

**MINUTE BOOK 25, PAGE 250
CITY OF STATESVILLE COUNCIL MEETING – June 16, 2014
CITY HALL COUNCIL CHAMBERS– 7:00 P.M.
STATESVILLE, NORTH CAROLINA**

Mayor Costi Kutteh presiding:

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

Council Absent: West

Staff Present: Pressley, Fugett, Gaines, Davis, Salmon, Currier, Hutchens, Watts, Harrell, Anderson, Miglin, Houpe, Smyth

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

Mayor Kutteh led the Pledge of Allegiance.

IV Public Comment - During the second meeting of each month citizens are invited to speak about matters not on the current agenda.

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 May 27, 2014 Budget Workshop meeting minutes.**
- B. Consider approving 2nd reading of an ordinance to annex the LR Wooten Property located to the north of Northside Drive.**
- C. Consider approving administrative budget changes transferring funds from capital lines to operating for items purchased below the capitalization threshold.**
- D. Consider approval of Budget Amendment #44 to appropriate \$5,480 in insurance proceeds to the Finance Department budget for vehicle repairs.**
- E. Consider approving Budget Amendment #45 in the Economic Development Fund to remove the appropriation to Providencia USA, Inc. for the One North Carolina Fund Grant in the amount of \$42,000.**
- F. Consider approving a formal request from the Downtown Statesville Development Corporation that the City of Statesville be an official co-sponsor of the *Statesville Criterium Bike Race*, providing in-kind services.**
- G. Consider approving (1) a request from the Downtown Statesville Development Corporation to close selected streets in downtown Statesville for the *Statesville Criterium Bicycle Race* on Friday, August 1, 2014, (2) the temporary towing enforcement of vehicles along the race route during the closure period and (3) two alternate street closures in case Option A is unsuitable due to Phase II streetscape construction.**
- H. Consider approval of a resolution amending the rates established in the Renewable Energy Credit Rider RECR-1.**

- I. **Consider renewing a lease agreement between the City of Statesville and I-CARE, Inc., for property located at 1204 Rickert Street for a term of five years at a rate of \$1 per year.**
- J. **Consider approving first reading of an ordinance establishing a two way stop intersection at south Mulberry Street and Steele Street.**

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 **Conduct a public hearing and consider approving first reading of TA14-02 filed by the City of Statesville to amend Article 6 Development Standards, Section 6.07-Sign Regulations, G. Permitted Sign Standards, 2. C. Awning Signs and R. Signs in the CB, CBP, Municipal Service and H-115 Districts, and 9. Awning Signs.**

David Currier stated the purpose of this text amendment is as follows:

- Allow larger signs on awnings in the CB, CBP, Municipal Service District and the H-115 District (from 20 sq. ft. to 20% of the awning area)
- Allow same size awning signs consistent throughout City's jurisdiction
- Prohibit awning signs on 2nd story and above

Staff has completed research and would like to request that the City consider this language to allow the sign to be more proportional to the awning area. DSDC is also in support of this amendment. The language to be removed is shown as strikethrough and the new language is underlined in the proposed ordinance. The Planning Board's recommendation is favorable as presented with a unanimous vote and no one from the public spoke at the courtesy hearing.

Mayor Kutteh declared the public hearing open and asked if there is anyone present who wished to speak in opposition or in favor of this item. There being no speakers present he declared the public hearing closed.

Council member M. Johnson asked if this will be the aggregate total of all awnings, for instance a building on a corner lot that has three awnings on the front and two down the side on a side street. Mr. Currier replied it will be an aggregate total and the side street awnings would have those same allowances.

Council member M. Johnson made a motion to table first reading of TA14-02 filed by the City of Statesville to amend Article 6 Development Standards, Section 6.07-Sign Regulations, G. Permitted Sign Standards, 2. C. Awning Signs and R. Signs in the CB, CBP, Municipal Service and H-115 Districts, and 9. Awning Signs, seconded by Council member J. Johnson. The motion carried unanimously.

- VII **Conduct a public hearing and consider approving first reading of ZC14-03 filed by 4G1C Properties, LLC for the property located at 204 Island Ford Road; Tax Map 4725-40-3580 from B-1 Conditional Use (CU) to B-2 Condition Use (CU).**

Mr. Currier stated this property was rezoned from R-10 (Urban Low Density Residential) District to B-1 CU (Neighborhood Service Conditional Use) District back in September of 1993. The only condition was that the property was to be used as a florist shop only. In 2007, the parcel to the south and the parcel to the west were rezoned from R-10M to B-1 CU with the conditions that convenience store/gas stations, eating establishments, coin laundry and any 24 hr. service being prohibited. Since that time the house located at 218 has become Savvy Salon. Ms. Karen Osborne with 4G1C Properties, LLC is requesting to rezone the parcel located 204 Island Ford Road (see GIS map) from B-1 CU to B-2 CU to allow an internet based office (sells apparel, collectibles and antiques) and future antique shop. The B-2 District would allow general office and antique shops. However, because the B-2 district allows more uses than the current B-1 District, the applicant is proposing to exclude several uses that would not be compatible with the neighborhood (see attached conditional use zoning permit). Currently the site contains a

two story house and two paved areas for parking. To use for the property for other uses permitted in the future, the site would have to be brought into compliance with parking, setbacks, screening and landscaping, etc. to meet the requirements of the Unified Development Code. The 2005 Land Development Plan projects the property to industrial. However, the properties closer to and around the intersection are zoned and used as commercial. Staff could support a B-2 CU with conditions because of the previous 2 re-zonings in the area and provided the Land Development Plan is amended. In staff's opinion a B-2 CU district is a reasonable transition from B-4 to B-1. In addition, it is time to update the 2005 Land Development Plan. Also site plan approval will be required by Planning Board and City Council when the use changes or exterior changes to site are proposed. The applicant held the required informational meeting on May 22, 2014. One adjoining property owner, Mr. Robert Jarvis attended and one other adjoining property owner called, Mr. Jerry Hicks. Both were not opposed to the requested use(s). The Planning Board's recommendation is favorable as presented with a unanimous vote and no one spoke in opposition.

