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CITY OF STATESVILLE COUNCIL MEETING – March 17, 2014
CITY HALL COUNCIL CHAMBERS– 7:00 P.M.
STATESVILLE, NORTH CAROLINA

Mayor Costi Kutteh presiding:

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

Council Absent: 0

Staff Present: Fugett, Gaines, Pressley, Davis, Smyth, Hutchens, Currier, Barone, Anderson, Harrell

Others: 17

Media Present: John Hamlin-Statesville Record & Landmark

I **Call to Order**
Mayor Kutteh called the meeting to order.

II **Invocation**
The Invocation was given by the City Clerk.

III **Pledge of Allegiance**
Girl Scout Troop #10363 led the Pledge of Allegiance

IV **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.

V **Consent Agenda** – 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.

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 and Budget Amendment #34.**

Mayor Kutteh asked if there were 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 J. Johnson made a motion to approve the Consent Agenda, seconded by Council member Morgan. The motion carried unanimously.

Regular Agenda

VI **Recognition of the Statesville Fire Department for International Accreditation**
Mayor Kutteh presented Chief Dennis Hutchens and Lieutenant Dan Nicholson, Accreditation Manager, with a plaque from International Accreditation. He explained that the department has been working on this for the past five years and the Statesville Fire Department is one of two hundred in the entire world that has received this accreditation. Some of the things that have been implemented as a part of this process may lead to an improved ISO rating for the entire City of Statesville in 2016 which means improved insurance rates for commercial and industrial primarily and to some extent residential.

Lieutenant Nicholson thanked Mayor Kutteh and City Council members for the opportunity to achieve this and all those in the department that have been involved.

VII 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.

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.

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.

Mr. Currier advised that this step in the process is only for the rezoning. If Council approves the rezoning of the property at this time, the site plan then must go through the process to be recommended by the Technical Review Committee, the Planning Board then approval by City Council as well as annexation of the property.

Mr. Currier stated the current average daily traffic flow on Old Wilkesboro Road is fairly low, only about 3,800 cars per day, going in both directions, which has dropped from

4,000 vehicles since 2008. Trip generation reports show that this type of senior living project generates about 350-360 trips per day.

The Conditional Use requirements for this project are:

1. Limited to 84 apartment units and 5 duplex units

2. 80% of the housing units will be restricted to at least one householder age 55 or greater; 20% will be non-restricted

Mr. Currier said if Council discusses any additions or deletions to the current Conditional Use format, this is legislative, both the City Council and the applicant would have to agree to the terms for them to be enforceable and move forward. He said he had discussed right-of-way exaction with Mr. David Pressly. Currently the City has 60 ft. of right-of-way on Old Wilkesboro Road. The NCDOT Thoroughfare Plan shows that this is sufficient. The average daily traffic capacity would be 13,000 vehicles. Staff is considering a 10' ft. right-of-way exaction and Mr. Pressly suggested that the right-of-way be exacted during the site plan approval process if the rezoning is approved. Mr. Pressly's architectural engineer must already work on the additional 17 parking spaces that are required and this can be included at that time.

Council member M. Johnson asked Mr. Currier if he agreed that a right-of-way exaction from Mr. Pressly being to the west of the main entrance into the shopping center and based on the illustrative Small Area Plan is mute. Mr. Currier replied in this particular case him being at the tail end of the development phase it could be but staff would like to investigate that more prior to the site plan approval if the rezoning is approved.

Council member M. Johnson asked who serves this site for water. Mr. Currier said he believes West Iredell Water Corporation serves the site. Mr. Gaines said he was not sure but he thought it was Iredell Water Corporation.

Mayor Kutteh declared the public hearing open and asked if there is anyone present who wished to speak regarding this rezoning.

Mr. David Pressly spoke in favor of the rezoning and gave a brief background of the project. He stated he has met with all the neighbors around the site and received no opposition of the project.

There being no other speakers in favor or in opposition of this rezoning, Mayor Kutteh declared the public hearing closed.

Council member J. Johnson made a motion to approve 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.

Council member M. Johnson seconded the motion with the condition that the applicant request City of Statesville Utilities.

Mayor Kutteh asked for a vote on the motion to approve first reading of rezoning application ZC14-02 with the conditions that there will be right-of-way exactions if necessary and that the applicant will request City of Statesville Utilities. The vote was unanimous.

