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CITY OF STATESVILLE PRE-AGENDA MEETING – May 15, 2014
CITY HALL – 227 S. CENTER STREET, STATESVILLE, NC – 4:30 P.M.
STATESVILLE, NORTH CAROLINA

Mayor Costi Kutteh presiding:

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

Council Absent: Phifer

Staff Present: Pressley, Fugett, Gaines, Cornelison, Billings, Harrell, Collins, Watts, Currier, Miglin, Smyth, Houpe

Visitors: 0

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

Mayor Kutteh called the meeting to order.

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. **Consider approving the minutes of the May 01, 2014 Pre-Agenda meeting and the May 05, 2014 City Council meeting.**

B. **Consider approving a request to appropriate insurance money in the amount of $1,777 and increase the vehicle maintenance and repair account of the Police Department and approve Budget Amendment #43.**
Assistant Chief Mike Watts stated the department is requesting to appropriate insurance money in the amount of $1,777 for repairs to police vehicle #183, to be placed in the Police Department's Account #010-5100-422-15-03 (Vehicle Maintenance and Repair). The insurance payment of $1,777 is for a traffic crash that occurred on February 25, 2014. In an attempt to elude law enforcement, the driver of the suspect vehicle initiated a U turn at the dead end of South Center Street and crashed head on into vehicle #183.

C. **Consider approving a request from the Statesville Police Department to apply for the 2014 Justice Assistance Grant (JAG) and to authorize Daniel Miglin to manage the grant on behalf of the City of Statesville.**
Sergeant Miglin stated The Statesville Police Department is eligible to apply for the 2014 JAG grant via the Bureau of Justice Assistance in the amount of $14,697. No match is required by the City of Statesville. The Department proposes to use these funds towards the purchase of a Cellbrite Universal Forensic Extraction Device (UFED) Touch Ultimate as well as additional body-worn camera systems for patrol officers. The Cellbrite device enables Investigators to extract, decode, and analyse mobile data. It performs physical, logical, file system and password extraction of all data (even if deleted) from a wide range of devices including legacy and feature phones, smart phones, portable GPS devices, tablets and phones manufactured with Chinese chipsets. The body-worn camera systems provide visual evidence for investigative and court purposes, to assist with training and improve officer safety, and to protect against false accusations, clear citizen complaints, and reduce agency liability claims. The units are weather and tamper resistant, light weight, has night vision and pre-event record capability, and produces high quality images. The grant application is due June 10, 2014. If awarded, the grant will go into effect October 1, 2014.

D. **Consider approving a request from the Statesville Police Department to apply for a grant via the "K-9's 4 Cops" foundation and to authorize Daniel Miglin to manage the grant process on behalf of the City of Statesville.**
Sergeant Miglin stated the Statesville Police Department is eligible to apply for a grant via "K-9's 4 Cops" foundation in order to add another police canine to our force. No match is required by the City of Statesville. If awarded, the foundation

will provide the Department with a specified police dog to be used in a police capacity for searches and suspect apprehension. Total value of the dog is @ $15,000. All other costs associated with the dog (i.e. training, maintenance, medical, food, etc.) are the responsibility of the Statesville Police Department and will be incorporated into our budgeted funds.

E. **Approve Budget Amendment #42 in the Economic Development Fund to remove the appropriation to Abundant Manufacturing for the N.C. Rural Center Building Reuse and Restoration Grant in the amount of $176,000.**
Larry Pressley stated that in 2012, the City was awarded a grant by the Rural Economic Development Center, Inc. in the amount of $176,000 for the "Abundant Manufacturing Building Restoration Project" to renovate the building at 933 Meacham Road and in order to create 22 jobs. The terms of the grant required a $10,000 cash match from the City. These funds were provided to the City by Abundant Manufacturing and paid to the City's grant consultant, David Hartigan, in 2012. The grant consultant has been working with the company and reports that Abundant Manufacturing will not complete the project. The company was forced to alter its business plan, reduce its employment level and halt the renovation project after the loss of an important customer. No grant funds have been spent by the company or the City. A request has been submitted to the Department of Commerce to de-obligate the grant. This budget amendment will eliminate the appropriation for the payment of grant funds to the company in the amount of $176,000.

F. **Consider approving 2nd reading of an ordinance to annex the Venture Properties I, LLC Property located to the south of North Pointe Boulevard.**
David Currier stated this is the Hobby Lobby site and there have been no changes since the first reading was approved.

