

**MINUTE BOOK 23, PAGE 295
CITY OF STATESVILLE COUNCIL MEETING –October 5, 2009@ 7:00pm
CITY HALL COUNCIL CHAMBERS
STATESVILLE, NORTH CAROLINA**

Mayor Kutteh presiding:

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

**Staff Present: Hites, Craddock, Smyth, Cornelius, Salmon, Currier,
Davis, Anderson, Hutchens, Pressley**

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

Visitors: 58

Invocation

The invocation was given by David Bradley of the Chamber of Commerce.

Flag Ceremony was presented by Girl Scout Troop 726.

Pledge of Allegiance was led by Dr. Thomas H. Marshburn.

Dr. Thomas H. Marshburn led the Pledge of Allegiance.

Dr. Thomas H. Marshburn presented Mayor Kutteh with the lapel pin that flew 6.5 million miles to the international space station along with a certificate of authenticity. Mayor Kutteh presented Dr. Marshburn with his personal lapel pin which has traveled all over the City of Statesville.

Presentation to Dr. Thomas H. Marshburn

Mayor Kutteh read the proclamation honoring Dr. Thomas H. Marshburn and unveiled a sign which will be proudly displayed stating “Hometown of NASA Astronaut Dr. Thomas H. Marshburn”.

Mayor Kutteh led the Council through the agenda as follows:

CONSENT AGENDA

- A. Approve minutes of the pre-agenda meeting of September 17, 2009, and Council meetings of September 14 and September 21, 2009.**
- B. Second reading of an ordinance establishing a 25 mph school zone on North Center Street, between First Avenue and Turner Street, during school days and specified hours. (Ord. #34-09)**
- C. Second reading of an ordinance establishing stop intersections on Harrison Street at East Sharpe Street, and on East Bell Street at South Tradd Street. (Ord. #35-09)**
- D. Second reading of ZC09-10 filed by the City of Statesville for four properties located at 226-228, 230-238, 240 and 302 West Broad Street; Tax Maps 4734-95-1623, 4734-95-0681, 4734-95-0538 and 4734-85-9538 from CB H-D to CB. (Ord. #36-09)**

- E. Second reading of ZC09-11 filed by the City of Statesville for two properties located 310 and 320 West Broad Street; Tax Maps 4734-85-8528 and 4734-85-7540 from R-5 H-D to CB. (Ord. #37-09)
- F. Second reading of TA09-02 filed by the City of Statesville to amend Section 50.2.1 Staff Reviewed Conditions for Professional Residential Facilities. (Ord. #38-09)
- G. Second reading of TA09-03 filed by the City of Statesville to amend Section 20.15 Guidelines for Structures in the Central Business District, Central Business Perimeter District and the Municipal Service District, and Section 30.2.20 (I) Projecting Signs (Ord. #39-09)
- H. Second reading of TA09-04 filed by the City of Statesville to amend Section 30.2.2 Sign Definitions and Section 30.2.15 (e) Specific Regulations (Ord. #40-09)
- I. The Fire Department is requesting approval to apply for a Lowe's Charitable and Education Foundation grant in the amount of \$22,000 to purchase educational materials for our Fire and Life Safety Division. There are no matching City funds required for this grant.
- J. Replace gas fired unit heater at Park Maintenance Building.

Mayor Kutteh advised this item will be moved to the regular agenda.

- K. 1. Consider passing a resolution directing the City Clerk to investigate a petition of annexation. Larkin Phase I (Reso. #35-09)
- 2. Receive City Clerk's Certificate of Sufficiency.
- 3. Consider passing a resolution fixing a date (10-19-09) for a public hearing on the question of the petitioned annexation. (Reso. #36-09)
- L. Receive report of capital purchase in the Electric Utilities Department
- M. To approve the change request submitted to the Bureau of Justice Assistance with regards to purchases made via the 2009 JAG Grant, valued at \$35,730 and requiring no match from the City, and to approve BA # 13.

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

REGULAR AGENDA

- J. Replace gas fired unit heater at Park Maintenance Building.

Recreation Director Brent Cornelius advised that John Keever of ElectriCities looked at the heat pump this morning and he recommended replacing this heater with another gas fired unit heater.

Upon a motion by Council member Stallard, seconded by Council member J Johnson the replacement of the gas fired unit heater at Park Maintenance Building was unanimously approved.

Second reading of an ordinance to condemn the structure at 424 Harrison St as unfit for human occupancy.

Mr. Currier advised he inspected the property on Monday. He recalled the first reading was approved and the owner was given 30 days to repair the structure and bring it up to code. Council also asked staff to inspect the property. Mr. Currier advised he visited the property this afternoon and there were 2 workers on site. They had put in interior sheathing on walls and installed two windows. He reminded the owner that he had 30 days. He hasn't secured an Iredell County building permit which is required. He needs to call the county for the inspections. To date he has floor joists that have passed inspections. They need to inspect windows before they are closed up. There were 3 men working on site. They were reminded Oct 22 is the 30 day limit.

