

**MINUTE BOOK 24, PAGE 207
CITY OF STATESVILLE COUNCIL MEETING – May 16, 2011
IREDELL COUNTY GOVERNMENT CENTER – 7:00 P.M.
STATESVILLE, NORTH CAROLINA**

Mayor Costi Kutteh presiding:

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

Council Absent: 0

Staff Present: Hites, Fugett, Gaines, Salmon, Currier, Bullins, Smyth, Miglin, Davis, Cornelison, Pressley, Watts, Anderson

Media Present: Dave Veiser-Charlotte Observer

Visitors: 7

Call to Order

Mayor Kutteh called the meeting to order and asked that everyone rise for the invocation and the Pledge of Allegiance.

Invocation

The invocation was given by the City Clerk.

Pledge of Allegiance

The Pledge of Allegiance was led by Girl Scout Troop #10511.

Public Comment

Mayor Kutteh explained during the second meeting of each month, citizens are invited to speak about matters not on the current agenda. Mayor Kutteh asked if there was anyone present who wished to address City Council. There were no speakers.

Mayor Kutteh advised that Item D on the Consent Agenda and Item XIII on the Regular Agenda had been removed by staff and that there was one addition to the Regular Agenda, Consideration of a resolution in opposition of SB731.

CONSENT AGENDA

Mayor Kutteh stated all items on the Consent Agenda 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 the minutes of the Pre-Agenda meetings of April 14, 2011, and April 28, 2011, and the Council meeting minutes of April 18, 2011.**
- B. Adopt an ordinance to close The Community Development Program Income Fund and approve BA# 34.**
- C. Approve BA# 35 to appropriate additional funds for merchant fees (Credit Card Fees).**
- D. Approve a request from “The Keith Corporation” to amend their three (3) year contract with the City to five (5) years due to the economy.**

This item was withdrawn from the agenda by staff.

- E. Approve a request from the Police Department to apply for a grant from the National Association of Drug Diversion Investigators (NADDI) for \$10,000 in evidence purchase funds and authorize Daniel Miglin to represent the City of Statesville in this process.**
- F. Approve a request to close a portion of North Center Street, between Feimster and Bingham Streets on Saturday, June 11, 2011 from 8:00 a.m. until 11:00 a.m. to accommodate the Statesville High School graduation ceremony at “Greyhound Hollow.**

- G. **Approve a request from the Tara's Trace Home Owner's Association (HOA) to close the traffic circle in the Tara's Trace subdivision, which consists of the intersection of Ballingarry Drive and Cappel Drive, on Saturday, May 21, 2011, between 12:00 p.m. and 6:00 p.m. to host a community concert to raise funds to be donated to the Dove House.**
- H. **Approve a request from the American Renaissance School (ARS) to close a portion of Cooper Street on May 27th from 5:30 p.m. to 9:00 p.m. for their annual end of year Middle School party "Backyard Alley Bash".**

Council member Steele made a motion to approve the Consent Agenda, seconded by Council member J. Johnson. The motion carried unanimously.

Regular Agenda

Accept a donation of equipment and an enclosed trailer for the storage and transport of the equipment to the Statesville Fire Department from Bartlett Milling for use in response to hazardous materials incidents.

Fire Chief David Bullins stated Bartlett Milling utilized the services of the Statesville Fire Department and the Iredell County Hazardous Materials Response Team (Mooresville Fire Department) in 2009. Officials with Bartlett Milling met with SFD staff to coordinate the purchase of the equipment valued at \$30,000 to be used in hazardous materials response as a donation to the Statesville Fire Department. Fire Department Staff recommends accepting the generous donation to the City of Statesville. City Council members recognized Joe Mitchell, vice-president of Bartlett Milling who was in attendance, for the donation.

Council member Stallard made a motion to accept the donation of equipment and an enclosed trailer for the storage and transport of the equipment to the Statesville Fire Department from Bartlett Milling, seconded by Council member Gregory. The motion carried unanimously.

Approve a \$250 donation to the Statesville Fire Department from the Gordon family "L. Gordon Iron & Metal" and approve B.A. #37 for expenditure of the funds.

Chief Bullins stated the Statesville Fire Department received a \$250 donation from the Gordon Family/Gordon Iron & Metal. Funds will be used to support our Fire & Life Safety Program to purchase smoke detectors in a focused effort to provide early fire notification to residential property owners.

Council member Matthews made a motion to accept a \$250 donation to the Statesville Fire Department from the Gordon family "L. Gordon Iron & Metal" and approve B.A. #37 for expenditure of the funds, seconded by Council member J. Johnson. The motion carried unanimously.

Conduct a public hearing on the 2011-12 City of Statesville budget.

Mayor Kutteh stated that Council was presented with the budget at the May 2, 2011 Council meeting and received the City Manager's budget message at that time. There was a preliminary budget meeting on May 11, 2011 following the pre-agenda meeting. A Budget Workshop will be held May 17, 2011 at 4:30 p.m. in the City Offices Training Room and again on May 18, 2011 if necessary at the same time and location.

