

**MINUTE BOOK 25, PAGE 063  
CITY OF STATESVILLE COUNCIL MEETING – August 05, 2013  
CITY HALL COUNCIL CHAMBERS – 7:00 p.m.  
STATESVILLE, NORTH CAROLINA**

**Mayor Constantine H. Kutteh presiding:**

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

**Council Absent:** 0

**Staff Present:** Fugett, Hutchens, Pressley, Currier, Anderson, Miglin, Harrell, Gaines, Davis, Salmon

**Media Present:** 0

**Others:** 3

**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 Mayor Kutteh.

Mayor Kutteh stated Council would hold an Executive Session at this time in accordance with N.C.G.S. 143-318.11(a)(3) to consult with the City Attorney, and to preserve the attorney-client privilege.

**Council member West made a motion to move to Executive Session to consult with the City Attorney and to preserve the attorney-client privilege, seconded by Council member Eisele. The motion carried unanimously.**

**Upon return from Executive Session, Mayor Kutteh stated Council had consulted with the City Attorney and preserved the attorney-client privilege and no action was taken.**

**Consent Agenda**

Mayor Kutteh explained that all items below 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. Mayor Kutteh read the Consent Agenda as follows:

- A. Approve the minutes of the June 26, 2013 Special meeting, the July 11, 2013 Pre-agenda meeting and the July 15, 2013 City Council meeting.**
- B. Consider approving 2<sup>nd</sup> reading of TA13-02 filed by the City of Statesville to Amend Article 3 Zoning, Section 3.04 Zoning District Regulations.**
- C. Consider approving 2<sup>nd</sup> reading of TA13-03 filed by the City of Statesville to Amend Article 5 - Supplemental Regulations/Performance Standards, Section 5.03 - Temporary Uses and Structures.**
- D. Consider approving 2<sup>nd</sup> reading of TA13-04 filed by the City of Statesville to Amend Article 6 - Development Standards, Section 6.07 - Sign Regulations, Table 6-13 - Permitted Sign Standards by Zoning District.**
- E. Consider approving 2<sup>nd</sup> reading of an ordinance to annex the Leith Property located at 1908 5<sup>th</sup> Street.**
- F. Approve an amendment to the 3<sup>rd</sup> Creek Waste Water Treatment Plant agreement for testing services.**
- G. Consider approval of a change order to the Division X resurfacing contract**

to add resurfacing of City owned lots.

- H. **Approve a utility billing payment plan for the Accuma Corporation.**
- I. **Authorize the rollover of outstanding purchase orders and other encumbrances and approve Budget Amendment #04.**

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

**Council member Stallard made a motion to approve the Consent Agenda, seconded by Council member Eisele. The motion carried unanimously.**

### Regular Agenda

- V **Conduct a public hearing and consider approving first reading of ZC13-02 filed by Larry Black/Carolina Discount Auto Parts for the Property Located at 810 Salisbury Road; Tax Map 4744-42-8534 from HI to B4-CU.**

Mr. Currier stated that Mr. Larry Black and Carolina Discount Auto Parts are requesting to rezone the parcel located at 810 Salisbury Road from HI to B-4 to allow the retail sale of auto parts. Currently the existing structure is used for the wholesaling of parts and contains approximately 20,708 square feet. The request at this time is for approximately 1,600 square feet to be used for retail however, if rezoned this could be expanded in the future provided adequate parking is provided. City Council inquired at the Pre-agenda meeting about the possibility of imposing Conditional Use Business 4 zoning to this site. B4 districts are high end gateway districts into the City and have a multitude of commercial uses. Typically a B4 district will have site specific plans particularly in Conditional Use B4. In this case, you only have a small conversion of the existing warehouse into a small portion of retail. There is no new building, no new construction and no change of use. Mr. Currier stated the Conditional Use B4 zoning permit would state "Retail auto parts are limited to the current request of a maximum of 1,600 square feet. To increase the retail square footage the owner and applicant must make a request to Council through a Conditional Use Change and meet all requirements". Mrs. Ashley contacted the applicant, Mr. Wilson, who has agreed to the Conditional Use. Mr. Black the property owner is also in agreement.

