

MINUTE BOOK 23, PAGE 337
CITY OF STATESVILLE COUNCIL MEETING – November 16, 2009
CITY HALL COUNCIL CHAMBERS – 7:00 P.M.
STATESVILLE, NORTH CAROLINA

Mayor Costi Kutteh presiding:

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

Staff Present: Hites, Gaines, Smyth, Davis, Currier, Salmon, Pritchard, Bullins, Anderson, Quick

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

Visitors: 3

Invocation

The invocation was given by the Deputy City Clerk and was followed by Pledge of Allegiance.

Mayor Kutteh informed Council of a Closed Session following this meeting to discuss a condemnation and settlement of claim.

Public Comment

No one present wished to speak during the public comment period.

Mayor Kutteh asked for any additions to the agenda and received none. He noted that Item VIII relative to conditions for electronic gaming operations will be removed from the agenda for further review by the City Attorney.

- V. 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 in the Regular Agenda.**
- A. Approve minutes of the pre-agenda meeting of October 29, 2009 and the Council meeting of November 2, 2009.**
 - B. Second reading of an ordinance amending Chapter 12, Article V, Division 1, of the City of Statesville Municipal Code to prohibit parking at all times on the north side of West End Avenue between Mulberry Street and Race Street.**
 - C. Second reading of an ordinance to annex the GS Statesville Green Land Property to the east of North Barkley Road and north of East Barkley Road.**
 - D. Second reading of an ordinance concerning the condemnation of 402 Newton Drive as unfit for human occupancy.**
 - E. Second reading of an ordinance concerning the condemnation of 1302 7th Street as unfit for human occupancy.**

Upon a motion by Councilmember Gregory, seconded by Councilmember Eisele, the Consent Agenda was unanimously approved.

REGULAR AGENDA

- VI. Conduct a public hearing and consider passing first reading of ZC09-12 filed by the City of Statesville for property located off Old Mocksville Road; Tax Map 4755-79-1379 from Iredell County's RO to the City's O&I due to annexation.**

The City annexed this parcel (Packman Property) effective August 31, 2009. The parcel is owned by Jon and Elizabeth Packman of Mooresville and contains approximately 7.53 acres. Mr. Packman is proposing to construct a dental office on the site. Because of annexation, the City must apply its zoning district to this parcel. The parcel is currently zoned Iredell County RO (Residential Office) District. The City's O&I-2 (Office and Institutional) District would allow a wide range of office uses. The recommendation of the Planning Board and staff is favorable as presented. Carrier verified there is sewer capacity in the area to serve the property

Mayor Kutteh opened the public hearing regarding the matter and asked for speakers against or in support of the ordinance and there were no speakers.

Upon a motion by Councilmember Steele, seconded by Councilmember M. Johnson, first reading of the ordinance ZC09-12 was approved unanimously by the Council.

- VII. Conduct a public hearing and consider passing the first reading of TA09-05 filed by the City of Statesville to amend Section 30.2.20 (G) Window Signs* and footnote referring to sign options for the CB, CBP, Municipal Service and H-115 districts.**

The proposed text amendment for Section 30.2.20 (G) Window Signs* and the footnote referring to the number of signs is as follows:

Remove language that each window pane is to be measured independently, this allows business owners to utilize the entire maximum amount of window signage (20 sq feet).

The language allows more than one window sign with the total square footage not to exceed 20 sq. ft., currently business owners can only have one window sign not to exceed 25% of a window pane or max 20 sq. ft. (Most businesses do not have the ability to utilize the total 20 sq. ft. maximum because the size of the window panes are not large enough.)

Removal of the word Permanent, the intent of the text is referring to temporary signage, in 30.2.20(G) Window Signs* c.

The Planning Board's recommendation was favorable as presented by staff.

Carrier explained that the new regulations for window signs in downtown are fairly restrictive. Currently, the business can put a sign in one window only and the sign may cover no more than 25% of the window up to a maximum of 20 square feet total signage. This text change is supported by DSDC and should significantly benefit merchants in their ability to use window signs.

Mayor Kutteh opened the public hearing and asked for anyone who would like to speak against first reading of the ordinance. Nancy Sheets of 129 West Broad Street spoke regarding concerns from the Upper Room located at the above address. Ms. Sheets stated that her building is fairly unique in that it has a very large glass front and the current space they use for window signage is less than four percent of the window space but it would still exceed the maximum allowed under this proposal. She suggested that some allowance be considered for building widths and window size rather than just capping usage at a set square footage. Ms. Sheets explained the signage currently in use at her location and did not think it was excessive due to the size of the glass frontage for the building. The Upper Room uses a marquee type

board to announce the events they regularly have in the building and they need this signage for marketing purposes. She analogized this to having a moving theater but not permitting a marquee to announce what is currently playing at the theater. No one else spoke either against or in favor of the ordinance.

During discussion, Council considered the possibility of amending the ordinance to allow for more permanent window signage when there is more window space. One method to allow more space would be to use a percentage method similar to the one used for flush mount façade signs. There was also discussion relative to what type of signs would qualify as incidental and whether a marquee sitting inside the window but not attached met the definition of window sign or whether it could be excluded from total square footage of permanent window signage under some other provision of the sign ordinance. Councilmember M. Johnson noted that signage should be considered in totality for the building and that the current ordinance change deals only with permanent window signs. There were additional questions regarding the color and design of signs and Currier responded that permanent window signs would require the approval of the Design Review Committee. Currier also clarified how the square footage of window space is calculated. Council asked Currier to review options allowing permanent window signage based on a percentage of window space and to review Ms. Sheets signs to determine how each sign would be classified under the current ordinance. It was noted that current signage could be grandfathered under this ordinance but any change in signage might trigger the need for compliance.

