

**MINUTE BOOK 24, PAGE 059
CITY OF STATESVILLE COUNCIL MEETING – October 04, 2010
IREDELL COUNTY GOVERNMENT CENTER – 7:00 P.M.
STATESVILLE, NORTH CAROLINA**

Mayor Costi Kutteh presiding:

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

Absent: Gregory

Staff Present: Gaines, Hites, Fugett, Salmon, Currier, Watts, Gibson, Barone, Anderson, Bullins, Weatherman

Media Present: Jim McNally – Statesville Record & Landmark

Visitors: 9

Call to Order

Mayor Kutteh called the meeting to order

Invocation

The invocation was given by the City Clerk.

Pledge of Allegiance

The Pledge of Allegiance was led by Statesville Middle School 8th grade Chorus members, Emily Miles, Emma Reamus, and Bailey McElland.

Mayor Kutteh stated the City of Statesville have committed to rekindle their partnership with Statesville Middle School.

Mayor Kutteh reminded Council members a branding meeting is scheduled for Tuesday, October 5, 2010 at 4:00 p.m. in the City Hall conference room. He stated there would be another branding meeting at 6:00 p.m. in the Civic Center to give citizens another opportunity to offer input. Mayor Kutteh stated on Monday, October 11, 2010 at 4:00 p.m. there would be a dedication of the paved portion of the greenway at the Soccer Park.

Mayor Kutteh stated he had been asked to move Item B of the Consent Agenda to the Regular Agenda.

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 Special Council Meeting of August 18, 2010 and the Pre-Agenda meeting of September 16, 2010.**
- B. Consider passing second reading of an ordinance to condemn the structure at 1707 Forest Dr. as unfit for human occupancy.**
- C. Consider passing second reading of an ordinance to condemn the structure at 1107 Goldsboro Avenue as unfit for human occupancy. Ord. 27-10**
- D. Approve a Resolution declaring certain equipment and materials as surplus and authorize the disposal. Res. 26-10**

- E. **Consider passing a motion to close the traffic circle in the Tara's Trace subdivision, which consists of the intersection of Ballingarry Drive and Cappoquin Drive, on Saturday, October 30, 2010, between 9:00 a.m. and 3:00 p.m. for an Arts and Crafts program.**

Council member Matthews made a motion to approve the Consent Agenda, seconded by Council member Eisele. The motion was unanimously approved.

REGULAR AGENDA

Consider passing second reading of an ordinance to condemn the structure at 1707 Forest Dr. as unfit for human occupancy.

Mr. Currier reported there had been considerable progress in the cleanup of the structure. Mr. Currier suggested that Ms. Patterson request Council to table this item until the residence is completely cleaned out and staff can access all the rooms and assess the structural damage. Council member Steele asked if the owner had plans to live in the residence after it is repaired or if she was planning on using it as an "animal house" again. Mr. Currier replied she had stated she was not planning on living there and staff would definitely check the residence periodically for evidence of animals living in it. Council member Huggins asked if staff had given Ms. Patterson a time frame for the work to be completed. Mr. Currier stated he had told Ms. Patterson staff would return in two weeks to assess cleanup progress and also structural damage if possible. Council member M. Johnson questioned City staff's ability to determine any bacteriological hazards. Mr. Currier stated staff would enlist the aid of the Health Department and the owner had already been informed by staff that all floors would need to be totally replaced. Mr. Currier reiterated that a total, correct assessment could not be made until the house is completely cleared out. Council member Steele stated the owner should be given an assessment before she begins any repairs.

Council member Steele made a motion to table second reading of an ordinance to condemn the structure at 1707 Forest Dr. as unfit for human occupancy, seconded by Council member Matthews. The motion was unanimously approved.

Mr. Currier will give Council a progress report on this item at the October 18, 2010 Council meeting.

Consider passing the first reading of an ordinance establishing a 25 mph school zone on East Elementary Drive, between Old Farm and the Dead End of East Elementary as it intersects with the entrance of East Elementary School, during school days and specified hours.

Captain Watts stated the Iredell-Statesville School System and local residents have requested that a 25 mph school zone be properly established on East Elementary Drive, between Old Farm and the Dead End of East Elementary Drive as it intersects with East Elementary School. The Traffic Director concurs with the Iredell-Statesville School System and residents that a 25 mph school zone should be established on, East Elementary Drive, between Old Farm and the Dead End of East Elementary Drive as it intersects with East Elementary School on school days (Monday-Friday) and during specified hours (7:00 am-8:00 am, and 1:45 pm-2:45 pm).

