

**MINUTE BOOK 25, PAGE 468
CITY OF STATESVILLE PRE-AGENDA 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

Council Absent: Phifer

Staff Present: Pressley, Fugett, Gaines, Davis, Smyth, Currier, Cornelison, Barone, Houpe, Styers, Cornelius, Ferguson, Harrell

Others: 0

Media Present: Jim McNally-Statesville Record & Landmark

I Call to Order

Mayor Kutteh called the meeting to order. He advised that Jim Prosser would give an update on the Vance Hotel at the October 5th Council meeting. Mayor Kutteh stated that Item XI had been removed from the agenda and that item VII had been resolved and will be removed. He advised an Executive Session would be held following the Pre-Agenda meeting to discuss a personnel matter and three economic development matters and to preserve the attorney-client privilege for all.

At the request of Mayor Kutteh City Attorney Eddie Gaines gave an update on the Love's Truck Stop appeal. He stated that the Superior Court of Appeals had upheld City Council's approval of the Love's 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.

Mayor Kutteh asked if Council wanted any items on the Consent Agenda to be moved to the Regular Agenda. No items were moved.

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 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.

Mayor Kutteh stated the properties being considered for annexation are located at and around 1068 Elmwood Road. The subject properties are approximately 414.29 acres in size and 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.

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.

Mayor Kutteh stated the Recreation and Parks Department and Theater Statesville will present the play Dracula at the Lakewood Park Amphitheater on October 1, 2, 3, 8, 9 and 10. Theater Statesville would like to sell wine and beer before the event and during the intermissions. All sales would be in accordance with the ABC commission.

Council member M. Johnson advised he will be recusing himself from Consent Agenda due to a conflict of interest.

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.**

Mayor Kutteh stated the applicant has requested a waiver from using City sewer service due to the distance from the line and the cost to connect to the service.

- 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 resolved and 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 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.

- 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.**

Mayor Kutteh 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; therefor 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.

Council member M. Johnson asked if there is City sewer at this location. Mr. Currier replied there is.

- X Consider approving Chapter 6 of the Design Guidelines for the downtown area.**
David 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. The Design Review Committee has recommended approval of the policy.

Council member Schlesinger stated there should be a comma after "material" in Section 6.B. Displayed Merchandise, (3) Merchandise and Display Structures, (J) Merchandise Not Permitted (1) and that this section should also include "Vaping Devices". Mr. Currier replied staff will add this.

- 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.

- XII Continue discussion about Economic Development**

Council member Williams 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 Watt. The motion carried unanimously.

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

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



Constantine H. Kutteh, Mayor

Attest:

Brenda Fugett, City Clerk