

**MINUTE BOOK 23, PAGE 094
CITY OF STATESVILLE COUNCIL MEETING – March 16, 2009
CITY HALL COUNCIL CHAMBERS – 7:30 P.M.
STATESVILLE, NORTH CAROLINA**

Mayor Kutteh presiding:

Council Present: M Johnson, Stallard, J Johnson, Steele, Eisele, Huggins, Matthews, Gregory

Staff Present: Hites, Gaines, Currier, Hutchens, Craddock, Davis, Blevins, Hudson, Salmon, Haliburton, Bullins, Huffman, Stovall, Stephens, Mahala, Anthony, Smyth

Media Present: J McNally – Record & Landmark
D Vieser – Charlotte Observer

Visitors: 38

Invocation

The invocation was given by the City Clerk.

Pledge of Allegiance led by Girl Scout Troop 55

Girl Scout Brownie Troop 55 led the Pledge of Allegiance.

Public Comments

There were no speakers.

CONSENT AGENDA

- A. Approve minutes of the February 26, 2009 Council Retreat; pre-agenda meeting of February 26, 2009 and Council meetings of March 2 and March 3, 2009.**
- B. Second reading of an ordinance establishing stop intersections at the following South Statesville intersections: Tenth Street/Wilmington Avenue; Eleventh Street/Wilmington Avenue; Twelfth Street/Wilmington Avenue; Twelfth Street/Goldsboro Avenue; Eleventh Street/Goldsboro Avenue; Tenth Street/Goldsboro Avenue; and Tenth Street/Brown Summit Avenue. (Ord. #13-09)**
- C. Consider second reading of an ordinance to condemn the structure at 1801 Wilson Lee Blvd. as unfit for human occupancy. (Ord. #14-09)**
- D. Consider a formal request that the City of Statesville be an official co-sponsor of the 2009 Art in the Street Festival by providing in-kind services.**

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Upon a motion by Council member Eisele, seconded by Council member J Johnson, the Consent Agenda was unanimously approved.

REGULAR AGENDA

Resolution authorizing the Mayor to execute a grant agreement with NC DOT-Aviation for \$ 4.85 million for the airport runway overlay. (Res. #05-09)

Planning Director David Currier advised the contract came in last week. This Resolution is part of the agreement. This is a Federal Grant for \$ 4.85 million, requiring a local 10% match, for the airport runway overlay.

Upon a motion by Council member J Johnson, seconded by Council member Gregory, the resolution authorizing the Mayor to execute a grant agreement with NC DOT-Aviation for \$ 4.85 million for the airport runway overlay was unanimously approved.

Conduct a public hearing and consider passing first reading of TA09-01 filed by the City of Statesville to amend Section 30.2 Sign Regulations for the CB, CBP, Municipal Service and H-115 Districts.

Purpose for Amendment Request

The proposed amendments are to the sign standards for the CB, CBP, Municipal Service and the H-115 Districts. The changes include the following:

- Separates sign requirements for the CB, CBP and the Municipal Service District from the H-115 District.
- Section 30.2.20 (D) increases the height of monument signs from 4 ft. to 6 ft.
- Section 30.2.20 (E) allows 3 types of free standing signs in the CB, CBP and Municipal Service Districts, monument signs not to exceed 6 ft. in height, projecting pole/arm signs and two pole signs not to exceed 6 ft. in height from the top of the sign and not to exceed 8 ft. total height of sign structure.
- Sections renumbered.

Both the Design Review Committee and Downtown Master Plan Committee recommend approval as presented.

Mayor Kutteh declared the public hearing open and asked if there was anyone who wished to speak against or in favor of this request. There being no speakers, Mayor Kutteh asked for a motion from Council.

Upon a motion by Council member Matthews, seconded by Council member Huggins, the first reading of TA09-01 filed by the City of Statesville to amend Section 30.2 Sign Regulations for the CB, CBP, Municipal Service and H-115 Districts was unanimously approved.

Conduct a public hearing and consider passing first reading of ZC09-05 filed by Free Nancy Partnership for the property located on the North side of Davie Avenue; Tax Map 4745-40-9653 from R-10 to O-I CU.

This request was given an unfavorable recommendation as presented and the request was pulled from the February 6, 2006 City Council agenda.

Rezoning Request

The applicant, David Pressly, Jr. is requesting to rezone the property on the North side of Davie Avenue from R-10 to O-1 CU. Mr. Pressly, Jr. would like to construct 3 one story masonry office buildings not to exceed a total of 20,000 square feet.

