

**MINUTE BOOK 24, PAGE 364
CITY OF STATESVILLE COUNCIL MEETING – March 05, 2012
CITY HALL COUNCIL CHAMBERS – 7:00 P.M.
STATESVILLE, NORTH CAROLINA**

Mayor Costi Kutteh presiding:

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

Council Absent: 0

Staff Present: Hites, Fugett, Gaines, Smyth, Pressley, Harrell, Anderson, Collins, Davis, Ashley, Salmon, Bullins

Media Present: Dave Veiser-Charlotte Observer, Jim McNally-Record & Landmark

Others: 3

Call to Order

Mayor Kutteh called the meeting to order.

Invocation

The Invocation was given by the City Clerk.

Pledge of Allegiance

Mayor Kutteh led the Pledge of Allegiance.

Mayor Kutteh advised there is one addition to the Regular Agenda. Number nine on the Regular agenda will be "Consider proposal for Third Creek Financial and Planning Study and approve Budget Amendment #32".

Mayor Kutteh stated these are items that 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 Pre-Agenda meeting of February 16, 2012 and the regular City Council meeting of February 20, 2012.**
- B. Request to transfer \$8,501 from the Drug Seizure Fund to the Departmental Supplies Account, and approve Budget Amendment #31.**
- C. Approve the use of the City's parking lot on the corner of S. Meeting and W. Front Streets for the 2012 Rotary Farmer's Market.**
- D. Grant permission to the Civil Air Patrol (CAP) to hold an Aerospace Education/Rocket day at the Airport.**
- E. Approve the purchase of utility locating equipment by the Public Works Water/Sewer Division.**
- F. Approve the purchase of a Sewer Rodding Machine by the Public Works Water/Sewer Division.**

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

Regular Agenda

Consider approval of a Resolution of Intent to permanently close portions of right-of-ways on Melviney Street, Reid Street, and Yadkin Street.

Sherry Ashley reviewed a map showing the areas in consideration. She stated the first request by El Paso to close portions of Melviney Street, Reid Street and Yadkin Street (also known as Feimster) was in February of 2007. This was due to purchasing property for remediation and monitoring facilities. Bill McMillan, representing El Paso, is now petitioning on behalf of El Paso Remediation Company to close additional portions of right-of-way of Melviney Street, Reid Street and Yadkin Street. El Paso

Remediation Company has purchased all the properties abutting the petitioned portions of rights-of-ways for the continued purpose of locating remediation and monitoring facilities. There is one property on Reid Street that El Paso has not purchased and staff has advised El Paso that they must leave legal access to this property according to the zoning ordinance.

Council member Matthews asked if the guardrail will be taken down when the fencing is installed. Mrs. Ashley replied she was unsure whether or not the guardrail would be taken down but assumed it would not be.

Council member Stallard made a motion to approve a Resolution of Intent to permanently close portions of right-of-ways on Melviney Street, Reid Street, and Yadkin Street, seconded by Council member Eisele. The motion carried unanimously.

Review and authorize the submission of new projects identified for the Aviation Element of the Transportation Improvement Program (TIP) to the North Carolina Department of Transportation, Division of Aviation (DOA).

Phil Collins stated the Division of Aviation is implementing a new web based system for TIP submittals and therefore, there is no formal submittal process for this TIP cycle. Staff has identified the need for new projects and is requesting approval from City Council for their submittal to DOA. The three additional projects are: To construct a blast pad on Runway 28, install security/wildlife fencing at locations where farm fence is currently located and to construct helicopter parking areas adjacent to aircraft parking areas. Mr. Collins pointed out that if the Environmental Overview required by the Division of Aviation shows no red flags, there may not be a need to do the Environmental Assessment that is listed on the TIP.

Council member West asked who provided the estimated cost of \$210,000 for the construction of the blast pad. Mr. Collins replied the estimate came from the airport consultants, The LPA Group, Inc.

Council member J. Johnson made a motion to authorize the submission of new projects identified for the Aviation Element of the Transportation Improvement Program to the North Carolina Department of Transportation, Division of Aviation, seconded by Council member West. The motion carried unanimously.

Receive an update on tenant activity at the Statesville Regional Airport.

Mr. Collins reported that several weeks ago Carolina Technical Aviation Services (CATS) was interested in acquiring the rights to the Evernham hangar on Taxiway F to operate as a limited FBO for aircraft maintenance. The Airport Commission supported establishing this new business at the Airport, but not on Taxiway F, which is currently used for hangar keeping only. City Council denied the request for a lease assignment on February 6, 2012. Subsequently, CATS has entered into a lease agreement with the Statesville Flying Service.

Discussion of sidewalks on Salisbury Road.

Larry Pressley stated the estimated total cost to install sidewalks on the north side of Salisbury Road from Club Drive to east of I-77 is \$115,000. Of that \$115,000, \$7,500 is for surveying that will need to occur in order to obtain the encroachments. A breakdown of the total cost is as follows: to install the sidewalk from Club Drive to Black Pontiac the cost is \$12,000; the cost for the frontage along Black Pontiac is \$20,000 and east of Black Pontiac would cost \$83,000.

Mayor Kutteh asked Council member Huggins to address this as it was first brought to Council's attention by him. Mayor Kutteh stated during this previous discussion he felt there was some consensus that at a minimum the City would install sidewalks from Club Drive to Black Pontiac.

Council member Huggins stated Council has been exploring installing sidewalks in this area for some time. Sidewalks would make this area much safer and pedestrian friendly, would improve the look of this corridor into the City and would link areas of the greenway. He asked Mr. Pressley if the \$115,000 would cover the total cost of installing the sidewalks. Mr. Pressley replied it would.

Mayor Kutteh asked Mrs. Salmon what the amount of funds in the current sidewalk budget for sidewalks throughout the City is. Mrs. Salmon replied it is a small amount, approximately \$30,000. Mr. Pressley stated there are certain restrictions to using these funds that should be

reviewed before approving to use these funds for this area. Mayor Kutteh recalled that Mr. Pressley had previously indicated that the funds in the sidewalk budget could fund the section from Club Drive to Black Pontiac without violating the integrity of the fund. Mr. Pressley stated staff should be able to find \$12,000 to fund that section.

Council member West questioned installing a sidewalk under the I-77 interchange. Mr. Pressley replied NCDOT had reviewed the route proposed by City staff and this is the route they recommended.

Council member M. Johnson asked if there is a reason why sidewalks are not part of the approval process for the renovations that have taken place between Black Pontiac and the end of Black Pontiac frontage. Mr. Pressley replied in cases of new construction, sidewalks have routinely been required, but in the case of existing businesses that are remodeling, it has not been required that they construct the sidewalk. Mr. Pressley stated this may be something that more definition needs to be added to the code to require sidewalks under certain circumstances, possibly based on a percentage or dollar amount of the remodel. If this were to be applied indiscriminately, there are times that a business could be doing a minor renovation project and would be required to install sidewalk that would amount to a huge sidewalk bill. Council member M. Johnson asked if any other business had been required to install sidewalks when doing a major renovation during this time frame. Mr. Pressley answered not to his knowledge. Council member M. Johnson asked if Sheetz was required to install major sidewalk renovation that intersected with the interstate. Mr. Pressley replied that was actually new construction. Council member M. Johnson stated a new building at Black Pontiac is new construction. Mr. Hites stated the City's long standing policy is that the City Council has not required sidewalks for any construction other than new construction, including new parking lots. Staff is simply following precedent that has been set. Council member M. Johnson asked if staff did not consider a new building new construction. Mr. Hites stated Mr. Currier did not, he believed that this was considered an addition to an existing business, that adding new buildings and parking lots to an existing business still falls within the range of renovation of an existing site. Council member M. Johnson stated he felt staff had missed on this and that sidewalks should have been required for this site plan.

Council member M. Johnson made a motion to approve construction of this sidewalk, seconded by Council member Huggins.

Council member West agreed with Council member M. Johnson and that this should not be allowed to happen again. He stated in staff's defense, there is a fine line between new construction and adding onto existing buildings and that both of the additions Black Pontiac built did tie into existing buildings. Council member M. Johnson stated if the building permit was pulled he was certain it would state "new building".

Mayor Kutteh reminded Council that during a previous discussion of this matter, Council instructed staff to review this section of the UDC and present Council with a text amendment. Mr. Hites confirmed that staff is in the process of reviewing this policy to bring Council alternatives that will not allow this again.

Council member J. Johnson asked if there is \$115,000 in the sidewalk fund. Mrs. Salmon stated the funds would come from the General Fund balance and a budget amendment would also need to be approved to appropriate the funds. She advised the next budget amendment number is 33.

Mayor Kutteh asked for a vote on the motion made by Council member M. Johnson to install the sidewalks in the entire area as shown on the map provided by Mr. Pressley and approve Budget Amendment #33 to appropriate \$115,000 from Fund Balance to fund construction of this sidewalk.

Council member West asked Mr. Pressley to expand on his comment that staff is still reviewing this and there may be other options to fund this. Mr. Pressley stated there is maintenance money allocated every year for the repair of sidewalks. That has been as high at \$200,000 and as low as \$20,000. \$20,000 barely repairs what is broken. This year the amount of money is \$50,000 and it is likely that staff could find \$10,000 or \$12,000 to fund a portion of this area.

Mayor Kutteh asked if sidewalks are prioritized in the same manner as unpaved streets are. Mr. Pressley replied they are not; Council has not approved any particular order to build sidewalks. Mayor Kutteh stated he felt to complete this entire project is an excessive expenditure in a limited area and the more heavily traveled section from Club Drive to Black Pontiac is a small expense and would get us incrementally closer to completion of this section. He stated if he had a vote on this matter he would not vote to approve the entire expenditure at this time.

