

**MANAGER'S BRIEFING SESSION
FEBRUARY 5, 2015 – 9:00 A.M
3rd FLOOR LOBBY CONFERENCE ROOM (FISHBOWL)**

MINUTES

PRESENT:

Mayor William Bencini; Council Members Latimer Alexander (At-Large); Cynthia Davis (At-Large); Jeffrey Golden (Ward 1); Alyce Hill (Ward 3); Jay Wagner (Ward 4); and Mayor Pro-Tem James Davis (Ward 5).

ABSENT:

Council Member Christopher Williams (Ward 2); and Jason Ewing (Ward 6)

STAFF PRESENT:

Greg Demko, City Manager; Randy McCaslin, Assistant City Manager; Eric Olmedo, Budget and Performance Manager; Jeron Hollis, Public Information; Jeff Moore, Director of Finance; Loren Hill, President HP Economic Development Corp.; Bob Martin, Director of Customer Service; Mitchell Hall, Inside Customer Service Manager; Annette Smith, Senior Customer Service Analyst; Andy Osborne, Outside Customer Service Manager; JoAnne Carlyle, City Attorney; Dawn Sparks, Legal Assistant; Lisa Vierling, City Clerk; Tom Vincent, Deputy City Clerk

MINUTES

[Note: all handouts and presentations are attached as a permanent part of these proceedings.]

City Manager Greg Demko advised that City Clerk Lisa Vierling and City Attorney Joanne Carlyle were going to do a presentation on the City's operations and the High Point City Code. Mr. Demko added there were updates to bring to the next series of meetings in preparation for working towards the budget..

Economic Development Year-in-Review

Loren Hill, President of the High Point Economic Development Corporation, distributed three handouts. The first handout showed permits applied for (commercial and residential construction). Mr. Hill pointed out the numbers increased dramatically from last year. Commercial construction last year was \$167 million compared to \$72 million the year before. Residential settled down a little bit, it was \$58.7 million last year compared to \$62 million the year before. Assistant City Manager Randy McCaslin noted this put the City back where it was in 2008. Council Member Alexander asked if residential construction was back to 2008 levels. Mr. Hill said it was still depressed compared to 2008. Mr. Hill distributed a handout with a list of the City of High Point's largest permitted projects in 2014. The Ralph Lauren Project was the largest. Another handout lists High Point's largest employers with Ralph Lauren maintaining its number one position. Volvo was not in High Point until August 2014, but has moved 650 employees to the City.

Legal Obligations of the City Council

City Attorney Joanne Carlyle said the City Council members would be getting their ethics training at a later date as required by State Statute. Council Member Alexander pointed out the importance of filing the certificate of completion of the ethics training with the City Clerk. Ms. Carlyle presented slides on Dillon's Rule which says that cities get their powers from the General Assembly (NC General Statutes) and the City Charter. She said copies of the Charter were available if Council Members wanted to see it. Among other things the Charter establishes the voting powers of the Mayor and the form of City government (Council-Manager), method of election, appointment of Manager, Clerk and Attorney, and specific to High Point the charter establishes Park Rangers and Lake Wardens. Ms. Carlyle explained in the Council-Manager form of government, the General Statutes lay out the Manager's duties. The statute has information about the different types of meetings: Regular meetings are the regular City Council meetings established at the organizational meeting, Special Meetings can be called by the Mayor, Mayor Pro-Tem, or any two members of the Council by signing a written notice delivered to the City Clerk. Ms. Carlyle said if two Council members want to have a Special Meeting on a topic, both Council members come to Clerk's office and sign a form with the time, date and purpose of the meeting. Notice also has to be given to other members of the Council and the public. Emergency Meetings are usually when natural disasters happen, things that are truly emergencies. Ms. Carlyle said the statute does not specifically address cities, however there is a six-hour notice to other members of council for Counties that probably applies to Cities. She said all public meetings require notice to the public. Certain types of matters have specific notice requirements such as Public Hearings.