Evaluation

The proposed site is currently zoned R-10 and is vacant. The property contains 4.33 acres and is very deep and narrow. The only access to the property is from Davie Avenue. Because of the narrowness of the tract, only 2 buildings can be constructed on one side of the proposed driveway and one building at the end of the driveway. According to the applicant's conceptual plan, open space and walking trails would be provided adjacent to the R-10 district. In addition, if approved the detailed site plan would have to provide 10 ft. bufferyards adjacent to the adjoining residential districts and trees in the parking lots.

The surrounding zoning districts and land uses were reviewed.

Staff Recommendation

The 2005 Land Development Plan projects this area to be medium density residential (maximum of 6 units per acre). However, O-1 exists along Davie Avenue in this location. Staff's recommendation is **unfavorable** as presented however staff could support O-1 CU with the following additional conditions that the applicant would have to agree:

1. Uses limited to Professional Offices; and
2. Office buildings are limited to 3 one story buildings that comply with the Design Standards for Non-Residential Developments; and
3. The total square footage is limited to 20,000; and
4. Bufferyards and landscaping would meet the city's requirements; and
5. On-site stormwater detention/retention will be provided; and
6. General layout is limited to conceptual plan.

During the last pre-agenda meeting other issues came up. Instead of having our traditional landscape buffer Council requested that the developers look at some kind of capacity created around the property which it currently doesn't exist. There is a 6-foot wooden fence on the property. Along the Brookgreen development there is an 8-foot high stockade fence currently existing. During the pre-agenda meeting Council also noted that the northwest corner should be graded to allow for rooftop to rooftop vista over the opaque buffers that will be installed. Council also wants to review the final site plan. A question arose with the use of masonry brick and decided that this development must be built to residential standards.

Mr. Currier stated that a petition was received last Thursday. It was intended to be a

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Currier advised the DOT was contacted since Davie Avenue is on their system. They decided that with the addition of 20,000 square feet of office space that no traffic improvements would be necessary.

Council member M Johnson asked for the bearing on Davie Avenue. Currier replied 6 ft. Council member M Johnson questioned the nominal width of an O-I area. Currier answered 60 ft approximately.

Council member M Johnson clarified that this road is a parking lot. Currier answered yes this could be constructed as a private drive. Currier identified the associated parking with the building in this area. Council member M Johnson asked if that was their intent. Currier replied that he wasn't sure. Council member M Johnson noted the sketch does appear to have a curb; this is not a collector street; so the City of Statesville would have no problem if this were a symmetrical drive. Currier agreed.

Council member Stallard asked for the options if this property is not rezoned. Currier stated the property is currently zoned R-10. The applicant could develop an R-10 subdivision and probably get 13 or 14 homes in that area. Council member Stallard questioned the purpose of the walking trail. Currier noted it seems to be an amenity for the development. Council member Stallard asked if there will only be trees between there and the property. Currier replied that under the current landscape provisions there would be a 10 ft wide planting strip around the perimeter of the property. At the pre-agenda meeting Council mentioned an additional provision of hardscape fencing and softscaping of landscaping on both sides of the fence. Currier added that he addressed those issues with Mr. Pressly on Friday and he is prepared to address those issues tonight.

City Manager Hites question the tree separation. Currier estimated 30 – 40 ft between the trees.

Council member Huggins asked if the proposal meets the city code as far as parking. Currier replied yes if it is developed as planned. Each office would require a certain number of spaces. He would have to meet the landscape ordinance which would require trees in the parking lot.

Council member Steele asked if there would be signage at the end of the driveway. Currier replied there would be flush mounted sign on building and a sign at the drive. On Davie Avenue they would probably put in a 30 ft sign marking the entrance.

Mayor Kutteh declared the public hearing open and asked for anyone who wished to speak in opposition.

Dr Randall Perry – Dogwood Road- stated he opened an office here in 1994. His office is opposite this property at 1132 Davie Avenue. He stated there are several reasons this property shouldn't be changed. The majority of the surrounding land is single family homes zoned R-10. Secondly he thanked the Planning Board for trying to protect the neighborhood by imposing a lot of conditions. The concern of most of the residents is if we are protected and if this is the only thing that can be put on this land. Changing this to O-I does a lot for multi-family homes. The Planning Board did approve this but they were trying to protect the neighborhood. Mr. Pressly stated that if this wasn't changed he would put single family homes in there for low income housing. The third concern is the added traffic problems. 5pm traffic in this area is

Charlotte. The neighbors are wonderful people. He feels confident enough that we made investments to our home and hope to live here 25+ years. There is a strong sense of community. He stated that he was proud of what he had done in the past and he stressed that he hopes everyone will strive to leave our neighborhoods better than the way we find them.

