

**MINUTE BOOK 26, PAGE 046
CITY OF STATESVILLE COUNCIL MEETING – March 21, 2016
CITY HALL – 227 S. CENTER STREET, STATESVILLE, NC – 7:00 P.M.
STATESVILLE, NORTH CAROLINA**

Mayor Costi Kutteh presiding:

- Council Present:** Phifer, Schlesinger, Morgan, Williams, Watt, M. Johnson, West
- Council Absent:** J. Johnson
- Staff Present:** Pressley, Fugett, Gaines, Davis, Smyth, Currier, Harrell, Styers, Watt, Onley, Cornelius, Billings, Miller, Gregory
- Media Present** Amy Fuhrman-Statesville Free News, Chris Hoke-WSIC
- Others:** 92

I Call to Order

II Invocation
The City Clerk gave the invocation.

III Pledge of Allegiance
Girl Scout Troop #1033 led the Pledge of Allegiance.

Mayor Kutteh announced that Council member J. Johnson had a medical emergency and is not in attendance. He said that this is the first meeting that Council member J. Johnson has missed since he was first elected to the Council in December 1989.

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

Burgess Bailey stated that the owner of the property adjoining the Green Street cemetery would like to deed it over to the City. He asked that the City accept this property and keep it clean and mowed.

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.

Mayor Kutteh recused Council member M. Johnson from voting on Item E of the Consent Agenda due to a conflict of interest.

- A. Consider approving the minutes of the February 11, 2016 Retreat meeting.**
Removed this item from the agenda. Minutes not complete.
- B. Consider approving 2nd 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.**
- C. Consider approving 2nd 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.**
- D. Consider approving 2nd reading of an ordinance to annex the Venture Properties VII, LLC Property (Dollar General) located at 2046 Salisbury Highway.**
- E. Consider approving 2nd 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.

XII Consider approving funds for repair of the Woods Drive Dam and Budget Amendment #15.

Moved from the Consent Agenda from the Regular Agenda at the Pre-Agenda meeting.

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 Williams made a motion to approve the Consent Agenda, seconded by Council member Watt. The motion carried unanimously with the exception of Council member M. Johnson's recused vote on Item E.

REGULAR AGENDA

VI Present the 2015 Mayor's Cup Award to "The Gordon Family".

Mayor Kutteh stated the Mayor's Cup is given each year by the Community Appearance Commission to the person or organization that has made a significant contribution to improving the appearance of Statesville. This year the Gordon Family was chosen. Mayor Kutteh presented the 2015 Mayor's Cup to Mr. Gordon.

Mr. Gordon accepted the award and gave a brief history of the Gordon family.

VII Tree City USA designation.

Brent Cornelison stated that for the 24th consecutive year, Statesville has been recognized by the Arbor Foundation as a Tree City U.S.A.

Mayor Kutteh thanked the Community Appearance Commission for their work for this program as well as the Mayor's Cup Award.

VIII Receive a report regarding the Vance Hotel Preliminary Development Agreement.

Jim Prosser with Centralina Council of Government reviewed the Preliminary Development Agreement for the Vance Hotel. He advised that Richard Angino will give a report at the April 4th meeting.

IX Continue the public hearing and consider approving first reading of ZC16-02 filed by Lisa Valdez to rezone 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 asked to be recused from hearing this item due to a conflict of interest.

Council member Schlesinger made a motion to recuse Mayor Kutteh and for Mayor Pro Tem M. Johnson to take over the meeting, seconded by Phiifer. The motion carried unanimously.

