

**MINUTE BOOK 24, PAGE 123
CITY OF STATESVILLE COUNCIL MEETING – February 07, 2011
IREDELL COUNTY GOVERNMENT CENTER – 7:00 P.M.
STATESVILLE, NORTH CAROLINA**

Mayor Costi Kutteh presiding:

Council Present: Gregory, J. Johnson, Eisele, Huggins, Stallard, Matthews, Steele, M. Johnson

Council Absent: 0

Staff Present: Fugett, Davis, Hites, Bullins, Currier, Salmon, Anderson, Smyth, Byerly, Prevetie, Mitchell

**Media Present: Jim McNally – Statesville Record & Landmark
Bruce Matlock – Statesville Record & Landmark
Dave Veiser – Charlotte Observer**

Visitors: 14

Call to Order

Invocation

The invocation was given by the City Clerk.

Pledge of Allegiance

Mayor Kutteh led the Pledge of Allegiance.

Consent Agenda

Mayor Kutteh stated all items on the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion on these items unless a Council member so requests, in which event, the item will be removed from the Consent Agenda and considered with the other items listed in the Regular Agenda.

Mayor Kutteh read the Consent Agenda as follows:

- A. Approve minutes of the Council meeting of December 20, 2010, and the Pre-Agenda meeting of January 06, 2011.**
- B. Consider passing a resolution recognizing a working partnership for the disposition of Neighborhood Stabilization Program III grant funds.**
- C. Approve repairs to the HVAC system at Fire Station 3 in the amount of \$8,900 and approve B.A. # 25.**
- D. The Fire Department requests approval to apply for a 2011 FEMA Fire and Life Safety grant in the amount of \$18,000.00 for the purchase of a fire extinguisher training simulator.**
- E. Consider passing a motion to appoint Downtown Statesville Development Corporation staff as the person(s) designated by City Council to complete and certify the notification mailing that will be sent at least 4 weeks prior to the April 4, 2011 Public Hearing on the re-establishment of the Downtown Tax/Municipal Service District.**
- F. Approve BA # 26 of \$15,000 for the purpose of re-purchasing grave spaces.**
- G. Approve LPA's request for shifting funds between Work Authorization #2 and #3 for Professional Services with LPA.**
- H. Consider approving a non-capital purchase for the construction of a concrete baffle in the chlorine contact chamber. Funding is available for this in the current operations budget.**
- I. Amend the City's economic incentive contract with Kooks Custom Headers Inc. to require that thirty six (36) jobs be created by April 08, 2011.**

- J. **Approve change order request in the amount of \$3,177.00 for changes to Fire Engine #4.**
- K. **Consider approving 2nd reading of TA10-04 filed by the City of Statesville to amend Section 3.04 Zoning District Regulations, Table 3-1: Use Matrix and Section 5.04 Primary Uses and Structures.**
- L. **Review and authorize the submission of the Aviation Element of the Transportation Improvement Program (TIP) to the North Carolina Department of Transportation, Division of Aviation.**
- M. **Consider passing a resolution authorizing a lease to Mr. Phil McLain.**

Council member J. Johnson made a motion to approve the consent agenda, seconded by Council member Stallard. The motion carried unanimously.

Regular Agenda

Present 2010 Mayor's Cup Award to Mr. Jeff Archer.

Mayor Kutteh stated the Mayor's Cup is given each year by the Community Appearance Commission to the person or organization that has made a significant contribution to improving the appearance of Statesville. He presented Jeff Archer, owner of First Flight Bicycles located at 416 South Center Street with the award.

Recognize Statesville Firefighter Brian Mitchell for his selection as the 2010 Firefighter of the Year for the Western NC Association of Firefighters.

Fire Chief David Bullins stated Brian Mitchell is the future of the fire service. Brian was selected for the 2010 Firefighter of the Year for the Western NC Association of Firefighters from a pool of 13,000 in 35 counties. Mayor Kutteh congratulated Brian Mitchell for being selected for this award.

Recognize Officer Joe Prevette for being selected as the 2010 Main Street Champion by the Downtown Statesville Development Corporation in appreciation of his "exceptional contributions to the downtown revitalization process".

