38.22 per month for a total monthly compensation of \$229.52

ACTION TAKEN: Upon a motion by Mrs. Patterson, second by Mr. Hopper, City Council voted unanimously to approve and adopt Resolution No. 70-2010 entitled, “A RESOLUTION AUTHORIZING COMPENSATION LEVELS FOR THE CHAIRMAN AND BOARD MEMBERS OF THE SHELBY ALCOHOLIC BEVERAGE CONTROL (ABC) BOARD”.

C. Special Presentations:

- 1) Recognition of the 2010 Shelby Parks and Recreation Youth Baseball Program and Tar Heel Leagues, Inc. Junior Tar Heel State Champions

Mr. Holtzclaw commended the 2010 Junior Tar Heel State Champions (13 and 14 years old), their coaches, and their families who represented the City of Shelby in a very positive way not only by being successful on the field, but also by demonstrating sportsmanship on and off the field. The Junior Tar Heel All-Stars played through the District and State (held in Rocky Mount, North Carolina) tournaments going undefeated in both. He mentioned that since joining the Tar Heel Leagues in the early 1990s, the Shelby contingents have captured 14 State titles and have finished runner-up several times. Mr. Holtzclaw recognized Parks and Recreation staff for an excellent job ensuring the safe travel and stay for the teams while on the road.

Mayor Alexander, assisted by David Fisher, Recreation Program Superintendent, and Doug Hull, Athletic Program Manager, presented the framed certificates to the Shelby Parks and Recreation 2010 Junior Tar Heel

State Champions as follows: Head Coach Charlie Ruff and Coaches Cory Ferree and Brad Keller, and Team members: Grant Byers, Colby Creswell, Cody Fitch, Nick Hastings, Tripp Hastings, Bradley Keller, Bradford Lail, Jackson Mims, Jay Seagle, Thomas Weaver, and Chandler Young.

Absent: Coach Terry Dills and Ben Gold.

The presentation concluded with the All-Stars posing for photographs, including one with the Mayor and Council.

2) 2010 City of Shelby Citizen/Customer Service Survey Results – Tollie Mitchell, Program Director, Insight Research, Inc.

Mr. Mitchell began his presentation by reviewing the City of Shelby Citizen Survey form itself. The purposes of this survey were summarized as follows:

- Identify what City services that citizens value the most
- Measure citizen opinions concerning recycling
- Identify where citizens think the City should be spending money
- Establish a baseline of citizens' customer satisfaction with regard to various City services

Although his list was not exhaustive, Mr. Mitchell stated some of the items from the recent survey he planned to share were interesting and/or important. Mr. Mitchell encouraged Council to review the entire report and to read the many written comments to gain additional insight.

Mr. Mitchell continued with his synopsis which included these items of note:

- There was a very good response to this survey, with 571 surveys returned in time to be included in the report. This was more than enough data to accomplish the goals of the study.
- 12 percent of respondents have lived in Shelby for less than 5 years, 18 percent for 5-14 years, 28 percent for 15-39 years, and 42 percent for over 40 years.
- 24 percent of respondents said that they have children under age 18 living at home.

- 76 percent of respondents own their home; 24 percent said that they rent.
- The City services that were chosen as most important were:
 - Utilities
 - Police Department
 - Fire Department
 - Garbage pickup
- 38 percent of respondents never use the County recycling sites; 38 percent use them once a month or more.
- 44 percent of respondents said they would support curbside recycling, 34 percent said they would not support it, and 21 percent were not sure
- The street maintenance items chosen as top priority were:
 - Pothole repairs
 - Street repaving
 - Street lights
- The top choices for City spending listed were:
 - Police Department
 - Fire Department
 - Street maintenance
 - Garbage pickup
- Customer satisfaction with various items was listed in descending order:
 - Fire Department
 - Garbage pickup
 - Police Department
 - Customer Service
 - Parks and Recreation
 - Yard waste collection service
 - Cemetery
 - Utilities Department
 - Enforcement of City codes
 - Street maintenance

- Economic development

Mr. Howell added that it is hoped this information will provide Council with a good starting point in making the difficult decisions that it faces and must address for the City to remain financially sound in the future while delivering the services desired by its citizens and customers. Adequate statistical analysis and reporting are also an important part of the end product.

Mr. Mitchell concluded by stating the City received a vast number of comments that should assist in interpreting the information in this report.

Council received the information and a resolution acknowledging and accepting the results of the 2010 City of Shelby citizen/customer service survey was included within the Consent Agenda section.

3) Shelby Fire & Rescue Department 2010-2015 Strategic Plan –
Fire Chief William P. Hunt

Mayor Alexander mentioned that the City's recently acquired fire truck was parked near City Hall prior to the Council meeting and made available for inspection.