David Currier stated that Lisa Valdez (representing Penco Land Development) is requesting to rezone 6.00 acres from a portion of parcels 4746-57-8039, 4746-40-5653 & 4746-40-8229 adjacent to 422 Turnersburg Highway from B-4 (Highway Business) District to R-5MF CU (High Density Multi-Family Residential Conditional Use) District for a multi-family apartment complex development. The B-4 District does not allow for multi-family developments. The portion of property being requested for rezoning is currently undeveloped. The Land Use Plan calls for this area to be Mixed Use. The site sits just north of the intersection of Turnersburg Highway and Fort Dobbs Road. The surrounding area consists of small scale commercial sites and single-family homes serviced by private on-site septic systems. The site is located in the City of Statesville's Extraterritorial Jurisdiction and will be required to be voluntary annexed if requesting city utilities. The 1997 Thoroughfare plan calls for Turnersburg Highway to have 100 feet of right-of-way which means that the developer will be required to dedicate right-of-way when developed. The conditions being proposed include the use being limited to Planned Multi-Family Development, the number of dwelling units not exceeding 80 and the site-plan presented being used as a base for the final plans which are to be

submitted for review by the TRC, Planning Board and approval by City Council. The applicant must secure a Driveway Permit from NCDOT for the drive cut and on the southbound lane of U.S. 21 they have agreed to put in a stacked left hand turn lane. The traffic counts performed by NCDOT average about 12,000 vehicles per day therefore City staff and NCDOT are recommending this left hand turn lane. Also, a taper slip lane must be installed in the north bound lane going into and out of the driveway. Turnersburg Highway is also scheduled to be widened in the 2016-2025 TIP with a ROW acquisition date of 2019 and a construction date of 2021. To date staff does not know what the cross-section will be, it has not been determined yet by NCDOT. If the request is approved only a multi-family development based on the attached plan will be permitted regardless of ownership. Final plans will be required to be reviewed by TRC, Planning Board and Council and issues such as traffic circulation and fire and rescue will be discussed then.

The surrounding zoning districts and land uses are as follows:

NORTH OF THE SITE: B-4, Undeveloped and Single-Family Homes

EAST OF THE SITE: B-4, Undeveloped

SOUTH OF THE SITE: B-4, Undeveloped and Single-Family Homes

WEST OF THE SITE: IC-R20 & IC-HB, Davisville Baptist Church, Davis Animal Hospital, Carolina Prospectors, Fort Dobbs Hardware and Single-Family Homes

The 2005 Land Development Plan projects the property to be Mixed Use. Multi-family development fits into the Mixed Use category. The final site plan will have to be reviewed by TRC, Planning Board and Council. Also, the request is conditional and limits the use on the property to multi-family development; therefore, staff's recommendation is favorable to rezone the property. The applicant held the required public input meeting on January 28th. Approximately 40 people attended. Most in attendance stated concerns of adding traffic to an already congested road. Other concerns were effect on values of adjacent properties and potential for crime. After the meeting the applicant met with NCDOT and was advised to move the entrance into the development approximately 200 feet north to avoid any complications of being too close to the Fort Dobbs intersection. The Planning Board's recommended approval as presented with a 6-1 vote. At the Planning Board meeting the applicant and a representative from Penco Land Development spoke in favor of the request. Six citizens spoke against the request citing traffic congestion as the major concern. Concerns were also stated about the changing of the character of the area.

Mayor Pro Tem M. Johnson asked if the petitioner has accepted the conditions of the CU zoning. Mr. Currier replied they submitted a conditional use with two conditions and a signed copy with the two additional conditions included was submitted to the file as of 5:00 p.m. this evening.

Council member Schlesinger asked what the opposition was for the single nay vote on the Planning Board. Mr. Currier replied it was not specifically stated but apparently the one person that voted against it had ties to the church located close by.

Mayor Pro Tem M. Johnson declared the public hearing open explaining that he would alternate speakers for and against the item. He asked that speakers not be redundant and that they keep their comments to three minutes in length.

Lisa Valdez, representing the applicant, explained that as a result of citizen concerns regarding traffic and working with NCDOT, the access point was shifted north 400 ft. north of where it was originally planned to be. She displayed building elevations pointing out that the site includes a clubhouse with an on-site management office, picnic area, and playground area. She stated that Penco Land Development owns these sites long term. They perform credit and background checks on applicants to make sure that the tenants that live here are good neighbors. Ms. Valdez stated that the current zoning for this property allows for uses that are far greater in traffic intensity than what this use will be. Ms. Valdez went on to say that these apartments are work force housing that charge market rate rent geared towards tenants such as teachers, police officers, firemen, and other professionals that are just starting out and cannot yet afford to purchase a home.