Roger Roark, 495 Sullivan Road, stated that he was speaking for the neighborhood in opposition to the rezoning. Historically and topographically this property is a highly visible and integral part of our neighborhood. Sullivan Road, Argyle Place and Brookgreen are essentially all single family residential. The interesting thing about Davie Avenue is that the topography of these lots is such that the back of the businesses provide a wonderful wide buffer with grass and trees. This proposed development is essentially invisible from Davie Avenue. Traffic will empty into the right turn only lane from one of the busiest intersections in town. Drivers trying to access this property will have to turn left across oncoming traffic. The expansion of Iredell Hospital has greatly increased the traffic in this area. If this is rezoned and medical offices are built the Institute of Traffic Engineers estimate there could be 700 - 1,000 extra cars per day. This could significantly increase the risk of accidents and have an adverse affect on the neighborhood. The neighbors feel this residential area is important utilization of the land in our city. The Land Use study recommends leaving this as residential property. The recent study adopted by the Council states this is a relevant use of the property. If more O-I was needed the consultant would have made that recommendation. He read quotes from the 1989 Transportation Plan which supports leaving the property as it is currently. He contended this 93 year old neighborhood deserves protection. This is not in-fill zoning. This is O-I zoning connected by an imaginary driveway through a parking lot. It will have adverse affects on the neighborhood. We often hear that the vacant land is not generating much revenue for the City. He asked about the economic value of their neighborhood. He added that over \$ 4 million has been spent in purchasing, remodeling and renovating the homes on Sullivan Road alone with more money being spent on the surrounding area. This demonstrates the confidence that the homeowners have that the neighborhood is solid and that the City recognizes the value of the neighborhood and is willing to help protect our investments. The health and vitality of the downtown churches and civic organizations, restaurants' and businesses are directly dependent upon preservation and nurturing of our residential neighborhoods. We have done our part; we invested in our homes; been good stewards' of our property and consistently maintained our neighborhoods. He stated they are not against anything but rather are for protecting and preserving their neighborhoods. This Council has authorized and adopted land use plans that consistently support our position for this property to remain residential. He encouraged Council to uphold the recommendations of the Land Use Plan and to deny this zoning request.

Fran Perry – 432 Sullivan Road referred Council to the newspaper headline “City Lends Ear to Residents” and asked Council to hear their voice.

David Pressly spoke in favor of the rezoning. As the neighbors stated this site is indeed a dilemma. What is he to do with the property? As staff has pointed out the enormous limiting factor is the entrance from Davie Avenue. The 60' right-of-way comes between the parking lots of 2 existing 40 year old businesses. He noted that he has invited neighbors to talk with him and he understands that they want homes

DOT has determined that the entrance is fine and no improvements are required. He thanked Council for their consideration.

There being no other speakers Mayor Kutteh declared the public hearing closed and asked for Council discussion.

Council member M Johnson addressed a comment made during the public hearing. In the last 5 years Council stopped O-I in every instance where it was presented. The point is Council has been very diligent in preserving in-town neighborhoods. Council member M Johnson expressed concern that both parties will leave this meeting unhappy. Council has a responsibility to protect both parties.

Council member M Johnson referred to the area that borders this property to the west. Part of the problem on this site is that the homes that are there today don't meet the setback requirements. They are too close to the exterior property line. If Mr. Pressly goes to R-10 his rear yard requirement is 35 feet. He asked Mr. Currier if he has explained thoroughly so the audience understands that the buffer may be concurrent with the 35 ft rear yard setbacks. Currier replied no but it can. Council member M Johnson stated that if you look very carefully at those houses and the plan that Mr. Pressly has submitted then if you have single family residences on that site there is the potential for the houses to be back to back no wider than this room. It would destroy the integrity and marketability of those homes. This is a serious fundamental issue. Under R-10 zoning he is entitled to do that.

Council member M Johnson asked Mayor Kutteh if Council could discuss a list of additional conditions. Mayor Kutteh agreed.

