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CITY OF STATESVILLE COUNCIL MEETING – September 16, 2013
CITY HALL COUNCIL CHAMBERS– 7:00 P.M.
STATESVILLE, NORTH CAROLINA

Mayor Costi Kutteh presiding:

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

Council Absent: 0

Staff Present: Gaines, Fugett, Davis, Miglin, Smyth, Pressley, Harrell, Ashley, Anderson, Salmon, Hutchens

Others: 4

Media Present: Jim McNally – Statesville Record & Landmark,

I Call to Order
Mayor Kutteh called the meeting to order.

II Invocation
The Invocation was given by the City Clerk.

III Pledge of Allegiance
The Pledge of Allegiance was led by Girl Scout Troops.

IV 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. There were no speakers.

Mayor Kutteh reminded citizens that the annual Health Fair will be held at the Statesville Recreation Center on Wednesday from 9:00 to 2:00 and is open to the public. He advised that NASA astronaut Dr. Thomas H. Marshburn will be at an event Sunday night from 6:30 to 8:30 at Mitchell Community College. This event is open to the public and will have entertainment such as music, the Astronomy Club, the Rocket Club and Dr. Marshburn will give a recount of his latest journey into space. On Monday Dr. Marshburn will be interviewed by the two local radio stations and will visit some local schools. At noon on Monday the Chamber of Commerce is hosting a luncheon open to the public at the Civic Center where Dr. Marshburn will again recount his latest journey into space.

V 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 August 15, 2013, and the City Council meeting of August 19, 2013.

B. Consider approving a contract with the HOME Consortium for the 2013-2014 HOME funds in the amount of $84,450.

C. Consider approval of the Inter-local agreement to administer Housing related grants for the City.

D. Consider approval of Budget Amendment #09 to appropriate additional grant and City match funding for the 2013-2014 HOME grant in the HOME Consortium Fund. The total increase in the HOME award is $5,450 and the City match is $1,168 for a total of $6,618.

E. Consider approving a request to close west Broad Street from Kelly Street to Mulberry Street from 3:00 pm to 10:00 pm on October 08, 2013 in order to accommodate the National Night Out Celebration.

F. **Consider approving the Police Department purchase of forty-three (43) EF Johnson Remote Mount Kits from budgeted funds.**

G. **Consider authorizing a professional services agreement for the aesthetic design of way-finding signs and approve Budget Amendment #10.**

H. **Approve a forgiveness of $34,017.06 in loan receivables for the property located at 1006 Wilson Lee Boulevard.**

I. **Consider approving 2nd reading of TA13-05 filed by the City of Statesville to Amend Article 6 Development Standards, Section 6.07-Sign Regulations, C. Definitions, Table 6-13 Permitted Sign Standards by Zoning District and R. Sign Standards for CB, CBP, Municipal Service and H-115 Districts, 10. Projecting Signs**

Mayor Kutteh advised that the first Barn Quilt was installed on what is known as the "shell building" downtown.

J. **Consider a request from Statesville Flying Service to continue a lease for additional property at the Statesville Regional Airport.**

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 Gregory. The motion carried unanimously

Regular Agenda

VI **Authorize staff to apply for a grant from Lowe's Charitable and Educational Foundation and authorize Sergeant Daniel Miglin to manage the grant on behalf of the City of Statesville if awarded.**

Sergeant Miglin stated the Statesville Police Department is eligible to pursue a grant via Lowe's Charitable and Educational Foundation in the amount of $1,870. If awarded, the grant requires no match from the City of Statesville. The Police Department, in conjunction with Iredell-Statesville Schools, proposes to utilize this award to install LED light fixtures in the hallways of the eleven Iredell-Statesville schools within the City's jurisdiction, or within close proximity. The lights will be utilized in conjunction with rapid response training to produce a more efficient response to a critical incident should it occur within these schools.

Council member West asked if this price includes installation. Sergeant Miglin replied it does and extra lights and batteries.

Council member Matthews made a motion to authorize staff to apply for a grant from Lowe's Charitable and Educational Foundation and authorize Sergeant Daniel Miglin to manage the grant on behalf of the City of Statesville if awarded, seconded by Council member Stallard. The motion carried unanimously.

VII **Authorize the replacement of Elm trees on the north side of E. Broad St.**

Brendon Pritchard stated staff has received concerns about the difference in appearance of the streetscape Elm Trees on the north side of E. Broad St. compared to the trees on the south side of the street, and their overall health. Staff has received a quote from Tim Johnson Landscaping from Statesville in the amount of $345.87 per tree to provide replacements that would be more similar in size and appearance. In addition there would be a charge of $200.00 per tree to remove and dispose of the existing trees. There are 14 trees on the north side of the road for a total of $4,842.18 for replacements and $2800.00 for removal of the existing for a total of $7,642.18. There are funds available in the contingency fund for the streetscape to cover these expenses. Based on the concerns, staff recommends hiring Tim Johnson Landscaping to replace the Elm trees on the north side of E. Broad St. in the amount of $7,642.18.