Mayor Pro Tem M. Johnson asked if there is anyone present who wished to speak against this item. There were not speakers. Mayor Pro Tem M. Johnson asked if there is anyone present who wished to speak in favor of this item. There being no other speakers, Mayor Pro Tem M. Johnson declared the public hearing closed.

Council member Morgan made a motion to approve first reading of ZC16-02 to rezone 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, seconded by Council member West. The motion carried unanimously.

Council member West made a motion to return Mayor Kutteh to his seat, seconded by Council member Morgan. The motion carried unanimously.

X 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.

Mr. Currier stated a rezoning request was approved back in 1994 for the Fox Den Development for a total of 509 units. The first subdivision plans for the Fox Den and golf course were approved in 2004 with 207 single-family lots and 78 attached dwelling units. Currently there are 393 platted lots and 97 single-family homes and 4 condos constructed. Fox Den Golf Club changed its name to Larkin Golf Club in 2014. The Fox Den development is located off Amity Hill Road and is zoned R-8MF. Mr. Christopher Borst with US Developments, LLC is requesting approval of a sketch plan for 456 units Larkin Golf Club will be added to the current development. 420 multi-family units will be added northwest of the creek and 36 town home units will be added near the club house entrance off Amity Hill Road. This is considered a cluster subdivision which allows lots to be reduced from 8,000 sq. ft. to 6,000 sq. ft. provided the difference is put into open space. The sketch plan meets this requirement with the golf course being the open space. Multi-family developments will be required to come back before Planning Board and Council prior to final approval. A TIA or another ingress/egress point to the development may be required and will be determined once the final plan is submitted. Sketch plans require TRC, Planning Board and City Council approval. The TRC reviewed and approved the sketch plan on December 16, 2016. The Planning Board's recommendation is favorable. Two residents from Larkin and the developer commented on the proposal at Planning Board meeting.

Council member Schlesinger asked if the units will be rental or owner occupied. Mr. Currier replied the apartments will most likely be rentals and the townhouses will be owner occupied.

Council member M. Johnson made a motion to approve 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, seconded by Council member Watt. The motion carried unanimously.

XI Consider site options for the construction of a dog park.

Brent Cornelison stated that City Council directed staff to evaluate other locations as potential sites for the construction of a dog park during the March 7th City Council meeting. In addition to Grace Park, staff has identified potential areas at Caldwell Park, Lakewood Park and Mac Anderson Park. Mr. Cornelison reviewed photos of each site, the proposed budget and the gate access costs. The total estimate for the project is \$32,100 which includes a contingency.

Mayor Kutteh stated that Council member J. Johnson had brought up some concerns with the rules and regulations and asked if staff has reviewed those and worked out any issues. Mr. Cornelison said one of the rules that concerned Council member J. Johnson was the children 10 and under would not be allowed inside rule. He said he had contacted the city of Apex and Cary, because their rules are very similar, to discuss it with them and was told that they started out with the rule that children 10 and under had to be accompanied by a parent. In one instance an 8 year old was playing with the larger dogs and was ran over by a couple of the dogs which created a few issues. In another instance a 6 year old was trying to pet a dog that did not want to be petted by a small child so they added the 10 year old rule and have not had any other issues. Greenville has a rule that anyone 16 and under must be accompanied by an adult.

Council member Morgan said his research showed that a lot of dog parks are located inside of existing municipal parks. He asked why this is. Mr. Cornelison replied that generally the controlled access gives the dog owners a sense of ownership so they clean up after their dogs better and take care of the facility. The overall maintenance and the overall part of the dog park are much better because of this.

Council member West said he and Council member Watt have worked very hard on this and the main goal is to have a dog park.