G. **Consider approving a resolution directing the City Clerk to investigate a petition of annexation, receive the City Clerk's Certificate of Sufficiency, and consider approving a resolution fixing a date, June 02, 2014, for a public hearing on the questions of the petitioned annexation for Iredell County Parcel Identification Number 4725-90-3950.**
Phil Collins stated the property being considered for annexation is located to the north of Northside Drive, is approximately 1.962 acres in size and encompasses Iredell County Parcel Identification Number (PIN) 4725-90-3950. The subject property is currently occupied by industrial uses and zoned Heavy Industrial (HI) District. The subject property is surrounded on three sides by the primary corporate limits of the City of Statesville, and therefore, the petition is being processed as a voluntary contiguous annexation. The tax value of the subject property is currently $325,010 which would generate property tax revenue in the amount of $1,332.54 annually for the City of Statesville.

Mayor Kutteh asked why they are requesting annexation. Mr. Collins replied two of the properties need sewer service and two need water and sewer service. All currently have City electric.

Council member Schlesinger asked if the properties currently use a septic system. Mr. Collins replied he was not sure but will get that information to Council prior to the Council meeting on Monday.

H. **Consider approving a request from Street Ministry to close 4th Street between Raleigh Avenue and Newbern Avenue, on Saturday, June 7, 2014, between 10:00 a.m. and 5:30 p.m. to host a community picnic for peace.**
Assistant Chief Mike Watts stated Kenneth Daye, Street Ministry, has surveyed the affected residents within the community and gained their support for this temporary closure. Street Ministry is hosting a community picnic which will include free food in an effort to bring the community together, to send a positive message about the community and instill a sense of pride for south Statesville. Traffic on both Raleigh and Newbern will be open for local access during the times of this event. Traffic will be detoured around the 1200 block of 4th street. Appropriate signage will be in place during the event and should cause minimal inconvenience to the motoring public. Barricades will be placed at the following intersections: 4th Street at Newbern Ave and 4th Street at Raleigh Ave.

Regular Agenda

III Conduct a public hearing on the 2014-15 Proposed Budget.
Mayor Kutteh advised the first Budget Workshop meeting will be held May 27th in the 2nd floor Training Room of the City Offices Building from 5:30 p.m. to 7:00 p.m. He asked Council members to forward any questions regarding the budget to Lisa Salmon or Larry Pressley prior to the meeting if possible.

IV Consider accepting a parcel of land from Druid Hills Recreation, Inc.
Scott Harrell stated Mr. Phil Lail, president of the Druid Hills property owners association, contacted City staff regarding the association's desire to donate a parcel of land to the City. The 0.266 acre parcel is located at 701 Springdale Road, at the intersection of Springdale and Georgia Avenue. An abandoned swimming pool and associated structures remain on the site and will be demolished. The parcel would provide maintenance access to existing storm drainage and gravity sewer infrastructure, and is well situated to be developed as an amenity for future greenway segments. Staff recommends that the property be accepted and a deed prepared for execution by Druid Hills Recreation, Inc.

Council member M. Johnson asked if the pool will be filled in or dug out. Mr. Harrell said the bottom of the pool will be punctured so it will not hold water then it will be partially filled in and the concrete deck around it will be removed down to the appropriate level.

Council member J. Johnson asked what the cost to the City will be. Mr. Harrell replied the City has a stock pile of fill dirt that can be used so the main cost will be for grass seed and time. Council member J. Johnson asked if the pool is located in a flood plain. Mr. Harrell stated there is areas of the intersection that flood periodically.

Council member M. Johnson asked if they no longer use the pool because it has infiltration. Council member J. Johnson said the pool has not been used for over 20 years. Council member M. Johnson asked if it is contaminated. Mr. Harrell said there is stagnant water in the bottom of the pool but he is not aware of any contamination. Council member M. Johnson said if the pool is in a flood plain and is attached to a big culvert system and had spills and discharges and jump off the road into it, it could be contaminated. Kent Houpe said the pool was cleaned up and put back into operation by the Druid Hills property owners association but that has been 15 or so years ago. Council member M. Johnson asked if it covered by restrictive covenants. Mr. Houpe replied he did not know. Council member Morgan advised that the property owners association has been disbanded for years. City Attorney Gaines will check for covenants prior to the Council meeting on Monday.

V Consider approving first reading of an amendment to the City Code, Chapter 13 Nuisances, Section 13-2.3 Nuisances enumerated.
David Currier stated this is part of Code Enforcement. The Planning Department would like to insure that all yard areas and unenclosed porches are kept free of any excessive accumulation of trash, junk, debris or other discarded items by amending the ordinance to read as follows: Debris and discarded items shall not be allowed to accumulate within the yard areas or on unenclosed porches ~~visible from a public street~~. Additions are underlined and deletions are struck through.

Council member M. Johnson asked what precipitated this. Mr. Currier explained there have been situations where there is junk, debris and trash in the rear yard and the adjoining neighbors have complained. The violator will read this ordinance and think that staff does not any authority over back yards; however the minimum housing code does give staff that authority. Staff felt this ordinance should be amended to match with the minimum housing code.

