

**MINUTE BOOK 24, PAGE 029  
CITY OF STATESVILLE COUNCIL MEETING – August 16, 2010  
IREDELL COUNTY GOVERNMENT CENTER – 7:00 P.M.  
STATESVILLE, NORTH CAROLINA**

**Mayor Costi Kutteh presiding:**

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

**Council Absent:** 0

**Staff Present:** Salmon, Fugett, Hites, Smyth, Currier, Miglin, Pressley, Stephens, Bullins, Anderson, Barone, Gaines, Davis

**Media Present:** Jim McNally – Statesville Record & Landmark

**Visitors:** 28

**Call to Order**

**Invocation**

The invocation was given by the City Clerk.

**Pledge of Allegiance**

Mayor Kutteh led the Pledge of Allegiance.

**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 Pre-Agenda Meeting of July 15, 2010 and the Council Meeting of July 19, 2010.**
- B. Make a formal request that the City of Statesville extend its co-sponsorship of the *2010 Piedmont Healthcare Friday After Five Summer Concert Series* for an additional concert to be held on Friday, September 10, 2010.**
- C. Consider passing a motion to close West Broad Street from Kelly to Mulberry Street, from 3:00 pm to 10:00 pm, on Friday, September 10, 2010 in order to accommodate the “Friday after Five Summer Concert Series”.**
- D. Request from Statesville Housing Authority to present the designation for the use of the 2010-2011 HOME Grant Funds.**
- E. Consider time extension request for the Greenway Construction by Supplemental Agreement.**
- F. Consider passing second reading of ZC10-01 filed by the Iredell Statesville Community Enrichment Corporation for 3 properties, one located at 720 S. Mulberry Street and the other two on Wise Street between 4<sup>th</sup> and 5<sup>th</sup> Streets; Tax Maps 4734-92-6254, 4734-92-6041 and 4734-92-8003 from HI to R-5 CU.**
- G. Consider purchase of a Utility Tractor for Water/Sewer Maintenance using previously approved capital appropriations.**

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

**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 the newly elected chair of the Tree Board. He reported the Tree Board was very excited about the Shade Tree Corridor resolution that has been approved.

**REGULAR AGENDA**

**Consider acceptance of a Justice Assistance Grant (JAG) from the Bureau of Justice Assistance in the amount of \$28,471, and approve BA # 8.**

Dan Miglin explained the Statesville Police Department had received notification from the Bureau of Justice Assistance that the department had been awarded \$28,471 in funding via the 2010 Justice Assistance Grant #2010-DJ-BX-0103. This grant will go into effect October 1, 2010. Chief Anderson stated this grant requires no match from the City of Statesville and grant funds will be allocated as follows:

- \$23,222 - Salaries (Overtime)
- \$3,680 - Travel & Training
- \$1,569 – Supplies

**Council member Steele made a motion to accept a Justice Assistance Grant from the Bureau of Justice Assistance in the amount of \$28,471 and approve Budget Amendment #8, seconded by J. Johnson. The motion was unanimously approved.**

Council member Steele commended the Police Department for their diligence and hard work applying for and receiving grants.

**Receive a report prepared by LandDesign regarding Streetscape progress.**

Larry Pressley reported the project is on schedule and the Department of Commerce has reported that everything is in order for the project. Mr. Pressley reviewed the booklet assembled by LandDesign that was distributed at the pre-agenda meeting which contains information on the progress of the project as well as information regarding street furnishings, finishes and trees. Mr. Pressley stated LandDesign is not scheduled to be present, but a presentation can be arranged if needed.

**Conduct a public hearing to consider an economic incentive appropriation to Talon Systems in the amount of \$36,480.**

Mike Smith with GSDC explained due to the current economic conditions the original investment and job creation numbers agreed to by Talon Systems have slightly decreased from 150 new jobs and a \$3.5 million investment over a five year period to 50 new jobs and an investment of \$3 million in new machinery and equipment over a three year period. Mr. Smith stated the average wage Talon Systems will be paying is 8% of the state wage at the time the project was originally discussed in December 2009. At that time Council agreed to provide a grant amount of 80% of the normal grant amount over a five year period. This figure is \$36,480 over a five year period. Mr. Smith recommends approval of this amount.

Mayor Kutteh declared the public hearing open. There were no speakers. Mayor Kutteh declared the public hearing closed.

**Council member Steele made a motion to approve an economic incentive appropriation to Talon Systems in the amount of \$36,480, seconded by Council member J. Johnson. The motion was unanimously approved.**

Mayor Kutteh explained to the audience there would be a courtesy public comment period for ZC10-02, ZC10-3 and SP10-01 at this meeting. The public hearing and first reading for these items will be held at the Special Meeting on August 18, 2010 at 3:30 in the City Hall conference room. The City Attorney has advised Council it may "by motion" include all public comments received at this meeting into the record for the public hearing on August 18, 2010.