Council member West made a motion to build the dog park at Caldwell Park, seconded by Council member Watt.

Council member Watt stated that while he would have loved for the dog park to be located at Grace Park, which is a beautiful park and totally underutilized, the goal is to have a dog park located in or near the downtown area and hopefully this will be the first of many.

Council member Schlesinger stated that the lighting at Caldwell Park will also be a benefit.

Council member Phifer said that a dog park next to the tennis courts during tournaments might be distracting. He said he is in favor of a dog park but not sure that Caldwell Park is the right location. Council member Watt explained that screening will be installed so the dogs will not be able to see the tennis courts. Council member Schlesinger added that some tennis courts have screening as well so that could be an option.

Upon a vote the motion carried unanimously.

XII Consider approving funds for repair of the Woods Drive Dam and Budget Amendment #15.

This item was moved to the Consent Agenda by City Council during the Pre-Agenda meeting.

XIII 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 Mr. Currier will first present Item XIII, and then the proponents will be given the opportunity to have one representative to state their case. He said he has two lists of folks that are in favor and in opposition of the matter. Council will hear up to ten people from each side and each will have a three minute time limit. A person who is opposed will be called on first to speak and each person will only be allowed to speak once during the public hearing portion of the process.

City Attorney Eddie Gaines stated Council has received a couple of handouts at their seats. He asked that these be returned to him once the vote is taken on this matter.

David Currier stated that at their last meeting on March 7, 2016 City Council approved the prerequisite resolutions to hold the public hearing and consider first reading of an ordinance at this meeting to annex the properties located on the north side of Salisbury Highway and the west side of Elmwood Road. The subject properties are approximately 414.29 acres in size and encompass Iredell County Parcel Identification Numbers (PINs) 4773-85-2864, 4773-77-2654, 4783-07-3631 4773-35-4479 and 4773-46-6672. Mr. Currier advised there was an article in the Sunday edition of the Record & Landmark that stated 618 acres was being annexed, but that is incorrect. The Record & Landmark erroneously included 201 acres that are next to the parcels being petitioned for annexation. Mr. Currier reviewed the location of the parcels on a map. He explained that the subject properties are not contiguous to the current primary municipal limits of the City of Statesville. Therefore, this request is being processed as a voluntary satellite annexation. One of the major requirements of a satellite annexation is that the closest point is no more than three miles from the closest part of the contiguous City limits. The closet point is over 2,000 ft. below the three mile cap.

Doug Eisele asked if he could split his ten minutes between himself and Mr. Rocky Lane. Mayor Kutteh replied he would allow that.

Rocky Lane, a managing member with Sanford Holshouser Economic Development Consulting, stated they offer a wide variety of economic development services to clients. Regarding this property this is a very unique site in some qualities. It is close to two interstate highways and the Charlotte International Airport, it has water/sewer/electric utilities available, rail is already at the site and is served by Norfolk Southern and is in a recognized industrial area with compatible businesses in that area. This project is also unique in that it is being funded totally by the private sector. This project will have over a \$489 million economic impact and will create 485 jobs. This site has been studied by numerous consulting groups who also have concluded that it is a very unique site and that it should be developed as an industrial park. We believe that this is an opportunity for a successful growing community.

Doug Eisele, attorney for the applicants, asked those in the audience who support the annexation petition to stand, approximately 25 stood. Mr. Eisele reviewed the State General Statute regarding satellite annexations. Mr. Eisele stated that this project would generate at least \$100,000 in increased tax income without the City investing anything. Mr. Eisele said it is time for this city to expand and development has been slow. This project could be the impetus for further development down Highway 70 and should be seriously considered by Council. He said in his view it will best serve the economic benefit of this community and the people in the area where the property lies.

Mayor Kutteh declared the public hearing open and asked the first person who is going to speak in opposition to come forward.

