

**MINUTE BOOK 26, PAGE 003  
CITY OF STATESVILLE COUNCIL MEETING – January 04, 2016  
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, M. Johnson, Williams, Watt, Phifer, West

**Council Absent:** 0

**Staff Present:** Pressley, Gaines, Fugett, Davis, Smyth, Triplett, Currier, Gregory, Barone, Harrell, Styers

**Others:** 5

**Media Present:** Britney Johnson-WSOC

**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 -** During the second meeting of each month citizens are invited to speak about matters not on the current agenda.

There were no speakers.

**V 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 December 7, 2015 City Council meeting.**

**B. Consider approving a resolution directing the City Clerk to investigate a petition of annexation; Receive City Clerk's Certificate of Sufficiency and Consider approving a resolution fixing a date (2-1-15) for a public hearing on the questions of the petitioned annexation.**

Mayor Kutteh advised that Item C on the Consent Agenda has been moved to the Regular Agenda.

Mayor Kutteh asked for a motion to recuse Council member M. Johnson from the voting on the Consent Agenda due to a conflict of interest.

**Council member Morgan made a motion to recuse Council member M. Johnson, seconded by Council member Watt.**

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

**Council member Schlesinger made a motion to bring Council member M. Johnson back, seconded by Council member Williams. The motion carried unanimously.**

**Regular Agenda**

**C. Consider approving a resolution in support of the State Connect NC Bond campaign.**

Mayor Kutteh stated Governor McCrory had requested \$2 billion for education, agriculture, parks, water and sewer and also \$2 billion for transportation. The legislature approved putting the \$2 billion bond campaign for education, agriculture, parks and water and sewer on the ballot in March. We are asking Council to approve a resolution in support of that and ask the citizens of Statesville to vote for these bonds as well. \$1.25 billion dollars will be invested across the state in capital construction, repair, and renovation. Beneficiaries will include 17 colleges and universities, together with investment in new construction, repairs, and renovations to all of the community colleges. \$309 million in loans and grants will be invested in sewer and water projects statewide. \$100 million will be invested in 48 state parks and the NC Zoo to repair and renovate, as well as update, select facilities to make them more accessible to children with disabilities and Veterans with disabilities. \$180 million will be invested in agriculture, which contributes \$78 billion to the state's economy and accounts for 17 percent of the state's revenue. \$70 million will be invested in modernizing National Guard facilities, which will also make the guard eligible for additional federal funding, as North Carolina moves towards more centralized facilities.

**Council member Morgan made a motion to approve a resolution in support of the State Connect NC Bond campaign, seconded by Council member Schlesinger. The motion carried unanimously.**

- VI **Conduct a public hearing and consider approving first reading of TA15-07 filed by the City of Statesville to TA15-07 filed by the City of Statesville to Amend Article 3 - Zoning, Table 3-1: Use Matrix, Tables 3-21: CB Lot Development Standards, 3-22: CBP Lot Development Standards, and 3-23: H-115 Lot Development Standards, Article 5 Supplemental Regulations/Performance Standards for Specific Uses, Section 5.04 Primary Uses and Structures, Article 6 Development Standards, Section 6.02 Density and Dimensional Standards, Table 6-1 Minimum Lot Dimensions, Section 6.03 Parking Standards, Table 6-4 Required Parking and Article 9, Section 9.02 Definitions.**

David Currier stated the purpose of this text amendment is as follows and will accommodate the expansion of the Iredell County Jail if approved.

- To add the use of a jail to the table of permitted uses
- To differentiate between a jail and a correctional facility
- To allow flexibility in the setback for CB, CBP and H-115 for public open space, art, and tree protection
- To add parking requirements for a jail
- To add a definition for a jail and clarify the definition for correctional facility

The Planning Board's recommendation is favorable as presented. The vote was unanimous. Liza Valdez and Ben Stikeleather representing Iredell County spoke giving general information on the amendment. No one spoke in opposition. The language to be removed is shown as strikethrough and the new language is underlined and highlighted in the ordinance below.

**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE, ARTICLE 3 ZONING, TABLE 3-1: USE MATRIX, TABLES 3-21: CB LOT DEVELOPMENT STANDARDS, 3-22: CBP LOT DEVELOPMENT STANDARDS AND 3-23: H-115 LOT DEVELOPMENT STANDARDS, ARTICLE 5 SUPPLEMENTAL REGULATIONS/PERFORMANCE STANDARDS FOR SPECIFIC USES, SECTION 5.04 PRIMARY USES AND STRUCTURES, ARTICLE 6 DEVELOPMENT STANDARDS, SECTION 6.02 DENSITY AND DIMENSIONAL STANDARDS, TABLE 6-1; MINIMUM LOT DIMENSIONS, SECTION 6.03 PARKING STANDARDS, TABLE 6-4 REQUIRED PARKING AND ARTICLE 9 DEFINITIONS, SECTION 9.02 DEFINITIONS**

**TA15-07**

**WHEREAS**, a request has been made to expand the existing jail located at 221 E. Water Street, Statesville, NC 28677 and;

