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CITY OF STATESVILLE COUNCIL MEETING – October 15, 2009
CITY HALL COUNCIL CHAMBERS – 7:30 P.M.
STATESVILLE, NORTH CAROLINA

Mayor Kutteh presiding:

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

Staff Present: **Hites, Craddock, Currier, Davis, Hutchens, Haliburton, Salmon, Pressley, Smyth, Bullins, Stephens, Gaines**

Media Present: **D Vieser – Charlotte Observer; J McNally – Record & Landmark**

Visitors: **22**

Invocation

The invocation was given by the City Clerk.

Pledge of Allegiance

The Pledge of Allegiance was led by Girl Scout Troop # 239 who is working on their model citizen badge.

Public Comments

Mayor Kutteh asked if there was anyone here to speak about an item that is not on the agenda. There were no speakers.

CONSENT AGENDA

A. Approve minutes of the pre-agenda meeting of October 1, 2009, and Council meeting of October 5, 2009.

B. Second reading of an ordinance to annex the Fourth Creek Landing Property located on the east side of Fourth Creek Landing Drive. (Ord. #41-09)

C. Approve a resolution authorizing the renewal of an interlocal agreement between the City of Statesville and the Statesville Housing Authority for provision of Community Development and revitalization services. (Reso #37-09)

D. Request to Transfer $5000.00 from the Drug seizure Fund to the Departmental training Account, 010.5100.422.1400, and approval of Budget Amendment #__15__.

E. Approve a Resolution declaring certain equipment and materials as surplus property and authorize the disposal. (Reso# 38-09)

F. Consider renewing the lease with Trent Cloaninger for agricultural use on the Troutman property for a period of one (1) year.

G. 1. Consider passing a resolution directing the City Clerk to investigate a petition of annexation. (G.S. Statesville Green Land Property) (Reso# 39-09)

2. Receive City Clerk's Certificate of Sufficiency.

3. Consider passing a resolution fixing a date (11-02-09) for a public hearing on the question of the petitioned annexation. (Reso# 40-09)

H. Consider passing a resolution requesting sidewalks, bicycle lanes, widening and landscaping as part of the B-4982 Bridge Replacement Project No. 38 on US 21-NC 115 as part of the formal comment period for the North Carolina Department of Transportation. (Reso# 41-09)

I. Consider approving an ordinance to approve the designation of the 2009-2010 HOME Grant funds. (Ord# 42-09)

J. The Fire Department is requesting approval to apply for the annual Fire Prevention and Safety Grants offered through the Federal Emergency Management Administration. The funds we are seeking will be used to purchase a Fire Extinguisher simulator.

K. Consider approving BA#14 for four signs in the Historic Districts.

L. Request to approve BA#16 in the Statesville Police Department Personnel Budget.

Upon a motion by Council member J Johnson, seconded by Council member Gregory, the Consent Agenda was unanimously approved.

Mayor Kutteh congratulated the re-elected Council members and announced that Judge Chris Collier will swear in Council at the December 7, 2009 Council meeting. Mayor Kutteh reminded citizens to vote in the run-off election November 3, 2009.

REGULAR AGENDA

Conduct a public hearing and consider passing of the first reading of an ordinance to annex the Larkin Phase II Properties located on the east side of the primary municipal limits.

The property being considered for annexation is located to the east of Amity Hill Road and the Larkin Phase I property. The subject property is approximately 131.29 acres in size and encompasses Iredell County Parcel Identification Numbers (PIN's) 4752-25-7086, 4752-26-8998, 4752-27-5081, 4752-35-5667, 4752-35-7807, 4752-36-6404, 4752-37-4411 and 4752-16-1205. The developer of the property is proposing to develop the property as part of a mixed use development and is requesting that the property be rezoned to a complimentary City of Statesville zoning district. The subject property is contiguous to the current primary municipal limits of the City of Statesville. Therefore, this request is being processed as a voluntary contiguous annexation.

Mayor Kutteh declared the public hearing open and asked for anyone who wished to speak for or against this issue. There being no speakers, Mayor Kutteh closed the public hearing and asked for a motion from Council.