Council member M Johnson began the discussion. For those homes that are immediately adjacent to the west, this site has a 60' property width so there is no reason we couldn't widen the buffer adjacent to all those homes and make the road a-symmetrical in the driveway. Mr. Currier replied this could be done under the site plan approval. Council member M Johnson asked Currier if he has discussed with the petitioner about building an opaque buffer. Currier replied yes and added that Mr. Pressly wanted to consider that over the weekend. Council member M Johnson stated there is a 60' nominal right-of-way. If we increase the buffer width on the western part of the property 25 ft. the buffer will become opaque. Half (12 ½ ft) would be on the open space. The buffer would be 12.5 ft off the adjacent property line. The remaining 12.5 ft would be to the east. The petitioner would agree to give a cross easement and access to each one of the individual property owners such that they could maintain the landscape. When we get past the O-I portion of the property we would continue that buffer down to the point on the eastern side of the property. It appeared in walking the site that the grade elevation from the old Hawthorne house on the corner dropped 8 – 10 ft. The property breaks to the northwest. If the petitioner were to back the northern building another 50-60 ft, he could go ahead and put his detention pond for rain in the back, follow this parking lot, catch the stormwater and pipe it up off through the drainage gut in the back and hold it such that it has no affect on Argyle Place then grade this site down. He assumed that if the petitioner would agree to a 6:12 roof pitch and the building depth is about 40 ft. that we would be looking at the top of the gable. It would seem that those people on Sullivan Road would be able to look to the east over the top of the building. The second thing this will do is to kill light pollution. The eastern side at the Jamestown community they have privacy fencing and the grade differential is 6-7' they shouldn't

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- 1) On the western side of the boundary all the way up to come in 12.5 ft with landscaping on each side of the opaque buffer, primarily a fence.
- 2) Provide a Landscaping easement to the adjacent property owners on the west so they can maintain the easement.
- 3) Request that the third building in the back be moved some distance to the north and grade the site down to provide what appears to be a line of sight from west to east over the buildings to give the same look they have now.
- 4) Dark sky lighting
- 5) Exteriors of the buildings are more residential than institutional. No split face block or shadow line shingle would be allowed.
- 6) Council would have site plan approval.
- 7) No Certificate of Occupancy will be issued until all site improvements have been made.
- 8) Maximum roof pitch of 6:12 – site plan approval
- 9) The fence needs to be double faced.

Mayor Kutteh asked if those conditions were acceptable.

Mr. Pressly stated that he chose the name 100 Oaks because there are 2 massive oaks on the site. He pointed out where the oaks are located and stated that he hoped to retain those trees. If there is a lot of activity around the tree we may lose the trees. Pressly stated he isn't opposed to sliding the building as Council requests. If that is a condition of Council the 2 trees will be removed. He stated that if the goal is that we don't see through the fence he recommended a Nelly Stephens evergreen holly hedge. No one could walk through it and it would look more residential in nature. Council member M Johnson stated he has used the same buffer and it is great. In this case he stated it is important to put in the permanent fence and landscape on each side. Pressly clarified he would start at the south end of O-I line and go up the entire western side, landscape on both sides, with the lights shielded straight down. Pressly stated that if he can't work that out then he will come back to Council. Mayor Kutteh added that would be part of site plan approval.

Mayor Kutteh asked if there was other discussion.

Council member M Johnson made a motion to approve the first reading of this rezoning per the above-mentioned stipulations as supplemented by this discussion.

Mayor Kutteh summarized that it appears the motion is to approve the rezoning subject to the conditions of the Planning Board as supplemented by this discussion which would require a 25' buffer along the entire western side of the property with a 8 ft high opaque privacy wooden fence (site plan approval) in the middle with landscaping on either side; grant an easement for the adjoining homeowners to the west for maintaining landscaping; Grade property to the north down so it doesn't block view of people looking from west to east; series of residential exterior

Mayor Kutteh explained that since this is a Conditional Use zoning that the Council can impose only the conditions that are accepted by the applicant.

Someone from the audience asked if Council is proposing to have a fence on one side of the property and not the other. Mayor Kutteh clarified that Council asked for a fence on the western side because there is already a fence on the east side. Pressly would still have to landscape on this side of the old fence. Council member M Johnson noted the grade elevation is such that if he installed a fence the old fence would be higher than the top of his fence; it would be redundant and have no affect. The speaker asked about the fence on the north end of the property to Argyle; it should be included. Council member M Johnson stated the grade differential coming off the back of this site combined with the finished floor elevation of that building will be over the rooftops of houses on Argyle.

Mayor Kutteh asked for a second to the motion. **Council member Stallard seconded the motion.**

Council member Kutteh added that properly zoned Council would not review the site plan. In this case Council will have final site plan approval.