Ms. Carlyle said the General Statute (GS 160A-75) has a requirement that Council Members must vote unless the matter involves consideration of the member's own financial interest. If a Council Member is present but does not vote, the vote counts as an affirmative vote. If the Council Member is absent without being excused, that is the same as an affirmative vote. She said a quorum for the High Point City Council is five members. If the Council does not have five Council Members present, the meeting may not be held. Council Member Alexander asked if less than a quorum was present for a Manager's Briefing could the briefing take place as long as no action was taken. Ms. Carlyle said that would be permissible, but a Manager's Briefing is different from a regular Council Meeting. She said what action the Council could take during a meeting depends on how it is noticed. The majority vote is generally counted from those present for the quorum. Two-thirds of the actual membership ($2/3$ of nine = 6) is required to adopt an ordinance on the day it is introduced. A two-thirds majority is required for a Planning and Zoning text amendment. A zoning map amendment with a valid protest requires $3/4$ of the quorum. Mayor Bencini asked concerning an ordinance, what was the definition of an ordinance being "introduced." Ms. Carlyle said it was when the ordinance was formally presented to the Council in a meeting, receiving the ordinance previously as part of the agenda did not count.

Ms. Carlyle said there are several types of hearings: legislative, quasi-judicial, and administrative. The main difference between legislative and quasi-judicial is those providing testimony have to be sworn in for a quasi-judicial hearing. She said the Council does not have a regular method of swearing people in and that is something that should be standardized. Legislative hearings, such as rezonings, have more leeway. For example in a legislative hearing the Council does not have to adopt findings of fact and may hear non-expert opinions. In a quasi-judicial hearing the only opinions allowed are expert opinions. Mayor Bencini said in his experience he had not seen people giving personal opinions in place of expert opinions very often. Ms. Carlyle said if this happened during a hearing she would call it to Council's attention. Council Member Wagner suggested making this announcement at the beginning of quasi-judicial hearings. Ms. Carlyle expressed a need to standardize and make the procedures and agendas consistent and would draft an agenda format to share with Council. Council Member Alexander said in the past there were problems with citizens wanting to engage Council Members about zoning matters prior to the hearing. Ms. Carlyle said those conversations needed to be disclosed as well as site visits.

Ms. Carlyle said public comments are required to be offered during one regular meeting a month. Council can set time limits on speakers, allow for representatives to speak for groups and provide for maintenance of order and decorum. Council may also place topic limitations such as "talk about anything you want as long as it is not on the agenda for a public hearing." Ms. Carlyle said the public comment sessions are a time for Council to listen and not to engage in dialogue. It is appropriate to refer people to the City Manager or staff. Council Member Cynthia Davis asked if listening but not engaging during public comments is the law or a preference. Ms. Carlyle said it is the function and nature of what the public comment session is and it is not a time for Council to take things under consideration. Council Member Cynthia Davis said in her experience the public is often looking for engagement from Council. Ms. Davis felt the understanding of the public was to be able to have a dialogue with Council. Ms. Carlyle said the definition of public comments in the statute does not afford for the back and forth or for any Council actions, decisions or opinions coming from the dais. Mr. Demko said traditionally it is a venue to receive the information and pass it on so staff can deal with it. Council Member Cynthia Davis said the public does not know that Council is not supposed to respond. Ms. Carlyle said language addressing this is on the draft agenda format. Mr. Demko said the layout and design of the Council Chambers does not lend itself to public engagement. He said the fact the City Attorney has her back to the audience makes it difficult to engage. Council Member Cynthia Davis said the general public does not understand why they are not getting any feedback from Council. Council Member Wagner pointed out there is nothing precluding staff from being polite to the general public during public comments, but it is best to not get into a debate. Ms. Carlyle suggested information the public wanted to give to the Council should be given to Lisa Vierling, the City Clerk so it can be part of the record. Ms. Carlyle said she and Lisa have discussed having people fill out cards when they want to speak (instead of using sign-in sheets). These would be given to the City Clerk. Council Member Cynthia Davis asked if this would extend to the Board of Adjustment and the Planning and Zoning Commission as well. Ms. Carlyle said policies and procedures for these boards have not been adopted by Council, so each board has their own and there are inconsistencies. Mr. Demko added that he would like to see consistency.

Ms. Carlyle pointed out Public Hearings have to be advertised and held per the requirements of the statutes. Like Public Comments, the Council has the right to fix time periods for speakers, tell them to designate a spokesperson and Public Hearings may be continued without further advertisement.

Ms. Carlyle noted that Closed Sessions may only be entered into for specific reasons listed in the statute [G.S. 143-318.11] and Council must do so from an open meeting by making a motion and voting on it. Council has the power to limit who attends and, it should only be on a need-to-know basis. Ms. Carlyle said Public Records are anything produced in the transaction of public business and it does not matter what device the record is on.