Attorney Gaines clarified that should the Council change provisions of the ordinance at the second reading, it would still count as a second reading despite the changes.

Councilmember Stallard made a motion to approve first reading of the ordinance was seconded by Councilmember J. Johnson and Council unanimously approved first reading of the ordinance.

VIII. Receive the City's audited Comprehensive Annual Financial Report for the fiscal year ended June 30, 2009.

Salmon provided Council with copies of the comprehensive annual audit for fiscal year ending June 30, 2009. Salmon said she was happy to report the City received an unqualified opinion from auditors, Potter and Company, and that the City remains in sound financial condition, despite the current economic downturn. Salmon thanked fellow departments, Finance Department staff and in particular, Assistant Finance Director, Gene Triplett for the hard work necessary to complete and produce annual report.

Robert Taylor with Potter and Company made a brief presentation to Council commending them for their fine stewardship and standards of accountability on behalf of City taxpayers. He stated the City experienced a flat economic year with the current economic issues having a minimal impact on the fund balance of the City's three major funds due to the prompt and decisive actions to curb spending early in the year. Upon the conclusion of his report, Mayor Kutteh expressed appreciation for the work associated with the audit process.

IX. The Fire Department is requesting the current 30 year replacement criteria for reserve fire apparatus be changed to 25 years in compliance with national standards.

The 2007 NFPA standards recommend that all fire apparatus that are 25 years old should be replaced. The Fire Department has two reserve engines that are twenty one years old and two that are twenty-two years old. If the City adopts this change to policy, the department will need to adjust their capital requests for future years.

NFPA recommends a life expectancy of "front-line" engines to be normally in the 10-15 year range. Many U.S. municipalities have replacement plans of "front-line" engine companies

similar to the City of Statesville of between 10 – 15 years (Statesville – 15 years) and a maximum life use of 25 years currently.

Bullins stated this change will allow the department to spread replacement of four trucks over an eight year period. The department investigated refurbishing trucks and determined that cost to be about \$250,000 to \$300,000 per truck and this option is not recommended by the City's Fleet Manager. Although additional trucks may be needed as new stations are built, Bullins explained the need for reserve trucks will diminish as this happens because front line trucks can provide back up with more stations.

Upon a motion by Councilmember M. Johnson, seconded by Councilmember C. Stallard, Council unanimously approved changing the replacement time for reserve fire apparatus from 30 years to 25 years.

X. Award of contract for the Museum Greenway Phase II

Brandon Pritchard reported the City received fourteen bids for the Museum Greenway Phase II project. This project will be completed under a grant from NCDOT in the amount of \$550,000. The low bid was from Locke-Lane Construction in the amount of \$519,300. Locke-Lane has been in business for five years and staff has contacted references for them. Funds presently available for the project total \$642,130 and staff recommends authorization to negotiate a price within the contract to improve the parking areas at Broad Street and proceed with the survey and design of the crossing under Highway 21 as these are improvements that need to be addressed. The plans for Broad Street parking will be returned to Council for consideration once they are finalized.

Staff recommends award of the Contract for the Museum Greenway Phase II to Locke-Lane Construction of Statesville, NC in the amount of \$519,300, contingent upon concurrence with award by NCDOT and adopting the accompanying resolution. Staff further recommends a project budget of \$550,000.

Councilmember Steele moved to approve resolution awarding the Museum Greenway Phase II contract to Locke-Lane Construction for \$519,000 and set project budget for \$550,000. The motion was seconded by Councilmember Stallard and unanimously approved by Council.

XI. Request exemption for G.S. 143-64.31 (Qualification Based Selection) in order to receive proposals for Professional Services related to the Downtown/NC 115 Master Plan & Streetscape Improvements and authorize expenditure of up to \$75,000 for these services.

Pritchard explained that in order to move forward with the Downtown and NC 115 plans, the City needs to have as built surveys completed to provide exact dimensions and locations of current buildings, utilities and other facilities and improvements. This work needs to be completed as quickly as possible hence the exemption request. Funds are appropriated in the current budget for the Downtown/NC 115 master plans; however, Council needs to authorize spending up to \$75,000 of that money for these services.

Upon a motion by Councilmember Stallard, seconded by Councilmember Huggins, Council unanimously approved an exemption to G.S. 143-64.31 and the use of up to \$75,000 to procure as built surveys.

Upon a motion by Councilmember Steele, seconded by Councilmember Stallard, Council unanimously approved a closed session to discuss a condemnation and claim settlement.

Closed Session

Upon returning to regular session, Mayor Kutteh reported Council discussed a condemnation and claim settlement. During the discussion of this action, Councilmember M. Johnson reported a conflict of interest and did not take part in the discussion. Mayor Kutteh asked if Council would entertain a motion to excuse Councilmember M. Johnson from participating in action to be taken on this item.

Upon a motion by Councilmember Eisele, seconded by Councilmember Matthews, Council unanimously approved excusing Councilmember M. Johnson from action related to the condemnation and settlement of claim for property at the airport.

Councilmember J. Johnson made a motion to authorize the City Attorney to settle the Moose claim and approve Budget Amendment #21 in the amount of \$173,000. The motion was seconded by Councilmember Steele and approved unanimously by Council.

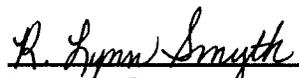
No additional business was brought for consideration by Council.

Upon a motion by Councilmember Steele, seconded by Councilmember Matthews, and approved unanimously, the meeting was adjourned.



Constantine H. Kutteh, Mayor

ATTEST:



R. Lynn Smyth, Deputy City Clerk

