

**MINUTE BOOK 26, PAGE 028
CITY OF STATESVILLE PRE-AGENDA MEETING – March 07, 2016
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, Watt, M. Johnson, West

Council Absent: Phifer

Staff Present: Pressley, Fugett, Gaines, Davis, Smyth, Currier, Ferguson, Hudson, Cornelison, Gregory, Styers, Barone, Harrell, Staley

Media Present Nina Mastandrea-Statesville Record & Landmark, Amy Fuhrman-Statesville Free News

Others: Marin Tomlin

I Call to Order

Mayor Kutteh called the meeting to order and stated a Closed Session will be held following the Pre-Agenda meeting to discuss a personnel matter, land acquisition, a contract matter and to preserve the attorney client privilege for all.

Mayor Kutteh stated an update report on the single stream recycling program will be added to the agenda.

Mayor Kutteh said that Item I on the Consent Agenda will be moved to the Regular Agenda and he would the term end of the contract to be amended from February 2017 to November 2017 in order to review and consider both the City Attorney and City Manager contracts at the same time at the first meeting in December.

II Invocation (Council meeting only)

III Pledge of Allegiance (Council meeting only)

IV Consent Agenda

Mayor Kutteh reviewed the following Consent Agenda:

- A. Consider approving the meeting minutes of the February 01, 2016 Pre-Agenda and City Council meetings.**
No discussion.
- B. Consider approving a hangar lease modification (name change) for Nelson Sigmon.**
No discussion.
- C. Consider approving insurance proceeds for various vehicular accidents and approve Budget Amendment #12.**
No discussion.
- D. Consider approval of a lease for property located at 432 West Bell Street to the Statesville Intergroup Council of Alcoholics Anonymous.**
No discussion.
- E. Consider approval of Budget Amendment #13 to appropriate funds to Internal Service Fund 034 for insurance purposes.**
Council member M. Johnson asked if these funds are needed for the fund to remain at \$750,000 or if the funds are needed to actually pay claims. Lynn Smyth replied the funds are needed due to the conclusion of some pending larger workers compensation claims so additional funds are needed to finalize these claims.
- F. Consider approving 2nd reading of an ordinance to annex the Johnson Group Property located on Amity Hill Road.**
Mayor Kutteh explained that Council member M. Johnson will vote on all other Consent Agenda items except for this item due to a conflict of interest.

- G. **Consider approving a motion to appoint Downtown Statesville Development Corporation staff as the person(s) designated by City Council to complete and certify the notification mailing that will be sent at least 4 weeks prior to the proposed May 16, 2016 Public Hearing on the re-establishment of the Downtown Tax/Municipal Service District.**
No discussion.

- H. **As a member of the Catawba-Wateree Water Management Group, consider authorizing a letter of commitment to the Water Environment Federation Water Research Foundation regarding the Proposal Quantifying the Potential Benefits of Land Conservation on Water Supply to Optimize Return on Investment.**

Water Resources Director Joe Hudson stated this is very similar to a letter that Council authorized last year for another project. He explained that the Catawba-Wateree Water Management Group (CWWMG) seeks to determine the potential effects and benefits of land use and conservation in the Catawba River basin by conducting a study. The total cost of the study is \$484,000. To fund this study, a grant of \$100,000 is available through the Water Environment Federation Water Research Foundation. One of the conditions of the grant is that association members submit a letter of commitment to the project. The CWWMG will pay \$300,000 from current fund balance, and the remaining \$84,000 is to be paid for by each member for up to \$2,800 with in-kind services such as providing data, attending workshops, etc. for up to 40 hours at a rate of approximately \$70/hr. This letter does not obligate the City of Statesville to additional funding nor does it require a budget amendment.

