MINUTE BOOK 24, PAGE 293
CITY OF STATESVILLE COUNCIL MEETING – October 17, 2011
IREDELL COUNTY GOVERNMENT CENTER – 7:00 P.M.
STATESVILLE, NORTH CAROLINA

Mayor Costi Kutteh presiding:

Council Present:	**Gregory, Steele, J. Johnson, Eisele, M. Johnson, Matthews, Huggins, Stallard**
Council Absent:	**0**
Staff Present:	**Fugett, Hites, Salmon, Currier, Pressley, Layne, Pritchard, Cornelison, Hudson, Bullins**
Media Present:	**Jim McNally-Record & Landmark**
Others:	**2**

Call to Order
Mayor Kutteh called the meeting to order.

Invocation
The invocation was given by the City Clerk.

Pledge of Allegiance
The Pledge of Allegiance was led by Girl Scout Troop #10638.

Public Comment
Mayor Kutteh explained that during the second meeting of each month citizens are invited to speak about matters not on the current agenda.

Ron Moore, 653 Davie Avenue, spoke of the need for a balanced approach to economic development that considers the needs of the employees as well as the employers and hopes the City will pursue a partnership with the working people of Statesville as earnestly as it seeks to partner with business owners. Mr. Moore stated Statesville needs good jobs and good employers and that together a good future for all of Statesville's taxpayers can be built.

CONSENT AGENDA – All items below 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.

A. Approve the minutes of the September 15, 2011 Pre-Agenda meeting and the September 19, 2011 City Council meeting.

B. Approve a request from the "Downhillbillies" skateboarding organization to close a portion of Moreland Drive on Friday, November 4, 2011, from 7:30 p.m. until 12:00 a.m. to kick off the 7th Annual Dixie Cup, with the main event to be held November 6, 2011, in Statesville.

C. Approve a request from the International Slalom Skateboard Association (ISSA) to close Gordon Avenue and Stockton Street, between North Center Street and North Tradd Street on Sunday, November 6, 2011 between 7:00 a.m. and 5:00 p.m. to hold the main event of the 6th Annual Dixie Cup skateboard race.

D. Approve a Resolution declaring certain equipment and materials as surplus and authorize the disposal of said property by resolution.

Council member Matthews made a motion to approve the Consent Agenda, seconded by Council member Eisele. The motion carried unanimously.

Regular Agenda

Accept a grant award of $75,000 from the Carolina Thread Trail to complete construction drawings for the Highway 21 underpass and approve Budget Amendment #11.

Brent Cornelison, Recreation & Parks Director, stated on September 22, 2011, the City of Statesville Recreation and Parks Department received a $75,000 grant award from the Carolina Thread Trail to complete construction drawings from the Highway 21 underpass which is the next step in connecting two portions of the Greenway from Museum Rd to Broad Street. The project area will be from Chili's restaurant to the Wells Fargo bank. No matching funds from the City are required.

Council member Huggins made a motion to accept the grant award of $75,000 from the Carolina Thread Trail to complete construction drawings for the Highway 21 underpass and Budget Amendment #11, seconded by Council member Matthews. The motion carried unanimously.

Conduct a public hearing and consider approval of first reading of Text Amendment TA11-09 filed by the City of Statesville to amend Article 6-Development Standards, Section 6.07 – Sign Regulations, I. Exempt Signs, #3. Flags.

David Currier, Planning & Development Director stated staff received a request from Larry Rogers at Statesville Senior High School to allow flags on school campuses and in the Downtown area. These flags would be limited in number, size and content. Currently the City allows flags to be used, provided they are calculated as part of the total allowable signage for the zoning district. The flags are proposed to be exempt, which means there is no permit or fee required, however, the flags must still meet certain standards. The Planning Board's recommendation was favorable with a unanimous vote as presented. The limitations and requirements are as follows:

1. One United States flag, one North Carolina state flag and a local government flag shall be excluded from the maximum allowable sign area, however, all other flags shall be included in the total allowable signage of a lot with the exception of schools and the CB, CBP and Municipal Service Districts.

2. Schools are permitted to erect flags that represent "welcome, school name, mascot or similar subject matter".
    a. Each school flag cannot exceed 4 ft. x 6 ft. in area and no more than 6 flags total can be erected on campus.

4. Businesses in the CB, CBP and Municipal Service Districts are permitted to erect flags that represent "open, welcome or decorative without advertisement".
    a. Such flag cannot exceed 3 ft. x 5 ft. and is limited to one per business.
    b. If an "open" flag is erected then no other open sign is permitted.
    c. Advertising events or products on such flags is prohibited.

5. Heights of flagpoles are limited to the zoning district in which they are located.

Council member Matthews asked if there is a height placement recommendation. Mr. Currier replied that typically the height placement would be 6-7' ft. Council members discussed the need to add a height placement requirement to the ordinance.

Council member Eisele questioned the statement "Advertising events, or products, on such flags is prohibited". She asked if this statement would prohibit a flag that said "SALE". Mr. Currier replied this statement was to prohibit advertisement of the name of the business itself. Council member Steele asked what kind of event could be put on a flag that would be prohibited. Mr. Currier stated if a store held their own Pumpkinfest and displayed a flag with that and the date of the event on it. She asked if a sign that said "Open House" could be displayed. Mr. Currier stated it could be.

Council member J. Johnson asked if any consideration had been given to allowing 7 flag poles. Mr. Currier stated this had been briefly discussed and if Council opted to allow seven it should not create any problems.

Council member M. Johnson expressed concern that each streetlight has standards on them for banners and how competitive this would be. He asked Mr. Currier if the ordinance could be adopted and sunset it after one year, then adopt it in perpetuity if there were no problems as a result. Mr. Currier stated that is Council's option and it had been done before. He pointed out that the standards on the street poles are higher than is typically used for seasonal messages. Council member Steele cautioned that business owners would purchase cheap, small banners if it was a possibility the flags could be used for only one year.

Council member M. Johnson stated he did feel some concern with the lack of a standard height requirement. Council members further discussed height requirement options and who would enforce the requirements.
Council member Steele asked if schools located in the downtown area were allowed six flags. Mr. Currier stated that was correct. Council briefly discussed applying the ordinance to flags at school campuses only. Council members agreed they did not want to ban flags on businesses downtown but the ordinance needed some improvement regarding specifics.

Mayor Kutteh declared the public hearing open and asked if anyone present wished to speak for or against this item. There being no speakers, Mayor Kutteh declared the public hearing closed.

Council member Matthews made a motion to approve first reading of TA11-09 with the amendment to increase the number of flag poles allowed from 6 to 7, seconded by Council member M. Johnson. The motion carried unanimously.

Conduct a public hearing and consider approval of first reading of an Ordinance to annex the 158 Intercraft Drive LLC Property located on the east side of Intercraft Drive.

Mr. Currier stated this is the Blue Dot Concrete plant and Council had approved the prerequisites at the previous meeting enabling a public hearing to now be held. Council also previously approved a Special Use Permit for Blue Dot Concrete plant. The site is 5.93 acres on the east side of Intercraft Drive. The will be using City utilities, therefore they are required to be annexed into the City. Mr. Currier stated the estimated value of the land and the building is $950,000.

Mayor Kutteh declared the public hearing open and asked if there was anyone present who wished to speak in favor or in opposition of this item. There being no speakers, Mayor Kutteh declared the public hearing closed.

Council member Steele made a motion to approve first reading of an Ordinance to annex the 158 Intercraft Drive LLC property located on the east side of Intercraft Drive, seconded by Council member Stallard. The motion carried unanimously.

Authorize consultant services for Third Creek Wastewater Plant.

Larry Pressley stated staff is requesting approval to authorize consultant services in the amount of $48,000 for the Third Creek Wastewater Plant project and approval of Budget Amendment #12. Mr. Pressley stated staff received notification of project funding approval on October 3, 2011 for $23,373,357 in low-interest loan funds at an approximate rate of 2.45% with a 20 year term. Using a General Obligation Bond to fund the project instead of this low interest funding would cost the City $4.16 million dollars more in interest based on the current rates. Mr. Pressley stated this is critical because it is just a matter of time till the Yadkin basin is impaired which will significantly impact wastewater treatment plants near this basin.

Mr. Pressley stated the proposal for additional engineering services from McGill & Associates includes funding application and assistance, preparation of a revised Engineering Report, assistance with modification to the NPDES permit to move the project forward and other work elements further outlined in the proposal for the total fee of $48,000. Once CG&L concurs with the Engineering Report, the final scope of design modifications will be known and a fee for those services can be developed. McGill states that based on their experience, these additional fees will be less than $300,000. At that point staff would then anticipate, if approved and moving forward to construction, that we would enter into a design contract to have the design work done for a 6 million gallon per day (MGD) plant as previously directed by Council.

Mr. Pressley reviewed the background of the project. He stated the plant is currently at 4 MGD. The treatment capacity will be increased to 6 MGD and the expansion will also include the first phase of enhanced treatment processes necessary to meet the initial NPDES effluent limits. The City has received an Authorization to Construct Permit for an 8 MGD plant expansion. The City decided to abandon the 8 MGD expansion and apply for the 6 MGD funding. As stated previously, project funding has been approved. The funding program has key milestone deadlines to remain eligible. The next task is to submit the Engineering Report to CG&L by January 02, 2012. An equally important parallel effort is to modify the NPDES permit to allow a phased expansion to 6.0 MGD at the initial effluent limits. The Engineering Report will be approved by CG&L by June 01, 2012. Our Design Plan and specifications submittal to CG&L will be due back to them by December 03, 2012. An Authorization to Construct (ATC) Permit to construct a 6 MGD plant will be issued by CG&L by March 01, 2013. On June 03, 2013 staff would advertise, receive bids and receive CG&L's authority to award the bid, then on July 01, 2013 the Construction Contract would be executed.