Upon a motion by Council member M Johnson, seconded by Council member Huggins, the first reading of an ordinance to annex the Larkin Phase II Properties, located on the east side of the primary municipal limits, was unanimously approved.

Conduct a Public Hearing at the Monday, October 19th, 2009 meeting regarding the condemnation of 621 W Sharpe Street, Iredell County Pin #4734-73-9593, and Consider the Adoption of an Ordinance to close and vacate, as unfit for human occupancy, the above named dwelling unit.

The property is owned by Emmitt Neal Scroggs and Jacqueline F. Scroggs (who is deceased). It is in the Historic District. There have been numerous complaints about this property. He would not answer any letters and certified mail was sent back. We finally caught him at home to set up an inspection. It took weeks to finally get him to let us in. He was very argumentative each time we spoke to him. We had to take a police officer with us during the inspection. At the hearing he was told the city would work with him as long as he was making an effort to correct the issues. When his time was up he was called to schedule an inspection to see what he had corrected he stated "I have not done anything to the house because I don't have the money, if the city wants to take the house so be it". There is a Civil Citation that has been turned over to the City Attorneys office for not mowing the very back of his property. It was issued in October 2008. He has stated he would work on weed eating the property. He has done nothing. The city can't mow it due to all of the trees that have fallen on the property. It used to be a horse pasture.

Structure violates city minimum housing code standards in the following manner:

There are missing screens in several of the windows. There are numerous leaks in the roof, over the front porch and in the house. The ceiling and floor in one of the bedrooms has a lot of water damage. The windows are not sealed good. There is water damage on the sills from the moisture. The exterior needs painting. The back porch has no siding on it at all. There are water lines and electrical wire exposed. There are exposed water lines along the baseboard in the kitchen. The floor is rotten in the bathroom. Some of the plumbing fixtures are not in working order. There is no lighting fixture in the kitchen, bare wires are exposed. Need GFCI in bathroom and kitchen. There are no visible smoke detectors. There is no heat in the house. Space heaters are being used. The porch has a burn spot in the middle of it. There are other violations of the minimum housing code.

Repair costs would exceed $17,950.00 and the tax value of house is $44,050.00. As the repair costs does not exceed fifty percent of the existing value of the house, it meets the legal requirements to be vacated, boarded and the owner given one (1) year to repair. Taxes are due for the years 2001-2008 in the amount of $3,244.97. Iredell County is beginning the foreclosure process for this property.

Mr. Currier suggested that Council conduct the public hearing tonight and approve the first reading. On November 3 Council could consider tabling the 2nd reading while monitoring the county's foreclosure process.

Council member J Johnson asked if the utilities are on in the house. Mr. Currier replied that one room is fixed nicely and the utilities are on.

Council member J Johnson asked if the occupant will have to move. Mr. Currier replied, yes. If council approves the 2nd reading the applicant would have to move. If 2nd reading is tabled the applicant wouldn't have to move immediately.

Mayor Kutteh declared the public hearing open and asked for anyone who wished to speak for or against this issue.

Emmitt Scroggs explained his financial hardships and asked for more time to repair the home. Much of his financial trouble stemmed from having to liquidate possessions to pay for the health care of his mother who is now deceased.

Mayor Kutteh stressed that Council is on record that it does everything possible to save and restore the house.

There being no other speakers, Mayor Kutteh closed the public hearing and asked for a motion from Council.

Council member Eisele, seconded by Council member Stallard, made a motion to approve the first reading of an ordinance concerning the condemnation of 621 W Sharpe Street, Iredell County Pin #4734-73-9593, and close and vacate, as unfit for human occupancy, the above named dwelling unit.

Council member Gregory asked if the Statesville Housing Authority could help to remodel this house. Mr. Currier stated that he will ask the Statesville Housing if they have funds available for this type of housing. He was not familiar with their rehabilitation program.

Council member Huggins stated that he has checked on the rehabilitation program before. He suggested that Habitat or I -Care might be able to help.

