

**MINUTE BOOK 24, PAGE 460
CITY OF STATESVILLE COUNCIL MEETING – July 16, 2012
CITY HALL COUNCIL CHAMBERS – 7:00 P.M.
STATESVILLE, NORTH CAROLINA**

Council Present: Mayor Costi Kutteh presiding, Gregory, J. Johnson, West, Matthews, Huggins, Stallard

Council Absent: Eisele, M. Johnson

Staff Present: Hites, Fugett, Collins, Smyth, Ashley, Watts, Pritchard, Harrell, Davis

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

Others: 2

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 called the meeting to order and explained that during the second meeting of each month citizens are invited to speak about matters not on the current agenda. He asked if there was anyone present who wished to speak. There being no one present who wished to speak, Mayor Kutteh read the Consent Agenda.

Consent Agenda – All items below are considered to be routine by 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 Budget Workshop meeting of May 31, 2012, and the City Council meeting of June 04, 2012.**
- B. **Consider approving 2nd reading of an ordinance to annex the NC Statesville Hwy 21 LLC Properties located on the east side of Turnersburg Highway (address numbers are 214, 216, 222, and 224).**
- C. **Consider approving 2nd reading of an ordinance for the renewal of a proposed franchise to operate a natural gas distribution system in Statesville.**
- D. **Consider approving 2nd reading of an ordinance amending Sections 19.23 and 19.24 of the Statesville City Code regarding Sanitation Division Commercial Services.**
- E. **Consider approving a request from Greater Holy Temple to close Cochran Street, between Columbia Street and Grove Road on Saturday, August 4, 2012, from 9:00 a.m. to 6:00 p.m. to hold their first “Back to School Healthcare Screening”.**
- F. **Consider approving a request from DSDC and Charlotte Sports Cycling to close selected streets in Downtown Statesville on Friday, August 3, 2012 from 5:00 p.m. to 11:00 p.m. for the Statesville Criterium Bicycle Race and approve a temporary towing enforcement of vehicles along the race route during the closure period.**
- G. **Consider approving a request from Interfaith Deliverance Ministries to close Western Avenue from Wilson Lee Blvd to the west entrance of Interfaith Deliverance Ministries on Saturday, July 28, 2012, between 8:30 a.m. and 5:00 p.m. to host a Vacation Bible School.**
- H. **Consider approval of a request from Abundant Mfg. Inc. to close Cochran Street between Connor Street and the Norfolk Southern tracks on Cochran Street, on Saturday, July 21, 2012, between 10:00 a.m. and 2:00 p.m. to host an open house.**

- I. Consider approving a request from DSDC to temporarily close the sidewalks on Friday, July 20, 2012 from 3:00 p.m. to 9:00 p.m. with the exception of a seven (7) foot walking area, for the downtown merchants to host "sidewalk sales" as part of the "Downtown Statesville Summer Shop & Stroll" event.
- J. Consider approving a Resolution of Intent to permanently close a portion of right-of-way on S. Mulberry Street between Steele Street and the Norfolk Southern Railroad.
- K. The Fire Department is requesting approval to apply for the 2012 Assistance to Firefighters Grant in the amount of \$93,303.
- L. Consider approval of a temporary construction encroachment for the new façade at the American Renaissance Middle School at 217 South Center Street.
- M. Consider a request from JC Penney regarding its economic incentive agreement with the City and approve Budget Amendment #01.
- N. Consider a request from Statesville Flying Service to renew their lease of a 2,592 sq. ft. area adjacent to the GL Wilson hangar.

Mayor Kutteh asked if there were any items that needed to be removed from the Consent Agenda. There being none, he asked for a motion to approve the Consent Agenda.

