

**MINUTE BOOK 26, PAGE 155  
CITY OF STATESVILLE PRE-AGENDA MEETING – October 17, 2016  
CITY HALL – 227 S. CENTER STREET, STATESVILLE, NC – 6:00 P.M.  
STATESVILLE, NORTH CAROLINA**

**Mayor Costi Kutteh presiding:**

**Council Present:** J. Johnson, Morgan, Williams, M. Johnson, West, Watt, Schlesinger, Phifer

**Council Absent:** 0

**Staff Present:** Pressley, Fugett, Gaines, Davis, Smyth, Ferguson, Cornelison, Barone, Styers, Currier, Ashley, Staley, Harrell, Slocum, Gregory, Maclaga, Cornelius, Shelton, Bell

**Media Present** 0

**Others** 5

**I Call to Order**

Mayor Kutteh called the meeting to order and advised an Executive Session will be held following the pre-agenda meeting.

**II Invocation (Only at Council Meeting)**

**III Pledge of Allegiance (Only at Council Meeting)**

**IV Public Comment -** During the second meeting of each month citizens are invited to speak about matters not on the current agenda. **(Only at Council Meeting)**

**V Consent Agenda –** Mayor Kutteh briefly reviewed the Consent Agenda items.

**A. Consider approving the September 19, 2016 Pre-Agenda and City Council meeting minutes.**

**B. Consider approving 2<sup>nd</sup> reading of an ordinance establishing a 25 mph speed limit on Mulberry Street between West Front Street and West End Avenue with appropriate signage to accompany the change.**

**C. Consider approving 2<sup>nd</sup> reading of ZC16-08 filed by Larkin Golf Course Development, LLC for the property located adjacent to 2529 Amity Hill Road; Tax Map 4742-59-6862; from B-2 (Neighborhood Business) District to R-8MF (Medium Density Multi-Family Residential) District.**

**D. Consider a request from Iredell County to approve the demolition of two structures located at 227 Harrell Street & 301 Davie Avenue.**  
David Saleeby with Iredell County explained that County and City officials met several months ago to review and discuss the preliminary design for the jail project. The project was then put on hold until the Construction Manager at Risk was brought on board. Meetings will be held with City officials the first part of November to present any changes to the plans.

**E. Consider approving a Resolution to donate a surplus awning frame to Iredell County from the Fire Department.**

**F. Consider approving a request from the Fire Department to apply for the FEMA Assistance to Firefighters Grants (AFG).**

Mayor Kutteh stated that the Fire Department is requesting approval to submit an application for FY 2016 AFG, which opens on October 11, 2016. This grant will assist the department in replacing aging and or outdated equipment. At this point, the FEMA grant funding priorities is not clear, so staff is preparing two options that will be considered once the grant is open. Staff can only apply for one grant, depending on which option best fits the funding priorities. This is a matching grant with the City of Statesville holding responsibility of a percentage match. The match is based on a jurisdiction's population, with the AFG requiring a 10% match from the City of Statesville.

**Option Application 1**

This application would be for several equipment items such as Confined Space Equipment, E-Draulics, and a new SCBA fill station to replace the current fill station at Station 3. This request would not exceed \$100,000 with a 10% match of \$10,000 contribution required from the City of Statesville.

**Option Application 2**

This application would be to upgrade the Radio System to improve communication capabilities for the City of Statesville. The request would not exceed \$400,000 with a 10% match of \$40,000 contribution required from the City of Statesville. The upgrade in the radio system would allow for increased capabilities of the radio system, and improve upon the safety of both Fire Department and Police Department personnel.

**REGULAR AGENDA**

**VI Receive an update from Michelle Rokes about the ABC system and our local board.**

**ADD Russ Rogerson will briefly report on his first two weeks as the new Director of Statesville Regional Development.**

**VII Administer the oath of office to Electric Utilities Director, John Maclaga, for his appointment by City Council as the First Alternate Commissioner to the North Carolina Municipal Power Agency Number 1.**

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

**VIII Recognition of recent promotions within the Fire Department.**

**IX Consider accepting a grant from the Carolina Thread Trail in the amount of \$150,000 to help with the construction of the section of greenway that will connect the Gregory Creek and Fourth Creek greenway sections and approve Budget Amendment #09.**

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

**X Consider funding the Greater Statesville Chamber of Commerce Commercial Marketing Program in the amount of \$160,000 on an annual basis.**

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

**XI Review staff action regarding sewer charges at 902 W. Front Street.**

Ralph Staley explained that not enough evidence was provided to staff to verify that there was a leak and that the water did not go through the sewer system so Mr. Stafford has brought his appeal to City Council for relief from the sewer charges. Mr. Staley added that there are two other customers with virtually identical cases that are waiting to see what Council's decision is on this item before filing an appeal.