Mayor Kutteh declared the public hearing open and asked if there is anyone present who wished to speak in opposition or in favor of this item. There being no speakers present he declared the public hearing closed.

Council member M. Johnson made a motion to approve first reading of ZC14-03 filed by 4G1C Properties, LLC for the property located at 204 Island Ford Road; Tax Map 4725-40-3580 from B-1 Conditional Use (CU) to B-2 Condition Use (CU), seconded by Council member Watt. The motion carried unanimously.

VIII Consider appointing/re-appointing two members to the Planning Board.

Mr. Currier stated the following Planning Board members' terms expire June 30, 2014. These members continue to serve until new appointments are made:

Bernard Robertson - Served one term and would like to be re-appointed to a second term.

Brian Long - Served unexpired term of William Morgan and would like to be re-appointed to a first full term.

There are 6 active applicants on file for the Planning Board. They are Bernard Robertson, Brian Long, Barry Goldstein, Ray Jones, Larry Rosenfeld (who is on the BOA) and Gurney Wike.

Council member Huggins nominated Bernard Robertson.

Council member Schlesinger nominated Brian Long.

Council member M. Johnson made a motion to reappoint Bernard Robertson and Brian Long to the Planning Board, seconded by Council member Morgan. The motion carried unanimously.

IX Consider re-appointing Chuck Goode and Bryan George to the Downtown Design Review Committee.

Mr. Currier stated that both Mr. Chuck Goode and Mr. Bryan George terms have come to an end. Both have served three year terms and would like to be re-appointed to serve another three year term. There are no other applications on file.

Mayor Kutteh confirmed with the City Clerk that no other applications have been received.

Council member M. Johnson made a motion to re-appoint Chuck Goode and Bryan George to the Downtown Design Review Committee, seconded by Council member Watt. The motion carried unanimously.

X Consider awarding the contract for Street Improvement Projects – Division Y and Unpaved Streets.

The Public Works Department received bids for the annual street improvement contract on June 12, 2014 at 10 AM; the results of the bid opening are below:

1. Maymead, Inc. \$505,275.00

Bids were originally due on June 3, 2014, but only one was received. In accordance with state guidelines for the formal bidding process, the project was re-advertised for a period of seven days, with a new due date of June 12, 2014. On the second due date no additional bids were received, and the original bid was opened. The bid amount is based on unit prices and includes asphalt resurfacing, adjustment of manholes and valve boxes, and minor patching as necessary prior to resurfacing to improve ride quality of the streets. The price of asphalt increased from the previous street improvement contract, from \$87.78 per ton to \$91.50 per ton. Unpaved streets to be paved in this contract include Springdale Drive and Wood St., which are Nos. 22 and 23 on the unpaved street priority list. The City's Street Division will perform the grading work for these streets. Funds available for Division Y Streets total \$525,000 and the bid amount is \$505,275.00. Staff recommends a project budget of \$525,000, and requests authorization to apply any remaining funds to street maintenance, with a priority on unpaved streets. Maymead has successfully completed paving projects in Statesville and surrounding areas and their work has been satisfactory. Staff recommends award of the Street Improvement Projects — Division Y and Unpaved Streets contract to Maymead, Inc. of Mountain City, TN in the amount of \$505,275.00, with a project budget of \$525,000.

Council member Huggins made a motion to award the contract for Street Improvement Projects – Division Y and Unpaved Streets to Maymead, Inc. in bid amount of \$505,275 with a project budget of \$525,000 and authorize staff to apply any remaining funds to street maintenance, with a priority on unpaved streets, seconded by Council member Schlesinger. The motion carried unanimously.

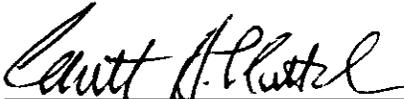
XI Consider granting permission to the Statesville Police Department to enter into a contractual agreement with the Statesville Housing Authority (SHA) for the purpose of assigning a full-time police officer to provide police services exclusively at all properties owned by the SHA within the City of Statesville.

Captain Miglin stated the Statesville Housing Authority will reimburse the Statesville Police Department up to \$53,756 between July 1, 2014 and June 30, 2015 as compensation for providing one (1) full-time police officer to provide police services exclusively in all SHA properties within the City of Statesville. Total compensation will include fringe benefits, as well as training, vehicle, and equipment expenses. Overtime expenses are the responsibility of the City of Statesville. The SHA Officer will perform essential job functions as identified on attached job description. Reimbursement to the City of Statesville will be made upon the submission of a monthly invoice identifying hours worked, name of officer, and submission of monthly activities, all of which will be provided by the Statesville Police Department.

Council member Phifer made a motion to grant permission to the Statesville Police Department to enter into a contractual agreement with the Statesville Housing Authority (SHA) for the purpose of assigning a full-time police officer to provide police services exclusively at all properties owned by the SHA within the City of Statesville, seconded by Council member J. Johnson. The motion carried unanimously.

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




Constantine H. Kutteh, Mayor

Attest:


Brenda Fugett, City Clerk