Council member Eisele advised she has talked with Mr. Scroggs about these agencies and he is looking into it.

Mayor Kutteh asked for a vote on the motion.

Ayes: Stallard, Huggins, Matthews, Eisele, J Johnson
Nays: M Johnson, Gregory against

> **Conduct a Public Hearing at the Monday, October 19th, 2009 meeting concerning the condemnation of 1405 Winston Ave. and pass an ordinance to condemn the structure as unfit for human occupancy.**

This property is owned by Arthur Junior Young. The house has been sitting for a number of years. It is in a very dilapidated state and is very unsafe. During the hearing Mr. Young agreed the house is fallen in and is very unsafe. He stated "if he had the means he would have already demolished the house".

Structure violates city minimum housing code standards in the following manner:

There are missing window panes and screens in numerous windows. There are numerous leaks in the roof. The floor has fallen through in the kitchen. There is no heating system. There is no hot water heater. The front porch is fallen in. The plumbing fixture needs to be replaced. The electrical fixtures are gone. There are numerous vines running through the house. The electrical has to be redone. The plumbing has to be redone. There are other violations of the minimum housing code. This house is very unsafe.

Repair costs would exceed $17,750.00; tax value of house is $11,090.00. As the repair costs exceed fifty percent of the existing value of the house, it meets the legal requirements for demolition. All Real Estate Taxes are current.

Mayor Kutteh declared the public hearing open and asked for anyone who wished to speak for or against this issue. There being no speakers, Mayor Kutteh closed the public hearing and asked for a motion from Council.

Upon a motion by Council member Huggins, seconded by Council member Gregory, the first reading of an ordinance concerning the condemnation of 1405 Winston Ave. and to condemn the structure as unfit for human occupancy was unanimously approved.

Mayor Kutteh welcomed Boy Scout Troop #631from Rose Chapel United Methodist Church who is working on their Citizenship in Community badge.

Receive a financial update for the first quarter of the fiscal year.

Ms. Salmon presented the operating fund revenues with prior year comparisons for July 1, 2009 – September 30, 2009.

Consider a request to update signage, enact a resolution, and approve budget amendment #17 in conjunction with new Statesville City Limit signage. (Reso# 42-09)

Mark Stephens stated the City of Statesville City Limit signage is in disrepair and needs to be addressed by placing new signs with updated retroreflectivity as required by the MUTCD standards for highway signage. These signs have not been updated in 15-20 years. They are worn and do not reflect well at night when oncoming traffic shines headlights upon them.

In addition to age and wear of the signage, the City of Statesville has had two significant events occur in the past year that will be addressed with these new signs, the 2009 All-America City designation, and hometown resident, NASA Astronaut Dr. Thomas Marshburn for representing Statesville on his mission to space. We would like to recognize these accomplishments by adding additional signs below the Statesville City Limit sign.

Mark Stephens distributed a map explaining the location of the new signs.

Mr. Stephens advised in 2006 that the State developed guidelines for city signs in the right-of-way.

Mayor Kutteh asked if staff has talked with NC DOT regarding the background for signs. Mr. Stephens advised they will not be approved according to state.

Mr. Stephens also advised the county needs to adopt a similar resolution since part of the city limits is within county boundaries.

Council member Matthews made a motion, seconded by Council member Stallard to approve a request to update signage, enact a resolution, and approve budget amendment #17 in conjunction with new Statesville City Limit signage and to forward the resolution to the county. The motion was unanimously approved.

Receive a report of repairs to 424 Harrison Street.

Mr. Currier advised he had an appointment Monday morning to inspect the house along with other members of city staff and the county building inspector but he found out Friday the owner had a conflict with the appointment. He still hasn't returned my call. The 30 days will expire October 22. The next Council meeting is November 2 and staff will try to arrange something before then.

Mayor Kutteh asked if staff has determined if anything has been done. Mr. Currier advised that Fred Nelson was over there and he went by the structure. They are doing some work.

There being no further business, **upon a motion by Council member Matthews, seconded by Council member Eisele, the meeting was adjourned.**

ATTEST:

Mayor

City Clerk