

**MINUTE BOOK 25, PAGE 476
CITY OF STATESVILLE PRE-AGENDA MEETING – October 05, 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, Barone, Currier, Ashley, Ferguson, Harrell, Houpe, Hutchens, Cornelius, Styers, Triplett

Others: 5

Media Present: Jim McNally-Statesville Record & Landmark

I Call to Order

Mayor Kutteh called the meeting to order. He advised an Executive Session will be held following the Pre-Agenda meeting to discuss two economic development matters, a land acquisition matter, to consult with the attorney and to preserve the attorney-client privilege for all. Mayor Kutteh stated he has asked City Attorney Gaines to give an update on an issue at Shannon Acres.

Mayor Kutteh stated that items F and G on the Consent Agenda would be moved to the Regular Agenda and Items X and XII on the Regular Agenda would be moved to the Consent Agenda. He asked Council if there were any other items on the Consent Agenda they wished to be moved to the Regular Agenda. No other 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 a request from the Statesville Police Department that Bulletproof Vest Partnership Program reimbursement funds of up to \$10,155 be added back to the Police department's Uniform budget upon receipt and approval of Budget Amendment #7.

Mayor Kutteh stated that it appears that there would have been room to purchase eight or ten more vests and still meet the terms of the grant. He asked if there is any reason why staff would not order extra ones. Chief Barone replied that staff just ordered the number of vests that would be going out of date or those that are already out of date and ordered that number of vests. Mayor Kutteh asked if this is a recurring grant. Chief Barone replied it is.

C. Consider approval of a non-capital purchase for the Fire Department of 18 sets of replacement turnout gear.

D. Consider approving 2nd 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)

E. Consider approving 2nd 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.

X Consider accepting a grant of \$4,000 from the Electricities Smart Communities grant program to be used to help cover the speaker fee to bring in Destination Business Expert, Jon Schallert, to present a seminar in Statesville.

- XII Consider approval of the low bid from JBL Communications, Inc. for the labor and material for the construction of Phase II E of the Fiber Project in the amount of \$207,062 and appropriate additional contingency funds of \$10,353 and Consider approval of Budget Amendment #6 to appropriate additional funds of \$34,915 from Fund Balance to Electric Capital.

Regular Agenda

- F. Consider granting approval for the Planning Department to apply for 2015 Transportation Alternatives Program (TAP) funds in the amount of \$1.2 million dollars for the greenway connector under US 21 North (Turnersburg Highway).
- G. Consider approving a request from the Airport Manager to host historic World War II Aircraft at the Statesville Regional Airport.
Mayor Kutteh stated this would be held Wednesday, October 21st through Friday October 23rd.
- V Conduct a public hearing and consider approving first reading of ZC15-12 filed by Myron Black for the property located at 851 Salisbury Road; Tax Map 4744-52-177, From B-4 CU (Highway Business Conditional Use) District to B-4 CU (Highway Business Conditional Use) District.
Mayor Kutteh stated this item is coming back before Council because Council wanted Mr. Black to retain the existing Conditional Use requirements which he has agreed to.
- VI Conduct a public hearing and consider approving first reading of an ordinance to annex the properties owned by Tsumas Family LTDP & Wheeler Investments, LLC located at and around 1068 Elmwood Road.
Mayor Kutteh stated that annexation is no guarantee of Council approval of any future rezoning requests for this property and that he would remind the applicant of this at the Council meeting.
- VII Consider approving first reading of an ordinance to amend Chapter 20 of the City Code to allow for sidewalk displays in the downtown area.
David Currier stated this is just adding to the existing ordinance to incorporate the provisions necessary for sidewalk displays, such as insurance requirements and the time of day the displays are allowed.
- VIII Receive a report on Statesville Convention and Visitors Bureau from Phil Hazel.
- IX Receive a report on the Vance Hotel from Jim Prosser.
- XI Consider purchasing a 22.68 acre tract adjacent to the Statesville Business Park and approval of Budget Amendment #05.
Mayor Kutteh reminded Council that they had authorized environmental testing for this tract which came back very good.
- XIII Receive a report from the Fire Department on response to medical emergencies for the past year.
- XIV Consider awarding the contract for the purchase and installation of a new Computer Aided Dispatch (CAD) and Records Management System (RMS) at the Police Department.
- ADD **Shannon Acres Issue**
Mayor Kutteh explained that a few months ago a property in Shannon Acres, which is the Country Club, was purchased by an out of state corporation who has leased it to an in-state corporation that deals with developmentally disabled adults. It is staff's understanding that this is a home that will provide respite care for folks in that diagnostic category. A number of people in Shannon Acres are upset by that. Some of the people understand that regardless of what our local ordinances say, there may be state and federal regulations that control that. There seems to be a difference of opinion among folks as to whether a use like this would be allowed in a residential zone. There are state and federal laws involved and Mr. Gaines has researched those and researched what we believe to be the proposed use of the property. He will give Council his legal opinion on the matter and Council will decide how it wants to react.