Council member West stated he wanted to make sure there is not further information that Council needs before voting on this. Council member J. Johnson asked why it is necessary to vote on this tonight. He stated he would like to know the exact amount of funds available for this. Mayor Kutteh advised that with anything on the agenda, a motion to table is not discussed and if there is a motion to table and it passes, then the matter will be tabled until such time as it is brought off the table.

Council member J. Johnson made a motion to table, seconded by Council member Stallard. The vote was as follows:

Ayes: J. Johnson, Stallard
Nays: Gregory, West, Eisele, M. Johnson, Matthews, Huggins
Motion Failed 6-2

Mayor Kutteh asked for a vote on the motion made by Council member M. Johnson to approve the \$115,000 sidewalk extension as shown on the map and Budget Amendment #33. The vote was as follows:

Ayes: Gregory, West, Eisele, M. Johnson, Matthews, Huggins
Nays: J. Johnson, Stallard
Motion Carried 6-2

Council member Gregory asked that Council consider installing sidewalks from Northview School to the YMCA. He explained this is a safety factor because children are walking from the school to the YMCA and there are no sidewalks so they are in the road. An additional safety factor coming in the future to consider is the bridge that is to be installed at the top of North Carolina Avenue north and south. North Carolina Avenue will probably be closed during this construction which will result in excessive traffic on Fulton Street. Mr. Pressley reviewed a map showing existing sidewalk and the areas Council member Gregory is requesting sidewalks be constructed. Mr. Pressley stated Phase I covers Fulton Drive along Georgia Avenue to the vicinity of the school. The cost of this sidewalk is \$33,500. Phase II which will tie into Lakewood Park can be constructed for a total cost of \$66,700. Council member M. Johnson asked if these proposed sidewalks are 3' ft. or 5' ft. in width. Mr. Pressley replied they are 5' ft. Council member M. Johnson asked if the sidewalks would abut the curb or will there be a plant strip. Mr. Pressley stated he would prefer to be off the curb 30" inches. Council member M. Johnson asked if the grade in this area could be a problem. Council member M. Johnson and Mr. Pressley briefly further discussed the adjustments needed and the logistics of installing sidewalks in this area.

Mayor Kutteh asked if there are any right-of-way acquisition issues that exist in either Phase I or Phase II. Mr. Pressley replied to the best of his knowledge, it appears all the right-of-ways are in order.

Council member discussed funding this project. Mayor Kutteh suggested contacting the school for assistance with the cost of this project.

Council member Gregory made a motion to approve the construction of sidewalks as shown on the map presented by Mr. Pressley, and Budget Amendment #34.

Motion failed for lack of a second.

Mayor Kutteh asked staff to consider this area in the 2012-2013 budgeting process and to prioritize areas throughout the City for sidewalk construction.

Consider a proposal from McGill & Associates to perform a Financial and Planning Study for 3rd Creek WWTP and approve Budget Amendment #32.

Mr. Pressley stated as a result of Council discussion at the annual retreat, staff has received a proposal from McGill & Associates to perform a study on the 3rd Creek WWTP project in the amount of \$7,500. Mr. Pressley explained the study will explore the States' willingness and latitude, if any, to prolong the compliance schedule to allow for some delay of the project while preserving the 8.0 MGD discharge limits. As part of the study, the financial implications to the water and sewer enterprise fund of funding the 6.0 MGD plant expansion project, at a future date, outside of the current SRF low interest funding will be considered. The study will also include the level of expenditures necessary for the necessary deferred repairs to the 3rd Creek WWTP that may be required during the delay of the expansion project. This portion will not be based on a full blown study of renovating the existing plant but will be detailed enough to understand what those costs are.

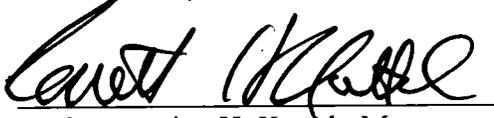
Mayor Kutteh asked when this report will be available. Mr. Pressley replied McGill & Associates indicated they would have the report back to Council during the month of May which still gives Council adequate time to make a recommendation concerning the design of the 6 MGD project.

Council member M. Johnson felt that 3rd Creek WWTP and 4th Creek WWTP will go through higher TMDL's at the same time. He requested Mr. Pressley to instruct McGill & Associates to perform the same analysis for 4th Creek. Mr. Pressley stated this should not be an issue and if it is, staff would come back to Council for direction.

Council member West asked if the City can anticipate the same issue with the 4th Creek WWTP that it is currently facing at the 3rd Creek WWTP. Mr. Pressley replied yes.

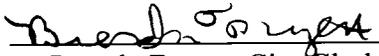
Council member M. Johnson made a motion to approve the proposal from McGill & Associates to perform a Financial and Planning Study for 3rd Creek WWTP in the amount not to exceed \$7,500 and approve Budget Amendment #32, seconded by Council member West. The motion carried unanimously.

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


Constantine H. Kutteh, Mayor



ATTEST:


Brenda Fugett, City Clerk