

**MINUTE BOOK 25, PAGE 493  
CITY OF STATESVILLE COUNCIL MEETING – October 19, 2015  
CITY HALL – 227 S. CENTER STREET, STATESVILLE, NC – 7:00 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, Gaines, Fugett, Davis, Smyth, Currier, Harrell, Ferguson, Hutchens

**Others:** 130

**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**

Girl Scout Iredell Service Unit 2858 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.

Anna Johnson, 3327 Sedgefield Road, spoke in opposition of a proposed respite and crisis mental health facility to be located at 303 St. Andrews Road which was recently purchased by RHA. Ms. Johnson stated RHA is planning to ask the Statesville Zoning Department to place their facility in their densely populated neighborhood. Ms. Johnson explained that the residents of the neighborhood are not concerned about residents of the facility who simply need respite or that suffer from intellectual or developmental disabilities; however they are concerned about the placement of a mental health facility serving a large population with an average duration of four days, a revolving door, for the purposes of treating violent behavior disorders, aggressive behavior disorders, suicidal tendencies and psychosis. She reviewed data from the program's 2013 annual report (the most current data RHA would provide) that showed the primary reasons persons are placed in this program include physical aggression, threats to physical aggression, suicidal behavior and property destruction. In the same 2013 annual report the program states that the most commonly reported psychiatric diagnosis at the time of referral continues to be psychotic disorder. Since RHA placed its facility in the remote location of Chestnut Grove in Statesville they have had over fifty police reports filed. Ms. Johnson read the contents of some of the reports. She said the people that RHA serves deserve a location for treatment; however, she sees no benefit to the residents of the facility or to the neighborhood by placing a facility such as this in a densely populated neighborhood where the opportunity for harm is great.

Carrie Austin, 327 St. Andrews Road, spoke in opposition of the proposed facility to be located at 303 St. Andrews Road. She stated the annual report from RHA shows that most of the residents of the facility have moderate to severe psychosis and have many violent offenders. Ms. Austin asked that Council take notice and act on behalf of the neighborhood.

David Toth, 525 Deauville Road, spoke in opposition of the proposed facility to be located at 303 St. Andrews Road. He stated this type of respite home does not fit in this type of neighborhood environment.

John Staford, 221 N. Oak Street, stated he is disappointed in the role the City has had in the demolition of the old Davis Hospital. He said that citizens want the structure

demolished but in a safe manner due to the known presence of asbestos. He distributed a report to Council and described several instances of mistakes and misinformation contained in the permit applications and reports.

**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 October 05, 2015 Pre-Agenda meeting, and October 05, 2015 Council meeting.**
- B. Consider approving 2<sup>nd</sup> reading of an ordinance to amend Chapter 20 of the City Code to allow for sidewalk displays in the downtown area.**
- C. Consider approving 2<sup>nd</sup> 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.**
- D. Consider approval of an encroachment agreement to allow Conterra Ultra Broadband Services to install an underground fiber optic line along City streets.**  
Mayor Kutteh commented that this item is part of the City's continuing plan to provide fiber optics throughout the community and is an important enhancement to the community as well as to Iredell-Statesville schools.
- E. Consider approving Budget Amendment #8 in the General Fund to re-appropriate funds for an economic development incentive payment.**

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 Consider approving 2<sup>nd</sup> 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 he had originally suggested that this item be removed from the agenda for further review, but the City Attorney has advised that if it is taken off of the agenda it can only be delayed till the next meeting. Due to this he is asking for a motion to postpone the item.

**Council member J. Johnson made a motion to postpone 2<sup>nd</sup> reading of an ordinance to annex the properties owned by Tsumas Family LTDP & Wheeler Investments, LLC located at and around 1068 Elmwood Road, seconded by Council member Watt. The motion carried unanimously.**

Mayor Kutteh stated that if and when there is a 2<sup>nd</sup> reading for this item, it will be listed on that agenda for public notification. This also means that the rezoning request for this property that was to go before the Planning Board will be removed from that agenda. Mayor Kutteh advised that the property owner, Mr. Tsumas, will be holding a public meeting Tuesday, October 20<sup>th</sup> at the Civic Center at 6:00 p.m. regarding the item. He said that Council will allow one representative of Elmwood Strong, who is in opposition of this item, to speak at this meeting.

Krista Bass, 1008 Elmwood Road, thanked Mayor Kutteh and City Council for allowing her to speak since the public hearing and the first reading has already been held. She stated she lives adjacent to the rock quarry and that this is the fourth time the nearby residents have been speaking out against the quarry. She said that most lived there when the quarry was still operational and know the problems that are associated with it such as collapsed wells, property damage and unbearable noise and dust. Ms. Bass

explained that the resident fought this in 2009 with Iredell County when they were doing the Horizon Plan and the County unanimously denied the Heavy Industrial rezoning request and approved the Horizon Plan to leave the property zoned Residential Agricultural. She asked that Council consider this when they next vote on this item.

**VII Consider approving first reading of an ordinance amending Chapter 4, Aviation; Article II, Statesville Regional Airport; Section 4-28(b), Municipal Airport Commission of the City Code related to the number of members on the Statesville Regional Airport Commission.**

John Ferguson stated that on August 17, 2015 City Council voted to increase the number of members on the Airport Commission from 7 to 9. Mr. Ferguson said he was asked by the Airport Commission members to relay the following information on their behalf:

At the October 8<sup>th</sup> Airport Commission meeting, the Commission voted unanimously to recommend not going from seven to nine members. They also voted to not change the bylaws at this time. The Commission feels strongly that the current membership is adequate; there is a representative of a major tenant, an airline pilot, and several local businessmen already on the commission.

