

**MINUTE BOOK 25, PAGE 016
CITY OF STATESVILLE COUNCIL MEETING – May 20, 2013
CITY HALL COUNCIL CHAMBERS – 7:00 p.m.
STATESVILLE, NORTH CAROLINA**

Mayor Constantine H. Kutteh presiding:

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

Council Absent: Gregory, Eisele

Staff Present: Pressley, Fugett, Gaines, Salmon, Collins, Harrell, Anderson, Watts, Miglin, Hudson, Cornelison, Houpe, Davis

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

Others: 15

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 1051

Public Comment

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

James Settlemyer stated he felt citizens wishes have been overlooked by City Council. He expressed his displeasure with the Downtown Streetscape project, the proposed utility rate increases and the proposed pay increase to City workers.

Consent Agenda

Mayor Kutteh explained that 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. Mayor Kutteh read the Consent Agenda as follows:

- A. **Approve the minutes of the Pre-agenda meeting of May 02, 2013 and the City Council meeting of May 06, 2013.**
- B. **Consider approving first reading of an ordinance amending Chapter 10, Article II, Section 10-31 of the City Code to add a privilege license tax on electronic video games.**
- C. **Receive report of an emergency non-depreciable capital purchase in the Electric Utilities Department.**
- D. **Consider passing a motion to close 4th Street between Raleigh Avenue and Newbern Avenue, on Saturday, June 8, 2013, between 11:00 a.m. and 4:00 p.m. This closure is being requested by Street Ministry, in order to host a community picnic for peace.**
- E. **Approval of Budget Amendment #43 to appropriate \$110,000 in the Electric Fund.**
- F. **Request exemption from G.S 143-64.31 (Qualification Based Selection) to expedite the Old Fourth Creek Tie-in Modification Project due to pending safety hazards and costs.**

G. Request to transfer \$10,770 from the Drug Seizure Fund to purchase six (6) in-car digital video camera systems and approval of Budget Amendment #44.

Mayor Kutteh asked if there were any items on the Consent Agenda that a Council member wished to be moved to the Regular 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 Huggins. The motion carried unanimously.

Regular Agenda

VI Presentation of an award received from Centralina Council of Government for the Streetscape project.

Bob Dooley, Chairman of the Downtown Statesville Development Corporation presented the Region of Excellence Award that was awarded by the Centralina Council of Governments to the City of Statesville for the Downtown Streetscape project. Mr. Dooley thanked City Council and all those involved in the Streetscape project for their support and work.

VII Conduct a public hearing on the 2013-2014 proposed budget.

Mayor Kutteh declared the public hearing open and asked if there were any speakers.

David Meachem, Executive Director of the Statesville Housing Authority, stated that the Statesville Housing Authority has had two major funding cuts for public housing since January. He explained the proposed utility increases will cost SHA an additional \$31,000 and asked Council to reconsider increasing the water rates.

There being no other speakers, Mayor Kutteh declared the public hearing closed.

Mayor Kutteh advised the first budget workshop will be held directly following the May 30, 2013 Pre-agenda meeting in the City Hall 3rd floor conference room.

Mayor Kutteh announced that out of 3,200 housing authorities in America, the Statesville Housing Authority received an Award of Merit.

VIII Conduct a public hearing and consider passing first reading of an ordinance to annex the Commerce Boulevard Right-of-Way Property located to the east of Crawford Road.

Phil Collins stated the property being considered for annexation is a portion of the Commerce Boulevard right of way. The property is being petitioned for annexation as the City is preparing to officially accept Commerce Boulevard for maintenance. The related petition for maintenance is being reviewed concurrently by the City Council. The portion of right of way is near the northern intersection of Commerce Boulevard and Crawford Road. The subject property is approximately 0.36 acres in size. The subject property is contiguous to the current primary municipal limits of the City of Statesville. Therefore, this request is being processed as a voluntary contiguous annexation. Also, the subject property is located within the City's extra-territorial jurisdiction (ETJ) and is regulated by City of Statesville zoning. Therefore a rezoning will not be required subsequent to the annexation. The subject property has no tax value as it is right of way. Mr. Collins pointed out that this annexation will not delay the resurfacing project.

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

Council member Stallard made a motion to approve first reading of an ordinance to annex the Commerce Boulevard Right-of-Way Property located to the east of Crawford Road, seconded by Council member M. Johnson. The motion carried unanimously.