Krista Bass, 1008 Elmwood Road, stated her property is adjacent to two of the parcels. Ms. Bass said that even though this is only the annexation process, the petitioner's intended use of the property as a rock quarry and possibly an asphalt plant is well known because they have distributed a lot of information about it. This project is not in the public's best interest and will benefit only a few. Ms. Bass reviewed a map of the area pointing out that there is a huge swath of land down US 70 that is industrial; however, the proposed rock quarry property is not part of it. The City would have to leapfrog over land that is designated as industrial to annex land that is designed as rural conservation, land that is intended to buffer rural land from industry, not to house it. We also want to point out that in order to do this development as it is laid out, both of the land use plans that are in place would have to be totally ignored. In closing Ms. Bass stated that in terms of the emotional aspect of annexation, most residents in the area moved to the area because they wanted that rural peace and quiet. If they wanted to live in the City they would live in the City but if the City is moved to them, then it takes away their choice and their ability to flee from the situation when their land values fall by 30% or more. She said that the community is at the City Council's mercy as they do not even have the opportunity to vote for City officials. Ms. Said she hopes that Council considers this and the facts that she has put forth.

Mayor Kutteh asked that anyone who wished to speak in favor of this annexation to come forward.

Brad Coe, a land surveyor who has been employed by the proposed purchasers of the property came forward. Mr. Coe asked Council to consider the testimony they hear tonight in the light of conjecture, and perception, and what really a crisis is and what is not.

Mayor Kutteh asked that anyone who wished to speak in opposition of the annexation to come forward.

Michael Murphy, 600 Mills Garden Road, came forward. Mr. Murphy said he is not an expert in anything, but as a lay person, and from a business perspective, the number of jobs and tax base do not seem to add up. He said that the community of Elmwood is an important economic engine, that there are farms in the area that produce significant amount of animal and human food crops. Mr. Murphy pointed out that other quarries in the area are not operating at full capacity. He asked that Council not allow this at the expense of local homegrown food.

James Ezell, a consulting geologist to mining companies for over 25 years, spoke in favor of the annexation. Mr. Ezell stated that the quarry industry is one of the largest and most active industries in North Carolina. He said that there is excellent residential and industrial growth right up to the limits of the quarries, they inhabit the same space and

thrive very well together. He explained that a rock quarry is one of the cleanest industries there is because no chemicals are used in the processing and there is no evidence that it impacts any wells. Dust is controlled by spraying water into the equipment and blasting is very controlled and regulated system that does not cause any large vibrations or a lot noise.

Reverend Timothy Bates, pastor of Cameron Presbyterian Church in the Elmwood community, along with Reverend Debbie Connolly, pastor at Elmwood United Church, and Reverend West, pastor at Elmwood First Baptist, spoke against the annexation. Reverend Bates said that neither he nor Reverend Connolly or Reverend West lives in the Elmwood community but they each have church members who do. Reverend Bates said the community has a rich history and as said by an earlier speaker, it is a unique site, a site that is treasured by its members. He said this is a farming community and their livelihood is being threatened and they are fighting for their community. Reverend Bates said that no one is against developing the land but they are against being invaded and robbed. He asked that Council consider the community's wishes and that they be Council's number one priority.

Joni Vanderslice, one of the three owners of the Wheeler tract, spoke in favor of the annexation. Ms. Vanderslice stated that she grew up in a community much like Elmwood in North Carolina and knows what change is like when a 900 acre tract of land in her community was sold and developed into a residential neighborhood which created traffic and crime. She advised that her property is properly zoned for 500 homes and she believes that 500 homes (1,500 to 2,000 people) would be a much worse impact to the Elmwood community and economy in the fact that schools would be needed, additional traffic as a result, needed water and services. An industrial site that is buffered would be a much better situation than the problems caused from a large residential neighborhood.

Donnie Hayley, 808 Elmwood Road, spoke in opposition of this item, stating that his home is closest in proximity to the quarry than any others. Mr. Hayley spoke about the environmental impact the quarry would have on the community. He asked Council if they were willing to take the chance on the many problems that could result from the quarry that would have a detrimental effect on the community and the environment.

