

MINUTE BOOK , PAGE
CITY OF STATESVILLE PRE-AGENDA MEETING – AUGUST 15, 2022
CITY HALL – 227 S. CENTER STREET, STATESVILLE, NC – 6:00 P.M.

Mayor Costi Kutteh presiding:

Council Present: J. Johnson, Morgan, Jones, Allison, Lawton, Staford, Foster, S. Johnson

Council Absent: 0

Staff Present: Ron Smith, Messick, Fugett, Ashley, Nesbit, Roberts, Gregory, Francica, Onley, Pierce, Weatherman.

- I Call to Order**
Mayor Kutteh called the meeting to order.
- II Invocation** (*Only at Council Meeting*)
- III Pledge of Allegiance** (*Only at Council Meeting*)
- IV Adoption of the Agenda** (*Only at Council Meeting*)
- V Code of Ethics**

OLD BUSINESS

- VI 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.

Mayor Kutteh reviewed the Consent Agenda.

- A. Consider approving July 18, 2022 Pre-Agenda and Council meeting minutes and the August 01, 2022 Pre-Agenda and Council meeting minutes.** (*Fugett*)
Council member Staford pointed out some changes and corrections in the minutes.
- B. Consider approving 2nd reading of ordinance AX22-12 to annex a property located on Baker Street, PIN #4724-64-7278 by the Movement Group, Inc.** (*Ashley*)
- C. Consider approving 2nd reading AX22-13, an ordinance to annex the Helmsman Homes Properties located on Holly Street and Greencrest Lane, PIN #'s 4724-76-1172, 4724-76-1083, and 4724-76-0343.** (*Ashley*)
- D. Consider approving 2nd reading of AX22-14, an ordinance to annex a property located on US 70/Business Park Drive/E. Old Well House Road, PIN #4763-91-3905, owned by GRP 1770 Union Ave LLC & GRP 1780 Union Ave LLC.** (*Ashley*)
- E. Consider approving 2nd reading of rezoning request ZC22-03 for property located on East Greenbriar Road; Iredell County Tax Parcel Identification # 4754-23-6335 from R-A (Residential-Agricultural) District and R-8 MFM (Medium Density Multi-Family/Manufactured Housing Residential) District to R-8 CZ Cluster Subdivision (Medium Density Single-Family Residential Conditional Zoning) District.** (*Ashley*)

Council member Steve Johnson asked that the City Manager include a planning session between City Council and the Airport Commission at the winter planning session meeting.

City Manager Ron Smith reported on the Electricities conference that he, Mayor Kutteh, City Council member Allison and Assistant Electric Utilities Director Devon Shelton attended last week.

Mayor Kutteh asked Council for a motion on the Consent Agenda.

Council member Allison made a motion to approve the Old Business Consent Agenda, seconded by Council member Foster. The motion carried unanimously.

REGULAR AGENDA

VII Mayor Kutteh – Acknowledge exiting Council Members William Morgan and John Staford.

VIII Other Business – None

NEW BUSINESS

I Call to Order

II Swearing in of re-elected Mayor, Constantine H. Kutteh, Council members, C.O. “Jap” Johnson, Doris Allison, and Steve Johnson, and newly elected Council members, Joe Hudson, and Kimberly Wasson, by Superior Court Judge Joseph N. Crosswhite.

III Election of Mayor Pro-Tempore

IV Presentations & Recognitions *(Only at Council Meeting)*

1. Recognition of Steve Hampton as recipient of the Ward 6 Community Award.
2. Proclamation – Stop the Violence Cookout

V Public Comment *(Only at Council Meeting)*

VI 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 Budget Amendment #2023-03 which uses a fund balance appropriation to allow for the rollover of outstanding purchase orders. *(Roberts)*

Mayor Kutteh stated that this request is the annual action to authorize the rollover of outstanding purchase orders as of June 30, 2022, and to amend the FY23 budget accordingly.

B. Consider approving the transfer of \$96,222.28 from the Drug Enforcement Fund to the Police Department Capital Account 010.5100.7400, for the purchase of 14 surveillance cameras, and approval of Budget Amendment #23-04. *(Onley)*

Mayor Kutteh said that the Statesville Police Department is requesting to utilize the Drug Enforcement Funds to purchase 14 Verkada pole mounted cameras. The Statesville Housing Authority is currently in the process of purchasing 22 of these cameras which includes the infrastructure to add additional cameras. The cost of all required items and installation is \$96,222.28. Law Enforcement equipment is a permissible use of N.C. Controlled Substance Taxes and Asset Forfeiture Funds.

