

**MINUTE BOOK 24, PAGE 485  
CITY OF STATESVILLE COUNCIL MEETING – September 17, 2012  
CITY HALL COUNCIL CHAMBERS – 7:00 P.M.  
STATESVILLE, NORTH CAROLINA**

**Mayor Costi Kutteh presiding:**

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

**Council Absent:** Gregory

**Staff Present:** Pressley, Fugett, Smyth, Currier, Ashley, Gaines, Davis, Salmon, Houpe, Cornelison, Harrell, Pritchard, Collins, Bullins, Anderson

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

**Others:** 23

**Call to Order**

Mayor Kutteh called the meeting to order.

**Invocation**

The Invocation was given by the City Clerk.

**Pledge of Allegiance**

The Pledge of Allegiance was led by Girl Scout Troop 10558.

Mayor Kutteh stated that Item XI has been removed from the Regular Agenda. Iredell Memorial Hospital, at their expense, will improve the existing crosswalk and install an island of refuge which is permissible under current City Code. IMH will continue to examine truck traffic on Hartness road in conjunction with City staff and eventually make a determination as to whether or not pedestrian traffic can continue with another island of refuge or some sort of crosswalk light installed. He thanked Iredell Memorial Hospital for continuing to work with staff to find a resolution to this.

**Public Comment**

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

David Pressly – 632 Dogwood Road, Statesville, asked City Council to reconsider a garbage fee policy that he feels affects mainly low income citizens who rent and asked for Council to amend the budget ordinance so all Statesville citizens receive garbage pickup through their property tax. Mr. Pressly asked that Council also identify other City of Statesville regulatory impediments to the cost of affordable housing and to work with stakeholders for their recommendations.

Skip McCall, 298 Seven Springs Loop, Statesville, spoke on the recently adopted garbage fee policy and its effect on low income citizens. He asked that Council repeal the fee.

Mayor Kutteh stated that all items on the Consent Agenda are considered to be routine by 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 Continued Council meeting of August 06, 2012, the Pre-Agenda meeting of August 16, 2012 and the City Council meeting of August 20, 2012.**
- B. Approve capital equipment purchase of an Automated Leaf Truck.**
- C. Consider approving co-sponsorship of the 2012 Carolina Balloon Festival to be held October 19-21.**
- D. Request authorization to sole source purchase one, 32 channel DVR, and 2 wireless dome cameras in the amount of \$8,171.**

- E. **Approve a resolution declaring certain equipment and materials as surplus and authorize the disposal of said property by resolution.**

Council member J. Johnson made a motion to approve the Consent Agenda, seconded by Council member West. The motion carried unanimously.

## **REGULAR AGENDA**

- VI **Recognize Planning Board Member Skyler B. Little for his outstanding service as an ETJ representative for the City of Statesville.**

Mayor Kutteh, along with Planning Director David Currier and Assistant Planning Director Sherry Ashley, presented Skyler B. Little a plaque on behalf of the City of Statesville in appreciation of his many years of service at the ETJ representative on the Planning board.

Mr. Little stated it had been a pleasure to serve all these years and thanked Mayor Kutteh, Council and staff.

- VII **Conduct a public hearing and consider approving first reading of TA12-02 filed by the City of Statesville to amend Article 4, Non-Conforming Situations, Section 4.03, Non-Conforming Occupied Lots or Buildings.**

David Currier stated this item was originally scheduled for the August 20, 2012 City Council meeting but was removed from the agenda for further review by staff. Some members of the Chamber of Commerce had also expressed some concern with this ordinance and Council directed staff to meet with the Chamber representatives to discuss the issue and bring it back before Council tonight. The Chamber membership of the interested parties elected to meet on their own and returned four basic comments to City staff on September 5, 2012. Mr. Currier explained that originally staff had been asked to establish thresholds for when installing street improvements such as turn lanes, sidewalks, curb and gutter and landscaping should be required when improving existing sites that are non-conforming. Mr. Currier stated that staff is recommending the following two thresholds for existing non-residential and multi-family uses:

1. For existing non-residential or multi-family uses, if there is an expansion of gross floor area or parking area surface by twenty-five percent (25%) or more, or remodeling and/or façade upfits that constitute fifty percent (50%) or more than the existing building value on the tax card the lot shall comply to the extent feasible with street improvement requirements of this ordinance along the fronting public streets including, but not limited to turning and traffic storage lanes, sidewalks, curb and gutter per Chapter 20 of the City Code, landscaping and any other improvement attributes in plans adopted by the City. Determination of feasibility and level of compliance will be determined by a review of the site plans by the Technical Review Committee (TRC). Additional review may be required by the zoning district or the Municipal Service District.
2. The resurfacing of fifty percent (50%) or more of existing parking or storage areas of 40 spaces or 10,000 square feet or more shall be required to comply with thirty five percent (35%) of the current landscape standards including street trees, parking lot trees and buffers. Except that storage lots are exempt from parking lot trees.