Council member M. Johnson requested that Planning Department staff begin the process of reviewing the Small Area Plan including the utility structure and road development with the view towards conditional use for this area and presenting it to the Planning Board and City Council. Mr. Currier advised staff is working on this.

VIII 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 gave the following report:

- Company is located in Statesville, with several facilities housing warehouse, distribution and back office operations

- Company is locally owned and has been doing business in the Statesville Region for more than 100 years (Founded 1907)
- Currently employs approximately 80 workers across all operations
- Average wage is $19.25/hour across all job descriptions

Request Based On:

- A minimum of $1.5 million in new capital investment over 12 months
  - Acquisition and up fitting of (previously) vacant building
  - Up fit will include modifications to building structure and installation of fixtures and equipment typical to high-volume distribution
  - Project will also include consolidation of some back office operations to the facility.
- A minimum of 12 net new jobs created over 12 months

Why Statesville Regional Development Supports This Request:

- Business has been in operation in the region for 100+ years
- New taxable investment exceeds the $1.5 million threshold
- Creating at least 12 net new jobs which pay in excess of the county average
- Meets all applicable environmental and safety standards
- Current on all taxes, fees and payments

The improvement period will be November 1, 2013 through October 31, 2014. The incentive calculation is $20,148 over 5 years, based on $1.5 million in new taxable investment.

Mayor Kutteh declared the public hearing open. There being no speakers in favor or in opposition of this item he declared the public hearing closed.

Council member Morgan made a motion to approve making an economic incentive to an established local company known as Project Filly, seconded by Council member Watt. The motion carried unanimously.

IX **Consider approving a request from the Downtown Statesville Development Corporation (DSDC) Board of Directors and Economic Restructuring Committee to partner with Centralina Council of Governments (CCOG) to assist DSDC and the City of Statesville with creating a process that will help us identify qualified developers for development/redevelopment of our downtown properties and create a strategy for long-term investment in downtown and to fund the reimbursement of CCOG's expenses in an amount not to exceed $5,000.**

Marin Tomlin with DSDC stated the DSDC Board of Directors and the Economic Restructuring Committee believes this is an important next step in seeking development and redevelopment opportunities for downtown and will be enhanced with CCOG's expertise.

Council member M. Johnson made a motion to approve the request to fund the reimbursement of CCOG's expenses in an amount not to exceed $5,000, seconded by Council member Huggins. The motion carried unanimously.

X **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.**

Council member Schlesinger made a motion to approve 2nd reading of text amendment TA13-06, seconded by Council member West. The vote on the motion was as follows:

Ayes: Schlesinger, West, Morgan, Watt, Huggins, M. Johnson
Nays: J. Johnson, Phifer
Motion carried 6-2

XI 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 800 MHz tower sites, one located on James Farm Road, and the second site located at the 4th Street water tower. The James Farm Road tower site currently has a four channel repeater system; the 4th Street tower site is a 3 channel system for a total of seven. Staff is proposing to move the James Farm Road tower site to Eastside Drive and to move the 3th Street tower site to Security Drive. Currently, the City of Statesville pays approximately $33,000 a year in other maintenance fees or in rental fees. Staff is asking permission to move the tower sites and to take ownership of all the hardware that goes along with it. Currently the City does not own the infrastructure. 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.

Council member M. Johnson stated he would like a professional assessment of the dead areas that were brought up in the pre-agenda meeting to be made by a radio engineer. He said he believes that the Statesville Police Department will be patrolling Murdoch Road in the near future and he would like staff to make sure that the new tower configuration will cover that area.

Council member Watt said he met with Chief Hutchens and Assistant Chief Barone after the pre-agenda meeting to evaluate their information and found that most of the City and the other areas discussed are covered. He said he is comfortable with this proposal without a third party assessment.

Council members discussed hiring a radio engineer to assess the proposed placement of the towers.

Council member M. Johnson made a motion to approve Budget Amendment #33 in the amount of $164,700 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 subject to a licensed third party engineering review that contemplates the area being moved and subsequent tower arrays for proposed service areas that the City of Statesville intends to serve, seconded by Council member Huggins. The motion carried unanimously.

Council member West made a motion to adjourn the meeting, seconded by Council member Schlesinger. The motion carried unanimously.

Constantine H. Kutteh, Mayor

Attest:

Brenda Fugett, City Clerk