**XII Consider approving a request from McLelland's Family Shoes to park a promotional SAS (San Antonio Shoemakers) truck in front of their store Monday, November 7 - Tuesday, November 8, 2016.**

Mayor Kutteh stated Jim and Rusty McLelland with McLelland Family Shoes are requesting permission to park a promotional SAS (San Antonio Shoemakers) truck in front of their store on Monday, November 7<sup>th</sup> and Tuesday, November 8<sup>th</sup>, 2016. Per Rusty McLelland, the truck is 60' length and will fit in spots #2 & 3 (closest to McLellands) leaving #1 parking spot open closest to Lightside.

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

**XIII Conduct a public hearing and consider approving a Resolution to Close, a 30' unopened right-of-way located at the end of Boyd Street running from 3<sup>rd</sup> Street to 5<sup>th</sup> Street.**

Mayor Kutteh stated that Mr. Bill Pope representing Ms. Tiny Thomas is petitioning to close the 30' unopened right-of-way at the end of Boyd Street running from 3<sup>rd</sup> Street to 5<sup>th</sup> Street. Tracy Stone and Martha Kale along with Ms. Thomas are the adjoining

property owners along this section. Staff understands that Ms. Thomas would like to clear out and clean up the area due to illegal dumping. Currently, there is a city sewer line and storm drains within this right-of-way. Therefore a 30' utility easement would need to be reserved as shown on the attached map and described in the resolution. On September 19, 2016 the City Council passed the Resolution of Intent to schedule the public hearing for this request.

**XIV Conduct a public hearing and consider approving site plan (Quasi-Judicial) P16-18 for Zaxby's located at 169 Turnersburg Highway; Tax Maps 4745-35-7620.**

**XV Determine an appropriate zoning district(s) designation for autoclaving of medical waste.**

Mayor Kutteh stated that Secure Waste has requested to use the building located at 1966 Hilton Drive for autoclaving medical waste on a commercial scale. The property is zoned Light Industrial (LI). The use is not specifically listed in the use matrix of the Unified Development Code (UDC). As directed in section 3.03(F) of the UDC, the City Council shall determine the appropriate district or districts where such use shall be allowed based on a comparison of other uses which most closely resemble the unlisted use using a quasi-judicial process.

Mayor Kutteh asked what staff's recommendation is regarding this. David Currier replied staff does not have a recommendation, but the closest use he could find in the existing matrix was a "processing plant" which is allowed in Light and Heavy Industrial with supplemental regulations (noise, light, vibration, odor, etc.).

Council member Schlesinger asked what zoning district a business that produces hazardous waste would be allowed in. Currier replied there is nothing in the code that covers hazardous waste so Council would need to add a new use or make an interpretation of an existing use. The applicant has informed staff that this waste is not hazardous waste. Council member Schlesinger said it needs to be determined if this business handles chemicals such as chemotherapeutics before a decision is made.

**XVI Consider modifications to the City's residential street detail.**

Mayor Kutteh stated that the Public Works and Planning Department staff has received requests to modify various aspects of the City's standard street section detail. After reviewing these requests, staff recommends the following modifications:

1. Moving the required street yard plantings inside the right-of-way. Street trees are currently required outside the right-of-way, in an area that conflicts with utility installation. To accommodate the plantings, the width of the grass strip will increase from five feet to six feet.
2. Increasing the required right-of-way for a Sub Collector street from 50 feet to 55 feet (due to the wider planting strip).
3. Adding Notes 7 & 8 to provide guidance for locating electric transformers.
4. Allowing valley curb on residential streets, subject to approval by the City Engineer. Eligible streets will have less than 100 dwellings, and the valley curb will be required to convey stormwater runoff without overtopping.

