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CITY OF STATESVILLE COUNCIL MEETING – August 19, 2013
CITY HALL COUNCIL CHAMBERS – 7:00 p.m.
STATESVILLE, NORTH CAROLINA

Mayor Constantine H. Kutteh presiding:

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

Council Absent: West

Staff Present: Pressley, Fugett, Currier, Salmon, Smyth, Davis, Windsor, Collins, Hutchens, Harrell, Cornelison, Miglin, Clodfelter

Media Present: McNally, Veiser

Others: 5

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.

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. There were no speakers.

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 Pre-agenda meeting of August 01, 2013, and the City Council meeting of August 05, 2013.**

B. **Consider approving 2nd 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 B-4 CU.**

C. **Make a formal request that the City of Statesville be an official co-sponsor of the 2013 Statesville Pumpkin Fest, providing in-kind services as listed below.**

D. **Consider approving a motion to close selected streets in downtown Statesville on Saturday, November 2, 2013 between 5:30 am and 7:30 pm for the Downtown Statesville Development Corporation and the Greater Statesville Chamber of Commerce to hold the 2013 Pumpkin Fest. In addition, it is requested that a temporary towing enforcement of vehicles that are in the street closure area be in effect during the listed times.**

E. **Consider approving a change order to the Division X resurfacing contract and approval of Budget Amendment #08.**

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

Regular Agenda

VI Receive a presentation from Bob Cook with the Charlotte Regional Transportation Planning Organization (CRTPO) and consider adoption of a Memorandum of Understanding (MOU) for membership into the CRTPO.

Bob Cook stated he is requesting City Council approve the Memorandum of Understanding endorsed by the MPO on July 17, 2013 for membership in the CRTPO and to authorize the Mayor to sign the document. He explained the MPO is expanding because the 2010 census indicated the Charlotte urbanized area had expanded all the way to Statesville. The metropolitan planning process is required to be implemented in urbanized areas throughout the country. The MPO boundary expanded into Iredell County to the S. Yadkin River, further expansion into Union County. This particular boundary eliminates Lincoln County from the CRTPO. Major changes to the Memorandum of Understanding include new jurisdictions consisting of Troutman, Mooresville, Statesville, Iredell County, Union County, Metropolitan Transit Commission, and a member of the NCDOT Division 12 Board of Transportation. The population threshold has been eliminated which means that municipalities and counties with a population below 5,000 are now eligible to participate. Local support has been shifted from a dues-based support to sharing of a local match of federal funds. Statesville's local share will be $11,032 on a per capita basis. If the City of Statesville approves this request, it will be the 12th jurisdiction to approve the MOU out of a total of 29. The bylaws will be updated and the MOU provisions will be reviewed 18 months after the Governor signs the document and a MPO orientation will be conducted in January 2014. Mr. Cook thanked Council member M. Johnson for his help and participation in this process and Planning Department staff Sherry Ashley and Phil Collins.

Council member M. Johnson made a motion to adopt the Memorandum of Understanding for membership into the Charlotte Regional Transportation Planning Organization, seconded by Council member Stallard. The motion carried unanimously.

VII Consider approving a site plan for P13-02 Amalfi's located at 1712 Old Wilkesboro Road; Tax Map 4735-35-2736.

