

**MINUTE BOOK 25, PAGE 490
CITY OF STATESVILLE PRE-AGENDA MEETING – October 19, 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, Currier, Triplett, Harrell, Smyth, Ferguson, Hutchens, Gregory, Houpe, Barone

Others: 6

Media Present: 0

I Call to Order

Mayor Kutteh called the meeting to order. He announced that Item VI will be removed from the agenda which will also remove it from the Planning Board meeting agenda.

He advised an Executive Session will be held following the Pre-Agenda meeting to discuss three economic development matters, to discuss a land acquisition matter, to consult with the attorney and to preserve the attorney client privilege for all.

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 October 05, 2015 Pre-Agenda meeting, and October 05, 2015 Council meeting.

B. Consider approving 2nd reading of an ordinance to amend Chapter 20 of the City Code to allow for sidewalk displays in the downtown area.

C. Consider approving 2nd 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 asked if Conterra pays a fee to be on the City's poles. Kent Houpe replied this will benefit the City as well. Mr. Houpe replied these are simply underground extensions to the overhead that is already in place but they will pay the yearly pole use fee.

Council member M. Johnson asked if there are any City water and sewer utility conflicts and if the lines will be installed below the City utility lines. Mr. Houpe replied that the lines that were installed on Tradd Street are very deep however; he is concerned as well as to where they are going to go but staff will know more once all lines in the area are identified.

E. Consider approving Budget Amendment #8 in the General Fund to re-appropriate funds for an economic development incentive payment.

Gene Triplett stated an appropriation for the City's incentive payment to the company was included in the 2014-15 budget, but this appropriation lapsed at fiscal year-end on June 30, 2015. This request is to re-appropriate \$186,214 using General Fund Balance with the approval of Budget Amendment #8 and authorize payment of the incentive amount of \$186,213.61 to the company.

REGULAR AGENDA

- VI Consider approving 2nd reading of an ordinance to annex the properties owned by Tsumas Family LTDP & Wheeler Investments, LLC located at and around 1068 Elmwood Road.**

This item will be removed from the agenda.

- 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.**

Mayor Kutteh stated that if the City Council approves first reading on October 19, 2015, Council can make appointments on November 2, 2015 after the second reading.

Council member J. Johnson advised that he would be voting against this because the Airport Commission unanimously that they did not want the number of Airport Commission members expanded.

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

Mayor Kutteh explained that funding for this demolition and the 333 S. Meeting Street demolition will come from Civic Center funds. He asked that staff go through a bid process for both demolitions.

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

City Manager Larry Pressley introduced the new IT Director Nikki Gregory.

- ADD Update from Council member West on the proposed group home in Shannon Acres.**

Council member West reported that he and Amy Rhyne met with the owner to try to understand exactly what they are doing, then a homeowners meeting was held the following evening which the owner attended. The owner has asked to meet with him again on Wednesday but he does not know why. He stated that if the residents were assured that these residents were stabilized and would not be a threat to them, the neighborhood would welcome them.

Council member West stated after further research it was found that the Sheriff's Department was called 35 times over a span of five years to the facility like this on Chestnut Grove Road. The calls were for civil disturbances, assaults, suicides, people communicating threats to the neighbors, people sitting in the middle of Chestnut Grove Road blocking traffic threatening to commit suicide with a knife. West said this facility does not need to go in this residential neighborhood or anywhere else in Statesville. He added that he has given this information to both David Currier and Eddie Gaines. West asked Mr. Gaines if this is proof enough that these people are harmful to others and qualify us to fit under the exemption contained in the State statute. Mr. Gaines replied that Family Care Homes cannot be excluded by zoning from residential districts in North Carolina and Professional Residential Facilities are an allowed use in the City Code in a residential zoning district. He explained that the State statute states what the City cannot ban and the City ordinance says that a Professional Residential Facility is a permitted use in this zone, and then gives a definition as to what a Professional Residential Facility is. The City does not have an ordinance that bans any kind of group home from its residential zoning districts. It cannot be a facility whose primary purpose is the treatment of contagious diseases, drug addicts, alcoholics and psychotics. A proposed group home in a Statesville residential section whose primary purpose is for one of these categories would not meet the City's statutory definition. Council member Schlesinger asked if this does not fall under that category. Mr. Gaines replied that is the inquiry that the Planning Department staff needs to make and what needs to be investigated.

Council member M. Johnson stated that we are running into issues with the UDO in terms of the way the UDO language is framed. The UDO language is framed and relies heavily on the concept of compatibility. He asked Mr. Currier to investigate to find out if uses contrary to that would be an incompatible use and fall under incompatibility in the

UDO. Mayor Kutteh added that staff should also find out if they have been turned down other places.

Mayor Kutteh asked if a request for a permit has been submitted. Mr. Gaines replied they have not made a formal request for a zoning clearance. Council members discussed the steps the group home must

Council member Watt made a motion to move to Executive Session in accordance with N.C.G.S. 143-318.11(a)(4) to discuss three 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 Morgan. The motion carried unanimously.

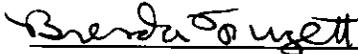
Upon return from Executive Session Mayor Kutteh stated two economic development matters and a land acquisition matter were discussed and Council consulted with the City Attorney. No action was taken.

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




Constantine H. Kutteh, Mayor

Attest:


Brenda Fugett, City Clerk