

MINUTE BOOK 26, PAGE 135
CITY OF STATESVILLE COUNCIL MEETING – August 15, 2016
CITY HALL – 227 S. CENTER STREET, STATESVILLE, NC – 7:00 P.M.
STATESVILLE, NORTH CAROLINA

Mayor Costi Kutteh presiding:

Council Present: J. Johnson, Morgan, Williams, M. Johnson, West, Watt, Schlesinger, Phifer

Council Absent: 0

Staff Present: Pressley, Fugett, Gaines, Davis, Smyth, Currier, Staley, Styers, Slocum, Ferguson, Ashley, Onley, Chipman, Gregory, Shelton,

Media Present Nina Mastandrea-Statesville Record & Landmark

Others 55

I Call to Order

Mayor Kutteh called the meeting to order.

II Invocation

The City Clerk gave the invocation.

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.

Judy Kinnley-701 Mitchell Avenue, Salisbury, stated that she owns a vacant house located in Statesville at 547 N. Center Street. She asked Council to consider exempting her from the trash pick-up fee since the house is vacant and she is not using the service.

Gwen Dobbins, 1426 Old Charlotte Road, Statesville, asked if Council could tear down a vacant building that is across the street from her at 1425 Old Charlotte Road. She advised that homeless people are drinking, etc, behind the structure every day after the shelter makes them leave in the mornings.

Mason McCullough, 509 Hickory Street, Statesville, submitted a petition of 433 signatures to Council, requesting to rename Shelton Avenue Martin Luther King Jr. Boulevard beginning at South Center Street and ending at Amity Hill Road. He advised that letters had been sent to 45 property owners on Shelton Avenue asking for their support of this. Mr. McCullough said there is not one thing in Iredell County commemorating Martin Luther King, Jr. and the community wants something visible that shows the contribution that he made for social change and justice in the United States.

Seifullah El-Amin, 2038 Ora Drive, Statesville, spoke in favor of the request to rename Shelton Avenue.

Anthony Turman, 114 May Drive, Statesville, spoke in favor of the request to rename Shelton Avenue.

Brian Summers, Citizens for Change, Washington, D.C., spoke in favor of the request to rename Shelton Avenue.

Xavier Zsarmani, 118 Lucas Lane, Statesville, spoke in favor of the request to rename Shelton Avenue.

Allan Raymond, Coolidge Avenue, Statesville, express dissatisfaction of the increase in property taxes and the trash pick-up fee. He stated he could not find the 2016-2017 budget on the City website. Mayor Kutteh instructed staff to assist Mr. Raymond in viewing the budget online or to provide him with a copy.

Phyllis Summers, 128 Graylin Loop, stated that her son who was a victim of a hit and run accident in 2011 and is now a quadriplegic. She expressed concern of the lack of sidewalks and the steep slope of some of the existing sidewalk areas.

Mayor Kutteh advised that the request to rename Shelton Avenue will be included on the September or October Council agenda.

V Consent Agenda

Mayor Kutteh stated 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.

- A. Consider approving the August 01, 2016 Pre-Agenda and City Council meeting minutes.**
- B. Consider approving 2nd reading of an ordinance to establish a no parking zone on the east side of South Mulberry St between Walnut St and West Broad St.**
- C. Consider authorizing the rollover of outstanding purchase orders and other encumbrances and approve Budget Amendment #04.**
- D. Consider approving 2nd reading of an ordinance to annex the Venture Properties VII, LLC property (Publix) located at 134 Venture Lane.**

- E. Consider the purchase of an automated garbage collection truck.**
Mayor Kutteh advised that at the request of Council member Schlesinger, this item was moved to the Regular Agenda at the Pre-Agenda meeting.

Mayor Kutteh asked if there were any other items on the Consent Agenda that Council wished to be moved to the Regular Agenda. There being none, he asked for a motion.

Council member Morgan made a motion to approve the Consent Agenda, seconded by Council member Schlesinger. The motion carried unanimously.

REGULAR AGENDA

VI Presentation of a plaque identifying the location of the former Fire Station and the resting place of Sammy the Fire Dog.

