

**MINUTE BOOK 25, PAGE 471
CITY OF STATESVILLE COUNCIL MEETING – September 14, 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 (Arrived 7:15)

Council Absent: 0

Staff Present: Pressley, Fugett, Gaines, Davis, Harrell, Currier, Smyth

Others: 0

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. He asked if there is anyone who wished to speak. There were no speakers.

V Consent Agenda

Mayor Kutteh stated that 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 17, 2015 Pre-Agenda meeting, and August 17, 2015 Council meeting.

B. Consider approving 2nd reading of an ordinance to annex the property owned by the City of Statesville located at 1824 Amity Hill Road.

C. Consider approving a Resolution directing the City Clerk to investigate a petition of annexation for property located at and around 1068 Elmwood Road, Receive the City Clerk's Certificate of Sufficiency, Consider approving a Resolution fixing a date, October 05, 2015, for a public hearing on the questions of the petitioned annexation.

D. Consider accepting the streets in the Pine Forest subdivision for City maintenance.

E. Consider approving the capital purchase of two 2-wheel drive mowers in the amount of \$28,400.

F. Consider allowing the sale of wine and beer at Lakewood Park for the Theater Statesville's fall production of Dracula.

Council member M. Johnson asked to be recused from the vote on the Consent Agenda due to a conflict of interest.

Council member J. Johnson made a motion to recuse M. Johnson, seconded by Council member Schlesinger. The motion carried unanimously.

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 Watts made a motion to approve the Consent Agenda, seconded by Council member J. Johnson. The motion carried unanimously.

Council member Williams made a motion to return Council member M. Johnson to his seat, seconded by Council member J. Johnson. The motion carried unanimously.

Regular Agenda

VI Conduct a public hearing and consider approving site plan P15-07 for Dollar General located at 2046 Salisbury Highway; Tax Map 4753-66-0721.

David Currier stated the site is located off Salisbury Highway at its intersection with Dellwood Road. The property for the Dollar General contains approximately 2.522 acres and is zoned B-5. The Dollar General building is proposed to be 9,100 square feet with 36 parking spaces being provided. The building will front and have access on Salisbury Highway. The new structure meets the setbacks. The exterior walls will be constructed of Morency Stone and brick. The roof will be metal and windows have been provided along the front elevation. The structure meets the architectural requirements. Landscaping has been provided along the perimeter of the site and within the new parking areas that meet the City's requirements. Dollar General will pay fee in lieu of installing the sidewalk along Salisbury Highway and Dellwood Road. There is City water and electric to the site; however sewer is located some distance away. The applicant is requesting to use a septic system with a field in the back corner subject to Council's approval. The Technical Review Committee approved the revised site plan on August 5, 2015 contingent upon the property being annexed into the City, paying fee in lieu of for the sidewalk and receiving a copy of the driveway permit. Therefore, staff recommends approval contingent upon the above three conditions prior to issuing the CO. The Planning Board's recommendation was favorable with a unanimous vote as presented.

Council member Williams asked if the residents will be able to see the store from their property behind the store. Mr. Currier replied it would not be a complete opaque wall with these types of plantings; however Council can require plantings that will provide year round complete opacity.

Council member Schlesinger asked if there is housing behind the property. Mr. Currier replied yes there is. He reviewed photos of the property.

Mayor Kutteh swore in all speakers and declared the public hearing open.

Derek Goddard with Blue Ridge Environmental Consultants, 1 Executive Drive, Wilkesboro, representing Venture Properties stated they have increased the landscaping in an effort to provide a higher level of opacity. He pointed out that the residential properties are lower than the project site making it more difficult to provide total opacity. Mr. Goddard said he feels it is not practical to extend the sewer line and will be a large financial burden. He asked Council to allow the project to proceed with an on-site septic system. Mr. Goddard stated the store will provide a \$1 to \$2 million increase in the tax base, will be a City water and electric user, will provide approximately 6 jobs with 1-2 being full time, additional Sales Tax Revenue and will be a positive impact on the community.

Council member M. Johnson asked what the cost estimate is to extend sewer to this site. Mr. Goddard replied it is close to \$100,000. Mr. Harrell added that it is a little over 2,200 ft. to the closest gravity sewer.

Council member M. Johnson asked Shay Davis with Venture Properties is he would agree to tie to the sewer at the prevailing rate when sewer becomes available to the site. Mr. Davis replied that he would be agreeable to installing a line at the prevailing rate that could be tapped into when sewer service becomes available.

Mr. Davis stated the property is already zoned correctly and the site plan has been approved by the TRC and the Planning Board. He said that some surrounding property owners had expressed concern regarding the detention pond breeding mosquitos. The detention pond is required by the state and is designed to have a maximum of 12" of water in it during a worst case storm and will be dry within 12 hours.