C. Consider approving an ordinance establishing a “No Parking Zone” on a portion of Washington Avenue affecting access to 755 Washington Ave. *(Onley)*

Mayor Kutteh stated that staff received complaints from the occupants of 755 Washington Ave (Purple Heart Homes) about parked vehicles restricting access of commercial vehicles to their facility. This roadway is utilized primarily for commercial vehicles. Restricting parking 50 feet north and south of the entry curb lines would allow space for commercial vehicles to safely enter and exit this facility. This ordinance would permit parking on the remaining portions of Washington Ave.

D. Consider approving a Joint Economic Development Agreement between the City of Statesville and NP BGO NC Park Statesville, LLC and Northpoint Development, LLC.

Mayor Kutteh stated that the Company is acquiring approximately 400 acres in real property located at the northeast intersection Interstates I-77 and I-40 in Statesville, Iredell County, North Carolina and known locally as the Peppercorn Site (the “Property”), and Company is improving the Property through construction of a 3.2 million square feet of industrial development to be built in phases with industrial speculative buildings, with the first building being approximately 500,000 square feet. The Company will also install all required and eligible enhanced public infrastructure improvements as described in Exhibit B to this Agreement. Such improvements to the Property constitute the “Improvements,” and Company anticipates that the total cost of the Improvements during the Improvement Period, as defined below, will be a minimum of \$50 Million and up to \$215 Million.

Prior to the first economic development grant payment, the Company must invest a minimum of \$50 Million (the “Minimum Investment Threshold”) resulting in at least \$30 Million (the “Assessed Value Threshold”) of value as assessed by Iredell County for ad valorem tax purposes. The company must also have completed all public infrastructure improvements as required hereunder through Exhibit B to become eligible for an initial grant.

REGULAR AGENDA

VII Conduct a public hearing and consider approving first reading of rezoning request ZC22-19 for the property located on US 64 and Marble Road; Iredell County Tax Parcel Identification #4725-31-8928; from RA (Residential Agricultural) and B-5 (General Business) districts to the LI (Light Industrial) District. (Ashley)

Mayor Kutteh stated that Tules LLC, on behalf of the owner, 6490 Partners LLC, is requesting to rezone a single parcel in anticipation of future industrial development. This is a standard rezoning proposal, and not subject to conditions. The applicant requests rezoning of the parcel, totaling approximately 10.9 acres, from the RA (Residential Agricultural) and B-5 (General Business) districts to the LI (Light Industrial) District, to develop the property for use as a transfer/trucking company operation. The property is within the Extraterritorial Jurisdiction (ETJ) and will require annexation into the City if public utilities are requested. This parcel is currently undeveloped; and directly abuts US 64 and Marble Road, at the junction with NC 90 (Taylorsville Highway).

VIII Conduct a public hearing and consider approving a *Resolution of Closure* and a *Declaration of Withdrawal* to permanently close a portion of an unopened, dedicated right-of way known as Birdsey Street. (Ashley)

Mayor Kutteh stated that Mr. Joel Patterson, surveyor on behalf of ADJESS Assoc., 20 LLC, is petitioning to close a portion of an unopened, unimproved right of way that was planned to serve as a future extension of Birdsey Street to E. Front Street. Birdsey Street was platted as a 40ft. right-of-way. ADJESS Assoc., 20 LLC would like to combine the proposed abandoned right of way to create 3 lots to build houses upon. This 40ft. of right of way for Birdsey Street was originally dedicated in 1933 as part of the “Greenwood Grove” subdivision. This right of way was platted to eventually connect Birdsey Street through to E. Front Street. The portion of Birdsey Street from E. Broad Street to Wood Street is paved and maintained by the city. The city’s current standards now require minor streets to have a minimum of 50 ft. right-of-way. There is also an existing sewer line that needs to be maintained in a 20ft. easement. On July 18, 2022, Council passed the *Resolution of Intent to Close*, which began the public notification process and scheduled this public hearing. The resolution has been posted and letters sent to adjoining property owners.

IX Advisory Boards and Commissions Meeting Minutes

1. 06/09/2022 Design Review Committee Meeting Minutes
2. 06/23/2022 Historic Preservation Committee Meeting Minutes
3. 07/26/2022 Planning Board Meeting Minutes

X Other Business - None

XI Closed Session

Council member J. Johnson made a motion to move to Closed Session in accordance with NCGS 143-318.11(a)(6) to consider the qualifications, competence, performance, condition of appointment of a public officer or employee or prospective public officer or employee. Council member Allison seconded the motion, the motion carried unanimously.

