

**MINUTE BOOK 24, PAGE 435
CITY OF STATESVILLE COUNCIL MEETING – June 04, 2012
CITY HALL COUNCIL CHAMBERS – 7:00 P.M.
STATESVILLE, NORTH CAROLINA**

Mayor Costi Kutteh presiding:

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

Council Absent: 0

Staff Present: Hites, Fugett, Salmon, Currier, Collins, Pressley, Cornelison, Bullins, Anderson, Hudson

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

Others: 7

Call to Order

Mayor Kutteh called the meeting 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 the minutes of the Pre-Agenda meeting of May 17, 2012 and the City Council meeting of May 21, 2012.**
- B. Approve a write-off of approximately \$467.65 in Water and Sewer Assessments and \$220.00 in Fire Inspection Fees.**
- C. Consider approval of a semi-annual write-off of approximately \$113,717.42 in utility accounts.**
- D. Receive and concur with the Statesville Convention and Visitors Bureau quarterly financial report as of April 30, 2012.**
- E. Consider approving 2nd reading of ZC12-02 filed by Earl Anderson for the property located at 1407 Salisbury Road; Tax Map 4744-90-4585 from HI to B-5.**
- F. Consider passing a resolution directing the City Clerk to investigate a petition of annexation for NC Statesville Hwy 21 LLC Property, receive the City Clerk's Certificate of Sufficiency and consider passing a resolution fixing the date, June 18, 2012, for a public hearing on the questions of the petitioned annexation.**
- G. Set the date of June 18, 2012 to hold two public hearings in order to consider granting tax grant incentives to two projects involving auto parts.**
- H. Grant permission to the Statesville Police Department to apply for a grant from the Keep America Beautiful / Graffiti Hurts program and to authorize Daniel Miglin to manage the grant, if awarded, on behalf of the City of Statesville.**
- I. Consider adopting a Resolution and endorsing the Iredell County Solid Waste Management Plan update of 2012.**
- J. Consider authorizing Consultant Services for the Highway 21 bridge underpass and greenway connection.**

- K. Approve the purchase of an HVAC unit for the Bristol Road Center in the amount of \$6,847.**

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

Regular Agenda

- V Receive comments from the Statesville Convention & Visitors Bureau.**
Andy Briggs, Chairman of the Statesville Convention & Visitors Bureau, introduced Craig Peddicord, the new SCVB Executive Director. Mr. Peddicord stated he has put together a very impressive plan to market Statesville to the meeting and group convention tour market to let them know that Statesville is open for business and that we want their business.

- VI Receive and concur with the 2012-2013 Budget for the Statesville Convention and Visitors Bureau.**

Council member Stallard made a motion to receive and concur with the 2012-2013 Budget for the Statesville Convention and Visitors Bureau, seconded by Council member Eisele. The motion carried unanimously.

- VII Conduct a public hearing and consider approval of an ordinance to condemn the structure at 802 Wilmington Avenue as unfit for human occupancy.**

David Currier stated this structure is owned by David Wesley Peck, Sr. and according to the Title Search, the Deed of Trust is owned by C & J Investments of Mooresville, LLC. Mr. Peck states that C & J Investments of Mooresville, LLC has foreclosed on the property and he elected to move out before they evicted him. C & J Investments, LLC has never replied to any of the letters that were sent. 2011 taxes in the amount of \$525.00 are due. The current value of the house is \$14,790.00 and the estimate to repair the structure is \$11,750.00. The house exceeds the 50% requirement for demolition and violates City minimum housing code standards.

Mayor Kutteh declared the public hearing open and asked if there are any speakers present who wish to speak in favor or opposition of this item. There being no speakers present, Mayor Kutteh declared the public hearing closed.

Council member Huggins made a motion to approve first reading of an ordinance to condemn the structure at 802 Wilmington Avenue as unfit for human occupancy, seconded by Council member Eisele. The motion carried unanimously.