Mayor Kutteh stated that while attending the CSI camp in downtown Statesville, Cooper Hall and Abby Schieck learned about Sammy the Fire Dog, who 70 years ago served faithfully alongside police and fire officers from 1934 to 1946. Sammy was killed by a car on North Center Street, near what was the Statesville Fire Department building. He is buried near the entrance of Beth & Company on Center Street, but he has no plaque to mark his final resting spot. The girls learned that he used to have a marker at his grave, but some time ago there was construction near his burying spot so the marker was moved to protect it from getting damaged and it was never put back. It is now on display at the new fire station. Cooper and Abby felt that Sammy should have a marker showing his final resting place and set to work to make that happen. Mayor Kutteh presented a plaque to Cooper and Abby which will be placed on the brick wall lining the parking lot next to Beth & Company, near the spot where Sammy was buried on August 23, 1946.

ADD Update on the Old Davis Hospital demolition.

City Attorney Eddie Gaines stated that the EPA has finished their work on the site and now it no longer qualifies as a superfund site so they will not tear it down. There has been some effort to get the EPA to change their position. Iredell County has retained the services of a company and are preparing an abatement plan. Their attorney, Mr. Pope has been in contact with the owner, Mr. Godley in pursuance of his contract with Mitchell Community College. Mr. Godley says he has someone who will follow the plan. The EPA now has a lien on the property in the range of \$500,000.

E. Consider the purchase of an automated garbage collection truck.

Scott Harrell stated that under G.S. 143-129(e)(3), local governments may make purchases from suppliers who are selected through a group purchasing program that is a “formally organized program that offers competitively obtained purchasing services at discount prices to two or more public agencies.” The City of Statesville has a membership with the National Joint Powers Alliance (NJPA), a group purchasing program that meets the statute’s requirements. Staff has obtained a quote from Carolina Environmental Systems, Inc. (Kernersville, NC) for a Heil DuraPack Odyssey 40 cubic yard fully automated truck in the amount of \$315,955. Carolina Environmental Systems, Inc. participates in the NJPA. This fully automated truck is a demo model; the Sanitation Division test-operated it several days in late June and early July. It utilizes the same front-mounted collection apparatus as the recycling program truck. The front-mounted operation provides improved operator ergonomics and vehicle maneuverability. Its specifications were confirmed to meet City of Statesville requirements by Sanitation Superintendent Fred Morrison and Fleet Manager Thom Mahala. The unit includes a general one-year warranty, with the engine and other major components warrantied from two to five years. Delivery is approximately 7 – 10 days. Purchasing Agent Eva Mendez has confirmed that this purchase is permissible under G.S. 143-129(e)(3). The amount budgeted for this vehicle is \$325,000. Staff recommends purchase of the automated garbage collection truck from Carolina Environmental Systems, Inc. in the amount of \$315,955.

Mayor Kutteh asked if these types of items always come to City Council for approval even though it is budgeted for. Mr. Harrell replied yes because the cost exceeds the allowed threshold.

Council member Schlesinger commented that a new fire truck was needed much more than a new garbage truck and that he had disagreed with the decision not to purchase the new fire truck during budget discussions.

Council member Phifer asked what other cities have purchased this truck. Mr. Harrell replied the City of Lexington.

Council member Morgan clarified that this purchase was approved in the 2016-2017 budget. Mr. Harrell stated that it was.

Council member Morgan made a motion to approve the purchase of an automated garbage collection truck, seconded by Council member West. The vote was as follows:

- Ayes: Morgan, West, J. Johnson, M. Johnson, Watt, Williams**
- Nays: Schlesinger, Phifer**
- Motion carried 6-2**

Mayor Kutteh asked Mr. Harrell to provide Council with current recycle numbers at a future meeting.

VII ABC Board update from Michelle Rokes.

Mayor Kutteh advised that this item has been removed from the agenda at the request of the ABC Board.

VIII Receive an update on the Stormwater Utility Feasibility Study.

