

**MINUTE BOOK 25, PAGE 463  
CITY OF STATESVILLE COUNCIL MEETING – August 17, 2015  
CITY HALL – 227 S. CENTER STREET, STATESVILLE, NC – 6:00 P.M.  
STATESVILLE, NORTH CAROLINA**

**Mayor Costi Kutteh presiding:**

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

**Council Absent:** 0

**Staff Present:** Pressley, Fugett, Gaines, Davis, Currier, Houpe, Triplett, Watts, Ferguson, Harrell, Smyth, Hutchens, Cornelius

**Others:** 10

**Media Present:** Jim McNally-Statesville Record & Landmark, Dave Veiser-Charlotte Observer

**I Call to Order**

Mayor Kutteh called the meeting to order.

**II Invocation**

The City Clerk gave the Invocation.

**III Pledge of Allegiance**

Mayor Kutteh led the Pledge of Allegiance.

**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.

**II 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 August 03, 2015 Pre-Agenda meeting, and August 03, 2015 Council meeting.**
- B. Consider approving 2<sup>nd</sup> reading of an ordinance to annex the Heath Property located at 1336 Northside Drive.**
- C. Consider approving the purchase of one (1) bucket truck with utility body for \$206,869 from Altec through a NJPA contract and \$1,011 for tax and tag.**
- D. Consider approving a revision to the Utility Customer Policies and Procedures section of the Services Policy Manual.**
- E. Consider authorizing the rollover of outstanding purchase orders and other encumbrances and approve Budget Amendment #03.**
- F. Request approval to appropriate insurance money in the amount of \$3,069.00 to the Police Department's Vehicle Maintenance and Repair account and approval of Budget Amendment #2.**
- G. Consider approving the appropriation of additional funds for Leslie Mazingo to develop a Federal Action Plan and to fund City Council's approval on August 03, 2015 to hire Leslie for an additional 11 months to implement that FAP and approve Budget Amendment #4.**
- H. Consider approving a motion to close Oakhurst Street between 241 & 248 Oakhurst Street on Sunday, September 6, 2015, between 12:00 p.m. and**

**12:00 a.m. for the Swinestock Committee to host their 16th Annual fundraising event.**

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 an ordinance to annex the property owned by the City of Statesville located at 1824 Amity Hill Road.**

David Currier stated the properties being considered for annexation are located at 1824 Amity Hill Road. The subject properties are approximately 5.09 acres in size and encompass Iredell County Parcel Identification Numbers (PINs) 4743-07-4191 & 4743-06-4970. The subject properties are not contiguous to the primary corporate limits of the City of Statesville, and therefore, the petition is being processed as a voluntary satellite annexation. City Council on October 1, 2012 approved a budget amendment to acquire the properties for future transportation improvements.

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 Schlesinger made a motion to approve first reading of an ordinance to annex the property owned by the City of Statesville located at 1824 Amity Hill Road, seconded by Council member Williams. The motion carried unanimously.**

**VII Conduct a public hearing and consider approving first reading of ZC15-08 filed by Myron Black to rezone the property located at 851 Salisbury Road; Tax Map 4744-52-1771 from B-4 CU to B-4.**

Mr. Currier stated this property was zoned CU R-5MF (Conditional Use High Density Multi-Family Residential) but the owner requested to rezone a portion of the property to B-4 CU (Highway Business Conditional Use) District in 2008. City Council voted unanimously to approve the request in March of 2008 with the following conditions; the use is limited to an automobile dealership, there will be no access from Dorset Place, and a 20 ft. buffer yard with shade and ornamental trees to be planted along Dorset Place instead of the required 8 ft. street yard. Mr. Myron Black is requesting to rezone the 0.85 acre portion of parcel 4744-52-1771 at 851 Salisbury Road from B-4 CU to B-4 with the intention of adding on to an existing structure at the automobile dealership. The B-4 District does allow for automobile dealerships; however the section of property in question zoned B-4 CU is tied to a site-plan that shows vehicle parking/storage only. An addition to an existing structure on this portion of property is not allowed in the current Conditional Use District. The applicant is requesting to remove the conditions on this portion of the property by rezoning it straight B-4 to match the rest of the property. If approved, a site-plan will be required to be reviewed by TRC, Planning Board and Council.