Council member West stated this is very upsetting to him for various reasons. He said he heard about this issue from a neighbor and not from the zoning department and that he feels there is no communication between the zoning department and this Council, which he wants to address after this issue is settled. Council member West stated he could not understand how the department could make a decision to allow something like this in this type of neighborhood without at least notifying him since he is the Council member for that Ward.

Council member Schlesinger stated he understood and agreed with what Council member West is saying, adding that he was blind-sided as well by this issue. He said that Council should know about this stuff and if there is something that we need to be researching we should know this information ahead of time so that we can go to the community and say that we have already looked at this and this is what needs to be going on. It's a much better way to deal with it rather than reactionary.

Mayor Kutteh stated he would like for this discussion to be held at the Council meeting so the public will be able to hear the discussion.

Council member West stated he would like Council to ask the zoning staff to put the time and research into this that it deserved up front, before a decision was made and before they issue that permit. West said he has given Mr. Currier information regarding the Fair Housing Act and the NC STAR program and Mr. Currier has discussed them with Mr. Gaines. Council member West stated that since then he has discovered that Council can turn this down if it perceives that it will be used for any issues concerning alcoholism, drug use, sexual predators, contagious diseases or psychotics. Council member West stated that the corporation's website indicates that their residential service primarily provides a severe mental health service or a substance abuse service. They are telling us this is going to be a respite home for people who can only stay for two weeks to give their families a rest from the issues they are going through and that these people are going to be the lower end of the scale but easy to handle. West stated that with a little research he has discovered that they have a home on Chestnut Grove Road and the sheriff has been called to this facility this year, last year and several times before that for damage to property, assault, communicating threats, suspicious person, and attempted suicide. West said the corporation is saying what is going into the facility but they are not telling the rest of the story and the City has no way of monitoring this. They have a license from the state and they do inspect them once a year, but that is not enough. This residence is going to be right beside other residences, some of which have pools that will be a magnet for these people that are mentally disabled. Just this information bit of information is enough red flags for Council and staff to take the time and make absolutely sure that the right decision has been made in allowing this. Zoning has not issued the permit yet. The permit is contingent upon the facility receiving its license from the state. When they get that it is pretty much a rubber stamp. They give the license to zoning then zoning issues the permit.

Council member West stated that there are two members of the Home Owner's Association in attendance. Mayor Kutteh said this is not a public hearing and they may or may not be asked to speak.

Council member West made a motion to move to Executive Session in accordance with N.C.G.S. 143-318.11(a)(4) to discuss two economic development matters, N.C.G.S. 143-318.11(a)(5) to discuss a land acquisition matter, N.C.G.S. 143-318.11(a)(3) to consult with the attorney and to preserve the attorney client privilege for all, seconded by Council member Williams. The motion carried unanimously.

Upon return from Executive Session Mayor Kutteh stated two economic development matters and a land acquisition matter were discussed and Council consulted with the City Attorney. 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:



