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CITY OF STATESVILLE PRE-AGENDA MEETING – March 13, 2014
CITY HALL – 227 S. CENTER STREET, STATESVILLE, NC – 4:30 P.M.
STATESVILLE, NORTH CAROLINA

Mayor Costi Kutteh presiding:

Council Present: J. Johnson, M. Johnson, Huggins, Schlesinger, West, Watt

Council Absent: Phifer, Morgan

Staff Present: Pressley, Fugett, Gaines, Salmon, Currier, Harrell, Miglin, Chandgie, Barone, Smyth, Davis

Others: Marin Tomlin-DSDC, John Marek-SRD, Anita Johnson

Media Present: Dave Veiser-Charlotte Observer, John Hamlin-Statesville Record & Landmark

Mayor Kutteh called the meeting to order. He advised that Item C has been removed from the Consent Agenda because the environmental report is not finished yet and that Item D on the Consent Agenda will be moved to the Regular Agenda because there is going to be a division on the vote.

Mayor Kutteh announced that the Statesville Fire Department received International Accreditation on Tuesday and will be formally recognized at the City Council meeting on Monday. He explained that the Statesville Fire Department is one of only 200 in the entire world that has received this. This accreditation by itself does not lower the City's ISO rating but some of the steps taken to receive it will help lower that rating. Council member M. Johnson added that because of the efforts of the Fire Department, Statesville has the lowest ISO rating in the area which helps lower insurance rates.

Consent Agenda

Mayor Kutteh read the Consent Agenda as follows.

A. **Approve the minutes of the February 17th City Council meeting and the February 27, 2014 Pre-Agenda meeting.**

B. **Consider approving budgetary changes and contractual agreements associated with the Statesville Police Department's Domestic Violence Grant from the Governor's Crime Commission (GCC) and Budget Amendment #34.**
Dan Miglin stated that due to the 5 month delay in receipt of grant funds and actual implementation of the project, the Police Department projects a surplus of salary, benefits, and training funds in excess of $17,600. These funds must be spent by June 30th and cannot roll into the 2nd year of the grant. The Department proposes to re-allocate these funds towards toward additional training, supplies, overtime, and contractual agreements with speakers and facilitators associated with the 2014 Iredell Symposium on Domestic Violence, a multi-disciplinary training event to be held at the Statesville Civic Center May 7-8, 2014. There will be no change to the overall scope of the grant or the amount of funding received/match obligated by the City of Statesville or Diakonos, Inc. (sub-recipient).

C. **Consider approving 2nd reading of ZC14-01 filed by the City of Statesville for the property located on Old Mocksville Road between I-40 and White Fox Trail; Tax Map 4756-80-9225 from MU to LI**
This item was removed from the agenda because the environmental reports were not back yet.

D. **Consider approving 2nd reading of revised Text Amendment TA13-06 to amend Article 2-Development Review Process, Section 2.10-Special Use Permit, Article 3-Zoning, Table 3-1: Use Matrix, Article 5-Supplemental Regulations/Performance Standards for Specific Uses, Section 5.04-Primary Uses and Structures and Article 9-Definitions, Section 9.02, Definitions.** This item will be moved to the Regular Agenda.

Regular Agenda

III Downtown Statesville Development presentation by Jim Prosser with Centralina Council of Government.

This item has been moved to the last item on the agenda.

IV Conduct a public hearing and consider approving first reading of rezoning application ZC14-02 filed by Mr. David Pressly, Jr. for the Property located on Old Wilkesboro Road between Candlestick Drive and Bradley Farm Road; Tax Map 4735-24-2817 from R-10 to R-5MF CU.

David Currier stated Mr. David Pressly, Jr. is requesting to rezone the approximately 7.5 acre parcel located on Old Wilkesboro Road between Candlestick Drive and Bradley Farm Road from R-10 to R-5MF CU to construct 84 apartment units and 5 duplex units for elderly adults. Currently the property is mostly wooded.

Mr. Pressly, as part of the conceptual plan, included projected future land uses to the east of the site which would include Marjorie Road and Kenhill Road based on a Small Area Plan. The Small Area Plan projected future land uses to be retail shops, offices and multi-family housing. However, it appears that this Small Area Plan that was approved by the Planning Board was tied to a rezoning that never occurred. Therefore the Small Area Plan was not approved by City Council.

The R-5 MF District allows multi-family up to a maximum of 16 dwelling units per acre. Mr. Pressley's conceptual plan of 94 units is approximately a density of 12.13 units per acre. The R-5MF District requires 10% of active open space to be provided and one parking space for each elderly unit. Mr. Pressly states that 80% of the housing units will be restricted to at least one householder age 55 or greater. He also wants to cater to those who are handicap or disabled. The City's Unified Development Code requires one parking space per elderly unit and 2 parking spaces for all other residents. Therefore an additional 17 parking spaces would have to be provided for the remaining 20% of housing units. The conceptual plans are not to scale and would have to meet the requirements of the Unified Development Code.