Council member Huggins made a motion to table the second reading. The motion was seconded by Council member J Johnson and it was unanimously approved.

Mayor Kutteh asked staff for another update on October 19 meeting and November 3rd.

Conduct a public hearing and consider passing of the first reading of an ordinance to annex the Fourth Creek Landing Property located on the east side of Fourth Creek Landing Drive.

The property being considered for annexation is located on the east side of Fourth Creek Landing Drive. The property is currently part of an existing Apartment Complex (Fourth Creek Landing Apartments), and there are two apartment buildings located on the subject property. The subject property is approximately 11.01 acres in size and encompasses Iredell County Parcel Identification Number (PIN) 4745-45-9999. The subject property is contiguous to the current primary municipal limits of the City of Statesville. Therefore, this request is being processed as a voluntary contiguous annexation.

Mayor Kutteh declared the public hearing open. There being no speakers he closed the public hearing and asked for a motion from Council.

Upon a motion by Council member Steele, seconded by Council member J Johnson, the first reading of an ordinance to annex the Fourth Creek Landing Property located on the east side of Fourth Creek Landing Drive was unanimously approved.

Conduct a public hearing and consider the approval of the Downtown 115 Corridor Plan.

Mayor Kutteh advised Council received a presentation at an earlier meeting. He declared the public hearing open and asked if there was anyone who wished to speak.

Dr. Eason of Mitchell College stated his opinion hasn't changed since the last meeting. Hwy 115 Corridor is an excellent plan. He commended DSDC and the downtown committee for the job they have done. He agreed that it is absolutely critical to look to the future. He stated that he is very excited about NC-115 because the gateway is critical.

Dr. Eason stated he was not in support of the aesthetic redesign plans for the downtown facelift. He noted that he didn't feel the city's financial outlay would be recouped by private investment and he said that other cities have made such investments only to discover their residents didn't like them.

PAGE 298

Mitchell has 3500 students and 200 full time employees. As a commuter college there are no dorms so there is a lot of traffic. He is concerned about changing the Broad Street design and having parallel parking. He urged Council to support the businesses that are already here.

David Bradley, representing the Chamber of Commerce, thanked the Council for their consideration. On behalf of the Chamber he pledged his complete support. The task is to determine what tomorrow's issues will be and work to meet those needs. Hwy 115 needs a face lift and it needs it now. The heartbeat of the community is downtown. We need to determine what we want the downtown to look like a couple of years from now. He strongly urged the passage of this plan.

Peter Molleur of Mulberry Street sees the plan as a starting point for future plans. There are a number of gateways that need approval. He commented that he came to Maestros for brunch yesterday and the restaurant was full. At 130 it was still full. People are coming downtown on Sunday. He also urged the approval of this plan.

Ron Bell stated he was 100% in favor of the plan.

Marion Karr voiced his support for this project. Hwy 115 needs to be addressed. This plan isn't about only for Broad Street. He reasoned that this will unite downtown and S Statesville.

Frank Harmon noted that for the past 2 years he has represented Tom Wilson in the Vance Hotel. He has shown the building to 13 parties and they always ask what is uptown. What does Statesville have to offer? Since he has been able to share this plan with prospects he sees a lot more interest.

There being no further speakers Mayor Kutteh declared the public hearing closed.

Council member Huggins stated the Council has been great in working with visions and the impacts of where we are going during his tenure. This plan does include improvements to South Statesville. He stated that he thinks it is a great plan and the vision and improvements will help guide Council in moving forward.

Council member M Johnson made a motion to adopt the plan. Council member Huggins seconded the motion.

Council member Steele noted that with all the phone calls and discussion with citizens she has never heard anyone say they think downtown is great. There is not a person who cares about Statesville that doesn't think it is time to address the downtown. It was interesting that some speakers said accept this plan and some said to approve this plan. She advised she isn't ready to approve the plan but she would accept it and build on it. Now we have the plan in a form where we can take Phase I and say this is the impact on Board Street. It does give us a working plan. If accepting this plan tonight ties Council to things in this book she advised that she will vote against it. When we talked about this in pre-agenda meeting one of the things this plan would do is to give the planning dept the ability to help mold this plan. J C Steele is in the arts and entertainment district. Can they expand the foundry?

