

**MINUTE BOOK 23, PAGE 420
CITY OF STATESVILLE COUNCIL MEETING – March 15, 2010
CITY COUNCIL CHAMBERS – 7:00 P.M.
STATESVILLE, NORTH CAROLINA**

Mayor Costi Kutteh presiding:

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

Staff Present: Hites, Davis, Salmon, Gaines, Pritchard, Fugett, Watts,
Miglin, Bullins, Currier

Media Present: J. McNally – Record & Landmark
D. Vieser – Charlotte Observer

Visitors: 5

Invocation

The invocation was given by the City Clerk.

Pledge of Allegiance

The Pledge of Allegiance was led by Girl Scouts from Troops #10239 and #10538.

Public Comment

Mayor Kutteh explained during the second meeting of each month, citizens are invited to speak about matters not on the current agenda.

Peter Molleur came forward and gave his name and address for the record. Mr. Molleur explained he is on a sub-committee of the Tree Commission, which was formed to study the new downtown design plan and how it will affect the trees. Mr. Molleur stated they would like the trees in Pecan Park to remain the same and possibly enhance the property with more trees all the way to the street level. Another concern is to ensure the large trees on Broad Street are retained, especially down by Mitchell Community College. Mr. Molleur asked that the trees in planters along Center and Broad streets be saved or replanted elsewhere. He advised that a large portion of these trees are memorial trees. Mr. Molleur reported the Tree Commission would like the Farmer's Market to be located downtown and suggested a good location would be at the corner of Meeting & Front St. for the Farmers Market, a Visitor's Center with restrooms and a parking garage across the street.

Mayor Kutteh reported the City Fair was a success and thanked the citizens, staff, and Council members that attended. He reminded everyone this is census week and how important it is to complete the form and return it.

Mayor Kutteh announced Item B on the Consent Agenda, a motion to close the 500 block of South Center Street, between West Bell Street and Garfield Street on Saturday, June 19, 2010, between 12:00 noon and 8:00 p.m. for the annual "Juneteenth" celebration, will be removed from tonight's Consent Agenda. The requesting group has not completed the Special Events Permit application.

CONSENT AGENDA – All items below are considered to be routine by the 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 minutes of the pre-agenda meeting of February 26, 2010, the Council Retreat meeting of February 25-26, 2010 and the Council meeting of March 1, 2010.**
- B. Consider passing a resolution directing the City Clerk to investigate a petition of annexation for 1837 Ora Drive. Receive City Clerk's Certificate of Sufficiency. Consider passing a resolution fixing a date (4-19-10) for a public hearing on the questions of the petitioned annexation.**

Upon a motion by Council member J. Johnson, seconded by Council member Gregory, the Consent Agenda was unanimously approved.

REGULAR AGENDA

Second reading of an ordinance to condemn the structure at 424 Harrison St. as unfit for human occupancy.

Planning Director David Currier reported the owner brought the structure into compliance and staff issued a Certificate of Occupancy. Mr. Currier recommended Council deny second reading of this ordinance.

Council member Steele made a motion to deny second reading of an ordinance to condemn the structure at 424 Harrison St. as unfit for human occupancy. Council member Eisele seconded the motion and it was unanimously approved.

Second reading of an ordinance to condemn the structure at 621 W. Sharpe St. as unfit for human occupancy.

Mr. Currier stated this property is occupied by Mr. Neil Scroggs. Mr. Currier explained the first reading was October 19, 2009. At that time the structure did not meet the 50% rule to demolish. As a result, council approved first reading of an ordinance to close and board the structure as unfit for human habitation. Mr. Currier reported the second reading was tabled but Code Enforcement was compelled to bring it back to Council due to the fact the residence was still not code compliant.

Mr. Currier stated if second reading was approved the department would begin the process of a voluntary removal or if necessary initiate the eviction process through the Sheriff's department.

Mr. Currier reported Mr. Scroggs informed him he had a contractor coming in next week and there would be substantial improvements by next Monday.

There was some discussion by Council to allow Mr. Scroggs until the next council meeting on April 19, 2010 to make significant repairs. Council member Eisele stated she would like to point out that Mr. Scroggs had already been given 5 months and she didn't know how he would be able to get much done in 30 days.

Council member Steele stated Mr. Scroggs and Council need to know exactly what repairs need to be finished by April 19, 2010 in order for Mr. Scroggs to remain in the residence. Mr. Currier was directed to go over the repair list with Mr. Scroggs and report to Council what repairs have been completed at the April 19, 2010 meeting.