Marin Tomlin on behalf of the Downtown Statesville Development Corporation Board of Directors stated she was pleased to recognize Officer Joe Prevette as being selected the 2010 Main Street Champion. Officer Prevette was selected in appreciation for his exceptional contributions to the downtown revitalization process and was honored recently at the North Carolina Main Street awards program in Shelby, North Carolina. Mayor Kutteh congratulated Officer Prevette for being selected for this award and recalled that Police Chief Tom Anderson had stated that "we hit a home run with Joe Prevette".

Presentation of the first annual installment of \$125,000 from Tom Scott pursuant to an agreement between the City of Statesville and Larkin Development whereby Larkin Development agreed to contribute \$500,000.00 to the City of Statesville to assist the City in acquiring property and/or constructing an emergency service center (Fire, Police, EMS) outside of the boundary of the Larkin Project, yet located in an area to service the Larkin Project.

Tom Scott, a principal partner of GS Carolina presented Mayor Kutteh with a check for \$125,000 for the first annual installment payment.

Present update on Fire Station 4, Fire Engine 4, and firefighter hiring process.

Fire Chief David Bullins stated he had met monthly with CBSA, Ross Marlow, sub-contractors and other stakeholders. The construction of the fire station; the manning and the equipping of it are all on schedule for the July 1, 2011 opening. The truck is on track to be delivered by the end of April. Chief Bullins stated the positions for Fire Station 4 were advertised in January with a closing date in May 2010. The City worked with Mitchell Community College for the testing portion, which was paid for by Mitchell Community College. 183 firefighter applications were submitted by the deadline. 121 went through the physical abilities course and 115 completed. 81% completed the course in less than five minutes which is exceptional. The committee has narrowed the candidates

to 51 applicants who were interviewed, many of whom have degrees in fire science. Promotions were recently completed in order to bring the new hires in. Background checks and physicals must still be completed and firefighter gear must still be ordered.

Approve a resolution adopting a new comprehensive Personnel Policy.

Lynn Smyth stated the City last adopted a revised Personnel Policy in May of 1996 and a number of revisions and updates have been subsequently adopted modifying this policy. Since 1996, a number of employment laws and practices have changed requiring additional updating of the policy. In addition, the advent of technological changes including the proliferation of electronic devices (smart phones, texting, emailing, etc) and social media networking (facebook, personal web pages, twitter, etc) require additional personnel guidelines for these areas. The proposed policy incorporates previous revisions and these new policies into a new document. Ms. Smyth stated the policy has been reviewed by the City Attorney. Mayor Kutteh commented that the new policy had been revised totally in house.

Council member Stallard made a motion to approve a resolution adopting a new comprehensive Personnel Policy, seconded by Council member J. Johnson. The motion carried unanimously.

Staff Report of the NC Department of Environment and Natural Resources consideration of Storm Water Phase II Designation for Statesville.

Larry Pressley stated staff received notice on January 4th that the State is considering designating Statesville as a Phase II City due to "potential stormwater discharge into impaired waters". (Both Third and Fourth Creek are designated impaired streams.) Mr. Pressley reminded Council that staff has anticipated this action for the last 5 years and have taken steps to regulate stormwater on developments of 5 acres or more. The City has the opportunity to comment prior to February 14, 2011. Mr. Pressley explained what it means to be a Phase II City. He stated it would take about 60 days for this designation to occur then a draft permit would be issued and there would be another opportunity to comment on that.

Council member M. Johnson stated the City definitely has a responsibility for clean water and has been enforcing stormwater management for any development over 5 acres for some time. He expressed concern that as the process becomes formalized we get into a different level of stormwater management which requires funding. He advised that Council draft a resolution to oppose this and solicit the county as part of that response since the 4th Creek basin shows contamination well before it reaches Statesville. Council member M. Johnson questioned whether existing staff could manage these regulations and administer these programs. He asked Mr. Pressley to provide Council with a financial picture of how current staff would do this. Mr. Pressley reminded Council the comment deadline is February 14, 2011. If there is to be official Council action, for example a resolution in opposition, it would need to be prior to February 14, 2011. Mr. Pressley stated the funding can be fairly complex. He stated some communities have started a stormwater utility whereby dedicated staff maintains catch basins, various programs, public education, etc. A \$3.00 - \$5.00 per month fee is generated per developed parcel inside the city limits.