**WHEREAS**, the definition of a jail and a correctional facility need to be differentiated and;

**WHEREAS**, it is determined that the defined use for a jail is not in the ordinance and;

**WHEREAS**, it is determined that a text amendment is necessary in order to expand the jail at the existing site;

**NOW THEREFORE, BE IT ORDAINED** by the City Council of the City of Statesville that Article 3 Zoning, Table 3-1: Use Matrix and Article 9 Definitions, Section 9.02 Definitions be amended as follows:

- **Amend Table 3-1: Use Matrix as follows:**

Use	O-1	CBP/H-115	B-5	LI	HI
<u>Jail</u>	<u>SR</u>	<u>SR CBP Only</u>	<u>X</u>	<u>X</u>	<u>X</u>

- **Amend Tables 3-21, 3-22, and 3-23 as follows:**

Table 3-21: CB Lot Development Standards

Minimum Lot Size	No Minimum
Minimum Lot Width at Front Setback Line	No Minimum
Maximum Front Setback*	10 feet, no Minimum
Minimum Side Setback	No required side yard, however, 5 feet minimum if provided
Minimum Rear Setback	No Minimum
Maximum Height	80 feet
Minimum Lot Size if used for residential purposes	1,000 sq. ft.
Maximum Density	40 dwelling units per acre

\*Front setback may be increased to preserve or create public open space, for architectural features or art, and to protect existing trees or infrastructure on a case by case basis in accordance with adopted plans.

Table 3-22: CBP Lot Development Standards

Minimum Lot Size	No Minimum
Minimum Lot Width at Front Setback Line	No Minimum
Maximum Front Setback*	10 feet, no Minimum
Minimum Side Setback	No required side yard, however, 5 feet minimum if provided
Minimum Rear Setback	No Minimum
Maximum Height	80 feet
Minimum Lot Size if used for residential purposes	1,000 sq. ft.
Maximum Density	40 dwelling units per acre

\*Front setback may be increased to preserve or create public open space, for architectural features or art, and to protect existing trees or infrastructure on a case by case basis in accordance with adopted plans.

Table 3-23: H-115 Lot Development Standards

Minimum Lot Size	No Minimum
Minimum Lot Width at Front Setback Line	No Minimum
Maximum Front Setback*	10 feet, no Minimum
Minimum Side Setback	No required side yard, however, 5 feet minimum if provided
Minimum Rear Setback	No Minimum
Maximum Height	80 feet
Minimum Lot Size if used for residential purposes	1,000 sq. ft.
Maximum Density	40 dwelling units per acre

\*Front setback may be increased to preserve or create public open space, for architectural features or art, and to protect existing trees or infrastructure on a case by case basis in accordance with adopted plans.

- **Amend Section 5.04 Primary Uses and Structures as follows and renumber accordingly:**

HH. Jails

These may be permitted in the downtown municipal service district and properties adjacent thereto subject to the following:

1. The height may be increased up to 80 feet.
2. Streetscape elements such as streetlamps and brick pavers may be required.

- **Amend Table 6-1: Minimum Lot Dimensions as follows:**

Zone	Min Lot Size (square feet)	Min Lot Width	Min. Front Setback <sup>1</sup>	Side Setback	Rear Setback	Maximum Building Height	
R-A	20,000		100	35	12	35	
R-20	20,000		100	35	12	35	
R-15, R-15M	15,000		90	30	10	35	
R-10, R-10M	10,000		75	30	8	35	
R-8 <sup>3</sup> , R-8M <sup>3</sup> , R-8MF <sup>3</sup>	8,000		70	25	8	35	
R-5 <sup>3</sup> , R5-M <sup>3</sup> , R5-MF <sup>3</sup>	5,000		50	25	5	35	
R-20 Cluster (15,000 SF)	See cluster provisions in <b>Article 7</b>			30	10	30	35
R-15 Cluster (11,250 SF)				30	8	30	35
R-10 Cluster (7,500 SF)				25	6	25	35
O -1	5,000	5,000 if used for residential purposes	50	25	10	25	35
O & I-2	10,000		75	25	10	25	50
B-1	6,000		60	30	10	25	35
B-2	6,000		60	30	10	25	50
B-3	220,000	10,000 if an outparcel or single store location	400	40	10	20	65
B-4	10,000		75	40	10	20	65
B-5	No minimum		60	25	8	10	65
CB	No minimum	1,000 minimum for residential	No minimum	No minimum, 10 Max. <sup>4</sup>	No minimum <sup>2</sup>	No minimum	80
CBP	No minimum		No Minimum	No minimum, 10 Max. <sup>4</sup>	No minimum <sup>2</sup>	No minimum	80

H-115	No minimum		No Minimum	No Minimum, 10 Max. <sup>4</sup>	No Minimum <sup>2</sup>	No Minimum	80
LI	No minimum		No Minimum	30	No minimum <sup>2</sup>	20	80
HI	No minimum		No Minimum	30	No minimum <sup>2</sup>	20	80

Table 6-1 Notes:

- 1 When a lot abuts more than one street the front yard setback shall apply to the rear or side abutting a street. Where there is no lot fronting on the side or rear street immediately to the rear or side of the lot, the width of the side yard shall be equal to one-half (1/2) the front yard requirement.
- 2 As indicated no side yard is required, however if a side yard is provided, it must be at least 5 feet.
- 3 These districts require 10% active open space.
- 4 Front setback may be increased to preserve or create public open space, for architectural features or art, and to protect existing trees or infrastructure on a case by case basis in accordance with adopted plans.