The surrounding zoning districts and land uses are as follows:

NORTH AND WESTOF THE SITE:	R-10 (Urban Low Density Residential) District, Single-family homes including the Canterbury Subdivision, 2 churches, St. Marks and Northmont
EAST OF THE SITE:	R-10 (Urban Low Density Residential) District, continuation of the Canterbury Subdivision, B-4 CU (Highway Business Conditional Use) District, Old Wilkes Centre including Food Lion, Amalfi's, Ole Bob's, Car Wash and Dollar General
SOUTH OF THE SITE:	R-10M (Urban Low Density Manufactured Housing Residential) District, Single-family homes including the Western Heights Subdivision

The 2005 Land Development Plan projects the property to be low density residential. However, the plan is ten years old and since that time utilities such as electric, water and sewer are now available. The Small Area Plan that was created proposes a logical growth pattern for this area. In addition, multi-family housing is a good transitional use between commercial and single-family residential uses. Therefore, staff's recommendation is favorable to rezone the property to an R-5MF conditional use district as specified on the conditional use zoning permit provided the additional parking spaces can be added for the 20% non-elderly units. Final site plan approval will be required by Planning Board and City Council.

The applicant held the required informational meeting on Monday, February 10, 2014 at St. Mark's fellowship hall. There were about 20-25 neighbors in attendance. There were 1 or 2 persons who expressed concern about additional traffic on Old Wilkesboro Road. The Planning Board's recommendation is favorable with a unanimous vote as presented and no one spoke in opposition.

Mayor Kutteh asked what the Conditional Use Requirements are. Mr. Currier replied 80% of the housing units will be restricted to at least one householder age 55 or greater. The City's Unified Development Code requires one parking space per elderly unit and 2 parking spaces for all other residents. Therefore an additional 17 parking spaces would have to be provided for the remaining 20% of housing units. Mayor Kutteh asked if staff has a method to monitor this better than what the Mulberry Street apartments were monitored. Mr. Currier said the funding tied into the Conditional Use of 80% elderly (55+) and 20% non-elderly units will help with monitoring this situation.

Mayor Kutteh advised Council members that this is Council's opportunity to look at a preliminary site plan and have the ability to set requirements legislatively.

Council member M. Johnson asked if this will trigger a Traffic Impact Analysis (TIA). Mr. Currier said he did not think it will because it takes 3,000 trips per day to require a TIA. Council member M. Johnson said that intersection cannot handle the amount of traffic there will be at build out and if we take it one step at a time a TIA will never be triggered. He said Council should have City staff look at this since there will be multiple owners in the future. Mr. Currier stated that multi-family usually generates seven trips a day and with elderly it would most likely be less. Larry Pressley suggested staff engage NCDOT and get their input on this.

V **Conduct a public hearing and consider making an economic incentive to an established local company based upon its proposed expansion and investment in its facility located in Statesville, NC.**

John Marek with Statesville Regional Development stated this is for a $5 million investment with the creation of 12 jobs. The public hearing for this has been advertised as required by statute.

VI **Consider approving Budget Amendment #33 for the purchase of the remaining necessary equipment to provide complete ownership of all 800 MHz radio equipment and for the relocation of all equipment to City infrastructure. The total amount of the request is $164,700.**

Assistant Chief Barone stated the City of Statesville currently operates from two (2) 800 MHz tower sites, one located on James Farm Road, and the second site located at the 4th Street water tower. A brief history on the two tower sites follows to update Council on the evolution of our system:

On September the 16th, 2011 EF Johnson, Two-Way Radio, and members of the Statesville Police and Fire Departments negotiated a deal resulting in the donation of a 3 channel P25 trunked system to the City of Statesville with an estimated value of $360,000.

In August of 2012 the system was upgraded with one additional repeater purchased by the City creating a four (4) channel P25 trunked system at the James Farm Rd site. This site served the City for approximately one year with Police and Fire being the only users. The single site system proved to have insufficient coverage in the southern areas of the City.

The second tower site at 4th Street was financed and built with City assets ($85,351) and went live in November of 2012. The 4th Street tower site is a 3 channel system which supports Police and Fire operations to the exclusion of other City agencies.

Approval of this request would allow both sites to host 5 channels each and allow all City users access even if one site should fail, currently if the James Farm Rd site goes down only Police and Fire have access to the system.

Currently, the City of Statesville does not own the entire infrastructure required to operate and maintain the Citywide 800 MHz radio system. The City relies on outside vendors, to whom we pay annual rental fees of $33,000, to manage and service the City of Statesville's 800 MHz radio system.

During the summer of 2013 a severe storm caused considerable "storm damage" to the City's infrastructure. Power outages lasted for days and cleanup lasted for weeks. During the storm, emergency communications were disrupted Citywide due to equipment maintenance oversight(s) that were the responsibility of partner vendors of the City 800 MHz project. This oversight led both emergency services (Police and Fire),

and general City services (Electric, Street Department, etc.) to lose critical communication during the disaster thereby resulting in asset response delays to the public, and work related risks to responding employees.

