

**MINUTE BOOK 25, PAGE 103  
CITY OF STATESVILLE COUNCIL MEETING – October 21, 2013  
CITY HALL COUNCIL CHAMBERS - 7:00 P.M.  
STATESVILLE, NORTH CAROLINA**

**Mayor Costi Kutteh presiding:**

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

**Council Absent:** Gregory

**Staff Present:** Pressley, Fugett, Gaines, Davis, Smyth, Salmon, Pritchard, Collins, Miglin, Hutchens, Currier, Houpe, Harrell, Anderson

**Others:** 10

**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**

Mayor Kutteh led the Pledge of Allegiance.

**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 advised the Pre-Agenda meeting scheduled for Thursday, October 31, 2013 has been changed to Wednesday, October 30, 2013 at 4:30 in the 3<sup>rd</sup> floor conference room in City Hall due to the downtown Halloween festivities that are scheduled that evening.

Mayor Kutteh announced an Executive Session will be held following the City Council meeting to consult with the City Attorney and to preserve the attorney-client privilege.

Mayor Kutteh announced that City Manager Larry Pressley has named Kent Houpe as the Electric Utilities Director. Mr. Houpe has been acting as Interim Director since the retirement of Larry Cranford.

Mayor Kutteh recognized and welcomed newly elected Council member Michael Schlesinger in the audience.

**V Consent Agenda**

Mayor Kutteh stated 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 October 03, 2013, and the City Council meeting of October 07, 2013.**

**B. Consider reappointing Michelle Rokes to the ABC Board.**

Mayor Kutteh advised there were no other applications on file for this appointment and that Michelle Rokes is President elect of the North Carolina ABC Association.

**C. Approve 2<sup>nd</sup> reading of an ordinance to amend Chapter 2, Article V, Sections 2-117(a), 2-117(b), 2-118(b), 2-119, 2-121 and 2-122 and to delete Chapter 24, Section 24-5 of the Statesville City Code – combining the membership of the Community Appearance Commission and the Tree Board.**

**D. Approval of Budget Amendment #13 to appropriate P4 funds of \$1,345 from the Electric fund for payment to Carolina BalloonFest.**

Mayor Kutteh advised this was a pass through amount that was awarded to the City by ElectriCities for this specific purpose and no City funds were used.

**E. Approve Budget Amendment #15 in the Water & Sewer Capital Reserve Fund to provide for the transfer of funds to the Water & Sewer Operating Fund.**

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 Stallard. The motion carried unanimously.**

**Regular Agenda**

**VI Consider approving a recommendation from the Airport Commission for an airport engineering/planning consultant.**

Phil Collins stated Cities are required to go through the Request for Qualifications (RFQs) process every five years to contract the services of a consulting engineer. As you may be aware, the City's contract with Michael Baker Engineering for professional engineering services expired on April 21 of this year. Staff completed the RFQ process in April, and was prepared to request selection of Michael Baker Engineering. However, the project manager for Michael Baker Engineering (Jeff Kirby) made it known at that time that he was leaving Michael Baker Engineering. Therefore, staff requested postponement on the selection at that time.

Staff has revisited the RFQ process. RFQs were sent to eight engineering firms and an advertisement was placed in the local newspaper. Four engineering firms responded with Statements of Qualifications (SOQ) – Michael Baker Engineering, Parrish & Partners, Talbert & Bright and Delta.

The Airport Commission established an RFQ sub-committee to evaluate the SOQs. The committee met to discuss the SOQs and evaluated them based on seven criteria taken from FAA Advisory Circular 150/1500-14D which provides guidance on the selection process (up to 10 points on the first 3 and up to 5 points on the last 4, with four sub-committee members voting.

The sub-committee consisted of Phil Collins, Steve Johnson, Billy Shomaker, David Currier and Larry Pressley. Parrish & Partners (project manager – Jeff Kirby) scored the highest with a 190 and Michael Baker Engineering was second highest with 182. After discussion of the criteria and scores, the committee determined that Parrish & Partners would be best suited to serve as the airport consultant. It was the consensus of the committee that the current workload of Parrish & Partners, the previous experience of their team members at the airport and the ability of Parrish & Partners to put the interests of the Statesville Regional Airport first makes them stand out among the responding firms, as the firm best equipped to serve the interests of the airport at this time. The committee recognized that the other respondents are capable and was impressed with their qualifications. However, the committee recommended that Parrish & Partners be selected for engineering consultant to the Statesville Regional Airport. The Airport Commission reviewed the sub-committee's findings at its October 10 meeting and concurred with their findings and also recommends that the City Council select Parrish & Partners as the engineering/planning consultant for the airport.