Council members discussed issues associated with enforcing this and the definition of junk.

Mayor Kutteh asked Mr. Currier to provide Council with the minimum housing code information before the Council meeting on Monday.

VI Consider approving site plan P14-07 for Hobby Lobby located at 141 North Pointe Blvd.; Tax Map 4745-27-2174

Mr. Currier stated the site is located at 141 North Pointe Boulevard. The property is approximately 18.926 acres (2 lots being combined) and is zoned B-4 CU. Conditions included annexation, dedication of right-of-way, road improvements and sewer line extension. All of these conditions have been met with the annexation to be finalized on May 19, 2014. Hobby Lobby is proposing to construct a 55,000 square foot building. The primary material for the exterior will be painted concrete with stone accents. Windows and doors are required on at least 60% of the façade on the north elevation because it is the façade along the street frontage of North Pointe Boulevard and it exceeds 100 feet in length. However, the Board of Adjustment (BOA) granted a variance on April 28, 2014 to remove the windows/awnings/60% rule for the north elevation façade and replace with landscaping. The BOA did require awnings to be added to the east elevation since that is the front of the building. The site will have 261 parking spaces (193 required) and access will be provided off North Pointe Blvd via 3 driveways for customers and a fourth driveway for deliveries. Curb and gutter exists and a new sidewalk will be installed the length of the property (approximately 850+ ft.) A street yard, parking lot trees and an 8 ft. buffer yard will be planted. Existing vegetation along the south and west is proposed to remain. The site has some floodplain at the southern end but the structure and parking lot are located outside of the 100 year flood. The TRC reviewed the site plan on March 19, 2014 with revisions and approved the site plan on April 2, 2014 contingent upon minor corrections to the storm water plans. Engineering has since reviewed and approved the site plan. Therefore, staff recommends approval as presented. The Planning Board's recommendation was favorable with a unanimous vote as presented with elevations that met the windows/awnings/60% requirement (April 22, 2014). This meeting was held prior to the BOA's decision on April 28, 2014 which allowed landscaping to be substituted for windows and awnings on the north elevation.

Mayor Kutteh asked if there has been any decision made regarding the utilities. Mr. Currier stated the site will use City water and sewer. Mr. Houpe stated staff has not received any return calls from the company so no decision has been made yet regarding electric service.

Council member Huggins asked if sidewalks be installed or a fee paid in lieu of. Mr. Currier replied they have indicated they will install sidewalks the length of the property.

VII Consider approving a request to demolish the accessory structure located at 417 W. Bell Street.

Mr. Currier stated the accessory garage located at 417 W. Bell Street is a contributing feature in the Academy Hill Historic District. The owner, Ms. Hayden is requesting to demolish the accessory structure due to damage caused by a fallen tree. The structure also has a considerable amount of rot along the foundation and soffit areas. Ms. Hayden is requesting to grass the area where the structure is standing. The cost of repair versus rebuilding is similar and not an option for Ms. Hayden at this time. If at a later date Ms. Hayden decides to rebuild she is aware that approval will need to be obtained from the Historic Commission prior to construction. The Historic Preservation Commission reviewed the request on April 24, 2014 and recommended approval of the demolition.

Council members agreed by consensus to move this item to the Consent Agenda.

VIII Consider approving Design Review Application DRC14-05, a request from Hart and Hickman on behalf of PSNC, to demolish the residential duplex located at 114 Garfield Street, Tax Map 4744-13-1612.

Mr. Currier stated the property located at 114 Garfield Street is directly behind Rutledge and Bingham Funeral Home. Hart and Hickman, PC has been contracted by PSNC Energy to demolish the structure and clean up the contaminants. Site restoration will include backfilling with clean fill material. The future plan is to create a parking lot for Rutledge and Bingham Mortuary. Staff will review the design and landscaping to ensure the requirements of the UDO are being met, as well as an application to the Design Review Committee will be made and need to be approved prior to installation occurring. All work will comply with government standards. The Design Review Committee met on May 8, 2014 and made a recommendation to City Council to approve the demolition of the residential duplex.

Council member M. Johnson stated that Council members should know and understand that PSNC will do a great job on the mediation of their contamination but it is not the only contamination there. He explained there are two different distinct plumes of contamination. The other is generated by the little building that was a dry cleaner that will be between our new parking lot and the mortuary. He said that the dry cleaner contamination has been there so long that the contamination has probably settled to bedrock and has not made the creek so it is probably as far as it will migrate. Council member M. Johnson said that he just wanted it understood for future Council members that this is not part of PSNC's contamination and they are not required to clean it up.

Council members agreed by consensus to move this item to the Consent Agenda.

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

Constantine H. Kutteh, Mayor

Attest:

Brenda Fugett, City Clerk