

**MINUTE BOOK 23, PAGE 173
CITY OF STATESVILLE – June 1, 2009
CITY HALL COUNCIL CHAMBERS – 7:00 P.M.
STATESVILLE, NORTH CAROLINA**

Mayor Kutteh presiding:

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

Staff Present: L Smyth, Davis, Hites, Craddock, Earnhardt, Salmon,
Currier, Pressley, Anderson, Davis, Gaines, Miller,
Pritchard, Quick, Bullins

Media Present: J McNally - Record and Landmark
D Vieser – Charlotte Observer

Invocation

The invocation was given by the City Clerk.

Pledge of Allegiance

Mayor Kutteh led the Pledge of Allegiance.

CONSENT AGENDA

- A. Approve minutes of the budget workshop of May 12, pre-agenda meeting of May 14, 2009, and Council meeting of May 18, 2009.**
- B. Approval of a semi-annual write-off of approximately \$96,436.60 in utility accounts**
- C. Consider passing the second reading of an ordinance to delete City Ordinance #16-01 (Section 12-138), which restricted parking in the Statesville Police Department parking lot during specified days and times to accommodate the Statesville Rotary Farmer's Market. Due to the fact that the Farmer's Market no longer operates from the Police Department parking lot, these restrictions are no longer necessary. (Ord. #20-09)**
- D. Consider passing the second reading of an ordinance amending Chapter 12, Article V, Division 1, of the City of Statesville Municipal Code to prohibit parking at all times on the south side of Durham Avenue, New Bern Avenue, and Wilmington Avenue, between 7th Street and Caldwell Street. Appropriate signage will accompany this ordinance. (Ord. #21-09)**
- E. Approve write-off of \$2,985.00 in nuisance abatements and other miscellaneous billings.**
- F. Approve write-off of approximately \$5,195.45 in water, sewer, and street assessments.**
- G. Approve Budget Amendment # 32 for Wilson Lee Bridge Utility relocations.**
- H. Receive and concur with the 2009-2010 Budget for the Statesville Convention and Visitors Bureau.**

PAGE 174

- I. Approve administrative budget changes transferring funds from capital lines to operating for items purchased below the capitalization threshold.**

- K. Consider a special appropriation to the 2009 All-America City Campaign.**

- L. Approve a lease agreement between the City of Statesville and I-CARE, Inc. for property located at 1204 Rickert Street for a term of five years at a rate of \$ 1.00.**

- M. Consider approving a resolution in support for the improvement of the bridge over Interstate 85 at the Yadkin River. (Reso. #17-09)**

Council member Huggins requested that item J be moved to the regular agenda.

Mayor Kutteh asked for all members of Council that were in favor of approving the remainder of the Consent Agenda to say Aye. It was unanimously approved.

REGULAR AGENDA

- J. Consider adding a school resource officer for Pressly School in the 2009-10 budget**

Finance Director Salmon advised that after the proposed 2009-10 budget was prepared, the Police Department received a request from Iredell-Statesville Schools for an assignment of a school resource officer to Pressly School. The school system has agreed to fund the position for a period of ten months annually.

If this request is granted, the Police Department recommends assigning an existing officer to serve as the school resource officer, and hiring a new officer for manpower replacement.

Iredell-Statesville Schools (10 months):	\$43,966
City (2 months):	<u>8,793</u>
Total	\$52,759

Upon a motion by Council member Steele, seconded by Council member Gregory, a school resource officer for Pressly School was approved for the 2009-10 budget.

Conduct a Public Hearing at the Monday, June 1st, 2009 meeting concerning the condemnation of 424 Harrison St and pass an ordinance to condemn the structure as unfit for human occupancy

This item was pulled.

Consider first reading of an ordinance prohibiting sex offender's in public parks, recreational facilities and greenway trails.

Chief Tom Anderson advised that currently, North Carolina Law does not prohibit registered sex offenders from entering properties managed by Municipal Parks and Recreation Departments with the exception of a 300 foot distance from areas designated for the use, care and supervision of minors. This ordinance would give law enforcement officers another tool to reduce opportunities for sex offenders to make use of public spaces for criminal intent.