Upon approval from the City Council, staff will proceed with negotiating a contract and schedule of fees. Staff is recommending a five year term with a thirty day cancellation clause for any reason and will forward the contract to the City Council at a future meeting for approval.

**Council member J. Johnson made a motion to approve a recommendation from the Airport Commission to select Parrish & Partners to be selected for Engineering Consultant to the Statesville Regional Airport, seconded by Council member Stallard. The motion carried unanimously.**

**VII Permission to apply for a grant from the American Police and Sheriff's Foundation and to authorize Sergeant Daniel Miglin to manage the grant on behalf of the City of Statesville if awarded.**

Sergeant Dan Miglin stated the Statesville Police Department is eligible to apply for this grant via the American Police and Sheriff's Foundation in the amount of \$4,000. If awarded, the grant requires no match from the City of Statesville. The Police Department proposes to use these funds towards the purchase of four (4) new Tasers and holsters for its Patrol Division. These less-lethal devices are proven deterrents to combative behaviors of crime suspects as well as a safe option, for both the suspect and officer, used to bring combative or uncooperative suspects under control and arrest when other options have failed. All officers' assigned Tasers are certified in their use annually.

**Council member Matthews made a motion to grant permission to the Statesville Police Department to apply for a grant from the American Police and Sheriff's Foundation and to authorize Sergeant Daniel Miglin to manage the grant on behalf of the City of Statesville if awarded, seconded by Council member Eisele. The motion carried unanimously.**

Mayor Kutteh reminded citizens that Sergeant Miglin has written 71 grants and been awarded 65% of those. As a result the City has received over \$2.85 million in funding at a cost of only \$233,244 to the City of Statesville for over \$2.6 million in savings.

**VIII To accept a grant from the NC Governor's Highway Safety Program (GHSP), and approve Budget Amendment #14.**

Sergeant Miglin stated this is the final step in accepting a grant that the Statesville Police Department has been issued from the NC GHSP for the purchase of four (4) mobile data terminals (MDT) & accessories; four (4) in-car camera systems; and related training expenses. The grant requires a 50% cash match from the City of Statesville and is retroactive to October 1, 2013. The grant award is for \$50,050; \$25,025 (max.) in Federal funds to be received on a reimbursement basis. A \$25,025 match will be encumbered via \$13,195 in drug seizure funds and the remaining \$11,830 to be drawn from the fund balance. Staff plans to use only \$13,195 of the grant and the remaining appropriated funds will be returned to the source.

**Council member J. Johnson made a motion to accept the grant from the NC Governor's Highway Safety Program (GHSP), and approve Budget Amendment #14, seconded by Council member Eisele. The motion carried unanimously.**

**IX Consider approving the purchase of a used wire stripping machine for the purchase price of \$1,500 from Gary Stewart.**

Kent Houpe said this machine generally sells for over \$2,500. The Electric Utility Department was allowed to test the machine to strip approximately 800 feet, or roughly 834 pounds, of insulated copper wire removed from Substation 5. By stripping the wire an additional \$1.50 per pound was earned resulting in \$1,250 more than if it had been sold as insulated wire. There is money available in the department's operating budget to cover this expense.

Council member West asked why Council had to approve a \$1,500 purchase. Mr. Houpe explained that it is Council's policy that any purchase of over \$1,000 had to be approved by Council. Mayor Kutteh further explained this policy came as a result of a previous situation.

**Council member West made a motion to approve the purchase of a used wire striping machine for the purchase price of \$1,500 from Gary Stewart, seconded by Council member Huggins. The motion carried unanimously.**

**X Consider award of Bid for the Downtown Streetscape Improvement Project Phase II (West Broad Street from Center Street to Mulberry Street) and approve Budget Amendment #16.**

Brendon Pritchard stated staff received bids on October 10, 2013 for Phase II of the Streetscape Project. The project bid consists of streetscape improvements on west Broad Street from Center Street to Mulberry Street, construction of additional parking spaces along north Meeting Street, replacement of a 16" inch water line on Meeting Street and replacement of substandard storm drain lines on south Meeting Street.

The low base bid was submitted by Bell Construction Company, Inc., in the amount of \$3,453,657.55. The low bid amount with a 5% contingency to be included in the project budget is \$3,626,340.43. Additional costs to be included in the project budget are relocation expenses for AT&T at \$9,000 and Time Warner Cable at \$9,000 to move their lines within the project limits to underground. Also proposed for the project budget is \$60,000 for resurfacing and adding landscaped islands to the W Broad Street parking lot and \$90,000 for demolition of the existing structure and construction of a new parking lot with landscaped islands at the property purchased at 110 S Meeting Street which will add approximately 30 parking spaces to the downtown.