In order to compensate for the loss of communications during this storm, Police and Fire switched to the State of North Carolina VIPER (Voice Interoperability Plan for Emergency Responders) system, and relinquished Police and Fire frequencies to general City services thereby giving very limited communication capability to responding personnel. This migration on the part of Police and Fire to VIPER was done in order to ensure that reduced communication capabilities were redistributed to other responding non-VIPER capable City agencies. The migration to VIPER limited Police and Fire communication capabilities in part due to the limited geographical coverage of VIPER in the Statesville area.

The proposal presented requests permission to purchase three (3) additional repeaters to fully maximize the existing system. In addition to the three (3) repeaters, permission is requested to purchase all communication related hardware required such as: cables, connectors, microwaves, antennas, power supplies, etc., from Two-Way Radio to complete the City system thereby placing all assets and responsibilities within City control. If the current system is expanded to five (5) channels at the James Farm site and five (5) channels at the 4th Street site, all City agencies will have access to both tower sites whereas currently only police and fire have such capabilities. In the event of the loss of one (1) tower site, such as what happened in 2013, City resources would still have access to a second fully functional tower site to continue response operations.

Permission is requested to purchase two generators as well as two steel buildings, two concrete pads, and natural gas lines (or propane) as emergency power for the two tower sites as a means to mitigate the loss of communication during storms such as the "summer storm of 2013". Permission is also requested to contract with an outside vendor to inspect, maintain, and service the two (2) generators installed as emergency power to the City's two (2) 800 MHz system sites.

In addition to purchasing all infrastructures to complete the City 800 MHz system, permission is requested to move the tower site which is currently being rented by the City of Statesville on James Farm Road to Security Drive behind Fire Station 2 (water tower). Permission is also requested to move the 800 MHz infrastructure currently located on the 4th Street water tower to the water tower located on Unity Drive to balance emergency communication coverage throughout the City.

Breakdown of Costs

- EFJohnson equipment to include three (3) Atlas 4100 800 MHz repeaters with associated equipment, programming, tower climbs, etc. is $143,000.00.
- Two (2) buildings with associated infrastructure to house the 800 MHz radio equipment is $8,000.
- Two (2) generators with the appropriate infrastructure is $10,000.
- Maintenance agreement for inspection and service of generators is $1,700.
- Unknown associated project costs are $2,000.
- Total cost is $164,700

Council member M. Johnson asked if the City owns the towers. Assistant Chief Barone explained that the City leases the James Farm Road tower and one of the towers is on a water tank on 4th Street. The City owns the majority of the infrastructure that is on the water tank but some is provided by Two Way Radio who allows the City to use it at no charge. There is concern that Two Way Radio could remove this at any time.

Council member West asked if there will be any fees or penalties for early termination of the lease. Barone replied he was not aware of any and that the only agreement entered into with Two Way Radio was for a warranty for the initial system. Mayor Kutteh instructed Barone to let Mr. Gaines check the tower lease agreements for any early termination fees.

Lisa Salmon reviewed funding for this project. She advised that this is a city wide project so all funds will participate but the majority of the funding will come from the General Fund.

Council member M. Johnson asked if a radio engineer has determined what height the tower needs to be. Barone said a radio engineer has not been brought in; staff has been going by the models. Council member M. Johnson advised that in order to do this correct the first time a radio engineer needs to determine the height of the tower for the ultimate performance.

Downtown Statesville Development presentation by Jim Prosser with Centralina Council of Government.

Jim Prosser, Executive Director of Centralina Council of Government (CCOG) first asked Council members what their concerns are for rebuilding downtown. The concerns given were:

1. There has been no private philanthropic private investments made downtown
2. Ways to get building owners involved in rehabilitation of their buildings, especially vacant buildings.
3. Attracting people off the interstates into downtown
4. Cost of bringing old buildings up to code is cost prohibitive to mom & pop businesses
5. The County building code is difficult to understand by private individuals trying to go through the rehabilitation tax credits process
6. Need a plan to make outside developers aware of what is happening with the market and that Statesville is here

Mr. Prosser gave a presentation of the downtown development services that CCOG offers (incorporated into the minutes by reference-Attachment A). CCOG has offered to partner with DSDC and the Economic Restructuring Committee to create a process that will help the City identify qualified developers for development/redevelopment of our downtown properties and create a strategy for long-term investment in downtown. As the first community in the region to participate, CCOG has agreed to do this at no cost to the City other than the reimbursement of CCOG's expenses in an amount not to exceed $5,000.

Marin Tomlin with DSDC distributed a Council Action Request to put this item on the agenda for Council consideration.

DSDC will supply a list of all possible projects to Council members.

There being no further business to discuss, Council member Watt made a motion to adjourn the meeting, seconded by Council member M. Johnson. The motion carried unanimously.

Constantine H. Kutteh, Mayor

Attest:

Brenda Fugett, City Clerk