Zachary Gordon, spoke in favor of the annexation. Mr. Gordon read several statements made by Council members in the past that were running for office in support of economic development and job creation. He said this project is an excellent example of an opportunity for economic development and job creation.

Unknown, spoke against the annexation. He expressed concern that the quarry will disrupt the peace and quiet, and the air quality of the community. He said he has seen several homes that have basement damage that was possibly caused by the blasting at the quarry in the 1970's. He is concerned about the resell value of his property. Studies show there will be a decrease in property values up to three miles from the quarry. He said he is concerned about the highway access over the railroad line or the other access that runs through Elmwood Road.

Steve Rogers spoke in favor of the annexation. He said there are no jobs here for our children and this opportunity should not be denied the citizens of Statesville and Iredell County when this business would not adversely impact the people in that community.

Libby Blackwelder – 678 Elmwood Road, spoke in opposition of the annexation. Mrs. Blackwelder stated she has lived at this location for 40 years. She expressed concern about dust, air quality, traffic, noise and impact on the water supply that would be caused by a quarry and existed when the quarry operated years before. She asked Council to maintain the agriculture quality of the community.

Harry Tsumas, the applicant, spoke in favor of the annexation. Mr. Tsumas reviewed a handout that he had given Council members. He explained the processes used in a quarry and pointed out several quarries that are in close proximity to parks as well as communities that were developed after the quarry was opened. Mr. Tsumas explained that once the annexation takes place, there is a whole other process that must take place where all the concerns expressed by the community will be addressed.

Joyce Marquette, 558 Barry Oak Road, spoke in opposition of the annexation. Ms. Marquette expressed concern about the truck traffic that will be created by a quarry. She

advised that these truck drivers are paid by the load, not by the hour so they will be going as fast as they possibly can. She asked Council members to leave the country in the country.

Dr. Bender stated he speaks on this topic from two viewpoints. He said is a Statesville business owner, he has had a chiropractic office in Statesville for the past 35 years, and is the former past Chairman of the Statesville Regional Development Board over the last six years. Dr. Bender briefly described his background on the Chamber of Commerce and the Statesville Regional Development Board. He said if the City does not have sites available for interested businesses, then the city is automatically eliminated from consideration. This annexation is a step towards what will be an immediate return to the City with no investment. He said he believes the benefits far outweigh any negatives.

Richard Shaver spoke in opposition of the annexation. He said it is not practical or justified for the City to annex this far out and this area should have went back to the County. Mr. Shaver stated the numbers given do not add up to the 5,000 proposed jobs and that most would be contract workers.

Mayor Kutteh noted that there are no others who wished to speak in favor of the annexation.

Steve Johnson spoke in opposition of the annexation. Mr. Johnson said he has friends on both sides of this issue but was asked by the Elmwood community to speak as far as any misunderstandings with the 2030 Horizon Plan that Iredell County adopted in September 2009. He said he knows of no other parcel or tract of land in the county that has been given more discussion than any transportation corridor in the county during the process leading up to the adoption of the 2030 plan. Mr. Johnson explained that when the 2030 plan was adopted in 2009, this property was excluded from the commercial industrial node for two reasons. One, because I know of no other community that has been more beleaguered with rezoning requests than the Elmwood community since 1997. Secondly, because if the property was excluded as a commercial industrial node, it would take a two-step process to rezone and would afford the people of Elmwood additional time to debate, to lobby, to discuss and to attend meetings to make an argument against the property rather than just the one step process. Mr. Johnson said he has been in City Council's position and he believes that Council has demonstrated great respect to the people of the Elmwood community and prudence and he applauds them for that and no matter their decision, he would never criticize their difficult decision.

Charles Carter stated he has a poultry and beef farm which is located on Mills Garden Road. He said that in 1950 there were 20 billion people in the world. In 2016 there is 60 billion on the planet. He asked how are these people are going to be fed once all the farmland is gone. Mr. Carter said that Iredell County is an agricultural county and that once farm land is covered in buildings or developed it never goes back to farmland. He asked Council to consider this when making their decision.