Council member Huggins asked if the parcel next to this site will still be zone HI. Mr. Currier replied it will be the owner does not wish to rezone at this time.

Council member Eisele expressed concern that the applicant will increase the retail space to more than 1,600 square feet without staff's knowledge and create a parking issue. Mr. Currier said 7 parking spaces are required for 1,600 square feet and many times violators are reported by other citizens, utility changes alert staff or staff notices it.

Council member Stallard asked if the utilities will be put in the tenant's name. Mr. Black said the utilities will remain as they are but will be paid for by the tenant.

Council member Huggins asked how many parking spaces are required for 20,708 square feet. Mr. Currier replied approximately 80.

Mayor Kutteh declared the public hearing open and asked if there was anyone present who wished to speak in opposition of this request. There were no speakers. Mayor Kutteh asked if there was anyone present who wished to speak in favor of this request. There were no speakers. Mayor Kutteh asked Mr. Black if he concurred with the Conditional Use of a maximum of 1,600 retail square feet. Mr. Black stated he concurred. Mayor Kutteh declared the public hearing closed.

**Council member Huggins made a motion to approve first reading of ZC13-02 filed by Larry Black/Carolina Discount Auto Parts for the Property Located at 810 Salisbury Road; Tax Map 4744-42-8534 from HI to B4-CU, seconded by Council member J. Johnson. The motion carried unanimously.**

- VI **Conduct a public hearing and consider approving first reading of TA13-05 filed by the City of Statesville to amend Article 6-Development Standards, Section 6.07-Sign Regulations, "C"-Definitions, Table 6-13, Permitted Sign Standards by Zoning**

**District and "R"-Sign Standards for CB, CBP, Municipal Service and H-115 Districts, #10 - Projecting Signs.**

David Currier stated that the purpose of this text amendment is to add a definition of multi-tenant structure to clarify how sign square footage is divided among businesses in the Downtown area, to clarify that properties zoned O-1 which are located in the MSD district would be subject to R. Sign Standards for CB, CBP, Municipal Service and H-115 Districts standards, and to allow projecting signs in the Downtown area to be larger; however still proportional to the building on which they would be located. Staff has received requests from several downtown business owners regarding the projecting signs. Staff has completed research and would like to request that the City be compatible with what other surrounding municipalities allow. DSDC is also in support of this amendment. The Planning Board's recommendation was favorable with a unanimous vote as presented and no one spoke in opposition.

Mayor Kutteh asked if there was anyone present who wished to speak in opposition of this item. There were no speakers. Mayor Kutteh asked if there was anyone present who wished to speak in favor of this item. There were no speakers. Mayor Kutteh declared the public hearing closed.

Council member M. Johnson asked what is the maximum projection allowed. Mr. Currier said there is no projection limit listed. After a brief discussion, Council members instructed staff to research this item further regarding this issue. Mr. Currier agreed stating that staff will research this further and recommend standard projection lengths from the building to Council. Council member M. Johnson pointed out these signs should not exceed the height of the building cornice.

**Council member M. Johnson made a motion to table this item, seconded by Council member Gregory. The motion carried unanimously.**

**VII Consider approval of grant conditions and a resolution required to accept a grant from the NC Governor's Highway Safety Program (GHSP).**