Mayor Kutteh declared the public hearing open and asked if anyone wished to speak on this item.

Ron Moore, 653 Davie Avenue, spoke in favor of including a pay raise for City workers in the budget. He felt cost of living increases and City workers dedication warranted a pay raise.

Bill Brater with the Iredell County Board of Education asked Council to consider funding two Student Resource Officers and for those funds to be used from Fund Balance and not from the Statesville Police Department's budget.

Brady Johnson, Superintendent Iredell-Statesville schools, explained the State will only fund Student Resource Officers at the high school level. The Board must find additional funding to

place Resource Officers at the middle school and the alternative school, which has been increasingly difficult to do over the last two years due to funding cuts. Mr. Johnson asked Council to consider an appropriation for one year only, to fund two Student Resource Officers. Council member Steele asked what the cost of two Student Resource Officers is. Mr. Johnson answered a 10-month contract is approximately \$90,000 for two officers.

There being no other speakers, Mayor Kutteh declared the public hearing closed. He reminded the public and Council that a Budget Workshop meeting would be held May 17, 2011 at 4:30 in the Training Room of the City Offices Building.

Conduct a public hearing and consider passing first reading of TA11-04 filed by Mr. Jerry McKenzie of Sign World, Incorporated, to amend Section 6.07, Sign Regulations, I. Exempt Signs-Menu Boards.

David Currier reported that Mr. Jerry McKenzie, President of Sign World, Incorporated is requesting a text amendment to allow menu boards that are currently limited to 32 sq. ft. to be increased to 52 sq. ft. to allow for expanded menus and future calorie information for restaurants. Staff is satisfied with the increase with the condition that the larger menu boards are to be located behind the principal structure. The Planning Board's recommendation was favorable with a unanimous vote as presented and there were no speakers in opposition to the item.

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

Council member M. Johnson made a motion to approve first reading of TA11-04, seconded by Council member J. Johnson. The motion carried unanimously.

Conduct a public hearing and consider passing first reading of TA11-05 filed by the City of Statesville to amend Article 6, Development Standards, Section 6.07, Sign Regulations, C. Definitions and Table 6-13, Permitted Signs.

Mr. Currier stated currently the Unified Development Code allows wall signs for the O-1, O&I-2, B-1 and B-2 Districts to be up to 100 sq. ft. in area. The B-3, B-4 and B-5 Districts are allowed up to a maximum of 200 sq. ft. in area depending upon the building frontage. The Board of Adjustment, due to a recent case, has recommended staff research other jurisdictions in regards to the size of permitted wall signs. Therefore the Planning Department polled several cities and counties and found the City of Statesville is in line with the majority of jurisdictions pertaining to size permissible. Most allow 10% of wall area with a cap on the size. Based on the Planning staff's recent experience with the UDC and case by case requests, it is recommended that the City Council consider amending the UDC to remove any caps and allow an across the board 10% of wall area for all of the districts referenced above. Staff also recommends clarifying and simplifying the definition of sign face area based on this research. The Planning Board's recommendation was favorable with a unanimous vote as presented and there were no speakers in opposition of this item.

Mr. Currier stated there was a request at the pre-agenda meeting to omit the O1 district from this ordinance since it is a transitional district typically used between residential and commercial properties. Staff has modified the ordinance omitting the O1 district.

Council member M. Johnson asked what was staff's rationale for including O&I-2. Mr. Currier stated O&I-2 includes large physician offices and hospitals. Council member M. Johnson pointed out that these are still residentially buffered. Mr. Currier agreed but said the O1 district is typically the transition district the City uses because the O1 zone requires small lots and is usually a single business or a single practitioner. Council member M. Johnson asked if Mr. Currier could give him an example of an O&I-2 user in Statesville who has 5% - 10% of their wall area in signage. Mr. Currier stated he could not. Council member M. Johnson asked why then did staff want to include O&I-2 if there was no instance of it in the community. He stated he was concerned because this is a residential buffer use. Council member M. Johnson pointed out there are numerous doctor's offices on Hartness Road and is surrounded by residential area and it is O&I-2. Mr. Currier stated Davis Hospital and Iredell Memorial may be in violation if O&I-2 is also omitted.

Mayor Kutteh clarified the changes in the ordinance with Mr. Currier.

Council member Steele pointed out that the Board of Adjustment case referred to by Mr. Currier earlier involved a sign for a Save-a-Lot store and the Save-a-Lot company did not make a sign small enough to fit the City's requirements. It was going to cost the applicant \$15,000 to purchase a special size sign.

Mr. Currier stated signs in the O1, O&I-2, B1 and B2 lower end districts required externally illuminated signs. They cannot be internally lit.

Mayor Kutteh declared the public hearing open and asked if there was anyone who wished to speak in opposition or in favor of this item. There were no speakers. Mayor Kutteh declared the public hearing closed.