**Council member Steele made a motion to accept all public comments received at this meeting into the record for the public hearing and first reading on August 18, 2010, seconded by Council member Gregory. The motion was unanimously approved.**

**Conduct a public hearing and consider passing an ordinance releasing parcels from Statesville's zoning jurisdiction.**

David Currier stated Council has passed a resolution concurring with a request from the Iredell County Commission to release properties owned by the County in the Statesville Extra Territorial Jurisdiction, said properties being intended for landfill expansion. Mr. Currier explained this ordinance is the next step in the process.

Council member M. Johnson asked if there was a house within 500 feet of this site. Mr. Currier replied there was not, but there were houses north of the site. M. Johnson asked if staff had received any calls from citizens in opposition of this item. Mr. Currier stated not to his knowledge.

Council member Huggins asked if surrounding residents were notified and if the property had been posted. Mr. Currier replied Iredell County was responsible for those items.

Council member M. Johnson asked if Iredell County had title to all the property. Mr. Currier replied they did. M. Johnson asked if the County would need to rezone. Mr. Currier stated they would.

Mayor Kutteh declared the public hearing open. There were no speakers. Mayor Kutteh declared the public hearing closed.

**Council member Stallard made a motion to approve first reading of an ordinance releasing parcels from Statesville's zoning jurisdiction, seconded by Council member Steele. The motion was unanimously approved.**

**Conduct a courtesy public comment period for ZC10-02 filed by Mulberry School Apartments, LLC for the 2 properties located at 501 S. Mulberry Street; Tax Maps 4734-93-5587 and 4734-93-7677 from R-8MF HD CU to R-8MF HD CU change of conditions.**

David Currier stated Mulberry School Apartments, LLC is requesting the rezoning of 2 properties located at 501 S. Mulberry Street from CU R-8MF HD to CU R-8MF HD to change the condition that the use is limited to elderly housing which is defined as persons 55 years of age and older. Both tracts are zoned CU R-8MF HD and contain a total of approximately 2.913 acres.

The site was rezoned back in March of 2005 to allow 31 elderly apartment units. In May of this year staff received reports from neighbors that persons under the age of 55 were residing on-site. Therefore, staff investigated and confirmed that four persons under the age of 55 were residing in the apartments. Staff then contacted the Landmark Group. They were very cooperative and immediately sent a response letter. Mr. Currier reported there had been a previous incident in 2007 for the same violation and an

undocumented incident in 2009. As a remedy to the violation the Landmark Group is proposing a Natural Attrition Agreement in which they are requesting that the 53, 53, 49 and 38 year old persons be allowed to remain until they reach age 55 or voluntarily relocate.

The surrounding zoning districts and land uses are R-8 with single-family homes and duplexes, most in the Historic District. Staff sent the proposed agreement to the city attorney for review and he recommends that if City Council wishes to approve the change of condition that the attached resolution be adopted. The Planning Board's recommendation is unfavorable for change of condition.

Mayor Kutteh declared the courtesy public comment period open and asked if anyone wished to speak in opposition of this item.

Peter Molleur, 510 S. Mulberry St. stated the neighborhood had agreed to the conditional use permit specifically because of the 55+ only stipulation and asked that Council uphold the original agreement.

Alan Eisele, 502 S. Mulberry St. stated he was pleased with the reconstruction and renovation of the site but not with the management and asked Council to uphold the original agreement.

Mayor Kutteh asked if anyone wished to speak in favor of this item.

Rex Todd, affiliate with the Landmark Group asked forgiveness for an unintentional mistake of renting to four people with disabilities but under the 55+ age limit. Mr. Todd asked for a continuation agreement in order to regain compliance and advised Council the management's search criteria and personnel are well aware of this conditional use rule now.

Blair Maas, Director of Landmark Property Management Company apologized for management's error. Ms. Maas requested Council view this from the four residents' standpoint and agree to the Attrition Agreement.

Stephanie Breon, 408 W. Bell St, asked Council to approve the Attrition Agreement. She stated the four residents had no idea a rule was being broken and had no control over the situation.