Upon return from Closed Session Mayor Kutteh advised that Council considered the qualifications, competence, performance, condition of appointment of a public officer or employee or prospective public officer or employee and no action was taken.

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

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CITY OF STATESVILLE COUNCIL MEETING – AUGUST 15, 2022
CITY HALL – 227 S. CENTER STREET, STATESVILLE, NC – 7:00 P.M.

Council Present: Mayor Costi Kutteh presiding, J. Johnson, Morgan, Jones, Allison, Lawton, Staford, Foster, S. Johnson

New Council Members: Joe Hudson, Kim Wasson

Council Absent: 0

Staff Present: Ron Smith, Messick, Fugett, Ashley, Nesbit, Roberts, Gregory, Francica, Onley, Pierce, Weatherman.

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 Adoption of the Agenda

V Code of Ethics

OLD BUSINESS

- VI 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.

Mayor Kutteh reviewed the Consent Agenda.

- A. Consider approving July 18, 2022 Pre-Agenda and Council meeting minutes and the August 01, 2022 Pre-Agenda and Council meeting minutes.** *(Fugett)*
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Mayor Kutteh advised that the Consent Agenda had been approved at the Pre-Agenda meeting.

REGULAR AGENDA

- VII Mayor Kutteh – Acknowledge exiting Council Members William Morgan and John Staford.**

Mayor Kutteh recognized in attendance U.S. Representative Virginia Fox and NC State Senator Vickie Sawyer and thanked them for all they do for their constituents.

Mayor Kutteh thanked outgoing Council members John Staford and William Morgan for all their work during their tenures and presented them with plaques recognizing their service.

Council member John Staford thanked the voters, Council and staff for their support during his term.

Council member William Morgan thanked Representative Fox and Senator Sawyer for their work on the City's behalf. He thanked the voters, Council and staff for their support and his wife Tina for all her support throughout his terms.

VIII Other Business – None

NEW BUSINESS

I Call to Order

II Swearing in of re-elected Mayor, Constantine H. Kutteh, Council members, C.O. “Jap” Johnson, Doris Allison, and Steve Johnson, and newly elected Council members, Joe Hudson, and Kimberly Wasson, by Superior Court Judge Joseph N. Crosswhite.

Judge Crosswhite swore in re-elected Mayor Kutteh and Council members Steve Johnson and Doris Allison and newly elected Council members Kimberly Wasson and Joe Hudson.

III Election of Mayor Pro-Tempore

Mayor Kutteh asked for nominations for Mayor Pro-Tem. Steve Johnson, David Jones and Fred Foster were nominated. The vote was as follows:

Steve Johnson – 2

David Jones – 4

Fred Foster – 2

David Jones elected as the new Mayor Pro-Tem

Mayor Kutteh rescinded the Covid State of Emergency.

IV Presentations & Recognitions

1. Recognition of Steve Hampton as recipient of the Ward 6 Community Award.
Council member Foster presented the award to Steve Hampton and thanked him for his service.
2. Proclamation – Stop the Violence Cookout
Mayor Kutteh presented the proclamation and advised that City employees had started this even. Council member Allison spoke about how violence had affected her family in the past.

V Public Comment

There were no speakers.

VI 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 Budget Amendment #2023-03 which uses a fund balance appropriation to allow for the rollover of outstanding purchase orders. (Roberts)**
- B. Consider approving the transfer of \$96,222.28 from the Drug Enforcement Fund to the Police Department Capital Account 010.5100.7400, for the purchase of 14 surveillance cameras, and approval of Budget Amendment #23-04. (Onley)**
- C. Consider approving an ordinance establishing a “No Parking Zone” on a portion of Washington Avenue affecting access to 755 Washington Ave. (Onley)**
- D. Consider approving a Joint Economic Development Agreement between the City of Statesville and NP BGO NC Park Statesville, LLC and Northpoint Development, LLC.**

Mayor Kutteh asked if any Council member wanted any other items moved to the Regular Agenda. Hearing none he asked for a motion to approve the Consent Agenda.

Council member Allison made a motion to approve the Consent Agenda, seconded by Council member Foster. The motion carried unanimously.

