

**MINUTE BOOK 24, PAGE 347  
CITY OF STATESVILLE COUNCIL MEETING – February 20, 2012  
CITY HALL COUNCIL CHAMBERS – 7:00 P.M.  
STATESVILLE, NORTH CAROLINA**

**Mayor Costi Kutteh presiding:**

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

**Council Absent:** None

**Staff Present:** Davis, Hites, Fugett, Smyth, Carrier, Adams, Pritchard, Salmon, Bullins, Miglin, Gaines

**Media Present:** Dave Veiser-Charlotte Observer, Jim McNally-Record & Landmark, Bethany Fuller-Record & Landmark

**Others:** 7

**Call to Order**

Mayor Kutteh called the meeting to order.

**Invocation**

The Invocation was given by the City Clerk.

**Pledge of Allegiance**

Girl Scout Troop #10058 led the Pledge of Allegiance.

Mayor Kutteh stated that Judge Chris Collier who recently passed away was a good friend to the City of Statesville and asked for a moment of silence in remembrance of him.

**Public Comment**

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

Phillip Razor, owner of North Carolina Gold & Diamond Exchange spoke on recently adopted hand held sign laws. He stated he attended the City Council meeting when this ordinance was approved and noted that at this meeting it was mentioned that there were no more than four anonymous complaints filed by staff regarding the hand held signs and that it did not seem to be a problem. Mr. Razor said that also during this discussion a Council member suggested that no laws should be made or changed and that the advertisers could carry on as usual without penalty. Another Council person pointed out that this still does not change the fact that these people are still breaking the law and that the law should be changed so these people can do their jobs legally. After some debate of what could be a problem with traffic safety and a person's first amendment rights a Council member made a motion to allow the sign walkers and costume wearers as long as they did not impede traffic, block pedestrians or the right-of-way and permission of the property owner was obtained if the sign holder was standing on private property. Mr. Razor stated he received a ticket of \$50.00 from a City Code Enforcement officer in violation of this ordinance for standing on the sidewalk holding a sign across the street from his property. Mr. Razor stated he called and told the officer he was not in violation because nobody was blocking pedestrians or impeding the right-of-way which was the law as he understood it. The Code Enforcement Officer told Mr. Razor that he could not be in the right-of-way at all. Mr. Razor stated he did not understand why he could not hold a sign on a City sidewalk. He felt the law was changed but not changed to the intent that the Council wanted.

Mayor Kutteh thanked Mr. Razor for his time and reminded him that when he had brought this to staff's attention earlier, he was told and it has been confirmed that it was Council's intention that hand held signs were not allowed in the right-of-way at all. Mr. Razor further questioned the way the ordinance is written. Mayor Kutteh directed Mr. Razor to discuss this further with the City Planning Director and explained that no action could be taken at this meeting but his concerns were duly noted and that Council takes his concerns seriously.

Justin Plummer stated he is a sign holder and is just trying to make a living. Mr. Plummer noted that he also had attended the previous Council meetings regarding this matter. He said City staff has taken pictures of him while he is working and have harassed him, telling him that he is breaking the law. Mr. Plummer stated he feels this ordinance is unconstitutional and recited two court cases relating to this. Mr. Plummer asked for a clear cut resolution and explanation from Council in the future so he can perform his job.

**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 the minutes of the Pre-Agenda meeting of February 02, 2012, the Special meeting of February 06, 2012 and the regular City Council meeting of February 06, 2012.**
- B. **Consider approval of 2<sup>nd</sup> reading of an ordinance to condemn the structure located at 126 E. Bell St. as unfit for human occupancy.**
- C. **Consider approval of 2<sup>nd</sup> reading of an ordinance establishing a 25 mph speed limit on all streets within the Tara's Trace subdivision, with appropriate signage to accompany the change.**
- D. **Appropriate funds in the Police Department's budget for repairs to vehicle 175 using insurance proceeds and approve Budget amendment #29.**

**Council member Matthews made a motion to approve the Consent Agenda, seconded by Council member Gregory. The motion carried unanimously.**

**Regular Agenda**

**Consider approving a resolution to adopt or readopt various plans necessary to participate in Community Development Block Grant (CDBG) programs.**

David Currier explained the City is applying for a Community Development Block Grant for the expansion of the Pate Dawson plant in the industrial park. A number of policy statements that need to be in place in order to participate in this program. The proposed resolution lists these nine plans. Most of these plans are plans that have been in place for some time and have been updated and there is a new plan, the Language Access Plan that has been developed. Even though some of these plans have been adopted previously, the purpose of this resolution is to consolidate the adoption process.

Mayor Kutteh asked Mr. Currier which of the nine plans are currently in force. Mr. Currier answered that all plans were in force with the exception of the Analysis of Impediments to Fair Housing Plan and the Section 504 Self-Evaluation Plan which had to be updated and the Language Access Plan was new and had to be completely developed by staff.

Council member Stallard commented that he has been assured by Mr. Hites that this will not be a burden on the City. He asked that in the Language Access Plan under I. Scope of Policy the language be changed to read "*These requirements will apply to the City of Statesville (herein referred to as "the City")*" and that the rest of this sentence "*including subcontractors, vendors, and sub-recipients*" be struck. Mr. Hites and Mr. Currier agreed to strike this.

