

**MINUTE BOOK 25, PAGE 042  
CITY OF STATESVILLE SPECIAL COUNCIL MEETING – June 26, 2013  
CITY HALL 3<sup>RD</sup> FLOOR CONFERENCE ROOM – 4:30 p.m.  
STATESVILLE, NORTH CAROLINA**

**Mayor Constantine H. Kutteh presiding:**

**Council Present:** J. Johnson, West, Matthews, M. Johnson, Eisele

**Council Absent:** Gregory, Stallard, Huggins

**Staff Present:** Pressley, Fugett, Collins, Smyth, Salmon, Currier, Gaines, Davis, Anderson

**Media Present:** 0

**Others:** 1

**Call to Order**

Mayor Kutteh called the meeting to order.

**I Consider approving a contract for the purchase of property at the Statesville airport.**

Mr. Gaines reminded Council members that a purchase price of \$245,000 has been negotiated with Brittain Lumber for the purchase of 7.82 acres next to the Statesville Regional Airport. In order to use grant funds for this purchase, the closing must be held no later than June 30, 2013. Tanks were buried on the property so soil remediation had to be done. This has been completed and certified. A report has been prepared for submittal to DENR for their review and approval. Brittain Lumber has agreed to sign a document at closing that if further remediation is needed they will pay for it. However, in order to close on the property by June 30<sup>th</sup>, Mr. Baker was charged an additional fee of \$2,500 for the remediation. Mr. Baker has paid for the entire remediation, but he has requested that the City reimburse him for 50% of the additional \$2,500.

Council members agreed that this was a reasonable request considering the time factor was an issue for the City and not for Mr. Baker.

**Council member J. Johnson made a motion to approve a contract for the purchase of a 7.82 acre tract from Brittain Lumber, Inc for the amount of \$245,000 and to reimburse Mr. Baker \$1,250, 50% of the additional cost of \$2,500 for the remediation, seconded by Council member West. The motion carried unanimously.**

Mayor Kutteh commended staff for their work on this purchase.

**II Request additional traffic engineering services for I-40 Exit 154.**

Larry Pressley reminded Council members that in February the City entered into an agreement for traffic engineering services in the amount of \$14,000 with Kimley-Horn for the Love's Travel Plaza site. Due to recent discussions with NCDOT staff, a "right in" off Old Mocksville Road is likely to be approved by the NCDOT Controlled Access Committee. There is no guarantee of approval, but if it is successful, truck traffic could enter the proposed Love's Travel Plaza without going through the Old Mocksville Road/Highway 64 intersection. Kimley-Horn can complete the work for an additional \$42,000 based on their attached proposal. Funds are available in the current year's budget to fund this additional cost.

Council member J. Johnson asked if Love's is willing to go along with this, if they are not, why waste \$42,000. Mr. Pressley said the discussion is not far enough along, but previously Love's was willing to entertain a right turn into the site, if it turned out that the site had to be flipped to where the trucks were closest to the interstate but that still had not been resolved at that point. With this issue, if staff sees something that might be a deal breaker staff would instruct Kimley-Horn to stop immediately and pay for services rendered up to that point. Council member J. Johnson reiterated that it would be wiser to first speak to Love's before the City spends any money. Mr. Pressley said we know that Love's is agreeable to a "right in" but matters can get fairly complex if the entire site must be reversed.

Council member West asked if it is a condition from NCDOT that Kimley-Horn design this. Mr. Pressley said it was not a requirement, but staff determined this would be the best chance for it to be approved. Council member West said the City should approach Love's first and let them know that the "right in" is a possibility and that Kimley-Horn must design it. Mr. Gaines said Council could consider approving the study contingent upon Love's agreement to participate.

Council member M. Johnson asked Mr. Pressley if, in his professional opinion, NCDOT would approve this plan for Love's if the City does not pursue the "right in" based on the dual turn lanes and the readjustment of the west bound Highway 64 lane into that intersection. Mr. Pressley said yes in his opinion NCDOT would approve it. Mayor Kutteh pointed out that NCDOT is not the final arbiter. Mr. Pressley agreed that NCDOT approval is only one step along the way and the City also has a say in it.

Council member M. Johnson suggested Mr. Gaines discuss the shift in the site plan with Love's representatives first because if they do not agree with the shift then there is no reason to continue with this. If they are agreeable to the shift in the site plan then ask if they will agree to reimburse the City for the additional traffic engineering services if the City approves the contract with Kimley-Horn.

Council member West asked Council member M. Johnson if by making this offer to Love's that the City will pay for the additional traffic engineering services and be reimbursed by Love's and asking them to shift the site, is Council saying that if Love's agrees to all of this, Council is going to approve the travel plaza. Council member M. Johnson said he did not say that, but he felt that ultimately Council will be compelled to approve it. He said if Council does not move to secure another alternative he believes that NCDOT will ultimately approve it as it is.

Mayor Kutteh said he agreed that this alternative is a good idea, but he does not understand the urgency of approving the additional traffic engineering services today, especially at a Special Meeting. He said Mr. Gaines should approach Love's about this first.

Council members briefly further discussed what action they wished to take.

**Upon consensus City Council directed Mr. Gaines to discuss with Love's Travel Plaza representatives if they would be willing to shift the site plan if NCDOT approves the change and if they would be willing to fund a portion of the additional traffic engineering services with Kimley-Horn.**

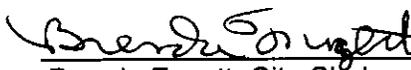
Mr. Gaines informed Council that the Love's case will be heard by the Superior Court sometime in September.

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

ATTEST:



  
Constantine H. Kutteh, Mayor

  
Brenda Fugett, City Clerk