David Currier stated the property is zoned B-4, the total acreage of the out-parcel is approximately .831 acres and is located at 1712 Old Wilkesboro Road. Amalfi's is proposing to re-locate from inside the Old Wilkes Centre Shopping Center to a 4,000 square foot free-standing building on one of the front out-parcels. The property for the shopping center was zoned in 1997 to a conditional use district and all of the conditions have been met. However, if Amalfi's installs a sign on Old Wilkesboro Road it will be limited to 25 square feet and if lighting is erected on-site it must be the shoe box style fixtures. The primary material for the restaurant walls is Dry-vit with an option of brick or stone accent and the roof is terracotta metal panels. Windows and doors have been provided on all sides of the structure. Therefore the design standards for non-residential development have been met. The site is required to provide 27 parking spaces. The out-parcel contains 23 proposed parking spaces however Medtrout, LLC and Food Lion, LLC have provided a parking/easement agreement for Amalfi's to utilize 5 additional spaces in the existing shopping center parking lot. Staff has a copy of this draft agreement in the file. The landscaping proposed is also in compliance with the ordinance. With regards to access, the existing driveways off Old Wilkesboro Road and Wilkesboro Highway into the Old Wilkes Centre shopping center will be used. "Fee in lieu" estimated to be $6,696.90, instead of construction, will be required for curb, gutter and sidewalk along the property's length of Old Wilkesboro Road. In addition, the 1997 Thoroughfare Plan projects a 100 right-of-way for Old Wilkesboro Road; however both NCDOT and staff agree that the 60 feet of existing right-of-way is adequate and will be modified in the update of the Comprehensive Transportation Plan currently underway. The Technical Review Committee reviewed and approved the site plan on March 20, 2013 contingent upon several revisions. Most of the revisions have been made and noted on the site plan with the exception of:

1. The fee in lieu of being paid;

2. Parking/Easement Agreement revised to reflect 17 spaces; (Note: Error in agreement/Shopping Center only has 5 extra spaces to share)

3. Any freestanding lighting being shoebox style lights; and

4. A free-standing monument sign maximum is limited to 25 square feet.

The Planning Board's recommendation was favorable with a unanimous vote contingent upon the 5 conditions listed above. Since the Planning Board meeting, revised plans have been submitted that added the 3 ft. planting area along the rear of the building and five additional parking spaces have been added to the shopping center. This will allow the shopping center to provide Amalfi's the 5 additional spaces needed to be in compliance with the Unified Development Code. Therefore, staff recommends approval contingent upon:

1. The fee in lieu of being paid;

2. The revised Parking Easement Agreement reflecting the sharing of 5 parking spaces needs to be recorded before the Zoning Clearance is issued;

3. Any freestanding lighting shall be shoebox style lights; and

5. A free-standing monument sign is limited to a maximum of 25 square feet.

Council member Stallard made a motion to approve site plan P13-02, Amalfi's located at 1712 Old Wilkesboro Road; Tax Map 4735-35-2736, seconded by Council member Gregory. The motion carried unanimously.

VIII Accept award of $15,526 via the 2013 Justice Assistance Grant (JAG), and approve Budget Amendment #07.

Sergeant Dan Miglin stated the Statesville Police Department was notified that its 2013 JAG grant application via the Bureau of Justice Assistance was awarded. The total amount of the grant is $15,526 and no match is required by the City. The grant goes into effect October 1, 2013. The Department will use these funds towards the purchase of ten new Tasers and related accessories. These less-lethal devices are proven deterrents to combative behaviors of crime suspects as well as a safe option, for both the suspect and officer, used to bring combative or uncooperative suspects under control and arrest when other options have failed. All officers' assigned Tasers are certified in their use annually.

Council member M. Johnson made a motion to accept award of $15,526 via the 2013 Justice Assistance Grant and approve Budget Amendment #07, seconded by Council member Eisele. The motion carried unanimously.

IX Request permission to apply for a Smoke Alarm Canvassing Grant.

Chief Hutchens explained this grant is offered through the North Carolina Department of Insurance – Office of State Fire Marshal for the purpose of installing 10 year lithium smoke alarms in residences located in high fire risk areas. These areas may include minority populations, low income residences with older adults, and areas with a large number of older homes. The goal of the grant is to reduce fire deaths and injuries to North Carolina residents. If approved for the grant, the City will initially receive 50 alarms. After the first 50 alarms are installed, the City will be eligible to apply for additional alarms. There is no match required for this grant.

Council member J. Johnson made a motion to grant permission for the Statesville Fire Department to apply for a Smoke alarm Canvassing Grant, seconded by Council member Huggins. The motion carried unanimously.

X Consider approval of the recommended bid from Siemens for the purchase of six (6) reclosers and one (1) spare recloser controller for the Del 4/Del 2 Tie Automatic Transfer Scheme project.