Council member M. Johnson asked if the applicant understands that they are responsible for maintenance of the detention pond. Mr. Harrell replied a maintenance agreement will be a part of the approval through the State.

Council member Williams asked who the residents should contact if the pond does not drain properly. Mr. Harrell replied they should contact the property owner or if they are unable to contact the owner, then they can contact the City and City staff will contact the owner.

Rhonda Thompson, 124 Dellwood Drive, stated that she lives directly behind the property within 50 ft. of the detention pond. She said she has a grandson under the age of two and is concerned for his safety around the detention pond. She stated she is also concerned that the store will bring more crime into the area that will spiral down to the neighborhood, increased foot traffic with no sidewalks, and a decrease in property values. Ms. Thompson said she would like some type of fence installed around the retention pond, that shrubs are not enough. Mr. Harrell stated there will not be standing water in the pond and explained how the drainage system worked.

Kay Howell, 119 Dellwood Drive, spoke against the site plan stating that she is concerned about people cutting through her yard to get to the store. Her son displayed on the map where her property is located. Ms. Howell stated that a privacy fence would keep that from happening. Mayor Kutteh asked if Ms. Howell thought this was Dollar General's responsibility and that they should install a fence around her property. She replied yes because people would not be cutting through if the store was not there but the fence should be installed around their property not hers.

Alfreda Webster, 2060 Salisbury Highway, spoke against the site plan saying that she is also concerned about people cutting through her yard to get to the store.

Larry McCoy, 119 Oak Grove Road, stated there is a well on his property and asked if the drainage from the detention pond will affect the well. Mr. Harrell stated he is not aware of any concerns but he can follow up on this.

Buddy Gryder, 105 Oak Grove Road, stated he also has a well and is concerned that it will be affected.

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

Council member M. Johnson stated the neighbors will not experience any flooding, the petitioner has abided by all requirements and best practices regarding the detention pond. The petitioner has agreed to tie to the sewer at the prevailing rate and stub for it now. He is buffered very heavily against the side street and has a right in right out of his parking light. The lighting pattern should be evaluated such that there is no lighting pollution contaminating adjacent properties. The applicant must petition for the sewer tie and have a separate maintenance agreement on the stormwater condition and must petition for annexation. The only question is the intensity of the buffer.

Council briefly discussed the buffer issue. Mr. Davis with Dollar General offered to install a chain link fence around the detention pond. Rhonda Thompson stated a 4 ft. high fence is not high enough because of the way the property slopes. She asked that a 6 ft. high fence be installed. Mr. Davis said he felt a 4 ft. fence is adequate because Ms. Thompson's property is lower.

Council member M. Johnson made a motion to approve site plan P15-07 for Dollar General located at 2046 Salisbury Highway; Tax Map 4753-66-0721 contingent upon the petitioner tying to the sewer at the prevailing rate and stubbing for it now, file a petition for the sewer tie, have a separate maintenance agreement on the stormwater condition, a 4 ft. chain link fence with a gate installed around the detention pond, evaluate lighting pattern to avoid lighting pollution and a petition for annexation, seconded by Council member Phifer. The motion carried unanimously.

VII Conduct a public hearing and consider approving first reading of ZC15-09 filed by Iredell County for the property located at 400 Bristol Drive; Tax Map 4724-67-2542; from B-5 CU (General Business) to B-5 (General Business).

This item has been removed from the agenda.

VIII Conduct a public hearing and consider approving first reading of ZC15-10 filed by Donna Pierce for the property located at 110 Airport Road; Tax Map 4724-22-3381; from B-5 (General Business) to R-20 (Suburban Residential).

David Currier stated that Donna Pierce is requesting to rezone this 0.32 acre parcel 4724-22-3381 located at 110 Airport Road from B-5 (General Business) District to R-20 (Suburban Residential) District with the intention of getting the use on the property into compliance with the existing use. A single family residence and accessory building sit on the property and is the primary use. The B-5 District does not allow for single family residences. The applicant is requesting to rezone this property to a residential zoning district with the intention of having the intention of allowing the use of a single-family residence. The site is served by the West Iredell Water Corporation and wastewater is handled by an on-site septic system. Some financial institutions will not grant loans and funding to a residential property that is not in compliance with municipal zoning codes.

The surrounding zoning districts and land uses are as follows:

<u>NORTH OF THE SITE:</u>	B-5, IC-R-20 & IC-GB, T's Treasures Consignment Furniture & Boutique, Tilley's Too, Single-family Homes
<u>EAST OF THE SITE:</u>	B-5 & R-20, Trent's Tractor Parts, Single-family Homes
<u>SOUTH OF THE SITE:</u>	R-20, Single-family Homes, Statesville Airport
<u>WEST OF THE SITE:</u>	B-5, R-20 & IC-R-20, Single-family Homes, Undeveloped

The 2005 Land Development Plan projects the property to be Low Density Residential. Since the current use is residential, and there are many residentially zoned properties in the surrounding area, staff's recommendation is favorable to the rezoning request. The Planning Board's recommendation is favorable as presented with a unanimous vote. No one spoke in favor or opposition to the request.

