

**MINUTE BOOK 24, PAGE 012
CITY OF STATESVILLE COUNCIL MEETING – July 19, 2010
COUNTY COURTHOUSE CHAMBERS– 7:00 P.M.
STATESVILLE, NORTH CAROLINA**

Mayor Costi Kutteh presiding:

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

Staff Present: Davis, Triplett, Ashley, Hites, Fugett, Cornelison, Miglin,
Currier, Bullins, Cranford, Gaines, Pressley, Anthony

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

Visitors: 7

Invocation

The invocation was given by the City Clerk.

Pledge of Allegiance

Mayor Kutteh led the Pledge of Allegiance.

Mayor Kutteh thanked the County staff for the use of the building for the meeting. He congratulated two City employees, Nancy Davis and Joe Prevette, for being awarded the Downtown Shining Star Award by the Downtown Statesville Development Corporation for their service to downtown Statesville.

Public Comment

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

Peter Molleur, 510 S. Mulberry Street, stated he was a member of the Tree Board. He reported the Tree Board hopes to become more involved with the Planning Department and conveyed the board's appreciation for the proposed Shade Tree Corridor Resolution.

Mayor Kutteh led Council through the Consent Agenda as follows:

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 minutes of the Budget Workshop meeting of May 26, 2010, the Budget Workshop meeting of June 1, 2010, the Pre-agenda meeting of June 3, 2010, and the Council meeting of June 7, 2010.**
- B. Consider a bid agreement to participate in joint purchasing with other towns and cities for utility materials, supplies and equipment.**
- C. Consider passing a motion to close selected streets in Downtown Statesville for the Statesville Criterium bicycle race on Friday, August 6, 2010.**
- D. Approve 2nd reading of TA10-02 filed by the City of Statesville to amend Section 90.2 Membership; Term: Vacancies, subsection 90.2.1 and Section 90.4 Jurisdiction and Voting.**

- E. Consider a request from Statesville Flying Service to lease additional property at Statesville Regional Airport.**
- F. Grant/Deny permission to the Civil Air Patrol (CAP) to hold an Aerospace Education/Rocket day at the Airport.**
- G. Consider passing first reading of an ordinance to amend Chapter 14, Offenses-Miscellaneous, Article III, Section 14.53 Discharging Firearms, Combustibles.**
- H. Appoint Phil Hazel and Ted Robinson to the Statesville Convention and Visitors Bureau Board of Directors.**
- I. Reappoint Craig Romeo and Jane Srail and appoint Robbie Puckett and Melissa Neader to the Tree Board.**
- J. Request to purchase one vehicle, price not to exceed \$17,000, and approve Budget Amendment #1. The funds will come from fund balance and the Drug Seizure Fund.**
- K. Request Council to approve the appropriation of \$8,999.07 from the General Fund to the following Police Department accounts and approve BA #3. The General Fund will be reimbursed 100% via JAG #2009-SB-B9-2878. \$5,922.71 - Travel & Training, \$2,977.43 - Capital Outlay-Equipment, \$98.93 – Supplies**
- L. Approve a resolution establishing a process for a “Shade Tree Corridor” program.**

Upon a motion by Council member Stallard, seconded by Council member Huggins, the Consent Agenda was unanimously approved.

REGULAR AGENDA

- V Conduct a public hearing and consider passing first reading of TA10-03 filed by the City of Statesville to Replace the Zoning and Subdivision Ordinances with a Unified Development Code.**

Sherry Ashley stated the slowdown in the economy has given the city the opportunity to update the City’s Land Use Plan, Transportation Plan and the Downtown/Hwy 115 Plan. She stated the objective for these plans are to establish goals for the City and to plan what the City will look like in coming years. The way the City accomplishes these goals is by adopting rules and regulations, the Unified Development Code (UDC), to facilitate or put these plans into action. Ms. Ashley reviewed highlights of the UDC changes, Articles 1-10, with Council. Staff recommends adoption of the code with the exception of Article 6.04.

Mayor Kutteh thanked Ms. Ashley, Ms. Anthony and all the other staff that participated in revising the UDC.

Mayor Kutteh declared the public hearing open and asked if there was anyone who wished to speak in favor or in opposition of this issue.

Peter Molleur stated he and the entire Tree Board are very pleased with the work the Planning Department has done and the unification of all the codes which will improve the city.

There being no other speakers, Mayor Kutteh declared the public hearing closed and asked Council for questions or discussion.

Council member M. Johnson stated this is smart growth before the fact and congratulated staff on a job well done.

Upon a motion by Council member M. Johnson, seconded by Council member Stallard, the motion to pass first reading of TA10-03 with the exception of Section 6.04 filed by the City of Statesville to Replace the Zoning and Subdivision Ordinances with a Unified Development Code was unanimously approved.

VI Conduct a public hearing and consider passing first reading of ZC10-01 filed by the Iredell Statesville Community Enrichment Corporation to change the zoning from HI to R-5MFM for three properties. One located at 720 S. Mulberry Street and the other two on Wise Street between 4th and 5th Streets.