Dan Miglin stated the Statesville Police Department's 2013 grant application to the NC GHSP has been tentatively approved for the purchase of four mobile data terminals (MDT) & accessories; four in-car camera systems; and related training expenses. The grant requires a 50% cash match from the City of Statesville and goes into effect October 1, 2013. A standard agreement of grant conditions and resolution is required to finalize the grant award acceptance. The grant award is for \$50,050; \$25,025 (max.) in Federal funds to be received on a reimbursement basis. A \$25,025 match will be encumbered via \$13,195 in drug seizure funds and the remaining \$11,830 to be drawn from the fund balance. The Police Department anticipates actual expenses will be considerably less than the \$50,050 awarded, thus will return unused funds to the appropriate sources once equipment is purchased and training is completed. The GHSP grant application is a form filled document that automatically includes a purchase cap amount (\$6,000 per unit) for both the MDT and camera systems which cannot be over-written by the applicant. Therefore, even though we only requested / needed \$1,795 per unit for the camera systems, the GHSP automatically sets the amount at \$6,000. Sergeant Daniel Miglin will manage this grant and work closely with the City's Finance Director to ensure fiscal integrity. A budget amendment will be presented to Council after the grant has been officially awarded.

**Council member Gregory made a motion to approve a resolution to accept a grant from the NC Governor's Highway Safety Program, seconded by Council member Stallard. The motion carried unanimously.**

**VIII Adopt a resolution accepting a loan offer from the Clean Water State Revolving Fund in the amount of \$4,800,000 for Fourth Creek Wastewater Treatment Plant Improvements.**

Lisa Salmon stated the City has been approved for loan assistance from the Clean Water State Revolving Fund in the amount of \$4,800,000 for Fourth Creek Wastewater Treatment Plant Improvements. The total estimated project cost is \$4,824,000; the total loan offer is \$4,800,000, with a 0.0% per annum interest rate for a maximum loan term of 20 years. The loan documents state a closing fee, 2%, in the amount of \$24,000, the actual amount will be based on bids; however, staff believes this is a mistake and that the actual closing fee cost will be \$96,000 which cannot be paid out of the loan proceeds. The loan offer is made subject to the assurances and conditions set forth in the Offer and Acceptance Document. Staff recommends adoption of the resolution

accepting the loan offer and authorizing the City Manager to execute the applicable documents.

**Council member M. Johnson made a motion to approve a resolution accepting a loan offer from the Clean Water State Revolving Fund in the amount of \$4,800,000 for Fourth Creek Wastewater Treatment Plant Improvements, seconded by Council member Stallard. The motion carried unanimously.**

**IX Consider approval of a debris removal contract with Ceres Environmental and a debris monitoring contract with Science Applications International Corporation, Inc.**

Scott Harrell explained that in an extreme weather event or other natural disaster in which large volumes of debris are generated, removal and disposal of such debris could prove beyond the capability of City staff, or could unacceptably interrupt daily operations. In such an event, an existing agreement for debris removal services would allow for the timely removal of debris, enable City forces to return to and maintain normal operations as quickly as possible, and protect the City from an escalation in the cost of such services which may occur in emergency situations.

Iredell County recently issued RFPs for debris management and debris monitoring services. The responses to these RFPs were reviewed by staff from the County, the City of Statesville, Love Valley, Harmony, Troutman and Mooresville. Included in the conditions of the RFPs was the provision that all municipalities participating in the review of the proposals will be eligible to initiate a separate contract with the contractors awarded by Iredell County, at the same costs, terms and conditions as the County.

The responding firms were evaluated based on the following criteria: qualifications and references, ability to respond, management approach, staff experience, proposed fee schedule, and previous emergency management experience in North Carolina. Based on this review, Ceres Environmental of Sarasota, FL was selected for debris removal services, and Science Applications International Corporation (SAIC) of Maitland FL was selected for debris monitoring services. Iredell County executed contracts with these companies effective July 1, 2013.

Debris removal services (Ceres) include emergency road clearance, removal of debris from public rights-of-way and government property, debris processing and disposal. All such activities are to be conducted in accordance with local, state, and federal law and at the direction of the City.

Debris monitoring services (SAIC) include debris volume estimation, monitoring of trucks and equipment for compliance with applicable regulations, tracking debris quantities, documentation of all debris removal activities in accordance with FEMA standards.