Council member M. Johnson stated there are some things in the proposal that concern him. He explained that the City of Statesville is different from everybody else on this list. The City is withdrawing, but all is being released into the Yadkin. He asked how they can come in our basin and tell us best management practice, when our water does not return to them. He said he understands the theory, but he does not want the City to be in a paradoxical situation where its ability to withdraw out of the south Yadkin River is compromised by what they feel is not a best management practice, or part of our service area, as designated as they refer to it, as a hot spot, that may be an intense development corridor for the City. He reminded Mr. Hudson that they tried to leverage the City before on this. He asked Mr. Hudson to be very circumspect as he approaches this. Mr. Hudson replied he understands and staff guards the City's position very closely and there will be numerous conversations as the study proceeds.

REGULAR AGENDA

- I. **Consider approving a contract with the City Attorney.**
No discussion.

- V **Consider approving a resolution directing the City Clerk to investigate a petition of annexation for properties at and around 1068 Elmwood Road; Receive the City Clerk's Certificate of Sufficiency and Consider approving a resolution fixing a date (3-21-16) for a public hearing on the questions of the petitioned annexation.**
Mayor Kutteh asked Mr. Gaines to explain the process that will be followed during this meeting for the benefit of the residents of Elmwood Road in attendance. Mr. Gaines explained that when an annexation petition is filed, the Council is required by State statute to approve a resolution after the Clerk investigates the petition and certifies that the petition is valid which the Clerk has done, so the only action that will be taken at this meeting is approve the resolution and to set a date for the public hearing.

- VI **Conduct a public hearing and consider approving first reading of an ordinance to annex the Venture Properties VII, LLC property (Dollar General) located at 2046 Salisbury Highway.**
No discussion.

- VII **Conduct a public hearing and consider approving first reading of ZC16-01 filed by The Johnson Group, Inc. for the property located adjacent to 2516 Amity Hill Road; Tax Map 4742-58-9712; from IC-RA (Iredell County Residential Agricultural) District to R-5MF (High Density Residential Multi-Family) District.**
No discussion.

- VIII Conduct a public hearing and consider approving first reading of ZC16-02 filed by Lisa Valdez for a portion of the properties located adjacent to 422 Turnersburg Highway; Tax Maps 4746-57-8039, 4746-40-5653 & 4746-40-8229; from B-4 (Highway Business) District to R-5MF CU (High Density Residential Multi-Family Conditional Use) District.**

Mayor Kutteh stated that the petitioner and the NC Department of Transportation (NCDOT) are working on some traffic changes for this item that will not be ready until the March 21, 2016 Council meeting. He explained that since this item has already been advertised, he will open the public hearing and allow citizens who are in attendance to speak on this item and who cannot attend the March 21, 2016 meeting, to speak at this meeting. Any others will have the opportunity to speak at the March 21st Council meeting.

Council members discussed conditions listed on the Conditional Use Permit and what conditions are being discussed between the applicant, staff and NCDOT to be added.

- IX Conduct a public hearing and consider approving first reading of ZC16-03 filed by Allied Design, Inc. for the properties located at 768 & 780 Eastside Drive; Tax Maps 4744-83-2789 & 4744-84-5060; from R-8MFM District (Medium Density Multi-Family Residential) District to B-4 (Highway Business) District.**

Mayor Kutteh stated the applicant is asking for straight B-4 zoning without presenting any type of plan or proposed use to Council. He asked if Council wanted to consider approving the straight B-4 zoning or would they prefer a plan be presented first. If Council denies the straight B-4 rezoning request, then the owner cannot reapply for rezoning for two years. By rezoning to B-4 Conditional Use, Council has more flexibility in what they can require from the developer.

- X Conduct a public hearing and consider approving site plan P15-013 for Shiki located at 132 Beechnut Lane; Tax Map 4724-49-7869.**

No discussion.

- XI Consider approving a sketch plan for the Larkin Golf Club Subdivision (Formerly Fox Den) located off Amity Hill Road; Tax Maps 4743-62-1050, 4743-34-4709 & 4743-49-5987.**

This item was removed from the agenda.