The surrounding zoning districts and land uses are as follows:

**NORTH OF THE SITE:** CU R-5MF, Vacant wooded property and the Berkshire Mark Condominiums.

**EAST OF THE SITE:** CU R-5MF, Vacant wooded tract, the Berkshire Mark Tennis Courts, B-4, Citgo and Lebe's Tire Service and the Black Automotive.

**SOUTH OF THE SITE:** B-4 and HI, Warehouses, H & B Lumber Company, Carquest Auto Parts, Williy Construction, Quality Oil, The Auto Group

**WEST OF THE SITE:** B-4, Black Chrysler, R-5MF and R-10, Single Family Homes, Iredell Partnership for Youth

Note: Other commercial and industrial uses exist in the immediate area.

The 2005 Land Development Plan projects the property to be commercial. While the rezoning would eliminate the conditions of the existing CU District, the property is located in an area that has large acreage of straight B-4 and HI zoned properties. Also, the site plan will have to be reviewed by TRC, Planning Board and Council. Therefore, staff's recommendation is favorable to rezone the property. The Planning Board's recommendation is favorable as presented with a unanimous vote. Mr. Gerald Grant, representing the applicant, spoke in favor of the request at the Planning Board Meeting.

Mr. Currier advised the Council could approve, deny or table the request for more information.

Council member West asked if the current conditions stay in place or does Council need to change any conditions. Mr. Currier explained that a quasi-judicial hearing would be required to change the conditions. The applicant has requested a straight legislative B4 zoning. He stated the 20 ft. buffer would go to an 8 ft. street yard buffer with this zoning.

Mr. Gaines advised that it would not be appropriate for Council to condition the rezoning on approval of the site plan.

Mr. Currier stated that there is a huge grade difference but without a conditional use, there is no guarantee the applicant has to build the retaining wall.

Council member M. Johnson asked if the building has reached the 25% threshold. Mr. Currier replied it is at 24% and the applicant is aware of that.

Mayor Kutteh declared the public hearing open and asked if there was anyone present who wished to speak in favor of this item.

Council member M. Johnson asked if the retaining wall will be built on the right-of-way line or will it be built at the 20 ft. setback. Mr. Gerald Grant, the engineer representing the applicant, replied it will be built at the 20 ft. setback. Council member M. Johnson asked if that is what the applicant wants or if they would rather have the parking space. Mr. Grant replied the applicant was trying to honor the 20 ft. buffer that was included in the Conditional Use Permit previously.

Mayor Kutteh asked Mr. Grant if the applicant would rather the wall is built closer to the right of way of Dorsett and if that would enable additional parking. Mr. Grant replied the applicant would be agreeable to that.

Council member M. Johnson asked that Mr. Grant take a spot elevation at the top of the wall and three spot elevations at the other side of Dorsett Street to see what the residents are seeing since we are trying to protect the visual integrity of the people who live across the street. Mr. Grant stated he could make a drawing that would show that.

Mayor Kutteh declared the public hearing closed.

**Council member M. Johnson made a motion to postpone this item pending decisions by the owner on how to proceed, seconded by Council member Watt. The motion carried unanimously.**

#### **VIII Review report regarding the City of Statesville's utility deposit policy.**

Gene Triplett reviewed the Good Credit Option that staff is recommending to Council.

1. All "new" customers are eligible for a deposit waiver
2. Customers without good credit will continue with a deposit: Staff recommends Option 1 – the average of a 2 month bill
3. Implementation in less than 60 days
4. Vendor handles credit check & reporting requirements; (except for letters of adverse decision)
5. If a deposit is waived, a cut off will trigger a deposit

Council member Schlesinger asked how quickly the credit decision will be received. Mr. Triplett replied that how he understands it the decision will be instantaneously.