Mr. Pressley stated if Council decides to delay the project the City risks losing its current funding. The Authorization to Construct (A to C) will expire in April 2013. The 8 MGD NPDES permit will need modification and the existing 4 MGD plant will still need improvements. Those improvements consist of: repairs and upgrades: approximately $3.5-$4.5 million, significant modifications to meet nutrient limits: approximately $6-7 million, new influent sewers and pump station for Larkin: approximately $3.5 million, for a total of approximately $13-15 million. Staff recommends approval.

Council member M. Johnson made a motion to authorize consultant services in the amount of $48,000 for the Third Creek Wastewater Plant and Budget Amendment #12, seconded by Council member Stallard. The motion carried unanimously.

Approve the purchase of a Rear Load Refuse Truck for the total amount of $152,152 by the Sanitation Department using the "Piggyback Statute".

Larry Pressley explained under General Statute 143-129(g), local governments may purchase without a separate bidding procedure from a contractor that has, within the past 12 months, contracted to furnish an item to any state, or political subdivision of the state, if the contractor is willing to extend the same or more favorable price and other terms to the local government. Mr. Pressley stated on August 17, 2011, the Town of Kure Beach, NC awarded a purchase contract to Carolina Environmental Systems, Inc. of Kernersville, NC for a 2011 Model Heil 25 Yard High Compaction Rear Loader in the amount of $152,152. Staff requests approval of this purchase to replace the current 1996 model Rear Load Refuse Truck that was manufactured by a company that is no longer in business and parts are difficult to find.

Council member Steele made a motion to approve the purchase of a Rear Load Refuse Truck for the total amount of $152,152 by the Sanitation Department using the "Piggyback Statute", seconded by Council member Gregory. The motion carried unanimously.

Receive update reports on the City Hall and Streetscape projects.

Streetscape Project

Brendon Pritchard reported the water lines in Block 6 are complete, the storm drain lines are complete in Block 5, and curb and gutter are complete in Block 5. The conduits in Block 5 are complete, the control panel is installed at Block 3, and the concrete and planter curb in Block 3 is complete. The majority of the sidewalk in Block 4 is complete and the masons have completed 75% of the brick pavers in Block 4. Some trees have been planted and the main irrigation lines have been completed in the first 3 blocks. In the coming weeks, planter curbs will be started around the square, the sidewalk in Block 5 will be completed, and storm drains and conduit will be completed in Block 6. The winter shutdown date is November 15, 2011 and the contractor will clean up all the areas. Work will begin again on January 1, 2012.

Council member M. Johnson stated since its inception the City Hall project has had tremendous direction from Council member Paula Steele and she has developed a wonderful rapport with architects, subcontractors on the job and all other who participate in the project. Council member M. Johnson stated if Council member Steele is willing, he would like to make a motion for her to continue as liaison for the project after her term expires. Council member Steele stated she would continue.

Council member M. Johnson made a motion for Council member Paula Steele to continue as liaison for the City Hall project after her term expires, seconded by Council member Eisele/Matthews. The motion carried unanimously.

City Hall

Jason Layne reported as of right now the building is set to be substantially completed December 07, 2011. The original contract date was November 15, 2011. The contractor has asked for 22 more days due to the extra millwork refinishing added to the job. The gasoliers have been returned and installed in the Council Chambers, most of the light fixtures have been installed throughout the building and the electrical contractor is finishing installing fixtures, outlets, and floor boxes. The original hardwood floors on the first floor have been repaired and the transition from the wood floor to the marble has been made. The paint contractor is in the process of painting the walls throughout the building. Most of the second floor hardwood trim has been stained. A lacquer finish will begin being applied this week. The concrete medallions have been delivered and installed. The contractor should finish the masonry wall in the next couple of weeks. All the exterior windows except for two which are awaiting hardware and paint have been rebuilt and reinstalled. The new awning frame has been installed over the rear entrance of the building and will be finished with copper to

create an historical look. The tile floors and wainscot are near completion in the restroom areas. Wiring has been pulled for the alarm system and access control. In the coming month the millwork will continue to be finished, the plumbing fixtures should be delivered and installed, and the tile will be finished in the restroom areas. Store front frames should be delivered and installed at the Planning Department and stair well openings and the new pews in the Council Chambers should be delivered. Painting will continue and the exterior screen walls will be completed. The rear entrance awning will be covered with a decorative copper façade and the rubber roof membrane behind the parapet wall at the entrance of the building will be replaced. Council member Steele thanked Jason Layne for his hard work and numerous hours spent on this project.

There being no further business to come before Council, upon a motion by Council member Steele, seconded by Council member Matthews, the meeting was unanimously adjourned.

Constantine H. Kutteh, Mayor

ATTEST:

Brenda Fugett, City Clerk