Dereck Slocum stated that since April the Public Works and Engineering Departments have been working with Jewell Engineering developing the Stormwater Utility Feasibility Study. Today’s update will be a summary of what has been accomplished, where the study is at, and the plans moving forward. One of the items that staff will need Council’s assistance in developing is the Stormwater Advisory Commission. The initial activities of the Commission will be focused on the proposed stormwater utility currently being considered. This effort will be fairly intense for the first nine to twelve months as the stormwater utility is evaluated and formulated. Following that initial effort, the Commission could continue to function as a program review board to advise Council and advocate for ongoing program activities such as annual Capital Improvement Programs, drainage maintenance programs, regulatory compliance programs, and similar program

functions. Generally, City Staff would present issues and information to the Commission for their review and consideration, and then respond to questions.

Name:

The name "Stormwater Advisory Commission" is recommended to reflect the following:

- The primary issues the Commission should address pertain to stormwater quantity and quality and the City's Stormwater Management Program.
- The Commission should perform in an advisory capacity to the City Council and its members should be appointed by City Council.

Duties:

The duties of the Stormwater Advisory Commission should be as follows:

Initial

- To become educated and knowledgeable about stormwater management in Statesville so as to be effective in a review and advisory capacity.
- To review pertinent data provided by the City Staff and consultants concerning the general pros and cons of a stormwater utility and the details of development and implementation.
- To give a consensual recommendation to City Council on whether or not to proceed with development and implementation of a stormwater utility.
- To review and advocate for changes in City stormwater policy, process, and programs as needed to meet regulations from outside the City, to address citizen and City needs, and to protect and preserve the natural aquatic environment in and around Statesville.
- To bring a citizen's perspective to the Commission, City staff, and Council on issues related to stormwater management as they affect the City and its citizens.
- To carry knowledge back into the community so that other citizens may better understand stormwater management and the Stormwater Utility.

Make-up and Term:

- The Commission should be made up of eight to ten voting members who either live in Statesville or who have significant business interests in the City. All should be subject to paying a stormwater management fee (i.e. property owners in the City). The Commission should also include three ex-officio, non-voting members as follows: one member from City Council, one member from the Planning Board, and the City Stormwater Administrator.
- To the extent possible, the Commission should have voting members representing the following constituencies (with balance among the members such that no more than two members represent a particular constituency):
 - Residential neighborhood / homeowner associations
 - Retail / commercial interests
 - Land development interests
 - Industrial / manufacturing interests
 - Institutional interests (churches, schools, non-profits, etc.)
 - Environmental interests
 - Technical interests (engineers, architects, surveyors, etc.)

Meetings:

- Given that the initial work of the Commission will be related to whether or not a stormwater utility should be implemented, we recommend that the Commission meet monthly (nominally 2 hours per meeting) for the first year. That level of involvement will be needed to get the Commission up to speed on current

stormwater issues and to be prepared to perform its duties.

- The Commission should initially decide upon a meeting time and place that works best for members and Staff, alike. City Stormwater Staff, in concert with the Chairperson, should prepare an agenda for each meeting and provide informational support, as needed, to the Commission.

Doug Jewell with Jewell Engineering Consultants reviewed a PowerPoint presentation of the storm drainage system snapshot, the existing stormwater program analysis and the Stormwater Advisory Commission recommendation.

IX Consider approving the Airport Market Study.

Jeff Kirby with Parrish & Partners advised Council that all of the information that Council had asked for was included in the study with the exception of one question from Council member M. Johnson that they simply could not obtain the information for. Council members agreed that they would vote on this item at the September 19th Council meeting.

X Conduct a public hearing and consider approving a Resolution to Close, a 10' alley adjacent to Harrill Street.

David Currier stated that Ms. Lisa Valdez representing Iredell County is petitioning to close the 10' alley adjacent to Harrill Street that runs along the back of Ronald Milam's property located at 303 Davie Avenue. Iredell County and Ronald Milam are the adjoining property owners along this section. Staff understands that Iredell County will be expanding the jail in the near future; therefore the site will be reconfigured. Currently, the alley serves as a driveway to an existing parking lot adjacent to the jail facility. There are no utility conflicts. On August 1, 2016 the City Council passed the Resolution of Intent to schedule the public hearing for this request.

Mayor Kutteh declared the public hearing open and asked if there is anyone present who wished to speak in favor or in opposition of this item. There being none, he asked for a motion on the matter.