Council member Stallard made a motion to approve second reading of an ordinance to condemn the structure at 621 W. Sharpe St. as unfit for human occupancy with the caveat that implementation of the Ordinance will be delayed until after the April 19, 2010 Council Meeting. Council member Eisele seconded the motion and it was unanimously approved.

Consider a motion to amend grant number 36237.46.8.2 (Airport Allocation) to include the \$150,000 previously known as grant number 36237.46.10.1. This would bring the total amount of grant number 36237.46.8.2 to \$450,000. Also, consider passing Budget Amendment No. 39.

Mr. Currier informed Council this was a bookkeeping item only. Mr. Currier stated the City of Statesville was awarded a VISION 100 allocation of \$150,000 for the fiscal year 2010. It was issued as grant number 36237.46.10.1. Since granted, the NDCOT – Division of Aviation has decided to make the Vision 100 Allocation a part of grant number 36237.46.8.2. NCDOT Certification of local funds has been established.

Upon a motion by Council member J. Johnson, seconded by Council member Stallard, the motion was unanimously approved.

Consider passing the first reading of an ordinance amending Chapter 12, Article V, Division 1, of the City of Statesville Municipal Code to prohibit parking on Walnut St. at all times on the south side of the 500 block, to the curb line intersection of Walnut Street and South Race Street. Appropriate signage will accompany this ordinance.

Captain Watts stated the Traffic Safety Director made a study of the traffic conditions on Walnut Street and has determined that parking should be prohibited on the south side of Walnut Street in the 500 block to the curb line intersection of Walnut Street and South Race Street. Currently, there are no restrictions in place for the area indicated. The Traffic Safety Director has found that the average vehicle measures 7.5 to 8.0 feet in width, driver side mirror to passenger side mirror. This configuration alone facilitates the hazard of east and westbound traffic crossing the center line in order to avoid parked vehicles. It is the opinion of the Traffic Safety Director that the prohibition of parking on the south side of Walnut Street, the 500 block, to the curb line intersection of Walnut Street and South Race Street will facilitate traffic flow, sight distance, and will allow traffic to safely travel east and west and provide sufficient access for school buses, emergency vehicles, and larger vehicles traveling on Walnut Street.

Upon a motion by Council member M. Johnson, seconded by Council member Eisele, the motion was unanimously approved.

Approve Traffic Study for the Downtown Master Plan (Center Street)

Mr. Pritchard reported that city staff recently met with NCDOT to discuss how streetscape improvements will impact traffic on Center Street, specifically, narrowing to one lane in each direction. After reviewing traffic counts and the Master Plan recommendations, NCDOT requested a traffic study be conducted by the city to ensure that Center Street can accommodate traffic after the changes are in place.

Mr. Pritchard advised that Kimley-Horn and Associates, Inc submitted a proposal to provide the study for \$15,000. Staff requested they look at four intersections on Center Street: Water, Broad, Front and Sharp Street, as well as two intersections along Broad Street: Tradd and Meeting Street.

NCDOT has confirmed we are analyzing the intersections of interest to them. Mr. Pritchard stated to obtain the traffic information, field counts were necessary. He

advised it would take approximately 3 weeks to conduct the study. Afterwards, the consultant and the city will coordinate the results with NCDOT.

Staff recommends engaging Kimley-Horn & Associates to conduct the Traffic Study for a cost of \$15,000. Funds are available as a part of the \$150,000 design fees for streetscape in the current budget.

Upon a motion by Council member M. Johnson, seconded by Council member Eisele, Council approved the Traffic Study for the Downtown Master Plan (Center Street). The vote was as follows:

Ayes: Steele, Matthews, Stallard, Huggins, M. Johnson, Eisele, Gregory

Nayes: J. Johnson

Approve Resolution requesting that EPA retain current Ozone limits.

City Manager Rob Hites reported the EPA is in the comment period for reducing its current Ozone limits. Iredell County is in jeopardy of losing its attainment status. The Western Piedmont Council of Government, The Centralina Council of Government, and the cities of Iredell County are being requested to oppose this movement towards .060-.065 parts per million standard and leave the .080 parts per million standard as the reasonable ozone limit. This resolution is to state the City Council wishes to retain the existing limit.

Upon a motion by Council member Stallard, seconded by Council member J. Johnson, the resolution requesting that the EPA retain current ozone limits was unanimously approved.

Mayor Kutteh stated Items 12 and 13 had been reviewed by Attorney Gaines. Attorney Gaines reported he had reviewed the items but he will have some suggestive changes at the 2nd Reading. He did not feel the changes would be of such substance as to prevent Council from going forward with First reading tonight if they choose to do so.