IX Consider approval of an environmental study of property recently acquired at the Statesville Regional Airport.

Phil Collins stated part of the land acquisition process is to conduct an Environmental Audit on the property to be acquired. The purpose of this study is to reveal any potential environmental hazards associated with the property in question. The properties that have been acquired originally were not required to have environmental audits. However, due to a recent change in policy at the Division of Aviation, there is a need to revisit these properties and conduct environmental audits on each property. Michael Baker Engineering has submitted the work authorization to conduct this work. The cost of the audits is estimated to be \$2,000 per property for an overall cost of \$22,000 which will be paid for using grant funds.

Council member West made a motion to approve an environmental study of properties recently acquired at the Statesville Regional Airport, seconded by Council member J. Johnson. The motion carried unanimously.

X Request permission to pursue a grant for training & technical assistance and to authorize Daniel Miglin to represent the City of Statesville in the application and management of the grant, if awarded.

Sergeant Dan Miglin stated the Statesville Police Department is eligible to apply for a grant via Office of Justice Programs / COPS to fund training & technical assistance for the entire department and all of its community & law enforcement partners throughout Iredell County in order to enhance our focused deterrence crime reduction strategy, a nationally recognized, evidence-based practice. If awarded, the grant award will be @ \$50,000 over a two year period beginning September 1, 2013. No match is required by the City and there is no obligation beyond the life of the grant. Statesville Police Department proposes to contract with the University of North Carolina-Greensboro's Center for Youth, Family, and Community Partnerships to act as research partner and provide the training & technical assistance in this effort. Funds received will be applied towards salaries of the UNCG personnel (allocated over a 2 year period) and supplies needed to provide the training (ex: production of manuals & material).

Council member Stallard made a motion to grant permission to the Police Department to pursue a grant for training & technical assistance and to authorize Daniel Miglin to represent the City of Statesville in the application and management of the grant, if awarded, seconded by Council member Huggins. The motion carried unanimously.

XI Request permission to apply for the 2013 COPS Hiring Program grant, and to authorize Daniel Miglin to represent the City in the application and management of the grant.

Sergeant Miglin said the Statesville Police Department, in conjunction with Iredell Statesville Schools (I-SS), is eligible to apply for the 2013 COPS Hiring Program grant via US Department of Justice / COPS Hiring Program. Applications are due May 22, 2013. If awarded, COPS would pay 75% of the sworn, entry-level salaries & benefits of the awarded positions (up to \$125,000 per officer) for 36 months, effective October 1, 2013. The awarded agency is required to retain the position for at least 12 months past the grant end date (i.e. October 1, 2016-September 30, 2017). COPS funds can be used to retain officers who at the time of the application are scheduled to be laid off as a result of budget cuts. Staff proposes that the City Finance Department act as fiscal agent and to utilize these funds to retain the School Resource Officer (SRO) positions at Statesville Middle School and Pressly School, which we were recently informed by I-SS, will be eliminated in FY 12-13 due to decreased funding. We have reached an agreement with I-SS on terms and conditions of the grant; see attached MOA. In summary, I-SS will contribute the 25% cash match required by the grant for 10 months per year leaving the City to provide the remaining matching funds (25% @ 2 months per year), as is the agreement we have with I-SS for the other SROs within the City's jurisdiction. All other expenses (i.e. uniforms, training, overtime, etc.) will be provided by the City. COPS grants operate on a Federal fiscal year. The projected 1st year budget (i.e. October 1, 2013 - September 30, 2014) for this position is as follows: Total Costs - \$117,610, COPS - 75% - \$88,208, I-SS - 25% @ 10 months - \$24,502, City - 25% @ 2 months - \$4,900.

Council member M. Johnson made a motion to grant permission to the Police Department to apply for the 2013 COPS Hiring Program grant, and to authorize Daniel Miglin to represent the City in the application and management of the grant,

seconded by Council member Stallard. The motion carried unanimously.

Council member Stallard commended the department for an outstanding job in obtaining grant funds.

XII Approve first reading of an ordinance to amend Chapter 15, Article II, Section 15-25, of the code of the City of Statesville by allowing the possession of concealed handguns by concealed handgun permit holders in certain City of Statesville park properties.