Mr. Ferguson stated if Council does vote to move forward with increasing the number of Airport Commission members, applications have been included in this meeting packet for their review and can be considered at the November 2, 2015 Council meeting.

**Council member J. Johnson made a motion to deny first reading of an ordinance amending Chapter 4, Aviation; Article II, Statesville Regional Airport; Section 4-28(b), Municipal Airport Commission of the City Code to increase the number of members on the Statesville Regional Airport Commission from 7 to 9.**

Council member J. Johnson stated that the Airport Commission has made it very clear, twice, that they are not in favor of this amendment. In fact, one member has said that if Council has one particular person they want on the Commission he would rather resign his seat than increase the number of members. Council member J. Johnson said it was pointed out at the Airport Commission meeting that there are 175,000 residents in Iredell County and they operate with only five County Commissioners and Statesville has around 25,000 and operate with eight Council members. The Commission feels that Council does not have any faith in them.

**Council member West seconded the motion. The vote was as follows:**

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

**Council member M. Johnson made a motion to approve first reading of an ordinance amending Chapter 4, Aviation; Article II, Statesville Regional Airport; Section 4-28(b), Municipal Airport Commission of the City Code to increase the number of members on the Statesville Regional Airport Commission from 7 to 9 stating that adding members to the Commission has nothing to do with faith in existing members.**

**Council member Schlesinger seconded the motion. The vote was as follows:**

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

**VIII Consider approving a request to approve the demolition of the structure at 311 S. Meeting Street.**

Lynn Smyth stated the property located at 311 S. Meeting Street is owned by the City of Statesville. The tax card states the home was constructed in 1915. The City is requesting to demolish the house to expand the Civic Center parking area. Until the parking expansion is budgeted the City would grass and maintain the lot. Per Sec. 5-16.1. Demolition of structures within the downtown municipal service district:

- (a) No buildings shall be demolished that are within the downtown municipal service district without a permit issued by the City Council.
- (b) This section applies to all properties located within the downtown municipal service district.
- (c) The City Council will use, but is not limited to, the following criteria to determine the appropriateness of the demolition request:
  - (1) Location of the structure;
  - (2) Building classification (to be determined by the state historic preservation office);
  - (3) Proposed future design of the property (i.e., mass, scale, spacing, orientation, architectural compatibility);
  - (4) The impact on any pre-existing downtown development plan; and
  - (5) Economic hardship.
- (d) This section shall not apply to the demolition of any structure for which permits have already been issued.

Per the Design Review Committee (DRC) guidelines, all changes in the CB, CBP and MSD are to be reviewed by the DRC. If demolition is requested the DRC is to make a recommendation to City Council. DRC met on Oct., 8, 2015 at 8:30am and the committee approved the request to demolish this structure.

**Council member Morgan made a motion to approve the demolition of the structure at 311 S. Meeting Street, direct staff to submit the contracts for bid and to bring them to Council for consideration and provide adequate testing for the presence of asbestos.**

Mrs. Smyth stated she believes that those tests have been completed already.

**Council member Phifer seconded the motion. The motion carried unanimously.**

**IX Consider approving a request to approve the demolition of the structure known as the Nooe House located at 333 S. Meeting Street.**

Mrs. Smyth stated that the 333 S. Meeting Street, the Nooe House is owned by the City of Statesville. The home was documented on the 1980 historic survey as an 1880, 1.5 story gothic cottage. The City is requesting to demolish the house to expand the Civic Center parking area. Until the parking expansion is budgeted the City would grass and maintain the lot. Prior to this request the City has considered allowing the purchase and moving of the structure to a location inside one of the City's Local Historic Districts. Not much interest was gained from this approach.

Per Sec. 5-16.1. Demolition of structures within the downtown municipal service district:

- (a) No buildings shall be demolished that are within the downtown municipal service district without a permit issued by the City Council.
- (b) This section applies to all properties located within the downtown municipal service district.
- (c) The City Council will use, but is not limited to, the following criteria to determine the appropriateness of the demolition request:
  - (1) Location of the structure
  - (2) Building classification (to be determined by the state historic preservation office)
  - (3) Proposed future design of the property (i.e., mass, scale, spacing, orientation, architectural compatibility)
  - (4) The impact on any pre-existing downtown development plan
  - (5) Economic hardship
- (d) This section shall not apply to the demolition of any structure for which permits have already been issued.

Per the Design Review Committee (DRC) guidelines all changes in the CB, CBP and MSD are to be reviewed by the DRC. If demolition is requested the DRC is to make a

recommendation to City Council. On 02/14/2013 the DRC reviewed the request and recommended denial. The Committee requested that City Council consider allowing someone to move the structure from the property to a property outside the City's historic districts.

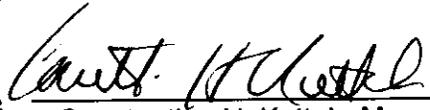
**Council member Watt made a motion to approve the demolition of the structure known as the Nooe House located at 333 S. Meeting Street, direct staff to submit the contracts for bid and to bring them to Council for consideration and provide adequate testing for the presence of asbestos. Council member J. Johnson seconded the motion. The motion carried unanimously.**

Mayor Kutteh congratulated Council member West, Council member Michael Johnson and Council member Williams on their election for new City Council terms.

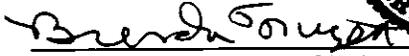
There being no further business, Mayor Kutteh asked for a motion to adjourn.

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



  
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Constantine H. Kutteh, Mayor

Attest:

  
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Brenda Fugett, City Clerk