

**MINUTE BOOK 25, PAGE 037  
CITY OF STATESVILLE COUNCIL MEETING – June 17, 2013  
CITY HALL COUNCIL CHAMBERS – 7:00 p.m.  
STATESVILLE, NORTH CAROLINA**

**Mayor Constantine H. Kutteh presiding:**

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

**Council Absent:** Gregory

**Staff Present:** Pressley, Fugett, Gaines, Collins, Hutchens, Currier, Salmon, Smyth, Cornelison, Miglin, Barone, Harrell, Houpe, Anderson, Davis, Weatherman

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

**Others:** 8

**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 Girl Scout Troop #2138

**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.

Janet Acker, President of the Tara's Trace subdivision Home Owner's Association, stated the community has a tremendous problem with speed limit violators on Tara's Trace Drive and Wexford Way. She informed Council members that the Statesville Police Department has worked very hard with the community in an attempt to curtail the speeding, but they simply cannot be there all the time. There have been incidents where children have almost been hit by speeding vehicles. Ms. Acker asked Council to consider giving the HOA permission to install and maintain the speed bumps.

Mayor Kutteh said this is a concern throughout the City from time to time, and perhaps it is time for City Council to review this issue again.

Mayor Kutteh complimented City staff for their performance during last Thursday's storm as well as keeping the City running as usual on Friday during the clean-up and power line repairs.

**Consent Agenda**

Mayor Kutteh explained 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. Mayor Kutteh read the Consent Agenda as follows:

- A. Approve the minutes of the Pre-agenda meeting of May 30<sup>th</sup>, the Budget Workshop of May 30<sup>th</sup>, and the City Council meeting of June 03, 2013.**
- B. Consider passing a resolution directing the City Clerk to investigate a petition of annexation, Receive City Clerk's Certificate of Sufficiency, Consider passing a resolution fixing a date (7-15-13) for a public hearing on the questions of the petitioned annexation.**
- C. Adopt an Ordinance closing the Fire Station Construction Fund and approve Budget Amendment #47 returning the remaining funds to the General Fund and reserving these funds for future debt payments on the Fire Station debt.**

- D. **Receive and concur with the 2013-2014 Budget for the Statesville Convention and Visitors Bureau.**
- E. **Consider adoption of a Resolution authorizing the City of Statesville to enter into a Grant Agreement with the North Carolina Department of Transportation.**

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

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

**Regular Agenda**

- VI **Consider appointing Phil Hazel as Chair of the Statesville Convention & Visitors' Bureau Board of Directors.**

Mayor Kutteh explained that the current Chairperson is able to remain on the Board but due to job assignments is unable to continue as the Chair. The SCVB Board of Directors has unanimously recommended appointing Mr. Hazel as Chair.

**Council member Huggins made a motion to appoint Phil Hazel as Chair of the Statesville Convention & Visitors Bureau Board of Directors, seconded by Council member J. Johnson. The motion carried unanimously.**

- VII **Consider approving an amendment to the Airport Commission By-Laws.**

Phil Collins stated the Statesville Airport Commission voted unanimously at its June 6, 2013 meeting to amend its by-laws to hold the regularly scheduled meeting of the Airport Commission on the second Thursday of each month in the City Hall building. The Airport Commission by-laws currently state that amendments shall only take effect upon approval of the City Council. Mr. Collins explained he has requested this change as he participates on the MUMPO Technical Coordinating Committee which also regularly meets on the first Thursday of each month.

**Council member J. Johnson made a motion to approve an amendment to the Airport Commission by-laws, seconded by Council member Stallard. The motion carried unanimously.**

- VIII **Approve a maintenance agreement with Jani King to provide janitorial services at the Fitness and Activity Center, City Hall, City Office Building, Police Department, Bentley Center and Warehouse facility in the amount of \$7,112 per month or \$85,344 per year.**

Brent Cornelison stated janitorial service for each of the referenced buildings was advertised for bid in January in preparation for the upcoming budget year. Ten completed bids were received and Jani King was the lowest bidder in the amount of \$85,344 per year which saves the City \$4,000 from the current fiscal year.