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 asked if there are any negatives to rezoning this. Mr. Currier replied there is not at this point in time.

Council member Morgan made a motion to approve first reading of ZC15-10 filed by Donna Pierce for the property located at 110 Airport Road, seconded by Council member West. The motion carried unanimously.

IX Conduct a public hearing and consider approving first reading of ZC15-11 filed by Piedmont Landco, LLC for the property located at 134 Beechnut Lane; Tax Map 4724-49-7869; from R-10M (Urban Low Density Manufactured Housing Residential) District to B-4 (Highway Business) District.

Mr. Currier stated that Piedmont Landco, LLC is requesting to rezone this 0.80 acre parcel located at 134 Beechnut Lane from R-10M, Urban Low Density Manufactured Housing Residential District to B-4, Highway Business District with the intention of removing the abandoned residential structure and using the property for a restaurant which is an allowed use in the B-4 District. The applicant has requested the B-4 District because the property is surrounded on three sides by B-4 zoned properties. The applicant would like to secure the property to the north of the subject parcel in order to have access from Island Ford Road. Any proposed development is required to be reviewed by TRC, Planning Board and Council through the site-plan approval process. The 2005 Land Development Plan projects the property to be Industrial. Though B-4 doesn't fit into the Industrial designation, the area has a commercial feel as shown by the surrounding uses. Furthermore there have been four rezoning cases in this area within the last ten years that have been approved for commercial zoning districts showing the area has a commercial nature. Also the property is surrounded on 3 sides by B-4 zoned property; therefore staff's recommendation is favorable to the rezoning request. The Planning Board's recommendation is favorable as presented with a unanimous vote and no one spoke in favor or opposition to the request.

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 Watt made a motion to approve first reading of ZC15-11 filed by Piedmont Landco, LLC for the property located at 134 Beechnut Lane, seconded by Council member Schlesinger. The motion carried unanimously.

X Consider approving Chapter 6 of the Design Guidelines for the downtown area.

Mr. Currier stated that the policy set forth in Chapter 6 will guide and regulate the placement of aesthetic furnishings, displayed merchandise, and trade displays by downtown merchants and businesses. Mr. Currier briefly reviewed the guidelines. The Design Review Committee has recommended approval of the policy.

Council member Schlesinger asked if the displays are allowed to remain outside all the time. Mr. Currier replied that all must be taken inside except for benches and planters and staff and DSDC will monitor this.

Mayor Kutteh asked what the regulations are for sandwich boards. Mr. Currier stated that sandwich boards are allowed and there is a prototype that has been approved. They are allowed on the sidewalk and the owner must maintain liability insurance. A permit must be obtained from City staff.

Council member M. Johnson made a motion to approve Chapter 6 of the Design guidelines for the downtown area, seconded by Schlesinger. The motion carried unanimously.

XI Update from Fire Department Deputy Chief Gary Styers on the first responder program.

This item has been removed from the agenda. The update will be given at the October 5th City Council meeting.

ADD Update from Eddie Gaines regarding the Love's Truck Stop Appeal.

Mr. Gaines stated that the Superior Court of Appeals had upheld City Council's approval of the Love's Truck Stop site plan. The appellants have thirty days to appeal this decision once the Final Order is approved by City Council. Also, on Wednesday, oral arguments were heard on the zoning appeal.

At the request of Mayor Kutteh the Clerk distributed information regarding the market analysis, airport layout plan and environmental assessment at the airport.

XII Continue discussion about Economic Development.

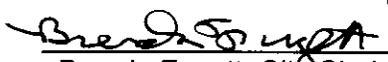
Mayor Kutteh stated that Mr. Prosser will give an update on the Vance Hotel at the next Council meeting. He reported that a Publix grocery store is locating in the former Staples building. A distillery is coming to Statesville who hopes to have a downtown tasting room/restaurant. A large regional grocer is committed to Statesville and a Whole Foods operation is considering locating in Statesville. Lastly, a large manufacturing facility is considering Statesville as well.

Council member West made a motion to move to Executive Session in accordance with N.C.G.S. 143-318.11(a)(6) to discuss a personnel matter, N.C.G.S. 143-318.11(a)(4) to discuss three economic development matters and N.C.G.S. 143-318.11(a)(3) to preserve the attorney client privilege for all, seconded by Council member. J. Johnson. The motion carried unanimously.

Upon return from Executive Session, Mayor Kutteh stated that a personnel matter was discussed and three economic development matters and the attorney-client privilege for all. No action was taken.

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

Attest:


Brenda Fugett, City Clerk




Constantine H. Kutteh, Mayor