Ms. Carlyle said communication goes from the Council to the Attorney and back, the Clerk and back, the Manager and back, etc. Everyone keeps in contact with each other. She said the key to success is communication. She shared that she is the legal advisor for the Council.

Mr. Demko said the Council has a professional staff and should use them. He said if Council has questions about City operations please make it a practice and habit to get the questions to him and Mr. McCaslin rather than going directly to any departments or employees. Mr. Demko said this is important as he tries to learn the workflow and workload of the different departments. Mayor Bencini asked if it was okay for Council to go to Mr. McCaslin if Mr. Demko is not available. Mr. Demko said that was fine. Council Member Alexander asked if questions for the Fire Chief, the Finance Director or the Library Director should he go through the Manager. Mr. Demko said it depended on the type of the question. If the question is "How do we do this?" go ahead and ask them. If it is a question that concerns an issue in the community that needs to be taken care, please bring it to the City Manager.

Boards and Commissions

City Clerk Lisa Vierling passed out packets that contained much of the information Ms. Carlyle had gone over. The packet contained the Ethics Resolution, Public Comment Policy, and the statutes governing Closed Sessions. She encouraged Council to read it and refer to it and to let staff know if they had any questions.

Ms. Vierling went over the Boards and Commissions and pointed out there are quite a few vacancies. The packet contains the administrative policies for the boards. She pointed out there is a two-term limit for service on boards. If someone initially fills an unexpired term that term does not count toward the two-term limit. Some of the boards are ward specific, they are generally the ones that are made up of nine members such as Planning and Zoning Commission, Parks and Recreation Commission, and the Library Board of Trustees. Council Members are encouraged to appoint from within their respective wards to keep balance and make the boards representative of the actual wards in the community. Ms. Vierling acknowledged that sometimes it is difficult to find qualified applicants within the wards and Council does have the option to go outside their ward to find someone to serve. She pointed out the individual Council Member reports show current and upcoming vacancies and other documents with board and commission information, all of which is available in dropbox. Mayor Bencini noted Guilford County had issues trying to fill board vacancies and they found a solution there was to task two of the Commissioners with making recommendations for candidates. Ms. Vierling added that many of the applications on file are older and the City needs some new applications. She said she has volunteered to go talk to community groups and organizations to stimulate interest and get more applications. Council Member Cynthia Davis noted the need for diversity on the boards and commissions; she said there were no people of Pakistani origin or Latino origin on the boards and commissions. Ms. Davis said an effort needs to be made to reach out to these diverse communities. Mayor Pro Tem Davis pointed out some of the positions need people with certain professional expertise. Council Member Alexander felt it is a good idea for potential or new board members to meet with the appropriate Department Head so they know what the expectations are in serving. Council Member Cynthia Davis agreed that some boards may need expertise, but if a board already has four or five experts, there's no reason not to have an engaged citizen on the board.

Lisa Vierling said in the Council's packet was a draft of Rules of Procedure for the Council and noted the last time the rules were officially adopted was 1999. She pointed out at the organizational meeting on December 8, 2014 the newly elected Council amended some of those rules and the new rules would be coming before the Council in the future for official approval and adoption.

City Attorney Joanne Carlyle passed out a draft of a new agenda format for Council Members and welcomed any comments or suggestions.

Customer Service

Bob Martin, Customer Service Director, said he wanted to give a sense of the scope and scale of what the Customer Service Department does and their business cycle. Mr. Martin explained the department is organized into three areas: Outside Services under Andy Osborne includes the meter readers, water meter techs, and night dispatchers; Inside Services under Mitchell Hall includes the walk-in areas at City Hall and Northpointe, and the Call Center. Annette Smith is in an elevated position and supervises one Customer Service Analyst and one Admin person. Mr. Martin explained Customer Services oversees all utility billing, which drives a lot of what that department does. These other processes are meter reading, water meter services, field services, operation of the mail room, after-hours dispatch group, admin group collections, the walk-in area and the call center.

Mr. Martin advised that safety is a big issue with people who work outside. A meter reader walks between five and eight miles a day. The electric meters have all been converted to Automatic Meter Reading (AMR) meters and those can be read from the front of the lot or by driving by. City staff reads 1.1 million meters a year with a 99.99% accuracy rate. All of the water meters have not been converted, 14,000 out of 38,000 have been converted. Staff converted 2,000 meters last year and anticipates converting 2,500 this year. The water meters have Encoder Receiver Transmitters (ERTs) on them. If there is an error, almost never is it the meter reading incorrectly, it is because there is a problem with the communication between the ERT and the meter. Mr. Martin explained trouble calls are if someone has a high water bill, City staff will come out and check the meter. If staff finds the meter turning they will shut it off and leave a notice for the citizen to call. This is a service to help prevent damage from water leaks. Mr. Demko said when City staff turns on water service and sees the water meter running, they will cut off the water and leave a note to call the City. He added sometimes people complain about this, but it is done for their protection and to prevent damage from water leaks.