**Council member Stallard made a motion to approve a maintenance agreement with Jani King to provide janitorial services at the Fitness and Activity Center, City Hall, City Office Building, Police Department, Bentley Center and Warehouse facility in the amount of \$7,112 per month or \$85,344 per year, seconded by Council member Matthews. The motion carried unanimously.**

- IX **Request permission to apply for the 2013 Justice Assistance Grant (JAG) in the amount of \$15,526, and to authorize Daniel Miglin to manage the grant on behalf of the City of Statesville.**

Sergeant Dan Miglin stated the Statesville Police Department is eligible to apply for the 2013 JAG grant via the Bureau of Justice Assistance in the amount of \$15,526 and no matching funds are required from the City. The Department proposes to use these funds towards the purchase of new Tasers and related accessories to replace Tasers that the department has had since 2004. These less-lethal devices are proven deterrents to combative behaviors of crime suspects as well as a safe option, for both the suspect and the officer. Tasers are used to bring combative or uncooperative suspects under control and arrest when other options have failed. All officers that are assigned Tasers are

certified in their use annually. The grant application is due July 9, 2013 and if awarded will go into effect October 1, 2013.

Council member J. Johnson asked if the department will have the adequate amount of Tasers with the purchase of these. Sergeant Miglin replied there would be.

**Council member Stallard made a motion to grant permission to the Statesville Police Department to apply for the 2013 Justice Assistance Grant (JAG) in the amount of \$15,526 and to authorize Daniel Miglin to manage the grant on behalf of the City of Statesville, seconded by Council member Eisele. The motion carried unanimously.**

**X Request permission to apply for a grant via the National Tactical Officers Association, and to authorize Daniel Miglin to manage the grant on behalf of the City of Statesville.**

Sergeant Miglin stated the Statesville Police Department is eligible to apply for a grant to acquire the equipment listed below via the National Tactical Officers Association (NTOA). If awarded, these items will be utilized by our Special Response Team. The grant application is due July 1, 2013.

- Two SLR15 Rifles (value \$2,245 each)
- One Patriot 3 Flex Shield (value \$1,500)
- Two Trijicon Sealed reflex Sights (value \$900 each)
- One Taser X2 plus accessories (value \$1,000)
- One Taser audio / video recorder + access. pkg. (value \$1,000)

**Council member Eisele made a motion to grant permission to apply for a grant via the National Tactical Officers Association, and to authorize Daniel Miglin to manage the grant on behalf of the City of Statesville, seconded by Council member J. Johnson. The motion carried unanimously.**

**XI Request an interpretation of the Unified Development Ordinance, more specifically, the intention of the phrase "metal buildings".**

David Currier stated the UDO allows City Council to interpret the meaning and intent of phrases or words. Section 6.08 (2) Design Standards for Non-Residential Developments states that metal buildings shall be prohibited except as specifically allowed in the LI and HI districts. Metal siding comes in a variety of metals, styles and colors. It is most often associated with modern, industrial and retro buildings. Utilitarian buildings often use corrugated galvanized steel sheet siding or cladding which often has a colored vinyl finish. Staff is requesting that City Council interpret the meaning and intent of the "metal building" reference in the UDO under Section 1.03 Interpretation. Mr. Currier displayed photos of architectural metal siding and utilitarian metal siding, more commonly known as corrugated metal panels. Staff is of the opinion that architectural metal siding is different than the utilitarian metal siding. If City Council agrees with staff opinion, architectural metal siding would be allowed in other zoning districts and utilitarian siding would be allowed, as it currently is, in LI and HI zones.

Council member M. Johnson pointed out that just because a plan has an Architectural Seal on it, does not make it an architectural metal. Mr. Currier stated he understood that.

Council member West said there is a corrugated panel that is used on brand new buildings that is called an architectural panel but it in no way resembles the architectural panels displayed by staff. He cautioned staff to make sure to distinguish between the two in the future. Mr. Currier stated he did look at architectural panels and what he considers to be utilitarian, the examples shown were corrugated, but they also have the interlock flush, which with or without coating it would have a flush surface and would still in staff's opinion be utilitarian metal separate from the examples shown for the architectural panels.

Council member M. Johnson said he likes the concept of using the word "utilitarian" because it is a distinctive definition. Mr. Currier stated the definition of "utilitarian" that will guide staff is as follows: "a usable but inferior grade and serving primarily for utility rather than beauty."

Mayor Kutteh asked staff if this interpretation is sufficient. Mr. Currier replied it is and if staff has any further questions it will be brought back to Council.