PAGE 175

Council member Steele asked if the only time a registered sex offender has to register is when it involves a 13-15 year old and someone that is 6 years older. Chief Anderson noted there are other criteria for when a sex offender has to register.

Upon a motion by Council member Stallard, seconded by Council member Eisele, the first reading of an ordinance prohibiting sex offender's in public parks, recreational facilities and greenway trails was unanimously approved.

Consider adopting a Resolution and endorse the Iredell County Solid Waste Management Plan update of 2009. (Reso. #18-09)

David Lambert, Iredell County Director of Solid Waste has prepared an update to the 10 Year Solid Waste Plan. The plan is updated every 3 years and includes cities and towns within Iredell County as well.

The mission and goals of the plan are summarized below:

"...It is the mission of Iredell County's Solid Waste Program to provide the county with environmentally responsible waste disposal while optimizing all resources fully.

PLANNING AREA GOALS

Goal 1. To provide all citizens and businesses in the county with waste disposal capacity, convenient disposal locations, recycling opportunities and education.

Goal 2. To increase the efficiency of solid waste programs and thereby maximize available disposal capacity while ensuring the ability to react to future needs.

Goal 3. To increase the per capital recovery rate.

Goal 4. To decrease improper disposal while protecting public health and the environment..."

Staff recommends adoption of a resolution to endorse the 2009 update of the Iredell County Solid Waste Plan.

Upon a motion by Council member M Johnson, seconded by Council member Stallard, the resolution endorsing the Iredell County Solid Waste Management Plan update of 2009 was unanimously approved.

Consider appointing two members to the Statesville Airport Commission to serve two new terms.

The terms of Billy Shomaker and Jay Brown on the Statesville Airport Commission will expire on June 30, 2009. Both Mr. Shomaker and Mr. Brown have stated that they would volunteer to serve another term.

Council reached a consensus that with regards to board or commission appointments if an applicant is already serving on another board or commission they will not be considered for additional vacancies.

The City Clerk provided applications from other applicants interested in serving on the Airport Commission:

Currently resides within the municipal limits

- Brian Chapman (Police Officer)
- William Wortman (retired physician)
- Jim Lawton (President – Fast Phil's Inc.)

Currently resides outside of the municipal limits

- David Heinmiller (Director of Safety – Mitchell Community College)

As you are aware, the Airport Commission consists of seven (7) members, three (3) of which may reside outside of the current municipal limits. Currently one member of the Commission resides outside of the current municipal limits – Frank Mitchell.

Council member J Johnson nominated Billy Shomaker. Council member Steele nominated Jim Lawton.

Council member Steele made a motion to close nominations. Council member Matthews seconded the motion which was unanimously approved.

Mayor Kutteh asked for everyone in favor of closing the nominations and appointing Billy Shomaker and Jim Lawton to the Airport Commission. It was unanimously approved.

Consider the following three requests for the Board of Adjustment;

(1) appoint four members to the BOA,

(2) reclassify a current BOA member from county appointment to regular member, and

(3) designate two members as alternates.

1) The terms of four BOA Members will come to an end on June 30, 2009.

- Margery Turnipseed,
- Sandra Campbell,
- John Gilbert, and
- David Tharpe

Each of these members stated that they would like to be re-appointed to another term. The City Clerk has also provided an application from Mary Mack, who is interested in serving on the BOA. Ms. Mack resides within the municipal limits and is a student at Mitchell Community College.

2) It is a requirement of the Zoning Ordinance that the regular membership of the BOA consist of two representatives who reside in the ETJ and are appointed by the County Commissioners. BOA Member Larry Rosenfeld is currently classified as a County Appointment to the BOA and was re-appointed to the BOA in July of 2007 (by the County Commissioners).

However, Mr. Rosenfeld now resides within the municipal limits of Statesville and, therefore, can no longer be considered an ETJ representative. It is requested of City Council to reclassify Mr. Rosenfeld as a regular member of the BOA.