Mayor Kutteh declared the public hearing closed.

Council member M. Johnson asked Mr. Gaines if he can ask the geologist questions which would have a direct bearing on a special use permit if that came to be. Mr. Gaines replied he may ask questions of anyone that gave testimony.

Council member M. Johnson stated he would like to speak to the geologist. "Unknown speaker" stated that Mr. James Ezell was not feeling well and left early but someone else on the team could try to answer any questions. Council member M. Johnson asked if a geological survey has been done on this site. "Unknown" replied that Mr. Ezell told him today that he has done one. Council member M. Johnson asked if the survey encroaches on parcels five and three and are there rock deposits on those parcels. "Unknown" replied that Mr. Ezell had informed him this afternoon that that was the case. Council member M. Johnson asked if they are mineable. "Unknown" replied that Mr. Ezell had informed him that they were. Council member M. Johnson asked if it is thought that the quarry would expand to those sites over time. "Unknown" said he could not answer that because he did not discuss expansion with Mr. Ezell. Council member M. Johnson asked if there are rock deposits on parcel 4 and the part under contract. "Unknown" stated he did not discuss either with Mr. Ezell, just 5 and 3.

Council member West made a motion to approve first reading of an ordinance to annex the properties owned by Tsumas Family LTDP & Wheeler Investments, LLC located at and around 1068 Elmwood Road.

Motion failed for lack of a second.

Council member Morgan seconded Council member West's motion to approve.

Council member Schlesinger clarified that Council is only voting to annex the property with no guarantee of any rezoning.

Mayor Kutteh asked Mr. Currier to explain the process if the annexation is approved. Mr. Currier stated the second and final reading would be at the April 4, 2016 Council meeting. Sixty days are allowed to transfer the County zoning designation to a City zoning designation. The designation is totally up to the City Council. Council can rezone to support any type of uses available that are listed in the zoning districts in the City Code. The Planning Board and the City Council would need to extend the Land Development Plan to accommodate the zones that you would ultimately place upon it. Mr. Currier said he has heard the two specific uses of quarry and asphalt plant discussed tonight. He explained that both of those uses require a special use permit which requires a quasi-judicial hearing. Quarries are only allowed in the Heavy Industrial district with a Special Use Permit. Asphalt Plants are allowed in the Light Industrial district also with a Special Use Permit. There are four criteria that Council would use if it were considering these uses or for any use that requires a Special Use Permit.

Council member M. Johnson asked if this is an all or nothing annexation. He asked if Council can rezone the different parcels with different zoning districts. Mr. Currier stated Council could after the Land Use plan is revised.

Council member Schlesinger asked Harry Tsumas if the number of new jobs created is a firm number, the type of jobs and if there are plans to expand the quarry in the future. Mr. Tsumas pointed out on a map what parcel he would ask to be zoned HI where the quarry would be located. He explained that in order to get to the second step, the annexation and the rezoning/special use permit must be in place first. He stated these are not hard contracts at this point.

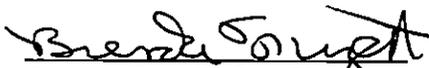
Mayor Kutteh asked for a vote on the motion. The vote was as follows:

Ayes: Morgan, West, Phifer
Nays: M. Johnson, Watt, Williams, Schlesinger
Motion failed 3-4

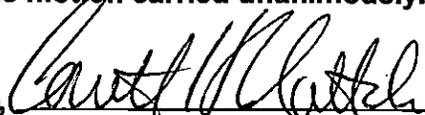
There being no further business, Mayor Kutteh asked for a motion to continue this meeting until 5:30 p.m. on Tuesday, march 29, 2016 for the purpose of going into closed session to discuss two Economic Development matters.

Council member Williams made a motion to continue the meeting as stated above, seconded by Council member M. Johnson. The motion carried unanimously.

Attest:


Brenda Fugett, City Clerk




Constantine H. Kutteh, Mayor