- VIII Conduct a public hearing and consider approval of an ordinance to condemn the structure at 907 Goldsboro Avenue as unfit for human occupancy.**

Mr. Currier stated this structure is owned by the heirs of Freddie Blackmon and Catherine Johnson Blackmon. Freddie Blackmon died November 12, 2007 and Catherine Johnson Blackmon died October 14, 2005. No one has lived in the house since. The hearing was published March 9, 2012 and no heirs were present at the hearing. 2002/2011 taxes in the amount of \$3,920.36 are due. The current value of the house is \$20,180 and the estimate to repair the structure is \$15,500, therefore, the house exceeds the 50% requirement for demolition. The structure violates City minimum housing code standards.

Mayor Kutteh declared the public hearing open and asked if there are any speakers present who wish to speak in favor or opposition of this item. There being no speakers present, Mayor Kutteh declared the public hearing closed.

Council member J. Johnson made a motion to approve first reading of an ordinance to condemn the structure at 907 Goldsboro Avenue as unfit for human occupancy, seconded by Council member Eisele. The motion carried unanimously.

- IX Consider approving the site plan for P12-07 Black Pontiac located at 809 Salisbury Road; Tax Map 4744-52-1771.**

Mr. Currier stated the site is located at 809 Salisbury Road, the property is zoned B-4 and contains approximately 5.81 acres. In 2010 Black Pontiac underwent a large renovation project that included the up fitting of three existing buildings on the site, resurfacing and expanding the parking lot and installation of street trees and landscaping. Black Pontiac is now proposing to construct a 20' x 25' canopy on the west side of the Buick/GMC building and a 4' wide x 40' long entrance canopy on the east side of the building. The material for the canopy will be PIPS with an aluminum composite trim panel above it, running along the west side of the building. The entrance tower is also aluminum composite with another trim panel running along the east side of the building. All meet the design standards for non residential development in regards to accent materials. However, the tower entrance as proposed encroaches into the required 40' front setback by 15'6". Therefore the applicant applied for a variance. The Board of Adjustment granted the request on May 1, 2012. In addition, the existing driveway on Salisbury Road that is partially located in front of this building is proposed to be shifted further east. Because Salisbury Road is a state maintained road, a driveway permit is required from NCDOT, otherwise no other changes in access are proposed and no additional parking spaces or landscaping would be required for these minor additions. The Technical Review Committee reviewed and approved the site plan on April 17, 2012 contingent upon a variance being granted, receipt of a driveway permit and installation of the RPZ backflow device. As stated above the variance was granted. The RPZ backflow will be installed and a copy of the approved driveway permit will be obtained before the final CO is issued. Therefore staff recommends approval of the site plan as presented. The Planning Board recommendation is favorable with a unanimous vote as presented.

Council member Huggins made a motion to approve the site plan for P12-07 Black Pontiac, located at 809 Salisbury Road; Tax Map 4744-52-1771, seconded by Council member Gregory. The motion carried unanimously.

X Consider a request to approve the demolition of the structures located at 436, 438 and 440 Western Avenue.

Mr. Currier stated the addresses are located on the northern side of Western Avenue across from its intersection with Wilson Lee Blvd. J.L. and Ruth Hope Enterprises, LP own 440 Western Avenue and J.L. Hager owns 436 and 438 Western Avenue. The commercial building is in disrepair and presents a public safety hazard. Demolition cost is estimated between \$25,000 and \$30,000; however staff was able to obtain voluntary compliance from the owners to demolish the building, thereby avoiding the condemnation process. The owners applied to the Historic Preservation Commission (HPC) for a Certificate of Appropriateness to demolish the structure. At their meeting on April 26, 2012 HPC tabled the issue in order to allow the owner's time to market the property. At their May 24th meeting, the HPC un-tabled the request and unanimously voted to not recommend demolition to the City Council for the same reason. The owner of 440 bought the property in 2007 and the owner of 436 and 438 has owned the property since 1959. Mr. Currier clarified that this is not a City condemnation. The owners simply need City Council's approval to demolish the structure since it is in a Historic District.

Council member M. Johnson advised that Council has the right to make the owners tear the structure down and build it back, although he does not advocate doing this. He suggested that Council consider stipulating that whatever is built on this site in the future mimic the original front elevation of this building to preserve the architectural character of what is there now, which is typical store front type architecture.