3) The Zoning Ordinance requires that the BOA consist of seven members. Of the seven, five members may be residents of the City of Statesville, and at least two members must be residents of the ETJ. Currently, there are four members interested in being re-appointed and another resident of Statesville who is interested in being appointed for the first time. There are three BOA members other than the member whose terms are expiring. Therefore, two regular members are needed and two alternates may be appointed. Also, as stated earlier, there are two vacancies on the BOA for ETJ residents appointed by the County Commissioners.

Council member Steele made a motion to appoint John Gilbert, David Tharpe, and Margery Turnipseed as regular members; Sandra Campbell as the city alternate; and change Larry Rosenfeld to a regular city appointee.

Mayor Kutteh asked if there were any other nominations. There being none, **Council member J Johnson seconded the motion and it was unanimously approved.**

Approve use of contingency funds in the SFAC construction budget for the purchase of several items for the Fitness Center.

Lynn Miller stated the following items are recommended unanimously by the Quality of Life Committee for use at the Statesville Fitness and Activity Center:

Greenway Connection	\$10,000
Blinds for Fitness & Multi Purpose Rooms	\$ 6,500
Refrigerator for Catering Kitchen	\$ 750

The Greenway Connection will be completed using City staff and equipment and it is anticipated to be completed in six to eight weeks, depending upon the weather. This connection will allow summer camps to walk to the City's soccer fields without crossing the roadway.

In addition to having the HVAC system checked in the fitness rooms, the blinds will help defer some of the radiant heat from the sun coming through the windows. We are hopeful the combination of these two efforts will reduce the concerns with temperature in the fitness room. Blinds in the multi-purpose rooms will make the projectors more functional during sunny days. Currently, it is difficult to see the projector screen and/or the computer screens during the day.

Finally, the catering kitchen in the facility was not equipped with a refrigerator. This purchase will provide space for groups renting the facility to keep items cool and will also provide storage for items used during City sponsored summer camps. The refrigerator from Garfield was old and damaged and not suitable for use at the new center.

Miller stated she was instructed to get quotes for perimeter security of the pool. Alarm South has provided a quote of \$7,485 (with \$440 sales tax). There is also a monthly monitoring fee of \$ 25.

Council member M Johnson asked staff to ask Alarm South for a guarantee that the images on the camera at night will be of quality such that a person could be identified.

Upon a motion by Council member Eisele, seconded by Council member Matthews, contingency funds were approved for the greenway connection, blinds for fitness and multi-purpose rooms, refrigerator for the catering kitchen and the Alarm South quote for perimeter security of the pool.

Receive a report regarding airport bids

Bids were received on May 19, 2009 at 2 PM and the results are tabulated below:

APAC Atlantic – Thompson Arthur Div.	\$8,276,134.25
J. T. Russell & Sons, Inc.	\$9,503,713.10
Maymeade, Inc.	\$13,391,064.75

Funds available for construction are 6.8 million dollars.

On Thursday May 28th, we received work through our consultant Jeff Kirby with LPA that we have received an additional 1.8 million dollars (new funding) from FAA in Atlanta according to Rick Barks from NC Division of Aviation. Therefore, with the additional

PAGE 178

funding, the airport overlay project can move forward and the additional funding should be available within 30 days.

There are 2 items that can be eliminated without a major impact on the project:

1. Changing the grade of asphalt - \$390,575
2. Eliminate bituminous prime coat - \$62,275

Details of construction are:

1. 60 day construction time
2. Runway closure time is limited to 14 calendar days
3. Liquidated damages if closure takes longer than 14 days is set at \$10,000 per day.
4. Strengthened to a rating of 99,500 lbs loading.
5. To accommodate requests from race teams, closure is scheduled from 6 am August 17th until 6 am on August 31st.
6. The main runway work will be done during the closure period.
7. The remainder of the 60 days is to complete the remainder of the project including Taxiway A, Taxiway F and the removal of Taxiway E.

Staff will bring bids back to city council for award possibly as early as the June 15th meeting.

There being no further business to come before Council, upon a motion by Councilmember Steele, seconded by Councilmember Gregory, the meeting was adjourned.

Mayor

ATTEST:

City Clerk