Mr. Currier added that the requirements set forth in 1 and 2 above may require the removal of pavement and the removal or relocation of other site features. Required parking may be reduced five percent (5%) to accommodate compliance. Additionally 1 and 2 above shall apply to the cumulative total of improvements that are issued Zoning Approval within a thirty six (36) month period.

Mayor Kutteh asked what current zoning districts this will cover. Mr. Currier stated this will cover all zoning districts. He reminded Council that staff had looked at exempting the LI and HI districts because these districts are not subject to the current architectural elevation controls and also Mr. Pressley at Council's direction is looking at revamping the street standards for industrial areas in Chapter 20 of the City Code. If Council approves the revamping of street standards for industrial areas, then this particular section of the code will default to Chapter 20 where that revamping will be housed.

Mayor Kutteh clarified that this would not apply to residential areas and multi-family meant residential apartments. Mr. Currier agreed and stated that Industrial is not held to the same standards as the balance of the City zoning districts.

Council member J. Johnson asked if the Black Pontiac development would have been included in this ordinance. Mr. Currier replied he had never done those calculations but he felt that it would qualify under this. Mr. Currier stated that this issue is a City wide issue and just surfaced with the Black Pontiac development activity.

Council member M. Johnson stated the issue is not a particular car dealer, the driving issue is that the City of Statesville has always interpreted the Code as saying that if a 1,000 sq. ft. building has 10,000 sq. ft. added to it then it qualified as a renovation, not new construction, so the issue is, at what point does a renovation become new construction. He questioned several terms used in the ordinance that he felt were unclear but felt an "increase in floor space" was a clear definition that everyone could understand.

Council member West asked if zoning approval is required prior to paving a parking lot and if not, what will notify staff to enforce this. Mr. Currier stated approval is not required, but typically a change like this would be covered in the media and staff has previously informed those in the business of changes such as this. Council member West felt the ordinance needs further revisions and felt this may deter a lot of businesses from re-paving parking areas, which will ultimately create unsightly conditions that will affect all of us.

Mayor Kutteh declared the public hearing open and called on the first speaker on the sign in sheet.

Howard Bryan, 1420 Mr. Vernon Avenue, Statesville, complimented City Council on their efforts to beautify the City of Statesville and make it a better place to live and more attractive for businesses to operate here. Mr. Bryan stated that when a business wants to expand or locate, they look at what it is going to cost to go into business. We want our community to be as open as possible to encourage businesses to expand, to pave their parking lots and keep their properties looking good and encourage businesses to locate here. He felt this ordinance would discourage all of these things and would increase costs without increasing the business's productivity. Mr. Bryan agreed with Council member M. Johnson's idea to base the ordinance on if a business increases the floor space of the building.

Jerry Alford, 138 Stamey Farm Road, Statesville, stated that Statesville is competing with surrounding cities and counties to bring industry into Statesville and to increase the cost to a business to locate here will not help. He felt that existing local businesses are trying to compete with bigger companies and cannot afford to repave with the added expenses caused by this ordinance so will simply not repave. He emphasized that the way the economy is, now is not the time to approve an ordinance that penalizes businesses.

Stamey Holland, 1726 Wilkesboro Highway, Statesville, expressed concern that this ordinance would cause a patchwork of sidewalk, curb and gutter.

Harry Tsumas, P.O. Box 921, Statesville, questioned the methodology of this ordinance and feels that it should be in more of a table form. He stated that Industrial is totally different from a shopping center. Mr. Tsumas asked that this ordinance be sent back for further review.

Greg Watson, 141 Kingswood, Statesville, spoke against TA12-02 and stated that small businesses cannot accept additional financial burdens.

Eric Seme with International Paper, 930 Meacham Road, Statesville, spoke against TA12-02 and asked that Council re-evaluate this ordinance and to keep in mind the consequences passage of this ordinance would create.

Jeff Lidenberry, 169 (unintelligible) Rd Statesville, requested that Council consider removing residential properties from this ordinance. He stated vacancies are on the rise and rental incomes are decreasing. He stated most properties are strapped for cash flow and probably would not consider repaving at this time, but if there were other additional costs then they definitely would not be able to.

Mayor Kutteh asked if there were any other speakers for or against this item.

