

**MINUTE BOOK 25, PAGE 380
CITY OF STATESVILLE COUNCIL MEETING – March 02, 2015
CITY HALL COUNCIL CHAMBERS– 7:00 P.M.
STATESVILLE, NORTH CAROLINA**

Mayor Costi Kutteh presiding:

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

Council Absent: 0

Staff Present: Pressley, Fugett, Gaines, Davis, Smyth, Cornelison, Currier, Harrell, Anderson, Hutchens, Cornelius, Barone, Hudson, Salmon

Visitors: 6

Media Present: Jim McNally-Statesville Record & Landmark

I Call to Order

II Invocation

III Pledge of Allegiance

IV 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 February 12, 2015 Pre-Agenda meeting and the February 16, 2015 City Council meeting.**
- B. Consider a formal request from the Downtown Statesville Development Corporation and the Greater Statesville Chamber of Commerce that the City of Statesville be an official co-sponsor of the 2015 Piedmont Healthcare Friday After Five Summer Concert Series, providing in-kind services.**
- C. Consider approving a motion to close West Broad Street from Kelly Street to Mulberry Street, from 3:00 p.m. to 10:00 p.m., on May 8, May 22, June 12, June 26, July 10, July 24, August 14, August 28 and September 11 in order to accommodate the “Friday after Five Summer Concert Series.**
- D. Consider approving a request from the Statesville Police Department to appropriate \$19,000 in the Drug seizure Fund, and approval of Budget Amendment #31.**
- E. Consider reclassifying the Street Superintendent position to a Street/Stormwater Superintendent.**
- F. Consider approving 2nd reading of TA15-01 filed by the City of Statesville to Amend Article 7 Alternate Development Patterns, Section 7.01 Cluster Subdivisions, G.**
- G. Consider approving 2nd reading of ZC15-01 filed by the City of Statesville on behalf of Earl and Charlene Koester for the Property located at 2184 Salisbury Road; Tax Map 4753-85-7975 from Iredell County R-A to the City of Statesville’s R-A.**
- H. Consider appointing Rob Collier to the Statesville Convention and Visitors Bureau Board.**
- I. Consider adopting a Resolution to support the Yadkin Pee-Dee River Basin High Rock Lake Nutrient Strategy Development Project.**

- J. **Consider approving the following changes to the organization of the Police Department: Deletion of a patrol officer position and creation of a new position of "Police Technology Specialist".**
- K. **Consider using remaining funds from the purchase of 2 shuttle vans to resurface 6 tennis courts at Caldwell Park and to replace a park maintenance truck that was totaled in an accident and approve Budget Amendment #30.**

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

Regular Agenda

V Mayor Kutteh will swear in Council member William Morgan to the NC Financial Literacy Council.

Mayor Kutteh stated Governor Pat McCrory has appointed Council member William Morgan to the NC Financial Literacy Council. This group monitors and assists the Department of Public Instruction in the coordination and statewide delivery of financial education within the public school system. The Council identifies programs designed to increase the financial literacy of North Carolinians outside the school system and works to expand access to financial education resources and programs in communities across North Carolina. Mayor Kutteh swore in Council member Morgan.

VI Consider authorizing staff to proceed with development of a municipal service district for the Woods Drive Dam.

Scott Harrell stated staff has developed cost estimates for the repair of Woods Drive Dam. The estimates include the items identified by NC DENR as necessary to address prior to refilling the pond. The total cost to repair the dam and restore the pond impoundment is estimated to be \$128,000. Additionally, the cost of annual maintenance and future repair work for the dam is estimated to be \$3,600 per year. The residents adjacent to the pond have indicated their willingness to consider a municipal service district (MSD) to provide for expenses associated with maintaining the dam. A MSD is a special tax district established to provide a service or function not included in the City's typical scope of services. Staff is in the process of reviewing the projected MSD costs with the residents around the pond; feedback will be shared at the February 26th Pre-Agenda meeting.

Staff is requesting authorization for the following activities:

1. Collection of funds for repair of the dam in the amount of \$6,000, to be escrowed at the City Attorney's office. Upon receipt of the \$6,000, staff will proceed with:
2. Preparation of a report outlining the scope and purpose of a municipal service district for the Woods Drive Dam, as required by NC General Statute 160A Article 23. The report must be made available to the public and a public hearing conducted prior to establishment of a MSD.
3. Preliminary work to select an engineering consultant to prepare plans and specifications for the dam repair. No expenditures will be made toward the design of the repair until a MSD has been established.

Mayor Kutteh asked if ownership of the pond has been determined. Mr. Harrell replied that the City is focusing on the maintenance of the dam itself; the pond area is under separate ownership. The City is not proposing to resolve or assume any responsibility or ownership of the pond area.

Council member West asked if the selection of the engineer must go through the RFP and bid process or can the City use the engineer that it has been using. Mr. Harrell said he believes the fee will fall below the threshold for the RFP process but it will still need to go through the process to adopt an exemption.

Council member Watt asked if all the residents were in favor of this. Mr. Harrell stated there are thirteen owners involved and all are in favor.

Council member M. Johnson made a motion to authorizing staff to proceed with development of a municipal service district for the Woods Drive Dam, seconded by Council member Watt. The motion carried unanimously.

VII Conduct a public hearing and consider making an economic incentive to an existing Statesville based industry that has been recently acquired by new ownership known as "Project Barracuda".

John Marek with Statesville Regional Development stated that Project Barracuda proposes an 18 month expansion project totaling \$2.3 million, \$800,000 in new equipment in 2015 and a \$1.5 million building expansion in 2015-2016. Project Barracuda currently employs 30 at an average wage of \$20 per hour and will hire a minimum of 15 new employees with potential for 45 in 18 months. The economic incentive shall be based upon the City's making an appropriation of \$30,893 over a 5 year period based on the investment.