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

Regular Agenda

- VI **Receive a report from Ronnie Bryant, Charlotte Regional Partnership CEO, regarding their program of work.**
This item was mistakenly added to the July 16th agenda instead of the August 20th Council meeting agenda.
- VII **Conduct a public hearing and consider approving first reading of text amendment TA12-01 filed by the City of Statesville to amend Article 1-Administration, Section 1.04, Responsibilities for Application of Code, B., Planning Board.**
Sherry Ashley stated that based on the new 2010 census data the population of the Extra-Territorial Jurisdiction (ETJ) has decreased, most likely from taking in the Statesville Country Club area and voluntary annexations. With the term limits for ETJ representatives getting ready to expire, staff has researched how many ETJ representatives are required to be on the Planning Board based on the North Carolina General Statute 160A-362. According to G.S. 160A-362 "...an additional member must be appointed to the planning board to achieve proportional representation only when the population of the entire extraterritorial zoning and subdivision area constitutes a full fraction of the municipality's population divided by the total membership of the planning board." Currently, the City's 2010 population is 24,532/6 regular members equals 4,088.66 persons represented by each regular member, the ETJ population is 4,716; therefore only one ETJ member is required. A second member would not be required unless the ETJ population was $4,716 \times 2 = 9,432$. Therefore based on the new population numbers, only one ETJ member is required on the Planning Board at this time. Therefore, it is staff's recommendation that the number of ETJ members be reduced to one and that Section 1.04 Responsibilities for Application of Code, B. Planning Board, a. and d. be amended. Mrs. Ashley reminded City Council that the Board of Adjustment's ETJ representation has also been reduced to one ETJ representative instead of two. The Planning Board's recommendation was favorable as presented and no one spoke in opposition.

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

Council member J. Johnson made a motion to approve first reading of text amendment TA12-01, seconded by Council member Stallard. The motion carried unanimously.

VIII Conduct a public hearing and consider approving first reading of an ordinance which amends Chapter 12, Article IV, Section 12-101(d) of the Code of the City of Statesville by adding new provisions establishing a 25 mph speed limit on Belle Terre Drive.

Chief Watts stated the Traffic Safety Director made a study of the traffic conditions on Belle Terre Drive and found that Belle Terre Drive is a very narrow, undivided, dead end roadway, measuring just 325 yards with low shoulders. Many children play in this area and there is easy access to the nearby greenway. A recent survey of the neighborhood revealed that residents are in favor of a 25mph speed limit and feel the change is much needed. It is the opinion of the Traffic Safety Director that ensuring pedestrian and the motoring public's safety and welfare requires that a 25 mph speed limit be established for Belle Terre Drive.

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

Council member Gregory made a motion to approve first reading of an ordinance which amends Chapter 12, Article IV, Section 12-101(d) of the Code of the City of Statesville by adding new provisions establishing a 25 mph speed limit on Belle Terre Drive, seconded by Council member Stallard. The motion carried unanimously.

IX Authorize staff to finalize property acquisitions for the eastern portion of the South Parallel Taxiway at the Statesville Regional Airport.

Edmund Gaines, City Attorney, advised that Council should consider each tract separately. He stated the first tract is owned by Gertie Frost Williams for a price of \$15,000.

Mayor Kutteh explained that he, certain staff and Council members have gone to Washington, D.C. for most of the last ten to twelve years seeking federal grant funding. The City has received numerous federal grants; in fact, virtually all development at the Statesville Regional Airport that the City has done has been a result of Federal, State and FAA grants. The City still currently has \$1.25 million remaining in federal grants for the purpose of land acquisition to expand the airport. The land acquisitions that Council is considering tonight will be purchased using these funds which are based on a 90/10 basis. This means that 90% of the purchase is paid for by federal grants with a 10% local match. The 10% local match is split between the City and the County, each paying 5%. Should Council approve these purchases, it will only be committing 5% of the total purchase price. Over time, City Council has saved funds in order to be prepared for these types of purchases and has appropriated over \$1.14 million. These savings allows Council to make these types of purchases without having to tap into the General Fund Balance.

Council member J. Johnson made a motion to approve the purchase of property owned by Gertie Frost Williams for the total amount of \$15,000, seconded by Council member Stallard. The motion carried unanimously.

Mr. Gaines stated the second tract is a 3 ½ acre tract owned by Dale Lee Campbell for a purchase price of \$41, 650.