Council member M. Johnson made a motion to approve the demolition with the stipulation that the façade of any structure built in the future, mimic the façade of the original building.

Council member Stallard disagreed stating that Council should not put these types of restrictions on a building that actually has no historic value other than the fact that it is located in the Historic District.

Council member M. Johnson stated he did not understand how a rebuild stipulation would affect the owner from demolishing the building. Council member Stallard replied the site may be used for a different use that would not require a two story building. Council member M. Johnson disagreed and felt that this is a landmark structure and

something reasonably similar to this structure should be built back. Mr. Currier stated the property owners have no current plans for the property and reminded Council that any proposed structure at the site must be approved by the Historic Preservation Commission and City Council. Council member West felt that further stipulations were not necessary, that the HPC and City Council regulations for site plans were enough. Council member M. Johnson disagreed. Council members briefly further discussed the necessity to impose stipulations on future structures.

Mayor Kutteh asked if there was a second to the motion made by Council member M. Johnson. Motion failed for lack of a second.

Council member J. Johnson made a motion to approve the demolition of the structures located at 436, 438 and 440 Western Avenue, seconded by Council member West. The vote was as follows:

Ayes: J. Johnson, West, Gregory, Eisele, Matthews, Huggins, Stallard

Nays: M. Johnson

Motion carried 7-1

XI Consider appointments to the Planning Board.

Mr. Currier stated that Scott Neely and Robb Collier's terms expire June 30, 2012. Scott Neely has served three terms and would like to be re-appointed to a fourth term. Robb Collier has served two terms and would also like to be re-appointed to a third term. There are several active applications in addition to the current members' applications. One of the applicants included, Mr. Larry Rosenfeld, currently serves on the Board of Adjustment (BOA) but would like to be considered for the Planning Board. If appointed this would create a vacancy on the BOA. ETJ Appointments will be made by the Iredell County Commissioners in June.

Mayor Kutteh stated Mr. Currier had informed Council that according to the current census population requirements, only one ETJ representative is now required for the Planning Board.

Council member Eisele made a motion to reduce the number of members appointed by the County Commission representing the ETJ from two to one. Council member M. Johnson seconded the motion. The motion carried unanimously.

Mayor Kutteh asked for nominations.

Council member Eisele nominated Peter Molleur.

Council member M. Johnson nominated Scott Neely and Robb Collier.

Council member Matthews made a motion to close the nominations, seconded by Council member M. Johnson. The motion carried unanimously.

Mayor Kutteh announced that by written ballot, Scott Neely and Robb Collier were reappointed to the Planning Board.

XII Consider re-appointing/appointing two members to the Statesville Airport Commission to serve new terms beginning on June 30, 2012 and ending on June 30, 2015.

Mr. Currier stated the terms of Jim Lawton and Billy Shomaker on the Statesville Airport Commission will come to an end on June 30, 2012. Mr. Shomaker is willing to serve another term on the Airport Commission. However, Mr. Lawton has informed staff that he is not interested in serving another term. The City Council will need to re-appoint Mr. Shomaker (or another volunteer) and a volunteer to replace Mr. Lawton. As you are aware, the Airport Commission consists of seven (7) voting members (five appointed by the City Council, one member of City Council appointed by the Mayor and one member of the County Commission). No more than three of the seven appointed members may live out of the city limits. There currently is one member who lives outside of the city limits.

Council member Stallard nominated Kevin Sarro.

Council member J. Johnson nominated Billy Shomaker.

Council member Matthews nominated Clarence Getsinger.

Council member West pointed out that Mr. Getsinger has extensive aviation experience.

Council member Stallard commented that Mr. Sarro is a pilot, the General Sales Manager at Germain Ford-Lincoln car dealership, and very active in the community.

Council member J. Johnson stated that Billy Shomaker is a pilot for Lowes Corporation as well as overseeing all the aircraft for them and has been very active and helpful to the Airport Commission by helping other members understand what is needed at the airport from a user's viewpoint.

Council member Stallard made a motion to close the nominations, seconded by Council member Eisele. The motion carried unanimously.

Mayor Kutteh announced that by written ballot, Kevin Sarro and Billy Shomaker were appointed/reappointed respectively to the Airport Commission.