REGULAR AGENDA

VII Conduct a public hearing and consider approving first reading of rezoning request ZC22-19 for the property located on US 64 and Marble Road; Iredell County Tax Parcel Identification #4725-31-8928; from RA (Residential Agricultural) and B-5 (General Business) districts to the LI (Light Industrial) District. (Ashley)

Sherry Ashley stated that Tules LLC, on behalf of the owner, 6490 Partners LLC, is requesting to rezone a single parcel in anticipation of future industrial development. This is a standard rezoning proposal, and not subject to conditions. The applicant requests rezoning of the parcel, totaling approximately 10.9 acres, from the RA (Residential Agricultural) and B-5 (General Business) districts to the LI (Light Industrial) District, to develop the property for use as a transfer/trucking company operation. The property is within the Extraterritorial Jurisdiction (ETJ) and will require annexation into the City if public utilities are requested. This parcel is currently undeveloped; and directly abuts US 64 and Marble Road, at the junction with NC 90 (Taylorsville Highway).

Mayor Kutteh declared the public hearing open and asked if anyone wished to speak. Hearing none he declared the public hearing closed and asked for a motion.

Council member Hudson made a motion to approve, seconded by Council member Foster. The motion carried unanimously.

Council member Hudson read the following Consistency Statement:

In addition to approving this zoning amendment, this approval is also deemed an amendment to the City's comprehensive land use plan. The change in conditions the City Council has taken into account in amending the zoning ordinance to meet the development needs of the community are as follows: although the 2045 Land Development Plan projects the property as suitable for Complete Neighborhood 2, the property's location and surrounding land uses reflect an actual situation more suitable with Employment Center/Industrial Flex development, which is an appropriate character area. The request is for standard rezoning of the subject parcel; and a future site plan would be required to comply with the Unified Development Code. All utilities are available to the site; and if future development requires City utilities, annexation would be required.

VIII Conduct a public hearing and consider approving a *Resolution of Closure* and a *Declaration of Withdrawal* to permanently close a portion of an unopened, dedicated right-of way known as Birdsey Street. (Ashley)

Sherry Ashley stated that Mr. Joel Patterson, surveyor on behalf of ADJESS Assoc., 20 LLC, is petitioning to close a portion of an unopened, unimproved right of way that was planned to serve as a future extension of Birdsey Street to E. Front Street. Birdsey Street was platted as a 40ft. right-of-way. ADJESS Assoc., 20 LLC would like to combine the proposed abandoned right of way to create 3 lots to build houses upon. This 40ft. of right of way for Birdsey Street was originally dedicated in 1933 as part of the "Greenwood Grove" subdivision. This right of way was platted to eventually connect Birdsey Street through to E. Front Street. The portion of Birdsey Street from E. Broad Street to Wood Street is paved and maintained by the city. The city's current standards now require minor streets to have a minimum of 50 ft. right-of-way. There is also an existing sewer line that needs to be maintained in a 20ft. easement. On July 18, 2022, Council passed the *Resolution of Intent to Close*, which began the public notification process and scheduled this public hearing. The resolution has been posted and letters sent to adjoining property owners.

Mayor Kutteh declared the public hearing open and asked if anyone wished to speak. Hearing none he declared the public hearing closed and asked for a motion.

Council member Foster made a motion to approve, seconded by Council member Hudson. The motion carried unanimously.

Council member Jones read the following review criteria from the Unified Development Ordinance:

Section 2.13 - Abandonment of Streets, Easements or Plats

F. Review Criteria

Prior to approval, the City Council shall find that:

1. The abandonment conforms to State law;
2. The abandonment is consistent with the Comprehensive Plan, Major Street Plan and other adopted plans and policies of the City;
3. The abandonment does not restrict access to any parcel or result in access that is unreasonable, economically prohibitive, or devalues any property; [and]
4. The abandonment does not adversely impact the health, safety, or welfare of the community, nor reduce the quality of public services provided to any parcel of land.

G. Decision Maker

The City Council shall approve, approve with conditions or deny approval of the application.

IX Advisory Boards and Commissions Meeting Minutes

1. 06/09/2022 Design Review Committee Meeting Minutes
2. 06/23/2022 Historic Preservation Committee Meeting Minutes
3. 07/26/2022 Planning Board Meeting Minutes

X Other Business

Ron Smith announced the Citizens Police Academy and that those interested should contact Chan Austin.

Mayor Kutteh announced that there is no meeting the first Monday in September due to the Labor Day holiday.

Mayor Kutteh announced that Council member Allison is at the Bentley Center every 1st and 3rd Tuesdays to meet with citizens.

XI Closed Session - None

Council member Allison made a motion to adjourn, seconded by Council member Hudson. The motion carried unanimously.