Chief Hunt began his presentation by explaining that a strategic plan is a management tool that provides short term direction, builds a shared vision, sets goals and objectives, and optimizes the use of resources. In the fire service this involves analyzing resources based on local needs and demands. For fire departments engaged in the accreditation process, strategic planning is an integral and required component in the accreditation model. To be eligible for accreditation, Chief Hunt said an applicant agency must have a current, formalized strategic plan that has the approval of the agency's governing body. The Shelby Fire & Rescue Department is registered with the Center for Public Safety Excellence (CPSE).

This past February 2010, Chief Hunt stated the Fire & Rescue Department conducted a Community Driven Strategic Plan in concert with the department's ongoing efforts to attain accreditation through the CPSE. The process, facilitated by CPSE, consisted of an external stakeholder workshop with community members and a three day internal stakeholder's workshop with department staff. Ultimately, a strategic planning document outlining goals and objectives for the next five years was produced for the department.

Chief Hunt concluded his presentation by stating the strategic plan should be an operationally useful document. Upon questioning, he discussed developing strategies toward incorporating the said plan into the Fire &

Rescue Department's continued efforts toward accreditation and its possible effect on the City's insurance rating.

Council received the information and a resolution adopting the Shelby Fire & Rescue Department 2010-2015 Strategic Plan was included within the Consent Agenda section.

D. Public Comment: None

E. 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. Mabry, the consent agenda and following items were unanimously approved:

- 1) Approval of the Minutes of the Regular Meeting of August 16, 2010
- 2) Approval of Special Event Permit Applications:
 - a. Shelby High School 2010 Homecoming Parade requested date: October 14, 2010
 - b. Rhythm and Roots 5K Run requested date: November 13, 2010
- 3) Approval of a resolution acknowledging and accepting the results of the 2010 City of Shelby Citizen/Customer Service Survey: Resolution No. 64-2010
- 4) Approval of a resolution adopting the Shelby Fire & Rescue Department 2010-2015 Strategic Plan: Resolution No. 65-2010
- 5) Approval of a resolution accepting donated property: Resolution No. 66-2010
- 6) Adoption of an ordinance establishing a capital project and budgets for the City of Shelby's Clearwater Water Line Improvement Project: Ordinance No. 24-2010
- 7) Adoption of an ordinance establishing a capital project and budgets for the City of Shelby's Clearwater Sewer Line Improvement Project: Ordinance No. 25-2010

- 8) Approval to designate the Voting and Alternate Voting Delegates to the 2010 North Carolina League of Municipalities Annual Conference and the National League of Cities 2010 Congress of Cities

END CONSENT AGENDA

F. Unfinished Business:

- 1) Consideration of a resolution awarding the construction contract for the City of Shelby Foothills Commerce Center Project Phase I: Water, sewer, storm drainage, and street infrastructure: Resolution No. 67-2010

Utilizing the Conceptual Layout Plan of the Foothills Commerce Center prepared by McGill Associates of Asheville, North Carolina, Mr. Howell stated this plan was the basis for infrastructure engineering and design of the internal access road as well as the water/sewer services. Phase I will consist of sanitary sewer to serve nearly half the acreage encompassed by the park, a 16-inch waterline from Artee Road to the roundabout located in the center of the park, as well as the main entrance road from the intersection of Artee Road and Metrolina Drive to the roundabout. Mr. Howell said this required infrastructure will serve the first few parcels and is critical to not only market the park itself, but to provide the construction of the speculative building which the City will construct in the near future under separate design and build contracts. He stated that nine (9) competitive bids were received for the Base Bid of Phase I with the highest bidder coming in at \$1.46 million and the lowest responsible bidder being Neill Grading and Construction Company, Inc. Mr. Howell noted to Council that \$700,000 in grant funding has been secured for this project. The balance will be funded by the City through funding set aside for economic development over the past five years.

After a thorough review of the bid tabulation, the City's Project Engineer with McGill and Associates recommended award of the bid in the amount of \$1,054,280.00 to Neill Grading and Construction Company, Inc. of Hickory, North Carolina for Foothills Commerce Center Phase I.

Discussion followed and included:

- Cleveland County as a partner on an equal basis on this project
- The possibility of a second stimulus package from the federal government devoted to infrastructure spending

- A set of covenants for the Foothills property which may or may not include the proposed buffer and greenway trail
- The sewer lines being strategically located now with the possibility of an add alternate to provide sewer service to a second portion of the Foothills Commerce Center

ACTION TAKEN: Upon a motion by Mr. Shores, second by Mr. Anthony, City Council voted unanimously to approve and adopt Resolution No. 67-2010 entitled, "A RESOLUTION AWARDDING THE CONSTRUCTION CONTRACT FOR THE CITY OF SHELBY FOOTHILLS COMMERCE CENTER PROJECT PHASE I: WATER, SEWER, STORM DRAINAGE, AND STREET INFRASTRUCTURE".