Matthew Gibson, 501 S. Mulberry St. Apt. 111 stated he is a resident of Mulberry School Apartments. He reported all the residents of Mulberry School Apartments are law abiding and do not cause problems in the neighborhood. Mr. Gibson reported there has been a parking conflict between himself and other residents on Mulberry St. in regard to him parking on Mulberry St. instead of using the Mulberry School Apartment parking lot. He stated notes have been left on his vehicle informing him he could not park on Mulberry St. Mr. Gibson stated he verified with the Statesville Police Department that he was not parking illegally. He asked that Council approve the Attrition Agreement.

Dottie Strickland, 501 S. Mulberry St. Apt. 101, stated everyone should love one another, be neighbors and get along.

Gloria Gaspar, 501 S. Mulberry St. stated she agreed with Ms. Strickland

Mayor Kutteh declared the courtesy public comment period closed.

Mayor Kutteh reminded the audience that any comments made at this meeting will be entered into the record for the Public Hearing and First reading for this item, which will be on August 18, 2010.

**Conduct a courtesy public comment period for ZC10-03 filed by the City of Statesville for the Properties Located on N. Barkley and Dover Roads; Tax Maps**

**4743-95-9768, 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 from Iredell County RA and City of Statesville R-20 to City of Statesville PUD.**

David Currier stated G. S. Statesville Greenland, LLC completed the purchase of these 9 parcels after the original and second rezoning requests for Exit 45. Two of the tracts are mostly surrounded by property owned by G. S. Statesville Greenland LLC for the Larkin development with the remaining 7 parcels at the end of Dover Road being proposed as a future phase of the development. Due to the annexation of 8 of these parcels, the city must apply its zoning to the property instead of Iredell County's zoning.

Mayor Kutteh declared the courtesy public comment period open and asked if anyone wished to speak in opposition of this item. There were no speakers. Mayor Kutteh asked if anyone wished to speak in favor of this item.

Shawn Calloway with G.S. Carolina stated he would answer any questions Council may have. There were no questions or comments from Council.

**Consider approving #S02-2010 for Iredell Development Company, Sketch/Final Plat Located at 120 Intercraft Drive; Tax Map 4753-57-3432.**

David Currier stated the site is located at 120 Intercraft Drive. The parcel contains a total of approximately 5.575 acres and has been recently annexed (August 2, 2010). The sketch/final plat for the Iredell Development Company proposes that the property be subdivided into 2 lots. Lot 1 would contain .523 acres and lot 2 would contain 4.899 acres. Each lot meets the dimensional requirements for the HI District and each lot indicates the future right-of-way dedication to comply with the adopted Thoroughfare Plan. All sketch/final plans require TRC, Planning Board and City Council approval. The TRC reviewed and approved the sketch/final subdivision plan on June 16, 2010 with fee in lieu of for the curb, gutter and sidewalk. However, since the TRC approval, Intercraft Drive has been removed from the master sidewalk plan in which the sidewalk, curb and gutter would not be required. Therefore the sketch/final plat meets the city's standards and staff recommends approval. The Planning Board's recommendation is favorable as presented with a unanimous vote.

**Council member Stallard made a motion to approve #S02-2010, Sketch/Final Plat, for Iredell Development Company, located at 120 Intercraft Drive, seconded by Council member M. Johnson. The motion was unanimously approved.**

**Conduct a courtesy public comment period for Special Use Permit #SP10-01 for Iredell Development Company, Inc. for G & B Oil Company, Inc. for the Property Located at 120 Intercraft Drive; Tax Map 4753-57-3432.**

Mayor Kutteh explained this is a quasi-judicial hearing and swore in all speakers.

David Currier stated Iredell Development Company on behalf of G & B Oil Company, Inc. is requesting a special use permit to allow construction of an office/warehouse/propane distribution business to be located at 120 Intercraft Drive. The property contains 4.970 acres and is zoned HI (Heavy Industrial). Propane Distribution is allowed with a Special Use Permit in the HI District provided the supplemental requirements of Section 50.2.2 and 50.2.3 are met in addition to the other applicable zoning requirements. The proposed site is 505 ft. from the nearest residence which is zoned R-20. The site is located on a major thoroughfare (Intercraft Drive) which is projected in the future to be extended to E. Greenbriar Road. The site plan indicates the additional 20 ft. of future right-of-way. In addition the site has direct access to Salisbury Highway which is also a major thoroughfare. The site is not located within a water supply area and does not impede the normal flow of stream or watercourse as proposed. The office/warehouse and storage tanks meet the 50 ft. requirement measured from the property lines. A six foot chain link fence will be installed around the property with the front portion along Intercraft Drive being black or green coated.

The east side of the property and a portion of the south side is wooded and will remain undisturbed. However; due to topography and drainage, the buffer yard required along the north side of the property has been waived in some locations and replanted in others.