Council member M. Johnson asked how long it would take Public Works staff to develop an appropriate regional stormwater program. Mr. Pressley stated until the City received the draft permit from the State detailing what was required it could not be done.

Council member M. Johnson made a motion to adopt a resolution in opposition of Statesville being designated as a Stormwater Phase II area and authorize the City Attorney, City Manager, Mayor Kutteh and Larry Pressley to develop the language in the resolution, seconded by Council member J. Johnson. The motion carried unanimously.

Consider approving an "Option to Purchase" agreement for 150 E. Front Street, funding to conduct a Phase I and Phase II Environmental Site Assessment at 150 E. Front Street and Budget Amendment #27.

Larry Pressley stated the City would have a two year option in which the City would pay \$25,000 each year that would be applied to the purchase price of \$375,000. To extend the option beyond the two years it would be \$5,000 per year which would also be applied to the purchase price. The City would give the seller a one year notice before exercising the option since there is an existing business in operation at the property. The City is allowed six months for environmental testing. If there is an environmental cause for the City not to purchase the option

money will be refunded. If Council chooses to exercise the option an environmental assessment is advised by staff. Staff has received proposals for a Phase I and general cost estimates for Phase II environmental assessment. Staff recommends accepting the Phase I proposal in the amount of \$2,850 and allocating a total of \$20,000 for environmental work. Mactec of Raleigh, NC is the preferred firm and they have performed site assessments in the past for the City. Phase I conclusions will dictate actions needed for the site and a detailed cost is not known at this time. Staff recommends appropriating \$20,000 for the environmental testing of 150 E. Front Street and \$25,000 for the Option to Purchase and approve BA #27.

Mayor Kutteh clarified that the option can extend for up to eight years and if the environmental assessment does not meet Council's approval the option money will be refunded.

Council member Steele made a motion to approve an "Option to Purchase" agreement for 150 E. Front Street, funding to conduct a Phase I and Phase II Environmental Site Assessment at 150 E. Front Street and Budget Amendment #27, seconded by Council member Huggins. The motion carried unanimously.

Present update on the City Hall and Streetscape projects.

Larry Pressley stated both projects are moving forward. Construction is off to a good start on the City Hall renovation. He advised the public the parking lot is barricaded and the building is closed until construction is complete. Demolition is mostly complete in the basement and some ductwork is underway with plumbing rough-in upcoming in the next few days. Demolition is largely complete on the first floor and is opened up. The second floor demolition is mostly complete and the Council Chambers have been opened up so the windows in the rear of the room can now be seen. Preliminary discussions of building systems (electrical, security, etc.) are beginning. Demolition on the third floor is mostly complete and some of the plumbing fixtures have been removed for restoration and a couple window sashes have been removed and sent to be restored. Mr. Pressley stated the public meeting on January 25, 2011 for the Streetscape project had well over 100 in attendance. A fact sheet has been posted on the City website to keep the public informed as to what is going on. Larry pointed out there would be no work performed on the Streetscape between November 15, 2011 and January 1, 2012. He described the order of construction and stated construction is starting on the west side of Center Street at Sharp Street and eventually going to Broad St. Crosswalks will remain open. Mayor Kutteh asked where the construction had crossed Center St. and Sharpe St. if more fill dirt would be inserted before the asphalt is put down to bring that area level with the existing pavement. Larry stated asphalt is harder to get in the middle of winter and in normal circumstances paving would closely follow.

Mayor Kutteh stated Mr. Pressley would give a monthly update for both projects until they are complete.

There being no further business to come before Council, Council member Steele made a motion to adjourn, seconded by Council member Matthews. The motion carried unanimously.



Larry Kutteh

Mayor

ATTEST:
Brenda Sourest

City Clerk