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

Council member J. Johnson made a motion to approve making an economic incentive to an existing Statesville based industry that has been recently acquired by new ownership known as "Project Barracuda", seconded by Council member Schlesinger. The motion carried unanimously.

VIII Consider an appointment to the Planning Board.

David Currier stated Mr. Robb Collier who was chairman of the Planning Board had to resign because he moved outside the City limits and the ETJ (Extraterritorial Jurisdiction). Therefore a new member needs to be appointed. Currently, there are nine active applicants on file for the Planning Board. They are Peter Molleur, Barry Goldstein, Ray Jones, Larry Rosenfeld (who is on the BOA), Gurney Wike, Nicholas Yount (who serves as an alternate on the BOA), Brittany Marlow, Todd Lange (who is on the HPC) and Kelly Standish.

Council member J. Johnson nominated Todd Lange.

Council member Morgan nominated Gurney Wike.

Council member Watt nominated Brittany Marlow.

Mayor Kutteh advised that staff has found out that it is allowed to appoint alternates to the Planning Board. This item will most likely be heard by Council at their first meeting in May.

Following a count of the votes City Attorney Edmund Gaines announced that Todd Lange has been appointed to the Planning Board. Mayor Kutteh stated he requests that Mr. Lange resign from the Historical Preservation Commission.

IX Consider approving first reading of an ordinance to amend Chapter 20 of the City Code relating to placing items in the right-of-way (outdoor dining).

Mr. Currier said the proposed ordinance allows for the following changes related to sidewalk encroachments in the downtown area:

- Allows for food and/or beverage services
- Allows for tables and chairs to remain on the sidewalk until 11:00 p.m. in an unenclosed area
- Recognizes sandwich board encroachments
- Strengthens the City position relating to hold harmless and indemnification and removal of encroachments during emergency situations
- (note) Design guidelines will be changed to allow for commercial grade outdoor

propane heaters and fans for seasonal use.

Council member West asked if the seating that the City has created that is in front of an establishment will remain City seating. Mr. Currier replied that it will.

Council member Schlesinger asked if the barriers can be moveable, temporary boundary or must it be fixed in place. Mr. Gaines replied yes. Mr. Currier added that per the Design Guidelines the Planning Department will approve the applications and issue the permits.

Council member Watts asked if the restaurants that currently have outdoor dining spaces will be able to move out to the curb as long as they maintain the 5 ft. walkway. Mr. Gaines replied that is correct as long as they have the permit and it would also need an ABC permit.

Council member Schlesinger asked if provisions are included for outdoor dining in the winter months such as enclosed awnings with heaters. Mr. Currier replied that currently it is not; the only provisions for that are the umbrellas at the tables but there are not tents or containment areas allowed in the current Design Guidelines.

Council member West asked if he wanted to sit in the public area in front of Delaney's if he could be served there. Mr. Gaines said as long as they are permitted he could be.

Council member M. Johnson made a motion to approve first reading of an ordinance to amend Chapter 20 of the City Code relating to placing items in the right-of-way (outdoor dining), seconded by Council member Watt. The motion carried unanimously.

X Consider approving first reading of an ordinance to amend the Cemetery Ordinance in the City Code, the City Services Policy Manual and the Cemetery Regulations.

Brent Cornelison stated that in November of 2013, City Council revised text to the Cemetery Ordinance in the City Code, the City Services Policy Manual and the Cemetery Regulations to not allow grave openings or interments on legal holidays observed by the City. After a busy holiday season for several funeral homes, this policy made it difficult to schedule multiple interments in a short period of time with fewer days. It has been requested by Rutledge and Bingham, Nicholson and Bunch Johnson Funeral Homes that the policy be revised to not allow interments on Thanksgiving Day and Christmas Day only. Grave openings would be allowed as it may help in the preparation for multiple burials in a short period of time. These changes will better accommodate our local funeral homes in the event of multiple services when a holiday would create an additional scheduling problem for families and the funeral homes.

Staff recommends the following text amendment to:

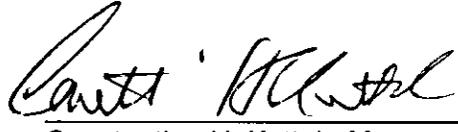
- Chapter 6, Article 2, Section 6.30 of the City Code: Grave Openings on Weekends
- City of Statesville Services Policy Manual, Recreation and Parks, E. Cemetery Rules and Regulations, 3. Interments
- Under the heading "Interment" of the City of Statesville Recreation and Parks Department Cemetery Rules and Regulations

For grave openings in City cemeteries on weekends it shall be the duty of the funeral home director, or his authorized agent, to notify the enforcement officer or his duly authorized representative, no later than 4:00 p.m. Friday for a Saturday or Sunday service. Exception: the enforcement officer or his duly authorized representative will be on-call from 9:00 a.m. until 12:00 noon the day after Thanksgiving and on a previously designated day and time if Christmas falls on such a day that exceeds three consecutive days without on-call hours. ~~No grave openings or interments will be made on legal holidays observed by the city~~ allowed on Thanksgiving Day or Christmas Day.

Council member J. Johnson made a motion to approve first reading of an ordinance to amend the Cemetery Ordinance in the City Code, the City Services Policy Manual and the Cemetery Regulations, seconded by Council member West. The motion carried unanimously.

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




Constantine H. Kutteh, Mayor

Attest:


Brenda Fugett, City Clerk