Council member J. Johnson made a motion to approve first reading of TA11-05, seconded by Council member Stallard.

Council member Huggins asked if staff had checked other cities regarding their Save-a-Lot sign size allowance. Mr. Currier stated staff did not specifically check sizes of Save-a-Lot signs but staff did research other city ordinances and 10% of the wall façade was a very common formula.

Council member Matthews asked if the company could put a sign on other sides of their building. Mr. Currier explained that under current code a business may put a sign on any side that abuts a public right-of-way. For example, the Save-a-Lot store location could legally have three signs, front, side and rear.

Council member M. Johnson stated he had no objection to omit the cap from B1 and B2 districts but felt the OI and O&I-2 districts were good transitional residential buffer zones. He asked Council member J. Johnson if he would consider amending his motion to exclude O&I-2 also. Council member J. Johnson stated he would.

Council member J. Johnson amended his previous motion to approve first reading of TA11-05 and to include the exclusion of O&I-2, seconded by Council member Stallard.

Mayor Kutteh asked Mr. Currier why the 200 sq. ft. maximum is being eliminated in the B-3, B-4 and B-5 districts. Mr. Currier stated the 10% is a straight formula of the sign against the mass of the façade. Any Wal-Mart, K-Mart, or Target superstores would have very large facades and 200 sq. ft. would be microscopic on that size façade. Council members discussed the current ordinance in relation to stores such as Wal-Mart, K-mart and Target superstores.

Council members discussed the possibility of the changes to this ordinance making the hospitals non-compliant. Mr. Currier suggested adding additional language to ensure the hospitals remain compliant. Council member M. Johnson pointed out this ordinance only includes externally lit signs, not internally lit signs such as hospital emergency signs.

Mayor Kutteh asked for a vote on the motion made by Council member J. Johnson.

The motion carried unanimously.

Adopt an ordinance to close the Recreation Construction Fund and approve BA# 36.

Lisa Salmon reported the Recreation Construction Fund's projects have been completed and the attached ordinance will close the fund. This fund has approximately \$1,118,299 that will be transferred back to the General Fund. This fund accounted for construction of the soccer park at a cost of \$1,605,515, and the Fitness and Activity Center and Leisure Pool at a cost of \$7,836,994.

Council member Steele made a motion to adopt an ordinance to close the Recreation Construction Fund and approve BA# 36, seconded by Council member Huggins. The motion carried unanimously.

Approve a request from the Police Department to apply for the 2011 COPS Hiring Program grant and authorize Daniel Miglin to represent the City of Statesville in the application and management of the grant. If awarded, the grant will fund four (4) new, entry-level police officer positions.

Sergeant Dan Miglin stated the Statesville Police Department is eligible to apply for the 2011 COPS Hiring Program grant via the US Department of Justice. This is a three year grant that

would fund 100% of the salary & benefits of four new, entry-level police officer positions; the City will be obligated to sustain the positions for at least 12 months after the expiration of the grant, which is projected to be September 30, 2014. Total value of the grant is estimated at \$650,416.

Council member Stallard clarified that matching funds in the amount of \$217,000 in year 4 would be required. Sergeant Miglin agreed. Mayor Kutteh pointed out this also does not include uniforms and equipment. Council member Eisele stated this is only the application process. Council member Steele asked if the City had applied for this grant previously and if any funds were awarded. Sergeant Miglin replied staff had previously applied and no grants were awarded.

Council member Steele made a motion to approve the request from the Police Department to apply for the 2011 COPS Hiring Program grant and to authorize Daniel Miglin to represent the City of Statesville in the application and management of the grant, seconded by Council member Gregory. The motion carried unanimously.

Approval of the low bid for pad mounted equipment for the Substation 5 project.

This item was withdrawn from the agenda by staff.

Consider a resolution in opposition of SB-731.

Rob Hites stated this bill removes the power of local governments to determine the characteristics that determine the architectural future of the community for houses of four units or less. This would include fireplaces, quadriplexes, duplexes, and single family homes. Building Design Elements may not be applied to residential structures and these include exterior building color, type of style or exterior cladding material, style or materials of roof structures or porches, exterior nonstructural architectural ornamentation, location or architectural styling of windows and doors, including garage doors, the number and types of rooms, and interior layout of rooms. The major area in the Unified Development Code that this would affect is the architecturally integrated subdivision section. The North Carolina Home Builders Association is attempting to bring the cost of housing down with passage of this bill.

Council member Stallard made a motion to approve a resolution in opposition of SB-731, seconded by Council member Steele. The motion carried unanimously.

Mayor Kutteh asked if there were any updates on any other bills. Mr. Hites stated it appears the unilateral annexation bill will pass but Statesville has never done this anyway. Mr. Hites will present a full update at the next Council meeting.

There being no further business to come before Council, Council member Steele made a motion to adjourn, seconded by Council member Gregory. The motion carried unanimously.

ATTEST:

Constantine H. Kutteh, Mayor

Brenda Fugett, City Clerk