This speaker did not give his name or address. The speaker stated he had a business on Shelton Avenue that was not there when the streetscape plan began. He said he was told that nothing would happen with his business due to this. He asked if Amity Hill Road is a state owned road why the state is not responsible for the condemnation if the road is going to be changed. Mayor Kutteh advised the speaker that it is his understanding that his business would not be affected by this and explained that this is a different public hearing. Mayor Kutteh advised the speaker that staff would be happy to speak with him separately regarding this issue.

Mayor Kutteh asked if there were any other speakers who wish to speak regarding TA12-02. There being no further speakers, Mayor Kutteh declared the public hearing closed.

Council member M. Johnson suggested amending paragraph 1 to exclude "remodeling and/or façade upfits" from this discussion. He stated he personally liked the first ordinance better and felt that the 25% trigger on existing floor area is reasonable and should be classified as new construction. Mayor Kutteh stated it should be based on the expansion of the foot print excluding any reference to the tax card and that he agreed with Council member M. Johnson that remodeling and/or façade upfits should be excluded. Council member M. Johnson asked if Council members want to exclude LI and HI and B-5 because there are many cross over types of those businesses there. He explained that new construction in LI and HI will trigger buffer requirements. Mayor Kutteh pointed out that the code already contains a set of regulation for new construction that is very similar to this ordinance.

Council member J. Johnson stated he felt first reading of this ordinance should not be approved tonight that there are too many unanswered questions.

Council member West pointed out that if Council's intention is to level the playing field then if façade, interior renovations and paving are omitted from the ordinance then it is simple.

Council members briefly discussed whether or not to exclude LI and HI on an existing expansion and that new construction must comply with this and whether or not the cumulative time period should be 24 or 36 months.

**Council member M. Johnson made a motion, seconded by Council member West to approve first reading of TA12-02 contingent upon the ordinance being changed to read as follows:**

- 1. For existing non-residential or multi-family uses, if there is an expansion of gross floor area of twenty five percent (25%) or more, the lot shall comply with including, but not limited to, right-of-way dedication, buffer requirements and landscape requirements per Chapter 20 of the City Code, landscaping and any other improvement attributes in plans adopted by the City. Determination of feasibility and level of compliance will be determined by a review of the site plans by the Technical Review Committee (TRC). Additional review may be required by the zoning district or the Municipal Service District (i.e., DRC or HPC).**
- 2. This shall apply to the cumulative total of improvements that are issued Zoning Approval within a twenty four (24) month period.**

**The vote was as follows:**

**Ayes: M. Johnson, West, Eisele, Matthews, Huggins, Stallard**

**Nays: J. Johnson**

**Motion carried 6-1**

**VIII Authorize City Attorney Gaines to begin condemnation proceedings on the Bustle property.**

City Attorney Eddie Gaines explained the condemnation process and stated this will be based on a \$210,000 payment of just compensation which is the amount of the appraisal.

**Council member Stallard made a motion to authorize City Attorney Gaines to begin condemnation proceedings on the Bustle property, seconded by Council member Huggins. The motion carried unanimously.**

**IX Consider re-appointing James (Ted) Millsaps to the Alcohol Beverage Commission or appointing Nicholas Yount or Anthony Turmon.**

**Council member J. Johnson nominated James (Ted) Millsaps.**

**Council member West made a motion to close the nominations and appoint James (Ted) Millsaps to the Alcohol Beverage Commission, seconded by Council member Eisele. The motion carried unanimously.**

**X Consider approving two Line Technician I positions in the Electric Utilities Department.**

Kent Houpe explained that recent incented retirements will result in four vacant positions in the department. The position of Energy Service Coordinator will be eliminated and the position of Electrical Engineer will be studied further at the request of Interim City Manager Pressley. Staff requests that Council approve two "Line Tech I" positions allowing the department to keep operational crews and supervision at current levels. Mr. Houpe stated that slower new construction has allowed the department to perform maintenance that was needed and to use City crews to perform some work in-house instead of contracting it out. Mr. Houpe reviewed a graph showing Capital Outlay, System Maintenance and Substation Maintenance.

Council member M. Johnson asked Mr. Houpe if during his tenure as Interim electric Utilities Director if he will evaluate sub-contracting underground and those types of functions to people like Pike or Sumter Utilities. Mr. Houpe replied that will depend on the nature of the project. Staff must first evaluate and see if the scope of the project will fall under the \$100,000 threshold. If it exceeds that, then the project must be bid out. Staff tries to do as many projects in-house as possible but it also depends on the length of the project and how quickly it must be finished.