• **Amend Table 6-4: Parking Standards**

Use	Required Spaces
Jail	1.0 per employee plus 1.0 per 25 inmate beds
Correctional Facility	1.0 per employee plus 1.0 per 25 inmates beds

• **Amend Section 9.02 Definitions as follows:**

Jail- A publicly owned building(s) and all accessory uses and structures, used to confine, house, and supervise persons held in lawful custody including those who are serving terms of imprisonment for misdemeanor violations of criminal laws, or who are awaiting trial for alleged violations of criminal laws, not including temporary holding facilities that are accessory to a police station. This definition does not include correctional facilities.

Correctional Facility- a public facility for the housing of persons convicted of a crime. A publicly or privately owned building(s), and all accessory uses and structures used for long term confinement housing and supervision of persons who are serving terms of imprisonment for violation of criminal laws. A correctional facility is distinguished from a jail, in that a correctional facility is considered to be a larger, long term incarceration facility normally operated under the authority or jurisdiction of the State or Federal government and housing persons that have been convicted.

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

Council member Schlesinger asked if the intention is to build a multi-story building. Ben Stikeleather with Iredell County replied it will be multi-story. The present structure was not designed to accommodate additional floors added to it. Council member Schlesinger asked where the parking would be expanded. Mr. Stikeleather replied that the current parking meets the City's requirement even with what spaces will be lost. He explained that there is overflow parking next to the Board of Elections building.

Mayor Kutteh asked what the timeline is on this. Mr. Stikeleather stated he hopes to be in the building by the spring of 2018.

Mr. Currier reviewed a map showing parking for the development stating that it has 62 spaces above what is required at this point.

Mayor Kutteh added that the County will adhere to the Streetscape requirements on Water Street. Mr. Currier stated that was correct; there will be a minimum of four street lights that will match the downtown design and they will also incorporate the brick pavers at drive locations.

There being no other speakers, Mayor Kutteh declared the public hearing closed. **Council member J. Johnson made a motion to approve first reading of TA15-07, seconded by Council member Morgan. The motion carried unanimously.**

**VII Consider appointments to the Historic Preservation Commission.**

Mr. Currier stated that two Historic Preservation Commission member's terms will expire on January 1, 2016: Agnes Wanman and Walt Wynne. Ms. Wanman and Mr. Wynne are both seeking reappointment to the HPC after the end of their terms. The following individuals have applied for a position on the Historic Preservation Commission. Their applications are attached for your review.

1. Agnes Wanman
2. Walt Wynne
3. Joanne Lischin
4. Michael Brittain
5. Kelly Standish
6. Sandra Campbell
7. Tim Johnson

**Council member Schlesinger made a motion to re-appoint Agnes Wanman and Walt Wynne to the Historic Preservation Commission, seconded by Council member Williams. The motion carried unanimously.**

Council member West asked if term limits for the boards had been rescinded. Mayor Kutteh it was rescinded soon after it was put in place, particularly for the Board of Adjustment and the Planning Board. He said that could be a topic for discussion at the retreat if Council wished.

**VIII Consider approving award of the IT Technology Study contract to TEAM ia.**

Nikki Gregory stated the City Council approved an Information Technology (IT) Master Plan for a budgeted amount of \$30,000 for the 2015-2016 budget year. Staff has received three completed proposals and two "no-bids" from various vendors. Based upon individual meetings and question/answer opportunities with each of the three vendors, each vendor submitted a proposal to provide the specified deliverables, while complying with requested information gathering activities and methods. The majority of these proposals were based upon an estimated time commitment at an established hourly rate(s), billed on an as-used basis with a not-to-exceed clause. Staff has reviewed each of the proposals, and has determined that the TEAM *ia* proposal best meets the spirit and intent of the project, while remaining within the budgeted amount. Staff recommends awarding the contract for the IT Technology Study to TEAM *ia*, to be billed at a rate of \$150 per hour for approximately 200 hours, not to exceed the budgeted amount of \$30,000.

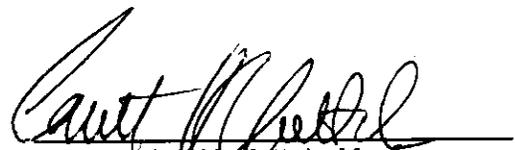
Council member Morgan asked if this item was budgeted for in the 2015-2016 budget. Ms. Gregory replied it was.

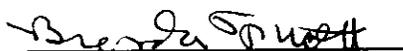
**Council member J. Johnson made a motion to approve the award of the IT Technology Study contract to TEAM *ia* to be billed at a rate of \$150 per hour for approximately 200 hours, not to exceed the budgeted amount of \$30,000, seconded by Council member Watt. The motion carried unanimously.**

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

Attest:



  
Constantine H. Kutteh, Mayor

  
Brenda Fugett, City Clerk