Perry Windsor stated bids were opened on July 30, 2013 for electrical distribution reclosers for the Delivery 4 and Delivery 2 Tie Automatic Transfer Scheme, recommended in the System Study Implementation Plan. Siemens submitted the most attractive proposal in the amount of $138,651.33 with the least amount of exceptions. $150,000 is available in the current budget for this purchase.

Council member Huggins made a motion to approve the recommended bid from Siemens for the purchase of six reclosers and one spare recloser controller for

the Delivery 4 and Delivery 2 Tie Automatic Transfer Scheme project, seconded by Council member Stallard. The motion carried unanimously.

XI **Consider approving the purchase of a street flusher truck.**
Scott Harrell stated the City of Statesville recently advertised and received bids for the purchase of a new street flusher truck. The City received one bid, which was found to satisfy the requested features and specifications. The bid was received from Public Works Equipment and Supply, Inc. of Monroe, NC in the amount of $128,606. Road use tax and tag fees for this vehicle are $1,011, bringing the total purchase price to $129,617. This exceeds the budgeted amount of $125,000; the additional $4,617 will be paid out of the Street Division operating budget. Delivery is anticipated to be 120 – 150 days. This equipment will be used for street construction and to assist with street cleaning activities, particularly in the downtown streetscape area. It will replace a 1982 model that has been inoperable for several years. Both City staff and the equipment manufacturer have explored used and other options for obtaining this equipment at a lower cost. A suitable less expensive alternative was not found. Staff recommends award of bid to Public Works Equipment and Supply, Inc. for purchase of the Peterbuilt 220/Hydroforce SW 2000 Street Flusher Truck in the amount of $128,606.

Mayor Kutteh asked if this truck can also be used to clean the storm drains. Mr. Harrell replied it can be utilized for this as the truck comes with a hose attachment.

Council member Stallard made a motion to approve the purchase of the Peterbuilt 220/Hydroforce SW 2000 Street Flusher Truck in the amount of $128,606, seconded by Council member J. Johnson. The motion carried unanimously.

XII **Consider a recommendation to the Iredell County Commissioners regarding appointment to the Charlotte-Douglas International Airport Commission.**
Mayor Kutteh explained the Iredell County Commission may appoint one member to the Charlotte-Douglas International Airport Commission and has asked the Statesville City Council for their recommendation from the list of applicants. Mayor Kutteh asked Council for nominations.

Council member J. Johnson nominated Jim Lawton.

Council member Stallard made a motion to close the nominations and to recommend Jim Lawton as the Iredell County representative to the Charlotte-Douglas International Airport Commission, seconded by Council member Eisele. The motion carried unanimously.

XIII **Consider passing 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.**
(This item was tabled at the August 5th Council meeting and was un-tabled at the August 15th Pre-Agenda meeting.)

Mr. Currier stated 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 at the request of business owners to allow projecting signs in the Downtown area to be larger; however still proportional to the building on which they would be. At the request of Council during the public hearing the following language has been added to the ordinance that was previously submitted for review:

<u>10. Projecting Signs</u>

a. Projecting signs may not extend more than four (4) feet from the building wall to the edge of the sign or sign structure.

c. Not to exceed 15 square feet

d. Not to exceed 15 square feet

f. Projecting signs shall not be installed across cornices or other significant architectural features.

Council member M. Johnson said the signs should be allowed up to the parapet or the roofline, but not above the parapet. Mr. Currier agreed and said staff would insist on this.

Council member M. Johnson made a motion to approve first reading of TA13-05, seconded by Council member Stallard. The motion carried unanimously.

Mayor Kutteh reminded citizens that the second CONNECT Our Future meeting will be held on September 5, 2013 at the Civic Center. There will be three 2-hour segments throughout the day. Anyone wishing to attend may register at www.statesvillenc.net.

There being no other business, Council member J. Johnson made a motion to adjourn, seconded by Council member Huggins. The motion carried unanimously.

Constantine H. Kutteh, Mayor

ATTEST:

Brenda Fugett, City Clerk