Section 50.2.2 Performance Standards in regards to Light, Sound and Vibration must also be met. The type of lighting that G & B proposes to use is outdoor lighting for signage and security purposes around the building and parking lot. In regards to sound, Mr. Caudle states the majority of any noise would be engines running and/or electric motors for about 20 to 40 minutes and there will be no vibration.

The Technical Review Committee reviewed and approved the site plan on June 16, 2010 contingent upon fee in lieu of for curb, gutter and sidewalk (however, this requirement has since been eliminated from Intercraft Drive), the submittal of the pump station capacity, sewer easement, panel schedule and riser diagram, driveway permit, and environmental approvals.

Staff's recommendation is favorable because the zoning requirements have been met. If the special use permit is approved, it is contingent upon receiving approval from the Department of Agriculture, the driveway permit, the pump station capacity and the sewer easement being finalized before releasing the zoning clearance. The Planning Board's recommendation is favorable as presented with a unanimous vote.

Mayor Kutteh declared the courtesy public comment period open and asked if anyone wished to speak in favor of this item.

Rick Caudle, Vice-President of Operations with G&P Oil Company stated he would answer any questions Council may have. Mr. Caudle gave estimated figures for number of employees, wages, Iredell County property tax and City tax.

Council member M. Johnson asked Mr. Caudle to explain the oil/water separator. Mr. Caudle emphasized at this point oil would not be sold at this location. Mr. Caudle stated the tanks and the loading areas are sloped so all liquid runs into the oil/water separator. Council member M. Johnson asked what type of surface the propane storage tanks were on. Mr. Caudle stated it would most likely be grass. Council member M. Johnson asked if there was a truck wash area. Mr. Caudle replied not at this time but if one was installed it would be built to run into the oil/water separator also. Council member M. Johnson asked Mr. Caudle if he would agree to come back before Council if the business decided to sell oil, gasoline and kerosene or put in a truck wash area in the future. Mr. Caudle agreed. Council member M. Johnson emphasized he wanted to make sure that no contaminants could leave the site.

Matt Grant with GV Grant & Associates further explained the oil-water separator and stated all trucks would always be on the pavement.

Mayor Kutteh asked if anyone wished to speak in opposition to this item. There were no speakers. Mayor Kutteh declared the courtesy public comment period closed.

**Request approval of the City's participation in the Community Branding Project and to fund the City's share at an amount not to exceed \$6,500. This includes approval to enter into an agreement with the Statesville CVB, DSDC, GSDC and Greater Statesville Chamber of Commerce to hire Arnett Muldrow & Associates (The Budget Amendment to fund the project from the Civic Center Fund Balance will be presented at September 20, 2010 meeting).**

Council member Steele stated the Quality of Life Committee had voted to make a recommendation to Council to approve the City's participation in the Community Branding Project, cost not to exceed \$6,500.

**Council member Steele made a motion to approve the City's participation in the Community Branding Project and to fund the City's share at an amount not to exceed \$6,500. This includes approval to enter into an agreement with the**

**Statesville CVB, DSDC, GSDC and Greater Statesville Chamber of Commerce to hire Arnett Muldrow & Associates, seconded by Council member Gregory. The motion passed unanimously.**

**Approve the Statesville Police Department proposed voluntary rotation wrecker policy.**

Captain Barone stated the Statesville Police Department is mandated to investigate motor vehicle accidents. In years past, the Statesville Police Department has relied on local wrecker services to provide quality services at a reasonable cost. The Statesville Police Department after reviewing the current voluntary rotation wrecker policy had decided to update the policy to reflect the current needs of the Statesville Police Department, and the community at large. Included in the proposed policy is a price fee schedule which is agreed upon by all parties involved, civilian, law enforcement, and wrecker before any work is completed. Also proposed in the new policy will be an agreement between the Statesville Police Department and the wrecker services as to what is expected from the parties involved, and what consequences could be imposed for failure to comply. The wrecker services currently on the voluntary rotation wrecker list assisted in the creation of the agreement and schedule.

Council member Steele asked if all wrecker services had agreed to this agreement. Captain Barone replied they were all involved in the writing of the agreement and after it is approved by Council each one will execute an agreement.

**Council member Steele made a motion to approve the Statesville Police Department proposed voluntary rotation wrecker policy, seconded by Council member Eisele. The motion was unanimously approved.**

**Council member Steele made a motion to go into closed session to discuss a personnel matter, seconded by Council member Eisele. The motion was unanimously approved.**

**Upon returning from closed session Mayor Kutteh advised a personnel matter was discussed but no action was taken.**

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



ATTEST:

Brenda Souza  
City Clerk

Arnett Muldrow  
Mayor