If approved, Planning Department staff will draft corresponding modifications to the UDO. Staff recommends approval of the modifications to the street detail.

**XVII Consider sidewalk options at 151 Turnersburg Hwy (AT&T Retail Site).**

Mayor Kutteh stated that City Council approved a site plan for an AT&T retail site at 151 Turnersburg Highway (adjacent to Chili's restaurant) at the June 6, 2016 meeting. As part of the site plan approval, Council waived the requirement for sidewalk on Tonewood Road, and required sidewalk to be constructed on Sunset Hill Road. In order to construct the City's proposed greenway connector, an easement is needed across the Chili's property. Mr. Cornel Irimies is the Chili's property owner and developer of the AT&T site. He has offered to donate the greenway easement in exchange for the City building the required sidewalk along Sunset Hill Road. Based on the current tax value of the property over which the easement is located, the value of the easement is comparable to the sidewalk construction cost. Staff recommends accepting Mr. Irimies' proposal to build

the sidewalk on Sunset Hill Road in exchange for the donation of the greenway easement.

Council member West advised that he will recuse himself from hearing this item due to a conflict of interest.

Council member M. Johnson asked if this action will present an unresolvable conflict with the Fairfield Inn because he is meeting with them tomorrow. Scott Harrell replied there will be no conflict.

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

**XVIII Consider entering into Utility Relocation Agreement (URA) with the NCDOT for the Hwy 21/3<sup>rd</sup> Creek bridge waterline relocation.**

Derek Slocum stated that in 2015 the City was notified that the NCDOT was going to replace the Hwy 21 bridge over Third Creek and that the City's existing 10" diameter waterline, that is hanging on the west side of the bridge, would need to be relocated off of the proposed bridge. The City also has an existing 3" sanitary sewer force main on the east side of Hwy 21 that will need to be relocated behind the proposed widened road surface. Since then Engineering Department staff has been working on this project; a new layout, acquiring utility easements, coordinating with NCDOT and property owners, acquiring information for the necessary regulatory agencies, etc. Funds were budgeted for this project in the 2016-2017 FY budget knowing that, per state statute, 75% of the final cost would be reimbursed by the NCDOT. The engineering estimate is \$250,000. Based upon that estimate the City would be responsible for 25% or \$62,500. The UAR is one of four items that will need to be submitted and approved by the NCDOT prior to the City advertising this project for bidding. Staff recommends that Council enter into this URA for the Hwy 21/3<sup>rd</sup> Creek waterline relocation project with NCDOT.

Council member M. Johnson expressed concern with Article 8 in the agreement. Mr. Slocum explained the process.

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

**ADD Consider granting approval for the Planning Department to apply for Golden Leaf Foundation Grant funds through Iredell County in the amount of \$750,000 for an Interchange Access Report for Jane Sowers Road or a utility extension.**

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

**ADD Consider a request to close Sherwood Lane between Sullivan Road and Brookdale Drive to host the *Sherwood Lane Halloween Block Party* on Monday, October 31, 2016 from 5:00 p.m. until 8:00 p.m. hosted by the Sherwood Lane neighborhood. See attached map for requested closure area.**

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

**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 an economic development matter, N.C.G.S. 143-318.11(a)(6) to discuss a personnel matter, N.C.G.S. 143-318.11(a)(3) to consult with the City Attorney, N.C.G.S. 143-318.11(a)(5) to discuss a contract matter, N.C.G.S. 143-318.11(a)(5) to discuss a real estate matter and N.C.G.S. 143-318.11(a)(3) to preserve the attorney-client privilege for all, seconded by Council member Williams. The motion carried unanimously.**

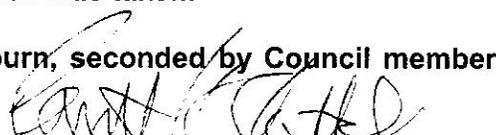
Upon return to open session Mayor Kutteh advised that an economic development matter, a personnel matter, a consult with the City Attorney, a contract matter, and a real estate matter were discussed and no action was taken.

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

Attest:

  
Brenda Fugett, City Clerk



  
Constantine H. Kutteh, Mayor