**Council member M. Johnson made a motion to allow utilitarian siding only in the LI and HI zones and allow architectural metal siding in other zoning districts, seconded by Council member West. The motion carried unanimously.**

**XII Approve Budget Amendment #48 to transfer funds donated by GS Statesville Green Land, LLC in the amount of \$125,000 for the acquisition of property and/or construction of an emergency service center to service the Larkin Project.**

Lisa Salmon stated the City recently received the third installment of \$125,000 from GS Statesville Green Land, LLC. To date, \$375,000 of the \$500,000 pledged has been received. This budget amendment will transfer and reserve these funds in the General Capital Reserve Fund for the acquisition of property and/or construction of an emergency service center to service the Larkin Project.

**Council member Matthews made a motion to approve Budget Amendment #48, seconded by Council member Eisele. The motion carried unanimously.**

**XIII Approve the 2013-2014 Budget Ordinance for Operations & Capital.**

Mrs. Salmon stated that in accordance with the provisions of the N.C. General Statutes, the City Manager's 2013-14 Proposed Budget was presented to the City Council on May 6, 2013. The City Council conducted a public hearing on the budget on May 20, 2013 and held a budget work-session on May 30, 2013. The Budget Ordinance holds the current property tax rate of \$0.41 per \$100 of assessed valuation with no change next year. The Budget Ordinance includes a 5.0% increase in retail electric rates necessary to offset an increase of the same amount to the City for wholesale purchased power. Also included is a 2.0% increase in water and sewer rates to provide for operations and capital, as well as the necessary debt service in the coming years for a major expansion to the Third Creek Wastewater Treatment Plant. These rate increases will be effective July 1, 2013. Staff recommends adoption of the 2013-14 Budget Ordinance as follows: General Fund - \$28,231,128, Electric Fund - 48,752,600, Water & Sewer Fund 10,274,951, Civic Center Fund - 799,266 for a total of all funds of \$88,057,945.

**Council member Stallard made a motion to approve the Operations & Capital 2013-2014 budget ordinance, seconded by Council member J. Johnson. The motion carried unanimously.**

**XIV Approve the 2013-2014 Budget Ordinance for the Health Insurance Fund.**

Mrs. Salmon stated this fund accounts for the City's Health Insurance Plan and Wellness Program. The City is self insured and this is considered an internal service fund. All of the Operating Funds are charged for the cost of health insurance for City employees. The funds collected are then transferred into the Health Insurance Fund and Dependent Coverage costs are accumulated in this fund as well. The cost of the City's health insurance is paid out of this fund. Staff recommends Council approve the 2013-2014 budget ordinance for the Health Insurance Fund in the amount of \$3,679,118.

Mayor Kutteh clarified that the City's contribution for Health Insurance is \$2,826,266 and that the employees pay for their own dental insurance.

**Council member Huggins made a motion to approve the Health Insurance Fund 2013-2014 budget ordinance, seconded by Council member Eisele. The motion carried unanimously.**

**XV Approve the 2013-2014 Budget Ordinance for the Property and Casualty Liability Fund.**

Mrs. Salmon stated the total appropriation for this fund is \$716,924. This fund accounts for the City's Property and Automobile Insurance, General Liability Insurance and Workers Compensation Insurance.

**Council member Stallard made a motion to approve the Property & Casualty Liability Fund 2013-2014 budget ordinance, seconded by Council member Eisele. The motion carried unanimously.**

**XVI Approve the 2013-2014 Budget Ordinance for the Occupancy Tax Fund.**

Mrs. Salmon stated the 2013-2014 budget for this fund is \$825,000. This fund accounts for the proceeds from the 5% Occupancy Tax for the City's hotels and motels.

Council member Stallard made a motion to approve the Occupancy Tax Fund 2013-2014 budget ordinance, seconded by Council member West. The motion carried unanimously.

**XVII Consider approving the 2014-2019 Capital Improvement Plan.**

Mrs. Salmon said capital items included in the 2014 year are included in the City's 2013-14 Municipal Operating and Capital Budget Ordinance. Capital items listed in the five future planning years are subject to annual review and approval. She reviewed revisions to the plan that have occurred since the plan was first distributed at the beginning of May.

Council member M. Johnson made a motion to approve the 2014-2019 Capital Improvement Plan, seconded by Council member Huggins. The motion carried unanimously.

Mayor Kutteh recognized several Statesville fire fighters in attendance.

There being no other 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