Chief Anderson stated the City of Statesville currently prohibits handguns in park facilities and properties with the exception of law enforcement officers and military personnel under certain situations. North Carolina law provides that qualifying citizens that have completed concealed carry handgun training and whom possess a valid concealed carry handgun permit to carry concealed handguns throughout the state of North Carolina with limitations. This ordinance change would allow citizens with concealed carry permits to carry concealed handguns on Greenways and in open park areas increasing their sense of safety. This ordinance would not allow the carrying of concealed handguns at competitive athletic fields and events where emotionally charged situations might exist, or in recreation centers and swimming pools owned and operated by the City of Statesville where unattended-firearm retention issues could exist.

Council member West made a motion to approve first reading of an ordinance to amend Chapter 15, Article II, Section 15-25, of the code of the City of Statesville by allowing the possession of concealed handguns by concealed handgun permit holders in certain City of Statesville park properties, seconded by Council member J. Johnson. The motion carried unanimously.

XIII Award the Third Creek Wastewater Treatment Plant Expansion bid contingent upon approval of NC DENR – Infrastructure Finance Section, approve Budget Amendment #45 and approve a resolution of award subject to LGC approval.

Larry Pressley said bids were received on April 25th, 2013 for the 3rd Creek WWTP expansion project. The project is under budget, the contractor presented all appropriate documents as requested and the bid is deemed to be responsive. Adams-Robinson Enterprises submitted the low bid as indicated on the attached bid tabulation. References for Adams-Robinson Enterprises check out well and they have performed similar work in North Carolina previously. Several alternates were bid to allow flexibility in award of bids in the event the project had been over budget. The total of \$19,804,000 reflects selection of alternates that are in the City's best interest. Therefore, staff recommends award of bid to Adams-Robinson Enterprises of Dayton, Ohio in the amount of \$19,804,000 contingent upon approval of N.C. Infrastructure Section (IFS). In addition, a contingency is recommended in the amount of \$990,200 and approval of the project budget is requested.

Mayor Kutteh stated Denny Martin with McGill & Associates and Lisa Salmon with the Finance Department are in attendance if Council has any questions regarding financing of the project.

Council member M. Johnson said the Lookout Shoals project was the smartest, strategic move ever made by the Statesville City Council and will enable the City to meet consumption needs probably through 2050. He said he is very happy to be a part of this Council and a part of the 3rd Creek WWTP expansion. By doing this the City will now have the capability to withdraw water, treat it and discharge it for many years to come.

Council member M. Johnson made a motion to approve the awarding of \$21,352,578 and Budget Amendment #42, seconded by Council member Stallard. The motion carried unanimously.

Mr. Pressley stated the estimated completion date of the project is June 30, 2015.

XIV Consider extending the Division X resurfacing contract to include Commerce Boulevard resurfacing and approval of Budget Amendment #42.

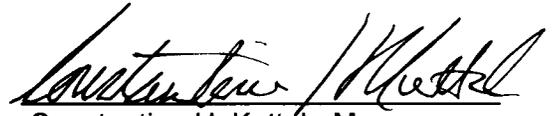
Scott Harrell stated Maymead, Inc. has agreed to accept an extension to the Division X resurfacing contract to include the resurfacing work for Commerce Boulevard. At Division X contract prices, the cost of the additional resurfacing work is approximately \$241,870. Additional work required at Commerce Blvd. includes repair of the failed culvert crossing, patching of the existing road surface, and other storm drainage and shoulder work. The

culvert repair will be performed by Bell Construction (Statesville) at a price not to exceed \$37,425. The remaining work will be performed by the City at an estimated cost of \$20,705. Based on the contract prices with Maymead, the culvert repair by Bell Construction, and the estimated expenses incurred by the City, the total cost of repairs and improvements to Commerce Boulevard is approximately \$300,000. Staff recommends approval of Change Order No. 1 to the Division X resurfacing contract and approval of Budget Amendment #42.

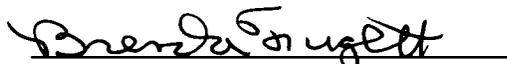
Council member M. Johnson made a motion to approve extending the Division X resurfacing contract to include resurfacing Commerce Boulevard and approval of Budget Amendment #42, seconded by Council member Huggins. The motion carried unanimously.

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




Constantine H. Kutté, Mayor

ATTEST:


Brenda Fugett, City Clerk