Council member Steele noted the neighbors have stated that they would like houses exactly like theirs. In all her years on the Council she couldn't recall a developer that agreed to this many conditions. She applauded Mr. Pressly for his efforts.

Council member M Johnson stressed that if this property is developed by right there are no opportunities for conditions.

Mayor Kutteh asked Mr. Pressly if he agreed to the conditions and he replied yes.

Mayor Kutteh asked for a vote on the motion:

Ayes: Stallard, M Johnson, Matthews, Huggins, Eisele, Steele

Nays: J Johnson, Gregory

Conduct an appeal hearing for case DR08-06 filed by Mrs. Kim Privette, for the property located at 215-B West Broad Street; Tax Map 4734-95-3470

Background

- Dr. Jeffery Payne owns the structure located in 215 West Broad Street. He operates his chiropractic business out of unit A.
- The signs located on Dr. Payne's business were installed without permits and exceeded the existing 50 square feet max signage required at that time (total of 90 square feet).
- Mrs. Privette with Exit Realty wanted to lease space (unit B) from Dr. Payne.
- A sign permit could not be issued for Exit Realty because Dr. Payne's signage already exceeded the maximum square feet.
- Mrs. Privette had signs installed without obtaining permits.
- In October of 2008, new regulations were adopted by the City Council for

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(proposed to be adopted March 2, 2009), in which he would obtain permits to bring the signage into compliance.

Design Review Committee Recommendation

The Statesville Design Review Committee at their December 11, 2008 meeting approved the uniform sign plan as submitted by Dr. Jeffery Payne, but did not approve the Exit Realty sign because it didn't comply with the existing guidelines. The sign was not uniform in color with Dr. Payne's signs. The Design Review Committee was willing to accept the signs if the applicant would reuse logo and letters (black and teal) applied to wheat or black background trimmed in wheat or black and made of appropriate materials to be uniform with the approved sign plan.

Again, an amendment is forth coming and will be heard at the March 2, 2009 City Council Meeting. The approval of the size of Mrs. Privette's signs is contingent upon the approval of the text amendment. The text amendment increases the amount of signage allowed per façade from 100 sq. ft. max to 10 percent of the facade. The uniform sign plan is based on the approval of the text amendment.

Mr. Currier showed several sign illustrations approved by the corporate office.

On March 3, 2009 Council approve an amendment allowing a sign that is 10% of the size of the building. Mr. Payne came in immediately for his permits. The issue tonight is that Design Review Committee has offered 2 options to correct the sign for Exit Realty which was never permitted in the first place.

Mayor Kutteh invited Mrs. Prevetto to address the Council.

Mr. Mitchell Prevetto stated that they are trying to address the lack of visibility. The building has no road frontage. There has been a lot of confusion about what signs could or could not be approved. The sign has already been paid for (\$1,000). He stated they don't have another \$1,000 for a new signs. This has been discussed for months. He asked Council to consider that they didn't understand and he apologized for that. He offered 270 signatures from people that see no problems with the sign. The sign is 70 ft away from Dr. Payne's sign.

Council member J Johnson asked when they filled out the application. Mr. Prevetto replied March 18, 2008. Council member J Johnson noted that Randy Joyner stated he told you that the application couldn't be approved. Mrs. Prevetto stated that Marin Tomlin gave her the paperwork. Mr. Hites noted that Ms. Tomlin is not a city employee.

Mr. Prevetto repeated that the quote to change the aluminum sign is \$1,000. Mr. Hites asked if they ordered the sign prior to getting permission from the city to erect the sign. Mrs. Prevetto stated that when she sent in the paperwork she thought it was ok. Mr. Hites stressed there was no approval from any city employee. Council member Eisele asked if the City received the application. Mr. Hites stated that the ordinance requires approval of the City and the DSDC Director. He asked if Prevetto had read the sign ordinance. Mr. Prevetto stated they were using the old ordinance. City Manager Hites stated the old ordinance didn't allow the sign at all.

Council member M Johnson emphasized the issue is the color scheme per building. Exit Realty sign is a deviation from Dr. Payne. The problem is that neither of you got a permit.

Mayor Kutteh stated the appeal is to concur with the decision of Design Review Committee or overturn their decision. Design Review Committee denied the right to have the sign on the west side of that building.

Council member Steele asked if the sign on the back of the building can stay. Mr. Currier stated no permit was ever issued. Had it been legally permitted it would have been grandfathered.