Staff has contacted Bell Construction, Inc. regarding some of the streetscape costs and has worked with McGill, our design engineer about adjusting some of the bid item quantities that had been rounded up. Staff recommends the following changes which will reduce costs.

Bell Construction's Base Bid	\$3,453,657.55
Deduction from reduced unit costs and item quantities	<u>- 246,408.78</u>
Award Amount	\$3,207,248.77
5% Contingency	<u>+ 160,363.00</u>
Construction + Contingency	\$3,367,611.77
AT&T Relocation Expenses	9,000.00
Time Warner Cable Relocation Expenses	9,000.00
W Broad Street Parking Lot Improvements	60,000.00
Meeting St Parking Lot Construction	<u>+ 90,000.00</u>
Recommended Project Budget	\$3,535,611.77

The plans for the permit for replacement of the waterlines in this project are currently under review by NCDENR Public Water Supply Section, therefore, staff recommends award of bid, contingent upon approval of NCDENRPWS approval of the water line permit, to Bell Construction, Inc., in the amount of \$3,207,248.77 and a total project budget of \$3,535,611.77 as outlined above and approval of Budget Amendment #16.

**Council member M. Johnson made a motion to award the Downtown Streetscape Improvement Project Phase II Construction Contract to Bell Construction in the amount of \$3,207,248.77 and in addition add \$160,363.00 as 5% contingency, \$9,000 in AT&T relocation expenses, \$9,000 in Time Warner Cable relocation expenses, \$60,000 in W. Broad Street parking lot improvements and \$90,000 for the Meeting Street parking lot construction for a total of \$3,535,611.77, Budget Amendment #16, contingent upon approval of NCDENRPWS of the water line permit. The motion was seconded by Council member Eisele.**

Council member J. Johnson asked Council member M. Johnson to amend his motion to include three handicap parking spaces on west Broad Street instead of two.

Council member M. Johnson said he looked at the additional handicap parking spaces that are outside the scope of the streetscape project and measured each of them. His research showed that the typical parking spaces downtown are larger than the handicap parking spaces and the van accessible handicap parking spaces were originally. He said he did not want to amend the motion but he would like for Council member J. Johnson to sit down with Mr. Pressley and Mr. Pritchard and determine locations on a map where he thinks the handicap spaces should be to satisfy the criteria of the citizens he has spoken to about this.

Council member J. Johnson said there is no reason to reduce the number of handicap spaces and even though there will be additional spaces on Meeting Street that is too far from the square. Council member M. Johnson said the existing spaces are bigger than the required size for a handicap space so the spaces that Council member J. Johnson thinks should be marked handicap would simply need to be painted with a blue handicap marking and he thought that three spaces should not be an issue. Council member M. Johnson said he does not want to condition this project based on those spaces other than the fact that he is willing to discuss where they should go with Council member J. Johnson, Mr. Pressley and Mr. Pritchard.

Council member Matthews asked if the law requires that a certain percentage of the spaces in the Meeting Street parking lot must be designated as handicap spaces. Mr. Pritchard replied off-street parking requires a certain number of handicap spaces but there is no such requirement for on-street parking.

After further discussion regarding the location of handicap spaces, Council member M. Johnson amended his motion as follows:

**That Council will preserve a minimum of two (2) handicap parking spaces within the first block of west Broad Street, between Center Street and Meeting Street and will add another handicap parking space in the block between Center Street and Tradd Street as close to the square as possible. The amended motion was seconded by Council member Eisele.**

The vote was as follows:

**Ayes: M. Johnson, Eisele, West, Matthews, Huggins, Stallard  
Nays: J. Johnson  
Motion carried 6-1 (Gregory absent)**

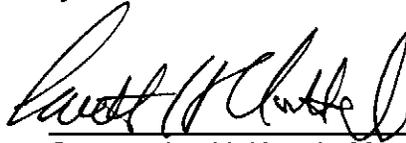
Mayor Kutteh asked for a motion to move to Executive Session.

**Council member Matthews made a motion to move to Executive Session to consult with the City Attorney regarding a matter that involves legal issues arising out of the appeal to the Board of Adjustment by Michael Schlesinger and others involving the Love's Truck Stop and to protect the attorney-client privilege citing N.C.G.S. 143-318.11(a)(3).**

Upon return from Executive Session Mayor Kutteh stated City Council consulted with the City Attorney regarding a matter that involves legal issues arising out of the appeal to the Board of Adjustment by Michael Schlesinger and others involving the Love's Truck Stop and to protect the attorney-client privilege and no action was taken.

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



  
Constantine H. Kutteh, Mayor

Attest:

  
Brenda Fugett, City Clerk