Council member J. Johnson made a motion to approve the purchase of the property owned by Dale Lee Campbell for the total amount of \$41,650, seconded by Council member Huggins. The motion carried unanimously.

Mr. Gaines said the next item is a tract and home, owned by Charlie Frank Alexander for the total cost of \$101, 950 which includes \$84,000 for the real estate, \$15,900 for replacement cost and \$2,050 for moving expenses.

Mayor Kutteh asked Mr. Gaines to explain the situation in which the payment of moving expenses is required. Mr. Gaines explained that under the terms of the grant when anyone is being displaced from their home, the City is required to pay a certain amount towards their replacement cost and moving expenses. This amount is calculated by an independent contracting company that calculates the amount based on a certain formula.

Council member J. Johnson made a motion to approve the purchase of the Charlie Frank Alexander property for the total amount of \$101,950 which includes Replacement Cost and Moving Expenses, seconded by Council member West. The motion carried unanimously.

Mr. Gaines stated the fourth tract is a small parcel of land owned by Ronald and Holden Clark for the price of \$2,500.

Council member J. Johnson made a motion to approve the purchase of property owned by Ronald and Holden Clark for the total amount of \$2,500, seconded by Council member Gregory. The motion carried unanimously.

Mr. Gaines stated the final tract is a home owned by Ronald and Holden Clark for the total price of \$56,700 of which \$55,000 is for the real property and \$1,700 is for Moving Expenses.

Council member J. Johnson made a motion to approve the purchase of the property and house owned by Ronald and Holden Clark for the total amount of \$56,700 of which \$55,000 is for the real property and \$1,700 is for Moving Expenses, seconded by Council member Huggins. The motion carried unanimously.

Mayor Kutteh asked Mr. Collins for an update of the remaining parcels that need to be purchases. Mr. Collins advised there are six other parcels that remain to be purchased and six others are currently in negotiations to purchase. The purchase of these properties will complete the land needed to complete the eastern portion of the South Parallel Taxiway.

X Receive an update report on the Streetscape project.

Brendon Pritchard reported that this is month eighteen of the project. Since the last update the contractor has continued installing the new curb and gutter on the north side of E. Broad Street down to Tradd Street. New sidewalk has been completed down to the middle of the Gillian property and brick pavers have been installed down to the ARP alley. The electrical subcontractor has set the new light poles on the north side of E. Broad Street and the lights have been put into service. The traffic signal subcontractor has temporarily disabled the left turn signals on E. Broad Street at the Tradd Street intersection and a new temporary traffic pattern has been established to allow the new curb and gutter to be installed on the north side of E. Broad Street. In the weeks ahead the curb, gutter and pavers will be completed on the north side of E. Broad Street and the contractor will begin getting things ready for the landscaper to start on this area. Asphalt should be completed and parking reestablished on the north side of E. Broad Street. Following the completion of these items, staff will begin scheduling for the final asphalt paving.

Mayor Kutteh asked if there is a projected completion date for the north side of E. Broad Street. Mr. Pritchard stated there is not at this point and will largely depend on the weather since the City has been experiencing afternoon thunderstorms most days. He advised staff is also working on the punch list of items that need to be resolved.

Council member Gregory asked why there are no flowers on the south side of Broad Street. Mr. Pritchard explained this was by design, that originally there were a few flowers and plants planned for this area, but, during bid negotiations these were eliminated in order to keep the project under budget. However, staff is currently checking into the possibility of reinstating some of these if funding exists.

Council member West asked Mr. Pritchard if staff had found out if there is a warranty on the sod that is full of Crab Grass that was installed on S. Center Street. Mr. Pritchard replied that staff will discuss this with the landscaper. He explained that the plan specifications predominantly called for seeding and mulch except for a few areas that required sod, such as the edges of the bigger beds.

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



Constantine H. Kutteh
Constantine H. Kutteh, Mayor

ATTEST:

Brenda Fugett
Brenda Fugett, City Clerk