Planning Director David Currier stated the Iredell Statesville Community Enrichment Corporation (ISEC) on behalf of themselves and the Church of the Living God in the Lord is requesting the rezoning of 3 properties, one lot located at 720 S. Mulberry Street and two other lots located at the intersection of 4th, 5th and Wise Streets from HI to R-5MFM (see GIS map). The church owns the existing industrial building and ISEC owns the two lots directly across the street. All 3 tracts are zoned HI and contain a total of approximately 2.2 acres. The largest tract owned by the church is 1.54 acres. The two vacant tracts across Wise Street are .41 acres and .25 acres. The church started the permit process to move into the building with parking proposed to be on the left side of the property. NCDOT then bought the property as part of the bridge replacement project for Wilson Lee Boulevard. In addition, the GIS map indicates there are several structures on the 4th and 5th street blocks; however, the structure on 4th street adjacent to the vacant parcel has been removed along with all the structures on this section of 5th Street. The use proposed for the 2 vacant lots is a parking lot for the church. Currently if rezoned, a Special Use Permit would be required for the parking lot, however if the Unified Development Code is adopted the parking lot would be allowed with supplemental regulations instead of a Special Use Permit and would be reviewed by the TRC. Currently churches are allowed in the HI districts. However, if the Unified Development Code is adopted churches would not be permitted in the HI districts. Existing churches in HI would become non-conforming uses.

The surrounding zoning districts and land uses are as follows:

NORTH OF THE SITE:	HI (Heavy Industrial) District, Norfolk Southern Railroad and J.C. Steele and Sons
EAST OF THE SITE:	R-5MF, vacant lots and R-5MFM, single-family homes (Allison Summit)
SOUTH OF THE SITE:	R-5MFM, vacant lots and single-family homes (Allison Summit)
WEST OF THE SITE:	R-5MFM, Single family homes, HI, vacant tracts and B-1, Norfolk Southern Railroad and B-1 H-D, Interfaith Deliverance Center

The 2005 Land Development Plan projects the parcel that the church is located on to be mixed use. This includes single use districts, as well as mixed use development. The two vacant lots are projected to be medium density residential not to exceed 6 dwelling units. The plan also indicates that this area is a transitional area in which the city will seek to facilitate creation of pedestrian-oriented neighborhoods with compatible and supportive neighborhood goods and services and focus city resources on capital improvements and code enforcement activities that promote private investment and neighborhood stability. Staff's recommendation is favorable to rezone, which will allow the church as a permitted use if the Unified Development Code is adopted, and the lots across the street are a logical expansion for a parking lot. The rezoning

would be a compatible and supportive use for the neighborhood. In addition, the Land Development Plan should be updated in regards to this area if approved. There is very little industrial zoning on the south side of the railroad tracks at this location. The Planning Board's recommendation is **favorable** as presented with a unanimous vote. Mr. Currier noted no one spoke at the public hearing.

Council member Eisele asked if the property across the street from this property is currently R-5 MFM. Mr. Currier replied yes it was.

Mayor Kutteh declared the public hearing open and asked if there was anyone who wished to speak in opposition of this item.

Peter Molleur stated he lives one block away and was opposed to the change. He would rather see more houses at the location than a parking lot and felt the parking lot did not conform to present use.

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

Council member M. Johnson asked if R-5 zoning was ever discussed for this site. Mr. Currier replied no, staff had tied it to existing zoning.

Council member Huggins asked if the property had to be rezoned to allow a parking lot. Mr. Currier stated it will become non-conforming with the passage of the new UDC.

Council member Stallard asked if there would be landscape buffers around the parking lot. Mr. Currier answered yes.

Council member Eisele voiced concern for the type of housing that could be built with a zoning change to R-5MFM. Council member M. Johnson agreed and stated he did not want dormitory type housing in this location. Council member M. Johnson asked if Council could make that a condition of approval. Mr. Currier stated the item would need to go back before the Planning Board who can send it back to Council as a conditional use zoning change.

Council member M. Johnson made a motion to remand ZC10-01 to the Planning Board for conditional use R-5 zoning to be applied, seconded by Council member Eisele, the motion was unanimously approved.

VII Conduct a public hearing and consider passing first reading of an ordinance to annex the Iredell Development Company Property located on the east side of Intercraft Drive.

David Currier stated Council had already passed the pre-requisites required to hold the public hearing for this item. The subject property is approximately 5.575 acres in size and encompasses Iredell County Parcel Identification Number (PIN) 4753-57-3432. 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 if there was anyone who wished to speak in favor or in opposition of this issue. There being no speakers Mayor Kutteh declared the public hearing closed.

Council member Stallard made a motion, seconded by Council member J. Johnson, to pass first reading of an ordinance to annex the Iredell Development Company Property located on the east side of Intercraft Drive, the motion was unanimously approved.