- 2) Consideration of a resolution authorizing selection of WHN Architects, PA based on qualifications for the Job Ready Shell Building Project: Resolution No. 68-2010

Mr. Howell introduced Resolution No. 68-2010 for Council's consideration. He stated he conducted a Request for Qualifications (RFQ) process as prescribed by the North Carolina General Statutes to select an architectural and engineering design team to assist with the development of the "Job Ready" building to be constructed in the Foothills Commerce Center. The notice of the availability of the RFQ was advertised and distributed to a variety of design professional websites and publications in order to ensure a significant number of competitive submittals. A total of ten (10) statements of qualifications were received by the City.

Mr. Howell elaborated on the factors given primary consideration in the selection process which included amount of experience with similar light industrial/warehouse projects; experience developing flexible speculative buildings that can be marketed to a wide variety of manufacturers; knowledge of the area; familiarity with the site; experience working with local governments on design, bid, build projects; and the experience of the entire design team including the architect, mechanical engineer, civil engineer, and structural engineer.

Mr. Howell added over the past several weeks visits were made to several of the projects included as examples by those firms submitting statements of qualifications. Reference checks with current and formers clients were also conducted.

Based upon the direction of the statute to select the most qualified firm for the specific type of project as well as the need to work with a design team

that is well experienced and has been successful in the development of light industrial/warehouse structures for both the public and private sector, it was Mr. Howell's recommendation that WHN Architects of Charlotte, North Carolina be retained by the City. He also noted that WHN Architects listed Eaton Corporation as a client and is also serving as the design team for the Clearwater Paper Project now under construction on Washburn Switch Road.

ACTION TAKEN: Upon a motion by Mr. Anthony, second by Mr. Hopper, City Council voted unanimously to approve and adopt Resolution No. 68-2010 entitled, "A RESOLUTION AUTHORIZING SELECTION OF WHN ARCHITECTS, PA BASED ON QUALIFICATIONS FOR THE JOB READY SHELL BUILDING PROJECT".

G. City Manager's Report:

- 1) Mr. Howell reminded Council that Heath and Associates will hold an open house at its offices on October 5, 2010 to celebrate its 50th anniversary in business.
- 2) Mr. Howell mentioned a cemetery maintenance issue regarding headstones which are not properly supported by foundations. Mr. Holtzclaw is drafting a letter which will be sent to the monument companies and funeral homes for notification purposes.
- 3) Mr. Howell shared information gathered by Mr. Phillips concerning the Customer Services Department, specifically Collections, with regard to bank drafts for utility payments, the e-CARE bill paying system, and the Neighbor Helping Neighbor Program
- 4) Mr. Howell reminded Council that the Airport Terminal Grand Opening and Dedication at the Shelby-Cleveland County Regional Airport will be held September 22, 2010 at 11:00 a.m.

H. Council Announcements and Remarks:

- 1) Council discussed declaring Saturday, October 30, 2010, as the official night for Halloween trick-or-treating in the City of Shelby. By consensus, Mayor Alexander proclaimed the official stance for Halloween within the City to be October 30, 2010.
- 2) Mayor Alexander expressed his appreciation to Council Members Mabry, Anthony, Bailey, and Hopper, along with Police Chief Jeff Ledford and Housing Director Bryan Howell, for their attendance at the Community

Forum sponsored by the Shelby Community Relations Council at Mount Calvary Baptist Church on September 16, 2010.

- 3) Mayor Alexander invited Council to attend the ceremony awarding the Bronze Star Medal to Richard Wayne Robert on September 21, 2010 at 12:00 noon, Hospice Cleveland County.
- 4) Mayor Alexander distributed a National League of Cities publication entitled, The Role of Local Elected Officials in Economic Development, to Council.

I. Closed Session:

- 1) To approve Minutes and General Account of the Closed Session of August 17, 2009
- 2) To approve Minutes and General Account of the Closed Session of December 7, 2009
- 3) To approve Minutes and General Account of the Closed Session of May 17, 2010
- 4) To prevent the disclosure of privileged or confidential information pursuant to North Carolina General Statute 143-318.11(a)(1) regarding personnel matters

ACTION TAKEN: Mr. Shores made a motion to enter into a closed session to prevent the disclosure of privileged or confidential information regarding a personnel matter pursuant to the appropriate North Carolina General Statute as cited. Council consulted with Mr. Yelton who advised that the topic met the statutory requirements for a closed session. The Mayor invited all Council members present and Mr. Howell, Mr. Yelton, and Mrs. Parduski to attend. The motion was seconded by Mr. Anthony. The motion passed unanimously and Council moved into closed session at approximately 8:03 p.m.

ACTION TAKEN: Upon a motion by Mr. Shores, second by Mr. Anthony, City Council voted unanimously to return to regular session at 8:30 p.m.

J. Adjournment:

- 1) Motion to adjourn

ACTION TAKEN: Upon a motion by Mr. Shores, second by Mr. Bailey, City

Council voted unanimously to adjourn the meeting at 8:31 p.m.

Respectfully submitted,

**Bernadette A. Parduski, MMC
City Clerk**

**W. Ted Alexander
Mayor**

Minutes of September 20, A. D. 2010