

**MINUTE BOOK 24, PAGE 552
CITY OF STATESVILLE COUNCIL MEETING – February 04, 2013
CITY HALL COUNCIL CHAMBERS – 7:00 p.m.
STATESVILLE, NORTH CAROLINA**

Mayor Constantine H. Kutteh presiding:

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

Council Absent: 0

Staff Present: Pressley, Fugett, Gaines, Smyth, Currier, Salmon, Bullins, Hutchens, Cornelison, Harrell, Watts, Davis, Houpe, Miller

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

Others: 33

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 stated an Executive Session will be held following the City Council meeting to discuss a personnel matter in accordance with N.C.G.S. 143.318.11(a)(6) and to preserve the attorney-client privilege, N.C.G.S. 143.318.11(a)(3).

Mayor Kutteh advised that Council broke protocol at the January 31, 2013 Pre-agenda meeting and voted to approve funding for a Traffic Impact Analysis for the area where the proposed Love's Truck Stop is to be located. Kimley-Horn was employed to conduct the traffic study at I-40, Exit 354 at a cost not to exceed \$14,000.

Mayor Kutteh reported that the City had won the Main Street award for the "Best Outdoor Space Improvement" for the Streetscape project and the "Best Public Space Improvement" for the City Hall renovation project. Council member Michael Johnson was selected as the Main Street Champion this year for his contributions to the downtown revitalization process.

Mayor Kutteh thanked all the citizens, media, staff and Council members who participated in the Connect Our Future forum that was held last week at the Civic Center.

Mayor Kutteh stated that Council member M. Johnson was part of the panel that appeared on Talk of the Town on WFAE this morning discussing the Connect Our Future project.

Mayor Kutteh noted that the City had lost a long term employee, Richard "Rico" Rucker last week. Rico was in the Sanitation Department and was 9 months short of thirty years of service upon his death. Mayor Kutteh stated that he will be sadly missed by his family and his City family.

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 Pre-agenda meeting of January 10, 2013 and the City Council meeting of January 14, 2013.**
- B. Receive the Statesville's Convention and Visitor Bureau's Audited Financial Statements for the fiscal year ended June 30, 2012.**
- C. Receive and concur with the financial report of the Statesville Convention and Visitors Bureau as of September 30, 2012.**

- D. Request permission to pursue a grant via the Bureau of Justice Assistance (BJA) which will enhance existing offender-based / place-based police practices to reduce crime in Statesville, and authorize Sergeant Daniel Miglin to represent the City of Statesville in the management of the grant, if awarded
- E. Request permission to pursue a grant via the NC Governor's Highway Safety Program (GHSP) to support the purchase of new mobile data terminals and in-car camera systems for patrol vehicles as well as training for officers, and to authorize Sergeant Daniel Miglin to represent the City of Statesville in the management of this process.
- F. Consider approving 2nd reading of an ordinance to amend Chapter 12, Article 1, Sec. 12-170, of the Statesville City Code by establishing limited handicapped parking for the first two spaces on the south side of west Broad Street west of the crosswalk, one handicapped space on Court Street and one handicapped space on Cooper Street.
- G. Consider approving 2nd reading of an ordinance, TA12-03, filed by the City of Statesville to amend Article 8 - Public Facilities Requirements, Section 8.02 - Water and Section 8.03 - Centralized Wastewater Systems of the Statesville City Code.
- H. Request exemption for G.S. 143-64.31 (Qualification Based Selection) in order to receive proposals for Professional Services related to NCDOT request for sewer to I-77 North Rest Area.

Mayor Kutteh asked if there are any items on the Consent Agenda that Council wished to be moved to the Regular Agenda. There being none, he asked for a motion.

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

REGULAR AGENDA

Present the 2012 Mayor's Cup Award to the American Renaissance School.

Mayor Kutteh asked representatives of the American Renaissance School to come forward to receive this award. He explained that 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. American Renaissance School was selected for their facade renovation to property located at 217 South Center Street.