VIII Consider passing a resolution releasing Iredell County owned properties from the Statesville ETJ.

David Currier stated Iredell County owns eleven parcels in the Statesville ETJ adjacent to the recently de-annexed Twin Oaks Golf Course, also owned by the County. All of these parcels are intended for landfill expansion. Iredell County Commissioners have passed a resolution requesting the City Council's consideration of the release. Mr. Currier stated this item will go before the Planning Board to amend the City's zoning map.

Council member Huggins made a motion, seconded by Council member J. Johnson to pass a resolution releasing Iredell County owned properties from the Statesville ETJ, the motion was unanimously approved.

IX Receive preliminary plan of Garfield Park improvements and approve BA #4.

Parks & Recreation Director Brent Cornelison reviewed a preliminary plan and cost estimate for the improvements at the Garfield Park site with Council. The total cost estimate with a 5% contingency is \$164,588. Staff recommends using unspent construction fund money from the Fitness & Activity Center to fund the project.

Upon a motion by Council member Huggins, seconded by Council member Stallard, the motion to approve a preliminary plan of Garfield Park improvements and approve BA #4 was unanimously approved.

X Consider Change Order #2 for Rehabilitation and Strengthening of Runway and Taxiway – Aircraft Apron.

City Engineer Larry Pressley reminded Council that The LPA Group of North Carolina was awarded the professional services contract in January 2010. LPA has developed plans and prepared a change order to add the apron rehabilitation to the existing contract in the amount of \$2,428,992.50. Staff has requested additional funding to improve some storm drainage and expand the apron by approximately eleven aircraft parking spaces, but has not received approval from the NC Division of Aviation at this time. Mr. Pressley reported there are adequate funds in the existing contract and no Budget Amendment is needed. Staff recommends award of Change Order #2 in the amount of \$2,428,992.50 to APAC Atlantic, Thompson-Arthur Division, Inc.

Council member M. Johnson stated the scope of work originally was approximately \$3.2 million. He calculated \$600,000 remained unfunded for the project. Mr. Pressley stated that was correct. Council member M. Johnson stated the scope of work must have changed for the work order to be in the amount of \$2,428,992.50. Mr. Pressley said eleven aircraft parking spaces were eliminated. Council member M. Johnson asked if the grant reimbursement for property acquisition of \$360,000 was added to fund part of this \$2,428,992.50. Mr. Pressley stated it was not.

Council member M. Johnson made a motion, seconded by Council member Stallard to approve Change Order #2 for Rehabilitation and Strengthening of Runway and Taxiway – Aircraft Apron, the motion was unanimously approved.

XI Accept a land gift from the Board of Directors of Carmike Theaters.

City Manager Rob Hites reported Jim Zehr, representing Carmike Theaters, inquired if the City would have any need for the parking area at the old Carmike Theater on Free Nancy Drive. The NC Department of Transportation purchased

the building and property parallel with the front building line for additional Interstate Right of Way. According to Mr. Zehr the structure should be demolished in August or September. Mr. Hites suggested the parking area would make an ideal staging area for persons using the newly paved walking trail. Mr. Hites stated the NCDOT reserved a right of way through the parking area to Free Nancy Drive and the City would be able to use the ROW as well. Mr. Zehr recommended the gift to the Carmike Board and they approved. Staff recommends the property be accepted and a deed prepared for execution by Carmike Theaters subject to a clear title.

Council member Steele made a motion, seconded by Council member Stallard to accept a land gift from the Board of Directors of Carmike Theaters, contingent upon clear title of the property, the motion was unanimously approved.

Council member Stallard stated he would like to include this property for consideration for a Farmer's Market.

XII Approve a funding approach for the Streetscape/City Hall project.

Assistant Finance Director Gene Triplett reviewed with Council three funding options as follows: Option 1 borrow \$7 million and use \$614,000 from fund balance. Option 2 borrow \$2.5 million and use \$5.5 million from fund balance. Option 3 pay for both projects in full from fund balance, \$7,614,322.

Council member M. Johnson stated Council member Steele had suggested borrowing \$4 million in RZB funding and using fund balance for the remainder.

Council member Steele explained for the benefit of citizens present the reason for this discussion. She stated staff has requested Council to consider releasing any funds they do not wish to use back to the State in order to maintain goodwill with them and so the State could appropriate those funds to another municipality. Council member Steele stated even though she was not comfortable borrowing \$7 million for the projects, she felt until the City knows how much both projects are actually going to cost it should retain the right to use the \$7 million.

Council member Huggins felt the City should keep all their options.

Council member Stallard made a motion to reserve the right to borrow the full amount of \$7 million, seconded by Council member M. Johnson. The vote was as follows:

Ayes: Stallard, M. Johnson, Steele, Eisele, Huggins

Nays: J. Johnson

Motion passed 5-1

There being no further business, upon a motion by Council member Steele, seconded by Council member Matthews, Council unanimously approved the motion to adjourn.


Mayor

ATTEST:


City Clerk