Council member Mike Johnson stated "that issue is a zoning question. J C Steele is an existing use. Nothing in this plan terminates existing use. This plan provides a roadmap as attrition goes through those uses and pulls them into compliance. What we have in this plan are specifics. This plan contemplates the traffic problems and what parking characteristics are. In light of my motion we are approving this plan as it has been drilled down by planning staff upon hundreds of hours of review, DSDC members, Hwy 115 committee, numerous planning

PAGE 299

Charrettes', 2 major public Charrette's and a major presentation to planning board and Council in May-June of this year. Everything is subject to change upon majority of council. We have to start with a plan and this is the plan. My motion is predicated on the fact that we are adopting this specific plan. In format of what is there the planning staff will begin to respect those right-of-way boundaries; the planning staff will respect dimensions with regard to new plans that come in. To the best of our ability all these issues have been acknowledged. We had traffic consultants who worked on this and their comments are contained therein. This is a large concept. In context to the amount of time it will take to implement it is not so large. My motion looks at this plan as site specific until Council reviews and possibly makes changes"

Council member Stallard agreed with the motion. We have heard details on this plan and agreed on it. Four years ago Council looked at a plan and it is still gathering dust on a shelf somewhere. This plan identifies every empty space and determines how we get those spaces filled. We didn't leave any stone unturned. Without a plan we are going nowhere. We are on the right road; we should adopt this plan and can make adjustments as we go.

Mayor Kutteh stated there is no one that he has talked with who doesn't believe that it is time to make significant changes to the entire corridor. Mayor Kutteh stressed that no money will be spent until a majority of Council approves. This is a long range plan to give us guidance. DSDC will use the plan for recruiting investment in downtown. It will take initiative of Council and downtown staff to achieve the things therein. The concept is the same. Mayor Kutteh emphasized again that no one is requesting any money to be spent at this time.

Council member Steele asked if this plan contains things that are normally handled within the planning department. If the plan is approved will city staff start enforcing the plan?

Council member M Johnson advised there are rezoning's and ordinances that will follow this plan.

Council member Steele asked if businesses are grandfathered in and they want to expand what will be done about that.

Council member M Johnson advised if it is a non-conforming use they won't be able to do that.

City Manager Hites stated that in the case of the arts and entertainment area J C Steel is zoned heavy industrial. This plan won't change that unless Council approves a new ordinance. All rights and privileges remain the same until the zoning itself is changed. An ordinance always trumps a land use plan.

Council member J Johnson made the following statement: "There is no way he would ever approve one way streets downtown. Hundreds of hours have been spent drawing up this plan. Nobody has explained how we are going to pay for it. What will the payments be on the first phase of about \$ 4 million? I will tell you how - we will raise taxes to do it. Larkin will be another town of about 20,000 people. There is not room downtown for anchor companies to come in. Ever since I have been on Council we needed parking downtown. If we build parking decks it will cost about \$10,000 to \$12,000 per space. It is just unbelievable to consider this with the current economy the way that it is and unemployment so high." Council member J Johnson named several projects the city has recently undertaken and the amount of funds involved.

Council member Steele noted she understands this is a \$ 28 million plan. She stressed that during her tenure on this board that the Council has been very responsible with finances. The City has a very healthy general fund. We have

PAGE 300

made tremendous improvements with the police station, the civic center, the city office building and the new recreation center. We are getting ready to build a new fire station. We built a \$15 million pipeline to Lookout Shoals. The general fund has maybe changed \$ 3 million since I have been on Council. When I question this plan it isn't the financial side because this Council has always been very financially responsible.

Mayor Kutteh repeated that Council is not making a decision to spend funds tonight.

Council member Gregory stated that he feels \$ 250,000 for fountains at the square is ridiculous. However, Hwy115 Corridor is a necessity.

Council member Huggins stated that all improvements have to be made. He pointed out that our streets have 70 year old pipes.

Council member M Johnson stated he has been on this board for 6 years and he has never voted for a tax increase. He stressed that no one is going to put the city in financial jeopardy.

Mayor Kutteh asked for a vote on the motion. The vote was as follows:

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

Nays: J Johnson, Steele

Mayor Kutteh recognized Boy Scout Troop 176 who is present to work on their citizenship badges.

Receive preliminary plan of Grace Park improvements.

Recreation Director Cornelius reviewed the options for different levels of funding at Grace Park. He shared pictures of local playgrounds ranging from \$ 20,000 – \$ 30,000.

Mayor Kutteh clarified that this RFP will be brought back to Council for final approval.

Council member Eisele made a motion to accept the preliminary plan as presented and authorize staff to send out a RFP for \$30,000 of playground equipment. Council member Steele seconded the motion.

The vote was:

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

Nays: J Johnson

Receive an updated report on the Greenway Plan.

City Engineer Pressley presented an updated report on the greenway plan. A \$550,000 grant was received a couple of years ago to extend the greenway from the East Broad Street Parking area to the old Cinema Theater on Free Nancy Drive. The trail will be 10' wide with 5' shoulders on each side. Staff has received final approval from DOT and established a bid date of November 4. He speculated completion around May-June 2010.

Council member Steele clarified this work will be done within the time period stated in the grant. Mr. Pressley confirmed he is comfortable they can do the work in a timely manner.

PAGE 301

There being no further business, **upon a motion by Council member Steele, seconded by Council member Matthews, the meeting was adjourned.**

ATTEST:

Mayor

City Clerk