Acknowledge Statesville Firefighter, Brandon Medina, recipient of the Western North Carolina Firefighters Association "Firefighter of the Year" award.

Mayor Kutteh stated that in October 2012, Brandon Medina was recognized as the Western North Carolina Firefighters Association "Firefighter of the Quarter", and on January 16, 2013 he earned the honor of "Firefighter of the Year" from the association. The Western North Carolina Firefighters Association is comprised of 270 fire departments in 31 counties. Brandon has been a paid firefighter for the past five years at the Statesville Fire Department and still serves as a volunteer with the Cool Springs Fire Department.

Acknowledge retiring Statesville Fire Chief David Bullins for his service to the City of Statesville.

Mayor Kutteh advised that this is Fire Chief David Bullins last Statesville City Council meeting. He has been a firefighter for almost thirty years and has retired from the City and accepted a position with Guilford Technical Community College as Chairman of the Department for the school's Fire Protections Technology and Preparedness program. Interim City Manager Larry Pressley selected Deputy Chief of Administration Dennis Hutchens as the acting Fire Chief. Mayor Kutteh stated that while employed at the City of Statesville, Chief Bullins has revived the fire education puppet program in the elementary schools; he participated in the planning, preparation and implementation of Fire Station 4 and its staffing, and raised training standards to work towards accreditation. Chief Bullins also helped facilitate a land trade in exchange for funds to build a fire station on the south side of Statesville. Mayor Kutteh stated Chief Bullins will be missed and wished him the best of luck in his future endeavor.

Fire Chief David Bullins stated when he came to work for the City in 2008 he established a few goals based on what he had heard from the firefighters, the consultant and what City Council wanted to see in their fire chief. The fire department's request showed there were three primary goals: the ladder truck response, more fire fighters at emergency scenes and to improve the antiquated radio system. Chief Bullins said he is happy to report that as of December 31, 2012, the last of these three major goals was completed with the implementation of the 800 MHz radio system. Chief Bullins stated that each of the chief officers has grown exponentially and he is leaving the City in good hands. He thanked previous City Manager Rob Hites, Mayor Kutteh, City Council and his family.

Conduct a public hearing and consider passing a Resolution to Close, an open and improved portion of right-of-way on S. Mulberry Street between the Norfolk Southern Railroad and Wise Street.

David Currier stated Mr. Mike Levan, representing Iredell Statesville Enrichment Corporation, is petitioning to close the section of S. Mulberry Street from the Norfolk Southern Railroad to Wise Street. The right-of-way is adjoined by properties owned by Statesville Community Development and the Church of the Living God. Electrical lines, water and sewer lines, storm drain and a control box for the railroad do exist along this portion of street and utility easements would have to be maintained. In addition a minimum of 20 ft. of road pavement must remain to serve as an easement for access to the main feeder electric line(s) to Substation 5 and fire suppression. This condition has been included in the resolution to close and the declaration of withdrawal. City Council approved the Resolution of Intent to schedule the public hearing for this request at the January 14, 2013 Council meeting.

Mayor Kutteh declared the public hearing open and asked if there was anyone present who wished to speak on this matter. There being no speakers present, Mayor Kutteh declared the public hearing closed.

Council member Stallard made a motion to approve a Resolution to Close, an open and improved portion of right-of-way on S. Mulberry Street between the Norfolk Southern Railroad and Wise Street, seconded by Council member Gregory. The motion carried unanimously.

Conduct a public hearing and consider passing a Resolution to Close, an open and improved portion of right-of-way on Willow Street between property owned by Iredell-Statesville Schools and 1118 Willow Street owned by Shiloh African Methodist Episcopal Zion Church.

Mr. Currier stated Mr. Rob Jackson, representing Iredell Statesville Schools, is petitioning to close the section of Willow Street from the edge of their property west to 1118 Willow Street. Iredell-Statesville Schools own the properties on both sides of the portion of right-of-way to be closed. In addition they are proposing a non-mechanical gate be installed on Willow Street at lots 21 and 23. Electrical lines and water and sewer lines exist along this portion of street and utility easements would have to be maintained. City Council passed the Resolution of Intent to schedule the public hearing for this request at the January 14, 2013 Council meeting.