Council member Steele made a motion to approve first reading of an ordinance establishing a 25 mph school zone on East Elementary Drive, between Old Farm and the Dead End of East Elementary as it intersects with the entrance of East Elementary School, during school days and specified hours, seconded by Council member J. Johnson. The motion was unanimously approved.

Conduct a public hearing and consider passing of the first reading of an ordinance to annex property owned by the City located at the airport, more specifically, on the south side of Bethlehem Road.

David Currier reported the property being considered for annexation is located on the south side of Bethlehem Road. The subject property is approximately 10.5 acres in size and encompasses Iredell County Parcel Identification Numbers (PIN's) 4713-88-1828 & 4713-78-1949. The subject property is contiguous to the current municipal limits of the City of Statesville. However, the airport area is a satellite area and therefore this request will be processed as a voluntary satellite annexation.

Mayor Kutteh declared the public hearing open and asked if anyone would like to speak in favor or opposition of this item. There being no speakers, Mayor Kutteh declared the public hearing closed.

Council member J. Johnson made a motion to approve first reading of an ordinance to annex property owned by the City located at the airport, more specifically, on the south side of Bethlehem Road, seconded by Council member Stallard. The motion was unanimously approved.

Approve a donation of an 800 megahertz system from EF Johnson Technologies.

Captain Barone stated in 2013 the Analog radio signals we have been using for decades will be split into micro bands. This action will render our old radio system useless. The prices of a "stand alone system including tower have ranged from one to two and one half million dollars including the radios. The Fire and Police Departments have been permitted to use the Highway Patrol VIPER system for their 800 megahertz radios. We have used some general funds and many grant dollars to purchase hand held radios for the emergency departments. This has left us with a hole in our communications with Electric, Meter Readers and Public Works dependent on Analog. Cell phones fill many needs but in an emergency we have found the cells are "busied out" with calls rendering them useless. EF Johnson Technologies has offered to "donate" a "Trunk System to the City and install it at a tower where they currently have a lease (Cool Springs) at NO cost to the City. This is a three (3) channel 800 mega hertz system that they have been using as a "demonstration system". Retail, this system would cost approximately \$200,000 excluding installation. It will serve approximately 300 radios with two channels. The third is a back up channel that is used if one goes down or is busied out by radio traffic. According to their representative the system is expandable. Hardware and installation would be around \$30,000 for additional channels.

Captain Weatherman stated the system would be fully warranted. A five (5) year maintenance agreement would be purchased with the system. The first year maintenance warranty would amount to \$10,000 starting next July. An additional \$3,600 per year would be added for 24 hour maintenance service. We would also pay \$250 per month per channel or \$750 for rent on the FCC frequency and Rent on Cool Springs Tower. EF Johnson has a two year lease on the Cool Springs Tower and expects it to be extended. The City would pay an additional \$250 per channel, per month rent should it wish to expand the system in the future. The maintenance agreement is very reasonable and is in line with our other radio system agreements. The analog maintenance agreement funds will be transferred to this system should Council wish to accept this offer.

Mayor Kutteh asked how much additional equipment would be needed in order to be compliant by 2013. Captain Weatherman stated the system is compliant, this will allow the City to add other departments to the system.

John Sable with Two Way Radio of Carolina, Inc. stated this is a three channel trunk system. He recommends expanding to a five channel system to include all City

departments. The cost to expand to a five channel system would cost approximately \$100,000.

Council member Stallard asked what our present system is. Captain Barone state our current system is a 25 MHz system. The cost to upgrade it to comply would exceed the cost of the donation.

Council member Steele asked how many radios are included with this system. Captain Barone state the Police Department and Fire Department have already purchased radios with grant funds. Each additional department that is added would need to purchase radios.

Council members discussed maintenance costs. Mayor Kutteh expressed concern that there would be overlapping maintenance contracts. Captain Barone stated once the Police and Fire Departments are all on the same system, old maintenance contracts will be phased out.