Mr. Harrell stated that execution of these contracts is at no cost to the City and it is staff's intent to activate these contracts only in the event of a declared natural disaster for which reimbursement would be made available through either the State, FEMA or a combination of both. The authorization to activate would come from the City Manager's office. The contracts are for a three year period.

Council member West asked if the contracts contained provisions regarding response times. Mr. Harrell replied they did.

**Council member Stallard made a motion to approve a debris removal contract with Ceres Environmental and a debris monitoring contract with Science Applications International Corporation, Inc., seconded by Council member West. The motion carried unanimously.**

**X Request additional traffic engineering services for I-40 Exit 154 and approve Budget Amendment #05.**

David Currier stated that in February, the City entered into an agreement with Kimley-Horn to provide review and oversight on the Love's/Lassiter traffic study. During their review, Kimley-Horn found a number of items and issues that needed to be corrected or improved upon. In order to complete their assignment including final plan analysis and presentations to the TRC, Planning Board, and City Council, an additional \$19,600 is estimated to be needed. In addition, during numerous discussions with the City, NCDOT, and Kimley-Horn, the possibility of designing an additional ingress point to the site from

Old Mocksville Road has materialized. It is estimated that this ingress could take 750 truck movements a day off of the Old Mocksville Road/64 interchange. To pursue this, staff estimates that an engineered study to present the "right in only truck ingress" movement to the NC Control Access Committee would cost \$22,400. The total budget amendment is \$42,000 which would be appropriated from the General Fund.

**Council member M. Johnson made a motion to approve additional traffic engineering services for I-40 Exit 154 and approve Budget Amendment #05, seconded by Council member Stallard. The motion carried unanimously.**

**XI Authorize Professional Services Agreements for Street Improvements for west Broad Street from Meeting Street to Mulberry Street and approve Budget Amendment #06.**

Mr. Harrell said that staff is pleased to provide a recommendation to move forward with the street improvements for west Broad Street to include the portion from Meeting Street to Mulberry Street. The concept was presented to the Downtown/NC 115 Master plan Committee on June 26th and they voted to recommend the City pursue this additional phase of streetscape. Staff has obtained a proposal from McGill Associates in the amount of \$35,000 to extend their current agreement for design services to include this section and a proposal from Progressive Engineering in the amount of \$28,000 to extend their current agreement for electrical design services to include this section as well. Staff recommends Council approve amending the professional services contracts with McGill Associates in the amount of \$35,000 and with Progressive Engineering in the amount of \$28,000 and approve Budget Amendment #06.

**Council member M. Johnson made a motion to authorize Professional Services Agreements for Street Improvements for west Broad Street from Meeting Street to Mulberry Street and approve Budget Amendment #06, seconded by Council member Stallard.**

Council member J. Johnson stated he would like these funds to be used to install additional Handicap Parking spaces downtown instead of designing another phase of Streetscape. He briefly described how the high curbs have personally affected him.

**The vote on the motion made by Council member M. Johnson was as follows:**

**Ayes: M. Johnson, Stallard, Gregory, West, Eisele, Matthews, Huggins  
Nays: J. Johnson  
Motion carried 7-1**

Mayor Kutteh advised this issue is being addressed and a map showing all the handicap spaces has been posted on the City website.

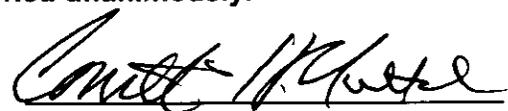
Mayor Kutteh congratulated Police Chief Tom Anderson on his appointment to President of the North Carolina Police Executive Association. He advised that Astronaut Thomas Marshburn will be in Statesville, September 22 and 23, 2013. Mayor Kutteh announced that Assistant Fire Chief/Fire Marshall Mike Billings was recently recognized as one of only two Hometown Heroes by Electricities of North Carolina for saving the life of a Statesville citizen. Billings was nominated for this by Kent Houpe.

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

ATTEST:

  
Brenda Fugett, City Clerk



  
Constantine H. Kutteh, Mayor