Mayor Kutteh declared the public hearing open and asked if there was anyone present who wished to speak on this matter. There being no speakers present, Mayor Kutteh declared the public hearing closed.

Council member Huggins made a motion to approve a Resolution to Close, an open and improved portion of right-of-way on Willow Street between property owned by Iredell-Statesville Schools and 1118 Willow Street owned by Shiloh African Methodist Episcopal Zion Church, seconded by Council member West. The motion carried unanimously.

Consider redirecting the scope of Fiscal Year 2012-13 VISION 100 funds from Perimeter Fencing and Environmental Overview for the South Parallel Taxiway to Perimeter Fencing and AWOS Upgrade.

Mr. Currier stated local funds for Grant 36236.46.13.1 were certified at the December 17, 2012 meeting of the City Council. The scope for this grant was identified as being for the installation of perimeter fencing and the environmental overview for the South Parallel Taxiway at that time. The Automated Weather Observation System (AWOS) for the airport has since been functioning intermittently and is essentially unreliable. Staff has been in contact with the NCDOT Division of Aviation (DOA) about the issue. DOA owns the AWOS equipment and typically provides the routine maintenance. However, the AWOS equipment is outdated and must be upgraded. The AWOS was installed in 1998 and, excepting smaller routine replacement parts, the equipment is

original. Also, replacement of the faltering equipment would not be possible as it is not manufactured any longer. The replacement equipment is expected to last for 15 years. Included is a quote for VAISALA for an upgrade of the AWOS. Due to a cut in the DOA budget, an upgrade of the AWOS equipment as identified above would not be possible at this time. An upgrade of the AWOS system is eligible for VISION 100 funding and staff is requesting that City Council redirect the 2012-2013 VISION 100 funds as stated above.

Council member J. Johnson made a motion to approve redirecting the scope of Fiscal Year 2012-13 VISION 100 funds from Perimeter Fencing and Environmental Overview for the South Parallel Taxiway to Perimeter Fencing and AWOS Upgrade, seconded by Council member Stallard. The motion carried unanimously.

Mayor Kutteh asked if the AWOS upgrade project must be bid out. Mr. Currier stated this is a specialized company out of Minnesota that has continually done the state Division of Aviation's AWOS systems. With Council approval tonight, the state Department of Aviation will contact this company tomorrow and commission the upgrade to be done as soon as possible. DOA feels they can get the company here within a week or two and it should be about a 4 week turnaround for the upgrade.

Consider three (3) appointments to the Historic Preservation Commission.

Mr. Currier stated the terms of Statesville Historic Preservation Commission members Jan Ghrairi, Jeremy Kauffman and Keith Pace came to an end January 01, 2013. Keith Pace has stated that he would be interested in serving another term. Staff has received four other applications: Marni Nicholas, Brian Long, James Hogan, and Ray Jones.

Council member M. Johnson nominated Keith Pace, Marni Nicholas and Brian Long

Council member J. Johnson made a motion to close the nominations and approve these nominations, seconded by West. The motion carried unanimously.

Consider approving the revised City of Statesville Services Policy Manual.

Lynn Smyth stated it has been some time since the City completed a comprehensive review and rewrite of the Services Policy Manual. In collaboration with all City departments and divisions, the manual has undergone a complete review and rewrite, including some new sections, rewrites of others and elimination of other sections. The adoption of the revised manual will help staff assure a consistent updated policy guides our practices. Mrs. Smyth explained the most recent changes made to the manual after Council's review.