Mayor Kutteh asked if a non-residential customer would still be able to acquire a surety bond. Mr. Triplett stated that all the current elements of the policy will still be in place.

Council member West stated the two month deposit is still excessive and inhibits commercial growth and would prefer to use Option 2 which is the average of a one month bill.

Mayor Kutteh pointed out that with the good credit option if a person has good credit then the deposit would be waived so why would the City want to take the risk to only have a one month deposit for someone with bad credit.

Council members briefly discussed other options for those with borderline credit.

**Council member Schlesinger made a motion to approve with Option 1, seconded by Council member Phifer. The vote was as follows:**

**Ayes: Schlesinger, Phifer, Morgan, J. Johnson, M. Johnson, Watt, Williams  
Nays: West**

**IX Consider adding additional members to the Statesville Regional Airport Commission.**

John Ferguson stated that as instructed by City Council on August 3, 2015, he has assembled several alternatives to changes to the Statesville Regional Airport for consideration by City Council. The Airport Commission currently has seven members with five appointed by City Council, one City Council member is appointed by the Mayor, and one County Commissioner is appointed by the Iredell County Commissioners. As detailed in the Airport Commission By-laws, two to three members can be either pilots and/or current tenants; two to three could be local business owners with an interest in airport issues; and the final two represent the City Council and County Commission. Members of the Airport Commission shall reside in Iredell County; however, no more than three of the members can live outside of the City limits.

Council has the following alternatives to choose from:

Alternative A

Leave the Commission as it is currently made up.

Alternative B

Add one additional person to the Commission to represent a major tenant on the Airport. The residency requirement would need to be changed as per the By-Laws and City Code of Ordinances.

Alternative C

Add two positions on the Airport Commission, one to represent a major tenant on the Airport (with change in residency) and one person with specific aviation knowledge with residency within the Statesville City limits.

Council member J. Johnson reported that the Airport Commission was unanimously opposed to expanding the number of members. He explained that Commission members felt that this is the best board the Commission has had in years and its members are very knowledgeable and experienced. Jeff Kirby with Parrish & Partners also agrees with this. He pointed out that Mr. Ferguson has only been the Airport Manager for two months and there has not been time to evaluate him fairly.

**Council member J. Johnson made a motion to leave the number of Airport Commission members at 7, seconded by Council member West.**

Council member M. Johnson stated that this is not about evaluating the performance of the Airport Manager.

**The vote on the motion was as follows:**

**Ayes: J. Johnson, West, Watt  
Nays: Phifer, Morgan, M. Johnson, Williams, Schlesinger  
Motion Failed: 5-3**

Council member M. Johnson made a motion to add two members; one, a representative of a major tenant at the airport and one, a Statesville resident with significant aviation experience. Council member Morgan seconded the motion.

The vote was as follows:

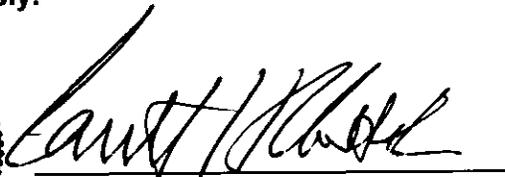
**Ayes: M. Johnson, Phifer, Morgan, Williams, Schlesinger**  
**Nays: West, J. Johnson, Watt**  
**Motion carried: 5-3**

Council member J. Johnson asked Mayor Kutteh to appoint someone else as the Council liaison to the Airport Commission. Mayor Kutteh replied he would take that under advisement.

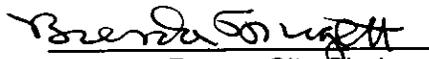
Mr. Ferguson stated that the Airport Commission must be given a 30 day notice that the by-laws are being changed then the by-laws must be brought back to Council for ratification. Mayor Kutteh said as soon as these changes are in place then Council can select members to fill the two new seats.

Council member West made a motion to adjourn, seconded by Council member Morgan. The motion carried unanimously.



  
Constantine H. Kutteh, Mayor

Attest:

  
Brenda Fugett, City Clerk