Dr. Payne stated that when he decided to rehab the building that he didn't know that he needed a sign permit. We found out about the problem when Mrs. Pevette applied for the sign. Dr. Payne stressed that if he has to make people change their color to match his colors every time they move in it will be difficult to rent the property. The reason that he didn't push for a permit was because Mr. Hites stated the ordinance was going to be changed. Randy Joyner stated it would be fine.

Council member M Johnson made a motion, seconded by Council member Eisele, to confirm the decision of the Design Review Committee. The motion was unanimously approved.

Receive a report regarding options to lease or purchase non-emergency vehicles in the City fleet.

In 2007, the City Council modified the City's Vehicle/Equipment Maintenance Policy. Council directed the staff to report on options regarding leasing verses buying non-emergency vehicles in the fleet, and to implement a fleet maintenance program to accurately measure costs per mile or hour of vehicles and equipment in the fleet.

Mr. Salmon reviewed an analysis of sample non-emergency vehicles. (Attachment #1) No amendments to the policy were recommended.

Request for modification of the City of Statesville Heat Pump Rebate Rider and adopt a resolution. (Reso. #04-09)

Since 1992, the City has provided heat pump rebates to our electric utility customers. The program was initially funded by NCMPIA1 (Power Agency) and the City has funded it from 1998 to present. NCMPIA1 will begin funding the program again as a part of its Hometown Green Energy Efficiency program. The heat pump rebate program is one part of the Power Agency's response to Senate Bill 3 (SB3), which is the legislative program to promote the development of renewable energy and energy efficiency. All electric utilities in North Carolina are required to comply with SB3.

The modifications of the rider include:

- City will be reimbursed by NCMPIA1 for all heat pump rebates through a credit on the wholesale power billing statement
- One ton minimum capacity instead of one and one half tons
- Minimum efficiency rating of 14 SEER, which is higher than the current

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Upon a motion by Council member Steele, seconded by Council member Gregory, the request to modify the City of Statesville Heat Pump Rebate Rider was unanimously approved.

Approve Fire Department to receive 2008 SAFER (Staffing for Adequate Fire and Emergency Response) Grant. This Grant has matching costs associated over a 5 year period. City responsibility is 10% in year one, 20% in year two, 50% in year three, 70% in year four, and 100% in year five. The first year's cost for the City will be \$11,265.

The Fire Department requested permission to apply for the 2008 SAFER Grant at the June 2, 2008 Council Meeting. The Department was notified by Congresswoman Virginia Foxx on January 21, 2009 that our grant application to the Office of State and Local Government Coordination and Preparedness of the Department of Homeland Security had been approved.

The Department will hire 3 personnel as the result of the grant award. This grant will increase our daily assigned personnel by one and allow the Department to meet minimal national consensus standards in relation to staffing which should improve our rate of confining residential structure fires to the room of origin.

Chief Bullins reviewed the 2008 Staffing for adequate Fire and Emergency Response Grant power point presentation. (Attachment 2)

Costs Summary:

	Fed%/City%	Fed	City	Total
Year 1	90/10	\$101,385	\$11,265	\$112,650
Year 2	80/20	\$93,275	\$23,319	\$116,594
Year 3	50/50	\$60,337	\$60,337	\$120,674
Year 4	30/70	\$37,469	\$87,428	\$124,268
Year 5	0/100	\$0	\$129,268	\$129,268

Chief Bullins stated Council asked if the grant would impact the city's plan to hire 15 new firefighters to staff the department's planned station.

Chief Bullins explained that while it takes five firefighters for each of three shifts each day, the department could get away with four new personnel for each shift. He estimated that he would need to hire 13 ½ people which would result in a \$ 60,000 savings when Station 4 is opened.

Upon a motion by Council member Steele, seconded by Council member J Johnson, to approve the Fire Department receiving the 2008 SAFER (Staffing for Adequate Fire and Emergency Response) Grant. The motion was unanimously approved.

Consider resolution opposing changes to North Carolina Annexation Law. (Reso. #6-09)

City Manager Hites recalled that several months ago Mayor Kutteh reported to Council that he met with Mooresville and Troutman for lunch for a legislative

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Council member Steele made a motion to go into closed session to discuss a land acquisition and personnel matter.

Upon returning from closed session Mayor Kutteh advised a land acquisition matter was discussed but no action was taken. He asked Council for a motion regarding the personnel matter.

Council member Steele made a motion to accept the manager's severance contract. Council member J Johnson seconded the motion and it was unanimously approved.

There being no further business to come before Council, upon a motion by Councilmember Steele, seconded by Councilmember Eisele, the meeting was adjourned.

Mayor

ATTEST:

City Clerk
