

**MINUTE BOOK 24, PAGE 560
CITY OF STATESVILLE COUNCIL MEETING – February 18, 2013
CITY HALL COUNCIL CHAMBERS – 7:00 p.m.
STATESVILLE, NORTH CAROLINA**

Mayor Constantine H. Kutteh presiding:

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

Council Absent: 0

Staff Present: Pressley, Fugett, Salmon, Harrell, Watts, Davis, Smyth, Currier, Hudson

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

Others: 130

Call to Order

Mayor Kutteh called the meeting to order.

Invocation

The Invocation was given by the City Clerk.

Pledge of Allegiance

Girl Scout Troop #10462 led the Pledge of Allegiance.

Public Comment

Mayor Kutteh stated that during the second meeting of each month citizens are invited to speak about matters not on the current agenda. He explained that the total public comment period is limited to thirty minutes and asked speakers to limit their personal remarks to three minutes each if possible. He asked those speaking on the same topic to try not to be repetitive and advised he would ask those in attendance to stand and show their support of the position being advocated at the end of the public comment period.

Dr. Elizabeth Seibel-Ross, 415 Gleneagles Road East, spoke in opposition of the proposed Love's truck stop to be located at I-40, Exit 154. She expressed concern with increased traffic, traffic congestion and the effects to animals at the Animal Hospital and to humans in the nearby hospital, retirement homes and Alzheimer facility from the increased noise, air and water pollution that she anticipates as a result of the truck stop.

Linda Howard, 585 Greenway Drive, spoke in opposition of the proposed Love's truck stop stating that allowing the truck stop to be built in this area would halt future growth at Exit 154 and would not benefit any of the surrounding properties or their owners, causing the quality of the area to decrease.

Stacey Schlesinger, 705 Maplewood Lane, spoke in opposition of the proposed Love's truck stop. She stated she is not in opposition to allowing a truck stop in Statesville, but opposed to allowing a truck stop to be built across from residential neighborhoods and nursing homes, next to businesses that will be adversely affected and in such close proximity to a hospital and numerous physician offices. She presented to Mayor Kutteh and City Council a petition signed by 2,409 citizens in opposition of the proposed truck stop.

Kate Gunthorpe, 731 Club Drive, spoke in opposition of the proposed Love's truck stop stating the location is disastrous, the pollution from the truck stop will harm animals, seniors outdoors, and motorists who use air vents. She stated that nearby creeks will kill any wildlife due to groundwater contamination and will be dangerous to children playing in the water. Property values of small businesses and homeowners will fall and huge amounts of trash will be generated by truck stop. Traffic congestion caused by the truck stop will inhibit emergency vehicles from getting through the area and tractor trailer trucks are hazardous to children getting off and on school buses because the children cannot be seen by the drivers.

Landrea Rhyne, 704 Maplewood Lane, spoke in opposition of the proposed Love's truck stop expressing concern with the possible detrimental effects on the residents of nearby nursing homes.

Russell Kay, 2446 Falcon Lane, spoke in opposition of the proposed Love's truck stop stating he agrees with everything that has been said by other citizens in opposition. He is concerned about the pollution to three spring fed streams in the area from the stormwater runoff. He felt the residential sewer lines could not handle the commercial runoff and City staff needs to address this before it is a problem.

Travis Blackwelder, 181-B Mocksville Highway, spoke in opposition of the proposed Love's truck stop. He stated the noise created from the truck stop will adversely affect the horses kept at his business and the business would be forced to move.

Rhonda Adams, 2806 Peachtree Road, spoke in opposition of the proposed Love's truck stop. She stated she is the Executive Director of Brookdale Senior Living and represents the residents of Statesville Place Assisted Living and Clare Bridge Assisted Living. She is concerned with the effect this truck stop would have on the resident's safety and well-being due to the increased noise, traffic, pollution and lighting from the truck stop.

Chip Cooney, 206 Winding Brook Way, spoke in opposition of the proposed Love's truck stop. Mr. Cooney stated he has owned the veterinarian hospital adjacent to the site of the proposed truck stop for 38 years. He said he is not against appropriate "by right development" in the B-4 zoning district but appropriate by right properties should be those specifically listed in the zoning ordinance as general automobile oriented commercial businesses. He gave a brief background of his business and previous discussions regarding the development of the adjacent property. Mr. Cooney stated this project should be zoned for its totality, not as a like and kind business. He asked Council to rescind this zoning decision and allow the property to be zoned in a way that truly enhances the quality of the surrounding businesses.

Mayor Kutteh thanked all the speakers and asked that those in the audience in opposition to the proposed Love's truck stop to stand and be recognized. The majority of those in the audience stood.

Consent Agenda

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 Pre-agenda meeting of January 31, 2013 and the City Council meeting of February 04, 2013.**
- B. Consider an annual request from the Statesville ABC Board to approve the Board's adopted Travel Policy.**
- C. Make a formal request that the City of Statesville be an official co-sponsor of the 2013 Piedmont Healthcare Friday after Five Summer Concert Series, providing in-kind services as listed below.**
- D. Consider approving a motion to close W. Broad Street from Kelly to Mulberry Street, from 3:00 p.m. to 10:00 p.m. on the following dates in order to accommodate the "Friday after Five Summer Concert Series", sponsored by the Greater Statesville Chamber of Commerce (GSCC) and Downtown Statesville Development Corporation (DSDC): May 3, May 17, May 31, June 14, June 28, July 12, August 16, September 6, and the rain date of September 20.**
- E. Approve the purchase of a replacement Influent Sampler with like sampler Teledyne/Isco Model #5800 and Booster Pump SPA #1861 for \$8,000 for the 4th Creek WWTP.**

Mayor Kutteh asked if there are any items on the Consent Agenda that Council wished to be moved to the Regular Agenda. There being none, he asked for a motion.