Council member M. Johnson asked if Council is satisfied with the Utilities Security Deposit section of the manual. Mrs. Smyth gave a brief summary of the Commercial Deposit policy. She stated the City charges two months of the average monthly bill. According to Mrs. Salmon two months is charged because utility bills are paid in the month following the month they are used, so it is easy for a customer to be two to three months behind in the billing. Staff feels that the two month security deposit will provide a sufficient buffer for most of those businesses. In the past two years, the City has written off 124 Commercial accounts for over \$119,000 in unpaid charges. Either these customers did not have a sufficient amount of deposit to cover their final bill or the deposit had already been refunded. Mrs. Salmon anticipates that the number and the amount of write-off will increase if the security deposit amount is lowered. Staff surveyed utility deposits in other cities. Monroe charges one month average bill (electric/water/sewer) or a minimum of \$590, Lexington charges a two month deposit of the average bill, Concord charges one month of the average monthly bill, Charlotte-Mecklenburg Utilities, which is water/sewer only, is based on the meter size, Duke Energy charges a two month average bill, Morganton charges 1 ½ times the average bill, and Mooresville, water/sewer only, charges a \$50 flat rate.

Council member Stallard stated this policy is working and should be left as it is. Council member West disagreed and feels this policy is not business friendly. He said he knows of a citizen that wants to open a small business in downtown and is required to pay a \$950 deposit to get the utilities turned on and cannot afford it. Council member West stated the City needs to balance this better in order to encourage the creation of more businesses in our community.

Mayor Kutteh pointed out that the policy states that Commercial customers who do not want to pay a cash deposit may supply the City with a surety bond equal to the amount specified as the deposit, valid for a one year period and written by an insurance company authorized to do business in North Carolina. Mrs. Salmon stated this is correct and she has been told that these

bonds can be purchased for pennies on the dollar but the price is based on the business's credit rating. If a residential or commercial customer pays a cash deposit, the City refunds the deposit after 12 months of good credit history.

Council member Stallard felt the policy should be approved as it is and tweaked as needed.

Council member J. Johnson made a motion to approve the revised City of Statesville Services Policy Manual, seconded by Council member Stallard.

Council member M. Johnson asked what the tipping charge is per week for additional roll-out containers. Mr. Pressley explained the charge.

Council member M. Johnson asked for clarification on the System Development Fees policy. Mr. Pressley explained staff's interpretation of the policy. Council member M. Johnson asked if Mr. Pressley's interpretation being incorporated into this policy. Council members discussed amending the System Development Fee policy.

The vote on the motion to approve the revised Services Policy Manual was as follows:

Ayes: J. Johnson, Stallard, Gregory, Eisele, M. Johnson, Matthews, Huggins
Nays: West

Consider approving the Commerce Boulevard street improvements agreement.

Mr. Pressley stated the agreement was prepared by City Attorney Eddie Gaines with input from several Council members and reviewed by staff. The agreement has not been presented to property owners yet. The agreement provides for half the cost to be deposited upfront and half of the cost to be collected through the petition and street assessment process. If the petition does not pass, the deposit would be refunded. The property owners will fund 100% of the construction costs. The petition will not be circulated until the funds have been deposited as specified in the agreement. Staff recommends approval of the agreement.

Council member J. Johnson asked if there is a time table set for this. Mr. Pressley replied there is. They have 30 days to pay the deposit and funds will be returned if all do not pay.

Mayor Kutteh asked if this price is still a reasonable price considering how long this has went on. Mr. Pressley replied it is.

Council member West asked if all the property owners want this. Mr. Pressley explained that it is staff's belief that this is the agreement that the property owners will agree with.

Council member Stallard made a motion to approve the Commerce Boulevard Street Improvements agreement, seconded by Council member West. The motion carried unanimously.

Council member West made a motion to move to Executive Session to discuss a personnel matter in accordance with N.C.G.S. 143.318.11(a)(6) and to preserve the attorney-client privilege, N.C.G.S. 143.318.11(a)(3), seconded by Council member Stallard/Eisele. The motion carried unanimously.

Upon return from Executive Session Mayor Kutteh stated Council discussed a personnel matter in accordance with N.C.G.S. 143.318.11(a)(6), preserved the attorney-client privilege, N.C.G.S. 143.318.11(a)(3) and no action was taken.

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




Constantine H. Kutteh, Mayor

ATTEST:


Brenda Fugett, City Clerk