Council member West asked if this would jeopardize receiving the grant. Mr. Hites replied that Mr. Hartigan, the Community Development Consultant, said it would not jeopardize the grant in any way and if CDBG wants something added they will contact staff for it.

Council member Huggins asked if these plans must be adopted each year. Mr. Hites replied they did not.

**Council member Stallard made a motion to approve a resolution to adopt or readopt various plans necessary to participate in Community Development Block Grant (CDBG) programs with the discussed revision to the Language Access Plan, seconded by Council member M. Johnson. The motion carried unanimously.**

**Request permission to enter into a contractual agreement with the Statesville Housing Authority (SHA) for the purpose of assigning a full-time police officer exclusively at all properties owned by the SHA within the City of Statesville, and approve Budget Amendment #30 in the amount of \$26,878.**

Sergeant Miglin explained this is an annual contract with the Statesville Housing Authority. The SHA will reimburse the Statesville Police Department up to \$53,756 between January 1, 2012 and December 31, 2012 as compensation for providing one (1) full-time police officer to provide police services exclusively in all SHA properties within the City of Statesville.

Mayor Kutteh pointed out that this covers salary and benefits for the officer. Even though the City is still responsible for equipment, uniforms and training, this does help the City as it provides another sworn officer on the streets that can also be used elsewhere if needed.

**Council member Huggins made a motion to approve a contractual agreement with the Statesville Housing Authority (SHA) for the purpose of assigning a full-time police officer exclusively at all properties owned by the SHA within the City of Statesville, and approve Budget Amendment #30 in the amount of \$26,878, seconded by Council member Stallard. The motion carried unanimously.**

**Receive update report on the Streetscape project.**

Brendon Pritchard reported this is month thirteen of the Streetscape project and everything is continuing to run relatively smoothly and good progress is being made on the project. Since the last update the masons have completed the stone seat walls on Block 5 (from Front Street to Broad Street) as well as the stone work on three of the fixed planters at the square. They have started the fabrication of the precast top caps for the planters and should have them soon. In Block 6, from Broad Street to Water Street, the planter curb, footings, block for the rock walls and the new sidewalk up to the square has been completed. In the first five blocks, most of the benches, bike racks, fixed and moveable tables and chairs and trash and recycling cans have been installed. Work has started on the East Broad Street section. The new water main has been installed and put in service on the north side of the street and work has started on the new water main and some of the demolition on the south side. In the weeks ahead, work will continue on the curb and gutter, planters and sidewalk on Block 6 at the square, as well as the stone work and brick pavers in the rest of that block. The electrical subcontractor will start setting the new light poles and the landscapers will start with the irrigation lines also in Block 6. On East Broad Street the new water line should be finished on the south side of the street and put it in service. More demolition will be started on the new storm drain line on that side also.

Mr. Pritchard reported that on a related project, work has started on construction of the new drive aisle in Pecan Park. The Electric Department has started setting the new poles and is working on moving the lines and the grading will be done once that is finished.

Mayor Kutteh asked what the anticipated completion date for Block 6 is and once Block 6 is completed when Center Street will be resurfaced. Mr. Pritchard stated Block 6 should be finished in approximately 4 weeks and staff hopes that sometime after mid-March, when the asphalt plant reopens from their winter shutdown that Center Street will be scheduled for resurfacing.

Council member West stated there have been several accidents involving pedestrians downtown, specifically citizens tripping over curbs. He asked Mr. Pritchard what has been done to resolve this. Mr. Pritchard replied a yellow line has been painted on those areas to make them more visible.

**Consider approving the revised Historic Preservation Commission Design Guidelines.**

Alison Adams stated the Historic Preservation Commission began reviewing and revising the guidelines in 2009 and have endorsed the proposed changes. The Planning Board recommended approval of the guidelines with the implementation of a two-day turn around for all Staff reviewed applications on January 24, 2012. Staff will address Planning Boards request by implementing language in the Commission's Rules of Procedures. Mrs. Adams advised that language clarifying roofing materials had been added following the pre-agenda meeting at the request of a Council member. Mrs. Adams reviewed the Summary of Revisions.

Council member M. Johnson asked Mrs. Adams if on Page 33 of the roofing data if staff intended that all shingles should be 3 or 5 tab Architectural shingles whether they be asphalt or fiberglass. Mrs. Adams agreed that was correct.

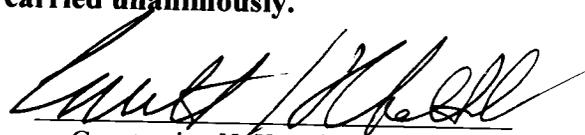
Council member Eisele asked if staff had received Mr. Gaines opinion of how to enforce the installation of satellite dishes in the Historic district. Mrs. Adams stated the Guidelines were following the opinions from other cities throughout the state. The Commission cannot dictate where the satellite dishes are placed, but it can dictate visibility and require some type of screening.

Mayor Kutteh thanked staff and the Historic Preservation Commission for their efforts in revising the HPC guidelines.

**Council member M. Johnson made a motion to approve the Historic Preservation Commission Design Guidelines, seconded by Council member Gregory. The motion carried unanimously.**

**There being no further business, Council member West made a motion to adjourn, seconded by Council member Matthews. The motion carried unanimously.**



  
Constantine H. Kutteh, Mayor

ATTEST:

  
Brenda Fugett, City Clerk