Council member Gregory asked why this work cannot be performed by City staff. Mr. Pressley advised that if Tim Johnson Landscaping does the work there will be a one

year warranty on the trees whereas if City staff does it the City will be responsible for replacing any trees that die.

Council member M. Johnson made a motion to approve the replacement of Elm trees on the north side of E. Broad Street, seconded by Council member Matthews. The motion carried unanimously.

Council member West asked that it be understood that the caliper of the trees to be planted will be larger than the ones on the north side to compensate for the extra growth they have had and that there be some Council participation in selection of the trees.

VIII Consider acceptance of Commerce Boulevard into the City street system and adopting a resolution declaring the cost of improvements to Commerce Boulevard, ordering preparation of the preliminary assessment roll and setting a public hearing at 7:00 pm on October 7, 2013.

Scott Harrell stated repair and improvement work to Commerce Boulevard was recently completed. This work was conducted by the City in accordance with the assessment resolution adopted by council on May 6, 2013 and has brought Commerce Boulevard into compliance with the City's alternate industrial street standard. In accordance with the agreement approved by Council on February 4, 2013, Commerce Boulevard is now eligible for acceptance into the City street system.

The cost of the repair and improvement work totaled $291,177.48. A breakdown of the cost is as follows:

Task	Performed By	Estimated Cost	Actual Cost
Asphalt Resurfacing	Maymead, Inc.	$241,870	$228,724.05
54" Culvert Replacement	Bell Construction	$37,425	$27,000.00
Asphalt patching; utility relocation; storm drainage repair & improvements; shoulder backfill & stabilization	Public Works Dept. (costs include labor, materials, and equipment)	$20,705	$35,453.43
	Total Cost:	**$300,000**	**$291,177.48**

In accordance with the February 4, 2013 agreement, the Commerce Boulevard property owners deposited a total of $150,000 into the trust account of the City Attorney's law firm to cover half of the estimated repair and improvement cost, with the remaining half of the cost to be recovered by special assessment. One half of the repair and improvement cost is $145,588.74. The total frontage along Commerce Blvd is 8,089 feet, resulting in an assessment rate of $17.9984 per foot. A preliminary assessment roll has been prepared and is included for Council's review. Options for paying the assessment were previously set to be either as a single cash payment or in 10 equal annual installments at 8 percent interest. Since the actual cost was less than the estimate, the property owners who contributed the initial $150,000 deposit will be reimbursed the difference between the deposit and one half the actual cost, per the February 4, 2013 agreement with the City. This amount ($4,411.26) will be distributed to the property owners in proportion to the amount they contributed to the initial deposit. In accordance with General Statute 160A regarding levying of special assessments for street improvements, staff submits for approval the accompanying resolution declaring the cost of the street improvements, ordering preparation of the preliminary assessment roll, and setting the time for a public hearing on the preliminary assessment roll at 7:00 pm on October 7, 2013. The preliminary assessment roll will be available for review in the City Clerk's office and the Public Works office from September 17 through the date of the public hearing. Copies of the preliminary assessment roll and notices of the public hearing will be mailed to the affected property owners no later than 10 days prior to the public hearing. Staff recommends acceptance of Commerce Boulevard into the City's street system and approval of the resolution declaring the project cost, ordering preparation of the preliminary assessment roll, and setting a public hearing at 7:00 pm on October 7, 2013.

Council member Stallard made a motion to accept Commerce Boulevard into the City street system, adopt a resolution declaring the cost of improvements to Commerce Boulevard, order the preparation of the preliminary assessment roll and set a public hearing at 7:00 pm on October 7, 2013, seconded by Council member Eisele. The motion carried unanimously.

IX Consider approving a contract to purchase the property located at 110 S. Meeting Street.

Mr. Gaines said the owner of the property at 110 S. Meeting Street has signed an Offer to Purchase Contract to sell the property for $125,000 with an additional $300 Due Diligence Fee. Closing on the property will take place on or before October 31, 2013.

Mayor Kutteh stated this is a significant opportunity for the City and came at a good time because the improvements can be incorporated into the next phase of the Streetscape and the improvements planned for Meeting Street. He thanked Marin Tomlin with DSDC for advising City staff of the availability of this property.

Council member M. Johnson made a motion to approve the contract to purchase the property located at 110 S. Meeting Street and Budget Amendment #11 in the amount of $128,000, seconded by Council member Stallard. The motion carried unanimously.

Council member West made a motion to adjourn the meeting, seconded by Council member Matthews. The motion carried unanimously.

Constantine H. Kutteh, Mayor

Attest:

Brenda Fugett, City Clerk