Mr. Martin said the Field Services staff does cut-on and cut-off services. They also turn off for non-payment. He said every day there are approximately 150 cutoffs for non-payments. Mr. Martin said all trucks are fitted with GPS that assists with monitoring safety and productivity. After-hours dispatch has people serving 24/7.

Mr. Martin reported there are approximately 41,000 accounts with sixteen billing cycles, so there are four billing cycles a week. There are approximately 2,500 to 3,000 reads in a cycle. Staff reads the meter one day and bills the next day. The readings go through a high/low filter to look for abnormalities. Mr. Martin explained that if there is a water leak, the City gives credit only for sewer, not for water because the water has been used. Credit is only given for concealed leaks, which are generally anything except for a leaking toilet or a leaking faucet. Assistant City Manager Randy McCaslin said this was also true for irrigation systems; the City does not give credit for leaking irrigation systems. City Manager Demko said the reasoning behind this is finished water costs money to deliver, and if the City did not charge people for what they used everyone's rates would be higher. Mr. Martin said there is a standard accounting practice of writing off bad debts at the end of three years. He emphasized this is a books-only exercise. The City writes the bad debts off the books, but continues collection efforts. When customers come back for service, the City insists they pay their old bill. Council Member Alexander wanted to know how the City separates bankruptcies from people who do not pay their bills. Mr. Martin said they make a note of bankruptcies and write off the debt at that time. City Manager Demko pointed out what the City is doing is extending credit to all of the customers since the City bills in arrears. By the time the person is cut off they usually have received two months of service without paying for it. Mr. Martin showed a history of the write-offs and said it is less than one half of one percent. The City uses the NC Debt Setoff through the North Carolina League of Municipalities which collects money from tax returns. In 2014 this program recovered \$401,000 for the City of High Point.

Mr. Martin said the Customer Service Contact Center serves people who cannot be helped over the phone and those customers who are setting up service. They handle 130 to 150 people a day. Mr. Martin said Monday, Friday and the third of the month are the busiest days (both walk-ins and the call center). He showed how people pay their bills – only a small percentage pay by bank drafts. 10,000 people a month walk in and pay their bills by cash, credit card or check. Mr. Martin said in the future the City may try and offer some incentives to encourage people to sign up for e-bills and automatic bank drafts. Mayor Pro Tem Davis said the City was considering putting an ATM machine at City Hall and one of the reasons was so people could have access to get cash to pay their bills. Mr. Davis asked if Mr. Martin thought the ATM would be useful for that. Mr. Martin replied that he did not think so. Mr. Martin said the City of High Point contributes \$100,000 yearly to the Community Resource Network. The City receives approximately \$700,000 through the Crisis Intervention Program and \$300,000 to \$400,000 through Low-Income Energy Assistance Programs.

Mr. Martin explained there are screens that monitor the status of individual phone calls at the Customer Service Call Center. The Center receives 1400 to 1500 calls on Mondays and Fridays, approximately 1100 the other days. The third day of the month is the busiest day of the month. The majority of the phone calls are people paying their bills, there is also a lot of activity concerning people moving in and moving out. Mr. Martin said he and Mr. McCaslin had talked about honing the customer service skills so staff can consistently offer good service. Council Member Alexander asked if there is a policy for staff to use when a customer becomes abusive or uses unacceptable language. Mr. Martin said staff gives them one warning and if the customer continues, staff ends the call. Mr. Alexander said it is admirable that the City is looking to improve its customer service experience but he does not want to see the staff abused. Mr. Martin explained rebate programs offered to City of High Point Electricity customers. The Customer Service Department has taken responsibility for the Showroom Tax, last year they billed \$1,863,550 and collected \$1,642,175.

Mayor Bencini reminded Council Members to look at the Council travel policy that was distributed.

ADJOURNMENT

The meeting adjourned at 11:00 a.m. on a motion duly made and seconded.

Respectfully Submitted,

Tom Vincent
Deputy City Clerk