- XII Conduct a public hearing and consider approving first reading of TA16-01 filed by the City of Statesville to amend Article 3 - Zoning, Table 3-1: Use Matrix, Table 6-4 - Required Parking and Article 9, Section 9.02 Definitions.**

David Currier stated the purpose of this text amendment is to define Breweries, Brewpubs, Distilleries, Microbreweries and Micro distilleries as they are not addressed in the Unified Development Code. The Planning Board's recommendation was favorable as presented with a unanimous vote. Jonathan Nobinger spoke in favor of the amendment at the Planning Board meeting and no one spoke in opposition.

- XIII Conduct a public hearing and consider approving first reading of TA16-02 filed by the City of Statesville to amend Article 1, Section 1.04(A) Responsibilities for Application of the Code, City Council; Article 2, Section 2.01(A) Procedures for the Application Processes; Article 2, Table 2-1: Summary of Application Procedures; Article 2, Section 2.17 Certification of Zoning Compliance; and Article 3, Section 3.03(F) Uses Not Specifically Listed.**

Mr. Currier stated the purpose of this text amendment is to update the responsibilities for application of the code, procedures for application processes, summary of application procedures, certificate of zoning compliance, and uses not specifically listed in the use table. The Planning Board's recommendation was favorable as presented with a unanimous vote.

- XIV Receive a report about the Soccer Complex drainage issues and options for resolutions.**

No discussion.

- XV Consider approving BA #14 in the amount of \$76,190 for the construction of a dog park and restroom at Grace Park.**

Council member West stated that he and Council member Watt have agreed that since some Council members are receiving calls from citizens asking for details about this park, that they are willing to postpone this item in order to have a discussion about what is trying to be achieved with the dog park.

XVI Consider approving a Resolution of Intent to permanently close a portion of right-of-way known as Hillside Lane between the new Tonewood Street constructed as part of I-3819 and Pump Station Road.

Mr. Carrier stated that Mr. Rusty Chapman representing JAME Limited Partnership is petitioning to close the section of Hillside Lane from the new Tonewood Street that was constructed by the North Carolina Department of Transportation (NCDOT) as part of the I-3819 project. JAME Limited Partnership and NCDOT own all the property that abuts the remaining portion of Hillside Lane. JAME limited Partnership would like to abandon this right-of-way to combine their properties for development in the future. There are no city electrical lines, water or sewer lines along this portion of the street. Therefore no utility easements are necessary.

Council members agreed by consensus to move this item to the Consent Agenda.

XVII Consider appointments to the Historic Preservation Commission.

No discussion.

XVIII Consider appointments to the Board of Adjustment.

No discussion.

XIX Consider approving a street name change from Commscope Way to Lulu Lane.

No discussion.

Mayor Kutteh added that John Ferguson will report on two Airport Grants that were recently received.

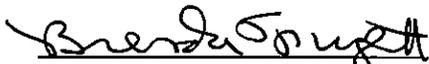
Mayor Kutteh asked for a motion to move to Executive Session.

Council member West made a motion to move to Executive Session in accordance with N.C.G.S. 143-318.11(a)(4), an Economic Development matter and [N.C.G.S. 143-318.11(a)(3) to preserve the attorney-client privilege, seconded by Council member Williams. The motion carried unanimously.

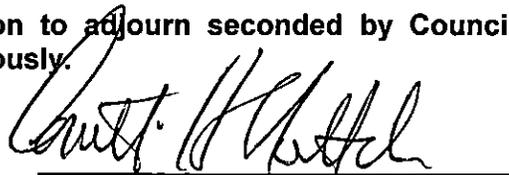
Upon return from Executive Session Mayor Kutteh stated Council discussed an Economic Development matter and preserved the attorney client privilege. No action was taken.

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

Attest:


Brenda Fugett, City Clerk




Constantine H. Kutteh, Mayor