Approve first reading of an ordinance to permit the investigation of vacant non-residential structures in need of repair, closing, or demolition.

City Manager Hites stated the ordinance amends Chapter 5, Buildings and Building Regulations. This ordinance codifies into local law the State Statute that defines a vacant building that has deteriorated and become a public nuisance. The ordinance establishes a procedure for investigating, repairing, closing, and demolition of vacant non-residential (commercial) structures that are subject to vagrants, gang activity, fire code and safety violations.

Council member M. Johnson stated he feels the ordinance is needed because Commercial code violations are not currently addressed, but there are issues with this ordinance as it is written. He stressed as long as the discussion continues he did not have a problem passing first reading.

Council member J. Johnson made a motion to deny first reading.

Council member Steele suggested tabling the ordinance instead of denying the first reading. Mayor Kutteh stated if Council feels the City should not have these kinds of ordinances, then tabling or denying is appropriate. If Council feels this is something the City needs, then first reading should be passed. If Council determines at the second reading the ordinance still has issues with the way it is written, then Council could deny or table it at that time.

Mayor Kutteh stated the motion to deny first reading did not have a second, and asked if there was another motion at this time.

Upon a motion by Council member M. Johnson, seconded by Council member Matthews, the motion to pass first reading of an ordinance to permit the investigation of vacant non-residential structures in need of repair, closing, or demolition was unanimously approved with the stipulation that Council will submit their comments to City Attorney Gaines within two weeks of today. Mr. Gaines and staff will distribute a final draft of the ordinance to City Council members no later than April 12, 2010 for their review prior to the April 19, 2010 City Council meeting.

Approve first reading of an amendment to Chapter 5, Buildings, and Building Regulations, that permits the City Council to act as a redevelopment authority, establishes a procedure for establishing redevelopment areas within city limits and defines the criteria for declaring non-residential buildings public nuisances due to deterioration of the exterior, instability of load bearing and non-load bearing walls, diminution of adjacent property values, and structural defects such as deteriorating window frames, leaking roofs and interior safety violations such as unstable floor systems.

Mr. Hites stated this amendment is the closest thing to a minimal housing code for commercial properties. This ordinance would allow the City Council to act as a Redevelopment Authority and to establish redevelopment areas. He suggested as Council reviews this, to look at the minimum code itself and determine what provisions of the code are acceptable for Statesville.

Council member Steele asked if we had any provisions in our current Code Enforcement for commercial buildings. Mr. Hites replied the city had no code enforcement for commercial buildings. He explained the commercial building could have fire or electrical code violations. Mr. Hites explained, for example, if the wood surrounding second floor windows was so rotten the windows were falling to the sidewalk below, except for a common law nuisance violation, there was no code to order the owner to repair all the windows. The city also has no way to declare a building dilapidated even if it is diminishing the property values around it.

Mr. Hites explained the process for City Council to act as a redevelopment authority and that this would only affect areas that have been declared a redevelopment area by the City.

Council discussed how historic properties would be handled if violations were not corrected.

Upon a motion by Council member Steele, seconded by Council member Stallard, the motion to pass first reading of an amendment to Chapter 5, Buildings, and Building Regulations, that permits the city council to act as a redevelopment authority, establishes a procedure for establishing redevelopment areas within city limits and defines the criteria for declaring non-residential buildings public nuisances due to deterioration of the exterior, instability of load bearing and non-load bearing walls, diminution of adjacent property values, and structural defects such as deteriorating window frames, leaking roofs and interior safety violations such as unstable floor systems, was unanimously approved with the stipulation that Council will submit their comments on the amendment to City Attorney Gaines within two weeks of today, March 15, 2010. Mr. Gaines and staff will submit a final draft of the amendment to City Council members no later than April 12, 2010 for their review prior to the April 19, 2010 City Council meeting.

Other Business

Mayor Kutteh offered condolences on behalf of City Council and City staff to the family members of Godfrey Williams and Leola Peterson.

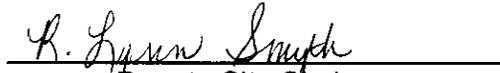
Upon a motion by Council member Steele, seconded by Council member Matthews, Council unanimously approved the motion to adjourn.

ATTEST:





Mayor



Deputy City Clerk

CITY COUNCIL MEETING
SIGN UP SHEET FOR PUBLIC COMMENTS
March 15, 2010
Please PRINT Clearly

	NAME	ADDRESS
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