Council member Stallard made a motion to approve a donation of an 800 megahertz system from EF Johnson Technologies, seconded by Council member J. Johnson. The motion was unanimously approved.

Approve a Weed and Seed grant in the amount of \$49,231, authorize Sergeant Joshua Gibson to manage these funds and approve BA # 16.

Sergeant Gibson stated the Weed & Seed grant is currently in its 5th year of a 5 year grant period. The Statesville Police Department has been approved to receive \$39,231 in overtime funding and \$10,000 in Narcotics buy money from the SHA, fiscal agent for the Weed and Seed Initiative. These funds were made available on a 100% reimbursement basis effective September 15th, 2010 and no match is required by the City but all funds must be spent by June 30, 2011. The overtime funds will be used to place proactive officers on the streets of the Weed and Seed target area during strategic days and times in order to disrupt and significantly reduce street level drug and gang related activities. Buy Money to enable narcotics and gang intelligence investigators to purchase evidence/contraband required determine existence of a crime or to establish to the identity of a participant in a crime. Sergeant Gibson reported that the Weed and Seed grant will be discontinued at the end of this fiscal year and SPD is actively searching for another grant to replace it.

Council member Steele made a motion to approve a Weed and Seed grant in the amount of \$49,231, authorize Sergeant Joshua Gibson to manage these funds and approve BA # 16, seconded by Council member Matthews. The motion was unanimously approved.

Consider permanent sidewalk encroachment at 201 Broad Street.

Larry Pressley stated the encroachment needed for 201 Broad Street consists of a handicap ramp to provide handicap access to the proposed building and an external staircase to provide access to the basement level. Sidewalk width is sufficient to allow required minimum clearance around the ramp. Staff recommends approval of encroachment subject to receipt of insurance certificate, encroachment application, and approval of plans by City Staff and Design Review Committee.

Council member M. Johnson asked if the water line is under the street at this location. Mr. Pressley stated staff had not investigated that portion of the project yet. The applicant was just seeking conceptual plan approval at this point. This item will also go before TRC for Site Plan approval.

Council member M. Johnson made a motion to approve a permanent sidewalk encroachment at 201 Broad Street subject to condition that materials

are consistent with the building, seconded by Council member Matthews. The motion was unanimously approved.

Approve a resolution adopting a Code of Ethics for the City Council. Res. 25-10

Rob Hites stated in 2009 the NC General Assembly adopted GS 160A-86 which requires that cities, counties, and boards of education adopt a resolution containing a code of ethics. They have also required that city and county commissioners complete two hours a year of ethics training. The City Clerk has reported that all City Council members have completed their Ethics Training. The last item needed to comply with 160A-86 is to adopt this Code of Ethics. Mr. Hites advised that many other municipalities have passed this model Code of Ethics to comply with GS 160A-86.

Council member Steele made a motion to approve a resolution adopting a Code of Ethics for the City Council, seconded by Council member Stallard. The motion was unanimously approved.

Consider acceptance of a portion of Crown Vue Court for City Maintenance.

Larry Pressley stated William A. Kennedy has requested the City accept the newly constructed portion of Crown Vue Court for City Maintenance. This is the section that is North of Royalty Circle and is 464 feet in length. City staff has confirmed the street meets City Standards and is in good condition. The City will accept the portion of the storm drainage system that is within the right of way also.

Council member M. Johnson inquired if this was a street modification. Mr. Currier stated this was modified at a later date because of the topography and it was intended to be a cul-de-sac. Council member M. Johnson clarified the drawing in the packet was per the modification. Mr. Pressley agreed it was. Council member Steele asked if the streets had curbs, gutters and sidewalks. Mr. Currier stated they all did. Council member Matthews stated there are none at Crown Vue. Council instructed staff to verify the existence of curbs, gutters and sidewalks.

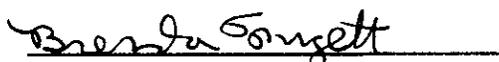
Council member M. Johnson made a motion to approve acceptance of a portion of Crown Vue Court for City Maintenance, seconded by Council member Stallard. The motion was unanimously approved.

Council member Steele made a motion to continue this meeting till Tuesday, October 5, 2010 at 4:00 p.m. in the City Hall 2nd floor conference room, seconded by Council member J. Johnson. The motion was unanimously approved.




Mayor

ATTEST:


City Clerk