Council member M. Johnson made a motion to approve a Resolution to Close, a 10' alley adjacent to Harrill Street, seconded by Council member J. Johnson. The motion carried unanimously.

XI Consider approving a sketch plan for Pine Forrest II Sketch Plan (Located off Amity Hill Road); Tax Map 4742-58-9712.

Council member M. Johnson asked to be recused from this item due to a conflict of interest.

Council member Williams made a motion to recuse Council member M. Johnson, seconded by Council member Schlesinger. The motion carried unanimously.

David Currier stated that this property was annexed in February, 2016 and was rezoned to R-5MF (High Density Residential Multi-Family) in March, 2016. The Johnson Group Inc. has submitted a sketch plan for the Pine Forrest II Subdivision located on Amity Hill Road. The property is approximately 29.27 acres and will consist of 71 lots. Of the 71 lots, 17 are proposed to be developed at a future date. The property will be accessed from Amity Hill Road. The first phase of Pine Forrest is located adjacent to the property to the north and the subdivisions will be connected by West Heart Pine Lane. Lots 1-15 & 33-71 are to be developed at this time and Lots 16-32 are shown for future development. This property is being developed as a cluster development and requires 10% active open space. The plan will be required to show what the active open space is to be used as prior to preliminary plan approval. A 50ft stream buffer is required from the centerline of the stream in the rear of the property. An overhead transmission line runs through the property. An additional 15 feet of right-of-way will have to be dedicated on Amity Hill Road to comply with the Thoroughfare Plan. Also a 5ft wide sidewalk is shown to be built along Amity Hill Road. Street names have been approved by Iredell County. Sketch plans require TRC, Planning Board and City Council approval. The TRC reviewed and approved the sketch plan on June 15, 2016 contingent the 10% open space being shown and lot dimensions being added. Otherwise the sketch plan meets the city's standards and staff recommends approval. The Planning Board's recommendation is favorable as is with no proposed added conditions and no one spoke on this issue at the Planning Board Meeting.

Council member Schlesinger asked if there are any open areas included in the plan. Mr. Currier pointed the areas out on the plan.

Council member Morgan made a motion to approve a sketch plan for Pine Forrest II Sketch Plan (Located off Amity Hill Road); Tax Map 4742-58-9712, seconded by Council member West. The motion carried unanimously.

Council member J. Johnson made a motion to bring Council member M. Johnson back, seconded by Council member West. The motion carried unanimously.

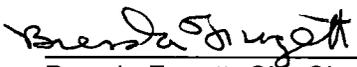
XII Consider approving expanding the Police Departments "Take Home Vehicle Policy" and hiring of non-sworn personnel under a "Police Recruit" program.

Assistant Police Chief David Onley explained that staff is requesting that all officers with 25 months of satisfactory service who reside within a 22 mile radius of Statesville City Hall be authorized to take part in the take home vehicle plan. The 22 mile radius is based on the farthest point in Iredell County from City Hall. Under the current practice 26 officers take vehicles home and under the new plan this number would expand to 48 officers or 66% of the current staff. This would increase to 60 officers or 83% of the current staff if all officers remain. In the 2016-2017 Statesville Police Department operating budget, the agency received \$275,000 to be utilized to improve officer retention and recruitment. These funds were set aside in order for the agency to design an approved vehicle policy that would permit additional staff to obtain take home vehicles. The agency is requesting to utilize these funds to purchase and equip 11 administrative style vehicles. This purchase would allow patrol vehicles to be cycled back to the patrol division for use by those personnel. The Police Department is also requesting approval to reactivate the hiring of non-sworn (civilians) under a "Police Recruit" program. Selected applicants would be hired and sent through the Basic Law Enforcement Training program by the agency. Applicants would be hired as a Police Recruit, at a reduced rate which would off-set the costs associated with the training academy.

Council member M. Johnson made a motion to approve expanding the Police Departments "Take Home Vehicle Policy" and hiring of non-sworn personnel under a "Police Recruit" program, seconded by Council member Watt. The motion carried unanimously.

Council member West made a motion to adjourn, seconded by Council member J. Johnson. The motion carried unanimously.

Attest:


Brenda Fugett, City Clerk




Constantine H. Kutfeh, Mayor