**Council member Stallard made a motion to approve two Line Technician I positions in the Electric Utilities Department, seconded by Council member Eisele. The motion carried unanimously.**

**XI Consider a request from Iredell Memorial Hospital to improve an existing crosswalk and install an additional crosswalk (speed table) across Hartness Road.**

**This item was removed from the agenda.**

**XII Consider approving a request to NCDOT that the remaining portion of grant 36237.46.12.1 be used for the construction of the Blast Pad/Security Fencing/Apron Expansion project as well as a request that NCDOT close grants 36237.46.8.1, 36237.46.8.2 and 36237.46.9.2 and that the remaining funds (and local matches) from these grants be used for the construction of the Blast Pad/Security Fencing/Apron Expansion and the Environmental Assessment for the South Parallel Taxiway and certify the funds necessary for the 5% City match of the grant.**

Phil Collins stated that \$57,500 of grant 36237.46.12.1 (12.1) was awarded for the engineering and bidding phase of the Blast Pad, Security Fencing and Apron Expansion projects. The remaining portion, \$109,167, is available for the construction phase of these projects. Staff asks that City Council request an agreement from NCDOT for these remaining construction funds and that Council certify funds for the 5% city match of the grant. Staff has also been informed that the City will be awarded a VISION 100

allotment in the amount of \$166,667 for Fiscal Year 2012. Grants 36237.46.8.1 (8.1-original amount \$2,325,000), 36237.46.8.2 (8.2-original amount \$666,668) and 36237.46.9.2 (9.2-original amount \$8,647,950) were designated for the Runway, Taxiway & Apron Rehabilitation and Strengthening project that was recently completed. The project was finished under budget and \$708,063.42 remains in these grants (a portion of the apron was in better condition than previously estimated). Staff asks that City Council request NCDOT to close these grants and use the remaining funds for the Blast Pad, Security Fencing & Apron Expansion projects and the EA for the South Parallel Taxiway. Staff has discussed this transition of the remaining funds with NCDOT and NCDOT concurs that the funds may be used as requested. Based on the total bid amounts that were received for the Blast Pad, Security Fencing & Apron Expansion projects (\$541,861) and the estimated amount of the EA for the South Parallel Taxiway (\$102,877); enough funding remains to cover the projects. The funds remaining subsequent to these projects have not been requested for any future projects at this point. The Airport Commission reviewed these funding requests at the September 6, 2012 meeting and voted to recommend that City Council request the remaining funds of grant 12.1, close grants 8.1, 8.2 & 9.2 and request that the remaining funds of 8.1, 8.2 and 9.2 be used for the construction of the Blast Pad, Security Fencing & Apron Expansion projects and the EA for the South Parallel Taxiway.

**Council member J. Johnson made a motion to approve a request to NCDOT that the remaining portion of grant 36237.46.12.1 be used for the construction of the Blast Pad/Security Fencing/Apron Expansion project, request that NCDOT close grants 36237.46.8.1, 36237.46.8.2 and 36237.46.9.2 and that the remaining funds (and local matches) from these grants be used for the construction of the Blast Pad/Security Fencing/Apron Expansion and the Environmental Assessment for the South Parallel Taxiway and that Council certify the necessary funds for the 5% City match of the grant seconded by Council member Stallard. The motion carried unanimously.**

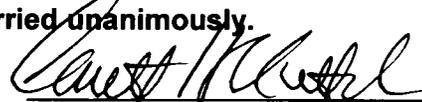
**XIII Receive an update report on the Streetscape project.**

Scott Harrell reported that this is month 20 of the project and it is nearing completion. Since the last update, the contractor has completed the milling and paving on E. Broad Street. The Landscaping contractor has installed sod and finished irrigation system installation on the north side of E. Broad Street. Asphalt sanding at the crosswalks is complete and most of the crosswalks have been painted. Rocking chair styles have been approved and added to the furnishing in front of the courthouse and the remainder of them will be arriving in the coming days. As these last items are being completed the contractor has begun working on punch list items. In the weeks ahead, the crosswalk painting will be completed. The landscaping that has been added back to E. Broad Street will be planted. Final striping will be completed within a week or so after the crosswalks are completed. Included in the final striping will be a white stripe on either side of the crosswalks to help set those off. Grass has been sprayed to kill weeds and will be evaluated to see if further action is required. There are some irrigation issues to be worked out and the trees on the north side E. Broad Street have been evaluated by representatives from the Extension Service and are in the process of assessing what action needs to be taken.

Council member Stallard pointed out that some of the pavers in front of Mayo's have sunk and are causing people to trip. He stated that there is no street lamp in front of the building at Pecan Park and looks out of place. He asked that staff look into these issues.

Council member West asked if there is a rain delay on the irrigation system. Mr. Harrell replied that is one of the issues that staff is investigating.

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

  
Constantine H. Kutteh, Mayor

ATTEST:

  
Brenda Fugett, City Clerk