XIII Consider re-appointing/appointing members to the Board of Adjustment to serve new terms beginning on June 30, 2012 and ending on June 30, 2015.

Mr. Collins stated the terms of three regular members, John Gilbert, David Tharpe and Margery Turnipseed, and one alternate member, Sandra Campbell, of the Statesville Board of Adjustment will come to an end on June 30, 2012. All four members have submitted updated volunteer forms and wish to continue their service on the Board of Adjustment. Staff has also received additional volunteer forms from interested citizens

The Zoning Ordinance requires the Board of Adjustment to consist of the following;

- Five regular members who reside within the city limits,
- One regular member who resides within the ETJ (who is appointed by the Iredell County Commissioners),
- Two alternates, and
- It is also recommended (not required) that the Iredell County Commissioners appoint one alternate member who resides within the ETJ to serve in the place of the regular ETJ member during his/her absence.

Council member West asked if the ETJ representative could be eliminated due to the difficulty finding a member since the ETJ area has shrunk so much.

Mr. Hites stated in his opinion even though it is difficult to find a representative for the ETJ he would not advise eliminating the position.

Council member West withdrew his request under the advice from the City Manager.

Council member M. Johnson nominated Brian Long.

Council member West nominated John Gilbert, David Tharpe, Margery Turnipseed for regular positions and Sandra Campbell as an alternate member.

Council member West made a motion to close the nominations, seconded by Council member J. Johnson.

Mayor Kutteh announced that by written ballot, John Gilbert, David Tharpe, and Margery Turnipseed were reappointed for regular positions. Sandra Campbell was reappointed as an alternate member to the Board of Adjustment.

XIV Consider approval of a Resolution authorizing the City of Statesville to enter into a Grant Agreement with the North Carolina Department of Transportation for the fiscal year 2012 VISION 100 Grant Allotment in the amount of \$150,000.

Mr. Collins stated this Grant Agreement is for the Fiscal Year 2012 VISION-100 Grant Allotment from the North Carolina Department of Transportation, Division of Aviation in the amount of \$150,000. The funds are to be used for the design of new security fencing, a blast pad and a helicopter landing area. City Council certified the availability of local funds at its meeting on April 2, 2012. The Project No. is 36237.46.12.1.

Council member J. Johnson made a motion to approve a resolution authorizing the City of Statesville to enter into a Grant Agreement with the North Carolina Department of Transportation for the fiscal year 2012 VISION-100 Grant Allotment in the amount of \$150,000, seconded by Council member West. The motion carried unanimously.

XV Authorize Consultant Services for the design of Third Creek Wastewater Treatment Plant and approve Budget Amendment #41.

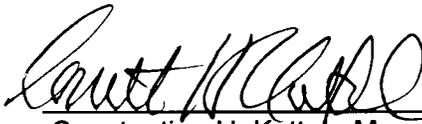
Larry Pressley stated that staff has received a proposal from McGill for design of the 6 million gallons per day (MGD) plant expansion as discussed at the meeting of May 30, 2012. He reminded Council that the City was successful in its pursuit of low interest loan funding through the State Revolving Loan Fund last fall and McGill submitted a preliminary engineering report for the 6 MGD project and it has been approved. The next step in the process to stay on track for funding is to design and submit plans and specifications for approval by December 03, 2012. Amendment #2 to the contract for the project entitled "Third Creek Wastewater Treatment Plant Expansion" is in the amount of \$284,300. This cost covers redesigning the project to a reduced capacity of 6 MGD, contract documents and State Agency approval of the revised plans. Staff recommends authorization of Consultant Services for Third Creek Wastewater Treatment Plant to McGill & Associates in the amount of \$284,300 and approval of Budget Amendment #41.

Council member M. Johnson made a motion to authorize Consultant Services for the design of Third Creek Wastewater Treatment Plant and approve Budget Amendment #41, seconded by Council member Eisele. The motion carried unanimously.

There being no further business, Council member West made a motion to adjourn, seconded by Council member Gregory. The motion carried unanimously.

ATTEST:




Constantine H. Kutteh, Mayor


Brenda Fugett, City Clerk