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

REGULAR AGENDA

Conduct a public hearing and consider approving first reading of TA13-01 filed by the City of Statesville to amend Article 6-Development Standards, Section 6.09-Guidelines for Structures in the Central Business, Central Business Perimeter and Municipal Service Districts.

Mr. Currier stated the adopted Statesville Downtown & NC 115 Streetscape/Land Use Master Plan pages 40 and 41 encourage art throughout the downtown. He explained that this text amendment is a corrective action. The design criteria for these zoning areas were in the Unified Development Code and were transferred to policy level to the Downtown Design Review Committee for approval. Included in the design criteria is a provision for approving art. Staff was made aware that Council wished to retain the authority to approve public art in these districts, therefore to facilitate this, staff is proposing a text amendment to allow art in the Central Business, Central Business Perimeter and Municipal Service Districts upon review and approval by City Council. Mr. Currier stated that Council member M. Johnson had asked at the Pre-agenda meeting that the Downtown Design Review Committee review the applications first then make a recommendation to City Council, who will make the final decision. Staff has incorporated this change into the ordinance.

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

Council member M. Johnson made a motion to approve first reading of TA13-01 filed by the City of Statesville to amend Article 6-Development Standards, Section 6.09-Guidelines for Structures in the Central Business, Central Business Perimeter and Municipal Service Districts, seconded by Council member Eisele and Matthews. The motion carried unanimously.

Consider approving first reading of ZC11-02 filed by Mary Jo Crandall for the 5 Properties Located at 707, 709, 713 and 719 Brookdale Drive; Tax Maps 4745-32-0667, 4745-32-1523, 4745-32-1470, 4745-32-2176, and 4745-32-2096 from R-10 to O-1 CU.

Mr. Currier stated the public hearing for this conditional use rezoning request was held on December 19, 2011. No one spoke in opposition at the public hearing; however City Council tabled the first reading in order for staff to conduct a Small Area Plan. This item was un-tabled by Council member M. Johnson at the January 31, 2013 Pre-agenda meeting. The Small Area Plan known as the Brookdale, Oakdale and Hartness Corridor Small Area Plan is completed and was adopted by City Council on December 17, 2012. The original conditional use form allowed several of the uses permitted in the O-1 District and the only other condition was site plan approval. However to be in compliance with the recommendations of the Small Area Plan, and after working with the applicants, the conditional use form has been revised to restrict uses further to single-family residential, greenways and medical related offices and services and two additional conditions include a maximum height of structures to not exceed to 40 feet and dedication or easement of a 20 feet for future greenway along the northern property line of 4745-32-0667.

Council member M. Johnson made a motion to approve first reading of ZC11-02 filed by Mary Jo Crandall for the 5 Properties Located at 707, 709, 713 and 719 Brookdale Drive; Tax Maps 4745-32-0667, 4745-32-1523, 4745-32-1470, 4745-32-2176, and 4745-32-2096 from R-10 to O-1 CU, seconded by Council member J. Johnson. The motion carried unanimously.

Consider approving funds for repair of the Vance Hotel roof and approval of Budget Amendment #23.

Scott Harrell stated that staff has discovered that the Vance Hotel roof leaks in several areas, necessitating repairs in order to minimize future damage to the hotel interior. Staff has received estimates for both replacing the roof and for patching the areas in need of repair. Estimates to replace the roof were \$150,000. Based on these estimates and discussions with two local roofing contractors, staff recommends patching the Vance Hotel roof with a budget of \$25,000. Staff was concerned that a completely new roof would be significantly altered and/or damaged during a future renovation project and therefore felt the less expensive patching approach would be more appropriate. Staff recommends approval of \$25,000 for patching the Vance Hotel roof and approval of BA # 23.

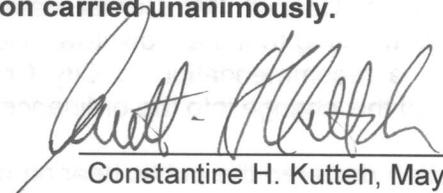
Council member West asked if we are required to advertise this project for bids. Mr. Pressley replied that we are not required to do so, but staff will advertise locally for bids. Council member West stated this was his point, since we are not required to solicit bids, to solicit locally for bids in an effort to award the bid to a local contractor.

Council member West made a motion to approve funds for repair of the Vance Hotel roof and approval of Budget Amendment #23, seconded by Council member Stallard. The motion carried unanimously.

Mayor Kutteh advised that City Council will hold a Planning Retreat at the Statesville Civic Center on Thursday, February 28, 2013 at 8:30 a.m. He advised the regularly scheduled Pre-agenda meeting will begin after the Planning meeting and may start prior to 4:30 p.m.

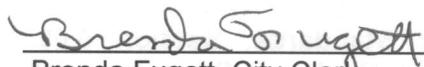
There being no other business, Council member West made a motion to adjourn, seconded by Council member Gregory. The motion carried unanimously.





Constantine H. Kutteh, Mayor

ATTEST:



Brenda Fugett, City Clerk