

**MINUTE BOOK 25, PAGE 226
CITY OF STATESVILLE COUNCIL MEETING – May 19, 2014
CITY HALL COUNCIL CHAMBERS– 7:00 P.M.
STATESVILLE, NORTH CAROLINA**

Mayor Costi Kutteh presiding:

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

Council Absent: Phifer, Schlesinger

Staff Present: Fugett, Gaines, Pressley, Davis, Smyth, Hutchens, Currier, Collins, Harrell, Barone, Salmon, Cornelison

Visitors: 4

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 #02349 led the Pledge of Allegiance.

Mayor Kutteh advised that an update on the Dillon Lake project will be added between Items VII and VIII on the Regular Agenda.

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. 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.**
- 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.**
- 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.**
- 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.**
- F. Consider approving 2nd reading of an ordinance to annex the Venture Properties I, LLC Property located to the south of North Pointe Boulevard.**
- 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

- 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.**
- I. **Consider approving a request to demolish the accessory structure located at 417 W. Bell Street.**
- J. **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.**

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

Regular Agenda

VI Conduct a public hearing on the 2014-15 Proposed Budget

Mr. Pressley stated staff is pleased to present the 2014-2015 fiscal year budget which was summarized previously. The total amount of the budget is \$95 million.

Mayor Kutteh declared the public hearing open and asked if there is anyone present who wished to speak regarding the 2014-2015 budget. There being no speakers, he declared the public hearing closed.

Council member West advised that Mayor Pro Tem M. Johnson will most likely not be able to attend the first budget workshop meeting. He asked if the date can be changed. Mayor Kutteh stated he is concerned that no matter what date is set someone will not be able to attend and that a second meeting can be held if necessary. Council members agreed to leave the meeting date as scheduled.

VII 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. Mr. Harrell advised there is one covenant and that is that the property can only be used for recreational purposes. Staff recommends that the property be accepted and a deed prepared for execution by Druid Hills Recreation, Inc.

Council member J. Johnson asked what the cost will be to the City to remove the pool and the fence. Mr. Harrell replied the cost will be minimal, mostly time and grass seed.

Council member M. Johnson asked Mr. Gaines if there are any obligations in those documents that the City would have to that homeowners association under covenant beyond saying that the use would be recreational. Mr. Gaines replied there is not.

Council member M. Johnson made a motion to approve accepting a parcel of land from Druid Hills Recreation, Inc., seconded by Council member Watt. The motion carried unanimously.

Add Receive and update on the Dillon Lake project.

Mr. Harrell said that since the last update City Crews have been working to maintain the pond as requested by the State and have also continued searching for the seepage route through the dam which centered on the theory that there is an abandoned pipe in the dam. Graphic Image Radar was employed and it did produce some readings but was not able to verify anything with any certainty. At the same time the water level in the pond was reduced enough to reveal a pipe within the pond area. After several delays

due to the frequent rains, staff was able to determine that this pipe does enter the dam embankment and last Tuesday staff was able to uncover the pipe at the point where it enters the dam. A man-hole section was installed over the pipe so staff would have protection from rising water should it drain. Staff is currently preparing to verify whether or not this pipe is the source of the seepage by pressurizing the pipe with water and monitoring it. Staff will report back to Council with their findings and for further direction.

Mayor Kutteh asked if all the funds that were appropriated for this has been expended. Mr. Harrell replied there are still funds available.

Council member M. Johnson said this is still a Class C determination and asked if we will have to build a spillway. Mr. Harrell said the State may still require it but there are multiple owners involved and that is a conversation that must still be had.

VIII 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. Mr. Currier reviewed the section of the Minimum Housing Code that also references this item, definitions and photos.

Council member Watt asked Mr. Currier to explain the enforcement process. Mr. Currier stated a letter of violation is sent to the property owner. The violator then has 15 days to comply. If after 15 days nothing has been done staff may then begin a civil citation process which is a \$50 per day fine.

Council member J. Johnson made a motion to approve first reading of an amendment to the City Code, Chapter 13 Nuisances, Section 13-2.3 Nuisances enumerated, seconded by Council member West. The motion carried unanimously.

IX 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.

Council member Huggins asked what buffer will be installed at the rear of the building. Mr. Currier explained they are required to do buffer landscaping by the code.

Council member M. Johnson made a motion to approve site plan P14-07 for Hobby Lobby located at 141 North Pointe Blvd.; Tax Map 4745-27-2174, seconded by Council member Watt. The motion carried unanimously.

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



Attest:


Constantine H. Kutteh, Mayor


Brenda Fugett, City Clerk